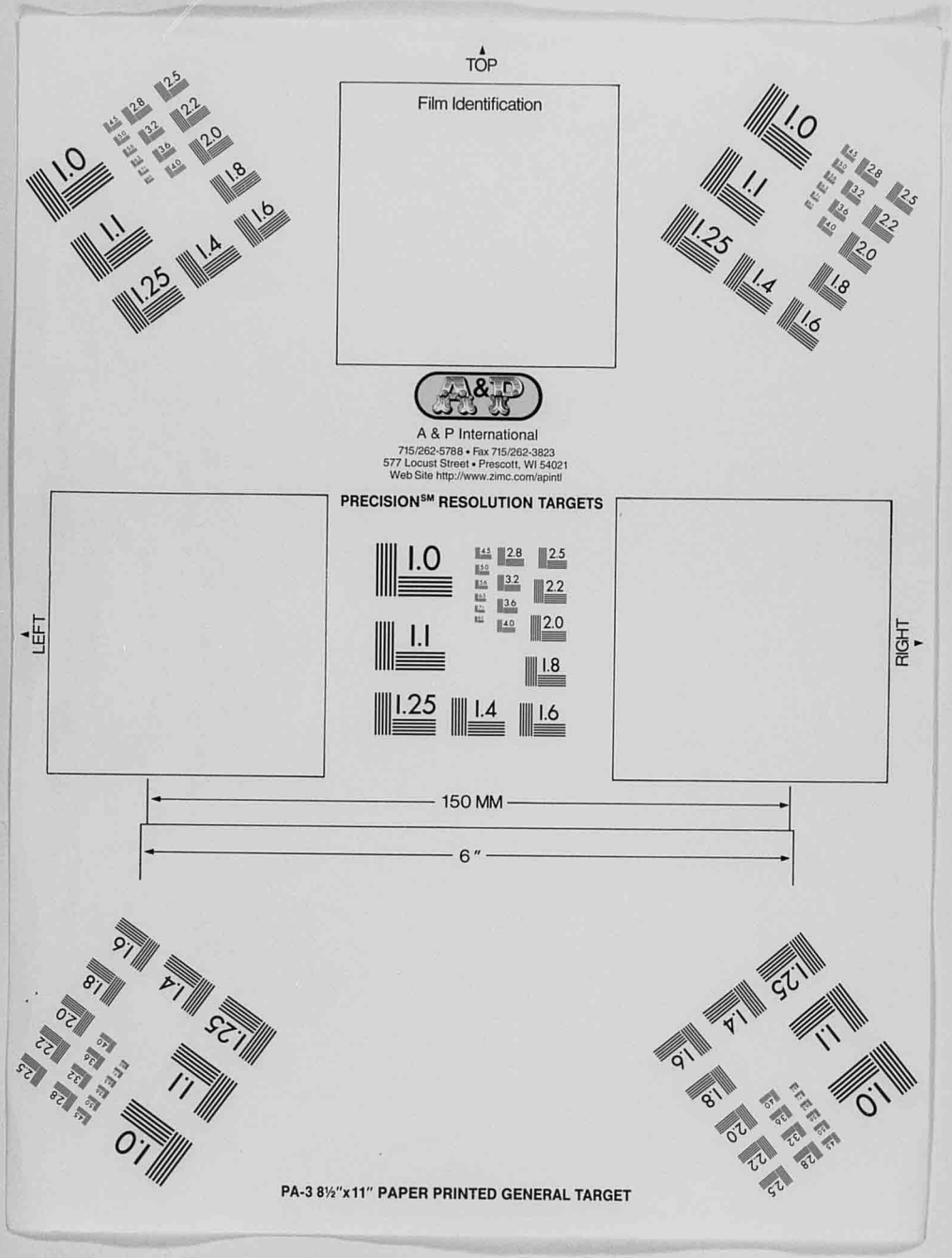
DENSITY TARGET


TOP
Film Identification
1.0
1.1
1.25
1.4
1.6
1.8
2.0
2.2
2.5
2.8
3.2
3.6
4.0
A&P
A & P International
715/262-5788 • Fax 715/262-3823
577 Locust Street • Prescott, WI 54021
Web Site http://www.zimc.com/apintl
PRECISION℠ RESOLUTION TARGETS
LEFT
RIGHT
150 MM
6 ″
PA-3 8½″x11″ PAPER PRINTED GENERAL TARGET

REEL
NO.

267

TITLE OF WORK

STATE OF HAWAII

DEPARTMENT OF ACCOUNTING
AND
GENERAL SERVICES

RECORDS OF THE LEGISLATURE
OF THE TERRITORY OF HAWAII

SERIES 228

RECORDS OF THE CLERKS

1901-1959

REDUCTION 24 – 1

MICROFILMED CHRONOLOGICALLY BY SESSION

SERIES 228

RECORDS OF THE CLERKS

LEGISLATURE OF THE TERRITORY OF HAWAII

RECORDS OF THE LEGISLATURE OF THE TERRITORY OF HAWAII

SERIES 228 – RECORDS OF THE CLERKS, 1901 – 1959

Oversize and bound material separated.

This series contains the various records administered by the clerks of the Senate and House of Representatives in their function to support the daily deliberative and law-making activities of the Territorial legislature. These records are the primary materials from which the official journals were compiled. Much of the material in this series is included in its entirety in the official journal, a notable exception being the bills, which are not verbatim in the journals. Issues addressed by the Territorial Legislature include Hawaiian statehood, public works projects, public instruction concerns, business regulation, post-war planning, and a few investigations of alleged malfeasance and incompetence. There is some Hawaiian language material in the early years.

Arranged chronologically by session, there under by chamber with the Senate followed by the House of Representatives, there under by type of record in the following order: journals; bills; joint resolutions; concurrent resolutions; resolutions; holdover committee reports; joint committee reports, conference committee reports; special committee reports; committee of the whole reports; standing committee reports; petitions; Governor's messages; executive communications; communications from the other chamber; departmental communications; miscellaneous communications; orders; questions; answers; notices; miscellaneous; and bills, joint resolutions, and concurrent resolutions received from the other chamber but not acted upon; and there under in numerical order of applicable.

Related records include Series 227, Official Journals; Series 229, Records of the Standing and Special Committees; Series 230 Records of Holdover Committees; and Series 233, Financial Records of the Legislature of the Territory of Hawaii. Additional legislative records are Series 222, General Records of the Legislature of the Hawaiian Kingdom; and Series 226, General Records of the Legislature of the Republic of Hawaii.

There are no restrictions on access to these records.

LINDA LINGLE
GOVERNOR

RUSS K. SAITO
COMPTROLLER

KATHERINE H. THOMASON
DEPUTY COMPTROLLER

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING
AND GENERAL SERVICES

ARCHIVES DIVISION
HAWAII STATE ARCHIVES
IOLANI PALACE GROUNDS
HONOLULU, HAWAII 96813

AUTHENTICITY CERTIFICATE

I hereby certify that the micrographs reproduced on this film by Advanced Micro-Image Systems Hawaii, Inc., are in fulfillment of the provisions of Section 92-29, Reproductions of public records on films, and Section 92-30, Film deemed original record, Hawaii Revised Statues. The records on this microfilm were received by the Hawaii State Archives pursuant to Section 94-1, Duties of department, Hawaii Revised Statutes.

The records are arranged in the following order:

1. Chronologically by session; there under
2. By chamber, Senate followed by the House of Representatives; there under
3. By type of record in the following order,
   - a. Journals
   - b. Bills
   - c. Joint resolutions
   - d. Concurrent resolutions
   - e. Resolutions
   - f. Holdover committee reports
   - g. Joint committee reports
   - h. Conference committee reports
   - i. Special committee reports
   - j. Committee of the Whole reports
   - k. Standing committee reports
   - l. Petitions
   - m. Governor's messages
   - n. Executive communications
   - o. Communications from the other chamber
   - p. Departmental communications
   - q. Miscellaneous communications
   - r. Orders
   - s. Questions
   - t. Answers
   - u Notices
   - v. Miscellaneous
   - w. Bills, joint resolutions, and concurrent resolutions from the other chamber but not acted upon; and there under
4. In numerical order, if applicable.

The State Archivist, administrator of the Archives Division, Department of Accounting and General Services, State of Hawaii, authorized Advanced Micro-Image Systems Hawaii, Inc. to film such records and process the film.

5/20/2003
Date

Susan Shaner
Authorizing Officer
State Archivist
Title

Advanced Micro-Image Systems Hawaii, Inc.

05/20/2003

State of Hawaii
Records Management
State Archives

To Whom It May Concern,

I Certify that the processing of microfilm by Advanced Micro-Image Systems Hawaii, Inc. complies with the standards set forth for archival permanence of microfilm as established by the American National For Archival Institute (ANSI).

The methylene Blue Method is used to insure that the Residual Thiosulfate meets the American National Standards Institute standard of less than 1.4 micrograms of Thiosulfate Ion per square centimeter.

Sincerely,

Dick L. Ching
Vice President

525 Kokea Street, Building B-1 Honolulu, Hi. 96817

SERIES 228 ARRANGEMENT

1. CHRONOLOGICALLY BY SESSION

2. THERE UNDER SENATE RECORDS FOLLOWED BY THE HOUSE OF REPRESENTATIVES

3. THERE UNDER BY TYPE OF RECORD AS FOLLOWS:
   - a. Journals
   - b. Bills
   - c. Joint Resolutions
   - d. Concurrent Resolutions
   - e. Resolutions
   - f. Holdover committee reports
   - g. Joint Committee reports
   - h. Conference committee reports
   - i. Special committee reports
   - j. Committee of the Whole reports
   - k. Standing committee reports
   - l. Petitions
   - m. Governor's messages
   - n. Executive communications
   - o. Communications from the other chamber
   - p. Departmental communications
   - q. Miscellaneous communications
   - r. Orders
   - s. Questions
   - t. Answers
   - u. Notices
   - v. Miscellaneous
   - w. Bills, joint resolutions, and concurrent resolutions from the other chamber but not acted upon

4. THERE UNDER IN NUMERICAL ORDER, IF APPLICABLE

adopted

STAND. COM. REP. NO. 220

Honolulu, Hawaii

April 17, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Joint Resolution No. 53

Sir:

Your Committee on Judiciary, to which was referred Senate Joint Resolution No. 53, entitled:

"JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION TO AUTHORIZE CERTAIN LAND EXCHANGES AT HONOLULU, OAHU, TERRITORY OF HAWAII, FOR THE DEVELOPMENT OF THE HONOLULU AIRPORT COMPLEX",

begs leave to report as follows:

Your Committee is in accord with the purpose of this Joint Resolution and recommends that it pass first reading in the amended form attached hereto, that it be printed, and that it then be placed in the order of business for second reading, that it then pass second reading and be referred to your Committee on Public Lands for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

S. J. R. NO. 53

S. D. 1

JOINT RESOLUTION

REQUESTING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION TO AUTHORIZE CERTAIN LAND EXCHANGES AT HONOLULU, OAHU, TERRITORY OF HAWAII, FOR THE DEVELOPMENT OF THE HONOLULU AIRPORT COMPLEX.

WHEREAS, the Territory of Hawaii desires to acquire certain lands from the United States of America for the development of Honolulu International Airport; and

WHEREAS, the United States of America desires to acquire certain lands from the Territory of Hawaii for the development of naval air facilities at Keehi Lagoon and air force facilities at Hickam Air Force Base; now, therefore,

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

SECTION 1. The Congress of the United States is hereby respectfully requested to enact legislation to authorize the mutual exchange of certain lands at Honolulu, Oahu, Territory of Hawaii, between the United States of America and the Territory of Hawaii, by the adoption of a bill in substantially the following form:

"A BILL

To authorize land exchanges at Honolulu, Oahu, Territory of Hawaii, for the development of the Honolulu Airport Complex, consisting of the Honolulu International Airport, Hickam Air Force Base and Keehi Lagoon, an outlying facility of the Naval Air Station at Barber's Point.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is authorized to convey without reimbursement, to the Territory of Hawaii, all of the right, title and interest of the United States in and to those portions of the former Naval Air Facility, Honolulu, and the General Supply Depot, Damon Tract, Naval Supply Center, Pearl Harbor, comprising an area of 77 acres, more or less, and described as follows:

Land Situate at Moanalua, Honolulu, Oahu,
Territory of Hawaii

Being Lot 35, area 12.973 acres, as shown on Map 77, and Lot 36-B, area 63.678 acres, as shown on Map 144, said maps having been filed with the Assistant Registrar of the Land Court of the Territory of Hawaii in Land Court Application No. 1074 of the Trustees under the Will and of the Estate of Samuel M. Damon, deceased. Said Lot 35 being the land described in Transfer Certificate of Title No. 38090, and Lot 36-B being a portion of the land described in Transfer Certificate of Title No. 38094, both issued to the United States of America.

Together with any or all improvements or utilities thereon or used in connection therewith.

SEC. 2. The Secretary of the Air Force is authorized to convey without reimbursement, to the Territory of Hawaii, all of the right, title and interest of the United States in and to that portion of Hickam Air Force Base, Honolulu, comprising an area of 170 acres, more or less, and described as follows:

A portion of Hickam Air Force Base

Being a portion of Hickam Field, United States Military Reservation (Portion of Parcel III, Final Order of Condemnation, United States of America Civil No. 289 dated April 9, 1935)

Being also a portion of R. P. 7858 L.C.Aw. 7715 Apana 2 to Lot Kamehameha and a portion of Grant 4776 to Samuel M. Damon

Land situated at Moanalua, Honolulu, Oahu, T. H.

Beginning at the Northeast corner of this piece of land, on the West side of John Rodgers - Keehi Lagoon Access Road, Hawaii Project DA-NR 10-B (1), and on the South side of Lot C-4-B-1, Map 136 of Land Court Application 1074, the true azimuth and distance from the Southeast corner of said Lot C-4-B-1 being 97° 20' 15.99 feet, and the coordinates of said point of beginning referred to Government Survey Triangulation Station 'Salt Lake' being 10,524.00 feet South and 5,894.95 feet West, thence running by azimuths measured clockwise from true South:

1.	00°	00'		626.01 feet	along Lot C-6, Map 74 of Land Court Application 1074, along Territorial Law No. 17194;
2.	00°	00'		563.79 feet	along Lot 36, Map 77 of Land Court Application 1074, along U. S. Civil No. 527;
3.	349°	19'	24"	3178.18 feet	along present Honolulu International Airport, Governor's Executive Order No. 1016;
4.	90°	03'	20"	1922.84 feet	along the remainder of Hickam Air Force Base to a pipe;
5.	180°	03'	20"	1760.25 feet	along same to a spike in pavement;
6.	90°	03'	20"	400.00 feet	along same to a pipe;
7.	180°	03'	20"	1908.49 feet	along same to a spike in pavement;
8.	276°	29'		450.90 feet	along same to a spike in pavement;
9.	186°	29'		851.01 feet	along same;
10.	277°	20'		1196.15 feet	along Lot C-4-B-1, Map 136 of Land Court Application 1074, along U. S. Civil No. 436 to the point of beginning and containing an area of 170.990 Acres.

Together with any or all improvements or utilities thereon or used in connection therewith.

SEC. 3. The governor of the Territory of Hawaii is authorized to convey without reimbursement to the United States all of the right, title and interest of the Territory of Hawaii in and to that portion of the Honolulu International Airport, comprising an area of 174 acres, more or less, and described as follows:

Land situate at Moanalua, Honolulu, Oahu,
Territory of Hawaii

Being a portion of the Honolulu International (formerly John Rodgers) Airport as described in and set aside by the Governor of the Territory of Hawaii by Executive Order No. 1016, and

Being also a portion of the land as described in and title transferred to the Territory of Hawaii by Presidential Executive Order No. 10121.

Beginning at the Westerly corner of this tract of land, being also a point in common on the converging boundaries of Hickam Field and Fort Kamehameha Military Reservations, the coordinates of said point of beginning referred to Government Survey Triangulation Station 'SALT LAKE' being 16,874.10 feet South and 5,896.30 feet West, and running by azimuths measured clockwise from true South:

1.	228°	49'		0.35 feet	along Hickam Field, United States Military Reservation (United States of America Civil No. 289), being along Parcel 2 of proposed Navy Seadrome Area;
2.	244°	22'		33.00 feet	along same;
3.	231°	55'	30"	298.50 feet	along same;
4.	222°	20'	30"	401.40 feet	along same;
5.	212°	53'		139.80 feet	along same;
6.	207°	57'	30"	222.80 feet	along same;
7.	201°	40'		104.87 feet	along same;
8.	233°	00'		878.84 feet	along the remainder of Honolulu International Airport, being a portion of reclaimed lands transferred to the Territory of Hawaii by Presidential Executive Order No. 10121;

9.	270°	00'		3607.69 feet	along same, along the remainder of Area 3 as reserved for purposes of the United States of America in Presidential Executive Order No. 10121, to highwater mark at Seaplane Docking Basin;
	Thence along the Seaplane Docking Basin and Seaplane Runway 'A' following along highwater mark for the next three (3) courses the direct azimuth and distance between points at said highwater mark being:				
10.	52°	30'		1871.69 feet;	
11.	16°	00'		767.64 feet;	
12.	52°	59'	05"	1722.70 feet;	
13.	110°	00'		414.47 feet	along the remainder of Honolulu International Airport; along the remainder of Moanalua Fishery, (Territory of Hawaii Final Order of Condemnation Law No. 16653) to a point on the easterly boundary of Fort Kamehameha United States Military Reservation;
14.	216°	30'		421.10 feet	along Fort Kamehameha United States Military Reservation, and along Area 9 of the United States Naval Reservation;
15.	163°	00'		260.00 feet	along Area 9 of the United States Naval Reservation (formerly portion of Fort Kemehameha United States Military Reservation);
16.	105°	44'		1607.00 feet	along same, and along Fort Kamehameha United States Military Reservation;

17. 143° 45' 389.25 feet along Fort Kamehameha United States Military Reservation to the point of beginning and containing an area of 172.212 Acres.

Together with access thereto and easements for utilities to be used in connection therewith.

SEC. 4. The governor of the Territory of Hawaii is authorized to convey without reimbursement to the United States all of the right, title and interest of the Territory in and to those portions of the Halawa and Moanalua fisheries, comprising an area of 156 acres, more or less, and described as follows:

Being a portion of Moanalua Fishery (Governor's Executive Order No. 1016) and a portion of Halawa Fishery.

Situate at Moanalua, Honolulu, and Halawa, Ewa, Oahu, T.H.

Beginning at the Northeasterly corner of this piece of land, on the Easterly side of Fort Kamehameha Military Reservation, the coordinates of said point of beginning referred to Government Survey Triangulation Station 'SALT LAKE' being 18,210.90 feet South and 4,293.81 feet West, thence running by azimuths measured clockwise from true South:

1. 290° 00' 414.49 feet along the remainder of Moanalua Fishery (Governor's Executive Order No. 1016);

2. 52° 59' 05" 2503.69 feet along same;

3. 110° 00' 7986.50 feet along same;

4. 110° 00' 957.00 feet along the remainder of Halawa Fishery;

Thence along shoreline, along Ft. Kamehameha Military Reservation for the next 19 courses, the direct azimuths and distances from point to point along said shoreline being:

5.	270°	35'	20"	225.02	feet;
6.	280°	05'	40"	290.85	feet;
7.	257°	50'		239.14	feet;
8.	243°	05'		142.51	feet;
9.	233°	12'		92.13	feet to Kumumau;
10.	268°	46'		1342.70	feet;
11.	285°	45'		1560.00	feet;
12.	301°	53'		1208.00	feet;
13.	287°	00'	30"	311.80	feet;
14.	290°	41'		980.80	feet;
15.	298°	23'	30"	797.00	feet;
16.	293°	26'		768.70	feet;
17.	318°	40'		498.20	feet;
18.	278°	48'		494.10	feet;
19.	268°	30'		568.80	feet;
20.	256°	00'		360.00	feet;
21.	187°	00'		235.00	feet;
22.	232°	00'		790.00	feet;
23.	216°	30'		318.90	feet to the point of beginning and containing an area of 156.844 Acres, more or less.

Together with access thereto and easements for utilities to be used in connection therewith."

SECTION 2. Certified copies of this joint resolution shall be transmitted to the President of the United States, The President of the Senate and the Speaker of the House of of Representatives of the Congress of the United States, the Secretary of the Interior, and the Delegate to Congress from Hawaii.

SECTION 3. This joint resolution shall take effect upon its approval.

INTRODUCED BY:

N. MIYAKE
WILFRED C. TSUKIYAMA

Date April 17, 1957

Honolulu, Hawaii

~~Standing~~ later

STAND. COM. REP. NO. 221

Honolulu, Hawaii

April 17, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 34
H. D. 1

Sir:

Your Committee on Judiciary, to which was referred House Bill No. 34, H. D. 1, entitled:

"AN ACT RELATING TO THE SALE OF REAL PROPERTY BY GUARDIANS AND AMENDING SECTIONS 338-44 AND 338-45 OF THE REVISED LAWS OF HAWAII 1955",

begs leave to report as follows:

This Bill gives a judge discretion to specify, in granting a license to a guardian to sell real property, whether the sale be public or private. It removes the limitation on the sale or exchange of real property valued in excess of $2,500 and also provides that, where private sale or exchange is authorized, the judge may determine whether the guardian shall be required to give bond.

Your Committee feels that the amendments proposed by this Bill are needed and desirable. It accordingly recommends that it pass third reading in the amended form attached hereto.

Respectfully submitted,

Nelson K. Doi, Chairman

H. B. NO. 34
H. D. 1
S. D. 1

AN ACT

RELATING TO THE SALE OF REAL PROPERTY BY GUARDIANS AND AMENDING SECTIONS 338-44 AND 338-45 OF THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. Section 338-44 of the Revised Laws of Hawaii 1955 is hereby amended by substituting a comma for the period at the end thereof and adding the following words:

"and whether the sale shall be public or private."

SECTION 2. Section 338-45 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Sec. 338-45. When private sale or exchange authorized. Upon the issuing of a license for a private sale or exchange the judge may determine whether the guardian shall be required to comply with the provisions of section 338-49. Any private sale or exchange made pursuant to the provisions of this section shall be as valid as if the ward had been competent to make and had made the sale or exchange in person, notwithstanding any other provision of this chapter."

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

SPARK M. MATSUNAGA (BY REQUEST)

adopted

STANDING COMMITTEE REPORT NO. 227

Honolulu, Hawaii
April 17, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: S. B. No. 773

Sir:

Your Committee on Ways and Means to which was referred Senate Bill No. 773, entitled

"AN ACT AMENDING SECTION 130-16 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO DISPOSITION OF TAXES DEPOSITED IN THE HIGHWAY FUND,"

begs leave to report as follows:

The purpose of this bill is to establish usage of Highway Fund revenues collected under the provisions of chapter 130 on as nearly a uniform basis as possible with fuel tax revenues collected under the provisions of chapter 123. The ultimate objective is to combine all such revenues into one special highway fund in order to simplify the budget and accounting procedures as they relate to highway expenditures of all the counties and the city and county.

Your Committee understands that under the existing statute, the counties and the city and county are not expending Highway Fund revenues uniformly because of different interpretations applied by each county attorney. These existing discrepancies in expenditures would, we feel, be eliminated by a broadened usage of Highway Fund revenues consistent with the progressive development and concept of modern highways and streets.

CORRECTION

THE PRECEDING DOCUMENT(S) HAS
BEEN REPHOTOGRAPHED TO ASSURE
LEGIBILITY
SEE FRAME(S)
IMMEDIATELY FOLLOWING

H. B. NO. 34
H. D. 1
S. D. 1

AN ACT

RELATING TO THE SALE OF REAL PROPERTY BY GUARDIANS AND AMENDING SECTIONS 338-44 AND 338-45 OF THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. Section 338-44 of the Revised Laws of Hawaii 1955 is hereby amended by substituting a comma for the period at the end thereof and adding the following words:

"and whether the sale shall be public or private."

SECTION 2. Section 338-45 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Sec. 338-45. When private sale or exchange authorized. Upon the issuing of a license for a private sale or exchange the judge may determine whether the guardian shall be required to comply with the provisions of section 338-49. Any private sale or exchange made pursuant to the provisions of this section shall be as valid as if the ward had been competent to make and had made the sale or exchange in person, notwithstanding any other provision of this chapter."

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

SPARK M. MATSUNAGA (BY REQUEST)

adopted

STANDING COMMITTEE REPORT NO. 227

Honolulu, Hawaii
April 17, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: S. B. No. 773

Sir:

Your Committee on Ways and Means to which was referred Senate Bill No. 773, entitled

"AN ACT AMENDING SECTION 130-16 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO DISPOSITION OF TAXES DEPOSITED IN THE HIGHWAY FUND,"

begs leave to report as follows:

The purpose of this bill is to establish usage of Highway Fund revenues collected under the provisions of chapter 130 on as nearly a uniform basis as possible with fuel tax revenues collected under the provisions of chapter 123. The ultimate objective is to combine all such revenues into one special highway fund in order to simplify the budget and accounting procedures as they relate to highway expenditures of all the counties and the city and county.

Your Committee understands that under the existing statute, the counties and the city and county are not expending Highway Fund revenues uniformly because of different interpretations applied by each county attorney. These existing discrepancies in expenditures would, we feel, be eliminated by a broadened usage of Highway Fund revenues consistent with the progressive development and concept of modern highways and streets.

Your Committee is in accord with the purpose of this bill and therefore recommends that it pass first reading by title, that it be printed and that it then take its place in the order of business for further consideration.

Respectfully submitted,

KAZUMISA ABE, Chairman

adopted

STANDING COMMITTEE REPORT NO. 273

Honolulu, Hawaii
April 17, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: S. B. No. 799

Sir:

Your Committee on Ways and Means to which was referred Senate Bill No. 799, entitled

"AN ACT AMENDING ACT 247 OF THE SESSION LAWS OF HAWAII 1955, RELATING TO PUBLIC FUNDS, PROVIDING FOR CERTAIN TRANSFERS TO AND DEPOSITS IN THE GENERAL FUND OF THE TERRITORY."

begs leave to report as follows:

The purpose of this bill is to include the Territorial Highway Fund among the numerous special funds required by Act 247, Session Laws of Hawaii 1955 to contribute to the General Fund in payment of services rendered thereto by the General Fund supported central service agencies of the territorial government.

Most special funds have been required by the said Act to transfer 5% of their gross receipts to the General Fund. In the case of the Harbor Board Special Fund, and as proposed in this bill for the Territorial Highway Fund, the 5% service charge will apply after an allowance is made for amounts pledged for payment of principle and interest on bonds floated in the name of the special fund.

STANDING COMMITTEE REPORT NO. 223
Page 2

Your Committee is in accord with the purpose of this bill and recommends that it pass first reading by title, in the amended form attached hereto, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

KAZUHISA ABE, Chairman

Standing Committee Report No. 224

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 17 , 1957 , by

Senator KAZUHISA ABE, CHAIRMAN FOR THE COMMITTEE ON WAYS AND MEANS.

On

RE: H. B. NO. 824 HD1

RECOMMENDING PASSAGE OF SAID BILL

WITH AN AMENDMENT.

MEMO:

Deferred until Thursday, April 18, 1957.

WILLIAM S. RICHARDSON

Clerk of the Senate

Refer

STANDING COMMITTEE REPORT NO. 224

Honolulu, Hawaii
April 17, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: H. B. No. 824
H. D. 1

Sir:

Your Committee on Ways and Means to which was referred House Bill No. 824, entitled

"AN ACT MAKING SUPPLEMENTARY APPROPRIATIONS OUT OF THE GENERAL REVENUES TO COVER CERTAIN DEFICIENCIES IN TERRITORIAL DEPARTMENTS FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1957."

begs leave to report as follows:

The purpose of this bill is amply explained in the title.

Your Committee recommends that item 3 of Section 1, dealing with the JUDICIAL BRANCH be amended as follows so as to provide greater flexibility in the application of the amounts appropriated:

"JUDICIAL BRANCH		39,061
First Circuit Court Proper	34,046	
First Circuit Court - Adult Probation	4,100	
Second Circuit Court	915"	

As amended, your Committee is in accord with the bill and therefore recommends that it be passed on third reading.

Respectfully submitted,

an amendment should have been made to change the total.

KAZUHISA ABE, Chairman

STANDING COMMITTEE REPORT NO. 225

Honolulu, Hawaii
April 17, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 16, S. D. 1

Sir:

Your Committee on Ways and Means to which was referred Senate Bill No. 16, S. D. 1, entitled

"AN ACT RELATING TO THE DEVELOPMENT OF HAWAII'S TOURIST INDUSTRY; CREATING THE HAWAII TOURIST DEVELOPMENT COMMISSION AND ASSIGNING IT CERTAIN DUTIES, POWERS AND FUNCTIONS; PROVIDING AN APPROPRIATION FOR THE HAWAII VISITORS' BUREAU, ESTABLISHING A TOURISM DEVELOPMENT FUND, MAKING AN APPROPRIATION TO SAID FUND AND AUTHORIZING THE COMMISSION TO MAKE GRANTS AND EXPENDITURES THEREFROM",

begs leave to report as follows:

The purposes of this measure are disclosed by its title and are fully explained in Standing Committee Report No. 91 submitted by your Committee on Judiciary. Your Committee on Ways and Means fully concurs in and adopts the views expressed in said Standing Committee Report No. 91.

With reference to the appropriations provided for in Senate Draft 1 of this bill, your Committee on Ways and Means is in accord therewith, and recognizes the tremendous investment value of the proposed expenditures. With specific reference to the matching funds totalling $1,250,000 to be provided by the territorial government, your Committee approves the same, but believes that the amount to be raised by private contributions can be increased from the proposed figure of $750,000 to the sum of $1,000,000. It appears that the private contributions amounted to nearly $800,000 in the biennium now about to conclude, and it seems entirely reasonable to anticipate that this sum can be and will be substantially increased by virtue of the certain expansion of tourism in the coming biennium. Accordingly, your Committee proposes an amendment to the first paragraph of section 8 of the bill so as to provide that the territorial matching funds shall be available on the basis of $1.25 for each $1 of private contributions received by the Hawaii Visitors' Bureau.

CORRECTION

THE PRECEDING DOCUMENT(S) HAS
BEEN REPHOTOGRAPHED TO ASSURE
LEGIBILITY
SEE FRAME(S)
IMMEDIATELY FOLLOWING

defer

STANDING COMMITTEE REPORT NO. 224

Honolulu, Hawaii
April 17, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: H. B. No. 824
H. D. 1

Sir:

Your Committee on Ways and Means to which was referred House Bill No. 824, entitled

"AN ACT MAKING SUPPLEMENTARY APPROPRIATIONS OUT OF THE GENERAL REVENUES TO COVER CERTAIN DEFICIENCIES IN TERRITORIAL DEPARTMENTS FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1957."

begs leave to report as follows:

The purpose of this bill is amply explained in the title.

Your Committee recommends that item 3 of Section 1, dealing with the JUDICIAL BRANCH be amended as follows so as to provide greater flexibility in the application of the amounts appropriated:

"JUDICIAL BRANCH		39,061
First Circuit Court Proper	34,046	
First Circuit Court - Adult Probation	4,100	
Second Circuit Court	915"	

As amended, your Committee is in accord with the bill and therefore recommends that it be passed on third reading.

an amendment should have been made to change the total.

Respectfully submitted,

Kazuhisa Abe
KAZUHISA ABE, Chairman

John B. Fernandez
John G. Duarte
Orme E. Long
Tom Shimo
Wilfred Tsukiyama
Mitsuyuki Kido

CORRECTION

THE PRECEDING DOCUMENT(S) HAS
BEEN REPHOTOGRAPHED TO ASSURE
LEGIBILITY
SEE FRAME(S)
IMMEDIATELY FOLLOWING

Standing Committee Report No. 224

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 17 , 19 57 , by

Senator KAZUHISA ABE, CHAIRMAN FOR THE COMMITTEE ON WAYS AND MEANS.

On

RE: H. B. NO. 824 HD1

RECOMMENDING PASSAGE OF SAID BILL WITH AN AMENDMENT.

MEMO:

Deferred until Thursday, April 18, 1957.

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 224

Honolulu, Hawaii
April 17, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: H. B. No. 824
H. D. 1

Sir:

Your Committee on Ways and Means to which was referred House Bill No. 824, entitled

"AN ACT MAKING SUPPLEMENTARY APPROPRIATIONS OUT OF THE GENERAL REVENUES TO COVER CERTAIN DEFICIENCIES IN TERRITORIAL DEPARTMENTS FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1957."

begs leave to report as follows:

The purpose of this bill is amply explained in the title.

Your Committee recommends that item 3 of Section 1, dealing with the JUDICIAL BRANCH be amended as follows so as to provide greater flexibility in the application of the amounts appropriated:

"JUDICIAL BRANCH		39,061
First Circuit Court Proper	34,046	
First Circuit Court - Adult Probation	4,100	
Second Circuit Court	915"	

As amended, your Committee is in accord with the bill and therefore recommends that it be passed on third reading.

Respectfully submitted,

KAZUHISA ABE, Chairman

an amendment should have been made to change the total.

STANDING COMMITTEE REPORT NO. 225

Honolulu, Hawaii
April 17, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 16, S. D. 1

Sir:

Your Committee on Ways and Means to which was referred Senate Bill No. 16, S. D. 1, entitled

"AN ACT RELATING TO THE DEVELOPMENT OF HAWAII'S TOURIST INDUSTRY; CREATING THE HAWAII TOURIST DEVELOPMENT COMMISSION AND ASSIGNING IT CERTAIN DUTIES, POWERS AND FUNCTIONS; PROVIDING AN APPROPRIATION FOR THE HAWAII VISITORS' BUREAU, ESTABLISHING A TOURISM DEVELOPMENT FUND, MAKING AN APPROPRIATION TO SAID FUND AND AUTHORIZING THE COMMISSION TO MAKE GRANTS AND EXPENDITURES THEREFROM",

begs leave to report as follows:

The purposes of this measure are disclosed by its title and are fully explained in Standing Committee Report No. 91 submitted by your Committee on Judiciary. Your Committee on Ways and Means fully concurs in and adopts the views expressed in said Standing Committee Report No. 91.

With reference to the appropriations provided for in Senate Draft 1 of this bill, your Committee on Ways and Means is in accord therewith, and recognizes the tremendous investment value of the proposed expenditures. With specific reference to the matching funds totalling $1,250,000 to be provided by the territorial government, your Committee approves the same, but believes that the amount to be raised by private contributions can be increased from the proposed figure of $750,000 to the sum of $1,000,000. It appears that the private contributions amounted to nearly $800,000 in the biennium now about to conclude, and it seems entirely reasonable to anticipate that this sum can be and will be substantially increased by virtue of the certain expansion of tourism in the coming biennium. Accordingly, your Committee proposes an amendment to the first paragraph of section 8 of the bill so as to provide that the territorial matching funds shall be available on the basis of $1.25 for each $1 of private contributions received by the Hawaii Visitors' Bureau.

Upon consideration of certain other provisions of the measure concerning the expenditure of matching funds, and upon recommendation of representatives of the Hawaii Visitors' Bureau and the tourist industry, your Committee proposes that the designation of expenditures for the counties of Hawaii, Maui and Kauai be "pooled" to some extent, rather than have a specific amount provided for each of these counties. The Hawaii Visitors' Bureau has assured your Committee that a better job of promoting the neighbor islands can be done in this way. Also on recommendation of the tourist industry, your Committee has amended the provision for the expenditures for Aloha Week so as to specify the amounts to be made available in and for each of the several counties. Finally, your Committee has revised portions of the language of subparagraph (e) of section 8, relating to the advertising and promotional activities of the Hawaii Visitors' Bureau, again in accordance with industry recommendations.

In line with the foregoing, your Committee on Ways and Means recommends that Senate Bill No. 16, S. D. 1, be amended in the following respects:

First: amend the first paragraph of section 8 of the bill to read as follows:

"SECTION 8. Hawaii visitors' bureau; appropriation. There is hereby appropriated to the Hawaii visitors' bureau the sum of $1,250,000, or so much thereof as may be necessary, out of the general revenues of the Territory, not otherwise appropriated, for expenditure by the Hawaii visitors' bureau during the 1957-1959 biennium. This appropriation shall become available from time to time, upon warrants issued by the auditor of the Territory, in amounts based upon the proportion of $1.25 for each $1 of private contributions then received by the bureau in cash and deposited to its credit in a bank. The moneys thus made available, hereinafter referred to as 'matching funds,' shall be expendable only as provided in subparagraphs (a), (b), (c), (d) and (e)."

Second: amend subparagraph (a) of section 8 to read as follows:

"(a) Not less than 20 per cent of all matching funds shall be spent for advertising and promotional work for the benefit of the counties of Hawaii, Maui and Kauai. Of this amount not less than $48,000 shall be spent within the county of Hawaii for advertising and promotional work for the benefit of said county and not less than $20,000 within the county of Maui for the benefit of said county and not less than $18,000 within the county of Kauai for the benefit of said county. These promotional programs may include any and all of the activities now engaged in by the

Hawaii visitors' bureau and any other activities that are relative to tourist promotion and matching funds shall be available for any and all expenses involved in such promotional programs."

Third: amend subparagraph (c) of section 8 to read as follows:

"(c) Not less than $30,000 of all matching funds remaining after allowance for the amounts to be spent under subparagraphs (a) and (b) above shall be spent for Aloha Week, such sum to be apportioned among the several counties, including the city and county of Honolulu, as follows:

City and county of Honolulu	$ 24,000
County of Hawaii	2,400
County of Maui	2,400
County of Kauai	1,200
	$ 30,000."

Fourth: amend subparagraph (e) of section 8 to read as follows:

"(e) Except as to the amounts expendable in the manner provided in subparagraphs (a), (b), (c) and (d) above, all matching funds shall be expended in promoting the Territory as a tourist area through paid advertising, radio, television and other promotional devices on the mainland United States and in the Dominion of Canada and, on a matching basis with contributions made by persons or organizations doing business therein, in any foreign country other than Canada. All advertisements in newspapers or periodicals shall give the address of the Hawaii visitors' bureau and contain the notation that the reader may obtain further information by writing thereto. No contract for advertising shall be entered into with any agency or concern until interested agencies or concerns have been given a chance to make a presentation on how and when they would expend the funds available, and until such contract shall have been approved by the commission. The commission shall satisfy itself, prior to approval, that the contract is the most advantageous one available for the promotion of the tourist industry. If, in the determination of the commission, tourist travel from the mainland United States to the Territory shall have been seriously curtailed as a result of war or otherwise, the executive board or committee of the bureau, within thirty days after receipt of notice of such determination, shall abandon its program of mainland and foreign advertising, displays and broadcasts, except for such as it may be then firmly committed, and shall submit to the commission

a detailed plan of its proposed activities on a reduced basis for the period of such curtailment and, during such period, matching funds shall be expendable only for such purposes and in such amounts as the commission may approve, and any unneeded matching funds shall become part of the development fund."

As so amended, your Committee on Ways and Means fully approves of this measure, and recommends that it do pass.

Respectfully submitted,

KAZUHISA ABE, Chairman

AATF: Tw

adopted

STANDING COMMITTEE REPORT NO. 226

Honolulu, Hawaii
April 15, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 785

Sir:

Your Committee on Public Employment to which was referred Senate Bill No. 785 entitled, "AN ACT TO GRANT SENIORITY TO CERTAIN EMPLOYEES OF THE COUNTY OF MAUI EMPLOYED AT THE CENTRAL MAUI MEMORIAL HOSPITAL ON ACCOUNT OF SERVICE RENDERED AT THE PUUNENE HOSPITAL," begs leave to report as follows:

In the merger of the Puunene Hospital, a private institution, with the Central Maui Memorial Hospital in July of 1956, certain employees of the former were transferred to the latter and are now employees of the county of Maui. In fairness to the employees so transferred, the purpose of this bill is to honor the service performed by these employees at the Puunene Hospital.

Your Committee is in accord with the purpose of this bill and recommends that it pass first reading by title, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

DEE DUPONTE, CHAIRMAN

AATF HK

adopted

STANDING COMMITTEE REPORT NO. 227

Honolulu, Hawaii
April 16, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 796

Sir:

Your Committee on Public Employment to which was referred Senate Bill No. 796 entitled, "AN ACT PROVIDING FOR THE ADJUSTMENT OF COMPENSATION OF CERTAIN EMPLOYEES OF THE COUNTY OF MAUI EMPLOYED AT THE CENTRAL MAUI MEMORIAL HOSPITAL," begs leave to report as follows:

In the merger of the Puunene Hospital, a private institution with the Central Maui Memorial Hospital in July of 1956, certain employees of the former were transferred to the latter and are now employees of the county of Maui at a higher pay range than that received by the employees of the Central Maui Memorial Hospital, and since it was the understanding of these employees of the Central Maui Memorial Hospital that these pay inequities would be straightened out, it now appears that there is a real moral obligation to adjust their pay as provided in this bill.

Under this bill, the regular Central Maui Memorial Hospital workers who were in service at the time of the merger, will be put at the same salary step as the former Puunene Hospital workers.

Your Committee is in accord with the purpose of this bill and recommends that it pass first reading by title, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

DEE DUPONTE, CHAIRMAN

TWS
AATF

Standing Committee Report No. 228

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 17 , 19 , by

Senator DEE DUPONTE, CHAIRMAN FOR THE COMMITTEE ON PUBLIC EMPLOYMENT.

RE: H. B. NO. 868

RECOMMENDING PASSAGE OF SAID BILL.

MEMO:

Deferred until Thursday, April 18, 1957.

WILLIAM S. RICHARDSON
Clerk of the Senate

defer

~~adopted~~

STANDING COMMITTEE REPORT NO. 228

Honolulu, Hawaii
April 17, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 868

Sir:

Your Committee on Public Employment to which was referred House Bill No. 868 entitled, "AN ACT TO AMEND SECTION 3-51 OF THE REVISED LAWS OF HAWAII 1955, RELATIVE TO CIVIL SERVICE AND EXEMPTIONS," begs leave to report as follows:

This Act relates to services to be performed intermittently for the board of supervisors of the city and county of Honolulu. Due to the intermittent nature of the work, your Committee feels that exclusion from civil service is justified as provided in this bill.

Your Committee approves the purpose of House Bill 868 and recommends that it pass third reading.

Respectfully submitted,

Dee Duponte
DEE DUPONTE, CHAIRMAN

Mitsuyuki L. Kido

Sakae Takahashi

Tom S. Kono

N. H. Hill

AATF
HK

adopted

STANDING COMMITTEE REPORT NO. 229

Honolulu, Hawaii
April 16, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 566

Sir:

Your Committee on Public Employment to which was referred Senate Bill No. 566 entitled, "AN ACT TO AMEND SECTION 3-25 OF THE REVISED LAWS OF HAWAII 1955, RELATIVE TO APPEALS FROM SUSPENSIONS, DISMISSALS AND DEMOTIONS OF CIVIL SERVICE EMPLOYEES, BY ADDING THERETO A NEW PARAGRAPH, RELATIVE TO LEGAL COUNSEL IN APPEAL HEARINGS BEFORE THE SEVERAL CIVIL SERVICE COMMISSIONS," begs leave to report as follows:

The purpose of this bill is to provide counsel for the various civil service commissions and the appointing authorities whenever an appeal hearing is before any civil service commission. Under existing law, there is a similar working arrangement between the Attorney General and the county attorneys of the several counties and this bill insures the continuance of such working arrangement.

Your Committee approves the purpose of this bill and recommends that it pass first reading in the amended form attached hereto, that it be printed, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

DEE DUPONTE, CHAIRMAN

TWH
AATF

S. B. NO. 566
S. D. 1

AN ACT

TO AMEND SECTION 3-25 OF THE REVISED LAWS OF HAWAII 1955, RELATIVE TO APPEALS FROM SUSPENSIONS, DISMISSALS AND DEMOTIONS OF CIVIL SERVICE EMPLOYEES, BY ADDING THERETO A NEW PARAGRAPH RELATIVE TO LEGAL COUNSEL IN APPEAL HEARINGS BEFORE THE SEVERAL CIVIL SERVICE COMMISSIONS.

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

SECTION 1. Section 3-25 of the Revised Laws of Hawaii 1955 is hereby amended, by adding at the end thereof a new paragraph to read as follows:

"When an appeal hearing is before a county civil service commission, the attorney general shall be counsel for the commission and the county attorney shall be counsel for the appointing authority. If, however, an appeal hearing is before the Territorial Commission, the attorney general shall be counsel for the commission and the county attorney of the county in which the appeal hearing is being conducted shall be counsel for the appointing authority."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY: SAKAE TAKAHASHI
MITSUYUKI KIDO
OREN E. LONG
WILFRED C. TSUKIYAMA

MARCH 18, 1957

DATE: MARCH 18, 1957

Honolulu, Hawaii

Standing Committee Report No. 230

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 17 , 19 57 , by

Senator DEE DUPONTE, CHAIRMAN FOR THE COMMITTEE ON PUBLIC EMPLOYMENT.

On

RE: H. B. NO. 289 HD1

RECOMMENDING THAT SAID BILL PASS SECOND READING AND PLACED ON THE CALENDAR FOR THIRD READING APRIL 17, 1957.

MEMO:

ADOPTED - APRIL 17, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

adopted

STANDING COMMITTEE REPORT NO. 230

Honolulu, Hawaii
April 15, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 289
H. D. 1

Sir:

Your Committee on Public Employment to which was referred House Bill No. 289, H. D. 1, entitled, "AN ACT AMENDING SECTION 3-21 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO LEAVES FOR PUBLIC OFFICERS AND EMPLOYEES AND CIVIL SERVICE," begs leave to report as follows:

The purpose of this bill is to amend paragraph (m) of Section 3-21 of the Revised Laws of Hawaii 1955, relating to educational leaves and other leaves. This bill adds one new reason for a leave of absence without pay, and permits a department head to grant such leaves to employees to serve as elected full-time officers or employees of an employee organization. At the present time, there is no uniform policy on this matter.

Your Committee has been informed that this addition to paragraph (m) will give employees the same leave of absence rights in this connection as employees in private industry in the Territory. An employee granted such leave will return to his position with increased training and experience and will be a more valuable employee for the government.

Your Committee is in accord with the intent and purpose of this bill, and recommends it pass second reading, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Lee Duponte
LEE DUPONTE, CHAIRMAN

AATF HK

adopted

STAND. COM. REP. NO. 231

Honolulu, Hawaii

April _____, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 419

Sir:

Your Committee on Judiciary, to which was referred Senate Bill No. 419, entitled:

"AN ACT RELATING TO THE REGULATION AND CONTROL OF THE SALE OF SECURITIES",

begs leave to report as follows:

The purpose of this Bill is to provide for more adequate regulation and control of the sale of securities in the Territory by amending the Uniform Sale of Securities Act set out in Chapter 199 of the Revised Laws of Hawaii 1955.

The Bill is based upon the Uniform Securities Act drafted by the National Conference of Commissioners on Uniform State Laws, and approved and recommended for enactment in all the states by the National Conference at its annual meeting held August 20-25, 1956. The Uniform Securities Act (herein called the "Uniform Act") is the result of the Harvard Law School's study of state securities registration, and in addition to approval by the National Conference of Commissioners on Uniform State Laws has received the approval of the National Association of Securities Administrators.

The pertinent substantive amendments proposed by the Bill are summarized below.

1. The Bill adopts the definitions used in the Uniform Act, which definitions are similar in substance to the definitions set forth in or adopted as a matter of administrative practice under the present Hawaii Uniform Sale of Securities Act.

2. The Bill adopts the definitions of "exempt securities" of the Uniform Act which definitions are similar in substance to those set forth in the present Hawaii Uniform Sale of Securities Act with the exception that the Bill eliminates the exemption of securities other than common stock which have been outstanding in the hands of the public for not less than five (5) years, and on which no default has occurred in five (5) years. The latter exemption under the present law appears to apply primarily, if

not solely, to secondary distributions which, in appropriate circumstances, could qualify for other exemptions provided in the Bill.

3. The Bill adopts the definitions of "exempt transactions" as set forth in the Uniform Act. These definitions are similar in substance to those of the present Hawaii Uniform Sale of Securities Act. In addition, the Bill exempts the offer and sale of cooperative apartment house stock, the ownership of which carries with it the right to occupy as a dwelling place a house or an apartment owned or leased by the issuer, when such offer and sale is made by or through a licensed real estate broker or salesman.

4. The Bill makes no change with respect to the registration of securities by notification except to eliminate an erroneous reference.

5. For registration of securities by qualification the Bill adds a requirement that a prospectus containing specified information be filed with the Commissioner of Securities as a part of the application for registration, and delivered to each purchaser at or prior to each sale of the security. The information required in the prospectus is substantially that required in an offering circular pursuant to Regulation A of the Securities and Exchange Commission under Section 3(b) of the Federal Securities Act of 1933. The Bill permits the use of a prospectus filed pursuant to the Federal Securities Act of 1933 in lieu of the prospectus required by the Bill. The Uniform Act has no prospectus requirement.

Under the Bill registration by qualification continues in effect for one (1) year subject to renewal for additional one-year periods, and subject to the requirement that an up-to-date prospectus be used in connection with any sales under a renewal of registration.

6. The Bill adds a new procedure for the registration of securities in the Territory simultaneous with their registration under the Federal Securities Act of 1933, which procedure is referred to as "registration by coordination". Registration by coordination requires the filing with the Commissioner of Securities of the prospectus filed pursuant to the Federal Securities Act of 1933 (and certain other documents, if required by the Commissioner) and becomes effective in the Territory at the moment the registration of the securities under the Federal Securities Act of 1933 takes effect, if at that moment the prospectus has been on file in the office of the Commissioner of Securities for at least ten (10) days; no stop order pursuant to the Bill is in effect and no proceeding looking toward a stop order is pending; and a statement of the maximum and minimum proposed offering prices and underwriting discounts has been on

file for two (2) full business days with the Commissioner.

7. The Bill expands and clarifies the circumstances in which the Commissioner may issue a stop order denying effectiveness to or suspending or revoking the effectiveness of any registration of securities, and spells out the procedure for such stop orders.

8. With respect to the registration of securities dealers and salesmen, the Bill requires one (1) year of full-time experience (or part-time experience found by the Commissioner to be substantially equivalent thereto) as a securities salesman as a prerequisite to registration as a securities dealer; permits (but does not require) the Commissioner to administer a written or oral examination to test the knowledge of applicants for securities salesmen's licenses; and permits dealers to deposit cash or securities with the Commissioner upon the terms and conditions and in lieu of a statutory dealer's bond.

9. The Bill expands and clarifies the situations in which the Commissioner of Securities may require the escrowing of securities as a condition of their registration. The present statute authorizes such escrowing only where securities have been issued for intangible assets. Under the Bill, the Commissioner may require escrowing where securities have been or are intended to be issued for intangible assets or for property and may also require escrowing of Treasury stock.

10. The Bill expands the anti-fraud provisions of the present statutes by adopting those of the Uniform Act which are in turn based upon the provisions of the Federal Securities Act of 1933 as interpreted by the courts, and the Securities and Exchange Commission.

11. The Bill prohibits fraudulent practices on the part of, and regulates advisory contracts made by, investment advisors.

The draft of this Bill was approved by members on the Attorney General's staff, the Commissioner of Securities, and by various securities dealers in the Territory.

Your Committee accordingly recommends that this Bill pass first reading by title in the amended form attached hereto, that it be printed and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

S.B. NO. 419
S.D. 1

AN ACT

AMENDING CHAPTER 199 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO THE UNIFORM SALE OF SECURITIES ACT.

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

SECTION 1. Chapter 199 entitled the "Uniform Sale of Securities Act" is hereby amended as follows:

"Sec. 199-1, Definitions. When used in this chapter the following terms shall, unless the text otherwise indicates, have the following respective meanings:

"(a) 'Commissioner' means the commissioner of securities of the territory.

"(b) 'Salesman' means any individual other than a dealer who represents a dealer or issuer in effecting or attempting to effect purchases or sales of securities. 'Salesman' does not include an individual who represents an issuer in (1) effecting transactions in a security exempted by clause a, b, c or j of Sec. 199-4, (2) effecting transactions exempted by Sec. 199-5, or (3) effecting transactions with existing employees, partners or directors of the issuer if no commission or other remuneration is paid or given directly or indirectly for soliciting any person in this territory. A partner, officer, or director of a dealer or issuer, or a person occupying a similar status or performing similar functions, is a salesman only if he otherwise comes within this definition.

"(c) 'Dealer' means any person engaged in the business of effecting transactions in securities for the account of others or for his own account. 'Dealer' does not include (1) a salesman, (2) an issuer, or (3) a person who has no place of business in this territory if (A) he effects transactions in this territory exclusively with or through (i) the issuers of the securities involved in the transactions, (ii) other dealers, or (iii) banks, savings institutions, trust

companies, insurance companies, investment companies as defined in the Investment Company Act of 1940, pension or profit-sharing trusts, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or (B) during any period of twelve consecutive months he does not direct more than fifteen offers to sell or to buy into this territory in any manner to persons other than those specified in clause (A), whether or not the offerer or any of the offerees is then present in this territory.

"(d) 'Fraud,' 'deceit,' and 'defraud' are not limited to common-law deceit.

"(e) 'Guaranteed' means guaranteed as to payment of principal, interest, or dividends.

"(f) 'Investment adviser' means any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as a part of a regular business, issues or promulgates analyses or reports concerning securities. 'Investment adviser' does not include (1) a bank, savings institution, or trust company; (2) a lawyer, accountant, engineer, or teacher whose performance of these services is solely incidental to the practice of his profession; (3) a dealer whose performance of these services is solely incidental to the conduct of his business as a dealer and who receives no special compensation for them; (4) a publisher of any bona fide newspaper, news magazine, or business or financial publication of general, regular, and paid circulation; (5) a person whose advice, analyses, or reports relate only to securities exempted by Sec. 199-4 (a); (6) a person who has no place of business in this state if (A) his only clients in this territory are other investment advisers, dealers, banks, savings institutions, trust companies, insurance companies, investment companies as defined in the Investment Company Act of 1940, pension or profit-sharing trusts, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or (B) during any period of twelve consecutive months he does not direct business communications into this

territory in any manner to more than five clients other than those specified in clause (A), whether or not he or any of the persons to whom the communications are directed is then present in this territory; or (7) such other persons not within the intent of this paragraph as the Commissioner may by rule or order designate.

"(g) 'Issuer' means any person who issues or proposes to issue any security, except that (1) with respect to certificates of deposit, voting-trust certificates, or collateral-trust certificates, or with respect to certificates of interest or shares in an unincorporated investment trust not having a board of directors (or persons performing similar functions) or of the fixed, restricted management, or unit type, the term 'issuer' means the person or persons performing the acts and assuming the duties of depositor or manager pursuant to the provisions of the trust or other agreement or instrument under which the security is issued; and (2) with respect to certificates of interest in oil, gas, or mining titles or leases, there is not considered to be any 'issuer'.

"(h) 'Non-issuer' means not directly or indirectly for the benefit of the issuer.

"(i) 'Person' means an individual, a corporation, a partnership, an association, a joint-stock company, a trust where the interests of the beneficiaries are evidenced by a security, an unincorporated organization, a government, or a political subdivision of a government.

"(j) (1) 'Sale' or 'sell' includes every contract of sale of, contract to sell, or disposition of, a security or interest in a security for value.

(2) 'Offer' or 'offer to sell' includes every attempt or offer to dispose of, or solicitation of an offer to buy, a security or interest in a security for value.

(3) Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing is considered to constitute part of the subject of the purchase and to have been offered and sold for value.

(4) A purported gift of assessable stock is considered to involve an offer and sale.

(5) Every sale or offer of a warrant or right to purchase or subscribe to another security of the same or another issuer, as well as every sale or offer of a security which gives the holder a present or future right or privilege to convert into another security of the same or another issuer, is considered to include an offer of the other security.

(6) The terms defined in this subsection do not include (A) any bona fide pledge or loan; (B) any stock dividend, whether the corporation distributing the dividend is the issuer of the stock or not, if nothing of value is given by stockholders for the dividend other than the surrender of a right to a cash or property dividend when each stockholder may elect to take the dividend in cash or property or in stock; (C) any act incident to a class vote by stockholders, pursuant to the articles of incorporation or the applicable corporation statute, on a merger, consolidation, reclassification of securities, or sale of corporate assets in consideration of the issuance of securities of another corporation; or (D) any act incident to a judicially approved reorganization in which a security is issued in exchange for one or more outstanding securities, claims, or property interests, or partly in such exchange and partly for cash.

"(k) 'Securities Act of 1933', 'Securities Exchange Act of 1934', 'Public Utility Holding Company Act of 1935', and 'Investment Company Act of 1940' mean the federal statutes of those names as amended before or after the effective date of this act.

"(l) 'Security' means any note; stock; treasury stock; bond; debenture; evidence of indebtedness; certificate of interest or participation in any profit-sharing agreement; Collateral-trust certificate; preorganization certificate or subscription; transferable share; investment contract; voting-trust certificate; certificate of deposit for a security;

certificate of interest in an oil, gas, or mining title or lease; or, in general, any interest or instrument commonly known as a 'security', or any certificate of interest or participation in, temporary or interim certificate for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing. 'Security' does not include any insurance or endowment policy or annuity contract under which an insurance company promises to pay a fixed number of dollars either in a lump sum or periodically for life or some other specified period.

"(m) 'State' means any state, territory, or possession of the United States, as well as the District of Columbia and Puerto Rico.

"Sec. 199-2. Commissioner of securities; deputies; vacancy. The administration of the provisions of this chapter shall be vested in the treasurer of the Territory who shall ex-officio be the commissioner of securities.

The commissioner may, with the approval of the governor, appoint as many deputies as shall be authorized by the legislature. The deputies appointed under this chapter shall perform such duties as the commissioner shall generally or specifically direct. In case of vacancy in the office of the commissioner, or in case of the temporary inability of the commissioner, by reason of absence, physical disability, or other cause, to administer properly the provisions of this chapter, the governor may designate a deputy appointed under this chapter, or the first deputy treasurer, to act for and in such commissioner's stead, and thereupon the officer thus designated shall have generally, for the time being, all the power and authority in this chapter conferred upon the commissioner.

"Sec. 199-3. Assistants; compensation; quarters; reports. The commissioner shall employ from time to time such other officers, attorneys, clerks and employees, as are necessary for the administration of this chapter. They shall perform such duties as the commissioner shall assign to them and their compensation, and the compensation of the deputies herein provided for, shall be fixed by the commissioner with the approval of the governor, subject to the provisions of chapters 3 and 4. The commissioner and deputies and each of the employees shall take and subscribe and file the oath of office prescribed by law.

The commissioner, deputies or any person appointed or employed by the commissioner shall be paid, in addition to their salary or compensation when required to travel on official duties, the transportation cost, board, lodging and other traveling expenses necessary and actually incurred by each of them in the performance of the duties required by this chapter or performed by the direction of the commissioner.

The governor shall cause the commissioner to be furnished with such quarters, stationery, furniture, office equipment and other supplies as may be necessary for the efficient execution of the functions vested in him by this chapter. The commissioner shall report to the governor annually upon such date as the governor shall establish. The report shall contain an account of the work of the commissioner during the period covered and such data and information as may be deemed necessary or appropriate.

"Sec. 199-4. Exempt Securities. Except as hereinafter otherwise provided, the provisions of this chapter shall not apply to any of the following securities:

"(a) Any security (including a revenue obligation) issued or guaranteed by the United States, any state or territory, any political subdivision of a state or territory, or any agency or corporate or other instrumentality of one or more of the foregoing, or any certificate of deposit for any of the foregoing;

"(b) Any security issued or guaranteed by Canada, any Canadian province, any political subdivision of such province, any agency or corporate or other instrumentality of one or more of the foregoing, or any other foreign government with which the United States currently maintains diplomatic relations, if the security is recognized as a valid obligation by the issuer or guarantor;

"(c) Any security issued by and representing an interest in or a debt of, or guaranteed by, any bank organized under the laws of the United States, or any bank, savings institution, or trust company organized and supervised under the laws of any state or territory;

"(d) Any security issued by and representing an interest in or a debt of, or guaranteed by, any federal savings and loan association, or any building and loan or similar association organized under the laws of any state or territory and authorized to do business in the Territory:

"(e) Any security issued by and representing an interest in or a debt of, or guaranteed by, any insurance company organized under the laws of any state or territory and authorized to do business in the Territory.

"(f) Any security issued or guaranteed by any federal credit union, or any credit union or similar association organized and supervised under the laws of the Territory;

"(g) Any security issued or guaranteed by any common carrier, public utility or holding company which is (1) subject to the jurisdiction of the Interstate Commerce Commission; (2) a registered holding company under the Public Utility Holding Company Act of 1935 or a subsidiary of such a company within the meaning of that act; (3) regulated in respect of its rates and charges by a governmental authority of the United States or any state or territory; or (4) regulated in respect of the issuance or guarantee of the security by a governmental authority of the United States or any state or territory;

"(h) Any security listed or approved for listing upon notice of issuance on any exchange registered or exempted under the provisions of the Securities Exchange Act of 1934, as amended; any other security of the same issuer which is of senior or substantially equal rank; any security called for by subscription rights or warrants so listed or approved; or any warrant or right to purchase or subscribe for any of the foregoing;

"(i) Any security issued by any issuer organized and operated not for private profit but exclusively for religious, educational, benevolent, charitable, fraternal, social, athletic, or reformatory purposes, or as a chamber of commerce or trade or professional association;

"(j) Any commercial paper which arises out of a current transaction or the proceeds of which have been or are to be used for current transactions, and which evidences an obligation to pay cash within nine months of the date of issuance, exclusive of days of grace,

or any renewal of such paper which is likewise limited, or any guarantee of such paper or of any such renewal.

"Sec. 199-5. Exempt transactions. Except as hereinafter expressly provided, the provisions of this chapter shall not apply to the sale of any security in any of the following transactions:

"(a) Any isolated non-issuer transaction, whether effected through a dealer or not;

"(b) Any non-issuer distribution of an outstanding security if the Manual of Hawaiian Securities or any other recognized securities manual contains the names of the issuer's officers and directors, a balance sheet of the issuer as of a date within eighteen months, and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations, or the security has a fixed maturity or a fixed interest or dividend provision and there has been no default during the current fiscal year or within the three preceding fiscal years (or during the existence of the issuer and any predecessors if less than three years) in the payment of principal, interest, or dividends on the security;

"(c) Any non-issuer transaction effected by or through a registered dealer pursuant to an unsolicited order or offer to buy;

"(d) Any transaction between the issuer or other person on whose behalf the offering is made and an underwriter, or among underwriters;

"(e) Any transactions in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels, if the entire mortgage, deed of trust, or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a unit;

"(f) Any transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian, or conservator;

"(g) Any transaction executed by a bona fide pledgee without any purpose of evading this chapter;

"(h) Any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profit-sharing trust, or other financial institution or institutional buyer, or to a dealer, whether the purchaser is acting for itself or in some fiduciary capacity;

"(i) Any transaction pursuant to an offer directed by the offerer to not more than twenty-five persons (other than those designated in paragraph (h) in the Territory during any period of twelve consecutive months, whether or not the offerer or any of the offerees is then present in the Territory, if all buyers represent that they are purchasing for investment (rather than with a present view to resale) and the seller reasonably accepts their representations as true, and no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective buyer;

"(j) Any offer or sale of a preorganization certificate or subscription if no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective subscriber, and the number of subscribers does not exceed twenty-five.

"(k) Any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of the transaction are holders of convertible securities, non-transferable warrants, or transferable warrants exercisable within ninety days of their issuance, if no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in the Territory;

"(l) Any offer (but not a sale) of a security for which registration statements have been filed under both this act and the Securities Act of 1933 if no stop order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending under either act.

"(m) Any offer or sale by or through a real estate broker or real estate salesman licensed under the laws of the Territory as such, of a security issued by a corporation organized under the laws of the Territory,

the holder of which security is entitled solely by reason of his ownership thereof to occupy for dwelling purposes, or to a lease which entitles such holder to occupy for dwelling purposes a house, or an apartment in a building, owned or leased by such corporation.

"Sec. 199-6. Registration of securities. No securities except of a class exempt under any of the provisions of section 199-4 or unless sold in any transaction exempt under any of the provisions of section 199-5 or unless a registration thereof shall be in effect on the effective date of this act shall be sold within the Territory unless such securities shall have been registered by notification, by qualification or by coordination as hereinafter defined. Registration of stock shall be deemed to include the registration of rights to subscribe to such stock if the notice under section 199-7 or the application under section 199-8 for registration of such stock or the registration statement under section 199-8.5 includes a statement that such rights are to be issued. A record of the registration of securities shall be kept in a register of securities to be kept in the office of the commissioner in which register of securities shall also be recorded any orders entered by the commissioner with respect to such securities. Such register and all information with respect to the securities registered therein shall be open to public inspection.

"Sec. 199-7. Registration by notification.

"(a) Securities entitled to registration by notification. The following classes of securities shall be entitled to registration by notification in the manner provided in this section:

(1) Securities issued by a corporation, partnership, association, company, syndicate or trust owning a property, business or industry which has been in continuous operation not less than three years and which has shown during a period of not less than two years or more than ten years next prior to the close of its last fiscal year preceding the offering of such securities, average annual net earnings, after deducting all prior charges not including the charges upon securities to be retired out of the proceeds of sale, as follows: (i) In the case of interest-bearing securities, not less than one and one-half times the annual interest charge thereon and upon all other outstanding interest-bearing obligation of equal rank; (ii) in the case of preferred stock, not less than one and one-half times the annual requirements on such preferred stock and on all

other outstanding stock of equal rank; (iii) in the case of common stock not less than five per centum upon all outstanding common stock of equal rank, together with the amount of common stock then offered for sale reckoned upon the price at which such stock is then offered for sale or sold.

The ownership by a corporation, partnership, association, company, syndicate or trust of more than fifty per centum of the outstanding voting stock of a corporation shall be construed as the proportionate ownership of the property, business or industry of such corporation, and shall permit the inclusion of the earnings of such corporation applicable to the payment of dividends upon the stock so owned in the earnings of the corporation, partnership, association, company, syndicate or trust issuing the securities sought to be registered by notification.

(2) Bonds or notes secured by first mortgage upon real estate leased to a corporation for a term of years at a net rental sufficient to pay the interest and to retire the principal of all bonds or notes secured by such mortgage during the term of the lease, where the lease is irrevocable and is pledged under the mortgage securing such bonds or notes.

(3) Bonds or notes secured by first mortgage on real estate in any state or territory of the United States or in the District of Columbia or in the Dominion of Canada where such real estate consists of agricultural lands used and valuable for agricultural purposes (not including oil, gas or mining property) and where the aggregate face value of the bonds or notes, not including interest notes or coupons, secured on such property does not exceed seventy per centum of the then fair market value of such lands plus sixty per centum of the insured value of any improvements thereon.

(4) Bonds or notes secured by first mortgage on real estate in any state or territory of the United States or in the District of Columbia or in the Dominion of Canada where such real estate consists

of improved city, town or village property and where the aggregate face value of such bonds or notes, not including interest notes or coupons, secured on such property does not exceed seventy per centum of the then fair market value of such property, including any improvements appurtenant thereto, and when such property is used principally to produce through rental a net annual income, after deducting operating expenses and taxes, or has a fair rental value after deducting operating expenses and taxes, at least equal to the annual interest plus not less than three per centum of the principal of the mortgage indebtedness.

(5) Bonds or notes secured by a mortgage constituting a first lien on a leasehold or real estate in any state or territory of the United States or in the District of Columbia where such real estate consists of improved city, town and village property and where the aggregate face value of such bonds or notes, not including interest notes or coupons secured by such first mortgage does not exceed seventy per centum of the then fair market value of such leasehold and when the property is so used as to produce through rental a net annual income after deducting operating expenses and taxes, or has a fair rental value after deducting operating expenses and taxes, at least equal to the annual interest plus not less than three per centum of the principal of the mortgage indebtedness; provided, all advertisements, circulars and letters advertising the sale of such bonds or notes, and all receipts of payments therefor, and such bonds and notes shall bear in bold type not less than eighteen point upon the face thereof a legend stating that such bonds or notes are secured by mortgage on a leasehold, and all other written or printed offerings shall contain a statement to the same effect.

(6) Bonds or notes secured by a first mortgage upon real estate in any state or territory of the United States or in the District of Columbia: (i) Where the mortgage is a first mortgage upon city, town or village real estate, or leaseholds, upon which real estate or leaseholds a building or buildings is or are about in good faith forthwith to be erected according to the expressed terms of the mortgage; (ii) and where reasonable adequate

provision has been made for financing the full completion of such building clear of any lien superior to such mortgage; (iii) and where the aggregate face value of the bonds or notes, not including interest notes or coupons, secured by such first mortgage does not exceed seventy per centum of the fair market value of such mortgaged property, including the building or buildings to be erected thereon as aforesaid; (iv) and where such mortgaged property is to be used principally to produce through rental a net annual income, after deducting operating expenses and taxes, or will have a fair rental value, after deducting operating expenses and taxes, at least equal to the annual interest plus not less than three per centum of the principal of such mortgage indebtedness;

Provided, that all advertisements, circulars and letters advertising the sale of such bonds or notes and all receipts of payments therefor shall bear in bold type not less than eighteen point upon the face thereof a legend stating that the bonds or notes are construction bonds or notes, and all other written or printed offerings of such bonds or notes shall bear a statement to the like effect:

And provided further, that where such bonds or notes are secured wholly or partly by first mortgage on leaseholds, the value of such leaseholds is required to meet the ratio of property value to face value obligations above in this subsection provided, and all advertisements, circulars and letters advertising the sale of such bonds or notes, and all receipts of payments therefor, and such bonds and notes shall bear in bold type not less than eighteen point upon the face thereof a legend stating that such bonds or notes are secured wholly or partly by mortgage on a leasehold as the case may be, and all other written or printed offerings of such bonds or notes shall contain a statement to the safe effect.

(7) Bonds or notes secured by first lien on collateral pledged as security for such bonds or notes with a bank or trust company as trustee, which bank or trust company is incorporated under the laws of and subject to examination and supervision by the United States or by a state or territory of the United States, which collateral shall consist of

one or more of the following: (i) a principal amount of first mortgage bonds or notes conforming to the requirement of any one or more of subsections (2), (3), (4), (5) and (6) of this section; (ii) a principal amount of obligations secured as hereinafter in this subsection provided; (iii) a principal amount of obligations of the United States; (iv) cash; the aggregate to be not less than one hundred per centum of the aggregate principal amount of all bonds or notes secured thereby. The portion of such collateral referred to in clause (ii) shall consist of obligations secured by a first lien on a principal amount of first mortgage bonds or notes conforming to the requirements of any one or more of subsections (2), (3), (4), (5) and (6) of this section, or a principal amount of obligations of the United States or cash equal to not less than one hundred per centum of the aggregate principal amount of such obligation so secured thereby, and all such pledged securities including cash so securing such obligations shall have been deposited with a bank or trust company as trustee, which bank or trust company is incorporated under the laws of and subject to examination and supervision by the United States or by a state or territory of the United States.

(8) The commissioner shall have the power and authority to receive registration by notification of other securities which are substantially of the same quality and description as one or more of the specific classes above named, although not specifically heretofore described.

"(b) Procedure for registration by notification. Securities entitled to registration by notification shall be registered by the filing by the issuer or by any registered dealer interested in the sale thereof, in the office of the commissioner, of a statement with respect to such securities containing the following:

(i) name of issuer, location and, if incorporated, place of incorporation;

(ii) a brief description of the securities, including the amount of the issue;

(iii) amount of securities to be offered in the Territory;

(iv) a statement of the amount of the issuer's income, expenses, and fixed charges during the last three years, certified to by a public accountant;

(v) a balance sheet showing the amount and general character of its assets and liabilities as of the last fiscal year immediately preceding, certified to be a public accountant;

(vi) a brief statement of the facts which show that the securities fall within one of the classes in this section defined;

(vii) the price at which the securities are to be offered for sale to the public;

(viii) a statement that the issuer has complied with all the laws of the United States relating to the sale of securities;

(ix) such further information as the commissioner may require. All of the statements, exhibits and documents of every kind required by the commissioner under this section, except properly certified public documents, shall be verified by the oath of the applicant or of the issuer in such manner and form as may be required by the commissioner.

In the case of securities falling within the class defined by sub-sections (1) or (2), a copy of the circular to be used for the public offering shall be filed in the office of the commissioner with the statement or within two days thereafter or within such further time as the commissioner shall allow.

In the case of securities falling within the classes defined by sub-sections (3), (4), (5), (6) and (7), the circular to be used for the public offering shall be filed with the statement.

The filing of such statement in the office of the commissioner and the payment of the fee hereinafter provided shall constitute the registration of such security. Upon such registration, such securities may be sold in the Territory by any registered dealer giving notice in the manner hereinafter provided in section (b) subject, however, to the further order of the commissioner as hereinafter provided.

At the time of filing the statement, as hereinbefore prescribed in this section, the applicant shall pay to the commissioner a fee of one-twentieth of one per centum of the aggregate par value of the securities to be sold in the Territory for which the applicant is seeking registration, but in no case shall such fee be more than one hundred dollars. In case of stock having no par value, the price at which such stock is to be offered to the public, shall be deemed to be the par value of such stock.

"Sec. 199-8. Registration by qualification; application to Commissioner, etc.

"(a) All securities required by this chapter to be registered before being sold in the Territory and not entitled to registration by notification, or by coordination, shall be registered only by qualification in the manner provided by this section.

"(b) The Commissioner shall receive and act upon applications for registration of securities by qualification and may prescribe forms upon which he may require such applications to be submitted. Applications shall be in writing and shall be duly signed by the applicant and sworn to by any person having knowledge of the facts and shall be filed in the Office of the Commissioner and may be made either by the issuer of the securities for which registration is applied for, or by any registered dealer desiring to sell the same within the Territory. Application for registration of securities by qualification shall be made by the filing in the Office of the Commissioner of the following:

"(1) An application for registration which shall include the following, together with such other information as the Commissioner may prescribe.

"(i) Name and address of issuer and address of issuer's principal office in the Territory, if any.

"(ii) Title of securities to be registered and total amount of each class of such securities to be offered in the Territory and elsewhere.

"(iii) Amount of each class of securities to be offered in the Territory, offering price per unit and in the aggregate and the amount of the registration fee.

"(iv) If a registration statement as to the securities has been filed under the Securities Act of 1933, the effective date of registration statement, if effective, and a statement as to whether any stop order has been made with respect thereto pursuant to said Securities Act of 1933, or whether any notice of intent to issue a stop order has been given or to the best knowledge of the applicant is threatened.

"(v) The states, territories or other jurisdiction, if any, which have refused by order or otherwise to authorize the sale of the securities to the public or have revoked or suspended the right to sell the securities or in which any proceeding for the revocation or suspension of such right is pending, or in which an application for qualification has been withdrawn.

"(2) A copy of each of the following:

"(i) The issuer's charter or articles of association or other instrument of organization, together with all amendments thereto, certified by the officer of the state of the issuer's incorporation or organization having custody thereof, if not already on file in the Office of the Commissioner or of the Treasurer of the Territory.

"(ii) The issuer's by-laws, together with all amendments thereto, certified by the secretary or any other duly authorized officer of the issuer.

"(iii) The indenture, if any, and all supplements thereto, under which the securities are to be issued.

"(iv) The basic underwriting agreement, if any, and any agreement or agreements among underwriters and dealers pertaining to the distribution of the securities within the Territory.

"(v) An opinion or opinions of counsel as to the legality and validity of the securities and their issuance.

"(vi) A specimen copy of each certificate to be registered.

"Any of the foregoing documents may be submitted in preliminary form, clearly marked as such, in which case a definitive copy of each shall be filed promptly after execution, adoption or filing, as the case may be.

"(3) A prospectus which shall have set forth on the outside front cover page, in capital letters in type as large as that used generally in the body of the prospectus, the statement that 'NEITHER THIS PROSPECTUS NOR THE SECURITIES DESCRIBED HEREIN HAVE BEEN APPROVED OR DISAPPROVED BY THE COMMISSIONER OF SECURITIES OF THE TERRITORY OF HAWAII, NOR HAS THE COMMISSIONER PASSED UPON THE ACCURACY OR ADEQUACY OF THIS PROSPECTUS', and shall include the following, together with such other information as the Commissioner may prescribe:

"(i) The name and address of the issuer, the name of the jurisdiction under the laws of which it was organized, and the date of its organization;

"(ii) A statement in tabular form of the following information on a per-share or other unit basis: offering price to the public; underwriting discounts or commissions; and proceeds to the issuer or other persons;

"(iii) A statement of the amount of securities offered, the aggregate offering price to the public, the aggregate underwriting discounts or commissions, an estimate of the amount of expenses of the issuer and the amount of expenses of the underwriters to be borne by the issuer, and the aggregate proceeds to the issuer or securities holders for whose accounts the securities are offered;

"(iv) If any of the securities are to be offered for the account of any person other than the issuer, the name and address of each such security holder, the total amount he owns, and the amount to be offered for his account;

"(v) If the securities are not to be offered for cash, a statement of the basis on which the offering is to be made;

"(vi) A brief description of the method by which the securities are to be offered and if the offering is to be made by or through underwriters, the name and address of each underwriter and the amount of the participation of each underwriter, with a statement of any material relationship between the issuer and such underwriter;

"(vii) A reasonably itemized statement of the purposes for which the net cash proceeds to the issuer from the sale of the securities are to be used and the amount to be used for each such purpose, indicating in what order of priority the proceeds will be used for the respective purposes;

"(viii) A description of any arrangements for the return of funds to subscribers if all of the securities to be offered are not sold, or if there are no such arrangements, a statement to that effect;

"(ix) A brief description of the securities to be offered, including:

"(A) In the case of shares the par or stated value, if any; the rate of dividend, if fixed, and whether cumulative or non-cumulative; the preference, if any; and if convertible, the conversion rate;

"(B) In the case of debt securities, the rate of interest; the date of maturity or, if the issue matures serially, a brief indication of the serial maturities; if the issue is redeemable

before maturity, a brief statement of the redemption date or dates and price or prices; if payment of principal or interest is contingent, an indication of such contingency; a brief indication of the priority of the issue; and if convertible, the conversion rate;

"(C) In the case of any other kind of security, appropriate information of a comparable character.

"(x) A brief description of the business or proposed business of the issuer, including:

"(A) The nature of the issuer's present or proposed products or services, the principal market therefor, and the length of time the issuer has been in commercial production;

"(B) The location and general character of the plants or other physical properties held or proposed to be acquired by the issuer and the nature of the title under which such properties are held or proposed to be held;

"(C) If the issuer intends to exploit or develop any new invention or process, a statement of how such invention or process is to be applied commercially and whether or not it is covered by any patent, issued or pending, identifying by date and serial number any such patent or patent application.

"(xi) The names and residence addresses of all directors and officers of the issuer and of any person or persons controlling the issuer and, if the issuer was organized within the last three years, the names and addresses of all promoters of the issuer.

"(xii) A description of all direct and indirect interests, by security holdings or otherwise, of each director and officer of the issuer and, if the issuer was organized within the last three years, of each promoter of the issuer:

"(A) In the issuer or its affiliates;

"(B) In any material transactions within the past two years or in any material proposed transactions to which the issuer or any of its predecessors or affiliates was or is to be a party, stating the cost to such persons of any property or services for which payment by or for the account of the issuer has been or is to be made;

"(xiii) If the issuer was organized within the last three years, a statement of the percentage of outstanding securities of the issuer which will be held by directors, officers and promoters as a group, and the percentage thereof which will be held by the public if all of the securities to be offered are sold, and the respective amounts of cash (including cash expended for property transferred to the issuer) paid therefor by such group and by the public;

"(xiv) A brief description of all options or warrants presently outstanding or proposed to be granted to purchase securities of the issuer, including the names of the holders thereof, the cost thereof to such holders, the terms and conditions on which they may be exercised, and the price at which the securities may be acquired pursuant thereto;

"(xv) A balance sheet of the issuer as the close of the issuer's last fiscal year preceding the date of filing of the prospectus and a profit and loss statement and analysis of surplus for the fiscal year ended at the date of said balance sheet, all certified by a public accountant, together with a balance sheet of the issuer as of a date within ninety days prior to the date of filing of the prospectus and a statement of profit and loss for the period from the close of the last preceding fiscal year to the date of said balance sheet, both verified by a duly authorized officer of the issuer or, if the issuer had been in existence for less than one year, a balance sheet of the issuer as of a date within ninety days prior to said date of filing and a statement

of profit and loss for the period from the date of the issuer's organization to the date of said balance sheet, both certified by a public accountant;

"(xvi) No prospectus filed pursuant hereto shall set forth in any manner any estimate or projection of future income, earnings or profits of the issuer or any subsidiary, parent, or affiliate of the issuer, unless clearly identified as an estimate and unless the basis of estimation is clearly set forth.

"(4) If the securities for which application for registration is being made have been or are to be registered under the Securities Act of 1933, there may be filed in lieu of the prospectus prescribed by paragraph (3) of subsection (b) of this section, the definitive prospectus of the issuer filed under the Securities Act of 1933, if the same shall be dated within 120 days of the application for registration under this section.

"(c) With respect to securities required to be registered by qualification under the provisions of this section, the Commissioner may, by order duly recorded, fix the maximum amount of commission or other form of remuneration to be paid in cash or otherwise, directly or indirectly, for or in connection with the sale or offering for sale of such securities in the Territory.

"(d) At the time of filing the application for registration as prescribed in this section, the applicant shall pay to the Commissioner, a fee of one-tenth of one per centum of the aggregate offering price of the securities to be sold in the Territory for which the applicant is seeking registration, but in no case shall such fee be less than $20 nor more than $200.

"(e) If, upon examination of any application and the documents required to be filed therewith, the Commissioner shall find that the sale of the security referred to therein would not be fraudulent and would not work or tend to work a fraud upon the purchaser and that the enterprise or business of the issuer is not based upon unsound business principles, he shall

record the registration of such security in the register of securities and thereupon such security so registered may be sold by the issuer or any registered dealer who has notified the Commissioner of his intention so to do in the manner hereinafter provided in Section 199-11, subject, however, to the provisions of this chapter and to the further order of the Commissioner as hereinafter provided.

"(f) Registration under this section shall be effective for a period of one year and may be renewed for additional periods of one year by filing, by a date not later than 15 days prior to expiration of registration, a prospectus meeting the requirements of paragraph (3) or (4) of subsection (b) of this section, and containing information as of a date not more than 90 days prior to the date of filing, together with the payment of a renewal fee of $20."

A new section to be known as Section 199-8.5 is hereby added to Chapter 199 to read as follows:

"Sec. 199-8.5. Registration by Coordination. Any security for which a registration statement has been filed under the Securities Act of 1933 in connection with the same offering may be registered by coordination.

"(a) A registration statement under this section shall contain the following information and be accompanied by the following documents:

"(1) three copies of the prospectus filed under the Securities Act of 1933 together with all amendments thereto;

"(2) if the Commissioner requires a copy of the articles of association and by-laws (or their substantial equivalents) currently in effect, a copy of any agreements with or among underwriters, a copy of any indenture or other instrument governing the issuance of the security to be registered, and a specimen or copy of the security;

"(3) if the Commissioner requests, any other information, or copies of any other documents, filed under the Securities Act of 1933; and

"(4) an undertaking to forward all amendments to the federal registration statement, other than an amendment which merely delays the effective

date, promptly and in any event not later than the first business day after the day they are forwarded to or filed with the Securities and Exchange Commission, whichever first occurs.

"(b) A registration statement under this section automatically becomes effective at the moment the federal registration statement becomes effective if all the following conditions are satisfied: (1) no order denying registration is in effect and no proceeding is pending under section 199-10; (2) the registration statement has been on file with the Commissioner for at least ten days; and (3) a statement of the maximum and minimum proposed offering prices and the maximum underwriting discounts and commissions has been on file for two full business days or such shorter period as the Commissioner permits and the offering is made within those limitations. The registrant shall promptly notify the Commissioner by telephone or telegram of the date and time when the federal registration statement became effective and the content of the price amendment, if any, and shall promptly file a post-effective amendment containing the information and documents in the price amendment. 'Price amendment' means the final federal amendment which includes a statement of the offering price, underwriting and selling discounts or commissions, amount of proceeds, conversion rates, call prices, and other matters dependent upon the offering price. Upon failure to receive the required notification and post-effective amendment with respect to the price amendment, the Commissioner may enter an order, without notice or hearing, retroactively denying effectiveness to the registration statement or suspending its effectiveness until compliance with this subsection, if he promptly notifies the registrant by telephone or telegram (and promptly confirms by letter or telegram when he notifies by telephone) of the issuance of the order. If the registrant proves compliance with the requirements of this subsection as to notice and post-effective amendment, such order is void as of the time of its entry. The Commissioner may waive either or both of the conditions specified in clauses (2) and (3). If the federal registration statement becomes effective before all these conditions are satisfied and they are not waived, the registration statement automatically becomes effective as soon as all the conditions are satisfied. If the registrant advises the Commissioner of the date when the federal registration statement is expected to become effective, the Commissioner shall promptly advise the registrant by telephone or telegram, at the registrant's expense, whether

all the conditions are satisfied and whether he then contemplates the entry of any order under section 199-10; but this advice by the Commissioner does not preclude the institution of such a proceeding at any time.

"(c) A registration statement relating to a security issued by a face-amount certificate company or a redeemable security issued by an open-end management company or unit investment trust, as those terms are defined in the Investment Company Act of 1940, may be amended after its effective date so as to increase the securities specified as proposed to be offered. Such an amendment becomes effective when the Commissioner so orders. Every person filing such an amendment shall pay a filing fee of $50.00.

"(d) Unless suspended or revoked by the Commissioner pursuant to section 199-10, a registration statement effective under this section shall continue in effect so long as the registration statement filed under the Securities Act of 1933 in connection with the same offering continues in effect.

"(e) Every person filing a registration statement under this section shall, at the time of filing the same, pay a filing fee of $50.00.

"Sec. 199-9. Commissioner as agent to accept service; consent to. Actions in what circuit. Notice to issuer. Upon any application for registration by notification under section 199-7 made by an issuer and upon any application for registration by qualification under section 199-8 or for registration by coordination under section 199-8.5 whether made by an issuer or registered dealer, where the issuer is not domiciled in the Territory, there shall be filed with such application the irrevocable written consent of the issuer that in suits, proceedings and actions growing out of the violation of any provision of this chapter, the service on the commissioner of any notice, process, or pleading therein, authorized by the laws of the Territory, shall be as valid and binding as if due service had been made on the issuer. Any such action shall be brought either in the circuit of the plaintiff's residence or in the circuit in which the commissioner has his office. Such written consent shall be authenticated by the seal of the issuer, if it has a seal, and by the acknowledged signature of a member of the co-partnership or company, or by the acknowledged signature of any officer of the incorporated or unincorporated

association, if it be an incorporated or unincorporated association, duly authorized by resolution of the board of directors, trustees or managers of the corporation or association, and shall in such case be accompanied by a duly certified copy of the resolution of the board of directors, trustees or managers of the corporation or association, authorizing the officers to execute the same. In case any process or pleadings mentioned in this chapter are served upon the commissioner it shall be by duplicate copies, one of which shall be filed in the office of the commissioner and another immediately forwarded by the commissioner by registered mail to the principal office of the issuer against which the process or pleadings are directed.

"Sec. 199-10. Revocation of registration of securities; suspension during investigation; hearing.

"(a) The commissioner may issue a stop order denying effectiveness to, or suspending or revoking the effectiveness of, any registration if he finds (1) that the order is in the public interest and (2) that

"(i) the registration statement as of its effective date or as of any earlier date in the case of an order denying effectiveness, or any amendment under Sec. 199-8 (f) as of its effective date is incomplete in any material respect or contains any statement which was, in the light of the circumstances under which it was made, false or misleading with respect to any material fact;

"(ii) any provision of this act or any rule, order, or condition lawfully imposed under this act has been willfully violated, in connection with the offering, by (A) the person filing the registration statement, (B) the issuer, any partner, officer, or director of the issuer, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling or controlled by the issuer, but only if the person filing the registration statement is directly or indirectly controlled by or acting for the issuer, or (C) any underwriter;

"(iii) the security registered or sought to be registered is the subject of an administrative stop order or similar order or a permanent or temporary injunction of any court of competent jurisdiction entered under any other federal or state act applicable

to the offering; but (A) the commissioner may not institute a proceeding against an effective registration statement under this clause more than one year from the date of the order or injunction relied on, and (B) he may not enter an order under this clause on the basis of an order or injunction entered under any other state act unless that order or injunction was based on facts which would currently constitute a ground for a stop order under this section;

(iv) the issuer's enterprise or method of business includes or would include activities which are illegal where performed;

(v) the offering has worked or tended to work a fraud upon purchasers or would so operate;

(vi) the offering has been or would be made with unreasonable amounts of options, underwriters' and sellers' discounts, commissions, or other compensation, or promoters' profits or participation;

(vii) when a security is sought to be registered by notification, it is not eligible for such registration;

(viii) when a security is sought to be registered by coordination, there has been a failure to comply with the undertaking required by Sec. 199-8.5 (a) (4); or

(ix) the applicant or registrant has failed to pay the proper filing fee; but the commissioner may enter only a denial order under this clause and he shall vacate any such order when the deficiency has been corrected.

The commissioner may not enter a stop order against an effective registration statement on the basis of a fact or transaction known to him when the registration statement became effective.

"(b) The commissioner may by order summarily postpone or suspend the effectiveness of the registration statement pending final determination of any proceeding

under this section. Upon the entry of the order, the commissioner shall promptly notify each person specified in subsection (c) that it has been entered and of the reasons therefor and that within fifteen days after the receipt of a written request the matter will be set down for hearing. If no hearing is requested and none is ordered by the commissioner, the order will remain in effect until it is modified or vacated by the commissioner. If a hearing is requested or ordered, the commissioner, after notice of and opportunity for hearing to each person specified in subsection (c), may modify or vacate the order or extend it until final determination.

"(c) No stop order may be entered under any part of this section except the first sentence of subsection (b) without (1) appropriate prior notice to the applicant or registrant, the issuer, and the person on whose behalf the securities are to be or have been offered, (2) opportunity for hearing, and (3) written findings of fact and conclusions of law.

"(d) The commissioner may vacate or modify a stop order if he finds that the conditions which prompted its entry have changed or that it is otherwise in the public interest to do so.

"Sec. 199-11. Registration of Dealers and Salesmen. It is unlawful for any person to transact business in this Territory as a dealer or salesman unless registered under this chapter.

"(a) Eligibility for Registration as a Dealer. To be eligible for registration as a dealer an applicant must be of good repute and have had (or if the applicant is a partnership or corporation have at least one partner, officer or employee who has) at least one year of experience as a full-time security salesman or experience as a security salesman on a part-time basis found by the commissioner to be substantially equivalent thereto, provided that the foregoing experience requirement shall not apply to issuers of securities applying for registration as dealers for the sole purpose of issuing and selling securities issued by them.

"(b) Application for Registration as a Dealer. An application for registration as a dealer in writing shall be filed in the Office of the Commissioner in such form as the Commissioner may prescribe, duly verified by oath, and shall state the principal office of the applicant wherever situated, and the location of the

principal office and branch offices in the Territory, if any, the name and style of doing business, the names, residence and business addresses of all persons interested in the business as principals, co-partners, officers and directors, specifying as to each his capacity and title, the general plan and character of business, the length of time the dealer has been engaged in business and information as to the time, place and character of experience as a securities salesman. The Commissioner may also require such additional information as to the applicant's previous history, record and association as he may deem necessary to establish the good repute in business of the applicant. There shall be filed with such application an irrevocable written consent to the service of process upon the commissioner in actions against such dealer in manner and form as hereinabove provided in section 199-9.

"(c) Approval, Bond. If the Commissioner shall find that the applicant for registration as a dealer is eligible for such registration, then he shall register such applicant as a dealer upon payment of the fee hereinafter provided and upon such dealer's filing a bond in the sum of Five Thousand Dollars ($5,000) running to the Territory conditioned upon the faithful compliance with the provisions of this chapter by the dealer and by all salesmen registered by him while acting for him. Such bond shall be executed as surety by a surety company authorized to do business in the Territory, provided, however, that no bond shall be required of or from any such applicant if the applicant at the time of making his application is a member of any recognized stock or bond exchange which has been in existence for a period of five years prior to April 29, 1931; provided further, that no bond shall be required if the aggregate par value of the securities to be sold is less than Five Thousand Dollars or in the case of no par value stock, if the price at which such stock is to be offered to the public is less than Five Thousand Dollars if the person selling or offering such securities for sale to the public shall notify the Commissioner in writing of his intention to make such sale and shall after such sale file with the Commissioner a statement of the kind and amount of stock sold and the price received therefor, but where the aggregate par value of such securities or the price at which said stock is to be offered to the public is less than Five Thousand Dollars no more than

one such sale or offering shall be allowed within a period of one year; provided, further, that in lieu of the above bond any dealer may deposit and keep deposited with the commissioner cash in the amount of Five Thousand Dollars or securities to be approved by the Commissioner having a market value at all times of not less than Five Thousand Dollars which cash or securities shall be held in trust for the fulfilling of the same terms and conditions as in the case of a bond required by this section, which cash or securities may be withdrawn at any time subject to the deposit in lieu thereof of cash or other securities of equal value, or upon the filing of a bond as provided in this section, and which cash or securities will be so held in trust for a period of two years beyond the revocation or termination of the registration of the dealer depositing the same.

"(d) Eligibility for Registration as a Salesman. To be eligible for registration under this chapter a salesman shall be of good repute, shall have complied with the provisions of this section, shall be designated as a salesman by a registered dealer, and, if the commissioner shall so require, shall pass an oral or written examination, or both, prescribed by the Commissioner, to test his knowledge of the securities business. No person shall be designated as a salesman by, or shall act as a salesman for, more than one registered dealer.

"(e) Registration of Salesmen. An information statement, containing such information as the Commissioner shall prescribe, duly verified by oath by the applicant, shall be filed in the Office of the Commissioner, together with an appointment of the applicant as a salesman by a registered dealer. If the Commissioner shall find a salesman designated by any registered dealer to be eligible for registration as a salesman, he shall register such person as a salesman upon the payment of the fee hereinafter provided.

"(f) Recording; Duration; Renewal; Fee. The names and addresses of all persons found eligible for registration as dealers or salesmen and all orders with respect thereto shall be recorded in a register of dealers and salesmen kept in the office of the commissioner which shall be open to public inspection. Except as hereinafter provided, every registration under this section shall expire on December 31 in each year, but new registrations for the succeeding

year shall be issued upon written application and upon payment of the fee as hereinafter provided without filing of further statements or furnishing any further information unless specifically required by the commissioner. Applications for renewals must be made not less than thirty nor more than sixty days before the first day of the ensuing year, otherwise they shall be treated as original applications. The registration of any salesman may be revoked or terminated prior to its expiration by written notice filed with the commissioner by the registered dealer or registered salesman concerned, and such revocation shall take effect as of the date and time of filing of such notice. Upon revocation or termination of the registration of any salesman, such salesman's certificate of registration shall be surrendered to the commissioner for cancellation. The fee for registration and for each annual renewal shall be Twenty-Five Dollars in the case of dealers and Five Dollars in the case of salesmen; provided, however, that no such fee for registration shall be charged or collected from any dealer or salesman where such dealer or salesman is required to pay and does pay to the Territory or any municipal subdivision thereof any license fee for following such vocation or occupation.

"(g) Changes. Changes in registration occasioned by changes in the personnel of a partnership or in the principals, co-partners, officers or directors of any dealer may be made from time to time by written application setting forth the facts with respect to such change.

"(h) Notice of Intent to Offer. Every registered dealer who intends to offer any security of any issue registered or to be registered shall notify the commissioner in writing of his intention so to do. The notice shall contain the name of the dealer, shall state the name of the security to be offered for sale and whenever a dealer shall have prepared such notice and shall have forwarded the same by registered mail, postage prepaid, and properly addressed to the commissioner, such dealer, as to the contents of such notice and the filing thereof shall be deemed to have complied with the requirements of this paragraph.

"(i) Issuers as dealers. Any issuer of a security required to be registered under the provisions of this chapter selling such securities, except in exempt transactions as defined in Sec. 199-5, shall file with the commissioner a bond or deposit securities or cash as required for dealers, subject to the same conditions of dealers, and may appoint salesman in the manner heretofore prescribed.

"Sec. 199-12. Revocation of dealers' and salesmen's registration; suspension during investigation, etc. Registration under section 199-11 may be refused or any registration granted may be revoked by the commissioner if after a reasonable notice and a hearing the commissioner determines that such applicant or registrant so registered: (a) Has violated any provision of this chapter or any regulation made hereunder; or (b) has made a material false statement in the application for registration; or (c) has been guilty of a fraudulent act in connection with any sale of securities, or has been or is engaged or is about to engage in making fictitious or pretended sales of purchases of any of such securities or has been or is engaged or is about to engage in any practice or sale of securities which is fraudulent or in violation of law; or (d) has demonstrated his unworthiness to transact the business of dealer or salesman.

"In cases of charges against a salesman notice thereof shall also be given the dealer employing such salesman. Pending the hearing the commissioner shall have the power to order the suspension of such dealer's or salesman's registration; provided such order shall state the cause for such suspensation.

"Until the entry of a final order the suspension of such dealer's registration, though binding upon the persons notified thereof, shall be deemed confidential, and shall not be published, unless it shall appear that the order of suspension has been violated after notice.

"In the event the commissioner determines to refuse or revoke a registration as hereinabove provided, he shall enter a final order herein with his findings on the register of dealers and salesmen; and suspension or revocation of the registration of a dealer shall also suspend or revoke the registration of all his salesmen.

"It shall be sufficient cause for refusal or cancellation of registration in case of a partnership or corporation or any unincorporated association, if any member of a partnership or any officer or director of the corporation or association has been guilty of any act or omission which would be cause for refusing or revoking the registration of an individual dealer or salesman.

"Sec. 199-13. Pleading, burden of proof, of exemption. It shall not be necessary to negative any of the exemptions in this chapter provided in any complaint, information, indictment or any other writ or proceedings laid or brought under this chapter and the burden of establishing the right to any such exemption shall be upon the party claiming the benefit of such exemption and any person claiming the right to register any securities by notification under section 199-7 shall also have

the burden of establishing the right so to register such securities.

"Sec. 199-14. Escrow of certain securities.

"(a) As a condition to registration of any securities under this chapter, the commissioner may, in his discretion, by order, require that any securities issued for, or which are intended to be issued for, any option, lease, assignment, patent right, copyright, trademark, process, formula, good will, going concern value, organization or promotion fees or expenses, or other intangible assets, or issued or intended to be issued in payment for property shall be delivered in escrow to the commissioner or other depository satisfactory to the commissioner under an escrow agreement that the owners of such securities shall not be entitled to sell or transfer such securities without the consent of the commissioner, that the owners thereof shall not be entitled to withdraw such securities from escrow until all other securities holders who have paid for their securities in cash shall have been paid dividends or interest aggregating not less than six percentum, shown to the satisfaction of the commissioner to have been actually earned and paid, and that in case of dissolution or insolvency during the time such securities are held in escrow, the owners thereof shall not participate in any distribution of assets unless and until after the owners of all other securities shall have been paid in full.

"(b) As a condition to registration of any securities under this chapter, the commissioner may, in his discretion, require that all treasury stock of the issuer or other securities issued and thereafter acquired by the issuer, be delivered in escrow to the commissioner or other depository satisfactory to the commissioner, subject to such terms and conditions as to release from escrow as the commissioner deems necessary in the circumstances.

"Sec. 199-15. Injunctions. Whenever it shall appear to the commissioner, either upon complaint or otherwise, that in the issuance, sale, promotion, negotiation, advertisement, or distribution of any securities within the Territory, including any security exempted under the provisions of section 199-4, and including any transaction exempted under the provisions of section 199-5, any person, as defined in this chapter:

"(a) Shall have employed or employs, or is about to employ any device, scheme or artifice to defraud or for obtaining money or property by means of any false pretence, representation or promise;

"(b) Or that any such person shall have made, makes or attempts to make in the Territory fictitious or pretended purchases or sales of securities;

"(c) Or shall have engaged in or engages in or is about to engage in any practice or transaction or course of business relating to the purchase or sale of securities (1) which is in violation of law, (2) or which is fraudulent, (3) or which has operated or which would operate as a fraud upon the purchaser; any one or all of which devices, schemes, artifices, fictitious or pretended purchases or sales of securities, practices, transactions and courses of business are declared to be and are hereinafter referred to as fraudulent practices;

"(d) Or that any person is acting as dealer or salesman within the Territory without being duly registered as such dealer or salesman as provided in this chapter; the commissioner may investigate, and whenever he shall believe from evidence satisfactory to him; (1) that any such person has engaged in, is engaged or is about to engage in any of the practices or transactions hereinbefore referred to as and declared to be fraudulent practices; (2) or is selling or offering for sale any securities in violation of this chapter or is acting as a dealer or salesman without being duly registered as provided in this chapter;

The commissioner may, in addition to any other remedies, bring suit in the name and on behalf of the Territory against such person and any other person or persons concerned in or in any way participating in or about to participate in such fraudulent practices or acting in violation of this chapter, to enjoin such person and such other person or persons from continuing such fraudulent practices or engaging therein or doing any act or acts in furtherance thereof or in violation of this chapter. In any such court proceedings the commissioner may apply for and on due showing be entitled to have issued the court's subpoena requiring forthwith the appearance of any defendant and his employees, salesmen or agents and the production of documents, books and records as may appear necessary for the hearing of such petition to testify and give evidence concerning the acts or conduct or things complained of in such application for injunction. In such suit the equity courts shall have jurisdiction of the subject-matter and a judgment may be entered awarding such injunction as may be proper.

"Sec. 199-16. Remedies.

"(a) Sales voidable when and by whom. Every sale made in violation of any of the provisions of this chapter shall be voidable at the election of the purchaser; and the person making such sale and every director, officer or agent of or for such seller, if such director, officer or agent shall have personally participated or aided in any way in making such sale, shall be jointly and severally liable to such purchaser in an action at law in any court of competent jurisdiction upon tender of the securities sold or of the contract made for the full amount paid by such purchaser, with interest, together with all taxable court costs (and reasonable attorney's fees); provided, that no action shall be brought for the recovery of the purchase price after two years from the date of such sale and provided further, that no purchaser otherwise entitled shall claim or have the benefit of this section who shall have refused or failed within thirty days from the date thereof to accept an offer in writing of the seller to take back the security in question and to refund the full amount paid by such purchaser, together with interest on such amount for the period from the date of payment by such purchaser down to the date of repayment, such interest to be computed: (1) In case such securities consist of interest-bearing obligations, at the same rate as provided in such obligations; and (2) in case such securities consist of other than interest-bearing obligations, at the rate of six per centum per annum; less, in every case, the amount of any income from such securities that may have been received by such purchaser.

"(b) Action on bond. Any person having a right of action against a dealer or salesman under this section shall have a right of action under the bond provided in section 199-11.

"(c) Registration in good faith. A registration by notification made in good faith and after the commissioner, on application, shall have given tentative consent to such registration, shall not, as to sales made prior to revocation of such registration, result in the liabilities prescribed in this section, although the securities may not be entitled to such registration.

Sec. 199-17. Penalty. Whoever violates any provision of this chapter shall be punished by a fine of not more than five thousand dollars or by imprisonment for not more than three years, or by both fine and imprisonment.

Sec. 199-18. Statutory or common law remedies. Nothing in this chapter shall limit any statutory or common law right of any person to bring any action in any court for any act involved in the sale of securities, or the right of the Territory to punish any person for any violation of any law.

Sec. 199-19. Appeals to circuit court, first circuit; time; bond; costs; trial de novo; decree; further appeal. An appeal may be taken by any person interested from any final order of the commissioner to the circuit court of the first judicial circuit by serving upon the commissioner within twenty days after notice of the entry of such order a written notice of such appeal stating the grounds upon which a reversal of such final order is sought; a demand in writing for a certified transcript of the record and of all papers on file in his office affecting or relating to such order and executing a bond in the penal sum of one thousand dollars to the Territory, with sufficient surety, to be approved by the commissioner or the court, conditioned upon the faithful prosecution of such appeal to final judgment, and the payment of all such costs as shall be adjudged against the appellant. Thereupon the commissioner shall within ten days make, certify and file with the clerk of said court such a transcript, or in lieu thereof the original papers if the court shall so order; and the appellant shall within five days thereafter file the same and a copy of the notice of appeal with the clerk of the court, which notice of appeal shall stand as appellant's complaint and thereupon the cause shall be entered on the trial calendar of the court for trial de novo and may be given precedence by the court over other matters pending in the court. The court shall receive and consider evidence, whether oral or documentary, concerning the order of the commissioner from whom the appeal is taken. If the order of the commissioner shall be reversed the court shall by its mandate specifically direct the commissioner as to his further action in the matter, including the making and entering of any order or orders in connection therewith, and the conditions, limitations or restrictions to be therein contained; provided that the commissioner shall not thereby be barred from thereafter revoking or altering such order for any proper cause which may thereafter accrue or be discovered. If the order shall be affirmed, the appellant shall not be barred after thirty days from filing a new application provided such application is not otherwise barred or limited. Such appeal shall not in anywise suspend the operation of the order appealed from during the pendency of such appeal unless upon proper order of the court. An appeal may be taken from the

decree of the circuit court on any such appeal on the same terms and conditions as an appeal is taken in equity suits.

A new section to be known as section 199-19.5 is hereby added to chapter 199 to read as follows:

"Sec. 199-19.5. Delivery of prospectus to purchaser. No sale or contract of sale of any security required to be registered by qualification shall be concluded unless prior to the conclusion thereof a copy of a prospectus meeting the requirements of paragraph (3) or (4) of subsection (b) of Section 199-8 or of subsection (a) of Section 199-8.5 shall be delivered to the purchaser thereof, provided, however, that this section shall not apply to any sale or contract of sale of any security a registration by qualification of which is in effect and is not subject to any order of suspension or revocation and with respect to which no proceeding looking to the entry of an order of suspension or revocation is pending on the effective date of this section, if such sale or contract of sale shall be concluded within one year after the effective date of such registration or one year after the effective date of this section, whichever is the later.

"Sec. 199-20. Fraudulent and other prohibited practices. (a) It is unlawful for any person, in connection with the offer, sale or purchase (whether in a transaction described in Section 199-5 or otherwise) of any security (whether or not of a class described in Section 199-4), in the Territory, directly or indirectly:

"(1) to employ any device, scheme or artifice to defraud;

"(2) to make any untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading;

"(3) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person;

"(4) to issue, circulate or publish any prospectus, circular, advertisement, printed matter, document, pamphlet, leaflet or other literature (in this chapter sometimes referred to collectively as 'advertising matter') which shall contain an untrue statement of a material fact or omit to state a material fact necessary in order to make the statements therein made, in the light of the circumstances under which they are made, not misleading;

"(5) to issue, circulate or publish any advertising matter or make any written representation, unless the name of the person issuing, circulating, publishing or making the same and the fact that such person in issuing, circulating, publishing or making the same shall be clearly indicated thereon;

"(6) to make any statement or representation, or issue, circulate or publish any advertising matter containing any statement, to the effect that the security has been in any way approved or endorsed by the Commissioner; or

"(7) to issue, circulate or publish any advertising matter unless a copy thereof shall have been previously filed with the Office of the Commissioner.

"(b) It is unlawful for any person who receives any consideration from another person primarily for advising the other person as to the value of securities or their purchase or sale, whether through the issuance of analyses or reports or otherwise,

"(1) to employ any device, scheme, or artifice to defraud the other person, or

"(2) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon the other person.

"(c) It is unlawful for any investment adviser to enter into, extend, or renew any investment advisory contract unless it provides in writing

"(1) that the investment adviser shall not be compensated on the basis of a share of capital gains upon or capital appreciation of the funds or any portion of the funds of the client;

"(2) that no assignment of the contract may be made by the investment adviser without the consent of the other party to the contract; and

"(3) that the investment adviser, if a partnership, shall notify the other party to the contract of any change in the membership of the partnership within a reasonable time after the change.

"Clause (1) does not prohibit an investment advisory contract which provides for compensation based upon the total value of a fund averaged over a definite period, or as of definite dates or taken as of a definite date. 'Assignment,' as used in clause (2), includes any direct or indirect transfer or hypothecation of an investment advisory contract by the assignor or of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor; but, if the investment advisor is a partnership, no assignment of an investment advisory contract is considered to result from the death or withdrawal of a minority of the members of the investment adviser having only a minority interest in the business of the investment adviser, or from the admission to the investment adviser of one or more members who, after admission, will be only a minority of the members and will have only a minority interest in the business."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

/s/ Sakae Takahashi

/s/ John B. Fernandes

/s/ Mitsuyuki Kido

adopted

STAND. COM. REP. NO. 237

Honolulu, Hawaii

April 17, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Concurrent Resolution No. 43

Sir:

Your Select Committee of Oahu Senators to which was referred Senate Concurrent Resolution No. 43 entitled, "CONCURRENT RESOLUTION REQUESTING THE GOVERNOR OF THE TERRITORY OF HAWAII FOR ADVANCEMENT OF TERRITORY LOAN FUNDS FOR SCHOOL BUILDING PROGRAM", begs leave to report as follows:

The purpose of this concurrent resolution is to expedite and facilitate the school construction program on Oahu. According to the needs of the various communities, certain schools are scheduled for completion and occupancy in 1958 and 1959. Funds for this program have been authorized by Act 273, Session Laws of Hawaii 1955. This resolution requests the Governor to carry out the legislative program as set forth in said Act 273.

It was the specific intent of the Twenty-Eighth Legislature to request congress to authorize these bond issues for the school construction program notwithstanding the bond limitations of the Organic Act. Although congress did authorize the issuance of these bonds, it did not remove them from the limitation on the bonded indebtedness of the Territory.

This committee feels that although these bonds will still be charged against the bond limitation of the Territory, the school construction program should not be delayed any further.

Your committee is in accord with the purpose of this concurrent resolution and accordingly recommends the adoption thereof with the following amendments:

1. Amend the title to read as follows:

   "CONCURRENT RESOLUTION REQUESTING THE GOVERNOR OF THE TERRITORY OF HAWAII TO ADVANCE TERRITORIAL LOAN FUNDS FOR THE SCHOOL BUILDING PROGRAM".

2. Amend the second paragraph of page 2 to read as follows:

"Be it resolved by the Senate of the Twenty-Ninth Legislature of the Territory of Hawaii, the House of Representatives concurring, that the Governor of the Territory of Hawaii be, and is hereby respectfully requested, if such be possible:"

Respectfully submitted,

Chairman

adopted

STANDING COMMITTEE REPORT NO. 233

Honolulu, Hawaii
April 18, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: S. B. No. 388

Sir:

Your Committee on Education to which was referred Senate Bill No. 388 entitled, "AN ACT RELATING TO SCHOOL PRINCIPALS IN THE DEPARTMENT OF PUBLIC INSTRUCTION AND AMENDING SECTION 38-34.5 OF THE REVISED LAWS OF HAWAII 1955", begs leave to report as follows:

The purpose of this bill is to clarify Section 38-34.5 of the Revised Laws of Hawaii 1955 to give effect to the original intent. Section 38-34.5 of the Revised Laws of Hawaii 1955 (Section 1759, Revised Laws of Hawaii 1945, as amended by Act 2, Special Session Laws of 1956) was interpreted by the Attorney General's Office on January 18, 1957 as follows:

> ". . . Thus, under this section a principal's differential is determined by the number of teachers under his supervision, and on no other basis. It is only upon the application of Act 45, Session Laws of 1955, that a principal may be paid a differential other than that determined by the number of teachers supervised. However, Act 45 does not provide that a principal transferred to a school with fewer teachers (be it an old or newly established school) shall continue to be paid a differential as if he had remained at the larger school, but rather provides that he shall continue to be paid the differential that he actually received at the larger school until the number of teachers at his present school entitles him under Section 1759 to an increase."

This bill clarifies Section 38-34.5 in that a principal with five or more years of service in the department or has ten years or less remaining to qualify for retirement shall be

continued to be paid at the differential rating to which he was entitled during the last year at the former school even though he is assigned as a principal to a school with a lesser number of teachers. A principal's differential rating shall not be construed as a fixed sum of money but as a class or rating based on the number of teachers under a principal's supervision.

Subparagraph (b) of Section 38-34.5 of the Revised Laws of Hawaii 1955 is deleted under this bill inasmuch as subparagraph (a) of this bill is broad enough to cover the newly established school set forth therein.

There is no appropriation required to effectuate the purpose of this bill. Furthermore, Section 2 of the bill has been amended by eliminating the retroactive feature.

Your Committee recommends that Senate Bill No. 388 pass first reading by title in the amended form attached hereto, be printed and take its place in the order of business for further consideration.

Respectfully submitted,

Mitsuyuki Kido
MITSUYUKI KIDO, Chairman

AATF Two

S. B. 388
S. D. 1

AN ACT

RELATING TO SCHOOL PRINCIPALS IN THE DEPARTMENT OF PUBLIC INSTRUCTION AND AMENDING SECTION 38-34.5 OF THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. Section 38-34.5 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Sec. 38-34.5. Principals; transfers, reduction in staff. (a) A principal in any of the public schools of the Territory, who has been legally employed for a period of five or more years in the service of the department or has less than ten years remaining to qualify for retirement, when assigned as principal to a school with a smaller number of teachers, shall continue to be paid at the differential rating to which he was entitled during the last year at the former school until the number of teachers under his supervision or amendments to the provisions of section 38-31 entitle him to an increase in salary.

(b) A principal, assigned to the same school, shall not have his differential rating reduced because of a reduction in the number of teachers under his supervision.

As used in this section, a principal's differential rating shall not be construed as a fixed sum of money but as the class or rating based on the number of teachers under a principal's supervision so that amendments made to increase or decrease the amount of the sums to be paid as differentials shall subsequently affect the pay of principals affected by this section."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

MITSUYUKI KIDO
SAKAE TAKAHASHI
OREN E. LONG
HERBERT K. H. LEE

MARCH 7, 1957

adopted

STAND. COM. REP. NO. 234 Fer. Lee

Honolulu, Hawaii
April 19, 1957

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 619

S I R :

Your Select Committee of Kauai Senators, to which was referred Senate Bill No. 619, entitled

"AN ACT TO PROVIDE FOR THE WAIVER OF ZONING AND SUB-DIVISION REQUIREMENTS IN THE COUNTY OF KAUAI WHERE HOME SITES ARE PROVIDED FOR THE RELOCATION OF TIDAL WAVE VICTIMS,"

begs leave to report that your Committee approves the purpose of the bill and recommends that it pass first reading by title in the amended form attached hereto, that it be printed, and that it then takes its place in the regular order of business for further consideration.

Respectfully submitted,

John B. Fernandes

JOHN B. FERNANDES, Chairman

Noboru Miyake, Member

F.L.

Approved as to form:

S. B. No. 619

S. D. 1

AN ACT

TO PROVIDE FOR THE WAIVER OF ZONING AND SUBDIVISION REQUIREMENTS IN THE COUNTY OF KAUAI WHERE HOME SITES ARE PROVIDED FOR THE RELOCATION OF TIDAL WAVE VICTIMS.

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

SECTION 1. Notwithstanding any provision of law to the contrary, the Board of Supervisors of the County of Kauai, Territory of Hawaii may waive all zoning and subdivision requirements, established by law or otherwise, in any new subdivisions established primarily for the purpose of relocating the homes of tidal wave victims. Such waiver of zoning and subdivision requirements as herein provided for shall be effective until December 31, 1962.

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

Noboru Miyake

John B. Fernandes

March 27, 1957

adopted

235

STANDING COMMITTEE REPORT NO. ~~245~~

Honolulu, Hawaii
April 9, 1957

Doi
Duarte

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Resolution No. 32

Sir:

Your Committee on Judiciary to which was referred Senate Resolution No. 32 begs leave to report as follows:

The objective of this Resolution is to call attention to the pressing need of the Territory for the expansion of its economy through the investment of additional capital, and the opportunity of insurance companies doing business in Hawaii to devote portions of their available investment resources to securities and mortgages and other enterprises in these islands.

Although your Committee takes note of the fact that seventy insurance companies have made or are making some capital investments in the Territory, it is convinced that many of these companies may easily and readily increase their Hawaiian investments, and further, that the other insurers among the 262 engaged in business here should be strongly urged to make available reasonable portions of their investment funds in the Territory.

Your Committee has prepared a revised draft of Senate Resolution No. 32, which is submitted herewith. In this amended form, your Committee on Judiciary unanimously and emphatically recommends that this Resolution be adopted.

Respectfully submitted,

NELSON K. DOI, Chairman

AATF: pw

S. R. NO. 32
S. D. 1

RESOLUTION

WHEREAS, the problem of paramount importance now confronting the Territory of Hawaii is the expansion of its economy so as to provide opportunities for future growth; and

WHEREAS, the insurance industry in the Territory has developed to enormous proportions in recent years; and

WHEREAS, the investment by insurance companies of their reserve funds in mortgages, securities, and other capital outlays in these islands is an important contribution to the territorial economy, and is likewise evidence of the insurance industry's faith and confidence in Hawaii and its people; and

WHEREAS, only seventy insurance companies of the two hundred and sixty-two now conducting business in Hawaii have demonstrated such faith and confidence by the making of investments in the Territory; and

WHEREAS, the seventy insurance companies have invested a sum approximating $128,000,000 in these islands, which total amount is relatively small when compared with the total sums being invested by the people of Hawaii in the insurance companies engaged in business here; and

WHEREAS, the Senate has been authoritatively advised that the insurance companies operating in Hawaii should be able to invest much larger amounts of capital in these islands, on the basis of total premium volume and the total amounts of legal reserves of such insurance companies on policies in force in Hawaii; and

WHEREAS, the Senate is at this session giving careful consideration to a proposed bill which would mandate certain investments by insurance companies in Hawaii, but thus far is hesitant to pass such measure because of possible inequities that may develop from such type of legislation; and

WHEREAS, the Senate desires by this Resolution to express its conviction that insurance companies doing business in the Territory should voluntarily increase and expand their investments in these islands, and its conviction that such activity on the part of the insurance companies on a voluntary basis is and will be preferable to the enactment of mandatory investment legislation with the problems pertaining thereto; and

WHEREAS, the Senate believes that the seventy companies who have adopted the policy of investing in these islands should be commended for their so doing, and should also be urged and encouraged to continue and enlarge such practice; now, therefore

BE IT RESOLVED by the Senate of the Twenty-Ninth Legislature that the said seventy insurance companies be, and they are hereby, extended the appreciation of the people of Hawaii for their contributions to the development of the economy of Hawaii, and that they be urged and encouraged to continue and expand their Hawaiian investment practices; and

BE IT FURTHER RESOLVED that all of the remaining companies of the two hundred and sixty-two insurance organizations doing business in the Territory, be and they are hereby urged to give immediate and favorable consideration to the use of some of their investment capital in the Territory of Hawaii; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the general agents of all the insurance companies engaged in the insurance business in the Territory of Hawaii.

OFFERED BY:

HERBERT K. H. LEE
NOBORU MIYAKE
S. GEORGE FUKUOKA
NELSON K. DOI
SAKAE TAKAHASHI

adopted

STANDING COMMITTEE REPORT NO. 236
Honolulu, Hawaii
April 15, 1957

RE: S.B. NO. 816

The Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Honolulu, Hawaii

Sir:

Your Committee on Labor, to which was referred S.B. No. 816, entitled "AN ACT RELATING TO WORKMEN'S COMPENSATION," begs leave to report as follows:

Under the existing law, relative to subsequent injuries which increase disability, when a worker who has a disability receives an injury which itself causes only a permanent partial disability, but which combined with a pre-existing disability, results in a permanent total disability, the employer, (in whose service the worker received the subsequent injury) is responsible only for the disability caused by the subsequent injury. In such cases, the injured worker, for his permanent total disability, is paid from a special fund. The situation, however, is limited to cases where there is a permanent total disability which results.

Senate Bill No. 816 is intended to expand and liberalize payments in this area by making provisions to pay compensation not only for subsequent injuries which cause a permanent total disability, but for subsequent injuries which result in increased permanent partial disability, as well. The latter provision would generally cover industrial injuries of a minor nature, classified as second injuries, and would encourage employers to hire handicapped workers.

This bill has the indorsement of the Workmen's Compensation Bureau of the Territory as well as labor and industry.

Your Committee has amended Senate Bill 816 in several respects, mainly in the matter of form and phrasing, for the purpose of greater clarity.

Your Committee recommends that Senate Bill 816 pass first reading by title in the amended form attached hereto; that it be printed and that it take its place in the order of business for further consideration.

Respectfully submitted,

Chairman

AATF TW 8

S.B. NO. 816
S. D. 1

AN ACT

RELATING TO WORKMEN'S COMPENSATION

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

SECTION 1. Section 97-27, Chapter 97, Revised Laws of Hawaii 1955, is hereby amended to read:

"Section 97-27. Subsequent injuries which would increase disability. If an employee receives an injury which of itself would cause only permanent partial disability but which, combined with a previous disability, results in an increase in a permanent partial or in permanent total disability, the employer shall be liable only for compensation for the disability caused by the subsequent injury. In addition to such compensation for such further permanent partial disability and after the cessation of payments for the prescribed period of weeks, the employee shall be paid weekly out of the special compensation fund the remainder of the compensation that would be due for such increased permanent partial disability or for permanent total disability, payments to be made by orders of the Director drawn on the Treasurer of the Territory."

SECTION 2. This Act shall be effective from and after July 1, 1957.

INTRODUCED BY:

DATE:_____
Honolulu, Hawaii

adopted

STANDING COMMITTEE REPORT NO. 237

Honolulu, Hawaii
April 19, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 134

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 134, entitled

"AN ACT RELATING TO THE POWER OF THE DISTRICT COURT CLERKS TO ISSUE WRITS OF SUBPOENA AND AMENDING SECTION 9821 OF THE REVISED LAWS OF HAWAII 1945",

begs leave to report as follows:

The purpose of this bill is to grant to the clerks of the district courts the same powers now held by the clerks of the circuit courts concerning the issuing of subpoenas, in blank, for the names of witnesses to be inserted therein. Until the present time, only the circuit court clerks had such powers, and the district court procedures were more cumbersome.

Your Committee is in accord with the purposes of this measure and therefore recommends that it pass first reading by title in the amended form hereto attached, that it be printed and it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi

NELSON K. DOI, Chairman

AATF:

S. B. NO. 134
S. D. 1

AN ACT

RELATING TO THE POWER OF THE DISTRICT COURT CLERKS TO ISSUE WRITS OF SUBPOENA AND AMENDING SECTION 222-1 OF THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. Section 222-1 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Sec. 222-1. Subpoena, issue of. The clerks of the several courts of record and of the several district courts shall issue to the attorney general or to the high sheriff or to any other prosecuting officer, and to any party plaintiff or defendant, in any cause, civil or criminal pending before such courts, or to the counsel of such party, writs of subpoena for witnesses, in blank, that the names of the witnesses to be summoned may be inserted after the issuing of such writs."

SECTION 2. This Act shall take effect on July 1, 1957.

INTRODUCED BY:

Nelson K. Doi
Kazuhisa Abe
Tom Okino
S. George Fukuoka
Wilfred C. Tsukiyama
Noboru Miyake
Sakae Takahashi
William H. Heen
Herbert K. H. Lee

adopted

STANDING COMMITTEE REPORT NO. 238

Honolulu, Hawaii
April 19, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 136

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 136, entitled

"AN ACT RELATING TO DISTRICT COURT COSTS AND AMENDING SECTION 9744 OF THE REVISED LAWS OF HAWAII 1945",

begs leave to report as follows:

The purpose of this measure is to effect minor increases in certain district court costs. Your Committee is in accord with the purposes of this measure and therefore recommends that it pass first reading by title in the amended form hereto attached, that it be printed and it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi

NELSON K. DOI, Chairman

AATF:fw

S. B. NO. 136
S. D. 1

AN ACT

RELATING TO DISTRICT COURT COSTS AND AMENDING SECTION 219-4 OF THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. Section 219-4 of the Revised Laws of Hawaii 1955 is hereby amended by amending the first two paragraphs thereof to read as follows:

"Sec. 219-4. District court costs. For all services of the district court, magistrate or clerk in any cause wherein the principal sum involved (a) is less than five hundred dollars, two dollars and fifty cents, and (b) is five hundred dollars or more, five dollars, including the issuance of summons, warrant, attachment or other process and supplementary proceedings, if any; entering of adjournment; administering any oath; issuing subpoena, filing any paper at the request of any party; rendering and entering up judgment; transcript or certificate of judgment; bond or other security drawn by the magistrate; noting an appeal and filing and making a return thereof; and entering any discontinuance.

For the filing of any motion for an order of examination of a judgment debtor, for the allowance of a writ of possession, or for the issuance of a garnishee summons after judgment, one dollar."

SECTION 2. This Act shall take effect on July 1, 1957.

INTRODUCED BY:

NELSON K. DOI
KAZUHISA ABE
TOM OKINO
S. GEORGE FUKUOKA
WILFRED C. TSUKIYAMA
NOBORU MIYAKE
SAKAE TAKAHASHI
HERBERT K. H. LEE
WILLIAM H. HEEN

Adopted

STANDING COMMITTEE REPORT NO. 239

Honolulu, Hawaii
April 19, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 258

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 258, entitled

"AN ACT RELATING TO DISTRICT COURT MAGISTRATES AND AMENDING SECTION 9671 OF THE REVISED LAWS OF HAWAII 1945",

begs leave to report as follows:

The purpose of this measure is to require that all district magistrates in the county of Hawaii, the district of Wailuku, and in the city and county of Honolulu shall be attorneys licensed to practice in all the courts of the Territory. The measure contains a saving clause as to any incumbent district magistrate in the county of Hawaii who is not a licensed attorney, and provides that any such magistrate shall remain in office until the expiration of his present term.

Your Committee is in accord with the purposes of this measure and therefore recommends that it pass first reading by title in the amended form hereto attached, that it be printed and it then take its place in the order of business for further consideration.

Respectfully submitted,

NELSON K. DOI, Chairman

TW:jr
AATF:

S. B. NO. 258
S. D. 1

AN ACT

RELATING TO DISTRICT COURT MAGISTRATES AND AMENDING SECTION 216-1 OF THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. Section 216-1 of the Revised Laws of Hawaii 1955 is hereby amended by amending the clause commencing with the words "except that the district" as the same appear in line 13 and ending with the words "courts of the Territory," as the same appear in line 16, to read as follows:

"except that the district magistrate of any judicial district in the county of Hawaii, the district magistrate of Wailuku, and district magistrates of Honolulu shall be attorneys licensed to practice in all the courts of the Territory,".

SECTION 2. This Act shall take effect upon its approval; provided, however, that any magistrate of a judicial district in the county of Hawaii who is not a licensed attorney as required, shall remain in office until the expiration of his present term.

INTRODUCED BY:

NELSON K. DOI
KAZUHISA ABE
TOM T. OKINO
JOHN G. DUARTE
S. GEORGE FUKUOKA

Adopted

STAND. COM. REP. NO. 240

Honolulu, Hawaii

April 19, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 954

Sir:

Your Committee on Judiciary, to which was referred Senate Bill No. 954, entitled:

"AN ACT TO AMEND SECTION 155-77 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO LICENSING OF PAWNBROKERS",

begs leave to report as follows:

The purpose of this Bill is to require an applicant for a pawnbroker's license to demonstrate a knowledge of the laws applying to that business before such license may be issued. The prescribed fee of $50 in the existing laws remains unchanged.

Your Committee is in accord with the purpose of this Bill and therefore recommends that it pass first reading by title in the amended form attached hereto, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi

Nelson K. Doi, Chairman

S. B. NO. 954
S. D. 1

AN ACT

TO AMEND SECTION 155-77 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO LICENSING OF PAWNBROKERS.

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

SECTION 1. Section 155-77 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Sec. 155-77. Examination; fee. The treasurer may grant licenses for the period of one year, to suitable persons, to carry on the business of pawnbroking upon being satisfied after examination of said persons as to their knowledge of the laws of this Territory, relating to pawnbrokers, and upon payment of the sum of $50."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

SAKAE TAKAHASHI

MITSUYUKI KIDO

WILFRED C. TSUKIYAMA

WM. H. HEEN

HERBERT K. H. LEE

adopted

STANDING COMMITTEE REPORT NO. 241

Honolulu, Hawaii
April 18, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 963

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 963 entitled, "AN ACT AMENDING SECTION 330-19 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO AGE LIMITS OF FEMALE DANCE PARTNERS," begs leave to report as follows:

The purpose of this measure is to tighten up the laws prohibiting the occupation or activity of "taxi dancing" by young girls under eighteen years of age. Your Committee is advised that a sort of "loophole" has been discovered or invented, by the use of which very young girls have been permitted to attend public dance halls without being subject to proceedings under the laws relating to jurisdiction of the courts over delinquent children.

Your Committee is in full accord with the objectives of this bill, and therefore recommends that it pass first reading by title and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi

NELSON K. DOI, CHAIRMAN

George Fukuoka

Julian Takahashi

[illegible]

[illegible]

AATF TWR

adopted

STAND. COM. REP. NO. 264

Honolulu, Hawaii

April 19, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 682

Sir:

Your Committee on Judiciary, to which was referred Senate Bill No. 682, entitled:

"AN ACT TO AMEND CHAPTER 181 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO THE INSURANCE LAWS OF THE TERRITORY OF HAWAII",

begs leave to report as follows:

It is the purpose of this Bill to amend the Insurance Code enacted by the 1955 Session of the Legislature of the Territory of Hawaii in several particulars, including the requirement that all records and reports be in the English language, a restriction against the operation of alien government owned insurers, a restriction against the offering of so-called "free insurance" as an inducement to purchase merchandise, the broadening of the powers of the Insurance Commissioner to issue temporary licenses in the case of the death or disability of a licensee, the addition of certain prohibited acts as being unfair trade practices, restrictions against so-called "fictitious fleet" insurance, additions to the group life insurance section for groups of professional persons and credit union members and language clarification in certain sections of the present law.

The hearings on this Bill disclose that both the office of the Insurance Commissioner of the Territory of Hawaii and the representatives of the insurance industry within the Territory are in favor of these proposed amendments to the 1955 Insurance Code. Certain sections of the Bill incorporate provisions common to many jurisdictions of the United States and other sections are merely for the purpose of clarifying

CORRECTION

THE PRECEDING DOCUMENT(S) HAS BEEN REPHOTOGRAPHED TO ASSURE LEGIBILITY
SEE FRAME(S)
IMMEDIATELY FOLLOWING

adopted

STANDING COMMITTEE REPORT NO. 241

Honolulu, Hawaii
April 18, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 963

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 963 entitled, "AN ACT AMENDING SECTION 330-19 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO AGE LIMITS OF FEMALE DANCE PARTNERS," begs leave to report as follows:

The purpose of this measure is to tighten up the laws prohibiting the occupation or activity of "taxi dancing" by young girls under eighteen years of age. Your Committee is advised that a sort of "loophole" has been discovered or invented, by the use of which very young girls have been permitted to attend public dance halls without being subject to proceedings under the laws relating to jurisdiction of the courts over delinquent children.

Your Committee is in full accord with the objectives of this bill, and therefore recommends that it pass first reading by title and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi

NELSON K. DOI, CHAIRMAN

AATF TWT

adopted

STAND. COM. REP. NO. 264

Honolulu, Hawaii

April 19, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 682

Sir:

Your Committee on Judiciary, to which was referred Senate Bill No. 682, entitled:

"AN ACT TO AMEND CHAPTER 181 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO THE INSURANCE LAWS OF THE TERRITORY OF HAWAII",

begs leave to report as follows:

It is the purpose of this Bill to amend the Insurance Code enacted by the 1955 Session of the Legislature of the Territory of Hawaii in several particulars, including the requirement that all records and reports be in the English language, a restriction against the operation of alien government owned insurers, a restriction against the offering of so-called "free insurance" as an inducement to purchase merchandise, the broadening of the powers of the Insurance Commissioner to issue temporary licenses in the case of the death or disability of a licensee, the addition of certain prohibited acts as being unfair trade practices, restrictions against so-called "fictitious fleet" insurance, additions to the group life insurance section for groups of professional persons and credit union members and language clarification in certain sections of the present law.

The hearings on this Bill disclose that both the office of the Insurance Commissioner of the Territory of Hawaii and the representatives of the insurance industry within the Territory are in favor of these proposed amendments to the 1955 Insurance Code. Certain sections of the Bill incorporate provisions common to many jurisdictions of the United States and other sections are merely for the purpose of clarifying

present language in the Insurance Code.

Your Committee is in accord with the purpose of this Bill and recommends that it pass first reading in the amended form attached hereto, that it be printed, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

S. B. 682
S. D. 1

AN ACT

TO AMEND CHAPTER 181 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO THE INSURANCE LAWS OF THE TERRITORY OF HAWAII.

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

SECTION 1. Section 181-27 is hereby added to Chapter 181, Revised Laws of Hawaii 1955, to read as follows:

"Sec. 181-27. Records, Statements and Reports.

"(a) All records, statements and reports required or authorized by this chapter shall be made in writing in the English Language.

(b) All statements, estimates, percentages, payments and calculations required or authorized by this chapter shall be made on the basis of the lawful money of the United States."

SECTION 2. Section 181-112 is hereby added to Chapter 181, Revised Laws of Hawaii 1955, to read as follows:

"Sec. 181-112. Alien Government Owned Insurers. No license to transact any kind of insurance business in this Territory shall be issued or renewed to any foreign or alien insurer or issued or continued in effect to any domestic insurer which is owned or financially controlled by another state of the United States other than this Territory, or by a foreign government or by any political subdivision of either, or which is an agency or instrumentality of any such state, government or subdivision, unless such insurer was so owned or controlled prior to January 1, 1957 and was authorized to do business in this Territory on or prior to said date."

SECTION 3. Section 181-113 is hereby added to Chapter 181, Revised Laws of Hawaii 1955, to read as follows:

"Sec. 181-113. Free Insurance. Except as otherwise provided by law, no insurer, either domestic, foreign or alien, shall issue or caused to be issued, any policy of insurance of any type or description upon life or property, real or personal, whenever such policy of insurance is to be furnished or delivered to the purchaser or bailee of any property, real or personal, either as an inducement to purchase or bailment of said property, real or personal, or as a part of the consideration for the purchase or bailment of such property, real or personal."

SECTION 4. Section 181-361(a)(2) of Chapter 181, Revised Laws of Hawaii 1955, is amended by deleting the comma after the word "contracts" and substituting therefor a semicolon, and by deleting therefrom the following language: "except as to life insurance;".

SECTION 5. Section 181-362(a)(2) of Chapter 181, Revised Laws of Hawaii 1955, is amended by deleting the comma after the word "contracts" and substituting therefor a semicolon, and by deleting therefrom the following language: "except as to life insurance;".

SECTION 6. Section 181-387 of Chapter 181, Revised Laws of Hawaii 1955, is amended to read as follows:

"Sec. 181-387. Limitations upon Nonresident Agent or Broker. A nonresident agent or broker is authorized to place insurance on a subject of insurance located in this Territory, only under all of the following conditions:

"(a) The insured, if an individual, is not domiciled within this Territory, or, if a partnership, each partner is not domiciled within this Territory, or, if a corporation, is a foreign corporation within the meaning of Chapter 174, or was formed or organized under the laws of any other territory of the United States;

"(b) Any negotiation between the nonresident agent or broker and the insured, leading up to the placement of the insurance, has taken place outside this Territory;

"(c) The insurance is placed through a licensed general agent in this Territory of an authorized insurer;

"(d) The provisions of items (a) and (b) shall not be applicable to insurance of aircraft or cargo of such aircraft, or against liability, other than workmen's compensation and employer's liability, arising out of the ownership, maintenance or use of such aircraft."

SECTION 7. Section 181-400(a)(1) of Chapter 181, Revised Laws of Hawaii 1955, is amended to read as follows:

"(1) To the surviving spouse, next of kin, employee or administrator or executor of a licensed general agent or subagent or solicitor becoming deceased."

SECTION 8. Section 181-400(a) of Chapter 181, Revised Laws of Hawaii 1955, is amended by adding thereto subparagraph (5) to read as follows:

"(5) To the individual placed in charge of a branch office maintained in this Territory by a foreign or alien insurer upon the death or disability of its general agent."

SECTION 9. Section 181-643(a) of Chapter 181, Revised Laws of Hawaii 1955, is amended by deleting the period at the end of subparagraph (5) and substituting therefor a semicolon and adding the word "or", and by adding to this section subparagraphs (6) and (7) to read as follows:

"(6) publishing or advertising the assets of any insurer without publishing or advertising with equal conspicuousness the liabilities of such insurer, both as shown by its last annual statement; or

"(7) publishing or advertising the capital of any insurer without stating specifically the amount of paid in and subscribed capital."

SECTION 10. Sections 181-643(g), (h) and (i) of Chapter 181, Revised Laws of Hawaii 1955, are hereby amended to read as follows:

"(g) Unfair discrimination:

"(1) Making or permitting any unfair discrimination between individuals of the same class and equal expectation of life in the rates charged for any contract of life insurance or of life annuity or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of such contract; or

"(2) making or permitting any unfair discrimination in favor of particular individuals or persons, or between insureds or subjects of insurance having substantially like insuring, risk and exposure factors, or expense elements, in the terms or conditions of any insurance contract, or in the rate or amount of premium charged therefor, or in the benefits payable or in any other rights or privileges accruing thereunder.

"(h) Rebates. Except as otherwise expressly provided by law:

"(1) Knowlingly permitting or offering to make or making any contract of insurance, or agreement as to such contract other than as plainly

expressed in the contract issued thereon, or paying or allowing, or giving or offering to pay, allow, or give, directly or indirectly, as inducement to such insurance, any rebate of premiums payable on the contract, or any special favor or advantage in the dividends or other benefits thereon, or any valuable consideration or inducement whatever not specified in the contract; or

"(2) giving, or selling, or purchasing or offering to give, sell or purchase as inducement to such insurance or in connection therewith, any stocks, bonds, or other securities of any insurance company or other corporation, association, or partnership, or any dividends or profits accrued thereon, or anything of value whatsoever not specified in the contract.

"(i) Nothing in item (g) or item (h) of this section shall be construed as including within the definition of discrimination or rebates any of the following practices:

"(1) In the case of any contract of life insurance or life annuity, paying bonuses to policyholders or otherwise abating their premiums in whole or in part out of surplus accumulated from nonparticipating insurance, provided that any such bonuses or abatement of premiums shall be fair and equitable to policyholders and for the best interests of the insurer and its policyholders;

"(2) In the case of life insurance policies issued on the industrial debit plan, making allowance to policyholders who have continuously for a specified period made premium payments directly to an office of the insurer in an amount which fairly represents the saving in collection expense;

"(3) Readjustment of the rate of premium for a group insurance policy based on the loss or expense experience thereunder, at the end of the first or any subsequent policy year of insurance thereunder, which may be made retroactive only for such policy year;

"(4) In the case of any contract of insurance, the distribution of savings, earnings or surplus equitably among a class of policyholders, all in accordance with the provisions of this chapter."

SECTION 11. Section 181-693(a) of Chapter 181, Revised Laws of Hawaii 1955, is amended by adding thereto subparagraph (5) to read as follows:

"(5) No insurer authorized to do business in this Territory shall issue any policy which provides or makes available to any risks preferred rates based upon any grouping of persons, firms or corporations by way of membership, license, franchise, contract, agreement or any other method or means, other than common majority ownership of such risks, or except where a common stock ownership in and management control of such risks are held by the same person, corporation or firm, or except where permitted or authorized by filings in existence as of January 1, 1957 under sections 181-691 to 181-707, as such filings may be amended from time to time, or except where otherwise expressly provided by law."

SECTION 12. Section 181-713(a) of Chapter 181, Revised Laws of Hawaii 1955, is amended by adding thereto subparagraph (4) to read as follows:

"(4) No insurer authorized to do business in this Territory shall issue any policy which provides or makes available to any risks preferred

rates based upon any grouping of persons, firms or corporations by way of membership, license, franchise, contract, agreement or any other method or means, other than common majority ownership of such risks, or except where a common stock ownership in and management control of such risks are held by the same person, corporation or firm, or except where permitted or authorized by filings in existence as of January 1, 1957 under sections 181-711 to 181-726, as such filings may be amended from time to time, or except where otherwise expressly provided by law."

SECTION 13. Sections 181-568 to 181-580 of Chapter 181, Revised Laws of Hawaii 1955, are hereby renumbered to read as sections 181-570 to 181-582.

SECTION 14. Chapter 181, Revised Laws of Hawaii 1955, is hereby amended by adding a new Section 181-568 to read as follows:

"Sec. 181-568. Professional association groups. The lives of a group of individuals may be insured under a policy issued to an association of professional persons, which shall be deemed the policyholder, to insure members of such association for the benefit of persons other than the association or any of its officials, subject to the following requirements:

"(a) The association must have been formed for purposes other than obtaining insurance and have when the policy is placed in force, a membership in the classes eligible for insurance of not less than seventy-five per cent of the number of professional persons eligible for membership in such classes.

"(b) The members eligible for insurance under the policy shall be all of the members of the association, or all of any class or classes thereof determined by conditions pertaining to their profession or to membership in the association, or both.

"(c) The premium for the policy shall be paid by the policyholder, either from the association's own funds or from charges collected from the insured members specifically for the insurance, or from both. No policy may be placed in force unless and until at least seventy-five per cent of the then eligible members of the association, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, have elected to be covered and have arranged for payment of their individual contributions to the association. A policy on which no part of the premium is to be derived from funds contributed by the insured members specifically for their insurance must insure all eligible members, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

"(d) Charges collected from the insured members specifically for the insurance, and the dues of the association if they include the cost of insurance, may be determined according to each attained age or in not less than four reasonably spaced attained age groups.

"(e) The policy must cover at least twenty-five persons at date of issue.

"(f) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the members or by the association. No policy may be issued which provides term insurance on any member which together with any other term insurance under any group life insurance policy or policies issued to the association, exceeds twenty thousand dollars.

"(g) As used herein "professional persons" means persons practicing a profession requiring examination and licensing under Chapters 61, 64, 164, 166 and 217 of the Revised Laws of Hawaii 1955."

SECTION 15. Chapter 181, Revised Laws of Hawaii 1955, is hereby amended by adding a new Section 181-569 to read as follows:

"Sec. 181-569. Credit Union Groups. The lives of the members of a credit union may be insured under a policy issued to the credit union, which shall be deemed the policyholder, to insure members of such credit union for the benefit of persons other than the credit union or any of its officials, subject to the following requirements:

"(a) The credit union must have been formed for purposes other than obtaining insurance.

"(b) The members eligible for insurance under the policy shall be all of the members of the credit union, except any as to whom evidence of individual insurability is not satisfactory to the insurer, and the amounts of insurance under the policy must be based upon some plan precluding individual selection either by the members or by the credit union. No policy may be issued which provides term insurance on any member which together with any other term insurance under any group life insurance policy or policies issued to the credit union under this section exceeds two thousand dollars.

"(c) The premiums for the policy shall be paid by the policyholder either from the credit union's own funds or from charges collected from the insured members specifically for the insurance, or from both; provided, however, that when the premium is paid by the members, or by the credit union and its members jointly, at least seventy-five per cent of the then eligible members, excluding any as to whom evidence of insurability is not satisfactory to the insurer, must elect to make the required contributions.

"(d) As used herein a 'credit union' means a credit union chartered under the provisions of the Federal Credit Union Act as now or hereafter amended."

SECTION 16. Section 181-568 of Chapter 181, Revised Laws of Hawaii 1955, renumbered as Section 181-570 by SECTION 13 of this Act, is hereby amended to read as follows:

"Sec. 181-570. Standard Provisions Required. No policy of group life insurance shall be delivered or issued for delivery in this Territory unless it contains in substance the standard provisions as required by sections 181-570 to 181-580, or provisions which in the opinion of the Commissioner are more favorable to the individuals insured, or at least as favorable to such individuals and more favorable to the policyholder; except, that:

"(a) Provisions set forth in sections 181-576 to 181-580 shall not apply to policies issued to a creditor to insure its debtors, and to policies issued to a credit union to insure its members.

"(b) If the group life insurance policy is on a plan of insurance other than the term plan, it shall contain a nonforfeiture provision or provisions which in the opinion of the Commissioner is or are equitable to the insured persons and to the policyholder, but such nonforfeiture benefits are not required to be the same as those required for individual life insurance policies."

SECTION 17. Section 181-561(a) of Chapter 181, Revised Laws of Hawaii 1955, is amended by deleting the figures "181-580" in the fifth line thereof and substituting therefor the figures "181-582".

SECTION 18. Section 181-575 of Chapter 181, Revised Laws of Hawaii 1955, renumbered as Section 181-577 by SECTION 13 of this Act, is hereby further amended by deleting the figures "181-576, 181-577 and 181-578" in the seventh line thereof and substituting therefor the figures "181-578, 181-579 and 181-580".

SECTION 19. Section 181-577 of Chapter 181, Revised Laws of Hawaii 1955, renumbered as Section 181-579 by SECTION 13 of this Act, is hereby further amended by deleting the figures "181-576" in the tenth line thereof and substituting therefor the figures "181-578".

SECTION 20. Section 181-563(d) of Chapter 181, Revised Laws of Hawaii 1955, is amended by deleting therefrom the words "five thousand dollars" and substituting therefor the words "ten thousand dollars".

SECTION 21. This Act shall take effect upon its approval.

INTRODUCED BY:

N. MIYAKE
WILFRED C. TSUKIYAMA

adopted

STAND. COM. REP. NO. 243

Honolulu, Hawaii

April 19, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 855

Sir:

Your Committee on Judiciary, to which was referred Senate Bill No. 855, entitled:

"AN ACT TO AMEND SECTION 160-30 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO CHAUFFEURS, DRIVERS AND OPERATORS OF MOTOR VEHICLES",

begs leave to report as follows:

The purpose of this Bill is to include Canada within the definition of "state", so that Canadian visitors to the Territory will come within the purview of Section 160-33, Revised Laws of Hawaii 1955, relating to persons exempted from license.

Your Committee is in accord with the purpose of this Bill and therefore recommends that it pass first reading by title and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

adopted

STANDING COMMITTEE REPORT NO. 244

Honolulu, Hawaii
April , 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 133

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 133, entitled

"AN ACT RELATING TO CRIMINAL PROCEDURE IN THE DISTRICT COURTS OF THE TERRITORY OF HAWAII AND AMENDING SECTION 10774 OF THE REVISED LAWS OF HAWAII 1945,"

begs leave to report as follows:

The purpose of this measure is to clarify the language guiding the action of district magistrates in determining whether an accused person shall be committed for trial. The present statute requires the magistrate to conclude that a jury would convict the accused, upon the evidence adduced. The proposed amendment will eliminate consideration of prospective jury action, and require the magistrate to consider whether there is probable cause to believe that the accused is guilty of the alleged offense.

Your Committee is in accord with the purposes of this measure and therefore recommends that it pass first reading by title in the amended form hereto attached, that it be printed and it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi

NELSON K. DOI, Chairman

S. George Fukunaga

Sakae Takahashi

Wing Lee

Hon Kushee

TWO
AATF:

S. B. NO. 133
S. D. 1

AN ACT

RELATING TO CRIMINAL PROCEDURE IN THE DISTRICT COURTS OF THE TERRITORY OF HAWAII AND AMENDING SECTION 257-7 OF THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. Section 257-7 of the Revised Laws of Hawaii 1955 is hereby amended by amending the first paragraph thereof to read as follows:

"Sec. 257-7. Commitment; form of mittimus. In all cases of arrest for offenses that must be tried in the first instance before a jury, or that can be tried only on indictment by a grand jury, the magistrate in whose jurisdiction or on whose warrant the accused was arrested shall, upon the appearance of the accused, proceed to consider whether there is probable cause to believe that the accused is guilty of the offense with which he is charged. He shall reduce to writing the substance of the evidence adduced, with the names of the witnesses. If in his opinion the testimony does not warrant commitment for trial, he shall release the prisoner, noting that fact upon his docket. But if in his opinion there is probable cause to believe that the accused is guilty of the offense with which he is charged, he shall make out and deliver to a police officer a mittimus, which may be in the following form:".

SECTION 2. This Act shall take effect on July 1, 1957.

INTRODUCED BY:

NELSON K. DOI
KAZUHISA ABE
TOM OKINO
S. GEORGE FUKUOKA
WILFRED C. TSUKIYAMA
NOBORU MIYAKE
SAKAE TAKAHASHI
WILLIAM H. HEEN
HERBERT K. H. LEE

adopted

STAND. COM. REP. NO. 245

Honolulu, Hawaii

April 19, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 66

Sir:

Your Committee on Judiciary, to which was referred Senate Bill No. 66, entitled:

"AN ACT TO AMEND SECTION 217-11 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO DISTRICT COURT PRACTITIONERS",

begs leave to report as follows:

Under this Bill, licenses for district court practitioners operative only in the district court of Kalawao will be issued. Licenses operative in any other district court will no longer be issued. However, all existing licenses to practice in district courts will not be affected by this Bill.

Your Committee approves the purposes of this Bill and recommends that it pass first reading by title in the amended form attached hereto, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi

Nelson K. Doi, Chairman

PAF

S. B. NO. 66
S. D. 1

AN ACT

TO AMEND SECTION 217-11 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO DISTRICT COURT PRACTITIONERS.

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

SECTION 1. Section 217-11 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Sec. 217-11. District court practitioners at Kalawao. The supreme court shall have power to examine and admit as practitioners in the district court of Kalawao such persons of good moral character, who are citizens of the United States and shall take the prescribed oath of office as such court may find qualified for the purpose. All such practitioners shall be licensed to practice during good behavior."

SECTION 2. All licenses to practice in the district courts heretofore issued and now unrevoked shall not be affected by this Act and shall continue in force and effect; subject, however, to cancellation and revocation as by law provided.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

WILFRED C. TSUKIYAMA

adopted

STAND. COM. REP. NO. 246

Honolulu, Hawaii

April 19, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 628

Sir:

Your Committee on Judiciary, to which was referred Senate Bill No. 628, entitled:

"AN ACT AMENDING SECTION 345-2 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO CREATION OF TENANCIES IN PROPERTY",

begs leave to report as follows:

The purpose of this Bill is to clarify the language permitting owners of property to convey to themselves and/or others, and do away with the occasional necessity of making such conveyance to and through a third person or "straw man".

Your Committee is in accord with the purpose of this Bill and recommends that it pass first reading by title in the amended form attached hereto and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

S. B. NO. 628
S. D. 1

AN ACT

AMENDING SECTION 345-2 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO CREATION OF TENANCIES IN PROPERTY.

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

SECTION 1. Section 345-2 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Sec. 345-2. Creation of joint tenancy, tenancy by the entirety and tenancy in common. Land, or any interest therein, or any other type of property or property rights or interests or interest therein, may be conveyed by a person to himself and another or others as joint tenants, or by a person to himself and his spouse, or by spouses to themselves, as tenants by the entirety, or by joint tenants to themselves and another or others as joint tenants, or by tenants in common to themselves or to themselves and another or others as joint tenants, or by tenants by the entirety to themselves or themselves and another or others as joint tenants or as tenants in common, or by one tenant by the entirety to his spouse of all of his interest or interests, without the necessity of conveying through a third party, and each such instrument shall be construed as validly creating a joint tenancy, tenancy by the entirety, tenancy in common, or single ownership, as the case may be, if the tenor of the instrument manifestly indicates such intention."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

NELSON K. DOI
HERBERT K. H. LEE
N. MIYAKE
S. GEORGE FUKUOKA
SAKAE TAKAHASHI
KAZUHISA ABE
TOM T. OKINO

Open to Saturday

STAND. COM. REP. NO. 247

Honolulu, Hawaii

April 19, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 46
H. D. 1

Sir:

Your Committee on Judiciary, to which was referred House Bill No. 46, H. D. 1, entitled:

"AN ACT RELATING TO THE CRIMINAL JURISDICTION OF THE SEVERAL DISTRICT COURTS AND AMENDING SECTION 216-9 OF THE REVISED LAWS OF HAWAII 1955",

begs leave to report as follows:

The purpose of this measure is to add the district of Kau, Hawaii, to the other listed districts in which the criminal jurisdiction of the district magistrates is co-extensive with the judicial circuit in which such districts are located.

Your Committee is in accord with the objectives of this Bill and recommends that it do pass third reading.

Respectfully submitted,

Nelson K. Doi, Chairman

adopted

STAND. COM. REP. NO. 248

Honolulu, Hawaii

April 19, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 252

Sir:

Your Committee on Judiciary, to which was referred Senate Bill No. 252, entitled:

"AN ACT TO AMEND SECTION 172-94 OF THE REVISED LAWS OF HAWAII 1955 WITH RESPECT TO VOTING OF STOCK BY TRUSTEES, ETC.",

begs leave to report as follows:

The purpose of this Bill is to liberalize the provisions relating to voting of stock shares by trustees, etc. Under the Bill, shares standing in the names of two or more persons as trustees, etc. shall be voted or represented in accordance with the vote or consent of the majority of the persons in whose names the shares stand, and if only one such person is present in person or by proxy, all the shares may be voted by him, and all shares standing in the names of such persons are represented for the purpose of determining a quorum.

Your Committee is in accord with the purpose of this Bill, and recommends that it pass first reading in the form as introduced and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi

Nelson K. Doi, Chairman

adopted

STAND. COM. REP. NO. 249

Honolulu, Hawaii

April 19, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 770

Sir:

Your Committee on Judiciary, to which was referred Senate Bill No. 770, entitled:

"AN ACT TO AMEND SECTION 153-9 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO PETITION BY OWNERS OF 100% FRONTAGE OR AREA FOR IMPROVEMENTS",

begs leave to report that it is in accord with the purpose of this Bill and recommends that it pass first reading by title in the form as introduced and that it then be referred to your Select Committee of Oahu Senators for further consideration.

Respectfully submitted,

Nelson K. Doi

Nelson K. Doi, Chairman

adopted

STANDING COMMITTEE REPORT NO. 250

Honolulu, Hawaii
April 19, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 738

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 738, entitled

"AN ACT RELATING TO THE PURCHASE OF VETERAN'S MORTGAGES",

begs leave to report as follows:

The purpose of this bill is to require the territorial treasurer to pay only the market value of veteran's mortgages when he shall purchase the same under the provisions of chapter 350 of the Revised Laws of Hawaii 1955. Heretofore, the treasurer has been required to pay the full principal balance, together with accrued interest, and has been unable to take advantage of any available discounts.

Your Committee is in accord with the purposes of this measure and therefore recommends that it pass first reading by title and that it then take its place in the order of business for further consideration.

Respectfully submitted,

NELSON K. DOI, Chairman

AATF: ow

adopted

STAND. COM. REP. NO. 251

Honolulu, Hawaii

April 19, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 750

Sir:

Your Committee on Judiciary, to which was referred Senate Bill No. 750, entitled:

"AN ACT TO AMEND SECTION 178-86 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO INVESTMENTS AUTHORIZED FOR SAVINGS BANKS AND THE SAVINGS DEPARTMENTS OF BANKS",

begs leave to report as follows:

The purpose of this Bill is to permit the funds of the savings departments of banks to be loaned upon the security of leasehold mortgages as well as upon the security of fee simple property. The present law does not permit the investment of the funds of savings departments in leasehold mortgages, although permitting such loans to be made by the commercial departments of banks. This Bill amends paragraph (e) of Section 178-86 of the Revised Laws of Hawaii 1955 so as to permit a leasehold to be considered real estate and eligible security for savings department loans if the expiration date of the lease is at least two years beyond the maturity date of the loan secured thereby.

This Bill was introduced at the request of the Territorial Bank Examiner. The present law permits loans to be made upon the security of leasehold mortgages by building and loan associations, subject to similar requirements with respect to the length of the leases. Your Committee believes that the present restrictions upon the making of leasehold mortgages by banks serve no useful purpose and create burdensome restrictions which tend to impede the financing of home construction.

Section 178-86 provides that a note or bond secured by lien upon real estate may be eligible for investment of the funds of savings departments of banks only if the amount of the obligation shall not exceed sixty per cent of the appraised

market value of the security. Section 178-66 limits the amount of any loan on the security of real estate which may be made by a commercial bank, except loans made for the purpose of facilitating the sale of property owned by the bank, to sixty per cent of the appraised market value of the real estate. Your Committee believes that the restrictions upon real estate mortgage loans of banks should be comparable to the existing restrictions upon real estate mortgage loans of building and loan associations, and that each of the percentages referred to should be raised to seventy-five per cent. It is recommended that provisions for the amendment of the percentage restrictions upon real estate mortgage loans of banks be included in this Bill.

Your Committee is in accord with the purposes of this Bill and recommends that it pass first reading in the amended form attached hereto and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi

Nelson K. Doi, Chairman

S. B. NO. 750
S. D. 1

AN ACT

TO AMEND SECTION 178-66 AND SECTION 178-86 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO LOANS AND INVESTMENTS OF BANKS.

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

SECTION 1. Section 178-66 of the Revised Laws of Hawaii 1955 is hereby amended by deleting from the first sentence thereof the words "sixty per cent" and inserting in place thereof the words "seventy-five per cent".

SECTION 2. Paragraph (e) of section 178-86 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"(e) Notes or bonds secured by first lien upon improved real estate and improvements thereon in the Territory, provided, that in each case the amount of such obligation shall not exceed seventy-five per cent of the appraised market value of the security over and above all taxes due and bonded indebtedness due. The aggregate of such investments shall not exceed seventy-five per cent of the total savings deposits of such bank. A leasehold interest in real property and the improvements thereon shall be considered real estate for the purposes of this paragraph, if, at the time of the making of such investment, the expiration date of the lease is at least two years beyond the maturity date of the note or bond secured by lien thereon."

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

NOBORU MIYAKE

adopted

STAND. COM. REP. NO. 257

Honolulu, Hawaii

April 19, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 457

Sir:

Your Committee on Judiciary, to which was referred Senate Bill No. 457, entitled:

"AN ACT TO AMEND SECTION 5711 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO THE SEIZURE AND SALE FOR TAX PROVIDED THEREIN",

begs leave to report as follows:

The purpose of this Bill is to specify April 15 of each year as the date on which motor vehicles are subject to seizure for failure to pay the required vehicle weight tax.

Your Committee is in accord with the purpose of this Bill and therefore recommends that it pass first reading by title in the amended form hereto attached, and it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

S. B. NO. 457
S. D. 1

AN ACT

TO AMEND SECTION 130-10 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO THE SEIZURE AND SALE OF VEHICLES FOR TAX DELINQUENCY.

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

SECTION 1. Section 130-10 of the Revised Laws of Hawaii 1955 is hereby amended by amending the first paragraph thereof to read as follows:

"Sec. 130-10. Delinquent penalties; seizure and sale for tax. Any tax imposed by sections 130-1 to 130-11 for any year and not paid before April 1 of such year, or at any subsequent date when due, shall become delinquent and a penalty of ten per cent thereof shall be added to, and become a part of, the delinquent tax. Any vehicle not having the number plates required by sections 130-1 to 130-11, or any vehicle upon which taxes are delinquent as hereinbefore provided, may be seized after April 15 of such year, wherever found, by the treasurer, or by any police officer, and held for a period of ten days, during which time the vehicle shall be subject to redemption by its owner by payment of the taxes due, together with the delinquent penalties and the cost of storage and other charges incident to the seizure of the vehicle. The treasurer, chief of police or any police officer shall be deemed to have seized and taken possession of any vehicle, after having securely sealed it where located and posted a notice upon such vehicle, setting forth the fact that it has been seized for taxes and warning all persons from molesting it under penalty provided by section 130-11."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

MITSUYUKI KIDO
SAKAE TAKAHASHI

Refer to Calendar

STAND. COM. REP. NO. 253

Honolulu, Hawaii

April 19, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 45
H. D. 1

Sir:

Your Committee on Judiciary, to which was referred House Bill No. 45, H. D. 1, entitled:

"AN ACT RELATING TO THE CRIMINAL JURISDICTION OF THE SEVERAL DISTRICT COURTS OF THE TERRITORY AND AMENDING SECTION 216-7 OF THE REVISED LAWS OF HAWAII 1955",

begs leave to report as follows:

The purpose of this Bill is to allow an accused person a period of twenty days after arraignment within which to make demand for a jury trial where he shall be charged with an offense before a district magistrate. The existing law has required an accused person to make such demand immediately upon arraignment.

Your Committee is in accord with the objectives of this Bill and recommends that it do pass third reading in the amended form attached hereto.

Respectfully submitted,

Nelson K. Doi, Chairman

H. B. NO. 45
H. D. 1
S. D. 1

AN ACT

RELATING TO THE CRIMINAL JURISDICTION OF THE SEVERAL DISTRICT COURTS OF THE TERRITORY AND AMENDING SECTION 216-7 OF THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. Sec. 216-7 of the Revised Laws of Hawaii 1955 is hereby amended by amending the last sentence thereof, commencing on line 8, to read as follows:

"In any case cognizable by a district magistrate as aforesaid in which the accused has the right to a trial by jury in the first instance, the district magistrate, upon demand by the accused for such trial by jury, shall not exercise jurisdiction over such case, but shall examine and discharge or commit for trial the accused as provided by law, but if in any such case the accused does not demand a trial by jury on the date of arraignment or within twenty days thereafter, the district magistrate may exercise jurisdiction over the same, subject to the right of appeal as provided by law."

SECTION 2. This Act shall take effect on July 1, 1957.

INTRODUCED BY:

SPARK M. MATSUNAGA (BY REQUEST)

Feb. 25th

adopted

STAND. COM. REP. NO. 254

Honolulu, Hawaii

April 19, 1957 to WM

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Sir:

Your Committee on Judiciary, to which were referred the following Senate Bills:

S. B. NO. 336 "AN ACT AUTHORIZING THE BOARD OF HARBOR COMMISSIONERS TO PAY THE COST OF A STUDY AND APPRAISAL OF THE PRIVATE PIERS IN HONOLULU HARBOR FROM THE HARBOR BOARD SPECIAL FUND",

S. B. NO. 544 "AN ACT TO AMEND CHAPTER 170 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO REAL ESTATE BROKERS AND SALESMEN", and

S. B. NO. 585 "AN ACT TO AMEND CHAPTER 150 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO REAL ESTATE BROKERS AND SALESMEN",

begs leave to recommend that they be referred to your Committee on Ways and Means for further consideration.

Respectfully submitted,

Nelson K. Doi

Nelson K. Doi, Chairman

George Fukunaga

Member

Member

adopted

STAND. COM. REP. NO. 255

Honolulu, Hawaii

April 19, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 892

Sir:

Your Committee on Judiciary, to which was referred Senate Bill No. 892, entitled:

"AN ACT TO CREATE A NEW CHAPTER TO PERMIT TORT CLAIMS AGAINST THE TERRITORY OF HAWAII",

begs leave to report as follows:

The purpose of this Bill is to permit tort claims against the Territory of Hawaii arising from negligent acts of its employees. To effectuate this purpose, the following provisions are proposed:

(1) Territory to waive its sovereign immunity from liability for torts of its employees;

(2) Circuit courts to have exclusive jurisdiction of tort suits against the Territory accruing on and after July 1, 1957;

(3) Claim against the Territory to be barred unless action is begun within 2 years after such claim accrues;

(4) Attorney General to be authorized, with court's approval, to arbitrate, compromise or settle any claim after commencement of action; and

(5) Certain claims to be outside scope of Act.

Your Committee feels that this Bill is a desirable one for it will enable an aggrieved person who falls within its purview to file suit against the Territory without first obtaining specific legislative authorization to file such suit. The

Attorney General's Office prepared the draft of the Bill and is in full accord with its purpose.

Your Committee accordingly recommends that this Bill pass first reading by title in the amended form attached hereto, that it be printed, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

S. B. NO. 892
S. D. 1

AN ACT

CREATING A NEW CHAPTER TO PERMIT TORT CLAIMS AGAINST THE TERRITORY OF HAWAII.

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

SECTION 1. Title 29 of the Revised Laws of Hawaii 1955 is hereby amended by adding a new chapter thereto, relating to tort claims against the Territory of Hawaii, consisting of seventeen sections to be appropriately numbered by the Secretary of Hawaii and to read as follows:

"Sec. ____. Short title. This chapter may be cited as the 'Territorial Tort Liability Act'.

Sec. ____. Definitions. As used in this chapter the term:

(a) 'Territorial agency' includes the executive departments, boards and commissions of the Territory of Hawaii but does not include any contractor with the Territory of Hawaii;

(b) 'Employees of the territory' includes officers and employees of any territorial agency, members of the Hawaii National Guard, Hawaii Territorial Guard and persons acting in behalf of a territorial agency in an official capacity, temporarily or permanently in the service of the territory, whether with or without compensation;

(c) 'Acting within the scope of his office or employment', in the case of a member of the Hawaii National Guard or Hawaii Territorial Guard, means acting in line of duty.

Sec. ____. Waiver and liability of territory. The territory hereby waives its immunity from liability for the torts of its employees and shall be liable in the same manner and to the same extent as a private individual under like circumstances, but shall not be liable for interest prior to judgment or for punitive damages. If, however, in any case wherein death was caused, the territory shall be liable only for actual or compensatory damages measured by the pecuniary injuries resulting from such death to the persons respectively, for whose

benefit the action was brought.

Sec. _____. Jurisdiction. The circuit courts of the Territory of Hawaii shall have exclusive jurisdiction of all tort actions on claims against the Territory of Hawaii, for money damages, accruing on and after July 1, 1957 for injury or loss of property, or personal injury or death caused by the negligent or wrongful act or omission of any employee of the territory while acting within the scope of his office or employment.

Sec. _____. Statute of limitation. A tort claim against the Territory of Hawaii shall be forever barred unless action is begun within two years after such claim accrues.

Sec. _____. Jury. Any action against the Territory of Hawaii under this chapter shall be tried by the court without a jury.

Sec. _____. Pleadings, trial and appeal. The Hawaii Rules of Civil Procedure shall be followed in any action under this chapter. A certified copy of all pleadings shall be duly served on the attorney general.

Sec. _____. Attorney General. The territory shall be represented by the attorney general of the Territory of Hawaii in all actions under this chapter.

Sec. _____. Interest. On all final judgments rendered against the Territory of Hawaii in actions instituted under this chapter, interest shall be computed at the rate of four per cent per annum from the date of judgment up to, but not exceeding, thirty days after the date of approval of any appropriation act providing for payment of the judgment.

Sec. _____. Cost. In an action under this chapter, court costs and fees as set by law, except attorney's fees, shall be allowed to the successful claimant.

Sec. _____. Judgment as bar. The judgment in an action under this chapter shall constitute a complete bar to any action by the claimant, by reason of the same subject matter, against the

employee of the territory whose act or omission gave rise to the claim.

Sec. _____. Compromise. The attorney general, with the approval of the court, may arbitrate, compromise, or settle any claim cognizable under this chapter, after the commencement of an action thereon.

Sec. _____. Attorney's fees. The court rendering a judgment for the plaintiff pursuant to this chapter or the attorney general, making a disposition pursuant to section _____ of this chapter, may as a part of such judgment, award or settlement, determine and allow reasonable attorney's fees, but shall not exceed twenty per cent of the amount recovered.

Sec. _____. No awards except upon legal evidence. In no case shall any liability be implied against the territory, and no award shall be made against the territory except upon such legal evidence as would establish liability against an individual or corporation.

Sec. _____. Exclusiveness of remedy. The authority of the territory to sue and be sued in its own name shall not be construed to authorize any other suits against the territory and the rights and remedies provided by this chapter shall be exclusive.

Sec. _____. Exceptions. The provisions of this chapter shall not apply to:

(a) Any claim based upon an act or omission of an employee of the territory, exercising due care, in the execution of a statute or regulation, whether such statute or regulation be valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a territorial officer or employee, whether or not the discretion involved be abused;

(b) Any claim arising in respect of the assessment or collection of any tax, or the detention of any goods or merchandise by law-enforcement officers;

(c) Any claim by which a remedy is provided elsewhere in the laws of the Territory;

(d) Any claim arising out of assault, battery, fake imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights;

(e) Any claim arising out of the combatant activities of the Hawaii National Guard and Hawaii Territorial Guard during time of war;

(f) Any claim arising in a foreign country.

Sec. _____. All other laws inconsistent with the provisions of this chapter are hereby repealed or amended to conform thereto."

SECTION 2. The provisions of this Act are declared to be severable, and if any portion of this Act, or if the application of this Act or any portion thereof is held invalid for any reason, the validity of the remainder of this Act shall not be affected.

SECTION 3. This Act shall take effect on July 1, 1957.

INTRODUCED BY:

N. MIYAKE

WILFRED C. TSUKIYAMA

adopted

STAND. COM. REP. NO. 256

Honolulu, Hawaii

April 19, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 959

Sir:

Your Committee on Judiciary, to which was referred Senate Bill No. 959, entitled:

"AN ACT TO AMEND SECTIONS 155-93 AND 155-94 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO LICENSING OF SECOND HAND DEALERS",

begs leave to report as follows:

The purpose of this Bill is to require dealers in second hand merchandise to report to the police department all purchases of copper, brass, and lead articles. It appears that law enforcement agencies regard this Bill as an important aid in the investigation of thefts.

Your Committee is in accord with the purpose of this Bill, and recommends that it pass first reading by title in the amended form attached hereto, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

Rech

S. B. NO. 959
S. D. 1

AN ACT

TO AMEND SECTIONS 155-93 AND 155-94 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO LICENSING OF SECOND HAND DEALERS.

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

SECTION 1. Section 155-93 of the Revised Laws of Hawaii 1955 is hereby amended by amending the second paragraph thereof to read as follows:

"Every license granted under this section shall designate the place where the business is carried on and shall continue for one year unless sooner revoked. Every dealer shall keep a book in which shall be written a description of every article received, the name, residence and a general description of the person from whom, and the time and hour when such article was received; provided, however, that he will make out and deliver to the chief of police or his authorized subordinate, of the county in which he carries on business, on or before twelve o'clock noon of the last business day of each month, a true and correct copy of those entries relating to all copper, brass and lead articles made by him in such book concerning his transactions for that month and for the period since his last preceding report, which true and correct copy shall be preserved by the chief of police. The book, the place where the business is carried on and the articles of property therein, may be examined at any time by the treasurer, the sheriff or deputy sheriff, the chief of police, or by any person presenting to such dealer a written authorization so to do from the treasurer, or the sheriff, deputy sheriff, or chief of police."

SECTION 2. Section 155-94 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Sec. 155-94. Prohibitions; penalty. Every person who engages in the business of buying and selling second-hand articles, or who deals therein, unless licensed thereto according to law, or after notice that his license has been revoked, or who, being licensed, neglects to keep the book and make the entries therein or fails to submit a true copy of certain entries prescribed in section 155-93, or who refuses to allow the inspection prescribed in the same section, or who purchases or receives by way of exchange any article from any minor, knowing or having reason to believe that such person is a minor, shall be fined not more than $100."

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:
SAKAE TAKAHASHI, MITSUYUKI KIDO, WILFRED C. TSUKIYAMA, WM. H. HEEN AND HERBERT K. H. LEE

Ref to Sat

STAND. COM. REP. NO. 257

Honolulu, Hawaii

April 19, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 43
H. D. 1

Sir:

Your Committee on Judiciary, to which was referred House Bill No. 43, H. D. 1, entitled:

"AN ACT RELATING TO THE POWERS OF THE CLERK OF ANY DISTRICT COURT AND AMENDING SECTION 229-2 OF THE REVISED LAWS OF HAWAII 1955",

begs leave to report as follows:

The purpose of this Bill is to clarify and expand the powers of the clerks of the district courts. Heretofore, the district court clerks had authority only to sign and certify judgments, subpoenas and executions. The proposed Bill would empower such clerks to administer administrative oaths and issue garnishee summons.

Your Committee is in accord with the objectives of this Bill and recommends that it do pass third reading.

Respectfully submitted,

Nelson K. Doi, Chairman

adopted

STAND. COM. REP. NO. 258

Honolulu, Hawaii

April 19, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 210

Sir:

Your Committee on Judiciary, to which was referred Senate Bill No. 210, entitled:

"AN ACT RELATING TO GIFTS OF SECURITIES AND MONEY TO MINORS",

begs leave to report as follows:

The purpose of this Bill is to provide for a simple and inexpensive method of making gifts of securities or money to minors. A direct gift of a security to a minor involves serious practical difficulties, particulary upon the sale of the security during minority. A formal guardianship for the estate of a minor involves the expense of a bond and court accountings. The solution to these practical difficulties has heretofore been the creation of a trust for the minor to administer the property during his minority.

The adoption of this Bill will, it is believed, result in facilitating the transfer of securities and will relieve prospective donors and others involved in the handling of gifts to minors of unnecessary expense.

Many states have enacted counterparts of a Model "Act Concerning Gifts of Securities to Minors", sponsored by the New York Stock Exchange and the Association of Stock Exchange Firms. The Uniform Gifts to Minors Act follows the pattern of the Model Act but broadens the scope of the Model Act. The Uniform Act was approved and recommended for enactment by the National Conference of Commissioners on Uniform State Laws and approved by the American Bar Association.

There is a need for uniformity in the laws of all jurisdictions with respect to the transfer of securities. This Bill is intended to enact the Uniform Gifts to Minors Act which will provide a method of making gifts to minors which will enable the gifts to qualify for the gift tax exclusion provided in Section 2503 of the Internal Revenue Code of 1954. Certain revisions of the Uniform Act are required in order to conform its provisions to the existing Territorial statutes. These revisions will be discussed more fully below. The Uniform Act departs from the pattern of the Territorial statutes

in defining as a minor, for the purposes of the Act, a person who has not attained the age of 21 years, whereas the Territorial laws provide that the period of minority of any person residing in the Territory shall cease at the age of 20 years. It seems that the definition of a minor contained in the Uniform Act is required by Section 2503(c) of the Internal Revenue Code. It is recommended that the definition contained in the Uniform Act be retained. The existence of a special definition of a "minor" for the purpose of the Uniform Gifts to Minors Act will not affect the termination of the period of minority at the age of 20 years for all other purposes, as provided by Territorial law.

Excluding revisions which relate merely to form, the proposed revisions from the Uniform Act are contained in the sections referred to below:

1. Section 1(b) defines a "bank" as including any bank, trust company, national banking association, or building and loan association. This definition is required for the purpose of designating permissible depositaries of funds which are the subject of a gift to a custodian for a minor. Only a bank authorized to exercise trust powers in the Territory may be designated as a custodian,

2. Section 2 of the Uniform Act contains alternative provisions relating to the selection of the original custodian. In this Bill the donor may select as original custodian any adult person in whom the donor has confidence.

3. The provisions of Section 4(g) of the Uniform Act are subject to a construction which might prohibit the investment of custodial property by a custodian which is a trust company in a common trust fund established by it. Clarifying language has been added to this section to permit such investment.

4. Section 5(c) of the Uniform Act relates to the determination of the custodian's compensation. Specific provisions are not contained in the Uniform Act. The language incorporated in this section will permit the compensation of the custodian to be fixed by written direction of the donor at the time the gift is made. In the absence of such direction, the custodian will be entitled to such compensation as is provided by law with respect to a guardian.

5. Section 7(d) of the Uniform Act provides that the guardian of the minor shall be successor custodian in the event of a vacancy, and provides the appointment of a successor custodian by the court if there is no guardian. In view of the earlier age of majority in Hawaii, it seems appropriate to provide an unqualified right of the "minor" to designate the successor custodian if he has attained the age of 20 years, and the language of this section has been revised accordingly.

Your Committee is in accord with the purpose of this Bill and recommends that it pass first reading in the amended form attached hereto, that it be printed, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

S. B. NO. 210
S. D. 1

AN ACT

RELATING TO GIFTS OF SECURITIES AND MONEY TO MINORS AND TO MAKE UNIFORM THE LAW WITH REFERENCE THERETO.

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

SECTION 1. Definitions. In this act, unless the context otherwise requires:

(a) An "adult" is a person who has attained the age of twenty-one years.

(b) A "bank" is a bank, trust company, national banking association, or building and loan association, and shall include any corporation included in the meaning of said terms as defined in Chapters 178, 179 and 180, Revised Laws of Hawaii 1955, as amended.

(c) A "broker" is a person lawfully engaged in the business of effecting transactions in securities for the account of others. The term includes a bank which effects such transactions. The term also includes a person lawfully engaged in buying and selling securities for his own account, through a broker or otherwise, as a part of a regular business.

(d) "Court" means any of the circuit courts of the Territory.

(e) "The custodial property" includes:

(1) all securities and money under the supervision of the same custodian for the same minor as a consequence of a gift or gifts made to the minor in a manner prescribed in this act;

(2) the income from the custodial property; and

(3) the proceeds, immediate and remote, from the sale, exchange, conversion,

investment, reinvestment or other disposition of such securities, money and income.

(f) A "custodian" is a person so designated in a manner prescribed in this act.

(g) A "guardian" of a minor includes the general guardian, guardian, tutor or curator of his property, estate or person.

(h) An "issuer" is a person who places or authorizes the placing of his name on a security (other than as a transfer agent) to evidence that it represents a share, participation or other interest in his property or in an enterprise or to evidence his duty or undertaking to perform an obligation evidenced by the security, or who becomes responsible for or in place of any such person.

(i) A "legal representative" of a person is his executor or the administrator, general guardian, guardian, committee, conservator, tutor or curator of his property or estate.

(j) A "member" of a "minor's family" means any of the minor's parents, grandparents, brothers, sisters, uncles and aunts, whether of the whole blood or the half blood, or by or through legal adoption.

(k) A "minor" is a person who has not attained the age of twenty-one years.

(l) A "security" includes any note, stock, treasury stock, bond, debenture, evidence of indebtedness, collateral trust certificate, transferable share, voting trust certificate or, in general, any interest or instrument commonly known as a security, or any certificate of interest or participation in, any temporary or interim certificate, receipt or certificate of deposit for, or any warrant or right to subscribe to or purchase, any of the foregoing. The term does not include a security of which the donor is the issuer. A security is in "registered form" when it specifies a

person entitled to it or to the rights it evidences and its transfer may be registered upon books maintained for that purpose by or on behalf of the issuer.

(m) A "transfer agent" is a person who acts as authenticating trustee, transfer agent, registrar or other agent for an issuer in the registration of transfers of its securities or in the issue of new securities or in the cancellation of surrendered securities.

(n) A "trust company" is a bank authorized to exercise trust powers in the Territory.

SECTION 2. Manner of Making Gift. (a) An adult person may, during his lifetime, make a gift of a security or money to a person who is a minor on the date of the gift:

(1) if the subject of the gift is a security in registered form, by registering it in the name of the donor, another adult person or a trust company, followed, in substance, by the words: "as custodian for ..... under the Hawaii Uniform Gifts
(name of minor)
to Minors Act";

(2) if the subject of the gift is a security not in registered form, by delivering it to an adult person other than the donor or a trust company, accompanied by a statement of gift in the following form, in substance, signed by the donor and the person designated as custodian:

"GIFT UNDER THE HAWAII
UNIFORM GIFTS TO MINORS ACT

I, ..., hereby deliver to .....
(name of donor) (name of custodian)
as custodian for ..... under the Hawaii Uniform
(name of minor)
Gifts to Minors Act, the following security(ies): (insert an appropriate description of the security or securities delivered sufficient to identify it or them)

.....
(signature of donor)

..... hereby acknowledges receipt of
(name of custodian)
the above-described security(ies) as custodian for the above minor under the Hawaii Uniform Gifts to Minors Act.

Dated ....
(signature of custodian)"

(3) if the subject of the gift is money, by paying or delivering it to a broker or a bank for credit to an account in the name of the donor, another adult person or a bank with trust powers, followed, in substance, by the words: "as custodian for ..... under
(name of minor)
the Hawaii Uniform Gifts to Minors Act."

(b) Any gift made in a manner prescribed in subsection (a) may be made to only one minor and only one person may be the custodian.

(c) A donor who makes a gift to a minor in a manner prescribed in subsection (a) shall promptly do all things within his power to put the subject of the gift in the possession and control of the custodian, but neither the donor's failure to comply with this subsection, nor his designation of an ineligible person as custodian, nor renunciation by the person designated as custodian affects the consummation of the gift.

SECTION 3. Effect of Gift. (a) A gift made in a manner prescribed in this act is irrevocable and conveys to the minor indefeasibly vested legal title to the security or money given, but no guardian of the minor has any right, power, duty or authority with respect to the custodial property except as provided in this act.

(b) By making a gift in a manner prescribed in this act, the donor incorporates in his gift all the provisions of this act and grants to the custodian, and to any issuer, transfer agent, bank, broker or third person dealing with a person designated as custodian, the respective powers, rights, and immunities provided in this act.

SECTION 4. Duties and Powers of Custodian. (a) The custodian shall collect, hold, manage, invest and reinvest the custodial property.

(b) The custodian shall pay over to the minor for expenditure by him, or expend for the minor's benefit, so much of or all the custodial property as the custodian deems advisable for the support, maintenance, education and benefit of the minor in the manner, at the time or times, and to the extent that the custodian in his discretion deems suitable and proper, with or without court order, with or without regard to the duty of himself or of any other person to support the minor or his ability to do so, and with or without regard to any other income or property of the minor which may be applicable or available for any such purpose.

(c) The court, on the petition of a parent or guardian of the minor or of the minor, if he has attained the age of fourteen years, may order the custodian to pay over to the minor for expenditure by him or to expend so much of or all the custodial property as is necessary for the minor's support, maintenance or education.

(d) To the extent that the custodial property is not so expended, the custodian shall deliver or pay it over to the minor on his attaining the age of twenty-one years or, if the minor dies before attaining the age of twenty-one years, he shall thereupon deliver or pay it over to the estate of the minor.

(e) The custodian, notwithstanding statutes restricting investments by fiduciaries, shall invest and reinvest the custodial property as would a prudent man of discretion and intelligence who is seeking a reasonable income and the preservation of his capital, except that he may, in his discretion and without liability to the minor or his estate, retain a security given to the minor in a manner prescribed in this act.

(f) The custodian may sell, exchange, convert or otherwise dispose of custodial property in the manner, at the time or times, for the price or prices and upon the terms he deems advisable. He may vote in person or by general or limited proxy a security which is custodial property. He may consent,

directly or through a committee or other agent, to the reorganization, consolidation, merger, dissolution or liquidation of an issuer, a security which is custodial property, and to the sale, lease, pledge or mortgage of any property by or to such an issuer, and to any other action by such an issuer. He may execute and deliver any and all instruments in writing which he deems advisable to carry out any of his powers as custodian.

(g) The custodian shall register each security which is custodial property and in registered form in the name of the custodian, followed, in substance, by the words: "as custodian for ..... under the Hawaii Uniform
(name of minor)
Gifts to Minors Act". The custodian shall hold all money which is custodial property in an account with a broker or in a bank in the name of the custodian, followed, in substance, by the words: "as custodian for .....
(name of minor)
under the Hawaii Uniform Gifts to Minors Act". The custodian shall keep all other custodial property separate and distinct from his own property in a manner to identify it clearly as custodial property; provided, that a custodian which is a trust company may invest any part or all of the custodial property in any common trust fund established by it.

(h) The custodian shall keep records of all transactions with respect to the custodial property and make them available for inspection at reasonable intervals by a parent or legal representative of the minor or by the minor, if he has attained the age of fourteen years.

(i) A custodian has, with respect to the custodial property, in addition to the rights and powers provided in this act, all the rights and powers which a guardian has with respect to property not held as custodial property.

SECTION 5. Custodian's Expenses, Compensation, Bond and Liabilities. (a) A custodian is entitled to reimbursement from the custodial property for his reasonable expenses incurred in the performance of his duties.

(b) A custodian may act without compensation for his services.

(c) Unless he is a donor, a custodian may receive from the custodial property, and the court may allow, such compensation as shall be fixed by written direction of the donor at the time the gift is made, or, in the absence of such direction, such compensation as shall be provided by law with respect to a guardian.

(d) Except as otherwise provided in this act, a custodian shall not be required to give a bond for the performance of his duties.

(e) A custodian not compensated for his services is not liable for losses to the custodial property unless they result from his bad faith, intentional wrongdoing or gross negligence or from his failure to maintain the standard of prudence in investing the custodial property provided in this act.

SECTION 6. Exemption of Third Persons from Liability. No issuer, transfer agent, bank, broker or other person acting on the instructions of or otherwise dealing with any person purporting to act as a donor or in the capacity of a custodian is responsible for determining whether the person designated by the purported donor or purporting to act as a custodian has been duly designated or whether any purchase, sale or transfer to or by or any other act of any person purporting to act in the capacity of custodian is in accordance with or authorized by this act, or is obliged to inquire into the validity or propriety under this act of any instrument or instructions executed or given by a person purporting to act as a donor or in the capacity of a custodian, or is bound to see to the application by any person purporting to act in the capacity of a custodian of any money or other property paid or delivered to him.

SECTION 7. Resignation, Death or Removal of Custodian; Bond; Appointment of Successor Custodian. (a) Only an adult member of the minor's family, a guardian of the minor or a trust company is eligible to become successor custodian. A successor custodian has all the rights, powers, duties and immunities of a custodian designated in a manner prescribed by this act.

(b) A custodian, other than the donor, may resign and designate his successor by:

(1) executing an instrument of resignation designating the successor custodian; and

(2) causing each security which is custodial property and in registered form to be registered in the name of the successor custodian followed, in substance, by the words: "as custodian for .....
(name of minor)
under the Hawaii Uniform Gifts to Minors Act"; and

(3) delivering to the successor custodian the instrument of resignation, each security registered in the name of the successor custodian and all other custodial property, together with any additional instruments required for the transfer thereof.

(c) A custodian, whether or not a donor, may petition the court for permission to resign and for the designation of a successor custodian.

(d) If the person designated as custodian is not eligible, renounces or dies before the minor attains the age of twenty years, the guardian of the minor shall be successor custodian. If the minor has not attained the age of twenty years and has no guardian, a donor, his legal representative, the legal representative of the custodian, an adult member of the minor's family, or the minor, if he has attained the age of fourteen years, may petition the court for the designation of a successor custodian. If the minor has attained the age of twenty years, the minor may designate the successor custodian.

(e) A donor, the legal representative of a donor, an adult member of the minor's family, a guardian of the minor or the minor, if he has attained the age of fourteen years, may petition the court that, for cause shown in the petition, the custodian be removed and a successor custodian be designated or, in the alternative, that the custodian be required to give bond for the performance of his duties.

(f) Upon the filing of a petition as provided in this section, the court shall grant an order, directed to the persons and returnable on such notice as the court may require, to show cause why the relief prayed for in the petition

should not be granted and, in due course, grant such relief as the court finds to be in the best interests of the minor.

SECTION 8. Accounting by Custodian. (a) The minor, if he has attained the age of fourteen years, or the legal representative of the minor, an adult member of the minor's family, or a donor or his legal representative may petition the court for an accounting by the custodian or his legal representative.

(b) The court, in a proceeding under this act or otherwise, may require or permit the custodian or his legal representative to account and, if the custodian is removed, shall so require and order delivery of all custodial property to the successor custodian and the execution of all instruments required for the transfer thereof.

SECTION 9. Construction. (a) This act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

(b) This act shall not be construed as providing an exclusive method for making gifts to minors.

SECTION 10. Short Title. This act may be cited as the "Hawaii Uniform Gifts to Minors Act".

SECTION 11. Severability. If any provision of this act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SECTION 12. Time of Taking Effect. This act shall take effect upon its approval.

INTRODUCED BY:

SAKAE TAKAHASHI
NELSON K. DOI
MITSUYUKI KIDO
OREN E. LONG
HERBERT K. H. LEE

adopted

STAND. COM. REP. NO. 259

Honolulu, Hawaii

April 19, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 713

Sir:

Your Committee on Judiciary, to which was referred Senate Bill No. 713, entitled:

"AN ACT MAKING AVAILABLE FROM THE GENERAL REVENUES OF THE TERRITORY FOR THE CLAIM OF JOHN G. DUARTE FOR LOSSES SUSTAINED ARISING OUT OF THE CONTRACT OF CHAR & CROZIER FOR THE BUILDING OF A SECTION OF THE HANA BELT ROAD",

begs leave to report as follows:

The purpose of this Bill is to allow John G. Duarte to file suit against the Territory of Hawaii for alleged losses sustained by him in connection with the contract of Char & Crozier for the building of a section of the Hana Belt Road. Your Committee was advised by the Attorney General's Office that the Territory may properly waive the defense of sovereign immunity and of the statute of limitations, and may further appropriate monies to satisfy any legally adjudicated claim.

Your Committee is in accord with the purpose of this Bill, and recommends that it pass first reading by title in the form as introduced and that it then be referred to your Committee on Ways and Means for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

Refer to Sat

STAND. COM. REP. NO. 260

Honolulu, Hawaii

April 19, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 44
H. D. 1

Sir:

Your Committee on Judiciary, to which was referred House Bill No. 44, H. D. 1, entitled:

"AN ACT RELATING TO MORTALITY TABLES AS A STANDARD OF VALUES AND AMENDING SECTION 319-17 OF THE REVISED LAWS OF HAWAII 1955",

begs leave to report as follows:

For the admeasurement of any right of dower or curtesy or any other life estate or interest in property, this Bill proposes applying the rule, method and standards of mortality and of the value that are set forth in the "Standard Annuity tables" of mortality (in lieu of the "American experience tables"), used by insurance companies for ascertaining the value of life policies and annuities. The change is approved and endorsed by the Attorney General's Office.

Your Committee accordingly recommends that this Bill pass third reading.

Respectfully submitted,

Nelson K. Doi, Chairman

adopted Wed
deferred to Monday

Standing Committee Report No. 261

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 18 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 702 HD1

RECOMMENDING PASSAGE OF SAID BILL.

MEMO:

Deferred until April 26, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

defer to Sat.

STAND. COM. REP. NO. 261

Honolulu, Hawaii

April 19, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 702
H. D. 1

Sir:

Your Committee on Judiciary, to which was referred House Bill No. 702, H. D. 1, entitled:

"AN ACT TO REPEAL SECTIONS 146-2, 147-1, 148-1, 149-54 AND 149-55 OF THE REVISED LAWS OF HAWAII 1955, ALL RELATING TO SALARIES OF CERTAIN OFFICERS OF THE SEVERAL COUNTIES OF THE TERRITORY OF HAWAII; AND TO AMEND SECTION 149-86 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO THE GENERAL POWERS OF THE CITY AND COUNTY BOARD OF SUPERVISORS, BY ADDING THERETO A NEW SUBSECTION DESIGNATED (49) RELATING TO SALARIES OF COUNTIES AND COUNTY OFFICERS",

begs leave to report as follows:

The purpose of this Bill is to give the board of supervisors of the various counties and the city and county of Honolulu the authority to set the salaries of the county officers whose salaries are now determined by the legislature.

The offices affected in the counties of Hawaii, Maui and Kauai are: chairman and executive officer, members of the board of supervisors, county attorney, auditor, treasurer, clerk, chief of police and fire chief.

The offices affected in the city and county of Honolulu are: mayor, members of the board of supervisors, sheriff, city and county clerk, auditor, treasurer, city and county attorney, public prosecutor, controller, chief of police, and fire chief.

At a hearing held by your Committee, the speakers from the various counties and the city and county of Honolulu strongly supported this Bill. Your Committee was informed that the city charter commission is in favor of this measure. Testimony was received to the effect that the measure is a step in the direction of more responsibility to the local government.

Your Committee is in accord with the purpose of this Bill and recommends that it pass third reading.

Respectfully submitted,

Nelson K. Doi

Nelson K. Doi, Chairman

S. George Fukushima

Julian Yamahachi

[illegible]

I do not concur [illegible]

fdl

STAND. COM. REP. No. 267

Honolulu, T. H.

April 18, 1957

Honorable William H. Heen

President of the Senate

S i r :

Your Committee on Printing begs leave to report that the following matters have been printed and are ready for distribution:

S. B. No. 123 S. D. 1
S. B. No. 125 S. D. 1
S. B. No. 393 S. D. 1
S. B. No. 566 S. D. 1
S. B. No. 799 S. D. 1
S. B. No. 16 S. D. 2
S. J. R. No. 27 S. D. 1
S. J. R. No. 53 S. D. 1
H. B. No. 34 S. D. 1
H. B. No. 512 S. D. 1
H. B. No. 824 S. D. 1
Stand. Comm. Rep. No. 213 to 230

Respectfully submitted,

John B. Fernandez
Chairman

adopted

STANDING COMMITTEE REPORT NO. 263

Honolulu, Hawaii
April 18, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 794

Sir:

Your Committee on Ways and Means to which was referred Senate Bill No. 794, entitled

"AN ACT AUTHORIZING THE LEVY AND IMPOSITION OF SERVICE CHARGE ON SPECIAL FUNDS AND PROVIDING FOR THE APPROPRIATION OF SUCH SERVICE CHARGE,"

begs leave to report as follows:

The purpose of this bill is to empower the county boards of supervisors to increase the yield of their county's general fund yield by imposing a service charge of five per cent on the revenues of each of their special funds.

This action is in line with recent authorization providing for the territory's general fund to be similarly reimbursed, and is based on the concept that this constitutes repayment for the numerous services rendered by the central service agencies supported by the general fund.

Your Committee, upon consideration of the bill believes that certain funds, generally classifiable as sinking or trust funds, should be excluded from the provisions of this bill. Accordingly, your Committee has prepared an amendment which incorporates this consideration in addition to minor revisions for the purpose of clarifying the intent.

Your Committee is in accord with the purpose of this bill and recommends that it pass first reading by title, in the amended form attached hereto, and that it then take its place in order of business for further consideration.

Respectfully submitted,

KAZUHISA ABE, Chairman

S. B. NO. 794
S. D. 1

AN ACT

AUTHORIZING THE LEVY AND IMPOSITION OF SERVICE CHARGE ON SPECIAL FUNDS AND PROVIDING FOR THE APPROPRIATION OF SUCH SERVICE CHARGE.

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

SECTION 1. The board of supervisors of the city and county of Honolulu is hereby authorized and empowered to levy and impose a service charge of five per cent on the revenues of each special fund save and except pension or retirement funds, funds set aside for the redemption of bonds or the payment of interest thereon, private trust funds, special assessment funds, loan funds, revolving funds, utilities working capital funds, and federal-aid school construction funds. The amount of such service charge shall be appropriated for payment to the general fund of the city and county of Honolulu.

SECTION 2. The board of supervisors of each of the counties of Hawaii, Kauai and Maui is hereby authorized and empowered to levy and impose a service charge of five per cent on the revenues of each special fund of the respective counties save and except pension or retirement funds, funds set aside for the redemption of bonds or the payment of interest thereon, private trust funds, special assessment funds, loan funds, and funds which are financed by or receive supplementing revenues from the general fund of each such county. The amount of such service charge shall be appropriated for payment to the general fund of each of the said counties.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

adopted

STANDING COMMITTEE REPORT NO. 264

Honolulu, Hawaii
April 17, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 184

Sir:

Your Committee on Public Employment to which was referred Senate Bill No. 184 entitled, "AN ACT RELATING TO THE POSITION CLASSIFICATION PLANS OF THE TERRITORY AND COUNTIES," begs leave to report as follows:

This bill provides for uniformity of retroactivity in the case of positions reallocated. At the present time there is a lack of uniformity in this area due to the fact that the various civil service commissions in the Territory, by their own rules and regulations, have adopted different rules and regulations with respect to the effective date of retroactivity.

Your Committee approves the purpose of this bill and recommends that it pass first reading by title in the amended form attached hereto, that it be printed, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Lee Duponte
DEE DUPONTE, CHAIRMAN

Matsuyuki Kido

Sakae Takahashi

AATF HK

S. B. NO. 184
S. D. 1

AN ACT

RELATING TO THE POSITION CLASSIFICATION PLANS OF THE TERRITORY AND THE VARIOUS COUNTIES.

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

SECTION 1. Section 3-19 of the Revised Laws of Hawaii 1955, is hereby amended by amending subparagraph (3) of paragraph (h) thereof to read as follows:

"(3) Reallocate positions to recognize material changes in duties and responsibilities or to correct a previous action. Reallocations shall be made effective retroactively to the beginning of the pay period immediately following the date the application for reclassification was filed with the director."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

DEE DUPONTE - By request
TOM OKINO
MITSUYUKI KIDO
SAKAE TAKAHASHI

adopted

STANDING COMMITTEE REPORT NO. 265

Honolulu, Hawaii
April 19, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 525

Sir:

Your Committee on Public Employment to which was referred Senate Bill No. 525 entitled, "AN ACT TO AMEND SECTION 6-135 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO PENSION FUND FOR POLICEMEN, FIREMEN, AND BANDSMEN," begs leave to report as follows:

It is provided in Section 6-135 of the Revised Laws of Hawaii 1955, that each of the counties shall transfer from its general fund and contribute and pay into its policemen, firemen and bandsmen pension fund an amount equal to one per cent of the general fund revenues for the previous year.

The special policemen, firemen and bandsmen pension system and the above referred pension fund were created and established primarily to provide pensions to a limited group of employees of the counties who had never been eligible to receive the benefits under the retirement system of the territory. Pensions granted under this special pension law are payable only to policemen, firemen and bandsmen who were retired on December 31, 1927, or who were in service on that date.

Accordingly, it is reasonable to anticipate that the number of pensioners on the pension rolls receiving pensions from the policemen, firemen and bandsmen pension fund will steadily diminish with the elapse of time and the amount necessary for the payment of such pensions will eventually decrease to less than the amount based upon one per cent of the county general fund revenues.

The purpose of this bill is to amend the provisions of said Section 6-135 by deleting therefrom the obligation upon the counties to contribute into the pension fund for policemen,

AATF. TW 2

firemen and bandsmen an amount equal to one per cent of the general fund collections of the preceding year and to substitute in lieu thereof a requirement that the local governments shall finance such pension funds on the basis of the actual amount needed to pay all pensions granted under the special policemen, firemen and bandsmen law.

Your Committee is in accord with the purpose of Senate Bill No. 525 and therefore recommends that it pass first reading by title, as amended, that it be printed, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

DEE DUPONTE, CHAIRMAN

S. B. NO. 525

S. D. 1

AN ACT

TO AMEND SECTION 6-135 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO PENSION FUND FOR POLICEMEN, FIREMEN AND BANDSMEN.

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

SECTION 1. Section 6-135 of the Revised Laws of Hawaii 1955, is hereby amended by amending paragraph (b) thereof, to read as follows:

"(b) All funds appropriated to the pension fund. The board of supervisors shall set aside annually from the general fund of the county, a sum which shall be necessary for the payment, during the ensuing year, of all pensions granted by the Board of Trustees, which sum shall be placed by the treasurer to the credit of the pension fund in two semi-annual installments, namely, on the last day of June and December, respectively, of each year, and shall be used or devoted solely for the purposes of the pension fund.

Such payments to the pension fund shall continue so long as they shall be necessary to pay all pensions to persons on the pension rolls of the fund as of December 31, 1927, and all pensions which may become payable to or on account of all policemen, firemen and bandsmen who were in service on December 31, 1927. All such pensioners and policemen, firemen and bandsmen shall be entitled to benefits at the full rates."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

S. GEORGE FUKUOKA

JOHN G. DUARTE

DEE DUPONTE

MARCH 14, 1957

adopted

STANDING COMMITTEE REPORT NO. 266

Honolulu, Hawaii
April 18, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 958

Sir:

Your Committee on Public Employment to which was referred Senate Bill No. 958 entitled, "AN ACT TO AMEND SECTION 3-4 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO PUBLIC OFFICERS AND EMPLOYEES," begs leave to report as follows:

The purpose of this measure is to facilitate agreements between the territorial and county civil service departments as to the conduct of their operations by providing for reciprocity in the use of eligible lists.

Your Committee approves the purpose of this bill and recommends that it pass first reading by title and that it then take its place in the order of business for further consideration.

Respectfully submitted,

DEE DUPONTE, CHAIRMAN

AATF

adopted

STANDING COMMITTEE REPORT NO. 267

Honolulu, Hawaii
April 18, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 105

Sir:

Your Committee on Public Employment to which was referred Senate Bill No. 105 entitled, "AN ACT PROHIBITING THE ACTIVE POLITICAL PARTICIPATION OF GOVERNMENT EMPLOYEES, AND AMENDING SECTION 96 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED," begs leave to report as follows:

The purpose of this bill is to amend Section 3-70 of the Revised Laws of Hawaii 1955 by adding a new paragraph there which provides that any civil service employee who becomes a candidate for elective public office shall resign his position upon his filing nomination papers. Such government employee shall not be entitled to the benefit of reemployment under the provisions of subparagraph (g) of Section 3-21.

Your Committee has further amended the last paragraph of Section 3-71 authorizing and empowering the civil service commission to investigate any alleged violations and to refer its findings to the attorney general or county attorney of the various counties as the case may be, for prosecution.

Your Committee approves the purpose of this bill and recommends that it pass first reading in the amended form attached hereto, that it be printed, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Dee Duponte
DEE DUPONTE, CHAIRMAN

AATF

S. B. NO. 105
S. D. 1

AN ACT

RELATING TO POLITICAL ACTIVITIES OF GOVERNMENT EMPLOYEES, AND AMENDING CHAPTER 3 OF THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. Section 3-70 of the Revised Laws of Hawaii 1955 is amended by adding thereto a new paragraph to read as follows:

"Any person in the civil service who is a candidate for an elective public office shall resign from the civil service upon his filing of nomination papers thereto."

SECTION 2. Section 3-71 of the Revised Laws of Hawaii 1955, is hereby amended by amending the last paragraph to read as follows:

"Any person who violates any of the provisions of section 3-70 or this section shall be fined not more than $500 or imprisoned not more than one year or both. The commission is authorized and empowered to investigate any alleged violations and to refer its findings to the attorney general or county attorney of the various counties as the case may be, for prosecution."

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

N. MIYAKE

dfer to Sat

STANDING COMMITTEE REPORT NO. 268

Honolulu, Hawaii
April 18, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Concurrent Resolution No. 27

Sir:

Your Committee on Public Employment to which was referred Senate Concurrent Resolution No. 27 entitled, "CONCURRENT RESOLUTION REQUESTING THE DELEGATE TO CONGRESS FROM HAWAII TO SUPPORT THE PASSAGE OF H. R. 771 WHICH PROVIDES ASSISTANCE TO STATES, TERRITORIES AND LOCAL GOVERNMENTS IN PUBLIC WORKS PROJECTS IN ORDER TO OFFSET DECLINING EMPLOYMENT," begs leave to report as follows:

The purpose of this Resolution is fully explained by its title.

Your Committee certainly recognizes the desirability of Federal aid in preventing unemployment, and therefore unanimously recommends that Concurrent Resolution No. 27 be adopted.

Respectfully submitted,

Dee Duponte
DEE DUPONTE, CHAIRMAN

Mitsuyuki Kido

Sakae Takahashi

AATF

adopted

STANDING COMMITTEE REPORT NO. 269

Honolulu, Hawaii
April 18, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 160

Sir:

Your Committee on Public Employment to which was referred Senate Bill No. 160 entitled, "AN ACT RELATING TO PROMOTIONAL EXAMINATIONS FOR PUBLIC EMPLOYMENT", begs leave to report as follows:

The purpose of this measure is to provide that upon the request of the department head, promotional examinations shall be based strictly upon the duties and responsibilities of the particular position for which the promotional examination is being given, rather than general examinations which pertain to the entire class which may consist of many positions.

Your Committee approves the purpose of this bill and accordingly recommends that it pass first reading by title in the amended form attached hereto, that it be printed, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Dee Duponte
DEE DUPONTE, CHAIRMAN

Mitsuyuki Kido

Fahrel Jamahiroke

W H Hill

AATF

S. B. NO. 160
S. D. 1

AN ACT

RELATING TO THE GENERAL CHARACTER OF EXAMINATIONS FOR PUBLIC EMPLOYMENT.

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

SECTION 1. Section 3-21 of the Revised Laws of Hawaii 1955 is hereby amended by amending the second sentence of paragraph (a) thereof to read as follows:

"Such examinations shall be practical in their character and so far as possible shall provide for ascertaining the physical, mental and educational qualifications, experience, knowledge and skill of applicants and their relative capacity and fitness for the proper performance of the characteristic duties of the class of positions in which they seek to be employed, except that in the case of promotional examination, the civil service department shall, when requested by the department head, give an examination on the particular duties and responsibilities of the particular position to be filled, rather than the characteristic duties of the class of positions."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

DEE DUPONTE, By Request
TOM T. OKINO
MITSUYUKI KIDO
SAKAE TAKAHASHI

adopted

STANDING COMMITTEE REPORT NO. 270

Honolulu, Hawaii
April 17, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 157

Sir:

Your Committee on Public Employment to which was referred Senate Bill No. 157 entitled, "AN ACT AMENDING CHAPTER 2 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED BY ACT 274 SESSION LAWS OF HAWAII 1955, RELATING TO PUBLIC OFFICERS AND EMPLOYEES AND CIVIL SERVICE," begs leave to report as follows:

The purpose of this bill is to give the departments the authority to change a provisional appointment to a probationary or permanent appointment when the civil service agencies fail in their responsibility of supplying appropriate eligible lists, as determined by the director of civil service, within a period of six months.

Testimony at the Committee hearings was to the effect that although the civil service agencies have to give approval for provisional appointments, and although the law provides that they have six months to recruit and test applicants, in many instances these eligible lists are not supplied until the very last minute. The departments contend that this works a hardship on the department and is unfair to the provisional appointee who has served in the position for six months. If an appropriate eligible list is not supplied for six months, the present law does not permit the department to retain the provisional appointee, even if his services are satisfactory, but a new provisional appointee may be selected.

The intent of this bill is to exert greater pressure on the civil service agencies to establish appropriate eligible lists when provisional appointments have been made, and also to make it possible for a department to grant a probationary and subsequently a permanent appointment to an employee who has served on a provisional basis for six months.

Your Committee has amended the bill to require that a provisional appointee make a passing grade on an examination based on the specific duties and responsibilities of the position before he be granted a probationary appointment. This will help to insure that the person so selected shall be qualified for his position. The proviso in

the original bill that the period spent as a provisional appointee be counted as part of any probationary period that may subsequently be required is retained. The bill has been further amended to retain the present proviso that the personnel director shall authorize provisional appointments but with the added requirement that the departments certify the need for such appointments.

Your Committee is in accord with the purpose of Senate Bill No. 157, as amended, and therefore recommends that it pass first reading by title in the amended form attached hereto, that it be printed, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

DEE DUPONTE, CHAIRMAN

AATF

S. B. No. 157
S. D. 1

AN ACT

AMENDING CHAPTER 3 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO PUBLIC OFFICERS AND EMPLOYEES AND CIVIL SERVICE.

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

SECTION 1. Chapter 3 of the Revised Laws of Hawaii 1955, is hereby amended by amending subparagraph (1) of Section 3-21 thereof to read as follows:

"(1) Provisional and short term appointments. The director shall authorize the filling of a vacant position by a provisional appointment whenever no appropriate eligible list is available for such position, but only when the appointing authority certifies that such action is required for the performance of essential public business. The director shall subsequently proceed without delay to hold an examination for the establishment of an eligible list to fill such vacancy. A provisional appointment may continue for not longer than one month after the certification of an eligible list. If no appropriate eligible list for the position is established by the director within a period of six months after the provisional appointment, the provisional appointee is eligible for a probationary appointment upon making a passing grade on an examination based on the particular duties and responsibilities of the position to be filled rather than on the general characteristic duties of the class in which the position is placed. Such an examination shall be given during the seventh month after the date on which the provisional appointment was made. A provisional appointee, as such, shall not acquire any permanent status; however, the time spent under a provisional appointment shall be counted in the probationary period if the provisional appointee is subsequently appointed to the position.

Short term appointments, not to exceed ten working days, may be made to fill positions temporarily in any serious emergency when it is not practicable to ascertain whether there is an eligible list from which to make a careful selection.

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

DEE DUPONTE, By Request
MITSUYUKI KIDO
TOM T. OKINO
SAKAE TAKAHASHI

AATF

adopted

STAND. COM. REP. NO. 271

Honolulu, Hawaii

April 18, 1957

Jnd

Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Bill No. 932

Sir:

Your Select Committee of Oahu Senators, to which was referred Senate Bill No. 932 entitled: "AN ACT TO AMEND SECTION 149-20 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO ELECTIVE AND APPOINTIVE OFFICERS", begs leave to report that your Committee has considered said bill and recommends that it be referred to the Committee on Judiciary for further consideration.

Respectfully submitted,

Chairman

THE FOLLOWING WAS

NOT IN FILE

WHEN RECORDS WERE MICROFILMED:

YEAR: 1957

SESSION: REGULAR

CHAMBER: SENATE

TYPE ITEM: STANDING COMMITTEE REPORT

ITEM NUMBER: 272

adopted

STAND. COM. REP. NO. 273
Honolulu, Hawaii
April 18, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

Re: S.B. 701

Sir:

Your Select Committee of Oahu Senators to which was referred Senate Bill 701 entitled, "AN ACT TO AMEND SECTION 149-197 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO ZONING REGULATIONS", begs leave to report as follows:

The purpose of this bill is to clarify the present law pertaining to zoning regulations. This bill specifically provides for the regulation of off-street parking and the granting of variances from any regulations or limitation. These powers are presently implied in Section 149-197 of the Revised Laws of Hawaii 1955. If enacted, this bill would serve to clearly define existing law.

Your Committee is in accord with the purpose of this bill, and accordingly recommends that Senate Bill 701 pass second reading and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Chairman

no amendments

adopted

STAND. COM. REP. NO. 274

Honolulu, Hawaii

April 18, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

Re: S. B. 766

Sir:

Your Select Committee of Oahu Senators to which was referred Senate Bill 766 entitled, "AN ACT RELATING TO THE TRANSFER OF THE SUBURBAN WATER SYSTEM OF THE CITY AND COUNTY OF HONOLULU BY THE BOARD OF SUPERVISORS OF SAID CITY AND COUNTY; AND IN SUCH CONNECTION AMENDING ACT 253 OF THE SESSION LAWS OF HAWAII 1939, AND SECTIONS 153-1, 153-3, 153-5, 153-6, 153-10, 153-13 AND 149-187 OF THE REVISED LAWS OF HAWAII 1955", begs leave to report as follows:

The purpose of Section 1 of this bill is to amend Section 5 of Act 253 of the Session Laws of Hawaii 1939 which originally provided for a monthly charge of $4 per fire hydrant to be paid by the city and county if and when the rural waterworks were transferred tothe Board of Water Supply. This bill would eliminate this charge upon the merger of the two water systems on Oahu.

Section 2 of this bill is merely corrective legislation if the transfer is effected and would delete reference to the two water systems wherever it appears in Section 153 of the Revised Laws of Hawaii 1955.

Section 3 of this bill is similar in effect to Section 2 but it amends Section 149-187 of the Revised Laws of Hawaii 1955.

Section 4 is to provide for the transfer of all personnel of the Suburban Water Supply without the loss of any right or priviledge on a part of such personnel upon the merger of these 2 water systems.

no amendments

Your Committee is in accord with the purpose of this bill, and accordingly recommends that Senate Bill 766 pass second reading and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Chairman

adopted

STAND. COM. REP. NO. 275
Honolulu, Hawaii
April 18, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

Re: Senate Bill No. 767

Sir:

Your Select Committee of Oahu Senators to which was referred Senate Bill No. 767 entitled, "AN ACT PROVIDING FOR PAYMENT OF INTEREST AND PRINCIPAL ON PUBLIC IMPROVEMENT BONDS AUTHORIZED FOR ISSUANCE UNDER ACT 375, S.L.H. 1949, AND OUTSTANDING AS AT DECEMBER 31, 1956" begs leave to report as follows:

The purpose of this bill is to permit the board of supervisors of the city and county of Honolulu to appropriate out of any revenues in highway fund, the amount necessary for annual payment of interest and principal on bonds issued under the provision of Act 375 of the Session Laws of Hawaii 1949.

At the present time the payment of interest and principal on these bonds can only be made out of the general revenue fund of the city and county of Honolulu.

Ordinarily the road improvements provided for by Act 375 of the Session Laws of Hawaii 1949 are financed by the highway fund, but the above Act 375 did not contain such a provision for repayment of these bonds out of the highway fund. The city and county of Honolulu, therefore, feels that permitting payments of interest and principal to be made out of the highway fund would be proper and would permit the use of general revenue funds for other appropriate uses.

Your committee approves the purpose of this bill and recommends that Senate Bill No. 767 pass second reading and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Chairman

adopted

STAND. COM. REP. NO. 276

Honolulu, Hawaii

April 18, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

Re: S. B. 912

Sir:

Your Select Committee of Oahu Senators to which was referred Senate Bill 912 entitled, "AN ACT TO AMEND SECTION 153-12 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO CONTRACTS, BIDS AND BONDS, BY AMENDING THE THIRD SENTENCE THEREOF RELATING TO THE AMOUNT OF DEPOSIT ACCOMPANYING THE CONTRACT BID", begs leave to report as follows:

The purpose of this bill is to conform Section 153-12 to the provision of Section 9-27 of the Revised Laws of Hawaii, 1955, the general statutes dealing with "Public Works and Contracts".

Section 153-12 presently provides for a flat five percent surety bond for any bid regardless of the amount. This deposit is not a performance bond but merely guarantees the signing of the contract and the furnishing of a bond when awarded to the successful bidder. Such a purpose would be fulfilled by the amount of deposit called for in this bill without putting an unnecessary burden on bidders on contracts exceeding $50,000.

Your Committee is in accord with the purpose of this bill, and accordingly recommends that Senate Bill 912 pass second reading and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Chairman

No amendments.

adopted

STAND. COM. REP. NO. 277

Honolulu, Hawaii

April 18, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

Re: S. B. 934

Sir:

Your Select Committee of Oahu Senators to which was referred Senate Bill 934 entitled, "AN ACT TO AMEND SECTION 149-180 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO THE CITY PLANNING COMMISSION OF THE CITY AND COUNTY OF HONOLULU", begs leave to report as follows:

The purpose of this bill is to make the Commissioner of Public Lands an ex-officio member of the City and County Planning Commission, thereby increasing the membership of said commission. It is felt by this committee that this bill would create a better working relationship between these two agencies.

Your Committee is in accord with the purpose of this bill, and accordingly recommends that Senate Bill 934 pass second reading and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Chairman

no amendment

adopted

STAND. COM. REP. NO. 278

Honolulu, Hawaii

April 18, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

Re: S. B. 952

Sir:

Your Select Committee of Oahu Senators to which was referred Senate Bill 952 entitled, "AN ACT TO AMEND SECTION 149-86 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO GENERAL POWERS OF THE BOARD OF SUPERVISORS", begs leave to report as follows:

The purpose of this bill is to give the board of supervisors the power to appropriate money for an incentive award program for its officials and employees.

The present law does not provide for such a program. A similar program is being administered successfully by the federal civil service.

Your Committee is in accord with the purpose of this bill, and accordingly recommends that Senate Bill 952 pass second reading and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Chairman

No amendments

defer to Sat

STANDING COMMITTEE REPORT NO. 279

Honolulu, Hawaii
April 18, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 21
H. D. 1

Sir:

Your Committee on Public Employment to which was referred House Bill No. 21, H. D. 1, entitled, "AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM, PROVIDING THAT LEGISLATORS MAY RECEIVE SERVICE RETIREMENT BENEFITS FOR LEGISLATIVE SERVICE UPON ATTAINING THE AGE OF SIXTY-FIVE, AND AMENDING CHAPTER 6 OF THE REVISED LAWS OF HAWAII 1955," begs leave to report as follows:

The purpose of this measure as indicated by its title is to permit members of the legislature to receive retirement pay after reaching the age of sixty-five, even though their term or terms in the legislature may extend beyond that age.

Your Committee is in accord with the objectives of this bill and recommends that it pass.

Respectfully submitted,

Dee Duponte
DEE DUPONTE, CHAIRMAN

Mitsuyuki Kido

Jakar Tanahashi

W H Hill

AATF

adopted

STANDING COMMITTEE REPORT NO. 280

Honolulu, Hawaii
April 17, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 113
H. D. 1

Sir:

Your Committee on Public Employment to which was referred House Bill No. 113, H. D. 1, entitled, "AN ACT AMENDING CHAPTER 3 OF THE REVISED LAWS OF HAWAII 1955 TO PROVIDE SERVICE AWARDS TO PUBLIC OFFICERS AND EMPLOYEES OF THE TERRITORY AND COUNTIES," begs leave to report as follows:

The purpose of this bill is to recognize long and faithful government service and permit the several governmental departments to award employees with 25 or more years of service a certificate, plaque or other suitable memento, the cost of which is not to exceed $25, in recognition of such service. Likewise, the departments will be permitted to grant a certificate, plaque or other suitable memento, not to exceed $25 in cost, to any employee who retires upon completion of 10 or more years of service.

During the course of the hearing on this bill it was brought to the attention of your Committee that private industry and the Federal Government have programs of a similar nature.

This program will be administered by the several department heads without the creation of a new board or commission and the nominal cost will be defrayed through the funds of the respective departments.

Your Committee on Public Employment is in accord with the intent and purpose of this bill and recommends it pass second reading and that it then take its place in the order of business for further consideration.

Respectfully submitted,

DEE DUPONTE, CHAIRMAN

AATF

adopted

STANDING COMMITTEE REPORT NO. 281

Honolulu, Hawaii
April 18, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 872

Sir:

Your Committee on Public Employment to which was referred Senate Bill No. 872 entitled, "AN ACT AMENDING SECTION 5-1 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO RESIDENCE AND CITIZENSHIP QUALIFICATIONS OF GOVERNMENT OFFICIALS AND EMPLOYEES," begs leave to report as follows:

The purpose of this bill is to eliminate the 90-day waiting period for the filling of a position where no competent person with resident qualifications has applied therefor.

Your Committee is in accord with the purpose of this measure and recommends that it pass first reading by title and that it then take its place in the order of business for further consideration.

Respectfully submitted,

DEE DUPONTE, CHAIRMAN

AATF

adopted

STANDING COMMITTEE REPORT NO. 282

Honolulu, Hawaii
April 18, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 876

Sir:

Your Committee on Public Employment to which was referred Senate Bill No. 876 entitled, "AN ACT EXEMPTING THE EMPLOYEES OF THE HAWAII STATEHOOD COMMISSION FROM CHAPTERS 3 AND 4 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO CIVIL SERVICE, CLASSIFICATION AND COMPENSATION," begs leave to report as follows:

The purpose of this bill is fully explained by its title.

Your Committee believes the executive secretary and other employees of the Statehood Commission are in a different category from other government officials and employees, and should not come within the civil service and classification laws.

Your Committee is in accord with the purpose of this measure and recommends it pass first reading by title and that it then take its place in the order of business for further consideration.

Respectfully submitted,

DEE DUPONTE, CHAIRMAN

AA

Duponte
Duarte adopted

STANDING COMMITTEE REPORT NO. 283

Honolulu, Hawaii
April 18, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bills Nos. 189, 805, 896

Sir:

Your Committee on Public Employment to which were referred the Senate Bills hereinafter listed, begs leave to report that your Committee recommends that they be referred to your Committee on Ways and Means for consideration:

S. B. NO. 189 entitled "AN ACT PROVIDING A SLIDING SCALE OF MINIMUM SERVICE RETIREMENT ALLOWANCES."

S. B. NO. 805 entitled "AN ACT RELATING TO PENSIONS OF VETERANS HAWAII GUARD 1893-1898."

S. B. NO. 896 entitled "AN ACT RELATING TO A STUDY COMMITTEE ON OVERTIME PAY OF GOVERNMENT OFFICIALS AND EMPLOYEES AND MAKING APPROPRIATIONS."

Respectfully submitted,

Dee Duponte
DEE DUPONTE, CHAIRMAN

Mitsuyuki Kido

Sahae Takahashi

W H Heen

AATF

adopted

STANDING COMMITTEE REPORT NO. 284

Honolulu, Hawaii
April 18, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 947

Sir:

Your Committee on Public Employment to which was referred Senate Bill No. 947 entitled, "AN ACT TO AMEND SECTION 3-23 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO SUSPENSION OF PUBLIC OFFICERS AND EMPLOYEES", begs leave to report as follows:

The purpose of this bill is to reinstate a suspended employee to his position, without loss of pay, when charges against such employee is dropped or not substantiated.

Your Committee is in accord with the purpose of this bill and recommends it pass first reading by title and it then take its place in the order of business for further consideration.

Respectfully submitted,

Dee Duponte
DEE DUPONTE, CHAIRMAN

AATF

adopted

Standing Committee Report No. 285

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 18, , 19 57 , by

Senator DEE DUPONTE, CHAIRMAN FOR THE COMMITTEE ON PUBLIC EMPLOYMENT.

RE: H. J. RES. NO. 5

RECOMMENDING PASSAGE OF SAID JOINT RESOLUTION.

MEMO:

Deferred until April 20, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

~~[illegible]~~ defer to Sat

STANDING COMMITTEE REPORT NO. 285

Honolulu, Hawaii
April 18, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Joint Resolution No. 5

Sir:

Your Committee on Public Employment to which was referred House Joint Resolution No. 5 entitled, "JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES OF AMERICA TO AMEND THE HAWAIIAN ORGANIC ACT TO PROVIDE FOR THE EMPLOYMENT AND COMPENSATION OF EMPLOYEES OF THE BOARD OF HARBOR COMMISSIONERS OF THE TERRITORY OF HAWAII IN ACCORDANCE WITH THE LAWS OF THE TERRITORY OF HAWAII", begs leave to report as follows:

The purpose of this Joint Resolution is to request the Congress to amend the Organic Act so that the civil service, classification and compensation laws of the Territory may be applicable to employees of the board of harbor commissioners.

Your Committee is of the opinion that the employees of the office of the board of harbor commissioners are entitled to the same protection and benefits under the civil service, classification and compensation laws of the Territory as other territorial employees and is therefore in full accord with the purpose of this bill.

Your Committee therefore recommends that House Joint Resolution No. 5 pass third reading.

Respectfully submitted,

Dee Duponte
DEE DUPONTE, CHAIRMAN

Mitsuyuki Kido

Hanae Yamahara

M H Hill

AATF

adopted

Standing Committee Report No. 286

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 18 , 19 57 , by

Senator DEE DUPONTE, CHAIRMAN FOR THE COMMITTEE ON PUBLIC EMPLOYMENT.

RE: H. J. RES. NO. 4 HD1

RECOMMENDING PASSAGE OF SAID JOINT RESOLUTION.

MEMO:

Deferred until April 20, 1957.

WILLIAM S. RICHARDSON
Clerk of the Senate

Sept to Sat

STANDING COMMITTEE REPORT NO. 286

Honolulu, Hawaii
April 18, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Joint Resolution No. 4, H. D. 1

Sir:

Your Committee on Public Employment to which was referred House Joint Resolution No. 4, H. D. 1 entitled, "JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES OF AMERICA TO AMEND THE HAWAIIAN ORGANIC ACT TO PROVIDE FOR THE EMPLOYMENT AND COMPENSATION OF EMPLOYEES APPOINTED BY THE COMMISSIONER OF PUBLIC LANDS OF THE TERRITORY OF HAWAII IN ACCORDANCE WITH THE LAWS OF THE TERRITORY OF HAWAII", begs leave to report as follows:

The purpose of this Joint Resolution is to request the Congress to amend the Organic Act so that the civil service, classification and compensation laws of the Territory may be applicable to employees of the office of the commissioner of public lands.

Your Committee is of the opinion that the employees of the office of the commissioner of public lands are entitled to the same protection and benefits under the civil service, classification and compensation laws of the Territory as other territorial employees and is therefore in full accord with the purpose of this measure.

Your Committee recommends passage of House Joint Resolution 4, H. D. 1.

Respectfully submitted,

Dee Duponte
DEE DUPONTE, CHAIRMAN

Mitsuyuki Kido

AATF

STANDING COMMITTEE REPORT NO. 287

Honolulu, Hawaii
April 18, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 950

Sir:

Your Committee on Public Employment to which was referred Senate Bill No. 950 entitled, "AN ACT TO AMEND SECTION 3-21 (p) OF THE REVISED LAWS OF HAWAII 1955, RELATING TO EXCHANGES AND TRANSFERS OF PUBLIC OFFICERS AND EMPLOYEES," begs leave to report as follows:

The purpose of this measure is to facilitate the transfers of civil service employees from one position to another, or from one department to another, and to facilitate the exchange or movement of employees between the Territory and any county, or between counties, or between the Federal system and the Territory or any county.

Your Committee approves the purpose of this bill and recommends it pass first reading by title and that it then take its place in the order of business for further consideration.

Respectfully submitted,

DEE DUPONTE, CHAIRMAN

AATFTWS

adopted

STANDING COMMITTEE REPORT NO. 288

Honolulu, Hawaii
April 18, 1957

Re: S.B. No. 17
S. D. 1

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Sir:

Your Committee on Labor, to which was recommitted and referred, upon passing second reading, S.B. No. 17, S.D. 1, entitled, "AN ACT TO AMEND CHAPTER 94 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO WAGES AND HOURS", reports as follows:

Your Committee gave further consideration to this bill following its recommittal.

The basic purpose of this bill is already adequately stated in Standing Committee Report No. 50 heretofore submitted by your Committee.

As to Section 1, it is the decision of your Committee that it requires no further change or amendment.

However, as to Section 2, relating to maximum hours of work, it is the opinion of a majority of your Committee that said section should be amended in two respects. The first amendment provides that maximum weekly work hours shall be 44 hours from and after January 1, 1958; that from and after January 1, 1959, the maximum weekly work hours shall be 40 hours.

The second amendment in Section 2 contains a partial exemption for agriculture consistent with exemptions presently allowed under the Federal Wage and Hour Law pertaining to the processing of various agricultural commodities. The exemption will apply for not more than 20 workweeks in any one year. During the remaining workweeks in the year the exemption is not applicable.

The provisions relating to the employers and the activities eligible for the exempt weeks were drafted from Section 7 of the Federal Fair Labor Standards Act by incorporation of applicable provisions. It is the intention of your Committee that this exemption applies only to agricultural employers within the category of the activities mentioned in the Federal Act. Accordingly, it is the intention of your Committee that any problem requiring interpretation should be resolved by referring to the said Federal Act. In addition to the exemptions granted, it is also provided that the Commission of Labor and Industrial Relations may grant the exemption to any activity or industry it finds to be seasonal.

CORRECTION

THE PRECEDING DOCUMENT(S) HAS BEEN REPHOTOGRAPHED TO ASSURE LEGIBILITY
SEE FRAME(S)
IMMEDIATELY FOLLOWING

adopted

STANDING COMMITTEE REPORT NO. 288

Honolulu, Hawaii
April 18, 1957

Re: S.B. No. 17
S. D. 1

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Sir:

Your Committee on Labor, to which was recommitted and referred, upon passing second reading, S.B. No. 17, S.D. 1, entitled, "AN ACT TO AMEND CHAPTER 94 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO WAGES AND HOURS", reports as follows:

Your Committee gave further consideration to this bill following its recommittal.

The basic purpose of this bill is already adequately stated in Standing Committee Report No. 50 heretofore submitted by your Committee.

As to Section 1, it is the decision of your Committee that it requires no further change or amendment.

However, as to Section 2, relating to maximum hours of work, it is the opinion of a majority of your Committee that said section should be amended in two respects. The first amendment provides that maximum weekly work hours shall be 44 hours from and after January 1, 1958; that from and after January 1, 1959, the maximum weekly work hours shall be 40 hours.

The second amendment in Section 2 contains a partial exemption for agriculture consistent with exemptions presently allowed under the Federal Wage and Hour Law pertaining to the processing of various agricultural commodities. The exemption will apply for not more than 20 workweeks in any one year. During the remaining workweeks in the year the exemption is not applicable.

The provisions relating to the employers and the activities eligible for the exempt weeks were drafted from Section 7 of the Federal Fair Labor Standards Act by incorporation of applicable provisions. It is the intention of your Committee that this exemption applies only to agricultural employers within the category of the activities mentioned in the Federal Act. Accordingly, it is the intention of your Committee that any problem requiring interpretation should be resolved by referring to the said Federal Act. In addition to the exemptions granted, it is also provided that the Commission of Labor and Industrial Relations may grant the exemption to any activity or industry it finds to be seasonal.

It should also be noted that notwithstanding the exemptions and exempt weeks provided therein, the exemptions shall be only to a maximum of 20 weeks. It should be indicated that the word "agriculture" is already defined by Sec. 94-2, Revised Laws of Hawaii, 1955, so that there is no problem in this respect.

It is the intention of your Committee, notwithstanding the 44-hour week effective January 1, 1958 and the 40-hour week effective January 1, 1959, to grant exemptions not exceeding 20 weeks yearly to the employers specified hereinabove. It should also be noted that even as to these employers the maximum weekly hours shall be 48 hours. The provisions allowing exemptions are based on consideration given qualified agricultural employers and those employers in seasonal industries and activities.

Your Committee recommends that the bill pass third reading ~~and be printed~~ in the amended form attached hereto.

Respectfully submitted,

Chairman

with reservations
with Resen

S.B. NO. 17
S. D. 2

AN ACT

TO AMEND CHAPTER 94 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO WAGES AND HOURS.

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

SECTION 1. Section 94-3 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Minimum wages. Every employer shall, except as the director may provide pursuant to section 94-9, pay to each employee employed by him wages at the rate of not less than 90 cents an hour; provided that employers in the counties, excepting the City and County of Honolulu, shall pay to each employee employed by him wages at the rate of not less than 85 cents an hour, which rates shall be effective as of July 1, 1957; provided, further, that from and after July 1, 1958, every employer shall, except as the director may provide pursuant to section 94-9, pay to each employee employed by him wages at the rate of not less than $1.00 per hour."

SECTION 2. Section 94-4 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Sec. 94-4. Maximum hours.

(a) No employer shall, except as otherwise provided in this section, employ any employee--

(1) For a workweek longer than 44 hours in any one workweek during the year commencing January 1, 1958,

(2) For a workweek longer than 40 hours from and after January 1, 1959,

unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he is employed.

(b) In the case of an employer engaged in agriculture, and

(1) who is also engaged in seasonal or processing operations within the meaning of section 7 (b)(3) or 7(c) of the Fair Labor Standards Act of 1938, as amended, or

(2) whose agricultural products are processed by an employer who is engaged in any of such seasonal or processing operations, or

(3) who is engaged in an activity or industry found by the commission to be of a seasonal nature,

the provisions of subsection (a) shall not apply to his employees in any place of employment where he is so engaged during any period or periods of not more than twenty workweeks in the aggregate, as selected by the employer, in any year from and after the yearly period commencing January 1, 1958; provided, however, that no employee shall be employed more than 48 hours in any such exempt workweeks unless such employee receives compensation for his employment in excess of 48 hours in any one workweek at a rate not less than one and one-half times the regular rate at which he is employed.

(c) No employer shall employ any employee in split shifts unless all of said shifts within a period of twenty-four hours shall fall within a period of fourteen consecutive hours, except in case of extraordinary emergency."

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

OREN E. LONG, NELSON K. DOI,
S. GEORGE FUKUOKA, JOHN B. FERNANDES,
DEE DUPONTE, MITSUYUKI KIDO,
KAZUHISA ABE, SAKAE TAKAHASHI,
WM. H. HEEN, TOM T. OKINO,
HERBERT K. H. LEE, JOHN G. DUARTE

DATE: FEBRUARY 20, 1957
Honolulu, Hawaii

adopted

Standing Committee Report No. 289

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 18 , 1957 , by

Senator S. GEORGE FUKUOKA, CHAIRMAN FOR THE SELECT COMMITTEE OF MAUI SENATORS.

RE: H. B. NO. 616

RECOMMENDING PASSAGE OF SAID BILL

MEMO:

Deferred until April 20, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

defer to Sat

STANDING COMMITTEE REPORT NO. 289
Honolulu, Hawaii
April 17, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 616

Sir:

Your Select Committee of Maui Senators, to which was referred House Bill No. 616, entitled

"AN ACT TO AMEND SECTION 144-32 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO TRAVELING AND OTHER EXPENSES OF MEMBERS OF BOARD OF SUPERVISORS",

begs leave to report as follows:

Section 144-32 of the Revised Laws of Hawaii 1955, provides that each member of the board of supervisors of each of the counties of Hawaii, Kauai and Maui shall be paid mileage at a rate not exceeding 10 cents per mile for each mile necessarily travelled in going to and returning from meetings of such board.

The purpose of this bill is to add a proviso to the said section to authorize the payment of the actual cost of traveling expenses incurred by a member of the board of supervisors of the county of Maui from the island of Molokai or from the island of Lanai in going to and returning from meetings of the board, and also to authorize the payment of any other reasonable expense, such as board and lodging, necessarily incurred by such official in order to attend such meetings.

Your committee believes that payment of such traveling expenses, based upon actual cost, and the allowance of reasonable expenses incurred by a member of the board of supervisors from the island of Molokai or from the island of Lanai in the performance of his duties, would be fair and reasonable and in line with the other provisions of law providing traveling allowances to members of the various boards and commissions of the Territory and counties.

Your committee is in accord with the intent and purpose of this bill and recommends its passage on third and final reading.

Respectfully submitted,

F.L. John G. Duarte S. George Fukuoka
Chairman

F.L.
A.A.T.F.

Vee Duponte

adopted

STANDING COMMITTEE REPORT NO. 290
Honolulu, Hawaii
April 17, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 790

Sir:

Your Select Committee of Maui Senators to which was referred Senate Bill No. 790, entitled

"AN ACT TO AUTHORIZE THE ESTABLISHMENT AND MAINTENANCE OF VOLUNTEER FIRE STATIONS IN THE COUNTY OF MAUI AND AMENDING SECTION 148-67 OF THE REVISED LAWS OF HAWAII 1955",

begs leave to report as follows:

Act 29 of the Session Laws of Hawaii 1953, authorized the chief engineer of the Maui fire department to establish and organize a volunteer fire fighting department in the Makawao district of the county of Maui with the approval of the board of supervisors. The provisions of the said Act further authorized the county of Maui to furnish such equipment as may be necessary to the volunteer fire department to be maintained in Makawao.

The purpose of this bill is to amend the provisions of the foregoing Act, which are now contained in section 148-67 of the Revised Laws of Hawaii 1955, by granting to the Maui board of supervisors broader authority to establish and maintain a volunteer fire station in any area of the county of Maui, which cannot be served by the Maui fire department. In other words, the proposed amendments to said section 148-67, if enacted into law, will enable the board of supervisors of the county of Maui to establish a volunteer fire fighting unit, not only in the district of Makawao, as provided in the present law, but in any other district which may truly be in need of fire protection. It is provided in this bill that volunteer firemen and other volunteer personnel shall not be entitled to receive any compensation for the performance of their services; that the chief engineer shall have full authority and control over all volunteer fire stations, their officers, firemen and personnel and equipment, and that in case any volunteer officer, fireman or personnel shall sustain any

injury or shall die as a result of any accident arising out of the performance of duty for the fire station, such officer, fireman or personnel shall be entitled to hospital and medical benefits, as well as compensation, under the provisions of chapter 97.

The provisions of this bill are very similar to the provisions of sections 149-91.1 and 149-91.2, relating to volunteer fire departments for the city and county of Honolulu.

Your committee recommends that Senate Bill 790 pass first reading by title in the amended form attached hereto, that it be printed and that it then take its place in the order of business for further consideration.

Respectfully submitted,

S. George Fukunaka
Chairman

Lee Pupunte

John G. Duarte

F.L.
A.A.T.F.

S. B. NO. 790
S. D. 1

AN ACT

TO AUTHORIZE THE ESTABLISHMENT AND MAINTENANCE OF VOLUNTEER FIRE STATIONS IN THE COUNTY OF MAUI, AND AMENDING SECTION 148-67 OF THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. Section 148-67 of the Revised Laws of Hawaii 1955, is hereby amended to read as follows:

"Sec. 148-67. Volunteer fire stations. The board of supervisors shall have the power to establish and maintain one or more volunteer fire stations in any area or areas of the county of Maui as it may determine to be necessary to provide adequate fire protection. All necessary facilities and equipment for such volunteer fire stations may be furnished by the county of Maui. The officers, firemen or other personnel necessary for the operation or maintenance of such stations shall be selected and appointed by the chief engineer partially, or entirely, on a voluntary noncompensatory basis, and, except as otherwise provided in this section, volunteer personnel, including officers and firemen, shall not, under any circumstance, be entitled to receive any compensation from the county of Maui for the performance of their services. All volunteer personnel for any volunteer fire station shall serve at the pleasure of the chief engineer.

The chief engineer shall have full authority and control over all volunteer fire stations, their equipment, apparatus, officers, firemen and personnel, and he may designate a suitable person to be in charge of any volunteer fire station. Suitable instructors may be assigned from time to time by the chief engineer to such fire stations for the training of volunteer firemen and personnel.

In case any person serving in the capacity of volunteer personnel for such fire station, including a volunteer officer or fireman, shall sustain any injury or shall die as a result of any accident arising out of and in the course of training, or the performance of duty for such fire station, such person shall be entitled to the benefits provided for volunteer personnel in part VII of chapter 97, and be considered to be an employee of the county of Maui for the purpose of obtaining compensation benefits under chapter 97. Compensation benefits shall be determined upon the basis of average weekly wages computed as set forth in section 97-30, and upon the basis of earnings from the usual employment of such person, or upon the basis of earnings at the rate of $18 per week, whichever is most favorable to the claimant or claimants. The bureau of workmen's compensation of the department of labor and industrial relations shall administer the provisions hereof in accordance with section 97-122."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

JOHN G. DUARTE
S. GEORGE FUKUOKA
DEE DUPONTE

DATE: April 19, 1957

HONOLULU, HAWAII

adopted

STANDING COMMITTEE REPORT NO. 291
Honolulu, Hawaii
April 17, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 791

Sir:

Your Select Committee of Maui Senators, to which was referred Senate Bill No. 791, entitled

"AN ACT TO AMEND SECTION 148-2 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO THE BOARD OF SUPERVISORS OF THE COUNTY OF MAUI",

begs leave to report as follows:

Section 148-2 of the Revised Laws of Hawaii 1955, provides that the board of supervisors of the county of Maui shall be composed of nine members, and that of such number at least one member shall be a resident elector of the island of Molokai, and also at least one member shall be a resident elector of the island of Lanai.

While the provisions of the said section provide that the county clerk shall prescribe such modification of the form of the ballots for both the primary and general elections to secure such representation for the islands of Molokai and Lanai, and further that all such elections shall otherwise be conducted in the manner prescribed by law for the election of county officers, no authority is granted therein, or in any other law, to declare the election of a candidate seeking the office of supervisor for the county of Maui as a resident elector of the island of Molokai or as a resident elector of the island of Lanai in case he shall be the only candidate as such resident elector from the island of Molokai or from the island of Lanai, as the case may be, and is nominated at the primary election.

The purpose of this bill is to amend said section 148-2, so that when only one candidate for the office of supervisor is nominated at the primary election as a resident elector of the island of Molokai or of the island of Lanai, as the case may be, and none of the other candidates nominated on the same, or any other ticket, shall have such residential

qualification, such sole candidate from the island of Molokai or from the island of Lanai shall be declared elected upon his nomination.

Your committee recommends that Senate Bill 791 pass first reading by title in the amended form attached hereto, that it be printed and that it then take its place in the order of business for further consideration.

Respectfully submitted,

S. George Fukunaka
Chairman

Lee Pupunte

John G Duarte

F.L.
A.A.T.F.

S. B. NO. 791
S. D. 1

AN ACT

TO AMEND SECTION 148-2 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO THE BOARD OF SUPERVISORS OF THE COUNTY OF MAUI.

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

SECTION 1. Section 148-2 of the Revised Laws of Hawaii 1955, is hereby amended by deleting therefrom the last two sentences and by substituting therefor the following:

"The clerk of the county of Maui shall prescribe such modification of the form of the nomination paper, as well as the form of the ballots, both for the primary and general elections, as shall secure such representation for the islands of Molokai and Lanai. In case only one candidate seeking office as a member is a resident elector of the island of Molokai (except that portion defined as the county of Kalawao) or a resident elector of the island of Lanai, as the case may be, with the residential qualification herein prescribed, and such candidate shall be nominated at the primary election, or in case one candidate only is nominated at such primary election who shall be a resident elector of the island of Molokai (except that portion defined as the county of Kalawao) or a resident elector of the island of Lanai, as the case may be, with the said residential qualification, and none of the other candidates nominated for the office of supervisor on the same or any other ticket, non-partisan or otherwise, shall have or possess such residential qualification, then the sole candidate nominated for the office of supervisor with such residential qualification as a resident elector of the island of Molokai (except that portion defined as the county of Kalawao) or as a resident elector of the island of Lanai, as the case may be, shall be deemed and declared to be duly and legally elected as a member of such board, regardless of the number of votes received by him. All such elections shall otherwise be conducted in the manner prescribed by law for the election of county officers."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

DEE DUPONTE
S. GEORGE FUKUOKA
JOHN G. DUARTE

DATE:_____

HONOLULU, HAWAII

adopted

STAND. COM. REP. NO. 298

Honolulu, Hawaii

April 18, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Bill No. 919

Sir:

Your Select Committee of Oahu Senators to which was referred Senate Bill No. 919 entitled, "AN ACT TO AMEND SECTION 153-21 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO EFFECT OF FAILURE TO PAY ASSESSMENT INSTALLMENTS", begs leave to report as follows:

The purpose of this bill is to allow such owner of assessed land to pay improvement assessments at any time after the expiration of the first thirty day period in any number of installments in the lump sum, or the entire unpaid principal with interest thereon to the next subsequent annual date for the payment of installments.

The present law permits the payment of the annual installment due on the entire unpaid balance without permitting any number of installments in the lump sum for any subsequent annual assessments.

Your Committee is in accord with the purpose of this bill, and accordingly recommends that Senate Bill No. 919 pass second reading and that it then takes its place in the order of business for further consideration.

Respectfully submitted,

Chairman

No amendments

adopted P-E

STAND. COM. REP. NO. 293

Honolulu, Hawaii

April 18, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Bill No. 923

Sir:

Your Select Committee of Oahu Senators, to which was referred Senate Bill No. 923 entitled, "AN ACT TO AMEND SECTION 149-181 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO THE ORGANIZATION, EMPLOYEES AND EXPENSES OF THE CITY PLANNING COMMISSION OF THE CITY AND COUNTY OF HONOLULU", begs leave to report that your Committee has considered said bill and recommends that it pass second reading and that it then be referred to the Committee on Public Employment for further consideration.

Respectfully submitted,

adopted

STAND. COM. REP. NO. 294

Honolulu, Hawaii

April 18, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Bill No. 957

Sir:

Your Select Committee of Oahu Senators to which was referred Senate Bill No. 957 entitled, "AN ACT TO AMEND SECTION 149-86 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO THE POWERS AND DUTIES OF THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY, BY ADDING THERETO A NEW SUBSECTION, RELATING TO LEASE OF REAL PROPERTY OWNED BY THE CITY AND COUNTY", begs leave to report as follows:

The purpose of this bill is to empower the board of supervisors to lease real property in the possession, use and control of the city and county. Leases can be awarded only after notice by publication in the newspaper and a public auction.

Your Committee is in accord with the purpose of this bill, and accordingly recommends that Senate Bill No. 957 pass second reading and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Chairman

No amendments

Passed

adopted

STANDING COMMITTEE REPORT NO. 295

Honolulu, Hawaii
April 18, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 148
S. D. 1

Sir:

Your Committee on Public Employment to which was referred Senate Bill No. 148, S. D. 1, entitled, "AN ACT TO AMEND SECTION 4-32 OF THE REVISED LAWS OF HAWAII 1955 TO PROVIDE FOR RETROACTIVE ADJUSTMENTS UNDER THE REPRICING PROGRAM FOR EMPLOYEES OF THE COUNTIES OF HAWAII, MAUI, AND KAUAI," begs leave to report as follows:

The purpose of this bill is amply explained and stated in STANDING COMMITTEE REPORT NO. 150 of your Committee on Public Employment.

Upon further consideration your Committee concluded that the only other change required was to include the provisions that reallocations to a class in a higher salary range, or whose class is reassigned to higher salary range solely upon the basis of the duties and responsibilities of his position as the same were on July 1, 1955, shall, notwithstanding the date such classification action is taken, receive the salary for the new class, or new salary range, retroactively to March 16, 1956.

Your Committee has therefore prepared an additional redraft of the measure, designated as SENATE DRAFT 2, and the same is attached to this report. In the form as thus amended in and by SENATE DRAFT 2, your Committee on Public Employment is in full accord with Senate Bill 148, S. D. 1, and therefore recommends it pass third reading.

Respectfully submitted,

DEE DUPONTE, CHAIRMAN

AATF HK

S. B. NO. 148
S. D. 2

AN ACT

TO PROVIDE FOR RETROACTIVE SALARY ADJUSTMENTS FOR OFFICERS AND EMPLOYEES OF THE COUNTIES OF HAWAII, MAUI AND KAUAI.

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

SECTION 1. Chapter 4, Revised Laws of Hawaii 1955 is hereby amended by adding a new section thereto to be appropriately numbered and to read as follows:

"Sec. ____. Salary adjustments retroactive. Any officer or employee of the counties of Hawaii, Maui or Kauai whose position was, or in the future is, as the result of a classification action taken by the director, reallocated to a class in a higher salary range, or whose class is reassigned to a higher salary range solely upon the basis of the duties and responsibilities of his position as the same were on July 1, 1955, shall, notwithstanding the date such classification action is taken, receive the salary for the new class, or new salary range, retroactively to March 16, 1956."

SECTION 2. This Act shall be liberally construed to give officers and employees of the counties of Hawaii, Maui and Kauai the full benefit of the pay and classification actions under Act 274 of the Session Laws of Hawaii 1955 and to afford them full retroactive compensation as of March 16, 1956.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

DEE DUPONTE, By Request
TOM T. OKINO
MITSUYUKI KIDO
SAKAE TAKAHASHI

adopted

Pass

STAND. COM. REP. NO. 296

Honolulu, Hawaii

April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Honolulu, Hawaii

Re: Senate Bill No. 362
S. D. 1

Sir:

Your Committee on Judiciary, to which was referred Senate Bill No. 362, S. D. 1, entitled:

"AN ACT TO INCORPORATE THE HAWAII BUSINESS DEVELOPMENT CORPORATION FOR THE PURPOSE OF PROMOTING, DEVELOPING AND ADVANCING THE PROSPERITY AND ECONOMIC WELFARE OF THE TERRITORY",

begs leave to report as follows:

The purpose of this Bill is to permit the establishing of privately financed development credit corporations which will make available medium and long-term credit and equity capital to small and medium-size businesses.

The development credit corporation begins with a capital stock base which stock is to be purchased by private individuals and companies and is used primarily as a reserve against losses. Its lending or investing power is to be obtained by pooling of funds from existing financial institutions which include commercial banks, savings banks, trust companies, building and loan associations and insurance companies. Any financial institution that becomes a member agrees to lend funds to the corporation at its call up to a maximum of 2.5% of its own capital and surplus or its equivalent.

The corporation may lend to or invest money in any business which is or plans to be located within the Territory. No loan is to be made by the corporation where it can be taken by another financial institution. Generally, the loans are intended to be made to concerns engaged in manufacturing, processing, fabricating or assembling operations on the premise that industrial payrolls create the most jobs and greatest income.

The credit development advisory committee of the Economic Planning and Coordination Authority of the Territory of Hawaii contracted with the Stanford Research Institute for a study titled "An Investigation of Small Business and Agricultural Credit in Hawaii". This study indicated that credit institutions in

Hawaii are "loaned up", that is, the funds available for loans have, to a great extent, been committed to segments of the economy other than small business and agricultural. This situation has prompted the committee to take a "second look" at the development credit corporation as a device that would make the necessary capital available for the development and expansion of small business enterprises in Hawaii. The application of this idea to Hawaii is strongly recommended by the EPCA and the form has been approved by the staff of the Attorney General of the Territory.

Your Committee is in accord with the purpose of this Bill and recommends that it pass third reading in the amended form attached hereto.

Respectfully submitted,

Nelson K. Doi, Chairman

S. B. NO. 362
S. D. 2

AN ACT

TO AUTHORIZE THE INCORPORATION OF BUSINESS DEVELOPMENT CORPORATIONS FOR THE PURPOSE OF PROMOTING, DEVELOPING AND ADVANCING THE PROSPERITY AND ECONOMIC WELFARE OF THE TERRITORY.

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

SECTION 1. As used in this Act, the following words and phrases, unless differently defined or described, shall have the meanings and references as follows:

(1) "Corporation": A business development corporation created under this Act.

(2) "Financial Institution": Any banking corporation or trust company, building and loan association, insurance company or related corporation, partnership, foundation, or other institution engaged primarily in lending or investing funds.

(3) "Member": Any financial institution authorized to do business within the Territory which shall undertake to lend money to a corporation created under this Act, upon its call, and in accordance with the provisions of this Act.

(4) "Board of Directors": The board of directors of the corporation created under this Act.

(5) "Loan Limit": For any member, the maximum amount permitted to be outstanding at one time on loans made by such member to the corporation, as determined under the provisions of this Act.

SECTION 2. Any number of persons not less than five, a majority of whom shall be residents of the Territory, who may desire to create a business development corporation under the provisions of this Act, for the purpose of promoting, developing and advancing the prosperity and economic welfare of the Territory and, to that end, to exercise the powers and privileges hereinafter provided, may be incorporated in the following manner; such persons shall, by articles of incorporation filed with the office of the Treasurer of the Territory of Hawaii, under their hands and seals, set forth:

(1) The name of the corporation, which shall include the words "Business Development Corporation".

(2) The location of the principal office of the corporation, but such corporation may have offices in such other places within the Territory and may be fixed by the board of directors.

(3) The purpose for which the corporation is founded, which shall include the following:

The purposes of the corporation shall be to promote, stimulate, develop and advance the business prosperity and economic welfare of the Territory of Hawaii and its citizens; to encourage and assist through loans, investments or other business transactions, in the location of new business and industry in the Territory and to rehabilitate and assist existing business and industry; and so to stimulate and assist in the expansion of all kinds of business activity which will tend to promote the business development and maintain the economic stability of the Territory, provide maximum opportunities for employment, encourage thrift, and improve the standard of living of the citizens of the Territory; similarly, to cooperate and act in conjunction with other organizations, public or private, in the promotion and advancement of industrial, commercial, agricultural and recreational developments in the Territory; and to provide financing for the promotion development, and conduct of all kinds of business activity in the Territory.

In furtherance of such purposes and in addition to the powers conferred on business corporations by the provisions of Chapter 172 of the Revised Laws of Hawaii 1955, the corporation shall, subject to the restrictions and limitations herein contained, have the following powers:

(a) To elect, appoint and employ officers, agents and employees; to make contracts and incur liabilities for any of the purposes of the corporation; provided, that the corporation shall not incur any secondary liability by way of guaranty or endorsement of the obligations of any person, firm, corporation, joint-stock company, association or trust, or in any other manner.

(b) To borrow money from the members only, for any of the purposes of the corporation; to issue therefor its bonds, debentures, notes or other evidences of indebtedness, whether secured or unsecured, and to secure the same by mortgage, pledge, deed of trust or other lien on its property, franchises, rights and privileges of every kind and nature or any part thereof or interest therein, without securing stockholder or

member approval; provided, that no loan to the corporation shall be secured in any manner unless all outstanding loans to the corporation shall be secured equally and ratably in proportion to the unpaid balance of such loans and in the same manner.

(c) To make loans to any person, firm, corporation, joint-stock company, association or trust, and to establish and regulate the terms and conditions with respect to any such loans and the charges for interest and service connected therewith; provided, however, that the corporation shall not approve any application for a loan unless and until the person applying for said loan shall show that he has applied for the loan through ordinary banking channels and that the loan has been refused by at least one bank or other financial institution.

(d) To purchase, receive, hold, lease, or otherwise acquire, and to sell, convey, transfer, lease or otherwise dispose of real and personal property, together with such rights and privileges as may be incidental and appurtenant thereto and the use thereof, including, but not restricted to, any real or personal property acquired by the corporation from time to time in the satisfaction of debts or enforcement of obligations.

(e) To acquire the good will, business, rights, real and personal property, and other assets, or any part thereof, or interest therein, of any persons, firms, corporations, joint-stock companies, associations or trusts, and to assume, undertake, or pay the obligations, debts and liabilities of any such person, firm, corporation, joint-stock company, association or trust; to acquire improved or unimproved real estate for the purpose of constructing industrial plants or other business establishments thereon or for the purpose of disposing of such real estate to others for the construction of industrial plants or other business establishments; and to acquire, construct or reconstruct, alter, repair, maintain, operate, sell, convey, transfer, lease, or otherwise dispose of industrial plants or business establishments.

(f) To acquire, subscribe for, own, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of the stock, shares, bonds, debentures, notes or other securities and evidences of interest in, or indebtedness of, any person, firm, corporation, joint-stock company, association or trust, and while the owner or holder thereof to exercise all the rights, powers and privileges of ownership, including the right to vote thereon.

(g) To mortgage, pledge, or otherwise encumber any property, right or thing of value, acquired pursuant to the powers contained in paragraphs (d), (e) or (f), as security for the payment of any part of the purchase price thereof.

(h) To cooperate with and avail itself of the facilities of the Economic Planning and Coordination Authority and any similar governmental agencies; and to cooperate with and assist, and otherwise encourage organizations in the various communities of the Territory in the promotion, assistance, and development of the business prosperity and economic welfare of such communities or of the Territory or of any part thereof.

(i) To do all acts and things necessary or convenient to carry out the powers expressly granted in this Act.

SECTION 3. The articles shall set forth the amount of total authorized capital stock and the number of shares in which it is divided, the par value of each share, and the amount of capital stock with which it will commence business and, if there is more than one class of stock, a description of the different classes, and the names and postoffice addresses of the subscribers of stock and the number of shares subscribed by each. The aggregate of the subscription shall be the amount of capital with which the corporation will commence business. The articles of incorporation may also contain any provision consistent with the laws of the Territory for the regulation of the affairs of the corporation or creating, defining, limiting, and regulating its powers. The articles of incorporation shall be in accordance with the provisions of Section 172-10 of the Revised Laws of Hawaii, 1955.

SECTION 4. The articles of incorporation become effective from the date said articles of incorporation are filed in the office of the Treasurer of the Territory of Hawaii, with such consent, the stock subscribers, their successors and assigns, shall become a body corporate, by the name specified in the articles, subject to amendment and dissolution as provided in this Act. The incorporators shall have the authority and shall perform such acts and things as required by the provisions of this Act, as set forth in Section 2 thereof.

SECTION 5. Notwithstanding any rule at common law or any provision of any general or special law or any provision in their respective charters, agreements of association, articles of organization, or trust indentures: (1) All domestic corporations organized for the purpose of carrying on business within the Territory, including without implied limitation any

public utility companies and insurance and casualty companies and foreign corporations licensed to do business in the Territory, and all trusts, are hereby authorized to acquire, purchase, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of any bonds, securities or other evidences of indebtedness created by, or the shares of the capital stock of, the corporation, and while owners of said stock to exercise all the rights, powers and privileges of ownership, including the right to vote thereon, all without the approval of any regulatory authority of the Territory; (2) all financial institutions are hereby authorized to become members of the corporation and to make loans to the corporation as provided herein; (3) a financial institution which does not become a member of the corporation shall not be permitted to acquire any shares of the capital stock of the corporation; and (4) each financial institution which becomes a member of the corporation is hereby authorized to acquire, purchase, hold, sell, assign, transfer, mortgage, pledge, or otherwise dispose of, any bonds, securities or other evidences of indebtedness created by, or the shares of the capital stock of the corporation, and while owners of said stock to exercise all the rights, powers and privileges of ownership, including the right to vote thereon, all without the approval of any regulatory authority of the Territory; provided, that the amount of the capital stock of the corporation which may be acquired by any member pursuant to the authority granted herein shall not exceed twenty per cent (20%) of the loan limit of such member. The amount of capital stock of the corporation which any member is authorized to acquire pursuant to the authority granted herein is in addition to the amount of capital stock in corporations which such member may otherwise be authorized to acquire.

SECTION 6. Any financial institution may request membership in the corporation by making application to the board of directors on such form and in such manner as said board of directors may require, and membership shall become effective upon acceptance of such application by said board.

Any other law or laws to the contrary notwithstanding, each member of the corporation shall make loans to the corporation as and when called upon by it to do so on such terms and other conditions as shall be approved from time to time by the board of directors, subject to the following conditions:

(1) All loan limits shall be established at the thousand-dollar amount nearest to the amount computed in accordance with the provisions of this Section.

(2) No loan to the corporation shall be made if immediately thereafter the total amount of the obligations of the corporation would exceed ten times the amount then paid in on the outstanding capital stock of the corporation.

(3) The total amount outstanding on loans to the corporation made by any member at any one time, when added to the amount of the investment in the capital stock of the corporation then held by such member, shall not exceed:

(a) Twenty per cent (20%) of the total amount then outstanding on loans to the corporation by all members, including in said total amount outstanding, amounts validly called for loan but not yet loaned.

(b) The following limit, to be determined as of the time such member becomes a member on the basis of the audited balance sheet of such member at the close of its fiscal year immediately preceding its application for membership, or, in the case of an insurance company, its last annual statement to the Commissioner of Insurance: Two per cent (2%) of the capital and surplus of commercial banks and trust companies; one per cent (1%) of the total outstanding loans made by a building and loan association; one per cent (1%) of the capital and unassigned surplus of stock insurance companies, except fire insurance companies; one per cent (1%) of the unassigned surplus of mutual insurance companies, except fire insurance companies, one-tenth of one per cent (.1 of 1%) of the assets of fire insurance companies; and such limits as may be approved by the board of directors of the corporation for other financial institutions.

(4) Subject to paragraph three (a) of this Section, each call made by the corporation shall be prorated among the members of the corporation in substantially the same proportion that the adjusted loan limit of each member bears to the aggregate of the adjusted loan limits of all members. The adjusted loan limit of a member shall be the amount of such member's loan limit, reduced by the balance of outstanding loans made by such member to the corporation and the investment in capital stock of the corporation held by such member at the time of such call.

(5) All loans to the corporation by members shall be evidenced by bonds, debentures, notes or other evidences of indebtedness of the corporation, which shall be freely transferable at all times, and which shall bear interest at a rate of not less than one-quarter of one per cent (.25 of 1%) in excess of the rate of interest determined by the board of directors to be the prime rate prevailing at the date of issuance thereof on unsecured commercial loans.

SECTION 7. Membership in the corporation shall be for the duration of the corporation; provided that--

(a) Upon written notice given to the corporation five years in advance, a member may withdraw from membership in the corporation at the expiration date of such notice.

A member shall not be obligated to make any loans to the corporation pursuant to calls made subsequent to the withdrawal of said member.

SECTION 8. The stockholders and the members of the corporation shall have the following powers of the corporation: (a) To determine the number of and elect directors as provided in Section 10 hereof: (b) to make, amend and repeal bylaws; (c) to amend the Articles as provided in Section 9; (d) to exercise such other of the powers of the corporation as may be conferred on the stockholders and the members by the bylaws.

As to all matters requiring action by the stockholders and the members of the corporation, said stockholders and said members shall vote separately thereon by classes, and, except as otherwise herein provided, such matters shall require the affirmative vote of a majority of the votes to which the stockholders present or represented at the meeting shall be entitled and the affirmative vote of a majority of the votes to which the members present or represented at the meeting shall be entitled.

Each stockholder shall have one vote, in person or by proxy, for each share of capital stock held by him, and each member shall have one vote, in person or by proxy, except that any member having a loan limit of more than one thousand dollars ($1,000.00) shall have one additional vote, in person or by proxy, for each additional one thousand dollars ($1,000.00) which such member is authorized to have outstanding on loans to the corporation at any one time as determined under paragraph three (b) of Section 6.

SECTION 9. The Articles may be amended by the votes of the stockholders and the members of the corporation, voting separately by classes, and such amendments shall require approval by the affirmative vote of two-thirds of the votes to which the stockholders shall be entitled and two-thirds of the votes to which the members shall be entitled; provided, that no amendment of the Articles which is inconsistent with the general purposes expressed herein or which authorizes any additional class of capital stock to be issued, or which eliminates or curtails the right of the Treasurer of the Territory to examine the corporation or the obligation of the corporation to make

reports as provided in Section 13, shall be made without amendment of this Act; and provided, further, that no amendment of the Articles which increases the obligation of a member to make loans to the corporation, or makes any change in the principal amount, interest rate, maturity date, or in the security or credit position, of any outstanding loan of a member to the corporation, or affects a member's right to withdraw from membership as provided in Section 7, or affects a member's voting rights as provided in Section 8, shall be made without the consent of each member affected by such amendment.

Within 30 days after any meeting at which amendment of the Articles has been adopted, articles of amendment signed and sworn to by the president, treasurer and a majority of the directors, setting forth such amendment and the due adoption thereof, shall be submitted to the Treasurer of the Territory, who shall examine them and if he finds that they conform to the requirements of this Act, shall so certify and endorse his approval thereon. Thereupon, the articles of amendment shall be filed in the office of the Treasurer of the Territory of Hawaii and no such amendment shall take effect until such articles of amendment shall have been filed as aforesaid.

SECTION 10. The business and affairs of the corporation shall be managed and conducted by a board of directors, a president and treasurer, and such other officers and such agents as the corporation by its bylaws shall authorize. The board of directors shall consist of such number, not less than 3 nor more than 15, as shall be determined in the first instance by the incorporators and thereafter annually by the members and the stockholders of the corporation. The board of directors may exercise all the powers of the corporation except such as are conferred by law or by the bylaws of the corporation upon the stockholders or members and shall choose and appoint all the agents and officers of the corporation and fill all vacancies except vacancies in the office of director which shall be filled as hereinafter provided. The board of directors shall be elected as hereinafter provided. The board of directors shall be elected in the first instance by the incorporators and thereafter at each annual meeting of the corporation, or, if no annual meeting shall be held in any year at the time fixed by the bylaws, at a special meeting held in lieu of the annual meeting. At each annual meeting, or at each special meeting held in lieu of the annual meeting, the members of the corporation shall elect two-thirds of the board of directors and the stockholders shall elect the remaining directors. The directors shall hold office until the next annual meeting of the corporation or special meeting held

in lieu of the annual meeting after their election and until their successors are elected and qualified unless sooner removed in accordance with the provisions of the bylaws. Any vacancy in the office of a director elected by the members shall be filled by the directors elected by the members, and any vacancy in the office of a director elected by the stockholders shall be filled by the directors elected by the stockholders.

Directors and officers shall not be responsible for losses unless the same shall have been occasioned by the wilful misconduct of such directors and officers.

SECTION 11. Each year the corporation shall set apart as earned surplus not less than ten per cent (10%) of its net earnings for the preceding fiscal year until such surplus shall be equal in value to one-half of the amount paid in on the capital stock then outstanding. Whenever the amount of surplus established herein shall become impaired, it shall be built up again to the required amount in the manner provided for its original accumulation. Net earnings and surplus shall be determined by the board of directors, after providing for such reserves as said directors deem desirable, and the directors' determination made in good faith shall be conclusive on all persons.

SECTION 12. The corporation shall not deposit any of its funds in any banking institution unless such institution has been designated as a depository by a vote of a majority of the directors present at an authorized meeting of the board of directors, exclusive of any director who is an officer or director of the depository so designated.

The corporation shall not receive money on deposit.

SECTION 13. The corporation shall be subject to the examination of the Bank Examiners, and shall make reports of its condition not less than annually to said Examiners, who in turn shall make copies of such reports available to the Treasurer and to the Governor, and the corporation shall also furnish such other information as may from time to time be required by the Treasurer of the Territory of Hawaii.

SECTION 14. The first meeting of the corporation shall be called by a notice signed by three or more of the incorporators, stating the time, place and purpose of the meeting, a copy of which notice shall be mailed, or delivered, to each incorporator at least five days before the day appointed for the meeting. Said first meeting may be held without such

notice upon agreement in writing to that effect signed by all the incorporators. There shall be recorded in the minutes of the meeting a copy of said notice or of such unanimous agreement of the incorporators.

At such first meeting the incorporators shall organize by the choice, by ballot, of a temporary clerk, by the adoption of bylaws, by the election by ballot of directors, and by action upon such other matters within the powers of the corporation as the incorporators may see fit. The temporary clerk shall be sworn and shall make and attest a record of the proceedings. Two-thirds (2/3) of the incorporators shall be a quorum for the transaction of business.

SECTION 15. The corporation shall not be subject to any taxes based upon or measured by income which are now or may be hereafter levied by the Territory; and the securities, evidences of indebtedness and shares of the capital stock issued by the corporation established under the provisions of this Act, their transfer, and income therefrom, and deposits of financial institutions invested therein, shall at all times be free from taxation within the Territory.

Any stockholder, member, or other holder of any securities, evidences of indebtedness, or shares of the capital stock of the corporation who realizes a loss from the sale, redemption, or other disposition of any securities, evidences of indebtedness, or shares of the capital stock of the corporation, including any such loss realized on a partial or complete liquidation of the corporation, and who is not entitled to deduct such loss in computing any of such stockholder's, member's, or other holder's taxes to the Territory shall be entitled to credit against any taxes subsequently becoming due to the Territory from such stockholder, member, or other holder, a percentage of such loss equivalent to the highest rate of tax assessed for the year in which the loss occurs upon mercantile and business corporations.

SECTION 16. The corporation shall have succession and corporate existence for such period of duration as is agreed upon, which may be perpetual.

SECTION 17. If a corporation organized pursuant to this Act shall fail to begin business within two years from the effective date of its Articles then said Articles shall become null and void. If, within four years from the effective date of this Act no corporation is organized pursuant to this Act, then and in that event, this Act shall become null and void.

SECTION 18. Under no circumstances is the credit of the Territory pledged herein.

SECTION 19. The provisions of this Act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

SECTION 20. This Act shall take effect upon its approval.

INTRODUCED BY:

S. GEORGE FUKUOKA

Date_____

Honolulu, Hawaii

STAND. COM. REP. NO. 297

Honolulu, Hawaii

April ____ , 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 781

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 781, entitled:

"AN ACT RELATING TO FOREIGN CORPORATIONS MAKING LOCAL MORTGAGE LOANS AND AMENDING ACT 267, SESSION LAWS OF HAWAII 1953",

begs leave to report as follows:

The purpose of this Bill is to encourage the investment by financial corporations of mainland capital in local mortgages. Your Committee determined as a result of several extensive hearings that there is a definite need for more credit for mortgage loans in the Territory. This fact was acknowledged by all of the representatives of the local financial institutions who testified at the hearings.

Act 267 of the Session Laws of Hawaii 1953 authorized foreign corporations to engage "solely in the making, servcing and collecting" of mortgage loans in the Territory, upon payment of an annual license fee of $100, without being subject to the banking laws of the Territory. It was the intent of Act 267 to encourage the investment of mainland capital in local mortgages, but the desired effect was not realized, in large part because such foreign corporations would be subject to the heavy general excise and corporate income taxes, rather than the bank excise tax.

Your Committee is in accord with the purpose of this Bill and recommends that it pass third reading in the amended form attached hereto.

Respectfully submitted,

Nelson K. Doi

Nelson K. Doi, Chairman

S. B. NO. 781
S. D. 1

AN ACT

RELATING TO FOREIGN CORPORATIONS MAKING LOCAL MORTGAGE LOANS, AMENDING PART II OF CHAPTER 174, REVISED LAWS OF HAWAII 1955 AND CONFERRING A TAX EXEMPTION.

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

SECTION 1. Section 174-30, Revised Laws of Hawaii 1955, is hereby amended in the following respects:

(a) By deleting therefrom the words "of real and personal property or interests therein".

(b) By inserting between the first and second sentences a new sentence to read as follows:

"The permitted mortgages are only those secured by real property or an interest therein; however, incidental personal property may be included in the mortgage."

SECTION 2. Section 174-31, Revised Laws of Hawaii 1955, is hereby amended to read as follows:

"Sec. 174-31. Exemptions. Corporations licensed pursuant to this Act shall be exempt from qualifying under part I of chapter 178 of the Revised Laws of Hawaii 1955 (known as the Hawaii Bank Act of 1931) and shall not be subject to the provisions of chapter 135. Such corporations shall be exempted from taxation under chapters 117, 121 and 127, in respect of loans made during the period of six years from and after the effective date of the act of the regular session of the Twenty-ninth Legislature amending this section, as to the gross income and net income therefrom."

SECTION 3. Section 174-32, Revised Laws of Hawaii 1955, is hereby amended by deleting therefrom the figures "$100" and inserting in lieu thereof "$200".

SECTION 4. This Act shall take effect upon its approval. The exemption from taxation under chapter 127, Revised Laws of Hawaii 1955, shall take effect notwithstanding any other enactment of the regular session of the Twenty-ninth Legislature, as well as the exemption from taxation under chapters 117 and 121.

INTRODUCED BY:

Date: _____ NELSON K. DOI

Honolulu, Hawaii

DOI

adopted

STANDING COMMITTEE REPORT NO. 298

Honolulu, Hawaii
April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

S. B. 847

Sir:

Your Committee on Ways and Means, to which was referred S. B. No. 847, entitled

"AN ACT RELATING TO CIRCUIT COURTS: AMENDING TITLE 26 OF THE REVISED LAWS OF HAWAII 1955 BY AMENDING CHAPTER 215."

begs leave to report as follows:

The purpose of this measure is to create a second judgeship in the third curcuit court. Your Committee finds that the administration of justice in the third circuit has been impaired by the very crowded calendar of the single judge, and that the addition of a second member of that bench is very necessary.

Your Committee on Ways and Means is in accord with S. B. No. 847 and recommends that it do pass.

Respectfully submitted,

Kazuhisa Abe

KAZUHISA ABE, Chairman

Anne E. Landy

Mitsuyuki Kido

Wilfred O. Tsukiyama

adopted

STANDING COMMITTEE REPORT NO. 299

Honolulu, Hawaii
April 20, 1957

recommended

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: S. B. No. 848

Sir:

Your Committee on Ways and Means, to which was referred S. B. No. 848, entitled

"AN ACT RELATING TO CIRCUIT COURTS: AMENDING TITLE 26 OF THE REVISED LAWS OF HAWAII 1955 BY AMENDING CHAPTER 215."

begs leave to report as follows:

The purpose of this bill is to create two new judgeships in the circuit court of the first circuit. Upon careful consideration of this proposal, your Committee has reached the conclusion that the addition of one judge to the bench of the first circuit court should be sufficient at the present time for more efficient and speedy administration of justice.

In accordance with the foregoing, your Committee recommends that S. B. No. 848 be amended by amending the first paragraph of the proposed new Section 215-3 of the Revised Laws of Hawaii 1955, which is the second paragraph of Section 1 of the present bill, to read as follows:

"Sec. 215-3. First circuit court judges. The circuit court of the first circuit shall consist of eight judges, who shall be styled as first, second, third, fourth, fifth, sixth, seventh, and eighth judge, respectively. The judge of the circuit court, first circuit, styled sixth judge shall be judge of the juvenile court."

As so amended, your Committee on Ways and Means is in accord with the objectives of S. B. No. 848 and therefore recommends that it do pass.

Respectfully submitted,

KAZUHIRA ABE, Chairman

adopted

STAND. COM. REP. NO. 300

Honolulu, Hawaii

April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 965

Sir:

Your Committee on Judiciary, to which was referred Senate Bill No. 965, entitled:

"AN ACT RELATING TO PUBLIC ASSISTANCE FOR CHILDREN, AND AMENDING SECTION 108-34 OF THE REVISED LAWS OF HAWAII 1955",

begs leave to report as follows:

The purpose of this Bill is to enlarge or liberalize certain of the conditions as to the eligibility of children for public assistance from the welfare department.

Your Committee is in accord with the purpose of this Bill and therefore recommends that it do pass third reading.

Respectfully submitted,

Nelson K. Doi, Chairman

adopted

STANDING COMMITTEE REPORT NO. 301

Honolulu, Hawaii
April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

S. J. R. No. 68

Sir:

Your Committee on Ways and Means, to which was referred S. J. R. No. 68, entitled

"THE SENATE JOINT RESOLUTION CHANGING THE DESIGNATION OF HILO MEMORIAL HOSPITAL TO GENERAL HOSPITAL DIVISION OF PUUMAILE AND HILO MEMORIAL HOSPITAL IN ACT 401 OF THE SESSION LAWS OF HAWAII 1949."

begs leave to report as follows:

The purpose of this measure is disclosed by its title. Enactment of this joint resolution would simply clarify the existing condition as to the combining of Hilo Memorial Hospital with the Puumaile Hospital into a single organization.

The Committee approves this resolution and recommends that it do pass.

Respectfully submitted,

KAZUHIRA ABE, Chairman

adopted

STAND. COM. REP. NO. 302

Honolulu, Hawaii

April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 28
H. D. 1

Sir:

Your Committee on Judiciary, to which was referred House Bill No. 28, H. D. 1, entitled:

"AN ACT RELATING TO JURIES AND AMENDING SECTION 221-19 OF THE REVISED LAWS OF HAWAII 1955",

begs leave to report as follows:

This Bill provides for the calling of a special jury panel if a jury cannot be chosen for the trial of any case from the number first summoned. The procedure for calling such special jury panel is outlined therein.

Should this Bill be enacted, the existing provision relating to the summoning of additional jurors from among bystanders where the trial jury panel is exhausted will become inoperative.

Your Committee, being in accord with the proposed changes, recommends that this Bill pass third reading in the amended form attached hereto.

Respectfully submitted,

Nelson K. Doi, Chairman

H. B. NO. 28
H. D. 1
S. D. 1

AN ACT

RELATING TO JURIES AND AMENDING SECTION 221-19 OF THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. Section 221-19 of the Revised Laws of Hawaii 1955 is hereby amended by placing a period after the word "aforesaid" appearing on line seventeen thereof, deleting the remainder of the section and substituting therefor the following:

"If a jury cannot be chosen for the trial of any case from the number first summoned for any jury panel, a special jury panel may be called from time to time by the drawing of such a number of additional names from the trial jury box as the judge shall direct, and the persons whose names have been so drawn shall be forthwith summoned to appear as ordered by the judge. The names of all jurymen summoned for any special jury panel who have not been required to serve on the trial of any case shall be returned to the trial jury box, and the names of all jurymen summoned for any special jury panel who have been required to serve on the trial of any case may be returned, after the trial of such case, either to the trial jury box or to the inactive trial jury box, as directed by the judge."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

SPARK M. MATSUNAGA (By Request)

adopted

STAND. COM. REP. NO. 303

Honolulu, Hawaii

April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Honolulu, Hawaii

Re: House Bill No. 193
H. D. 1

Sir:

Your Committee on Judiciary, to which was referred House Bill No. 193, H. D. 1, entitled:

"AN ACT RELATING TO URBAN REDEVELOPMENT, AMENDING CHAPTER 143 OF THE REVISED LAWS OF HAWAII 1955",

begs leave to report as follows:

The purpose of this Bill is to confer upon the Urban Redevelopment Agency, the authority to develop auxiliary redevelopment areas for housing of displaced persons. This project is to be initiated by the Agency on the findings by the board of supervisors and the Urban Redevelopment Agency that (1) there is a shortage of decent, safe and sanitary housing; (2) there is a need for developing undeveloped vacant lands for the relocation of families displaced by acts of government agencies; and (3) that the use of undeveloped vacant land is essential to provide dwelling units for displaced persons at rents which such persons can afford.

The Urban Redevelopment Agency is now required to aid in the relocation of families displaced by its own program and confines the area in which relocation can be made to the city limits of Honolulu. This Bill expands the Agency's scope to care for families displaced by other governmental activities and permits the relocation of such families to areas beyond the city limits of Honolulu.

Your Committee is in accord with the purpose of this Bill and recommends that it pass third reading in the amended form attached hereto.

Respectfully submitted,

Nelson K. Doi, Chairman

H. B. NO. 193
H. D. 1
S. D. 1

AN ACT

RELATING TO URBAN REDEVELOPMENT, AMENDING CHAPTER 143 OF THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. Chapter 143 of the Revised Laws of Hawaii 1955 is hereby amended by adding thereto a new section 143-20.1 to read as follows:

"Sec. 143-20.1. Same, displaced persons. Where the board and the redevelopment agency of a county find: (a) that there is a shortage of decent, safe and sanitary housing in the county; (b) that the provision of decent, safe and sanitary dwelling units for rent on undeveloped vacant land is necessary to accomplish the relocation of families displaced or to be displaced from areas acquired by governmental agencies for public purposes; and (c) that the acquisition of a particularly described area of such undeveloped vacant land (hereinafter also called an auxiliary redevelopment project), suitable for development for predominantly residential uses and so characterized in the master plan, is essential to provide for the development of dwelling units at rents such displaced families can afford, then the planning, acquisition, preparation for development or disposal of such auxiliary redevelopment area shall constitute a redevelopment project which may be undertaken by the agency in the manner provided by this chapter.

The procedure and exceptions set forth in section 143-20 shall apply to any such projects except that such areas and projects may be located outside the city of Honolulu in the city and county of Honolulu.

The agency shall sell or lease such land at its fair value for use in accordance with the redevelopment plan, such value to reflect the restrictions and covenants imposed on developers including restrictions on rent ceilings and modification thereof which the agency is hereby authorized to impose by regulation for a period of thirty years for such development in order to achieve private ownership and operation of such properties at a reasonable profit while providing for rentals which displaced families can afford."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

Standing Committee Report No. 304

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 20, 1957 , 19 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 353 HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred until April 22, 1957.

WILLIAM S. RICHARDSON
Clerk of the Senate

Adopted

STAND. COM. REP. NO. 304

Honolulu, Hawaii

April ____ , 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 353
H. D. 1

Sir:

Your Committee on Judiciary to which was referred House Bill No. 353, H. D. 1, entitled:

"AN ACT RELATING TO THE CAUSES FOR ANNULMENT AND DIVORCE, AND AMENDING SECTIONS 324-1 AND 324-20 OF THE REVISED LAWS OF HAWAII 1955",

begs leave to report as follows:

The purpose of this measure is to eliminate affliction of Hansen's disease as a ground for divorce. The board of health finds that this disease is no longer incurable, and it seems that it should not be singled out from other communicable diseases.

Your Committee is in full accord with the objectives of this Bill and therefore recommends that it do pass third reading.

Respectfully submitted,

Nelson K. Doi, Chairman

Standing Committee Report No. 305

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 20 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 354 HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

ADOPTED - APRIL 20, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

adopted

STAND. COM. REP. NO. 305

Honolulu, Hawaii

April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 354
H. D. 1

Sir:

Your Committee on Judiciary, to which was referred House Bill No. 354, H. D. 1, entitled:

"AN ACT RELATING TO COPIES OF RECORDS AND THEIR USE AS EVIDENCE, AND AMENDING SECTION 57-22 OF THE REVISED LAWS OF HAWAII 1955",

begs leave to report as follows:

The purpose of this Bill is to provide that microphotographic copies may be used as evidence.

The purpose of this Bill is to provide that the registrar general is authorized to microphotograph records and files in his office and to certify to the correctness thereof. Such microphotographic copies shall be competent evidence in all courts of the Territory. Our present law authorizes the preparation and use of only photostatic or typewritten copies of such records.

Your Committee is in accord with the purpose of this Bill and recommends that it pass third reading.

Respectfully submitted,

Nelson K. Doi, Chairman

Standing Committee Report No. 306

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 20 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO.540 HD1

RECOMMENDING THAT SAID BILL PASS 3RD READING.

MEMO:

ADOPTED - APRIL 20, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

adopting

STAND. COM. REP. NO. 306

Honolulu, Hawaii

April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 540
H. D. 1

Sir:

Your Committee on Judiciary, to which was referred House Bill No. 540, H. D. 1, entitled:

"AN ACT REPEALING SECTIONS 7-43 AND 7-44 OF CHAPTER 7 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO PAINT TESTING LABORATORY AND PAINT TESTING REQUIREMENT",

begs leave to report as follows:

The purpose of this measure is to repeal Act 156 of the Session Laws of Hawaii 1955 requiring the testing of paint for use on highways and public buildings. It has been found from experience that this requirement has proved impractical and of no value.

Your Committee is in accord with the objective of House Bill No. 540, H. D. 1, and therefore recommends that it do pass third reading.

Respectfully submitted,

Nelson K. Doi

Nelson K. Doi, Chairman

S. George Fukushima

[illegible]

[illegible]

[illegible]

Standing Committee Report No. 307

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 20 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 555

RECOMMENDING THAT SAID BILL PASS 3RD READING.

MEMO:

ADOPTED - APRIL 20, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

adopted

STAND. COM. REP. NO. 307

Honolulu, Hawaii

April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 555

Sir:

Your Committee on Judiciary, to which was referred House Bill No. 555, entitled:

"AN ACT TO AMEND SECTION 329-29 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO THE DESIGNATION OF THE STATE INFORMATION AGENCY UNDER THE UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT LAW",

begs leave to report as follows:

The purpose of this Bill is to designate the Legislative Reference Bureau, in place of the Department of Public Welfare, as the state information agency under the uniform reciprocal enforcement of support law.

Your Committee, being in favor of this change, recommends that the Bill do pass third reading.

Respectfully submitted,

Nelson K. Doi, Chairman

Standing Committee Report No. 308

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 20 , 1957 , by

Senator S. GEORGE FUKUOKA, CHAIRMAN FOR THE SELECT COMMITTEE OF MAUI SENATORS

RE: H. B. NO. 613

RECOMMENDING THAT SAID BILL PASS 3rd READING.

MEMO:

ADOPTED - APRIL 20, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

adopted

STANDING COMMITTEE REPORT NO. 308
Honolulu, Hawaii
April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 613

Sir:

Your Select Committee of Maui Senators, to which was referred House Bill No. 613, entitled

"AN ACT TO AMEND SECTION 144-40 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO MEETINGS OF THE BOARD OF SUPERVISORS OF THE SEVERAL COUNTIES",

begs leave to report as follows:

Under the present law, the board of supervisors of the county of Maui is required to hold their regular meeting on the third and eighteen days of each month.

This bill will change these days to first and third Fridays of each month, and further provides that in the event that any of such Fridays is a legal holiday, then the meeting shall be held on the following Monday.

This bill has been proposed by the Maui County Board of Supervisors and the members thereof have expressed their belief that such change will benefit all concerned.

Your committee is in accord with the intent and purpose of this bill and recommends its passage on third and final reading.

Respectfully submitted,

S George Fukuoka
Chairman

Lee Tuponte

John G Dwark

A.A.T.F.

Standing Committee Report No. 309

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 20 , 19 57, by

Senator S. GEORGE FUKUOKA, CHAIRMAN FOR THE COMMITTEE ON PUBLIC HEALTH.

RE: H. B. NO. 844

RECOMMENDING THAT SAID BILL PASS 3rd READING.

MEMO:

ADOPTED - APRIL 20, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

adopted

STANDING COMMITTEE REPORT NO. 309
Honolulu, Hawaii
April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 844

Sir:

Your Committee on Public Health, to which was referred House Bill No. 844, entitled

"AN ACT RELATING TO EMPLOYMENT PREFERENCE FOR POSITIONS AT INSTITUTIONS FOR HANSEN'S DISEASE SUFFERERS",

begs leave to report as follows:

1. The purpose of this bill is to give employment preference, when feasible, in Hansen's disease hospitals or settlements to temporary release patients as well as to discharged patients.

2. Under the present law, discharged patients are given this employment preference. This bill seeks to merely extend this preference to temporary release patients.

3. The Hansen's Disease Advisory Committee and the Board of Health are recommending such a measure. It is felt that such employment opportunity for the temporary release patients will enhance the rehabilitation prospects of such patients.

Your committee is in accord with the intent and purpose of this bill and recommends its passage on third and final reading.

Respectfully submitted,

S. George Ikehara
Chairman

A.A.T.F.

adopted

STANDING COMMITTEE REPORT NO. 310

Honolulu, Hawaii
April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Joint Resolution No. 90

Sir:

Your Committee on Public Lands to which was referred Senate Joint Resolution No. 90, entitled

"JOINT RESOLUTION RELATING TO RECLAIMED LANDS AND THE RECLAMATION OF SUBMERGED LANDS, AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF REVENUE BONDS FOR RECLAMATION PURPOSES, AND REQUESTING RATIFICATION BY CONGRESS,"

begs leave to report as follows:

This Joint Resolution relates to the problem of reclaimed lands and the development thereof. It is common knowledge that there are tidal reefs off the island of Oahu and throughout the Territory that may be utilized for the purpose of development into lands that are badly needed by the Territory. Much of the land that can be reclaimed from said tidal reefs will be of great value to the Territory and your Committee is of the opinion that its development should be undertaken as soon as possible. In connection with the development thereof, your Committee feels that certain policies should be provided for as to the determination of the areas suitable for reclamation and also in the initiation of development projects in this matter.

Your Committee has considered Senate Joint Resolution No. 90 carefully and approves the purpose of this Joint Resolution which is to delineate and make specific the various areas of authority in the matter of reclaimable lands. Under this resolution, the governor of the Territory is authorized to determine, after receiving the advice of the lands commissioner and the board of harbor commission, as well as office of the director of territorial planning if the latter office is constituted by this legislature, which areas of lands are suitable for reclamation. It should be noted in this connection that the governor is not required to determine, prior to such areas attaining the status of public lands, which portions of such lands are to be reclaimed.

This Joint Resolution further provides that lands beneath tidal waters suitable for reclamation be given the status of public lands in the Territory. The authority to initiate projects for the reclamation of lands is vested in the commissioner of public lands with the approval of the governor.

To implement the development of the lands in question, the resolution provides for the issuance of revenue bonds, said bonds to be amortized from revenues derived from leases of such reclaimed lands.

Your Committee approves the purposes of this joint resolution. Your Committee further recommends that this joint resolution pass with the following amendment:

Amend Section 6 of this resolution by inserting in the blank space, preceding the words "million dollars", the word "twenty-five".

Respectfully submitted,

Chairman

adopted

STAND. COM. REP. NO. 311

Honolulu, Hawaii

April 20, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Joint Resolution No. 89

Sir:

Your Committee on Public Lands to which was referred Senate Joint Resolution No. 89, entitled

"JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO WAIVE CERTAIN RESTRICTIONS WITH RESPECT TO THE SALE AND EXCHANGE OF PUBLIC LANDS FOR THE RELIEF OF TIDAL WAVE VICTIMS ON THE ISLAND OF KAUAI,"

begs leave to report as follows:

This joint resolution requests enactment of legislation authorizing the commissioner of public lands to sell to or exchange public lands on the island of Kauai, without recourse to auction, with persons whose properties were damaged by the tidal waves of March 9, 1957.

Your Committee approves the purpose of this joint resolution, except that it should be broadened to cover sales or exchanges with any person in the Territory whose property was damaged by said tidal waves.

Your Committee recommends that this joint resolution do pass in the amended form attached hereto.

Respectfully submitted,

Chairman

S. J. R. NO. 89
S. D. 1

JOINT RESOLUTION

REQUESTING THE CONGRESS OF THE UNITED STATES TO WAIVE CERTAIN RESTRICTIONS WITH RESPECT TO THE SALE AND EXCHANGE OF PUBLIC LANDS FOR THE RELIEF OF TIDAL WAVE VICTIMS IN THE TERRITORY OF HAWAII.

WHEREAS, many areas in the Territory of Hawaii suffered great damage when struck by the tidal wave which swept over the Territory on March 9, 1957; and

WHEREAS, in assistance to the owners of many of the homes and farm lands that were destroyed by such tidal wave, the Legislature favors the relocation of these disaster victims; and

WHEREAS, the present land laws of the Territory hamper and restrict such relocation plans, particularly as to any transfer by exchange or sale of public lands; now, therefore,

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

SECTION 1. The Congress of the United States is hereby respectfully requested to enact legislation, notwithstanding any provision of the Hawaiian Organic Act to the contrary, to authorize the commissioner of public lands to sell public lands on any island of the Territory, without recourse to auction, to persons whose lands or property were destroyed by the tidal wave of March 9, 1957, in the Territory, or to exchange public lands on any island of the Territory with the lands of such persons without regard to any limitation on the value or area thereof.

SECTION 2. Duly authenticated copies of this Joint Resolution shall be forwarded to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States, to the Secretary of the Interior of the United States and to the Delegate to Congress from Hawaii.

SECTION 3. This Joint Resolution shall take effect upon its approval.

INTRODUCED BY:

NOBORU MIYAKE
JOHN B. FERNANDES
SAKAE TAKAHASHI
WILLIAM H. HILL
OREN E. LONG
MITSUYUKI KIDO
DEE DUPONTE
WILLIAM H. HEEN
NELSON K. DOI
WILFRED C. TSUKIYAMA
S. GEORGE FUKUOKA

THE FOLLOWING WAS

NOT IN FILE

WHEN RECORDS WERE MICROFILMED:

YEAR: 1957

SESSION: REGULAR

CHAMBER: SENATE

TYPE ITEM: STANDING COMMITTEE REPORT

ITEM NUMBER: 312 + 313

adopted

STANDING COMMITTEE REPORT NO. 314
Honolulu, Hawaii
April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 839

Sir:

Your Select Committee of Maui Senators, to which was referred Senate Bill No. 839, entitled

"AN ACT CREATING A PERMANENT IMPROVEMENTS FUND OF THE COUNTY OF MAUI; REAPPROPRIATING UNENCUMBERED BALANCES OF CERTAIN TERRITORIAL LOAN FUND APPROPRIATIONS; AND OTHER MATTERS RELATING THERETO",

begs leave to report that your Committee approves the purpose of the bill and recommends that it be referred to the Committee on Ways and Means for further consideration.

Respectfully submitted,

S. George Fukunaga
Chairman

Lee Duponte

John G Duarte

A.A.T.F.

Standing Committee Report No. 315

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 20 , 1957 , by

Senator S. GEORGE FUKUOKA, CHAIRMAN FOR THE COMMITTEE ON PUBLIC HEALTH.

RE: H. B. NO. 660

RECOMMENDING THAT SAID BILL BE REFERRED TO THE COMMITTEE ON WAYS AND MEANS FOR FURTHER CONSIDERATION.

MEMO:

ADOPTED - APRIL 20, 1957
Referred to the Committee on Ways and Means.

WILLIAM S. RICHARDSON
Clerk of the Senate

adopted

STANDING COMMITTEE REPORT NO. 315
Honolulu, Hawaii
April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 660

Sir:

Your Committee on Public Health, to which was referred House Bill No. 660, entitled

"AMENDING SECTION 64-5 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO BOARD OF MEDICAL EXAMINERS AND PROVIDING FOR INCREASE IN EXAMINATION FEES",

begs leave to report that your Committee approves the purpose of the bill and recommends that it be referred to the Committee on Ways and Means for further consideration.

Respectfully submitted,

S. George Fukushima
Chairman

Lee Duponte

Orrin E. Long

W H Hill

F.L.
A.A.T.F.

THE FOLLOWING WAS

NOT IN FILE

WHEN RECORDS WERE MICROFILMED:

YEAR: 1957

SESSION: REGULAR

CHAMBER: SENATE

TYPE ITEM: STANDING COMMITTEE REPORT

ITEM NUMBER: 316

fcll

STAND. COM. REP. No. 317

Honolulu, T. H.

April 20, 1957

Honorable William H. Heen

President of the Senate

S i r :

Your Committee on Printing begs leave to report that the following matters have been printed and are ready for distribution:

S. B. No. 66 S. D. 1
S. B. No. 105 S. D. 1
S. B. No. 133 S. D. 1
S. B. No. 134 S. D. 1
S. B. No. 136 S. D. 1
S. B. No. 157 S. D. 1
S. B. No. 160 S. D. 1
S. B. No. 184 S. D. 1
S. B. No. 210 S. D. 1
S. B. No. 258 S. D. 1
S. B. No. 388 S. D. 1
S. B. No. 419 S. D. 1
S. B. No. 457 S. D. 1
S. B. No. 525 S. D. 1
S. B. No. 619 S. D. 1
S. B. No. 628 S. D. 1
S. B. No. 682 S. D. 1
S. B. No. 750 S. D. 1
S. B. No. 790 S. D. 1
S. B. No. 791 S. D. 1
S. B. No. 794 S. D. 1
S. B. No. 816 S. D. 1
S. B. No. 892 S. D. 1
S. B. No. 954 S. D. 1
S. B. No. 959 S. D. 1
S. B. No. 17 S. D. 2

S. R. No. 32 S. D. 1
S. C. R. No. 43 S. D. 1
S. C. R. No. 44
S. J. R. No. 91
Gov. Mes. No. 122
H. B. No. 45 H. D. 1 S. D. 1
Stand. Com. Rep. No. 231 to 261
Stand. Com. Rep. No. 263 to 294

Respectfully submitted,

John D Duarte

Vice Chairman

STAND. COM. REP. NO. 318

Honolulu, Hawaii

April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 63

Sir:

Your Committee on Judiciary, to which was referred Senate Bill No. 63, entitled:

"AN ACT TO AMEND SECTION 159-101 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO INTOXICATING LIQUOR AND PROVIDING A PENALTY FOR PURCHASING LIQUOR FOR MINORS",

begs leave to report as follows:

The purpose of this Bill is to make it a misdemeanor for any adult to purchase intoxicating liquor for the consumption or use of any minor. The law in this respect now merely provides that it shall be unlawful for a minor to purchase any intoxicating liquor.

Your Committee is in accord with the purpose of this Bill and recommends that it pass first reading by title in the form as introduced and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

STANDING COMMITTEE REPORT NO. 319

Honolulu, Hawaii
April 15, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 181

Sir:

Your Committee on Public Employment, to which was referred Senate Bill No. 181 entitled, "AN ACT RELATING TO SERVICE CREDITABLE UNDER THE EMPLOYEES' RETIREMENT SYSTEM," begs leave to report as follows:

The purpose of this bill is to add new provisions to categories of membership service creditable under the employees' retirement system by reenacting the provisions of Act 256 of the Session Laws of Hawaii 1955, which provided for (1) membership service for service as an employee of the federal government where the function carried on by such government has been transferred to the Territory or any county and (2) for membership service for service of a governmental nature performed under the supervision or control of the Territory or any county, and performed for the Territory or any county an employee of an employer other than the Territory or any county, (such Act 256, your Committee was informed, was ruled invalid due to a defect in title under an opinion rendered by the office of the Attorney General, in a letter to Harold C. Hill, Secretary, Employees' Retirement System, 392:60:OLC, dated March 21, 1956).

A further provision is also added by this bill giving creditable membership service for service rendered for the Territory as an employee in the office of the Delegate to Congress from the Territory, the Hawaii territorial guard and other capacities in which the compensation was paid by the United States for service directly related to the governmental functions of the Territory.

Your Committee is in agreement with the provisions of this bill. However, with regard to the credit for service of a governmental nature (item 5), your Committee wishes to state that it foresees some difficulty in the administration of such provision in determining the extent of such service and the amount of earnings for such a period, particularly where the employer was other than the Territory or a county. Also, future difficulties may arise in determining whether a person has rendered

service of a "governmental nature". However, such possible difficulties, your Committee feels, are not sufficient grounds for deleting item 5 of this bill, inasmuch as they would be overcome by perceptive administration by the retirement system.

Your Committee recommends that this bill be amended so that the title makes reference to "membership service" and so that references in the body of the bill are to the appropriate sections of the Revised Laws of Hawaii 1955, and Senate Bill 181, Senate Draft 1, incorporating such amendments is hereby attached and made a part of this report.

Your Committee on Public Employment recommends that Senate Bill No. 181 pass first reading by title in the amended form attached hereto, that it be printed, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

DEE DUPONTE, CHAIRMAN

AATF
HK

S.B. NO. 181
S.D. 1

A N A C T

RELATING TO MEMBERSHIP SERVICE UNDER THE EMPLOYEES' RETIREMENT SYSTEM.

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

SECTION 1. Section 6-20 of the Revised Laws of Hawaii 1955 is hereby amended by amending the definition of "membership service" to read as follows:

" "Membership service": service as an employee rendered since becoming a member and such other employment as may be provided in sections 6-30 to 6-39."

SECTION 2. Section 6-31 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Sec. 6-31. Membership service generally. Membership service shall include (a) service by an employee rendered since becoming a member, (b) service rendered prior to becoming a member but (1) subsequent to January 1, 1926, by an employee of the Territory or (2) subsequent to January 1, 1928, by an employee of any county (3) service as an employee of the federal government where the function carried on by such government has been transferred to the Territory or any county, or where the employee has been transferred to the federal government and subsequently retransferred to the Territory or any county (4) service rendered for the Territory as an employee in the office of delegate to the Congress from the Territory, the Hawaii territorial guard and other capacities in which the compensation was paid by the United States for service directly related to the governmental functions of the Territory, and (5) service of a governmental nature performed under the supervision or control of the Territory or any county, and performed for the Territory or any county by an employee of an employer other than the Territory or county. Service credited or creditable as prior service shall not be included. Membership service shall not be credited for any period which is not covered by the contributions of the member to the annuity savings fund, except as otherwise provided in section 6-32."

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

STAND. COM. REP. NO. 320

Honolulu, Hawaii

April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 226

Sir:

Your Committee on Judiciary, to which was referred Senate Bill No. 226, entitled:

"AN ACT TO AMEND CHAPTER 330 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO CURFEW",

begs leave to report as follows:

The purpose of this Bill is to allow a boy or unmarried female under the age of sixteen years of age to return home after curfew from activities conducted by a duly organized youth organization unaccompanied by either a parent or guardian, or an authorized adult person where the child shall have written proof of attendance with time of departure. The youth organization shall be one which has been approved by the judge of the juvenile court who shall file a copy of the certificate with the police department. The written proof of attendance with time of departure shall be issued by a responsible adult member of the organization.

Your Committee is in accord with the purpose of this Bill and recommends that it pass first reading by title in the amended form attached hereto and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

S. B. NO. 226
S. D. 1

AN ACT

TO AMEND CHAPTER 330 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO CURFEW.

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

SECTION 1. Section 330-14 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Sec. 330-14. Curfew; children in public streets prohibited when; penalty. Any boy or unmarried female under the age of sixteen years of age who, except in case of necessity, or except when permitted so to do in writing by a judge of the juvenile court, or except when returning home from activities conducted by a youth organization approved by the judge of the juvenile court with written proof of attendance and time of departure issued by a responsible adult member of the organization, goes or remains on any public street or highway after eight o'clock in the evening and before four o'clock in the morning, unaccompanied by either a parent or guardian, or an adult person duly authorized by a parent or guardian to accompany such boy or unmarried female, shall be deemed a delinquent child and may be punished as by law provided."

SECTION 2. Section 330-15 of the Revised Laws of Hawaii 1955 is hereby repealed.

SECTION 3. Section 330-16 of the Revised Laws of Hawaii 1955 is hereby amended by changing the word "fifteen" in line 3 thereof to read "sixteen".

SECTION 4. Section 330-17 of the Revised Laws of Hawaii 1955 is hereby amended by changing the word "fifteen" in line 6 thereof to read "sixteen".

SECTION 5. This Act shall take effect on July 1, 1957; provided that this Act shall not affect the liability of any person to prosecution and punishment for any criminal offense committed hereunder prior to said effective date, and any such offense may be prosecuted and punished the same as if this Act had not been enacted.

INTRODUCED BY:

WILFRED C. TSUKIYAMA

STANDING COMMITTEE REPORT NO. 321

Honolulu, Hawaii
April 19, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 243

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 243 entitled, "AN ACT RELATING TO INDIVIDUALS WHO DERIVE COMPENSATION, IN WHOLE OR IN PART, FROM TERRITORIAL OR COUNTY FUNDS AND THE NONPAYMENT OF SUCH COMPENSATION TO THEM WHEN IMPRISONED UNDER SENTENCE OF COURT FOR CRIMINAL OFFENSES," begs leave to report as follows:

The purpose of this measure is to prohibit the payment of salary or wages to government officers or employees who are convicted of any criminal offense and are required to serve time in jail or prison. The bill would also prohibit the allowance of vacation pay during the period of imprisonment, unless the individual was already receiving accrued vacation pay at the time imprisonment began.

Your Committee is in accord with the principles of this bill and recommends that Senate Bill No. 243 pass first reading by title, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

NELSON K. DOI, CHAIRMAN

AATF 9W8

STAND. COM. REP. NO. 322

Honolulu, Hawaii

April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 300

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 300, entitled:

"AN ACT RELATING TO DISTRICT COURT PRACTITIONERS AND AMENDING CHAPTER 191 OF THE REVISED LAWS OF HAWAII 1945",

begs leave to report as follows:

The purpose of this measure is to clarify the law relating to district court practitioners and the limitations on the activities of such practitioners.

Your Committee approves the purpose of this Bill, and recommends that Senate Bill No. 300 pass first reading by title in the amended form attached hereto and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

CORRECTION

THE PRECEDING DOCUMENT(S) HAS BEEN REPHOTOGRAPHED TO ASSURE LEGIBILITY
SEE FRAME(S)
IMMEDIATELY FOLLOWING

STAND. COM. REP. NO. 322

Honolulu, Hawaii

April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 300

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 300, entitled:

"AN ACT RELATING TO DISTRICT COURT PRACTITIONERS AND AMENDING CHAPTER 191 OF THE REVISED LAWS OF HAWAII 1945",

begs leave to report as follows:

The purpose of this measure is to clarify the law relating to district court practitioners and the limitations on the activities of such practitioners.

Your Committee approves the purpose of this Bill, and recommends that Senate Bill No. 300 pass first reading by title in the amended form attached hereto and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

S. B. NO. 300
S. D. 1

AN ACT

RELATING TO DISTRICT COURT PRACTITIONERS AND AMENDING CHAPTER 217 OF THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. Section 217-11 of the Revised Laws of Hawaii 1955 is hereby amended by adding a new paragraph at the end thereof to read as follows:

"All such practitioners shall represent themselves as district court practitioners and not by the use of the terms attorney, lawyer, counselor or solicitor."

SECTION 2. Chapter 217 of the Revised Laws of Hawaii 1955 is hereby amended by adding thereto a new section to be appropriately numbered and to read as follows:

"Sec. _____. Practice; limitations thereon. Licensed district court practitioners may practice law in accordance with the jurisdiction conferred by their respective licenses and with respect to any matter within the jurisdiction of the district courts of the Territory but shall not practice law with respect to any matter not within the jurisdiction of the district courts."

SECTION 3. This Act takes effect upon its approval.

INTRODUCED BY:

NELSON K. DOI (BY REQUEST)
KAZUHISA ABE
TOM T. OKINO

STANDING COMMITTEE REPORT NO. 323

Honolulu, Hawaii
April 19, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 337

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 337 entitled, "AN ACT AMENDING CHAPTER 90 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO REGISTRATION OF CERTAIN VESSELS WITH THE BOARD OF HARBOR COMMISSIONERS," begs leave to report as follows:

The purpose of this bill is to eliminate duplication of registration of vessels between the board of harbor commissioners and Federal agencies, and to spell out the required registration within the jurisdiction of the harbor board.

Your Committee is in full accord with the purpose of this bill and recommends that it pass first reading by title in the amended form attached hereto, that it be printed, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi

NELSON K. DOI, CHAIRMAN

AATF TWJ

S. B. NO. 337
S. D. 1

AN ACT

AMENDING CHAPTER 112 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO REGISTRATION OF CERTAIN VESSELS WITH THE BOARD OF HARBOR COMMISSIONERS.

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

SECTION 1. Section 112.40 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Section 112.40. Registration of certain vessels. All vessels, including all classes of floating equipment whether powered or non-powered, except row boats and non-powered sailing craft, shall be required to be registered under regulations of the Board unless they are registered by a Federal Government agency. No other Territorial agency shall have power to register or assign registration numbers to vessels or floating equipment. Transient craft visiting the Territory need not register unless the period of stay in the Territory exceeds ninety (90) days."

SECTION 2. Section 112.41 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Section 112.41. Application for registration. The owner or person in control of any vessel requiring registration shall make written application to the Board for the registration or re-registration thereof. Said application shall be on forms provided by the Board."

SECTION 3. Section 112.42 of the Revised Laws of Hawaii 1955 is hereby repealed.

SECTION 4. Section 112.43 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Section 112.43. Registration number. Upon being satisfied that the statements set forth in any such application for registration of a vessel are true, the Board shall cause the vessel described in the application to be registered in a book or card index system to be kept for that purpose, and shall give to the applicant a distinguishing registration number. Such registration number shall be attached in a conspicuous place as prescribed by regulation of the Board."

SECTION 5. Section 112.44 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Section 112.44. Re-registration. The re-registration of such vessels shall be required whenever there is a change of ownership so as to indicate the change in the name of the owner. The re-registration may be made under the original number."

SECTION 6. Section 112.45 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Section 112.45. Time of registration. All vessels shall be registered prior to January 1, 1958. Thereafter all newly constructed or purchased vessels shall be registered or re-registered within ten (10) days of completion of construction or purchase."

SECTION 7. Section 112.46 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Section 112.46. Fees. Fees covering registration shall be established by regulation of the Board and may vary with the size of the vessel registered."

SECTION 8. This Act shall take effect upon its approval.

INTRODUCED BY:

N. MIYAKE
W. H. HILL
WILFRED C. TSUKIYAMA

STANDING COMMITTEE REPORT NO. 324

Honolulu, Hawaii
April 19, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 340

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 340 entitled, "AN ACT TO REPEAL ACT 248 OF THE SESSION LAWS OF HAWAII 1953, RELATING TO AUTHORITY TO CONSTRUCT, OPERATE AND LEASE STORAGE FACILITIES FOR FEEDSTUFFS AND FOODSTUFFS BY THE BOARD OF HARBOR COMMISSIONERS BY THE ISSUANCE OF REVENUE BONDS," begs leave to report as follows:

The purpose of this measure is to abolish the bond issue described in the title. It has been found that the construction and operation of such storage facilities would not be economically practical, and the project has been abandoned by the harbor board.

Your Committee approves the purpose of this bill and recommends that it pass first reading by title in the amended form attached, that it be printed, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi

NELSON K. DOI, CHAIRMAN

George Fukunaka

[illegible]

[illegible]

[illegible]

AATF 7W8

S. B. NO. 340
S. D. 1

AN ACT

TO REPEAL ACT 248 OF THE SESSION LAWS OF HAWAII 1953, RELATING TO AUTHORITY TO CONSTRUCT, OPERATE AND LEASE STORAGE FACILITIES FOR FEEDSTUFFS AND FOODSTUFFS BY THE BOARD OF HARBOR COMMISSIONERS BY THE ISSUANCE OF REVENUE BONDS.

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

SECTION 1. Act 248 of the Session Laws of Hawaii 1953, is hereby repealed.

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

N. MIYAKE
W. H. HILL
WILFRED C. TSUKIYAMA

STAND. COM. REP. NO. 325

Honolulu, Hawaii

April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 356

Sir:

Your Committee on Judiciary, to which was referred Senate Bill No. 356, entitled:

"AN ACT AMENDING SECTION 88-20 OF THE REVISED LAWS OF HAWAII 1955, AND PRESCRIBING MAXIMUM FEES THAT MAY BE CHARGED BY COMMERCIAL EMPLOYMENT AGENCIES",

begs leave to report as follows:

The purpose of this Bill is to adjust the maximum fees that may be charged by commercial employment agencies. It is intended to help these private enterprises make a fair return for their services. The raising of the ceiling as provided in this Bill has been shown to be still below what is universally accepted on the mainland.

Your Committee is in accord with the purpose of this Bill and recommends that it pass first reading by title in the amended form attached hereto, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

CORRECTION

THE PRECEDING DOCUMENT(S) HAS BEEN REPHOTOGRAPHED TO ASSURE LEGIBILITY
SEE FRAME(S)
IMMEDIATELY FOLLOWING

STAND. COM. REP. NO. 325

Honolulu, Hawaii

April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 356

Sir:

Your Committee on Judiciary, to which was referred Senate Bill No. 356, entitled:

"AN ACT AMENDING SECTION 88-20 OF THE REVISED LAWS OF HAWAII 1955, AND PRESCRIBING MAXIMUM FEES THAT MAY BE CHARGED BY COMMERCIAL EMPLOYMENT AGENCIES",

begs leave to report as follows:

The purpose of this Bill is to adjust the maximum fees that may be charged by commercial employment agencies. It is intended to help these private enterprises make a fair return for their services. The raising of the ceiling as provided in this Bill has been shown to be still below what is universally accepted on the mainland.

Your Committee is in accord with the purpose of this Bill and recommends that it pass first reading by title in the amended form attached hereto, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

S. B. NO. 356
S. D. 1

AN ACT

AMENDING SECTION 88-20 OF THE REVISED LAWS OF HAWAII 1955, AND PRESCRIBING MAXIMUM FEES THAT MAY BE CHARGED BY COMMERCIAL EMPLOYMENT AGENCIES.

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

SECTION 1. Section 88-20 of the Revised Laws of Hawaii 1955 is hereby amended by amending sub-paragraph (d) so that the same shall read as follows:

"(d) Maximum fees to be charged, provided that no maximum fee shall exceed the following schedule of percentages of the gross wages, salaries, or commissions:

Wages, salaries or commissions	Maximum percentages permitted
$400.00 or less per month	25% of the first month's gross earnings
$400.01 or more per month	2.5% of the annual gross earnings "

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

SAKAE TAKAHASHI

MITSUYUKI KIDO

STAND. COM. REP. NO. 326

Honolulu, Hawaii

April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 412

Sir:

Your Committee on Judiciary, to which was referred Senate Bill No. 412, entitled:

"AN ACT RELATING TO THE JURISDICTION OF THE TERRITORIAL PUBLIC UTILITIES COMMISSION",

begs leave to report as follows:

The purpose of this Bill is to provide for the removal of airlines operating as common carriers in the Territory from the jurisdiction of the Territorial Public Utilities Commission. Witnesses testified that the compliance with the requirements of the P. U. C. serves no useful purpose since airlines are regulated by the agencies of the federal government. Substantial portions of the reports to the P. U. C. are duplications. It was shown that the welfare and safety of the public will not be affected.

Your Committee is in accord with the purpose of this Bill and recommends that it pass first reading by title in the amended form attached hereto and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi

Nelson K. Doi, Chairman

[illegible]

[illegible]

[illegible]

S. B. NO. 412
S. D. 1

AN ACT

RELATING TO THE JURISDICTION OF THE TERRITORIAL PUBLIC UTILITIES COMMISSION.

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

SECTION 1. Section 104-1, Revised Laws of Hawaii 1955, is hereby amended by deleting therefrom subparagraph (a) and relettering the remaining subparagraphs found in said section 104-1.

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

JOHN B. FERNANDES

STAND. COM. REP. NO. 327

Honolulu, Hawaii

April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 472

Sir:

Your Committee on Judiciary, to which was referred Senate Bill No. 472, entitled:

"AN ACT TO PROVIDE FOR NATURAL GUARDIANS FOR INCOMPETENT ADULT PERSONS, AND AMENDING CHAPTER 338 OF THE REVISED LAWS OF HAWAII 1955",

begs leave to report as follows:

This Bill provides that parents of certain incompetent adult persons shall be the natural guardians of the person and property of such incompetent adult persons. Should it be enacted, the Department of Public Welfare will no longer be obliged to go through formal court proceedings to have adult incompetent persons on welfare rolls adjudged incompetent in order to obtain federal matching funds for assistance payments made to such adult incompetent persons.

In the opinion of the Attorney General's Office, for the purpose of qualifying for federal matching funds for assistance payments, a finding by the Aid-To-Disabled Review Committee of the Department of Public Welfare that an adult person is incompetent would be accepted by the federal agency concerned.

Your Committee is in accord with the purpose of this Bill, and recommends that it pass first reading by title in the amended form attached hereto, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

S. B. NO. 472
S. D. 1

AN ACT

TO PROVIDE FOR NATURAL GUARDIANS FOR INCOMPETENT ADULT PERSONS, AND AMENDING CHAPTER 338 OF THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. Chapter 338 of the Revised Laws of Hawaii 1955 is hereby amended by adding thereto a new section to be appropriately numbered and to read as follows:

"Sec. _____. The father and mother of an incompetent adult person are jointly and severally the natural guardians of his person and property. They shall have equal powers and duties with respect to him and neither shall have any right superior to that of the other concerning his custody or control or any other matter affecting him; provided, that if either parent dies or abandons the family or is incapable for any reason to act as guardian, the guardianship devolves upon the other parent, and that when the parents live apart, the court may award the guardianship to either of them, having special regard to the interests of the incompetent adult person.

The term 'incompetent adult person', as used herein, is restricted to only such adult person who is determined to be totally and permanently disabled by the Aid-To-Disabled Review Committee of the Department of Public Welfare."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

N. MIYAKE
WILFRED C. TSUKIYAMA
W. H. HILL

STAND. COM. REP. NO. 328

Honolulu, Hawaii

April _____ , 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 475

Sir:

Your Committee on Judiciary, to which was referred Senate Bill No. 475, entitled:

"AN ACT AMENDING SECTION 108-20 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO ASSISTANCE FROM THE DEPARTMENT OF PUBLIC WELFARE AND FRAUD IN RECEIVING ASSISTANCE",

begs leave to report as follows:

The purpose of this Bill is to clarify the laws under which recipients of public welfare must report the acquisition of any funds, income or other resources, and to require that any such recipient must also make a report if his living requirements are reduced. This Bill is an administration request, and undoubtedly it may improve enforcement of public welfare rules and regulations.

Your Committee is in accord with the purposes of this Bill, and therefore recommends that it pass first reading by title in the amended form attached hereto and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi

Nelson K. Doi, Chairman

S. B. 475
S. D. 1

AN ACT

AMENDING SECTION 108-20 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO ASSISTANCE FROM THE DEPARTMENT OF PUBLIC WELFARE AND FRAUD IN RECEIVING ASSISTANCE.

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

SECTION 1. Section 108-20 of the Revised Laws of Hawaii 1955 is hereby amended by amending the second paragraph to read as follows:

"If, at any time while the recipient of public assistance is receiving such assistance, his living requirements are reduced and he fails to report such reduction within thirty days from the date of such reduction to the department, or he acquires from any source real property, funds, income, or other resources and fails to report the amount of same together within thirty days of receipt of same, or prior to spending or otherwise disposing of all or any portion of the same, he shall be deemed guilty of fraud and be subject to the penalties provided by this section and may forfeit all right to such assistance, which the department may cancel for a period of at least six months following the acquisition of such property, funds, income,or other resources or the discovery thereof by the department, whichever is later in time.

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

adopted

STAND. COM. REP. NO. 329

Honolulu, Hawaii

April 20, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Bill No. 498

Sir:

Your Select Committee of Oahu Senators to which was referred Senate Bill No. 498 entitled, "AN ACT PROVIDING FOR THE CORRECTION OF UNSANITARY CONDITIONS AT PAIKO LAGOON LOCATED NEAR PAIKO DRIVE, CITY AND COUNTY OF HONOLULU, TERRITORY OF HAWAII", begs leave to report as follows:

The purpose of this bill is to provide for the correction of unsanitary conditions at Paiko lagoon located off Kuliouou, Oahu, Territory of Hawaii. The said unsanitary conditions have been existing for sometime and the territorial board of health has classified the area as being unsanitary and detrimental to the health and welfare of the people living in the area. It might be noted the property owners in the area are further handicapped by the fact that the federal housing administration has notified such property owners that they will make no further loans on property in the area until the conditions are corrected.

This bill provides for the alleviation of the above-mentioned conditions on a self-liquidating basis whereby the cost of improving the area involved shall be financed by the sale of the material to be excavated from the lagoon. The bill further provides that the improvement of the unsanitary conditions of said lagoon shall be under the supervision of the board of harbor commissioners, said supervision including the sale of the excavated material.

Your Committee approves the purpose of this bill and recommends that it pass first reading in the amended form attached hereto and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Chairman

S. B. NO. 498

S. D. 1

AN ACT

AN ACT PROVIDING FOR THE CORRECTION OF UNSANITARY CONDITIONS AT PAIKO LAGOON LOCATED NEAR PAIKO DRIVE, CITY AND COUNTY OF HONOLULU, TERRITORY OF HAWAII.

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

SECTION 1. Findings. The legislature finds that because of tide action and other factors, Paiko Lagoon has become a mud flat at low tide creating an unhealthful condition which affects the surrounding property and its owners. The Territorial Board of Health has classified the area as unsanitary and the Federal Housing Administration has notified said property owners that it will make no further loans on property in this area until such conditions are corrected. The various governmental agencies and the surrounding property owners are without the authorization or funds to take action to alleviate said conditions. It is the intent of this Act to provide a means for alleviating said conditions on a self-liquidating basis, it appearing that the cost thereof may be financed by the sale of material excavated from the lagoon.

SECTION 2. The Board of Harbor Commissioners is hereby designated as the authority to undertake the excavating of said lagoon, the sale of the material removed therefrom, and the awarding of a contract to conduct this operation. In order to temporarily finance said operation, said Board is hereby authorized to advance from the current revenues of the Harbor Board Special Funds an amount not to exceed FIVE THOUSAND DOLLARS ($5,000.00) to cover costs of plans and specifications, engineering costs and costs of calling for bids in connection with said operation. Said plans and specifications shall be submitted to and shall not be advertised for bids unless approved by the Territorial Board of Health and the Area Engineer Corps of Engineers, U. S. Army.

SECTION 3. Before awarding a contract to conduct said operation, the Board of Harbor Commissioners shall and it is hereby authorized to make agreements with one or more persons for the purchase of the excavated material. Said purchaser or purchasers shall pay in advance to the Board of Harbor Commissioners the entire purchase price. Said payment or payments when received by the Board of Harbor Commissioners shall be deposited with the Territorial Treasurer in a special fund to be designated as "Paiko Lagoon Improvement Fund", which fund is hereby appropriated for said operation. The price at which the excavated material shall be sold shall be an amount not less than the cost of the contract to conduct said operation, plus a sum sufficient to reimburse the Board of Harbor

Commissioners for its initial advance as authorized under Section (2) hereof and any other expenses incurred by said Board in connection with said operation.

SECTION 4. Upon receipt of sufficient funds to cover the expenses as outlined in Section (3) hereof, the Board of Harbor Commissioners may award a contract to conduct said operation. Said contract shall conform to the laws and regulations of the Territory of Hawaii governing public works contracts. If the amount of said funds shall exceed the cost of said operation, the balance shall be paid over to the General Fund of the Territory of Hawaii.

SECTION 5. This Act shall take effect upon its approval.

INTRODUCED BY:

/s/ Mitsuyuki Kido

/s/ Sakae Takahashi

STANDING COMMITTEE REPORT NO. 330
Honolulu, Hawaii
April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 526

Sir:

Your Committee on Judiciary, to which was referred Senate Bill 526, entitled

"AN ACT TO AMEND SECTION 9-36 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO CERTIFICATES OF AUDITOR SHOWING AVAILABILITY OF FUNDS TO PAY COUNTY CONTRACTS,"

begs leave to report as follows:

Under the present provisions of the law, in order for a county to enter into any contract, it is first necessary to have the auditor of the county certify that there is sufficient appropriation to cover the amount required by such contract.

This bill will provide that where the county of Maui enters into a contract for the transportation of school children or for the collection of garbage for any period in excess of one year, the contract will be valid so long as the auditor certifies to the availability of funds to cover the amount required by the contract for the first year only. The bill further provides that the amount payable for each subsequent year on account of the contract shall constitute a charge upon the available revenue of each subsequent year.

The bill will aid the county of Maui in situations where the county wishes, for practical reasons, to enter into contracts for the transportation of school children or collection of garbage for periods in excess of one year, and is not able to do so because it does not have sufficient funds presently available to cover the entire amount due under such contract.

Your Committee is of the belief that this Bill will materially aid the county of Maui in negotiating for contracts involving the transportation of school children or the collection of garbage.

Your Committee is in accord with the purpose of this Bill and recommends that it pass first reading by title in the amended form attached hereto, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

S. B. NO. 526
S. D. 1

AN ACT

TO AMEND SECTION 9-36 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO CERTIFICATES OF AUDITOR SHOWING AVAILABILITY OF FUNDS TO PAY COUNTY CONTRACTS.

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

SECTION 1. Section 9-36 of the Revised Laws of Hawaii 1955 is hereby amended by adding thereto a new paragraph, reading as follows:

"The provisions of this section or of any other law to the contrary notwithstanding, a contract may be entered into by the county of Maui for the transportation of school children, as authorized by law, or for the collection, removal and disposition of rubbish or garbage for any period in excess of one year, if funds have been appropriated and are available to pay for any and all obligations under such contract during the year in which the contract has been entered, and a certificate certifying such appropriation and the availability of funds to such extent are attached by the county auditor of the county of Maui to such contract. The amount payable for each subsequent year on account of such contract, so certified by the county auditor of the county of Maui, shall constitute a charge upon the available revenues of such subsequent year, and the board of supervisors of the county of Maui shall thereafter annually appropriate sufficient funds to pay the amount to become due and payable under such contract during each subsequent year the contract remains in force."

SECTION 2. This Act shall take effect upon its approval.

STANDING COMMITTEE REPORT NO. 331

Honolulu, Hawaii
April 18, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 537

Sir:

Your Committee on Public Employment to which was referred Senate Bill No. 537 entitled, "AN ACT RELATING TO THE PUBLIC SERVICE IN THE TERRITORY AND THE SEVERAL COUNTIES INCLUDING CIVIL SERVICE, CLASSIFICATION AND COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES AND AMENDING CHAPTERS 3 AND 4 OF THE REVISED LAWS OF HAWAII 1955," begs leave to report as follows:

As originally introduced, this bill was an omnibus bill designed to make many changes in Chapters 3 and 4 of the Revised Laws of Hawaii 1955. Your Committee has deleted many of the provisions of the original bill and amended the bill to cover several changes in the law which are not contained in any other bills before the Committee.

As amended by your Committee, Senate Bill 537 changes Chapter 3 in two respects. The first amendment, to section 3-19, clarifies the grounds for removal of personnel directors and specifies that they shall perform their duties promptly, efficiently, and competently. The second amendment, to section 3-80, provides for the personnel directors to advise the employee organizations of major changes which affect members of the organizations and to consult with the organizations from time to time.

There are three amendments to Chapter 4 in this bill, as amended by your Committee. They are:

1. Clarifying the time limit on appeals of compensation matters. This bill sets the time limit at twenty days, to be consistent with the civil service chapter.

2. Section 4-7 is amended to guarantee that workers who are promoted or reclassified get at least one full step when they are promoted or reclassified and to protect workers whose positions may be reallocated to a class with a lower salary range.

3. A new paragraph is added to section 4-32 to provide that assistance by the personnel directors of the Territory and the city and county of Honolulu shall be rendered within sixty days of the time the request is made by the personnel directors of the neighbor islands. This is designed to speed up classification and compensation work on the neighbor islands.

Your Committee is in accord with the principles of this bill and does, therefore, recommend that Senate Bill No. 537 pass first reading by title in the amended form attached hereto, that it be printed, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

DEE DUPONTE, CHAIRMAN

AATF

S. B. NO. 537
S. D. 1

AN ACT

RELATING TO THE PUBLIC SERVICE IN THE TERRITORY AND THE SEVERAL COUNTIES INCLUDING CIVIL SERVICE, CLASSIFICATION AND COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES AND AMENDING CHAPTERS 3 AND 4 OF THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. Chapter 3 of the Revised Laws of Hawaii 1955 is amended in the following respects:

(a) By adding a new paragraph to section 3-19 to read:

"Failure of the personnel director to carry out his duties under this section promptly, efficiently, and competently shall be sufficient cause for removal of the personnel director by the commission."

(b) By adding a new paragraph to section 3-80 to read:

"The personnel director and the commission shall advise the various employee organizations of all major changes which affect members of the organizations and shall consult with representatives of the organizations before adopting new rules and policies, instituting major studies, or making any major changes in methods of operation."

SECTION 2. Chapter 4 of the Revised Laws of Hawaii 1955 is amended in the following respects:

(a) By amending section 4-5 (b) to read:

"(b) Hear and decide appeals by employees and department heads from actions taken by the director under the provisions of this part. The appeal shall be made within twenty days after notice of the action has been received by the employee or department head."

(b) By amending section 4-7 to read:

"Promotions, demotions, reallocations, and assignments; rules. The commission shall adopt rules to provide for adjustments and changes in compensation in the event of promotions, temporary promotions and assignments, demotions and for the purpose of implementing the provisions of section 4-9. In the case of promotions or reallocations to higher grades, the rules shall provide that the employee shall receive compensation at the lowest step of the higher

grade which exceeds his existing compensation and gives him at least one full step increase with no change in the employee's anniversary date. Such rules shall be adopted only after joint conference of all commissions and shall be uniformly applied and interpreted throughout the Territory and the several counties. Such rules shall give proper consideration to merit principles of employment.

"Such rules shall state that when an individual position is reallocated to a class with a lower salary range, the incumbent of such position shall not receive any reduction in compensation as long as he continues in the same position and until he is promoted to class in a higher salary range."

(c) By adding a new paragraph to section 4-32 to read:

"Recommendations by the personnel directors of the Territory and the city and county of Honolulu shall be made within sixty days from the time the request is received from the personnel directors of the counties of Hawaii, Maui, and Kauai."

SECTION 3. This Act shall take effect on July 1, 1957.

INTRODUCED BY:

DEE DUPONTE, By Request

STAND. COM. REP. NO. 332

Honolulu, Hawaii

April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 550

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 550, entitled:

"AN ACT TO AMEND SECTION 8734 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO INTEREST",

begs leave to report as follows:

The purpose of this Bill is to permit banks to charge the same interest rates as industrial loan companies. Section 191-4, Revised Laws of Hawaii 1955 (formerly Section 8734, Revised Laws of Hawaii 1945) now fixes a maximum contract interest rate of 1% per month, or 12% per year, applicable to banks and lenders generally. Where interest is deducted in advance (commonly termed "block interest"), the application of this limitation is to the effective rate of interest charged rather than to the rate at which the interest is computed, so that the maximum rate of block interest permitted on installment loans is approximately 6%. On the other hand, the Industrial Loan Act permits industrial loan companies to charge block interest on installment loans at the rate of 12% for the first 18 months, 9% for the next 12 months, 6% for the next 12 months, and 3% for the next 6 months.

The hearings on this Bill failed to disclose any reason for the present distinction between banks and industrial loan companies with respect to permissible interest charges. The costs involved in making personal loans, and certain other types of installment loans, tend to make it unprofitable for banks to engage in such business at the interest rates presently

permitted. By permitting only industrial loan companies to charge a sufficiently high rate of interest to support such loans, the existing law tends to suppress competition and to artificially inflate the rates of interest on such loans. Statements presented to your Committee by representatives of both banks and industrial loan companies indicated that the enactment of this Bill will promote the expansion of this type of service by banks and will tend to reduce the going rates of interest on personal loans and appliance loans which may now be made profitably only within the rates permitted to industrial loan companies.

Your Committee believes that this Bill, while appearing on its face to raise interest rates, will have the economic effect of reducing the rates of interest charged on personal and appliance loans. Furthermore, your Committee believes that no social policy justifies the favored position of industrial loan companies under the present law.

The style of the Bill is corrected so that reference is made to the appropriate section of the Revised Laws of Hawaii 1955. Further, there is incorporated therein a provision requiring compliance by banks with the provisions of sections 194-15 and 194-17, Revised Laws of Hawaii 1955, when loans are made at interest rates that may be charged by industrial loan companies.

For the foregoing reasons, your Committee recommends that this Bill pass first reading by title in the amended form attached hereto and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

S. B. NO. 550
S. D. 1

AN ACT

TO AMEND SECTION 191-4 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO INTEREST.

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

SECTION 1. Section 191-4 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Sec. 191-4. USURY NOT RECOVERABLE. If a greater rate of interest than one per cent per month is contracted for, the contract shall not, by reason thereof, be void. But if in any action on such contract proof is made that a greater rate of interest than one per cent per month has been directly or indirectly contracted for, the plaintiff shall only recover the principal and the defendant shall recover costs; PROVIDED, however, that any bank may charge, contract for, receive, collect in advance or recover interest, discount and other charges at the same rates and in the same amounts as permitted by law in the case of loans made by industrial loan companies licensed under the provisions of chapter 194, if in relation to the contract such bank shall be in compliance with sections 194-15 and 194-17 applicable to licensees under said chapter 194. If interest has been paid, judgment shall be for the principal less the amount of interest paid. This section shall not be held to apply to contracts for money lent upon bottomry bonds or upon other maritime risks nor to loans made under the provisions of chapter 194."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

JOHN B. FERNANDES

STAND. COM. REP. NO. 333

Honolulu, Hawaii

April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 603

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 603, entitled:

"AN ACT RELATING TO THE DISPOSAL OF GOVERNMENT RECORDS AND AMENDING SECTION 7-8 OF THE REVISED LAWS OF HAWAII 1955",

begs leave to report as follows:

The purpose of this Bill is to change the personnel of the committee charged with the disposal of public records, so that the membership will be composed of the secretary of the Territory, the attorney general or his deputy, and the auditor. Under existing laws, the committee has consisted of the chairman of the board of commissioners of public archives, the attorney general, the head of the department in which the records originated, the auditor, and the president of the University of Hawaii. It appears to your Committee that the three designated members of such committee will be adequate for the discharge of its duties.

Your Committee is in accord with the purpose of this Bill and therefore recommends that it pass first reading by title and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

STAND. COM. REP. NO. 334

Honolulu, Hawaii

April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 609

Sir:

Your Committee on Judiciary, to which was referred Senate Bill No. 609, entitled:

"AN ACT TO AMEND SECTION 8391 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED BY ACT 294, SESSION LAWS OF 1951, AND FURTHER AMENDED BY ACT 258, SESSION LAWS OF 1953; TO AMEND SECTION 8392 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED BY ACT 255 SESSION LAWS OF 1953; AND TO AMEND SECTION 8393 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO FOREIGN CORPORATIONS,"

begs leave to report as follows:

The purposes of this Bill are to (1) eliminate the requirement that foreign corporations owning personal property in the Territory and having no other contact with the Territory qualify to do an intrastate business here; (2) eliminate the requirement that foreign corporations which do solely interstate business in Hawaii qualify to do business here; (3) clarify the law by setting forth specifically certain activities which do not constitute doing business in the Territory; and (4) amend the provisions of existing laws to conform to these amendments.

Under our present statute any foreign corporation that owns any personal property in the Territory is required to qualify even though it has no office or employees and does no business whatsoever in the islands. It is unnecessary and burdensome to require a foreign corporation to qualify under such circumstances. Our laws also require the qualification of a foreign corporation engaged only in interstate commerce which law was testified to as being unconstitutional. By eliminating this requirement, our laws relating to foreign corporations will be consistant with that of all of the other states. Creditors will not be affected as the corporations can be sued in our courts. This Bill in setting forth those activities which do not constitute doing business, eliminates the requirement of a corporation to qualify where it merely transacts an isolated business.

Your Committee is in accord with the purposes of this Bill and recommends that it past first reading by title in the amended form attached hereto, that it be printed and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

S. B. NO. 609
S. D. 1

AN ACT

TO AMEND CHAPTER 174 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO FOREIGN CORPORATIONS BY AMENDING SECTIONS 174-1, 174-3, 174-8 AND 174-9; BY REPEALING SECTION 174-2; AND BY ADDING TWO NEW SECTIONS THERETO.

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

SECTION 1. Section 174-1 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Sec. 174-1. Declarations; local agents; bonds. Every corporation or incorporated company other than an eleemosynary corporation formed or organized under the laws of any other territory, possession or state of the United States or of any foreign state or country which undertakes to do or carry on business in the Territory, or take, hold, demise, sell or convey real estate situate therein shall file in the office of the treasurer of the Territory:

(a) A declaration sworn to on oath by two authorized officers of the corporation stating:

(1) The name of the corporation;

(2) The state wherein it was incorporated;

(3) The location and address of its principal office;

(4) The location and address of its branch office or offices in the Territory;

(5) The names and addresses of its officers and directors;

(6) The amount of its paid up capital stock;

(7) The total value of the property owned and used by it in its business;

(8) The nature and total value of the property to be acquired by it for use in the Territory;

(9) The total dollar amount of business transacted by it during its preceding fiscal year;

(10) The nature and actual method of the business to be transacted within the Territory;

(11) The name and business address of the person residing within the Territory upon whom legal notice and process from the courts of the Territory, or notices from officials of the Territory, may be served.

(b) A copy of the articles of association, charter, or act of incorporation of the corporation as amended to the date of the declaration, certified to by the proper officer of the state where the corporation was organized, which certificate shall also state that the corporation is in good standing if such be the fact.

(c) A copy of the by-laws of the corporation, as amended to the date of the declaration, certified to by the proper officer of the corporation.

(d) A good and sufficient bond or bonds with one or more sureties to be approved by the treasurer, and running to the treasurer and his successors in office, in a sum or sums to be fixed by the treasurer in his sound discretion, but not more than ten per cent of the capital stock of the corporation or $50,000, whichever is less, with condition that the surety or sureties on such bond or bonds shall be answerable in the amount of the bond or bonds for all judgments, decrees, or orders given, made, or rendered against the principal on the bond or bonds by any of the courts of the Territory for the payment of money; provided, that the treasurer may require such bond to be in the sum of not less than $1,000, or may waive the requirements of such bond if in his judgment any such corporation owns or holds property within the Territory in value sufficient to equal the amount of any bond or bonds which would otherwise be required or is an established corporation which has not defaulted on any obligation due from it for a period of at least ten years prior to the date of the declaration. The treasurer may from time to time review and redetermine the requirement of this subsection as if a declaration were being filed at the time of such review and redetermination, and increase or reduce or waive the bond or bonds required, as appropriate, or accept other or different bonds under such conditions as he may require and determine. The surety or sureties on any such bond may withdraw from the same upon giving to the treasurer notice not less than sixty days prior to the date on which the then existing annual license of such foreign corporation is to expire; provided, that such surety or sureties shall remain liable on the bond for all judgments, decrees or orders given, made or rendered against

the principal pursuant to the provisions of this section, based upon any obligation or liability incurred prior to the date of expiration of such annual license."

SECTION 2. Section 174-3 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Sec. 174-3. Same; by eleemosynary corporation. Every eleemosynary corporation or incorporated company formed or organized under the laws of any other territory, possession or state of the United States or of any foreign state or country which undertakes to do or carry on any solely charitable work in the Territory or to take, hold, demise, sell or convey real estate situate therein shall file in the office of the treasurer of the Territory:

(a) A declaration sworn to on oath by two authorized officers of the corporation stating:

(1) The name of the corporation;

(2) The state wherein it was incorporated;

(3) The location and address of its principal office;

(4) The location and address of its branch office or offices in the Territory;

(5) The names and addresses of its officers and directors, if any;

(6) The nature and actual method of the charitable work to be carried on in the Territory;

(7) The name and business address of the person residing within the Territory upon whom legal notice and process from the courts of the Territory, or notices from officials of the Territory, may be served.

(b) A copy of the articles of association, charter, or act of incorporation of the corporation as amended to the date of the declaration, certified to by the proper officer of the state wherein the corporation was organized, which certificate shall also state that the corporation is in good standing if such be the fact.

(c) A copy of the by-laws of the corporation as amended to the date of the declaration certified to by the proper officer of the corporation."

SECTION 3. Section 174-8 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Sec. 174-8. Powers and liabilities; fees. Every foreign corporation or incorporated company, other than eleemosynary, on complying with the provisions of section 174-1 and paying to the treasurer a fee of $50 shall, subject to the provisions of sections 174-9 and 174-13, have the same powers and privileges and be subject to the same disabilities as are by law conferred on corporations constituted under the laws of the Territory, and shall for the purposes for which it is constituted, have full power to hold, take, and convey by way of sale, mortgage, or otherwise, real, personal and mixed estate in the Territory; provided, that the purposes for which the corporation or company is constituted are not repugnant to or in conflict with any law of the Territory; provided further, that nothing herein contained shall be construed to give any corporation or company any of the special powers conferred by law upon railroad or banking corporations constituted under the laws of the Territory."

SECTION 4. Section 174-9 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Sec. 174-9. Annual license mandatory, exceptions; fees. No foreign corporation except foreign insurance companies and foreign eleemosynary corporations solely carrying on charitable work in the Territory which does not invest and use all its capital in the Territory shall do or carry on business in the Territory unless it shall first have obtained from the treasurer an annual license to do so. For the license every corporation shall pay into the treasury of the Territory for the use of the Territory annually the sum of $100 and the treasurer shall not issue a license to any corporation until the license fee shall have been paid.

The treasurer is authorized to settle and have collected an account against any company violating the provisions of this section for the amount of the license fee together with a penalty of fifty per cent for failure to pay the same; provided, that no license shall be necessary for any corporation while solely employed by the government of the United States."

SECTION 5. Section 174-2 of the Revised Laws of Hawaii 1955 is hereby repealed in its entirety. The treasurer is hereby authorized to cancel the registration of every foreign corporation that has heretofore registered to do business in the Territory in interstate or foreign commerce pursuant to the provisions of section 174-2.

SECTION 6. Chapter 174 of the Revised Laws of Hawaii 1955 is hereby amended by adding thereto two new sections to be appropriately numbered by the Secretary of Hawaii and to read as follows:

"Sec. ____. Without excluding other activities which may not constitute doing or carrying on business in the Territory, a corporation or incorporated company formed or organized under the laws of any other territory, possession or state of the United States, or of any foreign state or country shall not be considered to be doing or carrying on business in the Territory for the purposes of this chapter by reason of carrying on in the Territory any one or more of the following activities:

(a) Maintaining or defending any action or suit or any administrative or arbitration proceedings or effecting the settlement thereof or the settlement of claims or disputes.

(b) Holding meetings of its directors or shareholders or carrying on other activities concerning its internal affairs.

(c) Maintaining bank accounts.

(d) Maintaining offices or agencies for the transfer, exchange and registration of its securities, or appointing and maintaining agents, trustees or depositories with relation to its securities.

(e) Effecting sales through independent contractors.

(f) Soliciting or procuring orders whether by mail or through employees or agents or otherwise where such orders require acceptance without the Territory before becoming binding contracts.

(g) Creating evidences of debt, mortgages or liens on real or personal property.

(h) Securing or collecting debts or enforcing any rights in property securing the same.

(i) Transacting any business in interstate commerce.

(j) Conducting an isolated transaction completed within a period of thirty days and not in the course of a number of repeated transactions of like nature."

"Sec. ____. Every foreign eleemosynary corporation on complying with the provisions of section 174-1 and paying to the treasurer a fee of ten dollars shall, subject to the provisions of section 174-13, have the same powers and privileges and be subject to the same disabilities as are by law conferred on eleemosynary corporations constituted under the laws of the Territory, and shall, for the purposes for which it is constituted, have full power to hold, take and convey by way of sale, mortgage or otherwise real, personal and mixed estate in the Territory; provided, that the purposes for which the corporation or company is constituted are not repugnant to or in conflict with any law of the Territory."

SECTION 7. This Act shall take effect upon its approval.

INTRODUCED BY:

SAKAE TAKAHASHI
MITSUYUKI KIDO

STANDING COMMITTEE REPORT NO. 335

Honolulu, Hawaii
April 19, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 623

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 623 entitled, "AN ACT RELATING TO THE ELECTION OF SUPERVISORS IN THE COUNTY OF HAWAII, AND AMENDING SECTION 146-3 OF THE REVISED LAWS OF HAWAII 1955," begs leave to report as follows:

The purpose of this bill is to amend the laws relating to the districts from which county of Hawaii supervisors are elected, so as to conform such laws to the new reapportionment districts. The present law makes reference to "representative districts", which must be amended to read "senatorial districts".

Your Committee is in accord with the intent and purpose of this measure and recommends that it pass first reading by title in the amended form attached hereto, that it be printed, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

NELSON K. DOI, CHAIRMAN

AATF

S. B. NO. 623
S. D. 1

AN ACT

RELATING TO THE ELECTION OF SUPERVISORS IN THE COUNTY OF HAWAII, AND AMENDING SECTION 146-3 OF THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. Section 146-3 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Sec. 146-3. Hawaii supervisors; number; election; tenure; chairman. The board of supervisors of the county of Hawaii shall consist of seven members, all of whom shall be elected from among those who have been qualified electors of the county for at least two years prior to their election, and all of whom shall be elected in the following prescribed manner: three from the first senatorial district; three from the second senatorial district; and one at large. Six of such officers shall be elected as members only, while the seventh who is elected at large shall be chairman and executive officer of the board."

SECTION 2. This Act shall take effect upon its approval, and shall apply to elections to be held in conjunction with elections of members to the Thirtieth Legislature of the Territory of Hawaii and thereafter.

INTRODUCED BY:

NELSON K. DOI
KAZUHISA ABE
TOM T. OKINO

STANDING COMMITTEE REPORT NO. 336

Honolulu, Hawaii
April 19, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 624

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 624 entitled, "AN ACT RELATING TO THE DESIGNATION OF REPRESENTATIVE DISTRICTS, AND REPEALING SECTION 10-3 OF THE REVISED LAWS OF HAWAII 1955," begs leave to report as follows:

The purpose of this bill is to conform the 1955 laws referring to "representative districts" to the changes being brought about by the reapportionment law, so that these areas will now be known as "senatorial districts".

Your Committee is in full accord with Senate Bill No. 624 and recommends that it pass first reading by title, in the amended form attached hereto, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

NELSON K. DOI, CHAIRMAN

AATF gw 8

S.B. NO. 624
S.D. 1

A N A C T

RELATING TO THE DESIGNATION OF REPRESENTATIVE DISTRICTS, AND REPEALING SECTION 10-3 OF THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. Section 10-3 of the Revised Laws of Hawaii 1955 is hereby repealed.

SECTION 2. This Act shall not be construed to affect adversely any references contained in the Revised Laws of Hawaii 1955 to representative districts. All such references, when appropriate to the context, shall be changed to read "senatorial district" in lieu of "representative district" in recognition of the changes that have been made in the Hawaiian Organic Act.

SECTION 3. Effective date. This Act shall take effect upon its approval.

INTRODUCED BY:

STAND. COM. REP. NO. 337

Honolulu, Hawaii

April 20 , 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 630

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 630, entitled:

"AN ACT TO AMEND CHAPTER 152, REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO BANKS",

begs leave to report as follows:

The purpose of this Bill is to permit banks to close on Saturday. Under the terms of the Negotiable Instruments Law, it has been commonly held that banks are required to remain open for business until twelve o'clock noon on Saturday to receive presentment of checks. In recent years, 43 of the 48 state jurisdictions have enacted legislation waiving this requirement of the Negotiable Instruments Law with respect to banks and have either permitted banks to remain open on Saturday or have made it mandatory that all banks within the jurisdiction close on such days.

The requirement that banks remain open six days a week places them at a disadvantage in competing with other financial institutions for competent employees and increases their costs of operation.

Saturday opening is now mandatory. Should this Bill be enacted, it will permit banks to remain open or to close on Saturdays at their option.

Your Committee believes that this Bill is in line with the regulation of banks on the mainland and conforms to the social policy of recent years of extending to workers an opportunity for a five-day week. Your Committee has been assured that any bank which closes on Saturday will provide equivalent hours of service on other days, including evening service where appropriate, in order to meet local needs. It is believed that competition among the banks will result in providing adequate banking service, including service on Saturdays if such service is found to be required in local

situations.

The style of the Bill requires correction in order that reference will be made to the appropriate section of the Revised Laws of Hawaii 1955.

For these reasons, your Committee recommends that this Bill pass first reading in the amended form attached hereto and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

I do not concur

S. B. NO. 630
S. D. 1

AN ACT

RELATING TO BANKS AND AMENDING CHAPTER 178 OF THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. Chapter 178 of the Revised Laws of Hawaii 1955 is hereby amended by adding thereto a new section to be appropriately numbered and to read as follows:

"Sec. _____. Saturday closing. No bank organized under the laws of, or doing business in, this Territory shall be under obligation to permit the withdrawal on Saturday of funds on deposit, or to keep its banking house or any branch or office thereof open for the transaction of business on Saturday, or to permit access to its safe deposit vaults on Saturday; and if any such bank or branch or office thereof elects to close on Saturday, then any act appointed by law or contract, or in any other way, to be performed on Saturday by any such bank or branch or office thereof, whether acting in its own behalf or in any capacity whatsoever, may be performed upon the next succeeding business day. Any act to be performed on Saturday at a bank or branch or office thereof may be performed on the next succeeding business day if the bank or branch or office thereof at which such act is to be performed is closed on Saturday, and no liability or loss of rights of any kind shall result from such delay."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

JOHN B. FERNANDES

STANDING COMMITTEE REPORT NO. 338

Honolulu, Hawaii
April 19, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 638

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 638 entitled, "AN ACT AMENDING CHAPTER 64 OF THE REVISED LAWS OF HAWAII 1955 BY ADDING THERETO A NEW SECTION NUMBERED "64-14", RELATING TO MEDICINE AND SURGERY AND PROVIDING FOR THE GIVING OF CONSENT BEFORE THE PERFORMANCE OF POST-MORTEM EXAMINATION OR AUTOPSY," begs leave to report as follows:

The purpose of this bill is to clarify the laws relating to the required consent for post-mortem examination or autopsy. Under the measure, consent may validly be given by a relative or next of kin of a deceased person, or a friend or any individual or governmental agency responsible for the burial.

Your Committee is in full accord with Senate Bill No. 638 and recommends that it pass first reading by title, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

NELSON K. DOI, CHAIRMAN

AATF TWJ

STAND. COM. REP. NO. 339

Honolulu, Hawaii

April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 668

Sir:

Your Committee on Judiciary, to which was referred Senate Bill No. 668, entitled:

"AN ACT TO AMEND CHAPTER 169 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO PROFESSIONAL PHOTOGRAPHERS",

begs leave to report as follows:

The purposes of this Bill are to (1) change the membership of the board of photography from 5 to 7, (2) change the designation of "certified photographer" to "licensed photographer", (3) increase the annual license fee from $2 to $5, (4) change the law which allows anyone to apply for examination, to applicants of good moral character, over 20 years, residents of the territory, with one year of experience in professional photography, or a diploma from a recognized school of photography, (5) clarify the definition of "professional photographer", and (6) provide for issuance of license to a firm, company, partnership or corporation engaged in professional photography, where the owner, head, or principal operator has a valid license.

Your Committee is in accord with the purpose of this Bill and recommends that it pass first reading by title in the amended form attached hereto, that it be printed, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

S. B. NO. 668
S. D. 1

AN ACT

TO AMEND CHAPTER 169 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO PROFESSIONAL PHOTOGRAPHERS.

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

SECTION 1. Chapter 169 of the Revised Laws of Hawaii 1955 is hereby amended in the following respects:

A. By amending section 169-1 of the Revised Laws of Hawaii 1955, to read as follows:

"Sec. 169-1. Photographer defined. For the purpose of this chapter, a professional photographer is defined as a person skilled in the knowledge and science of photography who makes photographs for compensation or for sale or for hire. A professional photographer does not include an amateur photographer who receives remuneration in the way of a prize or other consideration for a photograph submitted in a competition or contest open to other amateurs, nor does it include an amateur photographer who does not hold himself out to the public as being a practicing photographer who makes pictures for compensation, sale or hire."

B. By amending the term "certified photographer", appearing in section 169-2 (e) to read "licensed photographer".

C. By amending section 169-3 to read as follows:

"Sec. 169-3. Board of photography. The governor shall appoint, in the manner prescribed by section 80 of the Organic Act, as the territorial board of photography, seven licensed professional photographers of recognized standing, each of whom shall have been actively engaged in the practice of photography for not less than ten consecutive years immediately preceding the date of appointment. Four of the members shall be residents of the city and county of Honolulu; the remaining three members shall be residents of the counties of Hawaii, Maui, and Kauai, respectively."

D. By amending the first sentence of section 169-4 to read as follows:

"Sec. 169-4. Members, vacancies, chairman. The members of the board shall hold office for three years or until their successors are appointed and have qualified, except that of the members first appointed, two shall hold office for terms expiring July 1, 1958, three for terms expiring July 1, 1959, and two for terms expiring July 1, 1960, thereafter every

appointment shall be made for a term of three years commencing from the date of the expiration of the last preceding term."

E. By amending section 169-7 to read as follows:

"Sec. 169-7. Board's expenses; special fund. All expenses of the board, including the salary of the secretary, shall be paid from the fees received by the board under the provisions of this chapter upon vouchers approved by the board and signed by the chairman, the secretary, or any member thereof. All moneys received by the board shall be held in the Treasury of the territory as a special fund for such purpose."

F. By amending section 169-8 to read as follows:

"Sec. 169-8. Board's authority. The board shall be authorized: 1. To administer oaths through any of its members, to all applicants or other persons appearing before the board in respect to investigation prior to or during the issuing of a license under the provisions of this chapter; 2. To conduct investigations of the fitness of applicants for licenses, and to issue such licenses; 3. To establish such rules and regulations as may be required to carry out the purposes of this chapter and maintain a high degree of integrity among persons licensed as professional photographers."

G. By amending section 169-9 to read as follows:

"Sec. 169-9. Licensing. The board shall receive applications from any person desiring to engage in business within the Territory as a professional photographer who is over the age of twenty years and is a bona fide resident of the Territory. Upon proof that the applicant has had experience of a year or more in commercial or non-commercial photography of a kind which would enable him to engage in professional photography, or upon proof that the applicant has received a diploma from a recognized school of photography, the board shall issue a license to the applicant, who shall thereupon pay the annual fee required by section 169-10, provided, that no license shall be granted to a person who is not of good moral character. A license may be issued for one or both of the following two classifications; namely, portrait or commercial. Each license granted by the board shall be extended from year to year upon payment of the annual fee, unless revoked for cause by the board.

The board shall also accept an application from, and issue a license to any firm, company, partnership or coporation engaged in professional photography, hereinafter referred to as a 'firm', whose owner, supervising head, or principal

operator is in possession of a valid individual license. Except as required in the preceding sentence, employees of such firm need not be licensed under this chapter, but the firm shall be responsible for their failure to maintain the high degree of integrity required by the rules and regulations for licensed professional photographers."

H. By repealing sections 169-10, 169-11, and 169-12.

I. By renumbering section 169-13 to be section 169-10 and amending it to read as follows:

"Sec. 169-10. Annual fee. All photographers or firms licensed under the provisions of this chapter shall, on or before July 1 of each year, pay an annual fee to the secretary of the board, who shall give a receipt therefor. The initial fee for a license shall be five dollars; the annual renewal fee shall be five dollars. The secretary shall notify each licensed photographer or firm at his or its last known address that his or its annual fee is due on July 1 of each year and that the license will be revoked unless the fee is paid by August 1 of the same year. Any photographer or firm whose license shall have been revoked for non-payment of the required fee may make application to the board for reinstatement, the application to be accompanied by an additional fee of five dollars, and if the board shall find the applicant to be guilty of no violation of this chapter, other than failure to make payment of annual fees, the license shall be reinstated upon the payment of the fees in arrears."

J. By renumbering section 169-14 to be section 169-11 and amending the word "certificate", to read as "license" wherever it appears and to amend the word "certified" to "licensed."

K. By renumbering section 169-15 to be section 169-12 and amending it to read as follows:

"Sec. 169-12. Penalty. If any person shall act or hold himself out to the public as a professional photographer without having received a license under the provisions of this chapter or without being an employee of a licensed firm, or shall hold himself out as having received a license as a professional photographer, or shall assume to practice as a professional photographer, or to use any style or insignia indicating that he is licensed to practice as a professional photographer, without having received a license under the provisions of this chapter or after his license shall have been revoked, on conviction thereof shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars, nor more than two hundred dollars,

or by imprisonment for a term not exceeding one year, or by both fine and imprisonment.

If any firm, company, partnership or corporation shall act or hold itself out to the public as a professional photographic firm, or shall hold itself out as having received a license as a professional photographic firm, or shall assume to practice as a professional photographic firm, or to use any style or insignia indicating that it is licensed to practice as a professional photographic firm, without having received a license under the provisions of this chapter or after its license shall have been revoked, or if any firm, company, partnership or corporation shall hold an employee or its employees out to the public as being licensed professional photographers or use any style or insignia indicating that he or they are so licensed when such employee or employees are not licensed to practice as professional photographers, on conviction thereof shall be deemed guilty of a misdemeanor, and shall be subject to a fine of not less than twenty-five dollars, nor more than two hundred dollars."

SECTION 2. Severability. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

MITSUYUKI KIDO
SAKAE TAKAHASHI

DATE _____

STANDING COMMITTEE REPORT NO. 340

Honolulu, Hawaii
April 19, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 696

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 696 entitled, "AN ACT TO AMEND SECTION 159-77 (a) (1) OF THE REVISED LAWS OF HAWAII 1955, RELATING TO LIQUOR PROHIBITIONS," begs leave to report as follows:

The purpose of this measure is to clarify the law relating to the prohibition against consuming liquor on any public highway. The bill would make sure that public sidewalks are included within the definition of "public highways".

Your Committee is in full accord with the purpose of Senate Bill No. 696 and recommends that it pass first reading by title, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi

NELSON K. DOI, CHAIRMAN

S. George Fukushima

[illegible]

Sakai Takahashi

[illegible]

AATF 9W2

STANDING COMMITTEE REPORT NO. 341

Honolulu, Hawaii
April 19, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 699

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 699 entitled, "AN ACT TO AMEND SECTION 160-9 OF THE REVISED LAWS OF HAWAII 1955, PERTAINING TO MOTOR VEHICLE REGISTRATION," begs leave to report as follows:

The purpose of this measure is to require the registered owner of a motor vehicle to notify the county treasurer within thirty days whenever he shall change his address.

Your Committee approves the purpose of Senate Bill No. 699 and recommends that it pass first reading by title, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

NELSON K. DOI, CHAIRMAN

AATF Tuj

STANDING COMMITTEE REPORT NO. 342

Honolulu, Hawaii
April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 725

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 725, entitled

"AN ACT TO AMEND CHAPTER 144 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO GENERAL PROVISIONS AFFECTING HAWAII, KAUAI AND MAUI, BY ADDING A NEW SECTION THERETO, TO BE NUMBERED SECTION 144-97 AND RELATING TO RECORDS OF EVERY OFFICE AND DEPARTMENT,"

begs leave to report as follows:

The purpose of this measure is to require the approval of the county attorney or the chief of police for the inspection of files or records in the police department or county attorney's office. Such provision is already applicable in the city and county of Honolulu and the proposed measure would make the same requirements applicable to the counties of Hawaii, Maui and Kauai. Experience has shown that certain types of data in the police department or county attorney's office should not be generally available to the public.

Your Committee on Judiciary is in accord with the objectives of this bill and that it recommends that Senate Bill No. 725 pass first reading by title, that it be printed and that it then take its place in the order of business for further consideration.

Respectfully submitted,

NELSON K. DOI, Chairman

AATF: TWJ

STANDING COMMITTEE REPORT NO. 343

Honolulu, Hawaii
April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: S. B. 726

Sir:

Your Committee on Ways and Means, to which was referred Senate Bill No. 726, entitled

"AN ACT AMENDING SECTION 144-33 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO POWERS OF THE BOARD OF SUPERVISORS."

begs leave to report as follows:

The purpose of this bill is to allow the Board of Supervisors of Hawaii, Maui or Kauai, to expend up to $4,000 per annum for staging of celebrations or entertaining visiting dignitaries, in place of the present maximum limitation of $2,000.

Your Committee on Ways and Means is in accord with the purpose of this bill and recommends that it pass first reading and that it then take its place in order of business for further consideration.

Respectfully submitted,

KAZUHISA ABE, Chairman

STANDING COMMITTEE REPORT NO. 344

Honolulu, Hawaii
April 19, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 741

Sir:

Your Committee on Public Employment to which was referred Senate Bill No. 741 entitled, "AN ACT TO AMEND ACT 151 OF THE SESSION LAWS OF HAWAII 1955, RELATING TO THE COMPENSATION OF CERTAIN CAFETERIA MANAGERS IN THE DEPARTMENT OF PUBLIC INSTRUCTION", begs leave to report as follows:

The purpose of this bill is to place under the teachers' pay schedule, for the purpose of compensation, certain persons who were on the teaching staff of the department of public instruction, but who were assigned positions as cafeteria managers and who are being compensated under the general schedule applicable to civil service employees.

Your Committee recognizes the existence of a moral obligation in respect to these individuals who were blanketed into civil service at a reduction in pay.

Your Committee recommends that Senate Bill No. 741 pass first reading by title and it then take its place in the order of business for further consideration.

Respectfully submitted,

DEE DUPONTE, CHAIRMAN

AATF

STANDING COMMITTEE REPORT NO. 348

Honolulu, Hawaii
April 19, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: S. B. No. 755

Sir:

Your Committee on Education to which was referred Senate Bill No. 755, entitled "AN ACT TO AMEND CHAPTER 80 AND SECTION 333-6 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO INDUSTRIAL AND REFORMATORY SCHOOLS", begs leave to report as follows:

The purpose of the Bill is to change the designations "industrial and reformatory schools" and "industrial schools" to "training schools" insofar as they refer to the schools managed and controlled by the Department of Institutions of the Territory.

Your Committee has been informed that such a change is favored by the Department of Institutions because such schools are now maintained primarily as training schools and not as reformatory schools and because such designations as "industrial and reformatory schools" and "industrial schools" have come to be attached with a certain stigma.

Your Committee is in full accord with the purpose of the Bill and submits an amended form of the Bill which is attached hereto, amending the title of the Bill to broaden its scope to cover all the provisions of the Bill, amending Section 1 of the Bill by deleting that section entirely as being unnecessary to the purpose of the Bill, and amending the other portions of the Bill to make the language more explicit.

And your Committee recommends that Senate Bill No. 755 pass first reading by title in the amended form attached hereto, be printed and take its place in the order of business for further consideration.

Respectfully submitted,

Mitsuyuki Kido
MITSUYUKI KIDO, Chairman

AATF

S. B. NO. 755
S. D. 1

AN ACT

RELATING TO INDUSTRIAL AND REFORMATORY SCHOOLS AND INDUSTRIAL SCHOOLS AND AMENDING CHAPTER 80 AND SECTION 333-6 OF THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. The words "industrial and reformatory school", "industrial and reformatory schools", "industrial school" and "industrial schools", referring to the schools managed and controlled by the Department of Institutions of the Territory, wherever used in the Revised Laws of Hawaii 1955 and in any Session Laws of Hawaii, are hereby amended by substituting therefor the words "training school" or "training schools".

SECTION 2. In conformity with but without limitation of Section 1 hereof, the words "training school" or "training schools" are hereby substituted for the words "industrial and reformatory school", "industrial and reformatory schools", "industrial school" and "industrial schools" in Chapter 80 of the Revised Laws of Hawaii 1955 and in the Sections thereof, as follows:

(a) Chapter 80 in its title;
(b) Section 80-2 in the first, second, third, eighth, ninth, twelfth and thirteenth lines thereof;
(c) Section 80-5 in the fourth line thereof;
(d) Section 80-7 in the second line thereof;
(e) Section 80-8 in the first and second lines thereof;
(f) Section 80-9 in the fourth line thereof;
(g) Section 80-11 in the fourth line thereof;
(h) Section 80-12 in the eighth line thereof;
(i) Section 80-13 in the fifth line thereof;
(j) Section 80-14 in the second and third lines thereof;
(k) Section 80-15 in the second and eighth lines thereof;
(l) Section 80-16 in the second and third lines thereof;
(m) Section 80-17 in the third line thereof;
(n) Section 80-18 in the third line thereof;
(o) Section 80-23 in the third line thereof;
(p) Section 80-24 in the third line thereof;
(q) Section 80-25 in the fifth and sixth lines thereof;
(r) Section 80-26 in the third line thereof;
(s) Section 80-27 in the third and fourth lines thereof;
(t) Section 80-28 in the third line thereof;
(u) Section 80-29 in the sixth line thereof;

(v) Section 80-30 in the fourth line thereof;
(w) Section 80-31 in the third and fifteenth lines thereof;
(x) Section 80-32 in the third, ninth and tenth lines thereof;
(y) Section 80-33 in the third and fourth lines thereof.

SECTION 3. in further conformity with but without limitation of the foregoing sections of the Act, Section 333-6 of the Revised Laws of Hawaii 1955 is hereby amended by substituting for the words "industrial school" in the first, twenty-fifth, twenty-sixth and thirty-third lines thereof, the words "training school".

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

N. MIYAKE
WILFRED C. TSUKIYAMA
W. H. HILL

STAND. COM. REP. NO. 346

Honolulu, Hawaii

April _____ , 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 759

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 759, entitled:

"AN ACT RELATING TO ASSIGNMENT OF COUNSEL FOR INDIGENT DEFENDANTS OR APPELLANTS; FEES; EXPENSE OF TRANSCRIPT, ETC., AMENDING SECTION 253-5 OF THE REVISED LAWS OF HAWAII 1955",

begs leave to report as follows:

The purpose of this Bill is to amend section 253-5 of the Revised Laws of Hawaii 1955, relating to assignment of counsel for defendants, fees, expense of transcripts, etc. Presently a court may assign counsel to an indigent defendant only in felony cases pending in a circuit court.

This Bill will permit a court to assign counsel in any felony case pending in a circuit court, or appeal therein, where the person accused or convicted makes affidavit that he is without means or resources to obtain counsel for his defense or appeal. It will also permit a court, upon filing of a like affidavit, to direct that the expense of furnishing the necessary transcript of evidence and records for the consideration of the supreme court on appeal, etc., be paid out of the appropriation made for the general expense of the circuit court before which the case is pending or from which an appeal is taken. These considerations are in accord with the rule enunciated in Griffin v. Illinois, 251 U. S. 12.

Your Committee is in accord with the purpose of this Bill and recommends that it pass first reading by title in the form as introduced and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

STANDING COMMITTEE REPORT NO. 347

Honolulu, Hawaii
April 18, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 772

Sir:

Your Committee on Ways and Means, to which was referred Senate Bill 772, entitled

"AN ACT TO AMEND SECTION 123-3.2 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO DISPOSITION OF FUEL TAXES,"

begs leave to report as follows:

The purpose of this bill is to establish usage of fuel tax revenues collected under the provisions of chapter 123 on as nearly a uniform basis as possible with Highway Fund revenues collected under the provisions of chapter 130. The ultimate objective is to combine all such revenues into one common highway fund for each of the counties and the city and county in order to simplify the budgeting and accounting procedures relating to highway expenditures for all counties and the city and county.

The bill expands the usage of fuel tax revenues to provide for expenditures similar to those included under Section 130-16. The usages provided under Section 123-3.2 and Section 130-16, while not couched in identical language, are along similar lines based on the principle that the taxes collected from the users of public highways and roads should be spent for the construction, operation, and maintenance of such highways and roads, inclusive of installations such as street lights and traffic lights and signs which are intrinsic appurtenances of a modern highway system, as well as services such as police

traffic activities and traffic control which are provided primarily for the benefit of highway users. Your Committee is in accord with the validity of this concept, and feels that the expanded usage would provide the counties and the city and county the necessary flexibility in the administration of their highway expenditures.

Since the bill as drafted merges the "fuel tax fund" and the "highway fund" for the city and county of Honolulu alone, but since the counties have indicated their desire to also have reductions in the number of funds through similar mergers, your Committee recommends amendments to Senate Bill No. 772 to provide for such mergers for all counties while at the same time preserving the fuel tax revenue identity for expenditure purposes on island basis.

Your Committee is in accord with the purpose of this bill and recommends that it pass first reading by title, in the amended form attached hereto, and that it then take its place in order of business for further consideration.

Respectfully submitted,

KAZUHISA ABE, Chairman

STANDING COMMITTEE REPORT NO. 348
Honolulu, Hawaii
April 15, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 786

Sir:

Your Committee on Public Health, to which was referred Senate Bill No. 786, entitled

"RELATING TO THE FUND KNOWN AS THE "SHOP REVOLVING FUND AND HANDICRAFT",

begs leave to report as follows:

The purpose of this bill is to change the name of the special fund known as the "Shop Revolving Fund and Handicraft" to the new name of "Blind Shop Revolving and Handicraft Fund". The Bureau of Sight Conservation believes that such a new name will more properly reflect the true purpose of the fund.

Your committee recommends that Senate Bill 786 pass first reading by title, that it be printed and that it then take its place in the order of business for further consideration.

Respectfully submitted,

S. George Fukunaka
Chairman

Lee Kuponte

Oren E. Long

Approved as to form:

F. L.
Frank W. C. Loo
Senate Attorney

W. H. Hill

STANDING COMMITTEE REPORT NO. 349

Honolulu, Hawaii
April 19, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 793

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 793 entitled, "AN ACT TO AMEND SECTION 11-130 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO ABSENTEE VOTING," begs leave to report as follows:

The purpose of this measure is to change from five days to ten days the period within which absentee ballots may be cast by certain voters. The measure also simplifies absentee voting for residents on the island of Maui.

Your Committee approves the purpose of Senate Bill 793 and recommends that it pass first reading, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi

NELSON K. DOI, CHAIRMAN

J. George Fukunaka

[illegible]

[illegible]

[illegible]

AATF TWO

STAND. COM. REP. NO. 350

Honolulu, Hawaii

April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 811

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 811, entitled:

"AN ACT TO AMEND THE REVISED LAWS OF HAWAII 1955, RELATING TO STANDARDS OF WEIGHTS AND MEASURES",

begs leave to report as follows:

The purpose of this measure is to enact a desired section in the Revised Laws of Hawaii 1955 which had been inadvertently omitted when the 1955 laws were compiled from the 1945 Revised Laws of Hawaii and subsequent Session Laws. The Honorable Masaji Marumoto, chairman of the compilation commission of the Revised Laws of Hawaii 1955, has requested favorable action on this measure.

Your Committee, therefore, recommends that Senate Bill No. 811 pass first reading by title in the amended form attached hereto and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi

Nelson K. Doi, Chairman

S. B. NO. 811
S. D. 1

AN ACT

RELATING TO STANDARDS OF WEIGHTS AND MEASURES AND AMENDING CHAPTER 162 OF THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. Chapter 162 of the Revised Laws of Hawaii 1955 is hereby amended by adding thereto a new section to be appropriately numbered and to read as follows:

"_____. Standards. The standards of weights and measures shall be those adopted and used by the United States."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

SAKAE TAKAHASHI

MITSUYUKI KIDO

STANDING COMMITTEE REPORT NO. 351
Honolulu, Hawaii
April 15, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 840

Sir:

Your Committee on Public Health, to which was referred Senate Bill No. 840, entitled

"TO AMEND CHAPTER 85 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE STATUS OF PERSONS EMPLOYED IN WORKSHOPS FOR THE BLIND SO THAT THEY SHALL BE ELIGIBLE FOR SOCIAL SECURITY BENEFITS",

begs leave to report as follows:

The purpose of this bill is to make it possible for a blind person employed in the workshop of the Bureau to obtain Federal Social Security benefits.

Your committee has been informed that this bill will in no way increase the liabilities of the territorial government since Federal Income taxes are already being withheld and workmen's compensation insurance is already being purchased from the operating fund of the workshop. By classifying persons who work in the shop as employees for Social Security benefits only, it will be possible for the Territorial Auditor to enter into an agreement whereby persons employed in the shop will be covered. It will impose no additional strain on the general fund because the employer contributions would be paid from the operating fund of the workshop.

Your committee recommends that Senate Bill 840 pass first reading by title in the amended form attached hereto, that it be printed and that it then take its place in the order of business for further consideration.

Respectfully submitted,

S. George Ikeda
Chairman

A.A.T.F.

S. B. NO. 840
S. D. 1

AN ACT

TO AMEND CHAPTER 109 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO THE STATUS OF PERSONS EMPLOYED IN WORKSHOPS FOR THE BLIND SO THAT THEY SHALL BE ELIGIBLE FOR SOCIAL SECURITY BENEFITS.

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

SECTION 1. Section 109-9 of the Revised Laws of Hawaii 1955, is hereby amended to read as follows:

"Sec. 109-9. Workshops. The Bureau may also, whenever it deems proper, aid individual blind persons or groups of blind persons to become self-supporting by employing them in workshops operated exclusively for the blind or in their own homes at such compensation as the bureau may determine their services shall warrant, and by furnishing them with materials, machinery and other facilities. No blind person so employed shall be deemed an employee of the Territory or of the bureau within the meaning of this or any other chapter, or any act; provided, that blind persons employed in such workshops shall come under and be entitled to all the benefits of chapter 97 relating to workmen's compensation, the cost of which shall be borne by the territorial insurance fund; provided further, that for purposes of part VI of Chapter 6 and to enable blind persons so employed to obtain the benefits of the Federal Social Security Act (Act of Congress approved August 14, 1935, Chapter 531, 49 Stat. 620) such blind persons shall be deemed employees of the Territory and of the bureau."

SECTION 2. This Act shall take effect as of January 1, 1958.

INTRODUCED BY:

S. GEORGE FUKUOKA
DEE DUPONTE

STANDING COMMITTEE REPORT NO. 352
Honolulu, Hawaii
April 15, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 841

Sir:

Your Committee on Public Health, to which was referred Senate Bill No. 841, entitled

"AN ACT TO AMEND CHAPTER 85.01 OF THE REVISED LAWS OF HAWAII 1945 AS ENACTED BY ACT 113 OF THE SESSION LAWS OF HAWAII 1945 RELATING TO THE BUREAU OF SIGHT CONSERVATION AND WORK WITH THE BLIND",

begs leave to report as follows:

The purpose of this bill is to place the Bureau of Sight Conservation under the Commissioners of Public Instruction.

Heretofore, the Bureau has operated as an independent agency. Because the work of the Bureau of Sight Conservation involves aspects of education and rehabilitation, the bill would place the Bureau under the Commissioners of Public Instruction, thereby providing an official policy making body for the Bureau. The proposal will also tend to reduce the number of independent agencies. Many of the members of the Advisory Committee of the Bureau of Sight Conservation recommend this proposed change.

Your committee recommends that Senate Bill 841 pass first reading by title in the amended form attached hereto, that it be printed and that it then take its place in the order of business for further consideration.

Respectfully submitted,

S George Fukushima
Chairman

Lee Duponte

Oren E Long

F.Y.
A.A.T.F.

S. B. NO. 841
S. D. 1

AN ACT

TO AMEND CHAPTER 109 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO THE BUREAU OF SIGHT CONSERVATION AND WORK WITH THE BLIND.

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

SECTION 1. Section 109-1 of the Revised Laws of Hawaii, 1955, is hereby amended to read as follows:

"Sec. 109-1. Bureau created; appointment of director and subordinates; general powers. There shall be a bureau, to be known as the 'bureau of sight conservation and work with the blind', hereinafter referred to as the 'bureau', the head of which shall be known as the 'director, bureau of sight conservation and work with the blind'. Such director shall be appointed and be removable by the governor pursuant to chapter 3, shall be a member of the civil service system, and shall receive such compensation as shall be determined pursuant to chapter 4. The bureau shall administer work with and for the blind, including the registry of the blind, vocational guidance, training and placement in employment, and other services, including the conduct of activities for sight conservation and prevention of blindness, but not including public assistance under chapters 107 and 108 or medical care (except examinations under section 108-37)."

SECTION 2. Chapter 109 of the Revised Laws of Hawaii 1955, is hereby amended by adding thereto two new sections to be numbered 109-1.5 and 109-1.6 respectively and to read as follows:

"Sec. 109-1.5. The Territorial Board of Sight Conservation and Work with the Blind created; members; duties. There is hereby created a commission to be known as the 'Territorial board of sight conservation and work with the blind', hereinafter referred to as the 'commission' which shall establish the policy or policies to be followed and implemented by the bureau of sight conservation and work with the blind. The commission shall consist of the commissioners of public instruction (except for the superintendent of public instruction). The commission shall have full authority and responsibility for the administration of the bureau of sight conservation and work with the blind and all matters pertaining thereto. The commission shall prescribe the duties of the director who shall be the administrative officer of the bureau of sight conservation and work with the blind."

"Sec. 109-1.6. Director signs drafts, etc., makes reports. Except as otherwise provided, the director shall sign all drafts for the payment of moneys, all commissions and appointments, all deeds, official acts or other documents of the bureau. He shall, at such time as may be prescribed by the commissioners, present to the commissioners full annual reports of the principal transactions within his bureau during the last completed year, which reports, together with such recommendations as the commissioners may think proper, shall be presented to the governor and the legislature."

SECTION 3. The title of part I of chapter 109 is amended to read as follows: "PART I. TERRITORIAL BOARD AND BUREAU OF SIGHT CONSERVATION AND WORK WITH THE BLIND."

SECTION 4. This Act shall take effect January 1, 1958.

INTRODUCED BY:

S. GEORGE FUKUOKA
DEE DUPONTE

STAND. COM. REP. NO. 353

Honolulu, Hawaii

April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 849

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 849, entitled:

"AN ACT RELATING TO ADMINISTRATION OF COURTS: AMENDING TITLE 26 OF THE REVISED LAWS OF HAWAII 1955 BY AMENDING CHAPTERS 213, 214 AND 215",

begs leave to report as follows:

This Bill was submitted upon the recommendations of the Honorable Henry P. Chandler. Mr. Chandler was employed by the Honorable Chief Justice of the Supreme Court of the Territory for the purpose of surveying the administration of the judiciary in Hawaii to the end that the efficiency in the administration of said judiciary would be improved and in keeping with the more modern and enlightened systems of administration in the country.

Your Committee, after public hearing and receiving testimony of numerous witnesses, is of the opinion that the provisions of this Bill will operate to increase the efficiency of the judiciary system. Summarized below are the more pertinent provisions of the Bill.

(1) A new department of government, styled the judiciary department, is created.

(2) The chief justice of the supreme court is designated the administrative head of the judiciary department. Among his duties are making a report to the legislature at each regular session, presenting to the legislature a unified budget for all of the courts except the district courts, and directing the administration of the judiciary department.

(3) An administrative officer appointed by the chief justice will assist him in directing the administration of the judiciary department.

(4) The appointment of a judicial council by the supreme court is provided for. The council is to give continuing consideration to the administration of justice in the courts and make reports and recommendations to the supreme court.

(5) Rules consistent with existing laws for regulating the practice and conducting the business of the supreme court, as well as rules governing the administration of other courts, are to be made and revised by the supreme court.

Your Committee has made a few specific amendments to the Bill and such amendments are embodied in the draft attached hereto. The substantive amendments made and the reasons therefore are as follows:

(1) In section 213-1.5 (b) the following "(but not individual cases)" is inserted. The purpose of this amendment is to make it clear that the chief justice shall not have the unlimited power to take any particular individual case and assign it to a particular judge outside of the normal calendar assignment. However, this is not designed to prevent the chief justice from assigning a portion of a calendar from one judge to another when he finds that such would add to the efficient administration of justice.

(2) The sum of $_____ as the salary for the administrative officer is specified in section 213-1.6. Such a salary is warranted to attract highly qualified persons to seek the position.

(3) Section 214-13 is amended so as to provide that the rules of supreme court shall require the rotation of calendar assignments among the judges in certain situations. This requirement, it is felt, is a reasonable one.

(4) Section 116-5, heretofore not mentioned, is now amended so as to include the tax appeal court in the judiciary department. So included, the tax appeal court will be subject to the rules and administration of the supreme court.

Your Committee accordingly recommends that Senate Bill No. 849 pass first reading by title in the amended form attached hereto and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

S. B. NO. 849
S. D. 1

AN ACT

RELATING TO ADMINISTRATION OF COURTS: AMENDING CHAPTERS 213, 214, 215 AND 116 OF THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. Chapter 213 of the Revised Laws of Hawaii 1955 is hereby amended in the following respects:

(a) Section 213-1 is amended to read as follows:

"Sec. 213-1. Judiciary department. There shall be a department of government, styled the judiciary department."

(b) Three new sections shall be added after section 213-1 to read as follows:

"Sec. 213-1.5. Administration. The chief justice shall be the administrative head of the judiciary department. He shall make a report to the legislature, at each regular session thereof, of the business of the department and of the administration of justice throughout the Territory. He shall present to the legislature a unified budget for all of the courts in the department except the district courts. He shall direct the administration of the department, with responsibility for the efficient operation of all of the courts and for the expeditious dispatch of all judicial business. He shall possess the following powers, subject to such rules as may be adopted by the supreme court:

"(a) To assign circuit judges from one circuit to another;

"(b) In a circuit court with more than one judge, (1) to make assignments of calendars among the circuit judges for each term of court and, as deemed advisable from time to time, to change assignments of calendars or portions thereof (but not individual cases) from one judge to another, and (2) to appoint one of the judges, for each term of court, as the administrative judge to manage the business of such court, subject to the rules of the supreme court and the direction of the chief justice;

"(c) To prescribe for all of the courts in the department a uniform system of keeping and periodically reporting statistics of their business;

"(d) To procure from all of the courts in the department except the district courts estimates for their appropriations; with the cooperation of the representatives of the court concerned to review and revise them as he deems necessary for equitable provisions for the various courts according to their needs and to present such estimates, as reviewed and revised by him, to the governor and the legislature as collectively constituting a unified budget for all of the courts in the department except the district courts;

"(e) To do all other acts which may be necessary or appropriate for the administration of the department."

"Sec. 213-1.6. Administrative officer. The chief justice, with the approval of the supreme court, shall appoint an administrative officer of the courts to assist him in directing the administration of the judiciary department. The administrative officer shall be appointed without regard to chapters 3 and 4 and shall serve during the pleasure of the chief justice. He shall hold no other office or employment and shall receive a salary of $_____ per year. He shall, subject to the direction of the chief justice, perform the following functions:

"(a) Examine the administrative methods of the courts and make recommendations to the chief justice for their improvement;

"(b) Examine the state of the dockets of the courts, secure information as to their needs for assistance, if any, prepare statistical data and reports of the business of the courts and advise the chief justice to the end that proper action may be taken;

"(c) Examine the estimates of the courts, other than the district courts, for appropriations and present to the chief justice his recommendations concerning them;

"(d) Examine the statistical systems of the courts and make recommendations to the chief justice for a uniform system of judicial statistics;

"(e) Collect, analyze and report to the chief justice statistical and other data concerning the business of the courts;

"(f) Attend to such other matters as may be assigned by the chief justice.

"The administrative officer shall, with the approval of the chief justice, appoint such assistants as may be necessary. Such assistants shall be appointed subject to the provisions of chapters 3 and 4. The administrative officer shall be provided with necessary office facilities.

"The judges, clerks, officers and employees of the courts shall comply with all requests of the administrative officer for information and statistical data relating to the business of the courts and the expenditure of public funds for their maintenance and operation."

"Sec. 213-1.7. Judicial council. The supreme court shall provide for the appointment of a judicial council. The judicial council shall give continuing consideration to the administration of justice in the courts of the Territory and make reports and recommendations biennially, and oftener if desired, to the supreme court. The chief justice shall be a member and chairman of the judicial council. The supreme court shall appoint, from time to time, such number of other members as it deems necessary to be fairly representative, but not too large to be an efficient working body. The members of the judicial council shall include laymen as well as judges and lawyers. The members of the judicial council shall receive no compensation for their service but they shall be reimbursed for their travelling and other expenses incidental to attending meetings."

SECTION 2. Chapter 214 of the Revised Laws of Hawaii 1955 is hereby amended by amending section 214-13 to read as follows:

"Sec. 214-13. Rules. The supreme court may, from time to time, make rules consistent with existing laws for regulating the practice and conducting the business of such court, and also rules consistent with existing laws governing the administration of other courts, and thereafter revise such rules at its discretion. Such rules shall require, in a circuit court with more than one judge, for a rotation of calendar assignments among the various judges at least once during each term of court, with the exception of the juvenile court calendar. In no case shall the court have power to

impose costs not expressly authorized by law. The supreme court may prescribe for use in the several courts of the Territory such forms as it may deem convenient and sufficient. If printed at public expense they shall be sold at such prices as will pay their cost."

SECTION 3. Chapter 215 of the Revised Laws of Hawaii 1955 is hereby amended in the following respects:

(a) Section 215-3 is amended by deleting the third sentence of the first paragraph thereof.

(b) Section 215-28 is hereby repealed.

SECTION 4. Chapter 116 of the Revised Laws of Hawaii 1955 is hereby amended by amending the first sentence of section 116-5 thereof to read as follows:

"There shall be a tax appeal court, which shall be part of the judiciary department, and which shall consist of three members, each of whom shall have resided in the Territory for at least three years immediately preceding his appointment, to be appointed and to be removable by the governor as provided in section 80 of the Organic Act."

SECTION 5. This Act shall take effect upon its approval.

INTRODUCED BY:

NELSON K. DOI
KAZUHISA ABE

STANDING COMMITTEE REPORT NO. 354

Honolulu, Hawaii
April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re. S. B. 853

Sir:

Your Committee on Ways and Means, to which was referred Senate Bill No. 853, entitled

"AN ACT PROVIDING FOR THE RELIEF OF HILO DAIJINGU FROM CERTAIN REAL PROPERTY TAXES."

begs leave to report as follows:

The purpose of this measure is to remit the real property taxes on certain property of the Hilo Daijingu for the years from 1943 through 1956. Your Committee is informed that the federal government had used the property for the years in question and that the Hilo Daijingu should not reasonably have been obliged to make payments of the real property taxes. The Territorial Tax Office concurs in the proposition that this bill represents a justifiable claim.

Your Committee on Ways and Means approves of this bill and recommends that it pass first reading and that it then take its place in order of business for further consideration.

Respectfully submitted,

KAZUHISA ABE, Chairman

STAND. COM. REP. NO. 355

Honolulu, Hawaii

April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 861

Sir:

Your Committee on Judiciary, to which was referred Senate Bill No. 861, entitled:

"AN ACT AMENDING CHAPTER 180 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO BUILDING AND LOAN ASSOCIATIONS",

begs leave to report as follows:

The purpose of this Bill is to conform our statutes to those of the federal government, as well as those of most states, in the matter of defining savings and loan association capital accounts. By so doing, savings and loan associations chartered by the Territory will be able to adopt the common or accepted terminology and operation of federal savings and loan associations operating locally.

This Bill is endorsed by the Hawaii Savings and Loan League and by the Deputy Bank Examiner of the Territory.

In view of the foregoing, your Committee recommends that this Bill pass first reading by title in the amended form attached hereto, that it be printed, and that it then be placed in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

S. B. 861, S. D. 1

A N A C T

AMENDING CHAPTER 180 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO BUILDING AND LOAN ASSOCIATIONS.

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

SECTION 1. Chapter 180 of the Revised Laws of Hawaii 1955 is hereby amended in the following respects:

(A) By striking in its entirety Sec. 180-3 and inserting in place thereof the following:

"Sec. 180-3. Other definitions. "Share capital" or "capital" means the sum of the book values of all share accounts of members at the time outstanding, and "book value" means withdrawal value less redemptions and withdrawal payments previously paid to a member, if any."

(B) By striking from paragraph (h) of Sec. 180-12 and from the last sentence of Sec. 180-12 the word "authorized" and inserting in place thereof in each instance the word "subscribed".

(C) By striking in its entirety the second paragraph of Sec. 180-13 and inserting in place thereof the following:

"Original filing fees shall be at the same rate levied against other corporations. However, on or Before May 1, 1958, and May 1 each and every year following incorporation throughout its corporate existence each association shall remit to the treasurer additional fees at the same rate as levied against other corporations to represent the aggregate increase, at January 1 preceding, in share capital over the share capital amounts for which original or subsequent filing fees have been previously paid, to cover such increases; provided that full credit shall be given by the treasurer for the sum of all such fees paid under this section and under former laws, to the extent that

an association's aggregate share capital is less at any time than the share capital amount for which payment has been previously made to the treasurer."

(D) By striking from paragraph (h) of Sec. 180-19 the remainder of the sentence after the semi-colon and inserting in place thereof the words:

"provided that every member shall be entitled to one vote for each $100. or fraction thereof of the withdrawal value of his share account, and each borrowing member shall be entitled to one vote as such, in addition to any votes he may have as a shareholder. No member shall cast more than fifty votes."

(E) By striking in its entirety paragraph (k) of Sec. 180-19 and by redesignating paragraph (l) thereof as paragraph (k).

(F) By striking in its entirety Sec. 180-38 and inserting in place thereof the following:

"Sec. 180-38. Capital. The capital of every association shall consist only of the aggregate of share payments on accounts by its members, plus dividends credited to such accounts, less redemptions and withdrawal payments and any sums lawfully charged against the accounts, and, except as limited by the board of directors from time to time, shall be paid in such amounts and at such times and in such manner as the by laws shall provide. Such payments may be considered and are sometimes referred to in this chapter as dues. A passbook or certificate evidencing his account shall be issued to each member on the first payment of dues by him. The value of participation in the capital of such account held by a member shall be the withdrawal value of such account. Every account shall be subject to a lien in favor of the association for such charges as may be lawfully imposed thereon under the provisions or authority of this chapter, and the by laws may provide the manner of enforcement of the lien. The members of an association shall not be liable for any unpaid instalments on their accounts, except for guaranty shares. Accounts shall be deemed personal property in the hands of the members, transferable upon the books of the association in such manner as shall be provided in the by laws."

(G) By striking the second sentence of the first paragraph of Sec. 180-48 and inserting in place thereof the following:

"No such fee shall exceed two per cent of the dues paid, and in no case shall the aggregate of such fees (except on certificates evidencing payment of $1250 or more) charged to any shareholder or investor be in excess of $25."

(H) By striking in its entirety the fourth paragraph of Sec. 180-48 and inserting in place thereof the following:

"A withdrawal fee of not more than two per cent of the book value may be charged on the voluntary withdrawal of any share or investment certificate; provided that the membership fee and the withdrawal fee provided for in this section shall not together exceed two per cent of the book value of any share or investment certificate. The payment of a lower rate of dividend or earnings on an instalment account (as may be contemplated and approved by the supervisory authorities under Sec. 180-43) on which withdrawal is made prior to maturity, than at maturity, shall not be construed as a withdrawal fee, nor shall the retention of a portion of credited dividends or earnings on withdrawals prior to maturity be construed as a withdrawal fee or charge, but the payment of such lower rate of dividends or earnings or the retention of a portion of dividends credited or earnings credited on such withdrawals prior to maturity, as the by laws, applications, pass books or certificates may provide, is hereby expressly permitted; provided that on shares and investment certificates hereafter issued, such retention of earnings shall be limited to not more than one fourth of credited dividends or earnings on shares and certificates on which withdrawal is made prior to three years from date of issuance."

(I) By striking in its entirety the fourth paragraph of Sec. 180-49.

(J) By striking in its entirety the last paragraph of Sec. 180-50.

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

NELSON K. DOI (BY REQUEST)
N. MIYAKE
SAKAE TAKAHASHI

STAND. COM. REP. NO. 356

Honolulu, Hawaii

April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 883

Sir:

Your Committee on Judiciary, to which was referred Senate Bill No. 883, entitled:

"AN ACT AMENDING CHAPTER 159 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO INTOXICATING LIQUOR",

begs leave to report as follows:

This Bill contains, in the main, those changes in Hawaii's liquor laws agreed to by all liquor commissions of the Territory and prepared by the staff of the Attorney General's Office in cooperation with the staff of the City and County Attorney's Office. In brief, the purposes of this Bill are as follows:

1. The wording of the law as it now defines "liquor" or "intoxicating liquor" is changed for clarification purposes only. The amendment is meant to eliminate the necessity of having to prove that such common liquors as whiskey, rum, gin, etc., contain one half of one percent or more of alcohol.

2. a. Establish uniformity of fees for dispenser and cabaret licenses throughout the Territory. Presently, minimum fees for such licenses outside the district of Honolulu are one-half or one-third the Honolulu fees, dependent on population.

b. Remove the ceiling on dispenser and cabaret licenses.

c. Increase the annual fee for a cabaret license to $560 or 1% of gross sales, whichever is larger. The existing fee for such a license is $420 or 3/4 of 1% of gross sales, whichever is larger, the same fee set for a dispenser general license.

3. Substantially increase the fee for a wholesale solicitor's or salesman's permit. The fee is now $5 a year. The proposed schedule of fees is $5, $75, and $125, which would apply, respectively, to salesmen selling alcohol, beer and/or wine, and all liquors.

4. Require a corporate licensee to notify the Liquor Commission of any change in ownership of capital stock in the corporation if the transfer involves 25% or more of such stock or if the change in ownership of any number of shares of such stock results in the transferee becoming the owner of 25% or more of the outstanding capital.

5. Prohibit a felon, a minor, or any other person not deemed fit to hold a license from owning 25% or more of the outstanding capital stock of a corporate licensee.

6. Require a corporation, in its application for a license, to name all stockholders owning 25% or more of the outstanding capital stock.

7. Allow the Liquor Commission 15 days, instead of the present 10 days, in which to give its decision after public hearing of an application for license. Failure of the Commission to so act within 15 days would constitute denial of the application, but the Commission would be authorized to reconsider its action within 15 days after such denial.

8. a. Require that whenever the Commission proposes to take action against a licensee because of a violation based on the personal observation of an inspector, written notice of the alleged violation must be given to the licensee within 10 days after its occurrence. The law now requires that such notice be given within one week.

b. Require that testimony taken at hearings in proceedings to revoke or suspend a license or assess a fine against a licensee shall be under oath, recorded stenographically, or by machine, and that certified copies of the transcript or record shall be furnished to the licensee upon his request and at his expense.

c. Provide that if the holder of a license can not be found, service of a notice of hearing or order of the Commission may be made by leaving a certified copy at his home, or by posting a certified copy at his licensed premises and sending another copy by registered mail to his home, The present law, as interpreted by the courts, requires such notice or order to be served upon the holder of the license, in person, within one week after the alleged violation occurred.

9. Provide counsel for inspectors or other employees of the Commission who may be prosecuted or sued for acts done in performance of his duty. The amendment would authorize the Commission to employ and pay an attorney to represent such employee in criminal proceedings and directs the County Attorney to represent the employee in a civil cause. This proposal is similar to provisions already in effect for police officers.

Your Committee is in accord with the purposes of this Bill and recommends that it pass first reading by title in the amended form attached hereto, that it be printed, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

S. B. NO. 883
S. D. 1

AN ACT

AMENDING CHAPTER 159 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO INTOXICATING LIQUOR.

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

SECTION 1. Chapter 159 of the Revised Laws of Hawaii 1955 is hereby amended in the following particulars:

(a) By amending the twelfth paragraph of Section 159-1 to read as follows:

"'Liquor' or 'intoxicating liquor' includes alcohol, brandy, whiskey, rum, gin, okolehao, sake, beer, ale, porter and wine; and shall also include, in addition to the foregoing, any spirituous, vinous, malt or fermented liquor, liquids and compounds, whether medicated, proprietary, patented, or not, in whatever form and of whatever constituency and by whatever name called, containing one-half of one per cent or more of alcohol by volume, which are fit for use or may be used or readily converted for use for beverage purposes."

(b) By amending Section 159-31 as follows:

1. By deleting from the heading of the table of fees appearing therein the words "for district of Honolulu."

2. By deleting the last comma from the subclasses lettered (a), (b) and (c) of class numbered 5 of said table of fees, substituting a period therefor, and deleting the subsequent words and figures beginning with "but not..."

3. By amending class 10 of the said table of fees to read as follows:

"10. Cabaret---$60 or one per cent of gross sales, whichever is larger."

4. By deleting the last paragraph thereof in its entirety.

(c) By amending Section 159-39 as follows:

1. By deleting the period after the section heading, "PLACE OF BUSINESS," substituting a semi-colon

therefor, and adding the words, "EXCEPTION; SOLICITORS' AND REPRESENTATIVES' PERMITS; FEES."

2. By deleting therefrom, wherever they appear, the words "agent" or "agents" and substituting therefor the words "solicitor" and "solicitors", respectively.

3. By deleting the second sentence in the third paragraph thereof.

4. By adding the following four paragraphs after the fourth and last paragraph thereof:

"The fees for such permits shall be for each license year (commencing July 1 and ending on the succeeding June 30) or fraction thereof, shall be renewable each July 1, and shall be in the following amounts:

"A solicitor or representative of such manufacturer of or wholesale dealer in alcohol who solicits or takes orders, for direct shipment, for alcohol in permitted quantities in any county in which the manufacturer or wholesale dealer is not licensed for the sale of such alcohol, ... $5.00;

"A solicitor or representative of such manufacturer of or wholesale dealer in beer and/or wine who solicits or takes orders, for direct shipment, for beer and/or wine in permitted quantities in any county in which the manufacturer or wholesale dealer is not licensed for the sale of such liquor, ... $75.00;

"A solicitor or representative of such manufacturer of other liquors or of other liquors in addition to beer and wine, or a solicitor or representative of such wholesale general dealer, who solicits or takes orders, for direct shipment, for such liquor in permitted quantities in any county in which the manufacturer or wholesale dealer is not licensed for the sale of such liquor, ... $125.00;"

d. By amending Section 159-41 by inserting therein a new paragraph after the third and before the fourth paragraph thereof, which shall read as follows:

"If the licensee is a corporation, a change in ownership of any outstanding capital stock shall not be deemed a transfer of a license; provided, that in the case of a change in ownership of twenty-five per cent or more of such stock or in the case of a change in ownership of any number of shares of such stock which

results in the transferee thereof becoming the owner of twenty-five per cent or more of the outstanding capital stock, the corporate licensee shall, within five days from the date of such transfer, notify the commission in writing. The commission may in its discretion suspend or revoke the license of such corporation upon its failure or refusal to so notify the commission of such transfer. The commission may thereupon, if it finds such transferee an unfit or improper person to hold a license in his own right pursuant to section 159-45 of this chapter, in its discretion revoke such license or suspend such license until such time as a re-transfer or new transfer of such capital stock is effected to a fit or proper person pursuant to said section 159-45, but in no case may such suspension period exceed 30 days, unless extended by the commission for good cause shown, and the commission may order the licensee to effect such re-transfer or new transfer and notify the commission in writing. If at the end of such suspension period or extension thereof, a re-transfer or new transfer has not been effected the commission shall revoke the license."

e. By amending paragraph (b) of Section 159-45 to read as follows:

"(b) To a corporation the officers and directors of which, or any of them, would be disqualified under paragraph (a) of this section from obtaining such license individually, or a stockholder of which, owning or controlling twenty-five per cent or more of the outstanding capital stock, would be disqualified under said paragraph (a) from obtaining such license individually."

f. By amending Section 159-52 in the following manner:

1. By amending paragraph (a) by deleting the semi-colon after the clause, "if a corporation or joint stock company, its full name and the names of its officers and directors," substituting a comma therefor and inserting thereafter the following:

"and the names of all stockholders owning twenty-five per cent or more of the outstanding capital stock;"

g. By amending Section 159-58 in the following manner:

1. By deleting from the first sentence thereof the word "ten" and substituting therefor the word "fifteen."

2. By inserting after the sentence reading, "Otherwise the commission may in its discretion grant or refuse the same.", the following sentence:

"Failure of the commission to give its decision granting or refusing such application within fifteen days after the hearing shall constitute a refusal of the application; provided, however, that within fifteen days after such refusal the commission may in its discretion reconsider its action on its own motion or upon petition of the applicant."

h. By amending Section 159-90 in the following manner:

1. By amending the second paragraph to read as follows:

"In every case where it is proposed to revoke or suspend the exercise of any license or assess and collect a penalty for any cause other than a conviction at law of the licensee as above specified, written notice shall be given the licensee, specifying the cause or causes for which it is proposed to take such action and fixing the date of hearing, such notice to be given at least five days before such hearing; except that any special license shall be subject to summary revocation for any violation of or evidence of intent to violate the proper exercise thereof, without hearing before the commission; provided, that the exercise of a license shall in no case be suspended or revoked for any violation (other than a conviction at law of the licensee as above specified) based upon the personal observation of any inspector, unless written notice of the violation charged to have occurred shall have been given to the licensee within ten days after the alleged violation occurred, and such licensee shall have been given a hearing upon such charge not more than ten nor less than five days after the giving of such notice of alleged violation."

2. By amending the third paragraph by deleting the proviso clause therefrom and substituting therefor the following:

"the testimony taken at the hearing shall be under oath and recorded stenographically, or by machine, but the parties shall not be bound by the strict rules of evidence; certified copies of any transcript and of any other record made of or at such hearing shall be furnished to the licensee upon his request and at his expense."

3. By adding thereto a new paragraph to read as follows:

"Whenever the service of any order or notice shall be required by this section such service shall be made in the following manner: By serving a certified copy of such notice or order upon the holder of the license wherever he may be found in the circuit wherein he is licensed or, if he cannot be found after diligent search, by leaving a certified copy thereof at his dwelling house or usual place of abode with some person of suitable age and discretion residing therein; and if the holder of the license cannot be found after diligent search, and service cannot be made as aforesaid, then service may be made by posting a certified copy of the notice or order in a conspicuous place on the licensed premises and depositing another certified copy thereof in the registered mail of the United States Post Office, postage prepaid, addressed to the holder of the license at his last known residence address; provided, that in the case of a licensed corporation or unincorporated association, service may be made as aforesaid upon any officer thereof."

i. By inserting therein two new sections which shall be numbered 159-102.01 and 159-102.02, respectively, and shall read as follows:

"Sec. 159-102.01. INSPECTORS, EMPLOYEES, COUNSEL FOR. Whenever any inspector or other employee of the commission shall be prosecuted for any crime or sued in any civil cause for acts done in the performance of his duty as such inspector or employee, he shall be represented and defended (a) in any such criminal proceeding by an attorney to be employed and paid by the commission and (b) in any such civil cause by the city and county attorney or county attorney, as the case may be, of the county in which the inspector or employee is serving.

"Sec. 159-102.02. DETERMINATION WHETHER ACTS WERE IN SCOPE OF DUTY. The determination of whether the acts of an inspector or other employee of the commission, when he is being prosecuted or sued, were done in the performance of his duty, so as to entitle him to be represented by the county attorney or city and county attorney of the county or city and county of the commission in question, or by an attorney employed and paid by the commission shall be made by the liquor commission of such county after consultation with such county or city and county attorney who may make a recommendation to the commission in respect thereof if he so

desires, and such determination shall be conclusive for such purpose only."

SECTION 2. This act shall take effect on July 1, 1957.

INTRODUCED BY:

N. MIYAKE
WILFRED C. TSUKIYAMA

STAND. COM. REP. NO. 357

Honolulu, Hawaii

April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 924

Sir:

Your Committee on Judiciary, to which was referred Senate Bill No. 924, entitled:

"AN ACT TO AMEND SECTION 130-1 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO VEHICLE WEIGHT TAX",

begs leave to report as follows:

The purpose of this Bill is to amend the definition of "net weight" as the same applies to vehicle weight tax. It redefines the net weight of new standard factory made trucks, new standard passenger motor vehicles, and passenger motor vehicles and trucks for which the manufacturer's weight is not available or whose weight and model cannot be determined with reasonable certainty or which has been altered as to increase or diminish the weight thereof.

Your Committee is in accord with the purpose of this Bill and recommends that it pass first reading by title in the form as introduced, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

STANDING COMMITTEE REPORT NO. 358

Honolulu, Hawaii
April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: S. J. R. No. 34

Sir:

Your Committee on Ways and Means, to which was referred S. J. R. No. 34, entitled

"THE SENATE JOINT RESOLUTION MAKING AN APPROPRIATION TO SATISFY A MORAL OBLIGATION OWED TO THE TONGG PUBLISHING COMPANY, LTD."

begs leave to report as follows:

The purpose of this resolution is to effect repayment of a moral obligation in the sum of $4,000 to the Tongg Publishing Company, Ltd. This same proposal had been acted upon favorably by the 28th Legislature in 1955, but because of a technicality it was not carried out.

Your Committee on Ways and Means is in accord with this resolution and recommends that it pass first reading by title and then it take its place in the order of business for further consideration.

Respectfully submitted,

KAZUHISA ABE, Chairman

STANDING COMMITTEE REPORT NO. 359

Honolulu, Hawaii
April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: S. J. R. 51

Sir:

Your Committee on Ways and Means, to which was referred S. J. R. No. 51, entitled

"THE SENATE JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES OF AMERICA TO PROVIDE FOR THE DISPOSITION OF SURPLUS PERSONAL PROPERTY TO THE TERRITORIAL GOVERNMENT OF HAWAII."

begs leave to report as follows:

The purpose of this joint resolution is to allow additional governmental departments to qualify for the acquisition of surplus property being disposed of by federal authorities. At present, such property can be acquired only for education, public health or civil defense purposes.

Your Committee on Ways and Means recommends that the second paragraph of the joint resolution be amended to read as follows:

"WHEREAS, the Territory of Hawaii finds it both desirable and necessary to acquire surplus personal property for certain essential operations or activities, in addition to the above enumerated purposes of education, public health and civil defense; now therefore,"

As so amended, your Committee is in accord with the purpose of this resolution and recommends that it pass first reading by title, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

KAZUHISA ABE, Chairman

STAND. COM. REP. NO. 360

Honolulu, Hawaii

April 20, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Bill No. 14
Senate Bill No. 588, S.D. 1

Sir:

Your Committee on Public Lands, to which was referred Senate Bill No. 14 entitled, "AN ACT RELATING TO MINERAL RIGHTS IN HAWAII, PROVIDING FOR THE RESERVATION OF SUCH RIGHTS TO THE TERRITORY IN TERRITORIAL LANDS, THE LEASE OF SUCH RIGHTS AND THE PAYMENT OF RENT AND ROYALTIES THEREFOR", and Senate Bill No. 588, S.D. 1, entitled, "AN ACT REGULATING STRIP MINING", begs leave to report that a majority of your Committee has considered said bills and recommends that they pass second reading and that they be referred to your Committee on Public Lands for further consideration.

Respectfully submitted,

Chairman

STANDING COMMITTEE REPORT NO. 261

Honolulu, Hawaii
April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 719

Sir:

Your Committee on Public Lands to which was referred Senate Bill No. 719, entitled

"AN ACT REQUIRING THE LAND COMMISSIONER TO INCLUDE PROVISIONS FOR PROPER SOIL CONSERVATION PRACTICES IN ALL GENERAL LEASES OF PUBLIC LANDS; ADDING SECTION 99-54.5 TO THE REVISED LAWS OF HAWAII 1955,"

begs leave to report as follows:

This bill requires the land commissioner to insert in all general leases provisions requiring the lessee to practice proper soil conservation practices.

Your Committee is in accord with the purpose of this bill and accordingly recommends that it pass second reading and that it then take its place in the order of business for further consideration.

Respectfully submitted,

SAKAE TAKAMASHI, Chairman

AATF:
hk

STAND. COM. REP. NO. 362

Honolulu, Hawaii

April 19, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Bill No. 910

Sir:

Your Select Committee of Oahu Senators to which was referred Senate Bill No. 910 entitled, "AN ACT TO AMEND SECTIONS 149-76 TO 149-78, INCLUSIVE, AND SECTIONS 149-81, 149-83 AND 149-85, REVISED LAWS OF HAWAII 1955, ALL RELATING TO ORDINANCES AND RESOLUTIONS OF THE CITY AND COUNTY OF HONOLULU", begs leave to report as follows:

The purpose of this bill is to clarify and amplify the enactment and publication procedure of ordinances and resolutions of the city and county of Honolulu.

After careful consideration of this bill, your Committee recommends that the bill be amended in the following respects:

1. Amend line eight of section 4-e of this bill by inserting after the comma found after the word "zones" and before the words "bus stops", the words "one-way streets".

2. Amend line five of section 4-e, 1(a) of this bill by inserting after the comma found after the word "zones" and before the word "lanes", the words "one-way streets".

Your Committee approves the purpose of this bill as amended and, as so amended, recommends that it pass second reading, be printed, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Chairman

STAND. COM. REP. NO. 363

Honolulu, Hawaii

April 18, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Bill No. 931

Sir:

Your Select Committee of Oahu Senators to which was referred Senate Bill No. 931 entitled, "AN ACT AMENDING SEC. 149-120 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO THE CONTROLLER'S REPORT", begs leave to report as follows:

The purpose of this bill is to permit the controller to prepare such statements as he may deem necessary at the end of each quarter.

The present law requires the controller to prepare a quarterly report of the cash position of the city and also the unencumbered balance in each fund of the city and county including other specific reports.

This bill would require the quarterly report of the cash position of the city and county and the unencumbered balance in each fund of the city and county and such other statements he may deem necessary without requiring the controller to prepare the other statements listed in Section 149-120 of the Revised Laws of Hawaii 1955, unless he deems it necessary.

Your Committee is in accord with the purpose of this bill, and accordingly recommends that Senate Bill No. 931 pass second reading and that it then takes its place in the order of business for further consideration.

Respectfully submitted,

Chairman

STANDING COMMITTEE REPORT NO. 364

Honolulu, Hawaii
April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Joint Resolution No. 41

Sir:

Your Committee on Public Lands to which was referred Senate Joint Resolution No. 41, entitled

"JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO AMEND THE HAWAIIAN HOMES COMMISSION ACT 1920 TO PERMIT THE ESTABLISHMENT OF A POST OFFICE ON HAWAIIAN HOME LANDS,"

begs leave to report as follows:

The purpose of this joint resolution is to request the Congress of the United States to amend the pertinent provision of the Hawaiian Homes Commission act permitting the establishment of post office or post offices on Hawaiian Homes Commission land. Under present law, there is provision for the establishment of certain public services and facilities on Hawaiian Homes Commission land, however no reference is made specifically to the establishment of post offices and there is question as to the legality of establishing any post office on such land.

It is the recommendation of the administration that this joint resolution be passed in order to clarify any existing doubts as to the legality of any post office already established or to be established. Your Committee is in accord with the purposes of this resolution and accordingly recommends that it pass second reading and that it then take its place in the order of business for further consideration.

Respectfully submitted,

SAKAE TAKAHASHI, Chairman

AATF:HK

STANDING COMMITTEE REPORT NO. 365

Honolulu, Hawaii
April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Joint Resolution No. 22

Sir:

Your Committee on Public Lands to which was referred Senate Joint Resolution No. 22, entitled

"JOINT RESOLUTION RELATING TO THE CONDITIONS AND TERMS OF RIGHT TO PURCHASE LEASES, AND AMENDING SECTION 4597 OF THE REVISED LAWS OF HAWAII 1945, SUBJECT TO APPROVAL OF THE CONGRESS, AND REQUESTING SUCH APPROVAL,"

begs leave to report as follows:

The purpose of this joint resolution is to reduce the yearly rental of eight per cent of the appraised value of the land to four per cent of said appraised value.

Your Committee approves the purpose of this joint resolution and accordingly recommends that it pass second reading in the amended form attached hereto, that it be printed and that it then take its place in the order of business for further consideration.

Respectfully submitted,

SAKAE TAKAHASHI, Chairman

AATF: HK

S. J. R. NO. 22
S. D. 1

JOINT RESOLUTION

RELATING TO THE CONDITIONS AND TERMS OF RIGHT OF PURCHASE LEASES, AND AMENDING SECTION 99-92(a) OF THE REVISED LAWS OF HAWAII 1955, SUBJECT TO APPROVAL OF THE CONGRESS, AND REQUESTING SUCH APPROVAL.

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

SECTION 1. Section 99-92(a) of the Revised Laws of Hawaii 1955 is hereby amended by substituting the "four" for the word "eight" in the provision for yearly rental found in line 1 thereof.

SECTION 2. The Congress of the United States is respectfully requested to approve the amendment contained in section 1 of this joint resolution.

SECTION 3. Certified copies of this joint resolution shall be forwarded to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress, the Secretary of the Interior, and the Delegate to Congress from Hawaii.

SECTION 4. Sections 2 and 3 of this joint resolution shall take effect upon its approval by the governor and section 1 shall take effect either upon its approval by the Congress, or upon the restoration to Hawaii, whether as a territory or a state, of such power, control and disposition of the public lands as would render unnecessary the approval of Congress to section 1 hereof.

INTRODUCED BY:

WILFRED C. TSUKIYAMA
NOBORU MIYAKE

STAND. COM. REP. NO. 366

Honolulu, Hawaii

April 20, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Joint Resolution No. 55

Sir:

Your Committee on Public Lands to which was referred Senate Joint Resolution No. 55 entitled, "JOINT RESOLUTION RELATING TO THE HAWAIIAN ORGANIC ACT, AND REQUESTING THE CONGRESS OF THE UNITED STATES TO AMEND SECTION 73(q) THEREOF, AND TO VALIDATE TRANSACTIONS WHICH CONFORM TO THE AMENDED LAW", begs leave to report as follows:

The purpose of this measure is to request the Congress of the United States to amend the Hawaiian Organic Act to provide that agencies of the Territory of Hawaii and any political subdivision thereof may lease lands under their jurisdiction for any purpose that may be germane to the particular function of such agency. The allowable term of such leases would be for sixty-five years.

The passage of this resolution will make possible and expedite the improvement of lands that have not been improved heretofore or developed because of the shorter allowable terms of leases. Testimony brought out in hearings on this bill pointed out the fact that major improvements at the Honolulu International Airport were being held up because of the handicaps imposed by present laws relating to this subject. Your Committee feels that private interests will thus be enabled to develop and improve much of what is now unimproved public lands.

The resolution further provides that all transactions heretofore made regarding public lands shall be validated and given the same status as transactions made after the adoption of this resolution and as enacted into law by Congress.

CORRECTION

THE PRECEDING DOCUMENT(S) HAS
BEEN REPHOTOGRAPHED TO ASSURE
LEGIBILITY
SEE FRAME(S)
IMMEDIATELY FOLLOWING

STAND. COM. REP. NO. 366

Honolulu, Hawaii

April 20, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Joint Resolution No. 55

Sir:

Your Committee on Public Lands to which was referred Senate Joint Resolution No. 55 entitled, "JOINT RESOLUTION RELATING TO THE HAWAIIAN ORGANIC ACT, AND REQUESTING THE CONGRESS OF THE UNITED STATES TO AMEND SECTION 73(q) THEREOF, AND TO VALIDATE TRANSACTIONS WHICH CONFORM TO THE AMENDED LAW", begs leave to report as follows:

The purpose of this measure is to request the Congress of the United States to amend the Hawaiian Organic Act to provide that agencies of the Territory of Hawaii and any political subdivision thereof may lease lands under their jurisdiction for any purpose that may be germane to the particular function of such agency. The allowable term of such leases would be for sixty-five years.

The passage of this resolution will make possible and expedite the improvement of lands that have not been improved heretofore or developed because of the shorter allowable terms of leases. Testimony brought out in hearings on this bill pointed out the fact that major improvements at the Honolulu International Airport were being held up because of the handicaps imposed by present laws relating to this subject. Your Committee feels that private interests will thus be enabled to develop and improve much of what is now unimproved public lands.

The resolution further provides that all transactions heretofore made regarding public lands shall be validated and given the same status as transactions made after the adoption of this resolution and as enacted into law by Congress.

Your Committee is wholly in accord with the purpose of this measure and accordingly recommends that it pass second reading, in the amended form attached hereto, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Chairman

S. J. R. NO. 55
S. D. 1

JOINT RESOLUTION

RELATING TO THE HAWAIIAN ORGANIC ACT, AND REQUESTING THE CONGRESS OF THE UNITED STATES TO AMEND SECTION 73(q) THEREOF, AND TO VALIDATE TRANSACTIONS WHICH CONFORM TO THE AMENDED LAW.

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

SECTION 1. The Congress of the United States is respectfully requested to amend section 73(q) of the Hawaiian Organic Act by enacting a bill substantially in the following form:

"A BILL

RELATING TO THE HAWAIIAN ORGANIC ACT AND AMENDING SECTION 73(q) THEREOF, AND VALIDATING TRANSACTIONS WHICH CONFORM TO THE AMENDED LAW.

Be it enacted by the Senate and the House of Representatives of the United States in Congress assembled, That section 73(q) of the Hawaiian Organic Act (Act of April 30, 1900, 31 Stat. 141) is amended as follows:

(a) By inserting in the first sentence, after the words 'all sales and other dispositions of such land shall' a comma and the following: 'except as otherwise provided by the Congress,'.

(b) By inserting therein, after the first paragraph, the following:

'Within the meaning of this section the management of lands set aside for public purposes may, if within the scope of the authority conferred by the legislature, include the making of leases by the agency (a department, bureau, commission, board or officer of the Territory or any political subdivision thereof) to which the land has been set aside, for reasonable terms for carrying out the purposes for which the land has been set aside, such as for occupancy of land at an airport for facilities of carriers or to serve the traveling public. No such lease shall continue in effect in the event of withdrawal of the land by the governor unless at the time of making of the lease he shall have approved the same, or in any event for a longer term than sixty-five years.'

Sec. 2. That all transactions which would have been valid if made under section 73(q) of the Hawaiian Organic

Act as amended by this Act, are hereby validated and given the same status as if made after the approval of this Act. The governor hereby is authorized to approve leases made prior to the approval of this Act to the same effect as if approved at the time of their making. Nothing herein shall be deemed an expression as to the validity or invalidity of any prior transactions."

SECTION 2. Certified copies of this Joint Resolution shall be transmitted to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, the Secretary of the Interior and the Delegate to Congress from Hawaii.

SECTION 3. This Joint Resolution shall take effect upon approval.

INTRODUCED BY:

/s/ N. MIYAKE
/s/ W. H. HILL
/s/ W. C. TSUKIYAMA

Date: 4/20/57

Honolulu, Hawaii

STAND. COM. REP. NO. 367

Honolulu, Hawaii

April 20, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Bill No. 577

Sir:

Your Select Committee of Oahu Senators, to which was referred Senate Bill No. 577 entitled, "AN ACT PROVIDING FOR THE ISSUANCE OF PUBLIC IMPROVEMENT BONDS BY THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU", begs leave to report that a majority of your Committee has considered said bill and recommend that it pass second reading and that it be referred to your Select Committee of Oahu Senators for further consideration.

Respectfully submitted,

Chairman

STANDING COMMITTEE REPORT NO. 368

Honolulu, Hawaii
April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: S. B. 713

Sir:

Your Committee on Ways and Means, to which was referred S. B. 713, entitled

"AN ACT MAKING AVAILABLE FROM THE GENERAL REVENUES OF THE TERRITORY FOR THE CLAIM OF JOHN G. DUARTE FOR LOSSES SUSTAINED ARISING OUT OF THE CONTRACT OF CHAR & CROZIER FOR THE BUILDING OF A SECTION OF THE HANA BELT ROAD."

begs leave to report as follows:

The purpose of this bill is indicated by its title and is expalined in Standing Committee Report No. 259 of your Committee on Judiciary.

In its present form, the measure calls for an appropriation, the amount of which has not yet been determined. Your Committee on Ways and Means finds, however, that it is not necessary to make an appropriation at this stage of proceedings on the matter, as any required appropriation can be made in the future if a final judgment is rendered against the Territory. Accordingly, your Committee has prepared an amended draft of the bill which is attached hereto, and which will authorize the suit without at this time making any appropriation.

In its amended form, your Committee is in accord with the objectives of this measure and therefore recommends that it pass second reading and that it then take its place in the order of business for further consideration.

Respectfully submitted,

KAZUHISA ABE, Chairman

S. B. NO. 713
S. D. 1

AN ACT

AUTHORIZING SUIT AGAINST THE TERRITORY BY JOHN G. DUARTE FOR CLAIMED LOSSES ARISING OUT OF A CONTRACT FOR THE BUILDING OF A SECTION OF THE HANA BELT ROAD.

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

SECTION 1. John G. Duarte is hereby authorized to file suit against the Territory of Hawaii on his claim for losses sustained, arising out of the contract of Char & Crozier for the building of a section of the Hana Belt Road.

SECTION 2. For the purposes of this Act and the adjudication of any such claim, the immunity of the territory to suit is hereby waived and said John G. Duarte may proceed against the Territory as in the case of any other defendant, subject to the same procedures and defenses except for the defense of immunity from suit or of the statute of limitations the provisions of which are hereby expressly waived; provided that nothing contained herein shall be construed as an admission of liability on the part of the territory.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

TOM OKINO
SAKAE TAKAHASHI
JOHN B. FERNANDES

April 1, 1957

STAND. COM. REP. NO. 369

Honolulu, Hawaii

April 20, 1957

Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Joint Resolution No. 20, S.D. 1

Sir:

Your Committee on Public Lands to which was referred Senate Joint Resolution No. 20, S.D. 1, entitled

"JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES OF AMERICA TO ENACT LEGISLATION RELATING TO REEF LANDS BENEATH TIDAL WATERS IN THE TERRITORY OF HAWAII AND GRANTING THE STATUS OF PUBLIC LANDS TO SAID REEF LANDS",

begs leave to report as follows:

The purpose of this resolution is to request the congress of the United States to enact legislation granting the status of public lands to tidal reef lands lying off the coast of Oahu.

Your Committee feels that legislation relating to reef lands should be treated as comprehensively as possible and it therefore has incorporated into Senate Joint Resolution No. 20, S.D. 1, provisions that will more adequately define the tidelands in question as well as clarifying the status of such tidelands and giving the land commissioner the authority to sell, lease or transfer by way of exchange to abutting owners without public auction lands having the status of public lands.

As amended, the resolution requests the congress of the United States to enact legislation empowering the President of the United States to transfer to the territory title to any lands beneath tidal waters suitable for reclamation or filled in, made or reclaimed lands which were formerly lands beneath tidal waters. The resolution, as amended, further provides that title to such lands shall be deemed to be the public lands of the territory and that the United States shall retain only such rights therein as would exist if Hawaii were a state. It might be noted that the tidelands in question is defined under this resolution, as amended, to read "lands beneath tidal waters

which are suitable for reclamation, limited, however, to mean all lands permanently or periodically covered by tidal waters up to by and above the line of mean high tide and seaward to a line three geographical miles distant from the coastline of each of the islands, comprising the Territory of Hawaii."

Your Committee approves the purpose of this resolution, as amended, and accordingly recommends that this resolution pass second reading in the amended form attached hereto and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Chairman

S. J. R. NO. 20
S. D. 2

JOINT RESOLUTION

REQUESTING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION RELATING TO LANDS BENEATH TIDAL WATERS IN THE TERRITORY OF HAWAII, AND FILLED IN, MADE OR RECLAIMED LANDS IN SAID TERRITORY; AND AMENDING SECTION 112-1 OF THE REVISED LAWS OF HAWAII 1955 TO CONFORM TO SUCH CONGRESSIONAL LEGISLATION EFFECTIVE UPON THE ENACTMENT THEREOF.

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

SECTION 1. The Congress of the United States is hereby respectfully requested to enact a bill substantially as follows:

"A BILL

RELATING TO LANDS BENEATH TIDAL WATERS IN THE TERRITORY OF HAWAII, AND FILLED IN, MADE OR RECLAIMED LANDS IN SAID TERRITORY.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That insofar as the President has transferred, or hereafter shall transfer, to the Territory of Hawaii the title to lands beneath tidal waters which are suitable for reclamation, or the title to reclaimed lands which formerly were lands beneath tidal waters, the same shall be deemed to be public lands of Hawaii and the United States shall retain only such rights therein as would exist if Hawaii were a state. Section 106 of the Hawaiian Organic Act (48 U.S.C. 545) shall not apply to the lands which by this Act are given the status of public lands unless the same are set aside under the jurisdiction of the Board of Harbor Commissioners; provided, that no work shall be done on lands beneath tidal waters without the consent of the Board of Harbor Commissioners and the Secretary of the military department concerned.

Sec. 2. In addition to the power conferred upon the President by section 91 of the Hawaiian Organic Act (48 U.S.C. 511), the President hereby is empowered to transfer to the Territory of Hawaii the title to (a) any lands beneath tidal waters suitable for reclamation, and (b) any reclaimed lands which formerly were lands beneath tidal waters.

Sec. 3. Whenever, in connection with reclaimed lands or reclamation of lands beneath tidal waters, the Commissioner of Public Lands deems it advantageous to the Territory of Hawaii in order to settle the rights (littoral or otherwise), if any, of an abutting owner, or to consolidate the holdings of public lands in the vicinity or provide public ways or access to the public lands, he may with the approval of the Governor and two-thirds of the members of the Board of Public Lands sell, lease, or transfer by way of an exchange, to such abutting owner, or an owner whose land is needed for such consolidation of public holdings, access or ways, without public auction and without regard to any limitation of the Hawaiian Organic Act or the land laws of Hawaii in respect of the area and value of land that may be conveyed by way of exchange, lands having the status of public lands.

Sec. 4. Nothing in this Act shall be deemed to alter the control of the Congress over the laws of Hawaii relating to public lands, including the lands which by this Act are given the status of public lands.

Sec. 5. As used in this Act:

The term 'lands beneath tidal waters' means all lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and seaward to a line three geographical miles distant from the coast line of each of the islands comprising the Territory of Hawaii.

The term 'reclaimed lands' refers to filled in or made lands which formerly were lands beneath tidal waters, and the term 'reclamation' refers to the filling in or making of land by any means.

Sec. 6. This Act shall take effect upon its approval."

SECTION 2. Effective upon the enactment by Congress of legislation relating to the application of section 106 of the Hawaiian Organic Act, in respect to lands given the status of public lands, section 112-1 of the Revised Laws of Hawaii 1955 is amended to conform thereto.

SECTION 3. Certified copies of this Joint Resolution shall be transmitted to the President of the United States,

the President of the Senate and Speaker of the House of Representatives of the Congress of the United States, to the Secretary of the Interior and to the Delegate to Congress from Hawaii.

SECTION 4. This Joint Resolution shall take effect upon its approval.

INTRODUCED BY:

/s/ Sakae Takahashi
Mitsuyuki Kido
Oren E. Long
Herbert K. H. Lee

STAND. COM. REP. NO. 370

Honolulu, Hawaii

April 20, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Joint Resolution 78

Sir:

Your Committee on Public Lands to which was referred Senate Joint Resolution No. 78 entitled, "JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO PERMIT THE YOUNG WOMEN'S CHRISTIAN ASSOCIATION TO PURCHASE A PORTION OF FORT DERUSSY", begs leave to report as follows:

The purpose of this joint resolution is to permit the Young Women's Christian Association of Honolulu to purchase a strip of land fifteen feet wide, along and adjacent to land now owned by the said association, said strip of land presently lying within Fort DeRussy and extending from Kalia Road to the shoreline.

The Young Women's Christian Association presently owns a strip of land which is limited in its uses due to its narrowness and the purchase of the adjacent strip lying in Fort DeRussy would enable the association to develop its property fully.

Your Committee approves the purpose of this resolution and accordingly recommends that it pass second reading in the amended form attached hereto, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Chairman

S. J. R. NO. 78
S. D. 1

JOINT RESOLUTION

REQUESTING THE CONGRESS OF THE UNITED STATES TO PERMIT THE YOUNG WOMEN'S CHRISTIAN ASSOCIATION TO PURCHASE A PORTION OF FORT DERUSSY.

WHEREAS, the Young Women's Christian Association of Honolulu is the owner in fee of a narrow strip of land fronting on the sea and lying within the Waikiki area of the city and county of Honolulu; and

WHEREAS, the narrowness of the width of such land, being but fifty feet wide at its greatest width, limits the uses which may be made of such land; and

WHEREAS, the lands adjoining such parcel on one side are fully developed and have permanent improvements placed thereon and cannot therefore be acquired, but the lands adjoining such parcel on its other side are not so developed and improved, the same being a portion of the lands lying within Fort DeRussy and owned by the United States; and

WHEREAS, the Young Women's Christian Association is desirous of purchasing an additional strip of land fifteen feet wide adjoining its boundary, from Kalia Road to the sea; and

WHEREAS, the acquisition of such a fifteen-foot strip from the United States would in no way impair the uses which are now being made thereof, nor interfere with such uses as the United States may wish to make of its remaining lands within Fort DeRussy; now, therefore,

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

SECTION 1. The Congress of the United States is hereby respectfully requested to make available for purchase by the Young Women's Christian Association of Honolulu a strip of land fifteen feet wide along and adjacent to land now owned by the said Association, from lands lying within Fort DeRussy, such strip to extend from Kalia Road to the sea.

SECTION 2. Certified copies of this Joint Resolution shall be forwarded to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, the Secretary of the Interior, and to the Delegate to Congress from Hawaii.

SECTION 3. This Joint Resolution shall take effect upon its approval.

INTRODUCED BY:

/S/ Sakae Takahashi
Mitsuyuki Kido
William H. Heen
Wilfred Tsukiyama

STAND. COM. REP. NO. 371

Honolulu, Hawaii

April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 40
H. D. 1

Sir:

Your Committee on Judiciary, to which was referred House Bill No. 40, H. D. 1, entitled:

"AN ACT RELATING TO THE SELECTION OF JURORS AND AMENDING SECTION 221-15 OF THE REVISED LAWS OF HAWAII 1955",

begs leave to report as follows:

Under this Bill, the administrative judge of the first circuit, rather than the first judge thereof, will direct that the grand jury be drawn and summoned to appear before any judge designated by him.

Your Committee, being in favor of this change, recommends that the Bill pass second reading and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

STAND. COM. REP. NO. 372

Honolulu, Hawaii

April 20, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Bill No. 891

Sir:

Your Committee on Public Lands to which was referred Senate Bill No. 891 entitled, "AN ACT MAKING AN APPROPRIATION FOR THE SUBDIVISION OF HAWAIIAN HOMES COMMISSION LANDS AT WAIMANALO, OAHU, T. H.", begs leave to report that your Committee approves the purpose of this bill and recommends that it pass second reading and that it then be referred to your Committee on Ways and Means for further consideration.

Respectfully submitted,

Chairman

Standing Committee Report No. 373

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 20 , 19 57 , by

Senator DEE DUPONTE, CHAIRMAN FOR THE COMMITTEE ON PUBLIC EMPLOYMENT

RE: HOUSE JOINT RESOLUTION NO. 12
H. D. 1

RECOMMENDING THAT SAID BILL
BE PLACED ON THIRD READING
ON APRIL 22, 1957.

MEMO:

Deferred until Monday April 22nd

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 373

Honolulu, Hawaii
April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Joint Resolution No. 12
H. D. 1

Sir:

Your Committee on Public Employment to which was referred House Joint Resolution No. 12, H. D. 1, entitled, "A JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES OF AMERICA TO AMEND SECTION 80 OF THE HAWAIIAN ORGANIC ACT," begs leave to report as follows:

Questions have been raised regarding the provisions of paragraph 1 of section 80 of the Organic Act as to whether the Board of Trustees of the Employees' Retirement System is legally constituted and whether it qualifies as a board of a public character. The purpose of this Joint Resolution is to request Congress to amend the Hawaiian Organic Act and thereby to legalize the Board of Trustees, ratify the provisions for the elections of employee representatives to said board as well as the action heretofore taken by such legal trustees.

The Honorable John A. Burns, Delegate to Congress from Hawaii, has recommended that this Legislature endorse H. R. 5865 introduced by him in the 1st Session of the 85th. Congress. The bill introduced by the Delegate in Congress provides that the Legislature may allow an election of government employees and teachers by the officers and employees of the Territory and the several counties of a bare majority of the members of the Board of Trustees of the Employees' Retirement System.

We have been informed by representatives of both the school teachers and general employees that they are heartily in favor of the purposes of this Joint Resolution.

Your Committee is in full accord with the purpose of House Joint Resolution 12, H. D. 1, and recommends that it pass third reading.

Respectfully submitted,

DEE DUPONTE, CHAIRMAN

AATF

STANDING COMMITTEE REPORT NO. 374

Honolulu, Hawaii
April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 291
S. D. 1

Sir:

Your Committee on Ways and Means, to which was referred Senate Bill No. 291, S.D. 1, entitled

"AN ACT TO AMEND PART I OF CHAPTER 186, REVISED LAWS OF HAWAII 1955, RELATING TO PARTNERSHIPS IN GENERAL."

begs leave to report as follows:

The purpose and objectives of this measure are explained in detail in Standing Committee Report No. 164 of your Committee on Judiciary.

Your Committee on Ways and Means has had occasion to consider only subparagraph (7) of Section 1 of the bill, which would effect a minor increase in the recording fees payable by partnerships. Your Committee regards this change of the existing law as entirely appropriate.

In accordance with the foregoing, your Committee on Ways and Means is in accord with S.B. 291, S.D. 1 and therefore recommends that it do pass.

Respectfully submitted,

KAZUHISA ABE, Chairman

Standing Committee Report No. 375

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 22 , 1957 , by

Senator TOM T. OKINO, CHAIRMAN FOR THE COMMITTEE ON AGRICULTURE.

RE: H. B. NO. 503

RECOMMENDING THAT SAID BILL PASS THIRD READING IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

Deferred until April 23, 1957

Adopted - April 23, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 375

Honolulu, Hawaii
April 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 503

Sir:

Your Committee on Agriculture to which was referred House Bill No. 503 entitled,

"AN ACT ASSENTING TO THE PROVISIONS OF THE ACTS OF CONGRESS TO PROVIDE THAT THE UNITED STATES SHALL AID THE STATES IN WILDLIFE AND FISH RESTORATION AND MANAGEMENT PROJECTS,"

begs leave to report as follows:

This bill is an assent legislation which must be enacted to qualify the Territory of Hawaii for the Federal Aid Funds authorized by Public Law 640, 84th Congress, Chapter 489, 2d Session, which becomes effective July 1, 1957. Public Law 640, which was approved on July 2, 1956, would permit participation by the Territory in the benefits of the Pittman-Robertson Federal Aid in Wildlife Restoration Act and the Dingell-Johnson Federal Aid in Fish Restoration Act on a state basis. The Territory is presently receiving funds on a territorial basis and not state basis. The bill empowers the division of fish and game of the Board of Commissioners of Agriculture and Forestry to perform such acts as may be necessary for the establishment of cooperative fish and wildlife restoration and management projects, as defined in said Acts of Congress. The Territory is expected to receive about $240,000 in such Federal aids upon its contribution of $80,000 for each biennium--a most favorable ratio of 3 to 1.

This bill as well as the said Acts of Congress are designed to promote sport fishing and hunting in general.

The title of this bill was amended by adding "and relating to the expenditure of license fees" at the end of the title of the bill as submitted.

Your Committee is in accord with the intent and purpose of this bill and recommends passage of the bill in amended form as attached hereto, on third reading.

Respectfully submitted,

TOM T. OKINO, CHAIRMAN

AATF

(St Com Rep 374)

H. B. NO. 503
S. D. 1

AN ACT

ASSENTING TO THE PROVISIONS OF THE ACTS OF CONGRESS TO PROVIDE THAT THE UNITED STATES SHALL AID THE STATES IN WILDLIFE AND FISH RESTORATION AND MANAGEMENT PROJECTS, AND RELATING TO THE EXPENDITURE OF LICENSE FEES.

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

SECTION 1. The Territory of Hawaii hereby assents to the provisions of the Pittman-Robertson Federal Aid in Wildlife Restoration Act (50Stat. 917, 16 U.S.C. 6991) as amended, and the Dingell-Johnson Federal Aid in Fish Restoration Act (64 Stat. 430, 16 U.S.C. 777) and the division of fish and game of the board of commissioners of agriculture and forestry is hereby authorized, empowered, and directed to perform such acts as may be necessary to the conduct and establishment of cooperative fish and wildlife restoration and management projects, as defined in said Acts of Congress in compliance with said Acts and rules and regulations promulgated by the secretary of the interior thereunder; and no funds accruing to the Territory of Hawaii from license fees paid by sport fishermen and hunters shall be diverted for any other purpose than the administration of the division of fish and game and for the protection, propagation, preservation and investigation of fish and game.

SECTION 2. All laws and parts of laws in conflict herewith are repealed.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

Refer & Print now

STANDING COMMITTEE REPORT NO. 376

Honolulu, Hawaii
April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: S. B. No. 188
S. D. 2

Sir:

Your Committee on Ways and Means, to which was referred S. B. No. 188, S. D. 2, entitled

"AN ACT CREATING A DEPARTMENT OF LIBRARIES AND MAKING AN APPROPRIATION THEREFOR."

begs leave to report as follows:

The purpose of this bill, as indicated by its title and as fully explained in Standing Committee Report No. 168 of your Committee on Education, is to establish a single territory-wide Department of Libraries, which will assume the functions of the present Library of Hawaii and the various county libraries.

In its present form, the measure calls for an appropriation, the amount of which has not been specified. Your Committee on Ways and Means has been informed that this separate or additional appropriation is not necessary at this time, and that the purposes of this Act can be accomplished on the basis of other appropriations already in existence or approved. Accordingly, your Committee recommends that S. B. No. 188, S. D. 2 be amended by deleting therefrom Section 12, and by renumbering Sections 13 and 14 to be numbered Sections 12 and 13 respectively, and the bill be further amended by changing the title to read as follows: "An Act Creating a Department of Libraries."

STANDING COMMITTEE REPORT NO._____
Page 2

As so amended, your Committee on Ways and Means is in accord with this bill and recommends that it do pass.

3rd reading

Respectfully submitted,

Kazuhisa Abe
KAZUHISA ABE, Chairman

John B. Fernandes

John G. Duarte

Wilfred Tsukiyama

Mitsuyuki Kido

Orin E. Long

Tom Ekimo

S. B. NO. 188
S. D. 1
S. D. 2

AN ACT

CREATING A DEPARTMENT OF LIBRARIES AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. As used herein "department" shall mean the territorial department of libraries, "commission" shall mean the library commission, "board" shall mean advisory board, and "director" shall mean the director of the department.

SECTION 2. There shall be a territorial department of libraries which shall be administered by a library commission with the advice of advisory boards in the counties of Hawaii, Maui, Honolulu and Kauai.

SECTION 3. The commission shall consist of five members, to be appointed by the governor in the manner prescribed by the first paragraph of section 80 of the Organic Act. Of said members, one shall be a resident of the county of Hawaii, one shall be a resident of the county of Maui, one shall be a resident of the county of Kauai, and two shall be residents of the city and county of Honolulu, one of which two shall be designated in his appointment as chairman of the commission. The initial appointments to said commission shall be for terms designated in the appointments of the commissioners, expiring as follows: one on the last day of the calendar year 1958, one on the last day of the calendar year 1959, one on the last day of the calendar year 1960, one on the last day of the calendar year 1961, and one, who shall be the chairman, on the last day of the calendar year 1962. The successors of the members initially appointed shall be appointed for a term of five years, commencing with the expiration of the preceding term, in the same manner as the members originally appointed except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Each member shall serve until the appointment and qualification of his successor. No member shall receive any remuneration for his services, but shall be entitled to his reasonable traveling and other expenses incurred in the performance of his duty as such member.

The members of the commission shall be selected from the membership of the several advisory boards. A majority of the members shall constitute a quorum, but a lesser number may adjourn from time to time. The commission shall meet at the

call of the chairman, who shall designate the time and place of the meeting, but not less often than once every three months. A meeting shall be held on each of the several counties hereinabove named not less frequently than once in each calendar year.

SECTION 4. There shall be four advisory boards of five members each, one in each of the counties except the county of Kalawao, which shall advise with the commission. Contingent upon the making of the respective agreements hereafter described, the Hawaii board shall be elected by the membership of the Hilo Library and Reading Room Association, the Maui board shall be elected by the membership of the Friends of the Library of Maui county, two members of the Honolulu board shall be elected by the membership of the Friends of the Library of Hawaii, one member shall be appointed by the superintendent of Public Instruction, one by the president of the Bar Association of Hawaii, and one by the president of the Honolulu Junior Chamber of Commerce, and the Kauai board shall be elected by the membership of the Kauai Public Library Association. The board of trustees of the Public Library Association of Kauai, and that of the Hilo Library and Reading Room Association shall be eligible to be so elected.

The governor shall appoint the members of any advisory board of a county in which the agreement hereinafter described is not executed. Members so appointed by the governor shall be residents of the county of said board, and shall have demonstrated their interest in the maintenance and expansion of libraries open to the public.

SECTION 5. The commission may enter into an agreement with the Kauai Public Library Association which shall provide that for so long as such agreement is in effect (a) the members of the Kauai Public Library Association shall elect the members of the Kauai board; (b) the library building, furniture, furnishings, fixtures, equipment and library books of the Albert S. Wilcox Memorial Library, situated at Lihue of which the Association is the owner, without charge for rent for the property, shall be dedicated for the term of the agreement to the purposes of, and the memorial library shall function as an integral part of the Kauai County Public Library.

The commission may enter into an agreement with the Hilo Library and Reading Room Association which shall provide that for so long as such agreement is in effect (a) such association shall elect members of the advisory board for Hawaii; (b) the books and property of said association shall be dedicated to the use of the Hawaii County Library.

The commission may enter into an agreement with the Friends of the Library of Hawaii which shall provide that for so long as such agreement shall be in effect (a) such Friends shall elect members of the advisory board for the city and county of Honolulu; (b) books and property of said Friends shall be dedicated for the time of the agreement to the use of the Library of Hawaii.

The commission may enter into an agreement with the Friends of the Library of Maui county which shall provide that for so long as such agreement shall be in effect (a) such Friends shall elect members of the advisory board for the county of Maui; (b) the books and property of such Friends shall be dedicated to the use of the Maui County Library.

SECTION 6. The commission shall have full authority and responsibility for the administration of the department and all matters pertaining thereto. It shall prescribe the duties of the director who shall be the administrative officer of the department.

SECTION 7. The commission shall have, but is not limited to the following powers and duties:

1. Establish and operate a library system for the territory incorporating therein the various county libraries and the Library of Hawaii.

2. Appoint the director subject to the provisions of chapters 3 and 4, Revised Laws of Hawaii 1955, which director shall be a graduate of an accredited library school and have had at least eight years of library experience of which four shall have been in an administrative capacity. Appoint other employees, subject to the provisions of said chapters of said Revised Laws within the limit of appropriations available for such purpose.

3. Make rules and regulations for its own guidance, for the management and use of the various branches and for the control of the property under its management.

4. Prepare and transmit a biennial budget to the governor.

5. Receive and administer grants of funds and materials made by the Federal government for library purposes.

6. Deposit with the treasurer of the Territory in a special fund to be known as the Library Special Fund all moneys donated to the department or accruing to the department from fees and fines; unless otherwise provided for by the terms and conditions of the donation, convert at such time as the commission may at its sole discretion determine, any or all donations of property, real, personal, into money to be deposited in the special fund in accordance with the terms and conditions of each donation. All moneys in the special fund shall be deemed to have been appropriated for the use and purposes of the department and shall be expended on vouchers approved by the chairman or such other office as shall be designated by the commission.

7. Collect and disseminate statistics and other data relating to libraries and library services.

8. Annually during the month of July but as of June 30 preceding, prepare and transmit a report to the governor of all moneys received from all sources and expended for all purposes during the preceding year and any other matters pertaining to the library which are deemed important.

9. Encourage and assist in the development of library services in territorial institutions.

10. Cooperate with the Department of Public Instruction in furthering the establishment of standards for an effective territory-wide school library service.

11. Promote bookmobile service.

12. Publish lists and circulars of information.

13. Promote library development in the Territory, improve public library standards and further the knowledge and understanding of the value of library service.

14. Enter into agreements with any other agency or authority of the Territory or outside the jurisdiction of the Territory for the establishment and maintenance of library service.

SECTION 8. All properties and assets, which terms shall be construed to be all inclusive, of public libraries of the Territory or any of its political subdivisions with the exception of libraries of specific government agencies (including but not

limited to, libraries of public schools) or the law libraries of the Territory or of the city and county of Honolulu and the counties of Hawaii, Maui and Kauai, or the library of the University of Hawaii, are transferred to the department.

SECTION 9. The commission may contract for the exchange of librarians with any state, county or territory. Local librarians so exchanged shall be paid their regular salaries out of funds appropriated for the department.

SECTION 10. The public libraries of the Territory may grant a year's leave of absence to any trained librarian who has served seven years in the public libraries of Hawaii, such librarian to be guaranteed a return to his or her position at the expiration of the leave. In granting such leave, librarians with the longest period of service shall be given first consideration. The resultant vacancy shall be filled by the appointment of a substitute for a period of no more than one year, such substitute to be paid the minimum salary provided for that position on the official salary schedule for such library.

The libraries shall pay to the librarian granted such leave of absence the difference between the minimum salary provided for the position vacated and the salary to which such librarian would be entitled if regularly reappointed, such payment to be made in twelve monthly installments, the last two of which shall not be made until after the librarian has returned to his position; provided, that the librarian granted such leave shall not engage in any form of employment, and shall devote at least one-third of his total leave either to travel or to study, or both, such as would contribute to the value of such librarian to the public library system of this Territory. Such leaves shall not be extended beyond one year and may not be repeated until after a period of seven additional years of service.

SECTION 11. All employees in the libraries or functions transferred by this act to the department are transferred to the department. No such employee shall suffer any loss of salary, increment and longevity accumulations, seniority, prior service credit, vacation, sick leave or other employee benefits or privileges by reason of such transfer, and with the same employment status whether contractual, temporary, probationary, provisional or regular.

SECTION 12. There is appropriated from the general revenues of the Territory to the uses and purposes of the department the sum of $ _____ or so much as is

necessary to carry out the purposes of this Act, which shall be expended upon warrants drawn by the territorial auditor (or comptroller) based upon vouchers signed by the chairman of the commission, or by such officer or employee of the department as may be thereunto authorized by the commission.

SECTION ~~13~~ 17. All laws or parts of laws inconsistent herewith are hereby amended to conform to the provisions of this Act.

SECTION ~~14~~ 18. This Act shall take effect upon its approval.

INTRODUCED BY:

N. MIYAKE
WILFRED C. TSUKIYAMA

fall

STAND. COM. REP. No. 317

Honolulu, T. H.

April 22, 1957

Honorable William H. Heen

President of the Senate

S i r :

Your Committee on Printing begs leave to report that the following matters have been printed and are ready for distribution:

S. B. No. 181 S. D. 1
S. B. No. 226 S. D. 1
S. B. No. 300 S. D. 1
S. B. No. 337 S. D. 1
S. B. No. 340 S. D. 1
S. B. No. 356 S. D. 1
S. B. No. 412 S. D. 1
S. B. No. 472 S. D. 1
S. B. No. 475 S. D. 1
S. B. No. 498 S. D. 1
S. B. No. 526 S. D. 1
S. B. No. 537 S. D. 1
S. B. No. 550 S. D. 1
S. B. No. 609 S. D. 1
S. B. No. 623 S. D. 1
S. B. No. 624 S. D. 1
S. B. No. 630 S. D. 1
S. B. No. 668 S. D. 1
S. B. No. 670 S. D. 1
S. B. No. 713 S. D. 1
S. B. No. 772 S. D. 1
S. B. No. 775 S. D. 1
S. B. No. 781 S. D. 1
S. B. No. 811 S. D. 1
S. B. No. 840 S. D. 1
S. B. No. 841 S. D. 1

S. B. No. 849 S. D. 1
S. B. No. 861 S. D. 1
S. B. No. 883 S. D. 1
S. B. No. 148 S. D. 2
S. B. No. 362 S. D. 2
S. R. No. 43
S. C. R. No. 45, 46, 47
S. J. R. No. 22 S. D. 1
S. J. R. No. 55 S. D. 1
S. J. R. No. 78 S. D. 1
S. J. R. No. 89 S. D. 1
S. J. R. No. 20 S. D. 2
H. B. No. 28 H. D. 1 S. D. 1
H. B. No. 193 H. D. 1 S. D. 1
Conf. Comm. Rep. No. 2 & 3
Stand. Comm. Rep. No. 295 to 316
Stand. Comm. Rep. No. 318 to 373

Respectfully submitted,

John B Fernandez
Chairman

Standing Committee Report No. 378

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 22 , 19 57, by

Senator JOHN G. DUARTE, CHAIRMAN FOR THE COMMITTEE ON ACCOUNTS.

REPORTING ON THE ACCOUNTS OF THE SENATE AS OF APRIL 18, 1957.

MEMO:

Filed - April 22, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

THE FOLLOWING WAS

NOT IN FILE

WHEN RECORDS WERE MICROFILMED:

YEAR: 1957

SESSION: REGULAR

CHAMBER: SENATE

TYPE ITEM: STANDING COMMITTEE REPORT

ITEM NUMBER: 379

STANDING COMMITTEE REPORT NO. 380

Honolulu, Hawaii
April 19, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: S. B. No. 897

Sir:

Your Committee on Education to which was referred Senate Bill No. 897, entitled "AN ACT RELATING TO THE POWERS OF THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII", begs leave to report as follows:

The Bill empowers the Board of Regents of the University of Hawaii, insofar as they all relate to the roadways and other areas under the jurisdiction of the University of Hawaii, to assess fees for parking, to install parking meters, to make regulations relating to such assessment of fees for parking and installation of parking meters, and to make regulations governing traffic and parking.

The Bill also empowers the Board to enforce such regulations by fines not to exceed $25.00 for any one violation and in appropriate cases by the suspension or dismissal from the University of any student.

Your Committee has been informed that with the increase in the enrollment at the University and with the growth of the University, the traffic and parking problems at the University have increased.

Your Committee has been informed that the local police authorities have refused to step in since they have no power to regulate the traffic and parking conditions on the roadways and other areas under the jurisdiction of the University.

Furthermore, your Committee has been informed that the Attorney General of the Territory has ruled that, although the Board of Regents may have the power to make regulations governing the traffic and parking conditions at the University, it has no power to assess fees for parking or to install parking meters or to enforce such regulations without specific legislation.

Under the circumstances, the Board of Regents feels that the Bill is desirable to enable it to cope with the ever increasing problems of traffic and parking at the University.

Your Committee is in full accord with the Board of Regents and submits an amended form of the Bill which is attached hereto, amending the Bill to express its purposes more explicitly.

And your Committee recommends that the Bill pass first reading by title in the amended form attached hereto, be printed and take its place in the order of business for further consideration.

Respectfully submitted,

Mitsuyuki Kido
MITSUYUKI KIDO, Chairman

Orm E. Long

[illegible]

S. George Fukunaka

Nelson K. Doi

F.L.
AATF

S. B. NO. 897
S. D. 1

AN ACT

RELATING TO THE POWERS OF THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII.

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

SECTION 1. The Board of Regents of the University of Hawaii may make regulations governing the traffic and parking conditions on the roadways and other areas under the jurisdiction of the University of Hawaii.

SECTION 2. The Board of Regents of the University of Hawaii may assess fees for parking on the roadways and in the parking areas under the jurisdiction of the University of Hawaii and may install parking meters on the roadways and in the parking areas under the jurisdiction of the University of Hawaii and may make regulations relating to such assessment of fees for parking and such installation of parking meters.

SECTION 3. The Board of Regents of the University of Hawaii may enforce the regulations provided for in the foregoing sections by imposing fines in amounts not to exceed $25.00 for any one violation and by suspending or dismissing any student from the University of Hawaii for failure to pay such fine or fines.

SECTION 4. Proceeds realized from the fines and fees provided for in the foregoing sections shall be deposited in a special fund to be expended at the discretion of the Board of Regents of the University of Hawaii for the general welfare of the University of Hawaii.

SECTION 5. This Act shall take effect upon its approval.

INTRODUCED BY:

N. MIYAKE
WILFRED C. TSUKIYAMA

STANDING COMMITTEE REPORT NO. 381
Honolulu, Hawaii
April 15, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 787

Sir:

Your Committee on Public Health, to which was referred Senate Bill No. 787, entitled

"TO AMEND SECTIONS 465 AND 4848 OF THE REVISED LAWS OF HAWAII 1945, AND SECTIONS 5150-A, 5344, 5350, 5455-A, AND 5509, SESSIONS LAWS OF HAWAII 1953 AS AMENDED, RELATING TO THE DEFINITION OF A BLIND PERSON, AND PROVIDING FOR A GENERAL DEFINITION OF A BLIND PERSON UNLESS SPECIFICALLY DEFINED AND QUALIFIED",

begs leave to report as follows:

The purpose of this bill is to provide a standard definition of blindness. Since the new definition will be in accord with the Federal definition, the bill will also serve to make the Territory eligible to obtain federal funds to help with the program of working with the blind.

Your committee recommends that Senate Bill 787 pass first reading by title in the amended form attached hereto, that it be printed and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Chairman

- I do not concur.

A.A.T.F.

S. B. NO. 787
S. D. 1

AN ACT

TO AMEND SECTIONS 7-20, 108-33, 117-15, 120-4, 120-10, 121-12, AND 128-17, OF THE SESSION LAWS OF HAWAII 1955, RELATING TO THE DEFINITION OF A BLIND PERSON, AND PROVIDING FOR A GENERAL DEFINITION OF A BLIND PERSON UNLESS SPECIFICALLY DEFINED AND QUALIFIED.

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

SECTION 1. Section 7-20 of the Revised Laws of Hawaii 1955 is hereby amended by amending the second sentence thereof commencing on line 41 to read as follows:

"For the purposes of this section, the term 'blind person' means a person whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses or the widest diameter of the visual field subtends an angle no greater than 20 degrees."

SECTION 2. Subsection (c) of section 108-33 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Has central visual acuity which does not exceed 20/200 in the better eye with correcting lenses or the widest diameter of the visual field subtends an angle no greater than 20 degrees."

SECTION 3. Section 117-15 of the Revised Laws of Hawaii 1955 is hereby amended by amending the first sentence thereof to read as follows:

"Anything in section 117-14 to the contrary notwithstanding, the privilege tax levied, assessed, and collected on account of the business or other activities of individuals whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses or the widest diameter of the visual field subtends an angle no greater than 20 degrees, shall not exceed one per cent of the proceeds, sales, income, or other receipts subject to tax."

SECTION 4. Subsection (d) of section 120-4 of the Revised Laws of Hawaii 1955 is hereby amended by amending the second sentence thereof to read as follows:

"Within the meaning of this subsection a person shall be deemed to be blind if his central visual acuity does not exceed 20/200 in the better eye with correcting lenses or the widest diameter of the visual field subtends an angle no greater than 20 degrees, so long as his sight is so impaired."

SECTION 5. Section 120-10 of the Revised Laws of Hawaii 1955 is hereby amended by amending the second sentence of the second paragraph to read as follows:

"Within the meaning of this paragraph a person shall be deemed to be blind if his central visual acuity does not exceed 20/200 in the better eye with correcting lenses or the widest diameter of the visual field subtends an angle no greater than 20 degrees, so long as his sight is so impaired."

SECTION 6. Subsection (c) of section 121-12 of the Revised Laws of Hawaii 1955 is hereby amended by amending the first sentence thereof to read as follows:

"A person whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses or the widest diameter of the visual field subtends an angle no greater than 20 degrees, shall be entitled to deduct an exemption of $5,000, in lieu of the exemption provided by paragraphs (a) and (b) of this section."

SECTION 7. Section 128-17 of the Revised Laws of Hawaii 1955 is hereby amended by amending the first sentence thereof to read as follows:

"Any person whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses or the widest diameter of the visual field subtends an angle no greater than 20 degrees, shall, so long as his sight is so impaired, be exempt from real property taxes on all real property owned by him up to, but not exceeding, a taxable value of $10,000."

SECTION 8. Unless otherwise specifically defined and qualified by statutory provision, the term "blind" or "blind person" as used under our statutes shall mean a person whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses or the widest diameter of the visual field subtends an angle no greater than 20 degrees.

SECTION 9. This Act shall take effect upon its approval.

INTRODUCED BY:

S. GEORGE FUKUOKA
DEE DUPONTE

STANDING COMMITTEE REPORT NO. 382

Honolulu, Hawaii
April 22, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: S. B. 651

Sir:

Your Committee on Ways and Means, to which was referred Senate Bill No. 651, entitled

"AN ACT CREATING A DISASTER RELIEF FUND."

begs leave to report as follows:

The purpose of this measure, in its present form, is to establish a disaster relief fund from a portion of the real property tax collections. Your Committee certainly believes that a disaster relief fund must be provided for, but deems it more appropriate to establish it by assignment of general funds rather than to bring about some possibly troublesome administrative questions in connection with taxes on real property.

Accordingly, your Committee has prepared an amended draft of the bill, which would provide for a basic fund of $500,000, and would further provide for replenishment of this fund in the event that it should be reduced or used up completely by any one or more disasters.

In the amended form attached hereto, your Committee is in accord with the objectives of S. B. No. 651, and recommends that it pass first reading and thereafter take its place in the order of business for further consideration.

Respectfully submitted,

KAZUHISA ABE, Chairman

S. B. NO. 651
S. D. 1

AN ACT

RELATING TO MAJOR DISASTER AND MAKING APPROPRIATIONS THEREFOR, AND AMENDING ACT 3 OF THE SPECIAL SESSION LAWS OF HAWAII 1950.

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

SECTION 1. It is hereby appropriated from the general revenues of the Territory of Hawaii not otherwise appropriated the sum of $500,000, together with such other sum or sums as may be found necessary under the further provisions of this Act.

SECTION 2. The money hereinabove appropriated, or so much thereof as may be necessary, shall be expended by or under the direction of the governor for immediate relief in the event of major disaster in any part of the Territory of Hawaii. In expending such money, the governor may allot any portion thereof to any agency, officer or employee, federal, territorial or county, for the more speedy and efficient relief of the conditions created by such disaster.

SECTION 3. The governor shall have the power, under this Act, to expend for immediate relief in the event of any one major disaster any amount not exceeding $500,000.

SECTION 4. Whenever any of the moneys hereby appropriated shall be used and expended, there is hereby appropriated from the general revenues of the Territory not otherwise appropriated such additional moneys as may be required to reestablish the total amount of the fund created by this Act in the sum of $500,000.

SECTION 5. The governor shall have power to conclusively determine whether a disaster contemplated by this Act, has occurred. Act 3 of the Special Session Laws of Hawaii 1950 is hereby amended to conform to the provisions of this Act.

SECTION 6. This Act shall take effect upon its approval.

INTRODUCED BY:

SAKAE TAKAHASHI
JOHN B. FERNANDES
JOHN G. DUARTE
TOM OKINO

March 27, 1957

STAND. COM. REP. NO. 383

Honolulu, Hawaii

April ____, 1957

Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

Re: Senate Bill No. 381

Sir:

Your Committee on Agriculture, to which was referred the Senate Bill No. 381 entitled "TO ESTABLISH A WATER POLLUTION CONTROL BOARD TO CONTROL THE POLLUTION OF THE WATERS OF THE TERRITORY, AND MAKING AN APPROPRIATION THEREFOR.", begs leave to report that a majority of your committee has considered said Bill and recommends that said bill pass first reading in the amended form by title, be printed, and than be referred again to your Committee on Agriculture for further consideration.

Respectfully submitted,

TOM OKINO, CHAIRMAN

SUSUMU TAKAHASHI, VICE CHAIRMAN

JOHN B. FERNANDES

DEE DUPONTE

WILFRED C. TSUKIYAMA

S. B. NO. 381
S. D. 1

AN ACT

TO CREATE A WATER POLLUTION CONTROL BOARD, AND TO PROVIDE FOR THE CONTROL, PREVENTION AND ABATEMENT OF POLLUTION OF THE SURFACE AND SHORE WATERS OF THE TERRITORY, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. Definitions. For the purposes of this Act:

(a) "Pollution" means such contamination, or other alteration of the physical, chemical or biological properties, of the surface and shore waters of the Territory, or such discharge of any liquid, gaseous or solid substance into the surface and shore waters of the Territory as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

(b) "Wastes" means sewage, industrial waste and all other liquid, gaseous or solid substances which may pollute or tend to pollute any waters of the Territory.

(c) "Sewerage system" means pipe lines or conduits, pumping stations, and force mains, and all other constructions, devices, appurtenances and facilities used for collecting or conducting wastes to a point of ultimate disposal.

(d) "Treatment works" means any plant, disposal field, lagoon, dam, pumping station, incinerator, or other works used for the purpose of treating, stabilizing or holding wastes.

(e) "Disposal system" means a system for disposing of wastes, and includes sewerage systems and treatment works.

(f) "Waters of the Territory" means all beaches and such coastal waters as are within the jurisdiction of the Territory, streams, lakes, ponds, marshes, watercourses, waterways, irrigation systems, drainage systems, and all other bodies or accumulations of

surface or shore water, natural or artificial, public or private, which flow through, or border upon this Territory or any portion thereof.

(g) "Board" means the water pollution control board.

SECTION 2. Creation and organization of board; meetings. There is hereby created and established within the organization of the Board of Health of the Territory of Hawaii a water pollution control board which shall be composed of nine members as follows; the attorney general, the president of the board of health, the president of the board of commissioners of agriculture and forestry, the superintendent of public works, the manager and chief engineer of the board of harbor commissioners, and four others appointed by the governor in the manner prescribed by section 80 of the Organic Act; provided; that of the four appointive members, one shall be a representative of the sugar industry, one shall be a representative of the pineapple industry, one shall be a representative of the fishing industry, and one shall be a representative of the tourist industry.

Appointive members shall hold office for four years and until their successors are appointed and qualified; but of the members first appointed, two shall serve for a term of two years and two for a term of four years. Any appointment to a vacancy caused by the death, resignation, or inability to act of any member shall be for the unexpired term of such member.

Each ex-officio member of the board may, by official order filed in his respective department, designate a deputy in his department to perform the duties of the member making the designation and who shall have the powers and be subject to the duties and responsibilities of the officer appointing him.

No additional compensation shall be allowed any member of the board for services rendered in that capacity. However, actual and necessary travel and other expenses incurred by members in the discharge of their official duties as members of the board shall be paid out of any funds which are or may become available for the purposes of this Act.

The board shall organize and annually select one of its members to serve as chairman and one of its members to serve as vice-chairman, shall hold at least four regular meetings each calendar year and shall keep a record of its proceedings which shall be open to the public for inspection. Special meetings may be called by the chairman, and must be called by him upon

receipt of a written request therefor signed by two or more members of the board. Written notice of the time and place of each meeting shall be delivered to the office of each member of the board and the executive secretary. A majority of the members of the board shall constitute a quorum.

The board shall appoint an executive secretary who shall direct and carry out all water pollution control activities vested in the board. Such executive secretary shall be the director, division of sanitation of the territorial department of health. The executive secretary in the interim between meetings of the board shall have authority to perform in the name of the board all functions and duties of the board except the authority to adopt and promulgate standards or rules and regulations, classify waters of the Territory, revoke permits, and issue or modify orders.

Technical, legal or other services shall be performed, insofar as practicable, by personnel of the department of health and by other territorial departments, agencies, and offices.

The board may delegate to the executive secretary, officers, and consultants of the board such functions and duties as are vested in the board by this Act, except the authority to adopt and promulgate standards or rules and regulations, classify waters of the Territory, revoke permits, and issue or modify orders.

SECTION 3. Powers and duties. The board shall have and may exercise the following powers and duties:

(a) To develop comprehensive programs for the prevention, control and abatement of new or existing pollution of the waters of the Territory;

(b) To advise, consult, and cooperate with other agencies of the Territory, the Federal Government, and with affected groups, political subdivisions, and industries in furtherance of the purposes of this Act;

(c) To encourage, participate in, or conduct studies, investigations, research and demonstrations relating to water pollution and causes, prevention, control, and abatement thereof as it may deem advisable and necessary for the discharge of its duties under this Act;

(d) To collect and disseminate information relating to water pollution and the prevention, control and abatement thereof;

(e) To adopt, modify or repeal and promulgate standards of quality of the waters of the Territory and classify such waters according to their best uses in the interest of the public under such conditions as the board may prescribe for the prevention, control and abatement of pollution;

(f) Subject to the approval of the Board of Health, Territory of Hawaii, to adopt, modify, repeal, promulgate and enforce rules and regulations implementing or effectuating the powers and duties of the board under this Act;

(g) To issue, modify or revoke orders (1) prohibiting or abating discharges of wastes into the waters of the Territory; (2) requiring the construction of new disposal systems or any parts thereof or the modification, extension or alteration of existing disposal systems or any parts thereof, or the adoption of other remedial measures to prevent, control or abate pollution; and (3) setting standards of water quality, classifying waters or evidencing any other determination by the board under this Act;

(h) To review plans, specifications or other data relative to disposal systems or any part thereof in connection with the issuance of such permits as are required by this Act;

(i) To issue, continue in effect, revoke, modify or deny, under such conditions as it may prescribe, to prevent, control or abate pollution, permits for the discharge of wastes into the waters of the Territory, and for the installation, modification or operation of disposal systems or any parts thereof;

(j) To exercise all incidental powers necessary to carry out the purposes of this Act.

SECTION 4. Prohibitions. (a) It shall be unlawful for any person to cause pollution as defined in section 1 of this Act of any waters of the Territory or to place or cause to be placed any wastes in a location where they are likely to cause pollution of any waters of the Territory. Any such action is hereby declared to be a public nuisance.

(b) It shall be unlawful for any person to carry on any of the following activities without first securing such permit from the board, as is required by it, for the disposal of all wastes which are or may be discharged thereby into the

waters of the Territory; (1) the construction, installation, modification or operation of any disposal system or part thereof or any extension or addition thereto; (2) the increase in volume or strength of any wastes in excess of the permissive discharges specified under any existing permit; (3) the construction, installation, or operation of any industrial or commercial establishment or any extension or modification thereof or addition thereto, the operation of which would cause an increase in the discharge of wastes into the waters of the Territory or would otherwise alter the physical, chemical or biological properties of any waters of the Territory in any manner not already lawfully authorized; (4) the construction or use of any new outlet for the discharge of any wastes into the waters of the Territory.

The board under such conditions as it may prescribe, may require the submission of such plans, specifications and other information as it deems relevant in connection with the issurance of such permits.

SECTION 5. Classification of Waters; Standards of Water Quality. (a) In order to effectuate a comprehensive program for the prevention, control and abatement of pollution of the waters of the Territory, the board is authorized to group such waters into classes according to their present and future best uses for the purpose of progressively improving the quality of such waters and upgrading them from time to time by re-classifying them, to the maximum extent that is practical and in the public interest. Standards of quality for each such classification consistent with best present and future use of such waters may be adopted by the board and from time to time modified or changed.

(b) Prior to classifying waters or setting standards or modifying or repealing such classifications or standards the board shall conduct public hearings in connection therewith. Notice of public hearings for the consideration, adoption or amendment of the classification of waters and standards of purity and quality thereof shall specify the waters concerning which a classification is sought to be made or for which standards are sought to be adopted and the time, date, and place of such hearing. Such notice shall be published at least twice in a newspaper of general circulation in the area affected and shall be mailed at least twenty days before such public hearing to the chief executive of each political subdivision of the area affected and may be mailed to such other persons as the board has reason to believe may be affected by such classification and the setting of such standards.

(c) The adoption of standards of quality of the waters

of the Territory and classification of such waters or any modification or change thereof shall be effectuated by an order of the board which shall be published in a newspaper of general circulation in the area affected. In classifying waters and setting standards of water quality or making any modification or change thereof, the board shall announce a reasonable time for persons discharging wastes into the waters of the Territory to comply with such classification or standards, unless such discharges create an actual or potential hazard to public health.

Any discharge in accord with such classification or standards shall not be deemed to be pollution for the purposes of this Act.

SECTION 6. Inspections and investigations; maintenance of records. The board or its duly authorized representative shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to pollution or the possible pollution of any waters of the Territory.

Any authorized representative of the board may examine any records or memoranda pertaining to the operation of disposal systems. The board may require the maintenance of records relating to the operation of disposal systems. Copies of such records must be submitted to the board on request.

SECTION 7. Penalties; injunctions. (a) Any person who shall violate any of the provisions of, or who fails to perform any duty imposed by, this Act or who violates any order or determination of the board promulgated pursuant to this Act shall be fined not more than $1,000 or imprisoned not more than one year, or both. In addition thereto such person may be enjoined from continuing such violation. Each day upon which such violation occurs shall constitute a separate offense.

(b) It shall be the duty of the attorney general on the request of the board to bring an action for an injunction against any person violating the provisions of this Act, or violating any order or determination of the board.

SECTION 8. Conflicting Laws. This Act shall not be construed as repealing any laws of the Territory relating to the pollution of waters thereof or any conservation laws, but shall be held and construed as auxiliary and supplementary thereto, except to the extent that the same are in direct conflict herewith.

SECTION 9. Existing Rights and Remedies Preserved. It is the purpose of this Act to provide additional and cumulative

remedies to prevent, abate and control the pollution of the waters of the Territory. Nothing herein contained shall be construed to abridge or alter rights of action or remedies in equity or under the common law or statutory law, criminal or civil, nor shall any provision of this Act, or any act done by virtue thereof, be construed as estopping the Territory, or any county, or city and county, or person, as riparian owners or otherwise, in the exercise of their rights in equity or under the common law or statutory law to suppress nuisances or to abate pollution.

SECTION 10. Severability. If any section, subsection, sentence, clause, phrase or words of this Act is for any reason held to be unconstitutional, such decree shall not affect the validity of any remaining portion of this Act.

SECTION 11. Short Title. This Act may be cited as the Water Pollution Control Act.

SECTION 12. This Act shall take effect on July 1, 1957.

STAND. COM. REP. NO. 384

Honolulu, Hawaii

April ____, 1957

Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

Re: Senate Bill No. 694

Sir:

Your Committee on Agriculture, to which was referred the Senate Bill No. 694 entitled "PROVIDING FOR THE USE OF SURPLUS EQUIPMENT BY FARMERS FOR SOIL CONSERVATION WORK.", begs leave to report that a majority of your committee has considered said Bill and recommends that it pass first reading by title and the same be referred to the Ways and Means Committee for further consideration in connection with Senate Joint Resolution No. 51.

Respectfully submitted,

TOM OKINO, CHAIRMAN

SAKAE TAKAHASHI, VICE CHAIRMAN

JOHN B. FERNANDES

DEE DUPONTE

WILFRED C. TSUKIYAMA

F.L.

STAND. COM. REP. NO. 385

Honolulu, Hawaii

April ____, 1957

Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

Re: Senate Bill No. 646

Sir:

Your Committee on Agriculture, to which was referred the Senate Bill No. 646, Senate Draft 1, entitled "TO AMEND PART V CHAPTER 22 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO GRADING OF BEEF, PORK AND POULTRY CARCASSES.", begs leave to report that a majority of your committee has considered said Bill and recommends that it pass first reading by title, in the amended form attached hereto, be printed, and then be referred again to your committee on Agriculture for further consideration.

Respectfully submitted,

TOM OKINO, CHAIRMAN

SAKAE TAKAHASHI, VICE CHAIRMAN

I do not concur
JOHN B. FERNANDES

DEE DUPONTE

WILFRED C. TSUKIYAMA

CORRECTION

THE PRECEDING DOCUMENT(S) HAS BEEN REPHOTOGRAPHED TO ASSURE LEGIBILITY
SEE FRAME(S)
IMMEDIATELY FOLLOWING

STAND. COM. REP. NO. 385

Honolulu, Hawaii

April ____, 1957

Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

Re: Senate Bill No. 646

Sir:

Your Committee on Agriculture, to which was referred the Senate Bill No. 646, Senate Draft 1, entitled "TO AMEND PART V CHAPTER 22 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO GRADING OF BEEF, PORK AND POULTRY CARCASSES.", begs leave to report that a majority of your committee has considered said Bill and recommends that it pass first reading by title, in the amended form attached hereto, be printed, and then be referred again to your committee on Agriculture for further consideration.

Respectfully submitted,

TOM OKINO, CHAIRMAN

SAKAE TAKAHASHI, VICE CHAIRMAN

I do not concur
JOHN B. FERNANDES

DEE DUPONTE

WILFRED C. TSUKIYAMA

S. B. NO. 646
S. D. 1

AN ACT

TO AMEND PART V CHAPTER 22 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO GRADING OF BEEF, PORK AND POULTRY CARCASSES.

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

SECTION 1. Chapter 22, Part V of the Revised Laws of Hawaii 1955 is hereby amended in the following particulars and respects:

(1) By amending Section 22-90 to read as follows: "The Board of Commissioners of Agriculture and Forestry shall, by January 1, 1958, adopt standard grades for beef, pork, and poultry carcasses, and make rules and regulation relating thereto, subject to the approval of the Governor, which shall have the force and effect of law, and shall be applicable only to carcasses previously inspected and passed for wholesomeness. Such rules and regulations may include provisions for the enforcement thereof, including the definitions of prohibited acts and the penalties therefor, and may fix reasonable fees for the grading services furnished under this part."

(2) Section 22-91 is hereby amended to read as follows: "The board is hereby authorized to adopt the federal grade standards for the grading of beef, pork or poultry."

(3) By adding a new section: "Section 22-91.1. Cooperating With Federal Authority. The board is hereby authorized to enter into a cooperative agreement with the meat grading service of the United States Department of Agriculture and is further authorized to pay the salaries of federal employees providing services under such agreement."

(4) Section 22-92 is hereby amended to read as follows: "Grading Voluntary. The grading of beef, pork and poultry carcasses shall be voluntary with the producer or his agent."

(5) By amending Section 22-94 by adding a sentence "The board may designate one or more of its members to conduct said public hearing."

(6) By adding a new Section 22-95 to read as follows: "Disposition of Fees. All fees collected under this part shall be paid into the general fund of the Territory as a general realization.

SECTION 2. There is hereby appropriated out of the general revenues of the Territory for the administration of said Part V as hereby amended the sum of $25,000 for the period ending June 30, 1959.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

TOM T. OKINO
JOHN G. DUARTE
JOHN B. FERNANDES

STAND. COM. REP. NO. 386

Honolulu, Hawaii

April ____, 1957

Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

Re: Senate Bill No. 964

Your Committee on Agriculture, to which was referred the Senate Bill No. 964 entitled "AMENDING TITLE 3 PART V OF THE REVISED LAWS OF HAWAII 1955, RELATING TO THE CREATION OF A TERRITORIAL FISH ADVISORY COMMITTEE, MAKING AN APPROPRIATION, AND REPEALING SECTIONS 21-132 AND 21-133 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO COUNTY ADVISORY COMMITTEES.", begs leave to report that a majority of your committee has considered said Bill and recommends that said bill pass first reading by title, in the amended form attached hereto, be printed, and then be referred again to your committee on Agriculture for further consideration.

Respectfully submitted,

TOM OKINO, CHAIRMAN

SAKAE TAKAHASHI, VICE CHAIRMAN

JOHN B. FERNANDES

DEE DUPONTE

WILFRED C. TSUKIYAMA

S. B. NO. 964
S. D. 1

AN ACT

AMENDING TITLE 3 PART V OF THE REVISED LAWS OF HAWAII 1955, RELATING TO THE CREATION OF A TERRITORIAL FISH ADVISORY COMMITTEE, MAKING AN APPROPRIATION, AND REPEALING SECTIONS 21-132 and 21-133 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO COUNTY ADVISORY COMMITTEES.

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

SECTION 1. Chapter 21, Part V, of the Revised Laws of Hawaii 1955 is hereby amended in the following respects:

(a) By amending Sec. 21-132 thereof to read as follows:

"Sec. 21-132. Fish Advisory Committee, qualifications, compensation. There is hereby created a territorial fish advisory committee to be appointed in the manner prescribed by Section 80 of the Hawaiian Organic Act, one of whom shall be designated by the governor as chairman. Each member shall be a citizen of the United States and shall have resided in the county from which appointed for at least three years. Two members shall be appointed from each county. The members shall have a wide knowledge of or be intimate with any form of sport or commercial fishing. Two of the appointments shall be for a term to expire on December 31, 1958, two for a term to expire on December 31, 1959, two for a term to expire on December 31, 1960, and two for a term to expire on December 31, 1961. Provided further that the expiration of the period of appointment of representatives from any single county shall not occur simultaneously. Thereafter appointments shall be for a term of four years.

Any vacancy shall be filled by appointment for the remainder of the unexpired term. No person shall be a member of this committee who presents himself as a candidate for election to any public office. This provision shall be enforced by the governor by the removal of the disqualified member whenever such disqualification shall appear.

One or more members of the staff of the division of fish and game, board of commissioners of agriculture and forestry, shall be in attendance at all meetings of the committee to supply technical assistance as required by the committee."

(b) By amending Sec. 21-133 thereof to read as follows:

"Sec. 21-133. Powers and duties of the committee. The committee shall hold public hearings regarding the enactment of regulations for fishing as provided for by section 21-80, section 18-7, and any other law granting such regulatory powers to the board of commissioners of agriculture and forestry. The committee, after having held a public hearing in the county where the proposed regulations shall take effect, or several hearings in the various counties if the proposed regulations is to have a general effect throughout the Territory, shall then convey to the board of commissioners of agriculture and forestry the substance of such public hearings together with its recommendations for action by the board of commissioners of agriculture and forestry in regard to such proposed regulations."

(c) By adding thereto two new sections to be designated and to read as follows:

"Sec. 21-138. Meetings, quorum. Meetings of the committee may be held at any time and as often from time to time as the committee shall deem necessary for the proper transaction of its business upon call of the chairman or by any other four members of the committee. The chairman shall be responsible to give such notice to the members of the committee as the committee may prescribe. A majority of the members of the committee shall constitute a quorum thereof, with power to transact any business within the power or jurisdiction of the committee.

Sec. 21-139. Records and recommendations. The committee shall maintain records of its meetings and shall transmit such recommendations as it is required to make to the Board of Commissioners of Agriculture and Forestry.

SECTION 2. This Act shall take effect upon its approval.

Standing Committee Report No. 387

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 22 , 19 57 , by

Senator KAZUHISA ABE, CHAIRMAN FOR THE COMMITTEE ON WAYS AND MEANS.

RE: H. B. NO. 558

RECOMMENDING THAT SAID BILL PASS SECOND READING AND PLACED ON THE CALENDAR FOR THIRD READING APRIL 23.

MEMO:

ADOPTED - APRIL 22, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

adopted 387

STANDING COMMITTEE REPORT NO. ~~377~~

Honolulu, Hawaii
April 20, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 558

Sir:

Your Committee on Ways and Means, to which was referred House Bill No. 558, entitled

"AN ACT AMENDING PART IV OF THE REVISED LAWS OF HAWAII 1955 RELATING TO UNIVERSITY OF HAWAII PROJECTS."

begs leave to report as follows:

The purpose of this measure is to authorize the Board of Regents of the University of Hawaii to obtain loans which shall be repayable in periods up to fifty years in length, as distinguished from the present law which prohibits loans having maturity dates beyond thirty years.

Your Committee understands that the Board of Regents is strongly in favor of this measure.

The bill in its present form requires two minor amendments which are recommended by your Committee. These are the deletion of the words "Part IV" in the title of the measure and in the first line of Section 1 thereof, and replacing such words with "Chapter 44".

As so amended, your Committee on Ways and Means is in accord with H.B. 558 and therefore recommends that it pass second reading and thereafter take its place in the order of business for further consideration.

Respectfully submitted,

Kazuhisa Abe
KAZUHISA ABE, Chairman

John G Duarte

Mitsuyuki Kido

Orm Ebong

John B Fernandez

William Tsukiyama

Tom Okino

_____

_____

_____

Refer to common printed 23 - pages

STAND. COM. REP. NO. 388

Honolulu, Hawaii

April 22, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 41
H. D. 1

Sir:

Your Committee on Judiciary to which was referred House Bill No. 41, H. D. 1, entitled:

"AN ACT RELATING TO CRIMINAL PROCEDURE IN THE DISTRICT COURTS AND AMENDING SECTION 257-12 OF THE REVISED LAWS OF HAWAII 1955",

begs leave to report as follows:

Under this Bill, a district magistrate may direct a traffic offender, as a condition for suspending sentence, to attend a traffic course or school.

Your Committee, being in favor of this provision, recommends that House Bill No. 41, H. D. 1, pass third reading.

Respectfully submitted,

Nelson K. Doi, Chairman

fld not passed reconsider

Standing Committee Report No. 389

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 22 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

509 H01 gc

RE: H. B. NO. 590 HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to April 23, 1957
ADOPTED - APRIL 23, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 389

Honolulu, Hawaii

April 22, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 509
H. D. 1

Sir:

Your Committee on Judiciary to which was referred House Bill No. 509, H. D. 1, entitled:

"AN ACT TO AMEND SECTION 14-5 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO THE TERRITORIAL SEAL",

begs leave to report as follows:

The purpose of this Bill is to modify the appearance of the great seal of the Territory. The modification is an administration request.

Your Committee, being in accord with this purpose, recommends that House Bill No. 509, H. D. 1, pass third reading.

Respectfully submitted,

Nelson K. Doi

Nelson K. Doi, Chairman

S. George Fukushima

Miyake

Hiram Fukushima

Sakae Takahashi

Standing Committee Report No. 390

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 22 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. J. RES. NO. 56 HD1

RECOMMENDING THAT SAID JOINT RESOLUTION PASS THIRD READING

MEMO:

Deferred to April 23, 1957
ADOPTED - APRIL 23, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 390

Honolulu, Hawaii

April 22, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Joint Resolution No. 56
H. D. 1

Sir:

Your Committee on Judiciary to which was referred House Joint Resolution No. 56, H. D. 1, entitled:

"JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO EXTEND THE PROVISIONS OF SECTION 373 OF THE JUDICIAL CODE TO THE JUDGES OF THE CIRCUIT COURTS OF THE TERRITORY OF HAWAII",

begs leave to report as follows:

The purpose of this Joint Resolution is to request the Congress of the United States for the enactment of appropriate legislation to extend the provisions of Section 373 of the Judicial Code, relating to computation of aggregate years of judicial service, to the circuit court judges of the Territory.

Your Committee, being in accord with this purpose, recommends that House Joint Resolution No. 56, H. D. 1, do pass third reading.

Respectfully submitted,

Nelson K. Doi, Chairman

Standing Committee Report No. 391

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 22 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 389 HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to April 23, 1957
Recommitted to the Committee on Judiciary

WILLIAM S. RICHARDSON
Clerk of the Senate

recommend Jscd

STAND. COM. REP. NO. 391

Honolulu, Hawaii

April 22, 1957

Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: House Bill No. 389
H. D. 1

Sir:

Your Committee on Judiciary, to which was referred House Bill No. 389, H. D. 1, entitled: "AN ACT TO AMEND CHAPTER 288 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO GAMBLING AND LOTTERY", begs leave to report as follows:

The purpose of this bill is to amend Sections 288-1 and 288-4 of the Revised Laws of Hawaii 1955 so as to specifically exempt from their coverage ball or marble amusement devices or machines which are licensed under the provisions of Section 155-36 of the Revised Laws of Hawaii 1955, and which award nothing but free games to any player.

As to Section 288-1, the herein proposed amendment amounts to a mere clarification of the law inasmuch as it has been heretofore judicially determined in other jurisdictions that amusement devices and machines awarding nothing but free games are not lottery machines.

The herein proposed amendment would remove any ambiguity by specifically exempting amusement devices and machines or games from the coverage under Section 288-4.

Your Committee is in accord with the intent and purpose of this bill, and accordingly recommends that it pass third reading.

Respectfully submitted,

Nelson K. Doi, Chairman Jscd not concur

Jscd not concur

Standing Committee Report No. 392

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 25 , 19 57 , by

Senator OREN E. LONG, CHAIRMAN FOR THE COMMITTEE ON LABOR.

RE: H. B. NO. 586 HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred from 22 to 24
Recommitted to the Committee on Labor - April 24

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 392

Honolulu, Hawaii
April 22, 1957

Re: H.B. No. 586
H.D. 1

The Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Honolulu, Hawaii

Sir:

Your Committee on Labor to which was referred H.B. No. 586, H.D. 1, entitled "AN ACT AMENDING SECTIONS 97-24, 97-25, AND 97-26 OF CHAPTER 97, REVISED LAWS OF HAWAII 1955, RELATING TO WORKMEN'S COMPENSATION," begs leave to report as follows:

The purposes of this bill are:

1. to increase the minimum average weekly wages upon which death benefits are computed from $27 to $30;

2. to raise the maximum average weekly wages upon which death benefits are computed from $75 to $112.50;

3. to raise the maximum weekly compensation payable for permanent total disability, temporary total disability, and permanent partial disability from $50 to $75;

4. to raise the maximum weekly compensation payable for temporary partial disability from $35 to $50.

Insofar as death benefits are concerned, the maximum weekly compensation under this bill would be raised from $50 a week to $75.

The administrator of the workmen's compensation bureau has indicated that the additional costs involved would be $35,090 per year.

Your Committee is in accord with the purposes of H.B. No. 586, H.D. 1, and recommends that it do pass.

Respectfully submitted,

Chairman

STAND. COM. REP. NO. 393

Honolulu, Hawaii

April 22, 1957

Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: House Bill No. 338, H.D. 1
Senate Bill No. 205

Sir:

Your Committee on Public Lands to which were referred House Bill No. 338, H.D. 1, entitled, "AN ACT RELATING TO THE USE OF PUBLIC LANDS WHICH HAVE BEEN SOLD FOR HOUSE LOTS", and Senate Bill No. 205 entitled, "AN ACT RELATING TO THE USE OF PUBLIC LANDS WHICH HAVE BEEN SOLD FOR HOUSE LOTS", begs leave to report as follows:

The purpose of these bills is to clarify the use to which public lands sold as house lots may be put. It permits the use of such land for agricultural purposes if the owner or his agent maintains a residence on the lot.

Your Committee on Public Lands approves the purpose of these bills, but inasmuch as they provide for the same purpose your Committee accordingly recommends that Senate Bill No. 205 be filed and that House Bill No. 338, H.D. 1, do pass third reading.

Respectfully submitted,

Chairman

STAND. COM. REP. NO. 394

Honolulu, Hawaii

April 22, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Bill No. 219 and House Bill No. 340

Sir:

Your Committee on Public Lands to which was referred Senate Bill No. 219 entitled, "AN ACT RELATING TO MORTGAGES TO A CORPORATION OF PUBLIC LAND FOR WHICH A CERTIFICATE OF OCCUPATION, RIGHT OF PURCHASE LEASE, CASH FREEHOLD AGREEMENT HAS BEEN ISSUED", and House Bill No. 340 entitled, "AN ACT RELATING TO MORTGAGES TO A CORPORATION OF PUBLIC LAND FOR WHICH A CERTIFICATE OF OCCUPATION, RIGHT OF PURCHASE LEASE, CASH FREEHOLD AGREEMENT OR SPECIAL HOMESTEAD AGREEMENT HAS BEEN ISSUED", begs leave to report as follows:

These bills do away with the necessity of the governor's signature or consent in the mortgaging of public lands to corporations. These bills seek to amend the Organic Act to effectuate that purpose.

One of the primary reasons for these bills is to remove from the governor the burden of signing so many consents to mortgages. The commissioner of public lands appeared and expressed approval of these bills.

Your Committee approves the purpose of these bills but inasmuch as they are identical in nature, your Committee recommends that Senate Bill No. 219 be filed and that House Bill No. 340 do pass.

A joint resolution requesting congress to amend the Organic Act thereby effectuating the purpose of House Bill No. 340 will be submitted accordingly.

Respectfully submitted,

Chairman

STAND. COM. REP. NO. 395

Honolulu, Hawaii

April 22, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: House Bill No. 866
Senate Bill No. 719

Sir:

Your Committee on Public Lands to which were referred House Bill No. 866 entitled, "AN ACT REQUIRING THE LAND COMMISSIONER TO INCLUDE PROVISIONS FOR PROPER SOIL CONSERVATION PRACTICES IN ALL GENERAL LEASES OF PUBLIC LANDS; ADDING SECTION 99-54.5 TO THE REVISED LAWS OF HAWAII 1955," and Senate Bill No. 719 entitled, "AN ACT REQUIRING THE LAND COMMISSIONER TO INCLUDE PROVISIONS FOR PROPER SOIL CONSERVATION PRACTICES IN ALL GENERAL LEASES OF PUBLIC LANDS; ADDING SECTION 99-54.5 TO THE REVISED LAWS OF HAWAII 1955," begs leave to report as follows:

These bills require the land commissioner to insert in all general leases provisions requiring the lessee to practice proper soil conservation practices.

Your Committee is in accord with the purpose of these bills but inasmuch as they provide for the same purpose, your Committee recommends that Senate Bill No. 719 be filed and that House Bill No. 866 do pass.

Respectfully submitted,

Chairman

Standing Committee Report No. 396

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 22 , 19 57 , by

Senator SAKAE TAKAHASHI, CHAIRMAN FOR THE COMMITTEE ON PUBLIC LANDS.

RE: H. J. RES. NO. 60, HD2

RECOMMENDING THAT SAID JOINT RESOLUTION PASS THIRD READING.

MEMO:

Deferred to April 23, 1957
ADOPTED - APRIL 23, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 396

Honolulu, Hawaii

April 22, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

Re: House Joint Resolution No. 60, H. D. 2

Sir:

Your Committee on Public Lands to which was referred House Joint Resolution No. 60, H. D. 2 entitled, "JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION, AMENDING THE HAWAIIAN ORGANIC ACT AND APPROVING AMENDMENTS OF THE HAWAIIAN LAND LAWS IN RESPECT OF LEASES AND OTHER DISPOSITIONS OF LAND", begs leave to report as follows:

This measure requests the Congress of the United States to amend the Hawaiian Organic Act by extending the allowable terms of leases of public lands to sixty-five years.

This resolution further seeks the enactment of legislation to provide that just compensation shall be made to lessees of said public lands for the taking of any property right in said lands by the United States.

Your Committee feels that the enactment of this resolution by the Congress of the United States will facilitate improvement of publicly owned lease lands and accordingly approves the purpose of this measure.

Your Committee therefore recommends that this resolution do pass.

Respectfully submitted,

Chairman

Sept. Thurden

STANDING COMMITTEE REPORT NO. 397

Honolulu, Hawaii
April 22, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 393
S. D. 2

Sir:

Your Committee on Ways and Means, to which was referred Senate Bill No. 393, S. D. 1, entitled

"AN ACT PRESCRIBING THE POWERS AND DUTIES OF THE LEGISLATIVE AUDITOR, CREATING THE JOINT COMMITTEE ON THE BUDGET, DEFINING ITS POWERS AND DUTIES AND MAKING APPROPRIATIONS."

begs leave to report as follows:

The purpose of this Bill is to provide machinery for careful and proper legislative review of executive department budgets and operations. This is accomplished by formalizing, as a permanent legislative interim committee, the informal approach to the problem of budget analysis now obtained by thepresent system of pre-session budget hearings. A bi-partisan joint committee on the budget is created, of six members - three each from the House and Senate, with one from each being the respective chairman of the Finance or Ways and Means Committees.

A technical staff to serve the committee is provided for in the authorization to employ a person qualified in the fiscal and management areas with which the committee will be concerned. The duties of this appointee, called the "legislative analyst" are those which will be the duties of the legislative auditor, when his appointment by the legislature has been approved by the Congress. During the interim period, the duties of the legislative analyst will be such as to give him almost the identical duties of a legislative auditor, but without requiring congressional action therefor.

Your Committee is in accord with the purpose of the bill and recommend its passage, in the amended form attached hereto, on third reading.

Respectfully submitted,

KAZUHISA ABE, Chairman

S. B. NO. 393
S. D. 2

AN ACT

CREATING THE JOINT COMMITTEE ON THE BUDGET, DEFINING ITS POWERS AND DUTIES, PROVIDING FOR ITS STAFF AND MAKING AN APPROPRIATION.

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

SECTION 1. Purpose. The legislature hereby declares that for many years it has labored under a tremendous disadvantage in connection with budget requests and justifications and that the increasing complexity of the operating and capital budget make it impossible, during the short 60-day legislative session, to obtain impartial information and facts to enable it to effect needed economies in the operation of the territorial government. Because of a lack of adequate facilities for obtaining information necessary to enable it to pass accurate judgment on the necessity for the budget requests, many thousands of dollars have been appropriated in excess of the actual needs of the territorial government. The past practice of holding pre-session hearings on the budget has been, at the most, a temporary and incomplete solution to the problem of proper analysis of the budget and there is, therefore, the need to establish a permanent legislative committee to function in this capacity.

SECTION 2. Joint committee on the budget. (a) There is hereby created a permanent joint committee on the budget, (herein called the "joint committee") to be composed of six members, as follows: The chairman of the Committee on Ways and Means of the Senate, and the chairman of the Committee on Finance of the House of Representatives and two members of the House of Representatives, to be appointed by the Speaker of the House, one from each political party, and two members of the Senate, to be appointed by the President of the Senate, one from each political party. Each county shall have a member on the joint committee, regardless of party.

(b) No person shall continue to serve as a member of the joint committee after he has ceased to be a member of the committee from which, by reason of his chairmanship thereof, he became a member of the joint committee, or, in the case of the appointed members, after he has ceased to be a member of the particular house from which, by reason of his being a member thereof, he became a member of the joint committee except that members of the Senate or the House of Representatives who have been reelected may continue to serve as members of the joint committee notwithstanding the expiration of their terms of office as representatives or senators.

(c) A vacancy in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee, and any such vacancy may be filled by the President of the Senate or by the Speaker of the House, depending on the membership of the person causing the vacancy; provided, that any such vacancy shall be filled by a member of the same political party as the member causing the vacancy.

(d) The joint committee shall select a chairman and a vice-chairman from among its members at the first regular meeting of the committee.

(e) The joint committee may make such rules respecting its organization and procedures as it deems necessary, but no measure or recommendation shall be reported from the joint committee unless a majority of the committee assent.

(f) It shall be the duty of the joint committee to inform itself on all matters relating to the operating budget of the several agencies of the Territory, including analytical, investigative and audit, and other reports on territorial operations prepared by the bureau of the budget, the auditor (or comptroller if the name be so changed), the legislative analyst and by other territorial agencies, and to provide the committee on ways and means of the Senate and the committee on finance of the House of Representatives with such information.

(g) The joint committee may recommend to the appropriate standing committees of the Senate and the House of Representatives such changes in existing laws as may effect greater efficiency and economy in government.

(h) The joint committee shall make such reports and recommendations to any standing committee of either House of the legislature on matters within the jurisdiction of such committee relating to deviations from basic legislative authorization, or relating to appropriations or requested appropriations which are not consistent with such basic legislative authorization, or relating to cut-backs in previously authorized programs which require appropriations, as may be deemed necessary or advisable by the joint committee.

(i) The joint committee may also make such study and investigation as it may deem necessary to determine whether territorial appropriations to counties for specific purposes are being spent by the counties in the manner intended by the legislature.

(j) The joint committee, or any subcommittee thereof, shall have power to hold hearings and to sit and act anywhere within the Territory, whether the legislature is in session, in recess or has

adjourned; to require by subpoena or otherwise the attendance of witnesses and the production of books, papers and documents; to administer oaths; to take testimony; to have printing and binding done (which printing shall be done on equipment purchased by either House of the legislature); and to make such expenditures as it deems necessary to carry out its functions within the amount appropriated therefor.

(k) The joint committee may call upon other members of either House to attend any meeting of the committee, for the purpose of receiving the assistance of the other member, or for the purpose of providing the other with information relative to the work of the committee. The joint committee is specifically authorized to call together all of the members of the Committee on Ways and Means and of the Committee on Finance or the members-elect of either House who are members-designate to either of those committees for the purpose of giving detailed attention to the executive budgets or agency budgets received by the committee before any legislative session, whether or not the joint committee's review of the same have been completed, and members so called together shall receive the same allowances as provided by section 3 hereof.

SECTION 3. Allowance for members. Members of the joint committee shall receive the same per diem allowances for any day on which the joint committee meets and such members are in attendance, as they receive for attendance during sessions of the legislature, and in addition, shall be reimbursed their necessary travel expenses incurred in going to and returning from such meetings.

SECTION 4. Legislative analyst. The joint committee shall appoint a legislative analyst to serve as the chief of the technical staff of the committee. He shall have all of the qualifications of a senior management coordinator, as those qualifications are determined by the department of civil service of the Territory. Other technical staff members, as in the opinion of the joint committee may be necessary, may be employed from time to time, on either a permanent, temporary or contractual basis. The legislative analyst and members of the technical staff shall serve at the pleasure of the committee and shall receive such compensation as may be determined by the committee, but neither the legislative analyst nor any member of the staff of the joint committee shall be subject to the provisions of chapters 3 or 4.

SECTION 5. Duties of legislative analyst. In addition to such other duties as may from time to time be assigned him by the joint committee, the legislative analyst shall perform such audits of territorial and county funds and accounts as may be necessary to assure that there has been a proper accounting of public funds.

He shall also conduct, from time to time, performance audits of the several agencies of the territory and may conduct management studies to determine the effective utilization of personnel, space and equipment, employed, owned or used by the Territory.

The legislative analyst may attend as an observer all pre-legislative budget sessions held at any place by any agency or by the governor, for the purpose of acquainting the joint committee on the details of or justifications for the budget requests of any agency.

SECTION 6. Definition of agency. When used in this Act, the term "agency" means any executive department, commission, agency, council, authority, independent establishment, government corporation, board, bureau, division, service, office, officer, administration, or other establishment, in the executive branch of the government, whether or not such agency is financed by legislative appropriations or whether or not the agency submits a budget to the legislature or is subject to budgetary controls by the legislature or by any other executive agency.

SECTION 7. There is hereby appropriated for the necessary expenses of the joint committee on the budget during the biennium ending June 30, 1959, the sum of $100,000, or so much thereof as may be necessary, from the general revenues of the Territory not otherwise appropriated.

The moneys so appropriated shall be expended upon vouchers drawn by the auditor (comptroller if the name be so changed) upon vouchers approved by the chairman and vice-chairman of the joint committee on the budget.

SECTION 8. This Act shall take effect upon its approval.

INTRODUCED BY:

NOBORU MIYAKE
WILFRED C. TSUKIYAMA

table

Standing Committee Report No. 398

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 22 , 19 57 , by

Senator KAZUHISA ABE, CHAIRMAN FOR THE COMMITTEE ON WAYS AND MEANS.

RE: HOUSE BILL NO. 694

RECOMMENDING THAT SAID BILL PASS AS AMENDED AND PLACED ON THE CALENDAR FOR THIRD READING ON APRIL 30, 1957

MEMO:

DEFERRED UNTIL APRIL 30, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

Refer ~~Hous~~ Sept Tuesday

STANDING COMMITTEE REPORT NO. 398

Honolulu, Hawaii
April 22, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 694

Sir:

Your Committee on Ways and Means, to which was referred House Bill 694, entitled

"AN ACT FOR THE RELIEF OF TAXPAYERS SUFFERING FROM THE 1955 PUNA VOLCANIC ERUPTION, ISLAND OF HAWAII, AND PROVIDING FOR THE REMISSION OF INCOME TAXES ON ACCOUNT THEREOF,"

begs leave to report as follows:

The purpose of this bill is to give tax relief to those individuals who suffered property damages during the 1955 Puna volcanic eruption on the Island of Hawaii.

By Act 207, Session Laws of Hawaii 1955, the victims of the Puna volcanic activity were given relief from payment of the real property and general excise taxes to the extent of the amount of damages incurred. This bill extends the relief to the same persons from the net income tax, following the same procedures set forth in the aforementioned Act.

Your Committee believes that the filing date should be September 30, 1957 rather than December 31, 1957 as contained in the bill, and recommends that it be so amended.

As amended, your Committee is in accord with the purpose of this bill and recommends that it do pass.

Respectfully submitted,

Kazuhisa Abe
KAZUHISA ABE, Chairman

I do not concur Mitsuyuki Kido — Tom Kimo

I do not concur Ann Elong — John G Duarte

I do not concur Wilfred Tsukiyama — John B Fernandez

STAND. COM. REP. NO. 399

Honolulu, Hawaii

April 22, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 370

Sir:

Your Committee on Judiciary, to which was referred Senate Bill No. 370, entitled:

"AN ACT CREATING A DEPARTMENT OF NATURAL RESOURCES, PROVIDING FOR DIVISIONS THEREIN, AND TRANSFERRING FUNCTIONS, RECORDS, PROPERTY, MONIES, POWERS AND APPROPRIATIONS, TERMINATING CERTAIN OFFICES AND AGENCIES AND REPEALING SECTION 1002 OF THE REVISED LAWS OF HAWAII 1945, AND LAWS IN CONFLICT WITH THIS ACT",

begs leave to report as follows:

The purpose of this Bill is to create a department of natural resources by placing the various departments under its jurisdiction, to wit: public lands, agriculture and forestry, conveyance, survey and the territorial parks. The department is to be under the head of a commissioner appointed by the governor and approved by the senate.

The commissioner is given power to adopt rules and regulations to carry out the purpose of this Bill and to appoint the division heads with the approval of the governor. The department will be divided into the following divisions: public lands, agriculture, forestry, fish and wild life, animal husbandry, entomology, territorial parks, home development, corporation, conveyance, survey, and hydrography. All powers, functions, duties, records, etc. of the departments or agencies abolished is to be transferred to this new department.

In the handling of public lands the Board of Agriculture and Forestry and the Land Office have complementary responsibilities. The Territorial Survey Office is primarily concerned with making surveys and preparing maps for the use of other departments.

It is desirable that the number of departments and independent boards and commissions be reduced. The merger of existing agencies having similar or related functions would be a means of complying with the provision of the Constitution for the State of Hawaii which limits the number of departments and independent boards to not more than twenty.

Your Committee is in accord with the purpose of this Bill and recommends that it pass first reading by title in the amended form attached hereto, that it be printed, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

S. B. NO. 370
S. D. 1

AN ACT

CREATING A DEPARTMENT OF NATURAL RESOURCES, PROVIDING FOR DIVISIONS THEREIN, AND TRANSFERRING FUNCTIONS, RECORDS, PROPERTY, MONIES, POWERS AND APPROPRIATIONS, TERMINATING CERTAIN OFFICES AND AGENCIES AND REPEALING SECTION 18-3 OF THE REVISED LAWS OF HAWAII 1955, AND LAWS IN CONFLICT WITH THIS ACT.

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

SECTION 1. As used in this act, "department" means the department of natural resources, "commissioner" means the commissioner of said department, "director" means the director of a division within the department, "agency" means the various governmental subdivisions, bureaus and offices which become the enumerated divisions of the department of natural resources upon the effective date of this act.

SECTION 2. There is created hereby a department of natural resources which shall be administered by a full-time paid commissioner and shall consist of the following divisions which are created hereby:

a. The division of public lands;
b. The division of agriculture;
c. The division of forestry;
d. The division of fish and wild life;
e. The division of animal husbandry;
f. The division of entomology;
g. The division of territorial parks;
h. The division of home development corporation;
i. The division of conveyances;
j. The division of survey;
k. The division of hydrography.

The commissioner may assign and reassign work and duties between the several divisions, notwithstanding any statutory provisions as to such duties, unless such assignment or reassignment shall affect unfavorably federal aid in respect of such division or its work and duties.

SECTION 3. The commissioner shall be nominated, and, with the advice and consent of the senate, be appointed by the governor, for a term of office to expire at the end of the term for which the governor was appointed or elected. He may be removed by the governor for cause. He shall be at the time of his appointment, and shall have been for at least three years prior thereto, an elector of the Territory. During his term of office he shall not hold any office in any political party or be a candidate for an elective office; and if he shall become such his office as commissioner,

shall ipso facto, be vacant. He shall not be subject to chapters 3 and 4 of the Revised Laws of Hawaii 1955, but his salary shall be as fixed by the governor within the limit of the available appropriation.

He shall administer and control the several divisions in the department, and may make rules and regulations, which shall not be subject to section 7-29 of the Revised Laws of Hawaii 1955 when they deal solely with the administration of said divisions and the properties and assets under their respective subordinate jurisdictions, but which otherwise shall be subject to the provisions of said section 7-29.

The commissioner shall appoint such assistants and employees, other than the directors, as may be necessary for the proper performance of his duties under this act and for which appropriations shall have been made by the legislature. Such assistants and employees shall be members of the civil service system. The compensation of all persons engaged by the commissioner shall be paid at such rates as the commissioner shall approve, in accordance with such classification and compensation schedules as may be then in effect pursuant to law and for which appropriation has been made.

SECTION 4. All powers (including the power to conclude any unfinished business), functions, records, properties, and monies, whether in hand, or appropriated, possessed or enjoyed by, and all debts due to the territory through or by the agency of, the commissioner of public lands (including the bureau of hydrography and the bureau of conveyances), the board of commissioners of agriculture and forestry (including its bureaus and agencies), the survey office and the home development agency hereby are transferred to and vested in the department of natural resources. The several divisions created by this act, subject to the provisions of section 2 hereof, shall enjoy the powers and be subject to the duties and responsibilities which exist at the time immediately prior to the effective date of this act, subject, however, to the supervision and control of the commissioner, and with the further restriction that the powers, duties, responsibilities and functions of any division which were subject to the supervision and control of any superior officer or agency shall become subject directly to the supervision and control of the commissioner, and such superior officer or agency shall terminate.

SECTION 5. Each of the divisions hereinabove named shall be under the charge, direction and control of a director, subject to the supervision and control of the commissioner. The directors of the several divisions of the department shall be appointed by the commissioner with the advice and consent of the governor and shall be subject to the provisions of chapter 4, but not of chapter 3, of

the Revised Laws of Hawaii 1955.

SECTION 6. If any portion of this act, or of any other law as amended by this act, or its application to any persons or circumstances, shall be held unconstitutional or invalid, the validity of the remainder of this act or of said other law, or the application of said portion to other persons and circumstances, shall not be affected.

SECTION 7. Section 18-3 of the Revised Laws of Hawaii 1955, and all other laws in conflict with this act are repealed.

SECTION 8. This Act shall take effect upon the enactment of legislation by the Congress of the United States of America ratifying this Act, notwithstanding the limitations of sections 73, 74, 78 and 80 of the Organic Act of the Territory of Hawaii or any other law to the contrary.

INTRODUCED BY:

N. MIYAKE
WILFRED C. TSUKIYAMA

Date:

Honolulu, Hawaii

the Revised Laws of Hawaii 1955.

SECTION 6. If any portion of this act, or of any other law as amended by this act, or its application to any persons or circumstances, shall be held unconstitutional or invalid, the validity of the remainder of this act or of said other law, or the application of said portion to other persons and circumstances, shall not be affected.

SECTION 7. Section 18-3 of the Revised Laws of Hawaii 1955, and all other laws in conflict with this act are repealed.

SECTION 8. This Act shall take effect upon the enactment of legislation by the Congress of the United States of America ratifying this Act, notwithstanding the limitations of sections 73, 74, 78 and 80 of the Organic Act of the Territory of Hawaii or any other law to the contrary.

INTRODUCED BY:

N. MIYAKE
WILFRED C. TSUKIYAMA

Date:

Honolulu, Hawaii

STAND. COM. REP. NO. 400

Honolulu, Hawaii

April 22, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 625

Sir:

Your Committee on Judiciary, to which was referred Senate Bill No. 625, entitled:

"AN ACT AMENDING SECTION 324-23 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO SERVICE OF PROCESS IN ANNULMENT, DIVORCE, AND SEPARATION",

begs leave to report as follows:

The purpose of this Bill is to amend Section 324-23 of the Revised Laws of Hawaii 1955 relating to service of process in annulment, divorce and separation proceedings. The present law allows service by publication when the libellant is not able to ascertain the address or residence of the libellee. This Bill provides that service of process by publication is allowed under the following additional circumstances: (1) the libellee has refused to accept service sent by registered mail, (2) the libellee is concealing himself, and (3) the libellee is evading service.

Your Committee is in accord with the purpose of this Bill and recommends that it pass first reading by title in the amended form attached hereto and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

S. B. NO. 625
S. D. 1

AN ACT

AMENDING SECTION 324-23 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO SERVICE OF PROCESS IN ANNULMENT, DIVORCE, AND SEPARATION.

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

SECTION 1. Section 324-23 of the Revised Laws of Hawaii 1955, is hereby amended to read as follows:

"Sec. 324-23. Personal service; enforcement of alimony. No person shall be entitled to an annulment, a divorce or a separation unless the libellee or defendant, except as hereinafter otherwise provided, shall have been served personally with process if within the territory, or shall have entered an appearance in the case; provided, however, that in any proceeding under this chapter for an annulment, a divorce or a separation, if it shall appear in the libel or by return of the summons or by affidavit or otherwise to the satisfaction of the judge that the libellee or defendant is living at the time on any island of the territory on which there is no resident officer legally authorized to serve such process, or is without the territory, the judge may authorize notice of the pendency of the libel and of the time and place of hearing to be given to the libellee or defendant personally by such person and in such manner as he shall designate, or in lieu thereof, the judge may authorize service by registered mail with request for a return receipt, which service, evidenced by such receipt signed by the libellee or defendant and returned to the clerk of the court, shall be regarded as equivalent to personal service; or, if it shall further appear to his satisfaction by affidavit or otherwise, that the libellee has refused to accept notice sent by registered mail, or is concealing himself, or evading service, or that libellant does not know the address or residence of the libellee or defendant, and has not been able to ascertain either after reasonable and due inquiry and search for fifteen days either before or after the filing of the libel, the judge may authorize notice to be given to the libellee or defendant by publication thereof at least once in each of three successive weeks in a newspaper or newspapers suitable for the advertisement of notices of judicial proceedings, published in the territory, and may hear and determine the case at or after the time specified in the notice, which shall not be less than thirty days after the giving of personal notice, or the last publication of the published

notice, as the case may be. All property within the territory of the libellee or defendant may by order of the court, be subjected to the enforcement of any judgment or order of the court obtaining jurisdiction by the method of service herein provided with respect to any allowance provided for in section 324-4."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

NELSON K. DOI
HERBERT K. H. LEE
N. MIYAKE
S. GEORGE FUKUOKA
SAKAE TAKAHASHI
KAZUHISA ABE
TOM OKINO

STAND. COM. REP. NO. 401

Honolulu, Hawaii

April 22, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 681

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 681, entitled:

"AN ACT RELATING TO THE BUREAU OF CIVIL IDENTIFICATION AMENDING THE FEE SCHEDULE FOR ISSUANCE, DUPLICATION, CORRECTION OR ALTERATION OF IDENTIFICATION CERTIFICATES",

begs leave to report as follows:

The purpose of this Bill is to increase the fee to be charged for the issuance, duplication, correction or alteration of identification certificates. The proposed increase is from $1 to $2.

Your Committee is in accord with the purpose of this Bill and recommends that it pass first reading by title in the form as introduced and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

STAND. COM. REP. NO. 402

Honolulu, Hawaii

April 22, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 768

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 768, entitled:

"AN ACT AUTHORIZING THE TREASURER OF THE TERRITORY OF HAWAII TO ENABLE THE TERRITORY OF HAWAII TO PARTICIPATE AND QUALIFY FOR CERTAIN BENEFITS UNDER THE 'FEDERAL FLOOD INSURANCE ACT OF 1956', PUBLIC LAW 1016, 84TH CONGRESS, 2D SESSION, AND THE VARIOUS COUNTIES TO MAKE APPLICATIONS FOR SUCH FLOOD INSURANCE COVERAGE",

begs leave to report as follows:

The purpose of this Bill is to provide enabling legislation required for participation by the Territory and its political subdivisions in the Federal Insurance Program (Federal Flood Insurance Act of 1956, Public Law 1016, 84th Congress, 2d Session).

Public Law 1016 was designed to determine a feasible method of insuring against the unpredictable and catastrophic losses caused by floods. It put into effect an experimental program which will be eventually turned over to private companies.

Your Committee is in accord with the purpose of this Bill and recommends that it pass first reading by title in the form as introduced and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

STAND. COM. REP. NO. 403

Honolulu, Hawaii

April 22, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 795

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 795, entitled:

"AN ACT RELATING TO THE POSSESSION OF FIRE-ARMS AND AMMUNITION AND AMENDING SECTION 157-6 OF THE REVISED LAWS OF HAWAII 1955",

begs leave to report as follows:

This Bill proposes to prohibit any person from having in his possession or from carrying loaded firearms on any public highway, excepting those permitted by the chief of police because of their fear of injury to life or property.

Your Committee has found it advisable to amend this Bill in one respect. The amendment will allow firearms and ammunition to be in a person's possession when carried between certain specified places and a target range.

Your Committee, being in accord with these changes, recommends that Senate Bill No. 795 pass first reading by title in the amended form attached hereto and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi

Nelson K. Doi, Chairman

Jackie Jacobson

George Fukunaga

[illegible]

[illegible]

S. B. NO. 795
S. D. 1

AN ACT

RELATING TO THE POSSESSION OF FIREARMS AND AMMUNITION AND AMENDING SECTION 157-6 OF THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. Section 157-6 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Sec. 157-6. Place to keep firearms; loaded firearms, when prohibited. The possession of all firearms and ammunition shall be confined to the possessor's place of business, residence, or sojourn, or to carriage as merchandise in a wrapper from the place of purchase to the purchaser's home, place of business or place of sojourn, or between these places and a place of repair or a target range, or upon change of place of business, abode, or sojourn, except as provided in Sections 157-5 and 157-9.

It shall be unlawful for any person to have in his possession or to carry on any public highway any firearm loaded with ammunition; provided, however, the provisions of this paragraph shall not apply to any person who shall have in his possession or carry a pistol or revolver and ammunition therefor in accordance with a license or permit issued, as provided in Section 157-9."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

S. GEORGE FUKUOKA
JOHN G. DUARTE
DEE DUPONTE

STAND. COM. REP. NO. 404

Honolulu, Hawaii

April 22, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 812

Sir:

Your Committee on Judiciary, to which was referred Senate Bill No. 812, entitled:

"AN ACT FOR THE RELIEF OF THE DIVISION OF NATIONAL MISSIONS OF THE METHODIST CHURCH, A NEW YORK ELEEMOSYNARY CORPORATION",

begs leave to report as follows:

The purpose of this Bill is to effect a cancellation of that certain pending land transaction concerning certain government lands at Ookala, North Hilo, Territory of Hawaii with The Division of National Missions of the Methodist Church, a New York eleemosynary corporation, and to return the consideration heretofore paid. The lands are to be returned to the status of unencumbered public lands.

Under the terms of the sale agreement, the purchaser was required to build a church building on said lands within three years. The lands are no longer suitable for a church location because of plans relocating certain plantation facilities.

This Bill was prepared by a member on the staff of the Attorney General's Office and with the approval of the Commissioner of Public Lands.

Your Committee is in accord with the purpose of this Bill and recommends that it pass first reading by title in the amended form attached hereto, that it be placed on the agenda for second reading, that it pass second reading, and that it then be referred to your Committee on Ways and Means for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

CORRECTION

THE PRECEDING DOCUMENT(S) HAS BEEN REPHOTOGRAPHED TO ASSURE LEGIBILITY
SEE FRAME(S)
IMMEDIATELY FOLLOWING

STAND. COM. REP. NO. 404

Honolulu, Hawaii

April 22, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 812

Sir:

Your Committee on Judiciary, to which was referred Senate Bill No. 812, entitled:

"AN ACT FOR THE RELIEF OF THE DIVISION OF NATIONAL MISSIONS OF THE METHODIST CHURCH, A NEW YORK ELEEMOSYNARY CORPORATION",

begs leave to report as follows:

The purpose of this Bill is to effect a cancellation of that certain pending land transaction concerning certain government lands at Ookala, North Hilo, Territory of Hawaii with The Division of National Missions of the Methodist Church, a New York eleemosynary corporation, and to return the consideration heretofore paid. The lands are to be returned to the status of unencumbered public lands.

Under the terms of the sale agreement, the purchaser was required to build a church building on said lands within three years. The lands are no longer suitable for a church location because of plans relocating certain plantation facilities.

This Bill was prepared by a member on the staff of the Attorney General's Office and with the approval of the Commissioner of Public Lands.

Your Committee is in accord with the purpose of this Bill and recommends that it pass first reading by title in the amended form attached hereto, that it be placed on the agenda for second reading, that it pass second reading, and that it then be referred to your Committee on Ways and Means for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

S. B. NO. 812
S. D. 1

AN ACT

FOR THE RELIEF OF THE DIVISION OF NATIONAL MISSIONS OF THE METHODIST CHURCH, A NEW YORK ELEEMOSYNARY CORPORATION, AND MAKING AN APPROPRIATION.

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

SECTION 1. The Governor, the Commissioner of Public Lands, the Treasurer and Auditor are hereby authorized and requested to effect a cancellation of the transaction wherein The Division of National Missions of the Methodist Church, a New York Eleemosynary corporation, on April 5, 1956, bid and made the deposit of the full purchase price for certain Government lands at Ookala, North Hilo, Territory of Hawaii, and to return the moneys heretofore paid in such transaction, and to return the said lands to the status of unencumbered public lands.

SECTION 2. The sum of $1,430.00 is hereby appropriated from the general revenues of the Territory, not otherwise appropriated, for the purpose set forth in Section 1 hereof, which amount may be expended upon warrant drawn by the territorial Auditor or the Treasurer based upon a voucher approved by the Commissioner of Public Lands.

SECTION 3. This act shall take effect upon approval.

INTRODUCED BY:

MITSUYUKI KIDO

STAND. COM. REP. NO. 405

Honolulu, Hawaii

April 22, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 823

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 823, entitled:

"AN ACT ALLOWING SANDRA HARRIS TO SUE THE TERRITORY FOR INJURIES SUFFERED BY HER WHICH WERE ALLEGEDLY DUE TO THE NEGLIGENCE OF THE TERRITORY OR OF ITS OFFICERS OR EMPLOYEES",

begs leave to report as follows:

The purpose of this Bill is to allow Sandra Harris to file suit against the Territory for injuries suffered by her. It is alleged that the injuries were due to the negligence of a territorial employee.

As generally accepted, the Legislature may waive the Territory's defense of sovereign immunity and it may also prescribe that the statute of limitations shall run only from and after a certain date.

Your Committee is in accord with the purpose of this Bill, and recommends that it pass first reading by title in the form as introduced and that it then be referred to your Committee on Ways and Means for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

STAND. COM. REP. NO. 406

Honolulu, Hawaii

April 22, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 850

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 850, entitled:

"AN ACT RELATING TO THE POWER AND JURISDICTION OF THE CIRCUIT COURTS AND CIRCUIT JUDGES IN CHAMBERS RELATING TO CAUSES OF A CIVIL NATURE",

begs leave to report as follows:

Under this Bill, all civil actions, other than such matters like guardianship, probate, annulment and divorce, must be brought in the circuit where the cause of action arose or where the defendant is domiciled. If, however, there be more than one defendant, then such action must be brought in the circuit in which the cause of action arose unless a majority of such defendants are domiciled in another circuit, whereupon such action may be brought in the circuit where such majority of defendants are domiciled.

Presently, civil actions, other than those specified above, may be brought in any one of the circuit courts of the Territory without regard to the domicile of the defendant or to the situs of the cause of action.

Your Committee is in accord with the intent and purpose of this Bill and recommends that it pass first reading by title in the amended form attached hereto and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

S. B. NO. 850
S. D. 1

AN ACT

RELATING TO CIRCUIT COURTS AND AMENDING SECTION 215-21 OF THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. Section 215-21 of the Revised Laws of Hawaii 1955 is hereby amended by adding thereto a new paragraph lettered (i), to read as follows:

"(i) All civil actions other than those specified above shall be brought in the circuit where the cause of action arose or where the defendant is domiciled; provided, however, if there be more than one defendant, then such action shall be brought in the circuit in which the cause of action arose unless a majority of such defendants are domiciled in another circuit, whereupon such action may be brought in the circuit where such majority of defendants are domiciled."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

NELSON K. DOI
KAZUHISA ABE

STAND. COM. REP. NO. 407

Honolulu, Hawaii

April 22, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 851

Sir:

Your Committee on Judiciary, to which was referred Senate Bill No. 851, entitled:

"AN ACT RELATING TO CHANGE OF VENUE IN CIRCUIT COURT",

begs leave to report as follows:

Presently the circuit courts are empowered to permit change of venue with respect to all cases pending in such courts only upon showing, by satisfactory proof, that "a fair and impartial trial cannot be had" in that particular circuit, and with respect to civil cases, when the parties consent to the change. This Bill seeks to expand the power of the court by making it possible for the court to permit change of venue when it is shown, again by satisfactory proof, that a "more fair and equitable" hearing of the proceedings can be had in another circuit.

Your Committee is in accord with the intent and purpose of this Bill and recommends that it pass first reading by title in the amended form attached hereto and that it then be placedin the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

S. B. NO. 851
S. D. 1

AN ACT

RELATING TO THE JURISDICTION OF THE CIRCUIT COURTS AND AMENDING SECTION 215-17 OF THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. Section 215-17, subsection (f), of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"(f) After the parties thereto shall have had an opportunity to be heard, any circuit court may, upon satisfactory proof that a fair and impartial trial cannot be had in any case pending in such court, or, in its discretion, upon satisfactory proof that it would be more fair and equitable to the parties thereto if any case pending in such court were heard in another jurisdiction, change the venue to some other circuit and order the record to be transferred thereto; provided, however, that any circuit court may, in its discretion, upon the consent of all the parties to any civil cause pending in such court, change the venue to some other circuit court and order the record to be transferred thereto."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

NELSON K. DOI
KAZUHISA ABE

STAND. COM. REP. NO. 408

Honolulu, Hawaii

April 22, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 933

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 933, entitled:

"AN ACT TO AMEND SECTION 215-18 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO THE POWERS OF THE CIRCUIT COURT JUDGES AT CHAMBERS, BY ADDING THERETO A NEW SUBSECTION, RELATING TO APPLICATION FOR INJUNCTION OR OTHER RELIEF SUBMITTED BY THE TERRITORY, OR THE VARIOUS COUNTIES, OR THE OFFICERS THEREOF",

begs leave to report as follows:

The purpose of this Bill is to add a new subsection to Section 215-18 dealing with the powers of the circuit court judges at chambers. The new subsection gives the circuit court judges the power to enjoin or prohibit any violation of Territorial laws or county ordinances, even if a criminal penalty is provided for violation of said laws or ordinances.

At the present time, the question of the circuit court's power to grant injunctions to enjoin the violations has been raised where there are criminal penalties provided for in the law or ordinance sought to be enforced. The proposed statute would resolve this question and clearly grant this power to the circuit court judges at chamber.

Your Committee is in accord with the purpose of this Bill and recommends that it pass first reading by title in the amended form attached hereto, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

S. B. NO. 933
S. D. 1

AN ACT

TO AMEND SECTION 215-18 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO THE POWERS OF THE CIRCUIT COURT JUDGES AT CHAMBERS, BY ADDING THERETO A NEW SUBSECTION, RELATING TO APPLICATION FOR INJUNCTION OR OTHER RELIEF SUBMITTED BY THE TERRITORY, OR THE VARIOUS COUNTIES, OR THE OFFICERS THEREOF.

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

SECTION 1. Section 215-18 of the Revised Laws of Hawaii 1955, is hereby amended, by adding thereto a new subsection to read as follows:

"(1) To enjoin or prohibit any violation of the laws of the Territory, or of the ordinances of the various counties, upon petition of the Attorney General of the Territory, or the various county attorneys, even if a criminal penalty is provided for violation of said laws or ordinances."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

SAKAE TAKAHASHI
MITSUYUKI KIDO
HERBERT K. H. LEE

STAND. COM. REP. NO. 409

Honolulu, Hawaii
April 22, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 292

Sir:

Your Committee on Ways and Means to which was referred S. B. No. 292, entitled: "AN ACT PROVIDING FOR EXEMPTIONS OF CERTAIN REAL PROPERTY FROM REAL PROPERTY TAXES, AND AMENDING SECTION 5151 OF THE REVISED LAWS OF HAWAII 1945", begs leave to report as follows:

This bill revises the real property tax exemption provisions having to do with school, hospital, and religious purposes and the like, formerly section 5151 of the Revised Laws of Hawaii 1945, now section 128-18, Revised Laws of Hawaii 1955. The bill sets up general classes of tax exemptions.

Your Committee is of the view that it is essential to amend this section of the real property tax law, which now comprises nearly seventy paragraphs, most of them designating by name the institution exempted. The practice in other states has been considered, and your Committee has not been informed of any state which allows real property tax exemptions in this manner.

Your Committee further has concluded that consideration must be given to the situation of those who receive no exemption, and who bear larger taxes by reason of the exemption granted to others. An exemption should be granted only when there is a sufficient public benefit to call for the exemption. A $5 filing fee should be charged those who claim an exemption, because administrative costs are involved in processing the claims.

The exemptions allowed by the amended form of bill hereto attached fall into two general classes, set out in subsections (b) and (c) of section 128-18, section 2 of the bill. The first group set forth in subsection (b) consists in schools and colleges offering curricula similar to those in public schools and the university. Such schools and colleges are allowed an exemption of not more than fifty acres. The exemption covers buildings for educational purposes, including dormitories, housing for personnel if on the campus, the campus and athletic grounds, and vocational purposes incident to the school or college.

The second group in subsection (b) consists in hospitals certified by the Board of Health to be an essential part of the hospital facilities in the Territory.

The third group in subsection (b) consists in churches; they are allowed an exemption of not more than twenty acres. This exemption includes the incidental activities of the church, the parsonage and church grounds. For a parsonage located at another site, an additional exemption may be had of not more than three acres.

The fourth and last group in subsection (b) consists in cemeteries maintained by a religious society or by a cemetery association, not more than twenty acres.

The other general class of exemptions is set forth in subsection (c). There is an acreage limitation of twenty-five acres. The exemption is for property used for charitable purposes which are of a community, character building, social service or educational nature, including museums, libraries and art academies. In order to qualify the property must be owned in fee simple by the corporation, association or trust claiming the exemption, must be dedicated to charitable purposes or public use, so that in the event of abandonment of the present use the property would be applied to another charitable purpose or for public use. A further requirement specifies that "not more than seventy-five per cent of the income devoted to the exempt purposes may be derived from charges made to the public or to those accommodated or served."

Other provisions of the amended form of bill set out the manner of application of the exemption provisions where the area is too large to come within the exemption allowed, or where the property is used both for exempt and non-exempt purposes. A definition of the term "for non-profit purposes" which is an overall term limiting all of the exemptions, is contained in subsection (f).

Your Committee also has had under consideration the question of exemptions for persons suffering losses through natural disasters. The situation of these persons has been reviewed. The American Red Cross and the Small Business Administration afford rehabilitation assistance, the former through grants and the latter through loans. Participation by the Territory in the federal flood insurance program is being considered under other bills in this session.

As to territorial laws, section 121-11 of the income tax law permits losses from natural disasters, not compensated for by insurance or otherwise, to be deducted in equal installments over a five year period at the option of the taxpayer, and section 128-37 of the real property tax law provides that in cases of natural disasters the tax assessor shall determine what percentage of the

value of the whole property was destroyed and this portion of the assessed value then becomes non-taxable for the balance of the year.

An entirely different type of relief was granted by section 2 of Act 207, S. L. 1955, enacted after the Puna disaster. Your Committee has given careful consideration to the effect of this 1955 Act, and finds that the results have not been those desired by the legislature. Following this 1955 Act a Claims Commission certified losses by seventy-nine claimants in the total amount of $1,170,763.25. As of March 21, 1957, $464,072.44 of this total amount had been recouped. Of that amount approximately $430,000 went to three claimants. On the other hand, twenty-five claimants received altogether $660 on claims totaling $145,753.96. The Act has not served the purpose of relieving those who are most in need of aid.

Your Committee finds, however, that the present section 128-37 of the real property tax law, above mentioned, should be supplemented. This section is insufficient in that once the damaged property has been reconstructed or replaced it goes back on the tax rolls, and there is no provision in the law for a real property tax exemption for the replacement facilities. The amount of loss might well be deducted in determining the taxable value of the real property for a period following the disaster. A ten year period is recommended. Provisions of this nature have been incorporated in the amended form of real property tax exemption bill prepared by the Committee.

Your Committee recommends that S. B. No. 292 pass first reading by title in the amended form hereto attached, and further recommends that the bill be placed on the calendar for further consideration.

Respectfully submitted,

Kazuhisa Abe
KAZUHISA ABE, Chairman

Orin E. Long

Tom Okino

Mitsuyuki Kido

Wilfred K. Tsukiyama

John G. Duarte

John B. Fernandez

value of the whole property was destroyed and this portion of the assessed value then becomes non-taxable for the balance of the year.

An entirely different type of relief was granted by section 2 of Act 207, S. L. 1955, enacted after the Puna disaster. Your Committee has given careful consideration to the effect of this 1955 Act, and finds that the results have not been those desired by the legislature. Following this 1955 Act a Claims Commission certified losses by seventy-nine claimants in the total amount of $1,170,763.25. As of March 21, 1957, $464,072.44 of this total amount had been recouped. Of that amount approximately $430,000 went to three claimants. On the other hand, twenty-five claimants received altogether $660 on claims totaling $145,753.96. The Act has not served the purpose of relieving those who are most in need of aid.

Your Committee finds, however, that the present section 128-37 of the real property tax law, above mentioned, should be supplemented. This section is insufficient in that once the damaged property has been reconstructed or replaced it goes back on the tax rolls, and there is no provision in the law for a real property tax exemption for the replacement facilities. The amount of loss might well be deducted in determining the taxable value of the real property for a period following the disaster. A ten year period is recommended. Provisions of this nature have been incorporated in the amended form of real property tax exemption bill prepared by the Committee.

Your Committee recommends that S. B. No. 292 pass first reading by title in the amended form hereto attached, and further recommends that the bill be placed on the calendar for further consideration.

Respectfully submitted,

Kazuhisa Abe
KAZUHISA ABE, Chairman

Orin E. Long
Tom Okino
Mitsuyuki Kido
Wilfred Tsukiyama
John G. Duarte
John B. Fernandez

S. B. NO. 292
S. D. 1

AN ACT

PROVIDING FOR EXEMPTIONS OF CERTAIN REAL PROPERTY FROM REAL PROPERTY TAXES.

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

SECTION 1. Chapter 128 of the Revised Laws of Hawaii 1955 is hereby amended by adding thereto a new section to read as follows:

"Sec. 128-17.1. Improvements made after a disaster, exemption allowed. (a) A taxpayer who, as the result of a disaster covered by section 128-37, has suffered damage or destruction of real property, shall receive for a period of ten years an exemption under this chapter of the improvements of the real property made by him after the disaster, up to but not in excess of the amount of value which the taxpayer lost as a result of the disaster, computed as follows: Apply to the assessed value of the damaged or destroyed property, as of the assessment date next preceding the disaster, the percentage of loss (one hundred per cent or some other per cent) determined pursuant to paragraph (a) of section 128-37, reduced by the portion thereof compensated for by insurance or otherwise.

(b) In order to enjoy an exemption under this section the taxpayer shall file, on or before January 31 of the year for which such exemption is claimed, a claim for exemption in the form prescribed by the commissioner.

(c) If the taxpayer in his first claim for exemption filed under this section shall show that at the time of the disaster he was occupying, for his home or business, the damaged or destroyed property, that he has ceased to occupy it and that he has replaced the business or residential improvements by purchase or construction at another location occupied by him, then the amount of exemption allowed by this section may be enjoyed in respect of the replacements at that location in lieu of the same being applied to the property damaged or destroyed.

(d) For the purposes of this section, 'taxpayer' includes a leaseholder, or purchaser under an agreement of sale, who is under a contractual obligation to pay the real property tax on the property involved.

The period of ten years allowed by subsection (a) signifies the period of ten full calendar years (January 1 to December 31), beginning with the first full calendar year after the disaster."

This section shall apply commencing with the tax year 1958 in respect of natural disasters occurring in the calendar year 1957 or thereafter.

SECTION 2. Section 128-18 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Sec. 128-18. Charitable etc. purposes. (a) There shall be exempt from real property taxes property actually and (except as otherwise specifically provided) exclusively used for non-profit purposes designated in subsection (b) or (c), and meeting the requirements therein set forth. If an exemption is claimed under one of these subsections ((b) or (c)), an exemption for the same property may not also be claimed under the other of these subsections. In order for an exemption to be obtained under either subsection there must be filed, on or before January 31 of the year for which the exemption is claimed, a return of the property setting forth the claim for exemption, in the form prescribed and containing the information required by the tax commissioner, accompanied by a filing fee of $5.

(b) The provisions of this subsection apply to property owned in fee simple, or leased for a period of one year or more, by the person using the property for the exempt purposes, hereinafter referred to as the person claiming the exemption; if leased the lease shall be in force and recorded in the bureau of conveyances.

The non-profit purposes for which exemption is allowed by this subsection are as follows:

(1) Private schools, including kindergartens, grade schools, junior high schools and high schools, which carry on a program of instruction meeting the requirements of the compulsory school attendance law, section 40-9, or which are for pre-school children who have attained or will attain the age of five years on or before December 31 of the school year, and junior colleges or colleges carrying on a general program of instruction of college level. The person claiming the exemption shall present with the claim a certificate issued by or under the authority of the department of public instruction that the requirements of the foregoing sentence have been met. The property exempt from taxation under this paragraph is limited to fifty acres used for buildings for educational purposes (including dormitories), for housing on the campus grounds of personnel employed at the school or college, for campus and athletic grounds, and for vocational purposes incident to the school or college.

(2) Hospitals, including housing of personnel employed at the hospital; in order to qualify under this paragraph the person claiming the exemption shall present with the claim a certificate issued by or under the authority of the board of health that the property for which the exemption is claimed is an essential part of the hospital facilities in the Territory.

(3) Churches, including incidental activities, parsonages and church grounds, the property exempt from taxation being limited to twenty acres, exclusive of

burying grounds (exemption for which may be claimed under paragraph (4)), and exclusive of any parsonage located at another site, for which an additional exemption not exceeding three acres shall be allowed.

(4) Cemeteries, including property used for cremation purposes, maintained by a religious society, or by a corporation, association or trust organized for the purpose, the property exempt from taxation being limited to twenty acres.

(c) The provisions of this subsection apply to property owned in fee simple by a corporation, association or trust having a charter or other enabling act or governing instrument which contains a provision, or has been construed by a court of competent jurisdiction as providing, that in the event of dissolution or termination of the corporation, society, association or trust, or other cessation of use of the property for the exempt purpose, the real property shall be applied for another charitable purpose or shall be dedicated to the public. Exemption is allowed by this subsection for property, not exceeding twenty-five acres in area, used for charitable purposes which are of a community, character building, social service or educational nature, including museums, libraries and art academies, provided that in order for property to be exempt from taxation under this subsection not more than seventy-five per cent of the income devoted to the exempt purposes may be derived from charges made to the public or to those accomodated or served.

(d) Whenever by this section it is provided that the property exempt from taxation shall not exceed a specified acreage, the person claiming the exemption, at the time of filing the claim, may select the area to be exempted if the total acreage is in excess of the amount allowed.

(e) If any portion of the property which might otherwise be exempted under this section is used for commercial or other purposes not within the conditions necessary for exemption (including any use the primary purpose of which is to produce income even though such income is to be used for or in furtherance of the exempt purposes) that portion of the premises shall not be exempt but the remaining portion of the premises shall not be deprived of the exemption if the remaining portion is used exclusively for purposes within the conditions necessary for exemption. Apportionment shall be made hereunder of both land and improvements. However, the foregoing provisions shall not be so applied as to apportion between exempt and non-exempt status any building, including the land thereunder, if more than fifty per cent of the total floor area of the building (i.e. the floor area of all floors) is used for commercial or other

purposes not within the conditions necessary for exemption; in such a case the exemption shall be lost as to the entire building and the land thereunder but not necessarily lost as to the entire premises.

(f) The term 'for non-profit purposes', as used in this section requires that no monetary gain or economic benefit inure to the person claiming the exemption, or any private shareholder, member or trust beneficiary. 'Monetary gain' includes without limitation any gain in the form of money or money's worth. 'Economic benefit' includes without limitation any benefit to a person in the course of his business, trade, occupation or employment."

SECTION 3. This Act, upon its approval, shall take effect as of January 1, 1958. Section 1 shall apply in respect of natural disasters occurring in the calendar year 1957 or thereafter.

INTRODUCED BY:

Date: _____

Honolulu, Hawaii

STANDING COMMITTEE REPORT NO. 410

Honolulu, Hawaii
April 22, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 704

Sir:

Your Committee on Ways and Means, to which was referred Senate Bill No. 704, entitled:

"AN ACT RELATING TO BUDGETARY CONTROL AND ABOLITION OF SPECIAL FUNDS."

begs leave to report as follows:

The purpose of this bill is to place all special funds under legislative and executive budgetary control in the same manner as the general fund, with the exception of those funds subject to applicable federal laws or regulations and payments of principal and interest on revenue bonds.

The basic interest of your Committee in recommending this bill is that there should be a better executive and legislative control and review of the use of various special funds so that all public monies can be used in proper balance in meeting the total need of the Territory.

Recognizing that changes of this magnitude can be done best after careful study, this bill provides for a study of all special and miscellaneous fund by the Bureau of the Budget for reporting to the Thirtieth Legislature. In the meantime, this bill provides for certain executive controls to be exercised over the special fund in similar manner as those exercised over the general fund.

In the same respect, your Committee considered Senate Bill No. 798 and has incorporated its intent in section 6 of this bill. This section requires the Hawaii Housing Authority

to reimburse the general fund a total of $3,500,000 reappropriated by Act 338, Session Laws of Hawaii 1949. The intent is not to stymie needed construction of low rental housing. Your Committee is aware that the Hawaii Housing Authority has powers to float bonds to derive the necessary funds to construct additional housing. The bill as originally referred has been redrafted in order to carry out the purpose noted above, together with minor amendments to further clarify the intent.

As amended, your Committee on Ways and Means is in accord with the bill, and recommends that Senate Bill No. 704, in the amended form attached hereto and made a part of this report, pass first reading and thereafter take its place in the order of business for further consideration.

Respectfully submitted,

KAZUHIGA ABE, Chairman

S. B. NO. 704
SD 1

AN ACT

RELATING TO BUDGETARY CONTROL AND ABOLITION OF SPECIAL FUNDS.

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

SECTION 1. The purpose of this Act is to place all special funds under legislative and executive budgetary control in the same manner as the general fund, with the exception of those funds subject to applicable federal laws or regulations and payments on principal and interest on revenue bonds.

SECTION 2. All special funds maintained by all departments, commissions, boards, agencies,and establishments of the Territory shall be governed by the provisions of Chapter 35, Revised Laws of Hawaii 1955, provided, however, that departments and establishments shall not be authorized to make expenditures out of each special fund in excess of the monies available in the special fund.

SECTION 3. For the biennium 1957-1959, in the absence of legislative appropriations for the special funds, departments and establishments shall be authorized to expend so much as is deemed necessary to carry out the purposes of each special fund, as approved by the governor, or the budget director if so delegated by the governor, provided, however, that such expenditures shall not exceed the monies available in the special fund. Controls on expenditure of funds involving quarterly allotments, transfers of funds, new positions and equipment purchases shall apply to the special fund expenditures in the same manner as general fund expenditures.

SECTION 4. The Bureau of the Budget shall conduct a study of all special funds, revolving funds, continuous appropriations, carry-over appropriations, and funds not covered into the treasury to determine the necessity of continuing such funds, and shall report such findings to the Thirtieth Legislature. The bureau shall prepare and submit to the Thirtieth Legislature proposed legislation for abolishing all such funds and converting all such funds to general appropriation financing except those funds it considers to be of public interest to finance by the present or other means.

SECTION 5. At any time during the biennium, notwithstanding other provisions of law to the contrary, departments may, with the approval of the governor or the budget director if so

delegated by the governor, transfer from the special funds to the general revenues of the Territory all monies determined to be in excess of biennial requirements for the special funds.

SECTION 6. Notwithstanding any territorial law to the contrary, the Hawaii Housing Authority shall reimburse the Territory $3,500,000 reappropriated by Act 338, Session Laws of Hawaii 1949, or whatever balance remains to be reimbursed to the Territory, from the net revenues of all of its housing projects and sums held by it as reserves for unexpended balances for housing project construction, which are presently deposited in special funds, subject, however, to federal laws or regulations.

SECTION 7. All territorial funds shall be deposited in the territorial treasury.

SECTION 8. All laws or parts of laws inconsistent with this Act are amended to conform to this Act.

SECTION 9. If any portion of this Act or the application thereof to any person or circumstances shall be unconstitutional or invalid, the remainder of this Act or the application of such portion to other persons or circumstances shall not be affected.

SECTION 10. There is hereby appropriated out of the general revenue of the Territory, not otherwise appropriated, the sum of $20,000 to the Bureau of the Budget to carry out the provisions of this Act.

SECTION 11. This Act shall take effect on July 1, 1957.

INTRODUCED BY:

KAZUHISA ABE
JOHN G. DUARTE
NELSON K. DOI
JOHN B. FERNANDES
TOM OKINO
MITSUYUKI KIDO
WILFRED C. TSUKIYAMA

April 1, 1957

STANDING COMMITTEE REPORT NO. 411

Honolulu, Hawaii
April 22, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 635

Sir:

Your Committee on Public Lands to which was referred Senate Bill No. 635, entitled

"AN ACT AMENDING SECTIONS 1021.03, 1021.05 AND 1021.06 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO FIRE PROTECTION FOR FOREST, PASTURE AND BRUSH LANDS AND TO PROTECT SUCH LANDS AGAINST WASTAGE BY FIRE,"

begs leave to report as follows:

The purpose of this bill is to provide fire protection to public shooting grounds as well as to forest reserve lands. Your Committee feels that public shooting grounds should be treated the same as forest reserve lands in the matter of fire protection.

Your Committee therefore approves the purpose of this bill and recommends that it pass second reading in the amended form attached hereto and that it then take its place ~~in the order of~~ business for further consideration.

Respectfully submitted,

SAKAE TAKAHASHI, Chairman

AATF:

S. B. NO. 635
S. D. 1

AN ACT

RELATING TO FIRE PROTECTION FOR FOREST, PASTURE AND BRUSH LANDS.

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

SECTION 1. Section 19-51 of the Revised Laws of Hawaii 1955 is hereby amended by inserting after the words "forest reserve" found in line 4 of said section the words "and public shooting grounds".

SECTION 2. Section 19-53 of the Revised Laws of Hawaii 1955 is hereby amended by inserting after the words "forest reserve" found in line 23 of the second paragraph of said section the words "and public shooting grounds".

SECTION 3. Section 19-54 of the Revised Laws of Hawaii 1955 is hereby amended as follows:

(1) By inserting after the word "more" and before the period found in line 10 of the second paragraph the words "or as a public shooting ground for a period of five years or more".

(2) By inserting after the word "longer" and before the period found in line 6 of the third paragraph the words "or as a public shooting ground for a period of five years or more".

(3) By inserting after the words "forest reserve" wherever found in the second sentence of the third paragraph of said section 19-54, the words "or public shooting ground".

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

SAKAE TAKAHASHI
JOHN B. FERNANDES
MITSUYUKI KIDO

STANDING COMMITTEE REPORT NO. 412

Honolulu, Hawaii
April 22, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Joint Resolution No. 69

Sir:

Your Committee on Public Lands to which was referred Senate Joint Resolution No. 69, entitled

"JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION TO AUTHORIZE THE COMMISSIONER OF PUBLIC LANDS OF HAWAII TO GRANT A PERMIT TO CERTAIN LANDS TO MARGARET R. MOREIRA,"

begs leave to report as follows:

The purpose of this joint resolution is fully explained in its title. Your Committee approves the purposes of the resolution in view of the extenuating assistance involved herein and accordingly recommends that this resolution pass second reading and that it then take its place in the order of business for further consideration.

Respectfully submitted,

SAKAE TAKAHASHI, Chairman

n/a

AATF:

STANDING COMMITTEE REPORT NO. 413

Honolulu, Hawaii
April 22, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 678

Sir:

Your Committee on Public Lands to which was referred Senate Bill No. 678, entitled

"AN ACT PROVIDING FOR THE ACQUISITION OF LAND, CONSTRUCTION OF RESERVOIRS, INSTALLATION OF WATER MAINS AND APPURTENANCES AND FOR THE PAVING AND IMPROVEMENT OF ROADS FOR THE HAWAIIAN HOMESTEAD AREA AT NANAKULI, OAHU,"

begs leave to report as follows:

The purpose of this measure is to improve the Hawaiian homestead areas in Nanakuli, Oahu, by the acquisition of land, the construction of reservoirs and the installation of water mains in said district.

Under this bill the sum of $117,333 is appropriated from the general revenues of the Territory for the Hawaiian Homes Commission's share of the improvement cost. The city and county of Honolulu is authorized and directed to appropriate a like amount for the same purpose.

Your Committee feels that the improvements in question are badly needed and approves the purpose of this bill. However, in view of the appropriations involved, your Committee recommends that it pass second reading and that it then be referred to your Senate Committee on Ways and Means for further consideration.

Respectfully submitted,

SAKAE TAKAHASHI, Chairman

AATF:

STAND. COM. REP. NO. 414

Honolulu, Hawaii

April 22, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Joint Resolution No. 44

Sir:

Your Committee on Public Lands to which was referred Senate Joint Resolution No. 44, entitled

"JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES OF AMERICA TO AMEND THE HAWAIIAN ORGANIC ACT TO PERMIT THE LEGISLATURE OF THE TERRITORY OF HAWAII TO ENACT LEGISLATION RELATING TO PUBLIC LANDS,"

begs leave to report as follows:

The purpose of this joint resolution is to permit the legislature of the territory to enact legislation governing public lands through an amendment of the Hawaiian Organic Act. The amendment gives to the territorial legislature the power to enact legislation relating to public lands matters, such power however being subject to the proviso that the legislation shall not be inconsistent with the rest of the provisions of the Hawaiian Organic Act.

Your Committee approves the purpose of this resolution and recommends that it pass second reading and that it then take its place in the order of business for further consideration.

n/a

Respectfully submitted,

Chairman

CORRECTION

THE PRECEDING DOCUMENT(S) HAS
BEEN REPHOTOGRAPHED TO ASSURE
LEGIBILITY
SEE FRAME(S)
IMMEDIATELY FOLLOWING

STANDING COMMITTEE REPORT NO. 412

Honolulu, Hawaii
April 22, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Joint Resolution No. 69

Sir:

Your Committee on Public Lands to which was referred Senate Joint Resolution No. 69, entitled

"JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION TO AUTHORIZE THE COMMISSIONER OF PUBLIC LANDS OF HAWAII TO GRANT A PERMIT TO CERTAIN LANDS TO MARGARET R. MOREIRA,"

begs leave to report as follows:

The purpose of this joint resolution is fully explained in its title. Your Committee approves the purposes of the resolution in view of the extenuating assistance involved herein and accordingly recommends that this resolution pass second reading and that it then take its place in the order of business for further consideration.

Respectfully submitted,

SAKAE TAKAHASHI, Chairman

AATF:

STANDING COMMITTEE REPORT NO. 413

Honolulu, Hawaii
April 22, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 678

Sir:

Your Committee on Public Lands to which was referred Senate Bill No. 678, entitled

"AN ACT PROVIDING FOR THE ACQUISITION OF LAND, CONSTRUCTION OF RESERVOIRS, INSTALLATION OF WATER MAINS AND APPURTENANCES AND FOR THE PAVING AND IMPROVEMENT OF ROADS FOR THE HAWAIIAN HOMESTEAD AREA AT NANAKULI, OAHU,"

begs leave to report as follows:

The purpose of this measure is to improve the Hawaiian homestead areas in Nanakuli, Oahu, by the acquisition of land, the construction of reservoirs and the installation of water mains in said district.

Under this bill the sum of $117,333 is appropriated from the general revenues of the Territory for the Hawaiian Homes Commission's share of the improvement cost. The city and county of Honolulu is authorized and directed to appropriate a like amount for the same purpose.

Your Committee feels that the improvements in question are badly needed and approves the purpose of this bill. However, in view of the appropriations involved, your Committee recommends that it pass second reading and that it then be referred to your Senate Committee on Ways and Means for further consideration.

Respectfully submitted,

SAKAE TAKAHASHI, Chairman

AATF:

STAND. COM. REP. NO. 414

Honolulu, Hawaii

April 22, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Joint Resolution No. 44

Sir:

Your Committee on Public Lands to which was referred Senate Joint Resolution No. 44, entitled

"JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES OF AMERICA TO AMEND THE HAWAIIAN ORGANIC ACT TO PERMIT THE LEGISLATURE OF THE TERRITORY OF HAWAII TO ENACT LEGISLATION RELATING TO PUBLIC LANDS,"

begs leave to report as follows:

The purpose of this joint resolution is to permit the legislature of the territory to enact legislation governing public lands through an amendment of the Hawaiian Organic Act. The amendment gives to the territorial legislature the power to enact legislation relating to public lands matters, such power however being subject to the proviso that the legislation shall not be inconsistent with the rest of the provisions of the Hawaiian Organic Act.

Your Committee approves the purpose of this resolution and recommends that it pass second reading and that it then take its place in the order of business for further consideration.

n/a

Respectfully submitted,

Chairman

STAND. COM. REP. NO. 415

Honolulu, Hawaii

April 22, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Joint Resolution No. 64

Sir:

Your Committee on Public Lands to which was referred Senate Joint Resolution No. 64, entitled

"JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO AMEND THE ORGANIC ACT TO REQUIRE THE COMMISSIONER OF PUBLIC LANDS OF THE TERRITORY OF HAWAII TO COMPLY WITH THE SUBDIVISION RULES AND REGULATIONS OF THE CITY AND COUNTY OF HONOLULU IN SUBDIVISION OF PUBLIC LANDS FOR SALE TO THE PUBLIC",

begs leave to report as follows:

The purpose of this joint resolution is to request the Congress of the United States to amend the Organic Act to require the Territory to comply with the rules and regulations of the various counties regarding subdivision ordinances. Under existing laws there has been some question as to whether or not the Territory has to comply with such rules and regulations. Although there is, at present, a working arrangement between the commissioner of public lands and the city and county of Honolulu, your Committee feels that this joint resolution, as amended, is needed to clarify whatever misunderstanding or confusion there may be regarding this matter.

Pursuant to said amendment of the Hawaiian Organic Act requiring the Territory of Hawaii to comply with the rules and regulations of the various counties governing subdivisions, your Committee has incorporated in this resolution amendments to section 149-187 of the Revised Laws of Hawaii 1955, said section relating to the force and effect to be given to the rules and regulations governing subdivision of land of the city planning commission of the city and county of Honolulu.

Your Committee approves the purpose of this resolution, as amended, and recommends that it pass second reading in the amended form attached hereto, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Chairman

S. J. R. NO. 64
S. D. 1

JOINT RESOLUTION

RELATING TO LEGISLATION AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND.

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

SECTION 1. (a) Section 149-187 of the Revised Laws of Hawaii 1955 is amended to read as follows:

"All such rules and regulations when promulgated as provided by sections 7-29 and 7-32 shall have the force and effect of law and shall be applicable to any subdivision of land by the Territory, unless specifically excepted in such rules and regulations. Such rules and regulations may be altered, amended or repealed in like manner as the same were adopted."

(b) This section shall take effect upon the approval by the Congress of the United States of the amendment made by this section. The Congress of the United States is hereby respectfully requested to approve the amendment.

SECTION 2. The Congress of the United States is hereby respectfully requested to enact a bill substantially as follows:

"A BILL

"AMENDING THE HAWAIIAN ORGANIC ACT AND APPROVING AMENDMENTS OF THE SUBDIVISION OF LAND LAWS.

"Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That section 73 of the Hawaiian Organic Act is hereby amended as follows:

"SECTION 1. Amend said Section 73 by adding thereto a new subsection '(r)', immediately following subsection '(q)', to read as follows:

SEC.

'Section 73(r). In every subdivision of public lands for sale, lease or other disposition to the public, the Commissioner shall comply with all the requirements of statutes, ordinances, or rules and regulations of the Territory or any political subdivision thereof, relating to the subdivision of land.'

"SECTION 2. The amendment of Section 149-187 of the Revised Laws of Hawaii 1955 made by the 29th legislature is hereby approved.

"SECTION 3. This act shall take effect upon its approval."

SECTION 3. Certified copies of this resolution, upon its adoption, shall be forwarded to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States of America, to the Secretary of the Interior and to the Delegate to Congress from Hawaii.

SECTION 4. This Joint Resolution shall take effect upon its approval.

INTRODUCED BY:

/s/ Sakae Takahashi

Wilfred C. Tsukiyama

W. H. Heen

Mitsuyuki Kido

Herbert K. H. Lee

STAND. COM. REP. NO. 446

Honolulu, Hawaii

April 22, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Bill No. 808

Sir:

Your Committee on Public Lands to which was referred Senate Bill No. 808, entitled

"AN ACT MAKING APPROPRIATIONS FOR STUDIES OF MINERAL DEPOSITS IN THE TERRITORY, MINING PROCESSES, LAND RECLAMATION AND OTHER MATTERS RELATING TO THE DEVELOPMENT, CONSERVATION AND USE OF MINERAL RESOURCES IN THE TERRITORY",

begs leave to report as follows:

The purpose of this measure is to appropriate from the general revenues of the Territory the sum of $50,000 to be used by the University of Hawaii for the study, investigation, research and report on the problems relating to mining in the Territory.

Your Committee approves the purpose of this bill but recommends the following amendment thereto:

(1) Amend section 2 of the bill to read as follows:

"SECTION 2. There is hereby appropriated from the general revenues of the Territory not otherwise appropriated the sum of $50,000 to be expended by the commissioner of public lands of the Territory for study and investigation of the mineral resources in the Territory, particularly bauxite deposits, the location, quantity, quality, value and other characteristics of mineral resources, mining processes, problems of developing publicly owned deposits, and such other matters as may be related to the development, conservation and use of mineral resources in the Territory."

As so amended, your Committee recommends that Senate Bill No. 808 pass second reading and that it then be referred to the Committee on Ways and Means for further consideration.

Respectfully submitted,

Chairman

CORRECTION

THE PRECEDING DOCUMENT(S) HAS
BEEN REPHOTOGRAPHED TO ASSURE
LEGIBILITY
SEE FRAME(S)
IMMEDIATELY FOLLOWING

"SECTION 2. The amendment of Section 149-187 of the Revised Laws of Hawaii 1955 made by the 29th legislature is hereby approved.

"SECTION 3. This act shall take effect upon its approval."

SECTION 3. Certified copies of this resolution, upon its adoption, shall be forwarded to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States of America, to the Secretary of the Interior and to the Delegate to Congress from Hawaii.

SECTION 4. This Joint Resolution shall take effect upon its approval.

INTRODUCED BY:

/s/ Sakae Takahashi

Wilfred C. Tsukiyama

W. H. Heen

Mitsuyuki Kido

Herbert K. H. Lee

STAND. COM. REP. NO. 446

Honolulu, Hawaii

April 22, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Bill No. 808

Sir:

Your Committee on Public Lands to which was referred Senate Bill No. 808, entitled

"AN ACT MAKING APPROPRIATIONS FOR STUDIES OF MINERAL DEPOSITS IN THE TERRITORY, MINING PROCESSES, LAND RECLAMATION AND OTHER MATTERS RELATING TO THE DEVELOPMENT, CONSERVATION AND USE OF MINERAL RESOURCES IN THE TERRITORY",

begs leave to report as follows:

The purpose of this measure is to appropriate from the general revenues of the Territory the sum of $50,000 to be used by the University of Hawaii for the study, investigation, research and report on the problems relating to mining in the Territory.

Your Committee approves the purpose of this bill but recommends the following amendment thereto:

(1) Amend section 2 of the bill to read as follows:

"SECTION 2. There is hereby appropriated from the general revenues of the Territory not otherwise appropriated the sum of $50,000 to be expended by the commissioner of public lands of the Territory for study and investigation of the mineral resources in the Territory, particularly bauxite deposits, the location, quantity, quality, value and other characteristics of mineral resources, mining processes, problems of developing publicly owned deposits, and such other matters as may be related to the development, conservation and use of mineral resources in the Territory."

As so amended, your Committee recommends that Senate Bill No. 808 pass second reading and that it then be referred to the Committee on Ways and Means for further consideration.

Respectfully submitted,

Chairman

STAND. COM. REP. NO. 47

Honolulu, Hawaii

April 22, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Joint Resolution No. 62

House Joint Resolution No. 3

Sir:

Your Committee on Public Lands to which were referred Senate Joint Resolution No. 62 entitled, "JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION GIVING THE UNIVERSITY OF HAWAII TITLE TO ITS LANDS", and House Joint Resolution No. 3 entitled, "JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION GIVING THE UNIVERSITY OF HAWAII TITLE TO ITS LANDS", begs leave to report as follows:

The purpose of these resolutions is to request Congress to enact legislation giving the University of Hawaii title to its lands, which is now vested in the Territory of Hawaii.

Section 44-3 of the Revised Laws of Hawaii 1955, grants to the university the power to purchase or otherwise acquire lands. However such lands become the property of the territory. This has caused much difficulties in the past such as in the case of a donor who desired to give to the university a tract of land to be used as an Arboretum with the requirement that the title be vested in the university and not in the territory. In order to meet this requirement it was necessary to set up the regents of the university as trustees in whom the title to the land is vested. Had title to the university lands been vested in the board of regents, this transaction would have been greatly simplified. In another instance, a bequest was made to the university including real estate. Under the present law title to real property would have passed to the territory and thus this property was sold and the proceeds invested by the executor of the estate before title passed to the university. Another instance occurred where due to the lack of a clear title, the university has occasioned some difficulty in negotiating loans with the federal government

for self-liquidating projects, such as student and faculty housing. It was brought out at the hearings that the vesting of title in the university would have simplified all these problems.

The committee approves the purpose of these resolutions but inasmuch as these resolutions are similar in nature, your Committee recommends that Senate Joint Resolution No. 62 be filed and that House Joint Resolution No. 3 pass second reading and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Chairman

adopted

STAND. COM. REP. NO. 418

Honolulu, Hawaii

April 22, 1957

Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Resolution No. 33

Sir:

Your Committee on Public Lands to which was referred Senate Resolution No. 33 begs leave to report as follows:

The purpose of this resolution is to permit Margaret R. Moreira to continue to remain on the land she now occupies under General Lease No. 2758 after the date of termination, August 5, 1958.

Although the said Margaret R. Moreira does not meet the qualifications to acquire such land as a Hawaiian home lands lessee, she has invested heavily in the improvement of the property. As this is her only home and she is now an elderly widow of ill health, your Committee accordingly approves the purpose of this resolution but feels that a concurrent resolution would be more appropriate. Your Committee accordingly recommends that this resolution be filed and further recommends that the concurrent resolution attached hereto be adopted in lieu thereof.

Respectfully submitted,

Chairman

adopted

STAND. COM. REP. NO. 419

Honolulu, Hawaii

April 22, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Bill No. 265 and
House Concurrent Resolution No. 55

Sir:

Your Committee on Public Lands to which were referred Senate Bill No. 265 entitled, "AN ACT GRANTING TO THE HAWAII CHAPTER OF THE NATIONAL SOCIETY FOR CRIPPLED CHILDREN AND ADULTS, INC., CERTAIN RIGHTS IN PUBLIC LANDS", and House Concurrent Resolution No. 55, begs leave to report as follows:

The purpose of Senate Bill No. 265 is to aid the Hawaii Chapter of the National Society for Crippled Children and Adults, Inc., by giving said Chapter the right to occupy and improve a certain portion of government lands now being used by them in the rehabilitation of crippled children and adults.

The Committee approves the purpose of this bill; however, it was felt that a concurrent resolution requesting the governor to set aside the land in question by executive order for the said Hawaii Chapter would be more appropriate. Your Committee therefore recommends that Senate Bill No. 265 be filed and that House Concurrent Resolution No. 55 be adopted.

Respectfully submitted,

Chairman

STAND. COM. REP. NO. 420
Honolulu, Hawaii
April 22, 1957

adopted

Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: House Concurrent Resolution No. 7
Senate Concurrent Resolution No. 7

Sir:

Your Committee on Public Lands to which were referred House Concurrent Resolution No. 7 entitled, "CONCURRENT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO TRANSFER TO THE TERRITORY OF HAWAII THE REMAINING PUBLIC LANDS AND THE AUTHORITY TO LEGISLATE IN RESPECT THERETO, AS SET FORTH IN JOINT RESOLUTION 4 OF THE SESSION LAWS OF HAWAII 1955" and Senate Concurrent Resolution No. 7 entitled, CONCURRENT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO TRANSFER TO THE TERRITORY OF HAWAII THE REMAINING PUBLIC LANDS AND THE AUTHORITY TO LEGISLATE IN RESPECT THERETO, AS SET FORTH IN JOINT RESOLUTION 4 OF THE SESSION LAWS OF HAWAII 1955", begs leave to report as follows:

The purpose of these concurrent resolutions is to request Congress, as a reminder, to enact Joint Resolution 4 of the Session Laws of Hawaii 1955 into law.

Joint Resolution 4 of the 1955 session of the Legislature requested the Congress to transfer to the Territory the title to the remaining public lands and other public properties in Hawaii and also to enact new provisions regarding the authority of the Legislature in respect to such properties and other lands. Since the passage of Joint Resolution 4 of the 1955 session of the Legislature, the United States Congress has failed to enact that Resolution into law.

Inasmuch as it is the desire of the people of Hawaii to have Joint Resolution 4 enacted into law, your Committee approves the purpose of these resolutions. However, as House Concurrent Resolution No. 7 is identical to Senate Concurrent Resolution No. 7, your Committee recommends that House Concurrent Resolution No. 7 be adopted and that Senate Concurrent Resolution No. 7 be filed.

Respectfully submitted,

Chairman

adopted

STANDING COMMITTEE REPORT NO. 421

Honolulu, Hawaii
April 22, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Concurrent Resolution No. 26

Sir:

Your Committee on Public Lands to which was referred Senate Concurrent Resolution No. 26 begs leave to report as follows:

The purpose of this concurrent resolution is to request the Secretary of the Interior to conduct a study of the development of Hawaiian Homes Commission lands. Your Committee is informed that at the present time much of the Hawaiian Homes Commission lands are not being fully utilized because of the lack of needed information and economic aid which may be available from the department of the interior.

Your Committee approves the purpose of this resolution and accordingly recommends its adoption.

Respectfully submitted,

SAKAE TAKAHASHI, Chairman

John L Duarte

John B. Fernandez

Wilfred Tsukiyama

Kazuhisa Abe

AATF:

adopted

STANDING COMMITTEE REPORT NO. 422

Honolulu, Hawaii
April 22, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Joint Resolution No. 27, S. D. 1

Sir:

Your Committee on Public Lands to which was referred Senate Joint Resolution No. 27, entitled

"JOINT RESOLUTION REQUESTING AND DIRECTING THE COMMISSIONER OF PUBLIC LANDS TO ACQUIRE BY PURCHASE, CONDEMNATION OR OTHERWISE, CERTAIN PARCELS OF LAND IN THE DISTRICTS OF PUNA AND KAU, COUNTY OF HAWAII, FOR THE USE OF THE UNITED STATES AS PART OF THE HAWAII NATIONAL PARK, AND MAKING AN APPROPRIATION THEREFOR,"

begs leave to report as follows:

The purpose of this joint resolution is fully explained in its title. Your Committee approves the purpose of this resolution and recommends that it be referred to your Senate Committee on Ways and Means in view of the appropriation involved therein.

Respectfully submitted,

SAKAE TAKAHASHI, Chairman

AATF:

S. J. RES. NO. 27
S. D. 1

JOINT RESOLUTION

REQUESTING AND DIRECTING THE COMMISSIONER OF PUBLIC LANDS TO ACQUIRE BY PURCHASE, CONDEMNATION OR OTHERWISE, CERTAIN PARCELS OF LAND IN THE DISTRICTS OF PUNA AND KAU, COUNTY OF HAWAII, FOR THE USE OF THE UNITED STATES AS PART OF THE HAWAII NATIONAL PARK, AND MAKING AN APPROPRIATION THEREFOR.

WHEREAS the 75th Congress of the United States enacted Public Law No. 680 (52 Stat. 781), approved June 20, 1938, which provides that when title to certain enumerated lands in the districts of Puna and Kau, county of Hawaii is vested in the United States, such lands shall be added to and made a part of the Hawaii National Park; and

WHEREAS the commissioner of public lands instituted a condemnation proceeding on July 21, 1949 (Territory of Hawaii v. W. Tin Yan, et al., L. No. 2625, Third Circuit Court), to acquire said lands for the purpose of conveying and vesting title in the United States, and adding to the Hawaii National Park; and

WHEREAS on January 26, 1951, Acting Governor Oren E. Long set aside to the United States the possession, use and control of the lands subject to condemnation, by Governor's Executive Order No. 1416; and

WHEREAS the Senate of the Twenty-seventh Legislature adopted a resolution (S.R. No. 56) requesting the governor to appoint a board of appraisers to make a new appraisal of the value of the lands subject to condemnation, which appraisal was completed on January 19, 1955; and

WHEREAS said condemnation proceeding is still pending for lack of funds to pay any settlements or judgments; now, therefore,

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

SECTION 1. The commissioner of public lands is authorized and directed to complete the acquisition, by purchase, condemnation or otherwise of the lands subject to condemnation in Territory of Hawaii v. W. Tin Yan, et al., L. No. 2625, Third Circuit Court, or so much thereof as he may deem necessary and proper.

SECTION 2. The sum of $108,000 is hereby appropriated out of the general funds of the Territory, to be expended by the treasurer upon warrants issued by the auditor upon vouchers signed by the commissioner of public lands (total of the new appraisal of January 19, 1955, minus total of previous deposits) for the purpose of completing the acquisition of the lands subject to condemnation in Territory of Hawaii v. W. Tin Yan, et al., L. No. 2625, Third Circuit Court.

SECTION 3. This Joint Resolution shall take effect upon its approval.

INTRODUCED BY:

N. MIYAKE

WM. H. HILL

WILFRED C. TSUKIYAMA

Date: April 17, 1957

Honolulu, Hawaii

adopted

STAND. COM. REP. NO. 423

Honolulu, Hawaii

April 22, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Concurrent Resolution No. 14

Sir:

Your Committee on Public Lands to which was referred Senate Concurrent Resolution No. 14 begs leave to report as follows:

The purpose of this resolution is to give badly needed relief to Mrs. Francis Horcajo and Mr. Louis Bush in the payment of certain obligations to the Hawaiian Homes Commission.

Your Committee approves the purpose of this resolution in view of the hardship and extenuating circumstances involved herein and accordingly recommends that this resolution be adopted in the amended form attached hereto.

Respectfully submitted,

Chairman

S. C. R. NO. 14
S. D. 1

CONCURRENT RESOLUTION

BE IT RESOLVED by the Senate of the Twenty-Ninth Legislature of the Territory of Hawaii, the House of Representatives concurring, that the Hawaiian Homes Commission be and is hereby requested to reconsider its present agreement with Mrs. Francis Horcajo and Mr. Louis Bush, under which such persons have thirty days within which they must pay certain obligations owed to the Commission, and to extend such period from thirty days to one year to give such persons ample time to raise funds to pay their obligations to the Commission; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the chairman of the Hawaiian Homes Commission for appropriate action.

OFFERED BY:

NOBORU MIYAKE

STAND. COM. REP. NO. 424

Honolulu, Hawaii

April 22, 1957

adopted

Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Joint Resolution No. 57

Sir:

Your Committee on Public Lands to which was referred Senate Joint Resolution No. 57 entitled, "JOINT RESOLUTION DIRECTING THE HAWAIIAN HOMES COMMISSION TO GRANT LICENSE OF LAND IN MOLOKAI TO MOLOKAI HOMESTEADERS COOPERATIVE ASSOCIATION FOR ESTABLISHMENT OF STORES, CANNERY AND OTHER PURPOSES", begs leave to report as follows:

The purpose of this joint resolution is to permit the Molokai Homesteaders Cooperative Association to obtain a license for the longest term possible under the law for the establishment of a pineapple cannery, etc., in Kalamaula or Palaau, Molokai, to promote the farming and marketing business, principally in pineapple production and other activities pertinent thereto.

Your Committee approves the purpose of this resolution but feels that a concurrent resolution would be more appropriate. Your Committee accordingly recommends that Senate Joint Resolution No. 57 be filed and further recommends that the concurrent resolution attached hereto be adopted in lieu thereof.

Respectfully submitted,

Chairman

STAND. COM. REP. NO. 425

Honolulu, Hawaii

April 23, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 96

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 96, entitled:

"AN ACT REQUIRING A LOYALTY OATH OF PERSONS REPRESENTING PUBLIC OFFICERS AND EMPLOYEES",

begs leave to report as follows:

This Bill proposes to define the qualifications of persons desiring to represent organizations of public officers and/or public employees before any Territorial or county department, board, commission or agency. To qualify as representatives, such persons will be required to take and subscribe to the loyalty oath and execute and subscribe to the personal history statement prescribed in chapter 5, Revised Laws of Hawaii 1955. Such oath and statement will be filed with civil service commission of the Territory. Further, any representative who is the subject of an unfavorable order of the Territorial Loyalty Board will not be permitted to appear for or speak on behalf of or otherwise represent such organizations before any governmental body.

Your Committee is in accord with the purpose of this Bill, and recommends that it pass first reading by title in the amended form attached hereto, that it be printed, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

I do not concur

S. B. NO. 96
S. D. 1

AN ACT

REQUIRING A LOYALTY OATH AND A PERSONAL HISTORY STATEMENT OF PERSONS REPRESENTING PUBLIC OFFICERS AND PUBLIC EMPLOYEES, AND MAKING CERTAIN PROVISIONS OF CHAPTER 5, REVISED LAWS OF HAWAII 1955, APPLICABLE TO SUCH PERSONS.

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

SECTION 1. An officer or employee of any organization of public officers or public employees or both public officers and employees who desires to appear for or speak on behalf of or otherwise represent such organization before any Territorial or county department, board, commission or other government body or agency shall comply with the provisions of this Act. Such officer or employee is herein called "representative".

SECTION 2. Every such representative shall be subject to the provisions of part IV and part V of Chapter 5, Revised Laws of Hawaii 1955, except as herein otherwise specifically provided. For the purposes of said part IV, each such representative shall be deemed to be a "public employee" and a "registrant".

SECTION 3. Every such representative shall take and subscribe, upon oath or affirmation, the form of loyalty oath prescribed in said part V, and shall execute and subscribe, upon oath or affirmation, the form of personal history statement prescribed by the Territorial loyalty board pursuant to the provisions of said part IV. He shall file the oath and personal history statement with the civil service commission of the Territory, which shall, upon his written request, issue to him a card or letter certifying his compliance with the provisions of this Act. Any representative who is a public officer or public employee and has already complied with the provisions of said parts IV and V shall be deemed to have complied with the provisions of this Act. Upon his written request, the civil service commission, upon ascertaining that his loyalty oath and personal history statement are on file with it, shall issue to him a card or letter certifying his compliance with this Act.

SECTION 4. If any such representative shall be the subject of a loyalty hearing under the provisions of said part IV and the loyalty board shall find that there is a reasonable doubt of such representative's loyalty, certified copies of the board's order mentioned in Sec. 5-106 of said part IV shall be transmitted

by the board to such representative, his organization, the governor, the civil service commission of the Territory, the mayor of the city and county of Honolulu, and the chairmen of the boards of supervisors of the counties of Hawaii, Maui and Kauai.

SECTION 5. Any representative who fails or desires not to comply with the provisions of this Act, and any representative who shall be the subject of an unfavorable order of the loyalty board mentioned in said Sec. 5-106, shall not be permitted to appear for or speak on behalf of or otherwise represent an organization of public officers or public employees before any Territorial or county department, board, commission or other government body or agency.

SECTION 6. If any section, sentence, clause or phrase of this Act, or its application to any person or circumstance, is for any reason held to be unconstitutional or invalid, the remaining portions of this Act, and the application of this Act to other persons or circumstances, shall not be affected. The legislature hereby declares that it would have passed this Act and each section, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, sentences, clauses or phrases, or the application of the Act to any person or circumstance, be declared unconstitutional or invalid.

SECTION 7. This Act, except for Sections 4 and 5, shall take effect upon its approval. Sections 4 and 5 shall take effect on July 1, 1957.

INTRODUCED BY:

N. MIYAKE

Standing Committee Report No. 426

Honolulu, T. H.
April 9, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Honolulu, Hawaii

Re: Senate Bill No. 164

Sir:

Your Committee on Public Employment, to which was referred Senate Bill No. 164, entitled "AN ACT AMENDING CHAPTER 2 OF THE REVISED LAWS OF HAWAII, 1945, AS AMENDED BY ACT 274 SESSION LAWS OF HAWAII, 1955, RELATING TO PUBLIC OFFICERS AND EMPLOYEES AND CIVIL SERVICE," begs leave to report as follows:

This bill amends sections 77, 90 and 93 of Act 274 Session Laws of Hawaii 1955, which cover those positions in the Territorial and County governments which are exempt from civil service. The introductory paragraph of each section above referred to provide that the civil service provisions are applicable to all positions in such government service and "embraces all personal services performed for" the Territorial and County governments.

An opinion of the Attorney General has construed these sections of Act 274 S.L.H. 1955, as authorizing and requiring the directors to certify all contracts for "services" performed for the Territory or Counties including services of independent contractors.

The purpose of this bill is to correct the Attorney General's interpretation of Act 274 by deleting the phrase "embraces all personal services performed for the Territory (or County)" and limiting its application to positions in the government service - thereby excluding services rendered by independent contractors from the scope of the civil service law, and eliminating unnecessary "red tape" in having such contracts certified by the directors.

There are adequate provisions under existing laws to curb violations of the civil service procedures for filling positions in government service - services performed by independent contractors are not within the intent or purpose of civil service provisions.

Your Committee recommends passage of this bill.

Your Committee is in accord with the purpose of this bill and recommends that Senate Bill 164 pass first reading by title in the amended form attached hereto, that it be printed, and it then take its place in the order of business for further consideration.

Respectfully submitted,

CHAIRMAN

AATF

S. B. 164
S. D. 1

AN ACT

AMENDING CHAPTER 3 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO PUBLIC OFFICERS AND EMPLOYEES AND CIVIL SERVICE.

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

SECTION 1. Chapter 3 of the Revised Laws of Hawaii 1955 is hereby amended in the following respects:

(1) By amending the first paragraph of Section 3-20 thereof to read as follows:

"Sec. 3-20. Civil Service and exemptions. The civil service to which this part shall apply comprises all positions in the territorial service now existing or hereafter established, except the following:"

(2) By amending subparagraph (c) of Section 3-20 thereof to read as follows:

"(c) Positions of a temporary nature needed in the public interest where the need for the same does not exceed 3 months, where the director shall certify that the service is of a temporary nature and that recruitment through normal civil service procedures is not practicable, provided, that the employment of any person for such temporary service may be extended for good cause for an additional period not to exceed 3 months upon similar certification by the director, approved by the commission;"

(3) By deleting from said Section 3-20 the next to the last paragraph thereof.

(4) By amending the first paragraph of Section 3-51 thereof to read as follows:

"Sec. 3-51. Civil Service and Exemptions. The civil service to which this part shall apply comprises all positions in the city and county now existing or hereafter established, except the following:"

(5) By amending subparagraph (h) of Section 3-51 thereof to read as follows:

"(h) Positions of a temporary nature needed in the public interest where the need for the same does not exceed 3 months, where the director shall certify that the service is of a temporary nature and that recruitment through normal civil service procedures is not practicable; provided, that the employment of any person for such temporary service may be extended for good cause for an additional period not to exceed 3 months upon a similar certification by the director, approved by the commission;"

(6) By deleting from said Section 3-51 the next to the last paragraph thereof.

(7) By amending the first paragraph of Section 93 thereof to read as follows:

"Sec. 3-61. Civil service and exemptions. The civil service to which this part shall apply comprises all positions in the public service of each county, now existing or hereafter established, except the following:"

(8) By amending subparagraph (h) of Section 3-61 thereof to read as follows:

"(h) Positions of a temporary nature needed in the public interest where the need for the same does not exceed 3 months, where the director shall certify that the service is of a temporary nature and that recruitment through normal civil service procedures is not practicable; provided, that the employment of any person for such temporary service may be extended for good cause for an additional period not to exceed 3 months upon a similar certification by the director, approved by the commission;"

(9) By deleting from said Section 3-61 the next to the last paragraph thereof.

SECTION 2. This Act shall take effect upon its approval.

Standing Committee Report No. 427

Honolulu, Hawaii
April 10, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Honolulu, Hawaii

Re: Senate Bill No. 165

Sir:

Your Committee on Public Employment, to which was referred Senate Bill No. 165, entitled "AN ACT RELATING TO EMPLOYMENT OF PUBLIC EMPLOYEES," begs leave to report as follows:

This bill amends Section 3-20 (b), 3-51 (g) and 3-61 (g) of the Revised Laws of Hawaii 1955, covering positions which are exempt from civil service in the territorial and county governments.

Under existing law the departments may contract for personal service for any period not to exceed one year when such service is special or unique, essential to public interest and when such service cannot be readily hired through normal civil service recruitment procedures. However, before such service can be contracted for, it is necessary for the departments to secure the certification of the director and approval of the commission.

The purpose of this bill is to permit the departments of the government to employ persons by contract for a period not to exceed one year to render personal service when such "service" is "special or unique and temporary" without going to the director or commission for such certification and approval.

Your Committee is in accord with the purpose of this bill and recommends that it pass first reading by title, in an amended form hereto attached, that it be printed, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Tom Ekino

Lee Pupunte
CHAIRMAN

W H Hill

Salem Gahahashi

Mitsuyuki Kido

AATF

S. B. NO. 165
S. D. 1

AN ACT

RELATING TO THE EMPLOYMENT OF PUBLIC OFFICERS AND EMPLOYEES.

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

SECTION 1. Section 3-20 of the Revised Laws of Hawaii 1955 is hereby amended by amending paragraph (b) thereof to read as follows:

"(b) Positions filled by persons employed by contract to render a special or unique and temporary service for a period not to exceed one year where such contract is certified by the appointing authority to be for a service which, from its nature and all other circumstances surrounding its fulfillment, can in the public interest be performed better under contract than by an employee under civil service;"

SECTION 2. Section 3-51 of the Revised Laws of Hawaii 1955 is hereby amended by amending paragraph (g) thereof to read as follows:

"(g) Positions filled by persons employed by contract to render a special or unique and temporary service for a period not to exceed one year where such contract is certified by the appointing authority to be for a service which, from its nature and all other circumstances surrounding its fulfillment, can in the public interest be performed better under contract than by an employee under civil service;"

SECTION 3. Section 3-61 of the Revised Laws of Hawaii 1955 is hereby amended by amending paragraph (g) thereof to read as follows:

"(g) Positions filled by persons employed by contract to render a special or unique and temporary service for a period not to exceed one year where such contract is certified by the appointing authority to be for a service which, from its nature and all other circumstances surrounding its fulfillment, can in the public interest be performed better under contract than by an employee under civil service;"

SECTION 4. This Act shall take effect upon its approval.

Standing Committee Report No. 428

Honolulu, T. H.
April 8, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 166

Sir:

Your Committee on Public Employment, to which was referred Senate Bill No. 166 entitled, "AN ACT RELATING TO PAYROLLS OF PUBLIC OFFICERS AND EMPLOYEES," begs leave to report as follows:

The purpose of this bill is to restrict the certification of payrolls by the personnel directors or their authorized agents, to only those employees who are covered by civil service.

Under existing law, the personnel directors or their authorized agents must certify all payrolls for personal services before any disbursing or auditing officer can approve payment.

It is the opinion of the members of your Committee that where the Legislature exempts certain positions and sets the pay for those positions, then there is no need for a certification of those payrolls by the civil service directors.

Your Committee is in accord with the principle of this legislation and does, therefore, recommend that Senate Bill No. 166 pass First Reading by title in the amended form attached hereto, that it be printed, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Tom Okino

Lee Duponte
CHAIRMAN

Mitsuyuki Kido

W H Hill

Sakai Takahashi

S. B. NO. 166
S. D. 1

AN ACT

RELATING TO PAYROLLS OF PUBLIC OFFICERS AND EMPLOYEES.

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

SECTION 1. Section 3-29 of the Revised Laws of Hawaii 1955 is hereby amended by amending paragraph (a) thereof to read as follows:

"(a) No territorial or county disbursing or auditing officer shall make or approve or take any part in making or approving any payment for personal service to any person holding a position in the civil service unless payroll certification has been made by the director or his authorized agent that the person named therein has been appointed and employed in accordance with the provisions of this chapter and the rules, regulations, and orders thereunder. The director may for proper cause withhold payroll certification for any position or positions in the territorial or county civil service, as the case may be. Nothing contained in chapters 3 or 4 shall be construed to require payroll certification by the director or his agent for any position which is exempted from civil service."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

DATE: _____

Honolulu, Hawaii

atty gen. dept.

STAND. COM. REP. NO. 429

Honolulu, Hawaii

April ____ , 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 285

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 285, entitled:

"AN ACT TO AMEND SECTION 8-51 OF THE REVISED LAWS OF HAWAII 1955, BY ADDING A NEW SENTENCE AT THE END THEREOF, RELATING TO PAYMENT OF COMPENSATION OR DAMAGES FOR CONDEMNATION OF PUBLIC PROPERTY",

begs leave to report as follows:

The law now provides that any authorized officer or county may cause to be filed a special proceeding for the acquisition by the Territory or county of public property required for public uses which are under such officer's or county's jurisdiction and control. The purpose of this Bill is to require the payment of compensation or damages by the condemning authority for the condemnation of any public property.

Your Committee, being in accord with this purpose, recommends that the Bill pass first reading by title in the form as introduced and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

STAND. COM. REP. NO. 430

Honolulu, Hawaii

April _____ , 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 331

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 331, entitled:

"AN ACT TO AMEND CHAPTER 149 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO THE CITY PLANNING COMMISSION, CITY AND COUNTY OF HONOLULU",

begs leave to report as follows:

The purpose of this Bill is to enable the City Planning Commission, with the consent of the Board of Supervisors, to enter into agreements with the federal government and to receive funds or other assistance in connection with projects it plans or undertakes.

More particularly, this Bill will qualify the City Planning Commission as the local planning body making application for funds allocable for regional or urban planning under section 701 of the Housing Act of 1954.

Your Committee is in accord with the purpose of Senate Bill No. 331, and recommends that it pass first reading by title in the form as introduced and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

STAND. COM. REP. NO. 431

Honolulu, Hawaii
April , 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 580

Sir:

Your Committee on Ways and Means to which was referred S. B. No. 580, entitled: "AN ACT TO AMEND SECTION 117-38 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO LIENS ON PERSONAL PROPERTY", begs leave to report as follows:

An amended form of bill is attached hereto.

As contrasted with the bill as introduced which provided that an unpaid general excise tax shall be a lien limited with respect to the property to which it attaches to personal property used in the business or occupation upon which such tax has been imposed and that such lien shall have priority only as against interests arising after the recordation of the certificate provided by section 117-39, the amended form of bill provides that any tax, except a tax levied under a chapter which contains a specific provision for a lien for the tax levied under such chapter, constitutes a lien in favor of the Territory upon all property and rights to property, whether real or personal, which belong to the person liable for the tax, and that such lien has paramount priority against all persons, whether their interests arose before or after the arising of such lien, except as otherwise provided therein.

This bill as amended is not intended to protect a mortgagee, pledgee or purchaser to whom property, or an interest therein, has been conveyed as security for an antecedent or pre-existing debt or a person to whom a taxpayer's property, or any interest therein, has been conveyed for the basic purpose of satisfying in part or whole the claims of any number of such taxpayer's unsecured creditors. However, an exception is made as to certain judgment liens.

Under this amended form, an unpaid tax becomes a lien without recordation. Recordation only affects priority. As to real property, the lien imposed by subsection (b) does not have priority as against a mortgagee, as defined, or a purchaser whose interest arose before the filing by the tax commissioner of the certificate provided for by subsection (f); nor does the lien have priority against a purchaser of a motor vehicle who becomes

the registered owner at the time the tax lien and encumbrance record provided for by section 160-6 does not show the lien.

Subsection (d) provides for the extinguishment of the lien upon certain kinds of property and also concerns the priority of the lien upon securities, negotiable instruments and money in certain cases.

Subsection (e) is intended to protect the priority of a mortgagee, pledgee or purchaser who gives notice to the tax commissioner of his mortgage, pledge or purchase. If no notice is given, the lien of the mortgagee, pledgee or purchaser is inferior to the lien imposed by subsection (b). If notice is given the mortgage, pledge or purchase has priority, except against a lien set forth on the certificate provided in subsection (f), filed within the time allowed by the bill.

Your Committee recommends that the bill pass first reading by title in the amended form hereto attached, and be placed on the calendar for further consideration.

Respectfully submitted,

KAZUHISA ABE, Chairman

S. B. NO. 580
S. D. 1

AN ACT

RELATING TO TERRITORIAL TAX LIENS.

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

SECTION 1. Chapter 115, Revised Laws of Hawaii 1955, is hereby amended by adding thereto a new section to be numbered Sec. 115-37.5 and to read as follows:

"Sec. 115-37.5. Tax debt due the Territory; lien. (a) Within the meaning of this section:

(1) The terms 'mortgagee', 'pledgee', and 'purchaser' do not include any person to whom property or an interest in property has been conveyed (i) as security for an antecedent or pre-existing debt, or (ii) as trustee, assignee or agent for the benefit of one or more creditors.

(2) The interest of a party, if required to be recorded or entered of record in any public office in order to be valid against subsequent purchasers, arises at the time of such recording or entry of record.

(3) An employer or other person who is required by any tax law to withhold tax at the source, or to collect a tax, and who is made liable for the tax if he does not fulfill his duties in that regard, shall be deemed a person liable for the tax.

(b) Any territorial tax which is due and unpaid is a debt due the Territory and constitutes a lien in favor of the Territory upon all property and rights to property, whether real or personal, belonging to any person liable for the tax. The lien for the tax, including penalties and interest thereon, arises at the time the tax is assessed, or at the time a return thereof is filed, or at the time of filing by the tax commissioner of the certificate provided for by subsection (f), whichever first occurs. From and after the time the lien arises it is a paramount lien upon such property and rights to property against all parties, whether their interest arose before or after that time, except as otherwise provided in this section.

(c) The lien imposed by subsection (b) is not valid as against: (i) a mortgagee or purchaser of real property or an interest therein, or the lien of a judgment creditor upon real property, whose interest arose prior to the

filing by the tax commissioner of the certificate provided for by subsection (f); (ii) a purchaser of a motor vehicle who becomes the registered owner at a time when the tax lien and encumbrance record provided for by section 160-6 does not show the lien.

(d) As to tangible personal property, possession of which is held by a person liable for tax for the purpose of sale to the public in the ordinary course of said person's business, the lien imposed by subsection (b) is extinguished as to any such property sold in the ordinary course of such business by or under the direction of said person to any purchaser for valuable consideration. As to securities, negotiable instruments and money, the lien imposed by subsection (b): (i) is extinguished as to such property upon passage of title to a person without notice or knowledge of the existence of the lien, for an adequate and full consideration in money or money's worth; (ii) is not valid as against a mortgagee or pledgee for an adequate and full consideration in money or money's worth, who is located outside the Territory and takes possession of such property, if at the time of taking possession of the property the mortgagee or pledgee is without notice or knowledge of the existence of the lien. The mere filing of the certificate provided for by subsection (f) does not constitute notice for the purposes of this subsection.

(e) Subject to the provisions of this subsection, the lien imposed by subsection (b) is not valid as against a mortgagee, pledgee, or purchaser who gives notice to the tax commissioner on a form prescribed by him of the mortgage, pledge or purchase made or about to be made, with a description of the property encumbered or conveyed or proposed to be encumbered or conveyed thereby, and whose interest in the property arises prior to the filing by the tax commissioner of the certificate provided for by subsection (f) or within ten days after such filing. If such notice is given the lien imposed by subsection (b) is valid against the party giving the notice, as to any taxes set forth in a certificate filed as provided in subsection (f) within the period of fifteen days after the notice; provided, however, that in the event a mortgage is secured solely by a motor vehicle to be operated on the public highways the time allowed for the filing of the tax commissioner's certificate is five days. The tax commissioner may waive all or any part of the period herein allowed.

(f) The tax commissioner may file in the bureau of conveyances at Honolulu, or in respect of a lien on a

motor vehicle with the county treasurer, a certificate setting forth the amount of taxes due and unpaid, which have been returned, assessed, or as to which a notice of proposed assessment has issued. The certificate shall identify the tax or taxes involved. The certificate shall include such further information, if any, as may be required by chapter 342 to procure a lien on registered land. The filing of the certificate has the effect set forth in this section, but nothing in this section shall be deemed to require that a certificate filed by the tax commissioner must include the amount of any penalty or interest, in order to protect the lien therefor. The certificate, if filed with the county treasurer, shall be entered of record as provided by law, and if filed in the bureau of conveyances at Honolulu shall be recorded in a book provided for the purpose.

(g) The tax commissioner may issue a certificate of discharge of any part of the property subject to the lien imposed by this section, upon payment in partial satisfaction of such lien, of an amount not less than the value as determined by the tax commissioner of the lien on the part to be so discharged, or if the tax commissioner determines that such lien on the part to be discharged has no value. Any such discharge so issued shall be conclusive evidence of the discharge of said lien as therein provided.

(h) The lien imposed by subsection (b) may be foreclosed in a court proceeding or by distraint under section 115-30.

(i) This section shall not apply to a tax levied by a chapter which contains a specific provision for a lien for the tax levied by such chapter, any provision in this section to the contrary notwithstanding."

SECTION 2. Sections 117-38, 117-39, 119-17, 120-17, and 121-39 of the Revised Laws of Hawaii 1955 are hereby repealed.

Section 120-7 of the Revised Laws of Hawaii 1955 is amended by deleting therefrom the words "which amount shall (whether or not tax withholdings constituting trust funds have been commingled with said employer's assets) form a lien on the employer's entire assets, having priority over all other claims of any person.", and by changing to a period the comma which precedes the deleted words.

There further are repealed any sections, subsections and sentences of chapter 121 of the Revised Laws of Hawaii 1955, as amended by the Twenty-ninth Legislature, which relate to a lien upon real property or other assets.

Nothing in this Act shall supersede any provision of section 117-40 of the Revised Laws of Hawaii 1955.

SECTION 3. This Act shall not be construed as affecting in any manner, to the detriment of the Territory, any lien existing prior to the effective date of this Act.

SECTION 4. This Act shall take effect on July 1, 1957.

INTRODUCED BY:

Date: _____

Honolulu, Hawaii

STANDING COMMITTEE REPORT NO. 432

Honolulu, Hawaii
April , 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 606

Sir:

Your Committee on Ways and Means, to which was referred Senate Bill No. 606, entitled

"AN ACT RELATING TO 'SAVINGS STAMPS,' IMPOSING A TAX ON THE ISSUING THEREOF, AND REQUIRING A LICENSE AND BOND FOR ENGAGING IN TRANSACTIONS INVOLVING THE SAME,"

begs leave to report as follows:

The purpose of this bill is to regulate the use of trading stamps, or "savings stamps." In its present form, the bill would require a license of persons who give or offer stamps, or similar items, in connection with the sale or purchase of merchandise. A license would be required from the territorial tax commissioner, and the license fee would be $1,000. A tax in an undetermined amount is proposed for each stamp issued.

After careful consideration of the bill, your Committee has concluded that several amendments should be made thereto. These would include clarification of some of the language, a provision eliminating any prohibition against furnishing of stamps redeemable at their face value from the regular stock of the merchant offering the stamps, an exclusion of any prohibition against the issuance of coupons or similar devices by a manufacturer or packer, and a requirement for a county license rather than a territorial license from the tax commissioner. The amendments suggested by your Committee would also require a $50,000 bond from vendors of stamps, would provide for a fine or imprisonment for violation of the law, and would eliminate any tax on the individual stamps.

Your Committee has ascertained that provisions suggested in this report have been tested and found valid in connection with the litigation concerning a similar statute in effect in the state of Kansas since 1917. The cases governing the problem may be found in State v. Wilson: 101 Kan. 789, 168 Pac. 67a; State v. Mercantile Co: 103 Kan. 733, 176 Pac. 321.

In its amended form as attached hereto, your Committee on Ways and Means approves this measure, and therefore recommends that it pass first reading by title in such amended form, that it be printed and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Kazuhisa Abe
KAZUHISA ABE, Chairman

John B. Fernandez

John G. Duarte

With reservations Orin E. Long

Tom Okino

With reservations Wilfred T. Tsukiyama

I do not concur Mitsuyuki Kido

AATF:

S. B. NO. 606
S. D. 1

AN ACT

RELATING TO TRADING STAMPS, COUPONS OR SIMILAR DEVICES, IMPOSING A TAX THEREON, AND AMENDING CHAPTERS 155 AND 117 OF THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. Chapter 155 of the Revised Laws of Hawaii 1955 is hereby amended by adding a new provision thereto, to read as follows:

"TRADING STAMPS, COUPONS, OR SIMILAR DEVICES

Sec. 155-109.1. Trading stamps, coupons, or similar devices. Every person who uses, and every person who furnishes to any other person to use, in, with, or for the sale of any goods, wares or merchandise, any stamps, coupons, tickets, certificates, cards, or other similar devices, which entitles the purchaser to procure from any person any goods, wares, or merchandise, free of charge, or for less than the retail market price thereof, upon the production of any number of such stamps, coupons, tickets, certificates, cards, or other similar devices, shall, before so furnishing, selling, or using the same, obtain a license from the treasurer of each county wherein such furnishing, selling or using takes place, for each and every store or place of business in that county, owned or conducted by such person from which such furnishing or selling, or in which such using takes place.

The provisions of sections 155-109.1 to 155-109.5 shall not apply to the furnishing or issuance of any stamps, coupons, tickets, certificates, cards, or other similar devices, redeemable at their face value, in cash or merchandise from the general stock of such merchant at regular retail prices at the option of the holder thereof. Nor shall the provisions of sections 155-109.1 to 155-109.5 apply to any coupon, ticket, certificate, card, or other device issued by a manufacturer or packer which is redeemable, either by the manufacturer or packer or their agents, for any goods, wares, or merchandise free of charge or for a handling and mailing charge not exceeding 50 cents, or for any product of such manufacturer or packer free of charge or at less than the retail price thereof.

Sec. 155-109.2. County license fees. In order to obtain the license required by section 155-109.1, the person applying therefor shall pay to the treasurer of the county for which such license is sought an annual license fee, based upon population as follows:

In counties of 100,000 or less ..... $ 500
In counties of more than 100,000 1,000

Upon such payment being made to the county treasurer, he shall issue his receipt therefor and shall issue to the person making such payment a license to furnish or sell, or a license to use, for one year, the stamps, coupons, tickets, certificates, cards, or other similar devices mentioned in section 155-109.1. Such license shall contain the name of the grantee thereof, the date of its issue, the date of its expiration, the county in which it shall be used, and such license shall be used at no other county than that mentioned therein.

Sec. 155-109.3. Place of dealing. No person shall furnish or sell to any other person to use, in, with, or for the sale of any goods, wares, or merchandise, any such stamps, coupons, tickets, certificates, cards, or other similar devices for use in any county other than that in which such furnishing or selling shall take place.

Sec. 155-109.4. Bond required. Before a license is granted under section 155-109.2 by the county treasurer, the vendor or stamp company, as described or defined in section 155-109.1, shall give a good and sufficient bond with approved surety in the county wherein such license will be effective, in the sum of $50,000, guaranteeing compliance with the provisions of sections 155-109.1 to 155-109.5, and guaranteeing the redemption of stamps or other similar devices in accordance with the offer or offers made in connection with the distribution thereof.

Sec. 155-109.5. Penalties. Any person violating any of the provisions of sections 155-109.1 to 155-109.4 shall be fined not more than $500 or be imprisoned not more than 60 days, or both."

SECTION 2. Chapter 117 of the Revised Laws of Hawaii 1955 is hereby amended by amending section 117-14 thereof by adding thereto an additional subsection to be numbered subsection "(i)" which shall read as follows:

"(i) Tax on vendors and stamp companies issuing or using trading or savings stamps. Upon every person engaging or continuing within the Territory the business or activity of using or furnishing trading stamps, coupons, or similar devices, as described in section 155-109.1, there is hereby levied and shall be assessed and collected, a tax equal to one per cent of the gross income thereof, which is in addition to, or over and above any of the general excise tax or taxes payable by such person."

SECTION 3. This Act shall take effect on July 1, 1957.

INTRODUCED BY:

KAZUHISA ABE
TOM OKINO
JOHN B. FERNANDES
JOHN G. DUARTE

STAND. COM. REP. NO. 433

Honolulu, Hawaii

April ____, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 760

Sir:

Your Committee on Judiciary, to which was referred Senate Bill No. 760, entitled:

"AN ACT RELATING TO ELECTIONS, AND AMENDING SECTIONS 11-14, 11-48, 11-92, 11-97, 11-102, 11-139, 11-141, 11-143, 11-144, 11-145, AND 11-177 OF THE REVISED LAWS OF HAWAII 1955",

begs leave to report as follows:

The purposes of this Bill are as follows:

1. Amend the present election law which requires the closing of county registers at midnight preceding the third Wednesday before each general election and at midnight immediately preceding the fifth Friday before each special or primary election to 4:30 p.m. of the day immediately preceding the fourth Wednesday before each general election and at 4:30 p.m. of the day immediately preceding the fifth Friday before each special or primary election. (Section 2)

2. Amend the present requirement of the law that every candidate shall on "the day preceding the election" furnish inspectors names of assistants at the polls to "the day of the election". (Section 3)

3. Amend the present law requiring the primary election to be held on the first Saturday of October to second Saturday of September. (Section 4)

4. Amend the present law on filing of nomination papers by providing for a specific deadline, to wit: 4:30 p.m. of the day preceding thirty days prior to the day for holding the primary, and by permitting county clerks to accept nomination papers in behalf of the Secretary of Hawaii on the last day allowed for filing such papers and requiring the county clerks to immediately transmit such nomination papers to the Secretary. (Section 5)

5. Amend the present law which closes the polls at 5:30 o'clock in the city and county of Honolulu and 5:00 o'clock in all other counties to 5:30 o'clock for all counties. (Section 6)

6. Permit persons who wish to cast absentee ballots to request for absentee ballots for both primary and general elections in one request. Under the present law, such persons are required to make a request for each election. (Section 7.)

7. Amend the present law which requires an affidavit from absentee voters to a simple statement of facts recited in the request. Experience has shown that many absentee voters are put to hardship in securing such affidavits as required by the present law. (Section 9)

8. Permit the Secretary of Hawaii and the respective county clerks to designate their representatives for the purposes of preparing and setting up voting machines in certain precincts.

This Bill has the approval of Secretary of Hawaii, the Attorney General of the Territory of Hawaii, the Clerk of the City and County of Honolulu and the County Attorneys of the various counties.

Your Committee is in accord with the purposes of this Bill and recommends that it pass first reading by title in the amended form attached hereto, that it be printed and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

S. B. NO. 760
S. D. 1

AN ACT

RELATING TO ELECTIONS, AND AMENDING SECTIONS 11-14, 11-48, 11-92, 11-97, 11-102, 11-139, 11-141, 11-143, 11-144, 11-145, AND 11-177 OF THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. "Sec." as used herein shall be construed as sections or section of the Revised Laws of Hawaii 1955.

SECTION 2. Sec. 11-14 is hereby amended by deleting the word "midnight" as the same appears in lines 2 and 3 and substituting in lieu thereof the figures and letters "4:30 p.m. of the day" and by deleting the word "third" as the same appears in line 2 and substituting in lieu thereof the word "fourth".

SECTION 3. Sec. 11-48 is hereby amended by deleting the word "preceding" as the same appears in line 2 and substituting in lieu thereof the word "of".

SECTION 4. Sec. 11-92 is hereby amended by amending the first paragraph to read as follows:

"Sec. 11-92. Primary held when; candidates only those nominated. The primary shall be held at the regular polling place in each precinct on the second Saturday of September in every even-numbered year."

SECTION 5. Sec. 11-97 is hereby amended by amending the first paragraph to read as follows:

"Sec. 11-97. Time of filing papers; fee. Nomination papers shall be filed not later than 4:30 p.m. as follows: (a) For delegate to Congress and members of the legislature, with the secretary of Hawaii, at least thirty days prior to the day for holding the primary; provided that in the counties of Kauai, Maui and Hawaii the respective county clerks are authorized on behalf of the secretary to accept such nomination papers only on the last day allowed herein for filing. Upon receipt of such nomination papers, the county clerk shall immediately transmit same to the secretary."

SECTION 6. Sec. 11-102 is hereby amended by amending the first sentence to read as follows:

"The polls at primaries shall be opened by the inspectors at 7 o'clock upon the morning of the election day, and shall be kept open continuously until 5:30 o'clock in the evening of such day."

SECTION 7. Sec. 11-139 is hereby amended by adding at the end thereof the following:

"Such request, when made for any primary election, may include an absentee ballot to be voted at the general election immediately following provided such person so indicates in his request and gives reason therefor to the satisfaction of the county clerk."

SECTION 8. Sec. 11-141 is hereby amended by deleting the figures and word "11-143 and 11-144" as the same appear in line 2 thereof and substituting the word "and" for the comma between the figures "11-133" and "11-140" as the same appear in line 2 thereof.

SECTION 9. Sec. 11-143 is hereby amended by deleting the following words and punctuation marks as the same appear in lines 8, 9, 10 and 11:

"and upon the other side a printed affidavit which shall serve to affirm the request for an absentee ballot, identify the voter, his place of residence, his voting precinct, and affirm his right to cast a ballot,".

SECTION 10. Sec. 11-144 is hereby amended to read as follows:

"Sec. 11-144. Marking and return of ballot; voting by absentee voter at polls prohibited. The absentee voter shall mark the ballot in such manner that no person can see or know how the ballot is marked and refold the ballot in the same folds it was received and deposit same in the ballot envelope and securely seal same. The voter shall then complete and subscribe to the statement on the ballot envelope. The ballot envelope shall then be enclosed in the covering reply envelope and shall be mailed or delivered to reach the county clerk issuing the absentee ballot not later than the established closing hour of business on the day before election.

No person having voted an absentee ballot pursuant to this subtitle shall be entitled to cast a ballot at the polls on election day."

SECTION 11. Sec. 11-145 is hereby amended by deleting the word "affidavit" as the same appears in line 6 and substituting in lieu thereof the word "statement" and by amending the second paragraph to read as follows:

"In case the statement is found to be insufficient or in case the signatures do not correspond, or in case the voter has not complied with the requirements of Sec. 11-140, or is not a duly qualified elector or the ballot envelope is open or has been opened and resealed, the ballot envelope shall not be opened and the county clerk shall mark across its face 'Rejected', giving the reason therefor, and shall preserve the same in the manner provided by law."

SECTION 12. Sec. 11-177 is hereby amended by substituting the word "or" for the word "and" as the same appears in line 2 thereof and by inserting the phrase "or their designated representatives" between the words "clerk" and "shall" as the same appear in line 2 thereof.

SECTION 13. This Act shall take effect upon its approval.

INTRODUCED BY:

N. MIYAKE
WILFRED C. TSUKIYAMA

adopted

STAND. COM. REP. NO. 434

Honolulu, Hawaii

April 23, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: House Bill No. 440
House Bill No. 551

Sir:

Your Select Committee of Oahu Senators to which were referred House Bill No. 440 entitled, "AN ACT TO AMEND CHAPTER 149 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO THE CITY PLANNING COMMISSION, CITY AND COUNTY OF HONOLULU", and House Bill No. 551 entitled, "AN ACT TO AMEND SECTION 149-180 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO THE CITY PLANNING COMMISSION", begs leave to report as follows:

Your Committee has considered these bills and recommends that they be referred to your Committee on Judiciary for further consideration.

Respectfully submitted,

Chairman

adopted Defer w/cd

STAND. COM. REP. NO. 435

Honolulu, Hawaii

April 22, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Joint Resolution No. 42

Sir:

Your Committee on Public Lands to which was referred Senate Joint Resolution No. 42, entitled

"JOINT RESOLUTION REQUESTING THE HAWAIIAN HOMES COMMISSION TO RETURN A CERTAIN PORTION OF KAUAI HAWAIIAN HOME LANDS TO THE TERRITORY AND DIRECTING THE COMMISSIONER OF PUBLIC LANDS TO MAKE AN EXCHANGE WITH ROBERT Y. HAMAMURA,"

begs leave to report as follows:

The purpose of this joint resolution is to request the Hawaiian Homes Commission to return a certain portion of Hawaiian Home Commission lands to the Territory and to direct the commissioner of public lands to effect an exchange with Robert Y. Hamamura. Under existing law, the Hawaiian Homes Commission has a limited authority to exchange lands with the Territory. This resolution provides a means whereby a certain portion of Hawaiian Homes Commission land necessary for relocation of the Anahola, Kauai, post office can be effectuated to the benefit of said community of Anahola.

Your Committee approves the purpose of this resolution but is of the opinion that a concurrent resolution is more appropriate. It therefore recommends that this resolution be filed and that the concurrent resolution attached hereto and offered for introduction in lieu thereof be adopted.

Respectfully submitted,

Chairman

STAND. COM. REP. No. 436

Honolulu, T. H.

April 23, 1957

Honorable William H. Heen

President of the Senate

S i r :

Your Committee on Printing begs leave to report that the following matters have been printed and are ready for distribution:

S. B. No. 292 S. D. 1
S. B. No. 370 S. D. 1
S. B. No. 625 S. D. 1
S. B. No. 635 S. D. 1
S. B. No. 651 S. D. 1
S. B. No. 704 S. D. 1
S. B. No. 787 S. D. 1
S. B. No. 795 S. D. 1
S. B. No. 812 S. D. 1
S. B. No. 850 S. D. 1
S. B. No. 851 S. D. 1
S. B. No. 897 S. D. 1
S. B. No. 933 S. D. 1
S. B. No. 393 S. D. 2
S. J. R. No. 92
S. J. R. No. 64 S. D. 1
H. B. No. 503 S. D. 1
Stand. Comm. Rep. No. 375
Stand. Comm. Rep. No. 380 to 412
Stand. Comm. Rep. No. 414, 415 & 417

Respectfully submitted,

John B. Edmunds
Chairman

Standing Committee Report No. 437

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 23 , 19 57 , by

Senator S. GEORGE FUKUOKA, CHAIRMAN FOR THE SELECT COMMITTE OF MAUI SENATORS

RE: H. B. NO. 888 HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to April 24
Adopted - April 25, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

defer

STANDING COMMITTEE REPORT NO. 437
Honolulu, Hawaii
April 23, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: H. B. No. 888
H. D. 1

Sir:

Your Select Committee of Maui Senators, to which was referred House Bill No. 888, H. D. 1, entitled

"AN ACT RELATING TO PARKS, PLAYGROUNDS AND RECREATION SUPERINTENDENT AND EMPLOYEES OF THE COUNTY OF MAUI, AND AMENDING SECTIONS 3-61 AND 148-33 OF THE REVISED LAWS OF HAWAII 1955,"

begs leave to report as follows:

The purpose of this bill is to place the superintendent of parks, playgrounds, and recreation of the County of Maui under civil service and classification.

At present, this position is exempt from both civil service and classification. This bill amends the law to provide that this position shall be subject to the provisions of both Chapters 3 and 4 and that the incumbent of the position shall be retained in office.

Experience has shown that this position has always been filled in the past by the promotion of regular civil service employees of the County of Maui. For that reason, your committee is of the opinion that this position should be under civil service and classification. We have been advised that the present superintendent was a regular civil service employee prior to his appointment to this position and we believe it proper to continue the incumbent's civil service protection.

Your committee is in accord with the intent and purpose of House Bill No. 888, H. D. 1, and recommends that it pass third and final reading.

Respectfully submitted,

I do not concer
John G. Duarte
F.L.
A.A.T.F.

S. George Fukushima
Chairman

Lee Hupponte

Standing Committee Report No. 438

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 23 , 1957 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 987

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to April 24, 1957
ADOPTED - APRIL 24, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 438

Honolulu, Hawaii

April 23, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 987
H. D. 1

Sir:

Your Committee on Judiciary to which was referred House Bill No. 987, H. D. 1, entitled:

"AN ACT TO AMEND CHAPTER 144 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO GENERAL PROVISIONS AFFECTING HAWAII, KAUAI AND MAUI, BY AMENDING SECTIONS 144-34, 144-35 AND 144-36, THEREOF, RELATING TO BILLS AND RESOLUTIONS",

begs leave to report as follows:

The purpose of this Bill is to clarify the statutory provisions relating to bills and resolutions of the various boards of supervisors of the counties of Hawaii, Maui and Kauai. Presently the said provisions are vague as to what legislative acts require the adoption of an ordinance or a resolution by the board of supervisors. This problem is resolved by the amendments proposed in the Bill. Also specified therein are the types of resolutions which may be adopted on one reading without publication. The procedure for the amendment of ordinances is simplified, too.

Your Committee is in accord with the purpose of this Bill, and recommends that it pass third reading.

Respectfully submitted,

Nelson K. Doi, Chairman

Standing Committee Report No. 439

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 23 , 1957 , by

Senator TOM T. OKINO, CHAIRMAN FOR THE COMMITTEE ON AGRICULTURE.

RE: H. B. NO. 490

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to April 24, 1957
Adopted - April 24, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 439

Honolulu, Hawaii
April 23 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 490

Sir:

Your Committee on Agricuture to which was referred House Bill No. 490 entitled,

"AN ACT REPEALING SECTION 18-14 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO BEES,"

begs leave to report as follows:

This bill seeks to repeal the law which requires the Board of Commissioners of Agriculture and Forestry to establish an observational apiary and to require that all bees imported into the Territory be quarantined to enable an entomologist or inspector of the Board to certify that the bees are clean and free from disease.

The current law was enacted many years ago when certain bee diseases were not known to be present in Hawaii. All known serious bee diseases are now present in Hawaii. The current law makes certain requirements which are no longer necessary. The Board of Agriculture and Forestry is authorized under other existing laws to promulgate any rules and regulations found necessary in the future to control introduction of honey bees.

A representative of the Board of Agriculture and Forestry, testified that it would be costly to abide by the present law and that there are other general quarantine requirements that would be sufficient for protection against disease.

Your Committee is in accord with the intent and purpose of this bill and recommends that it be passed on third reading.

Respectfully submitted,

TOM T. OKINO, CHAIRMAN

AATF

STANDING COMMITTEE REPORT NO. 448

Honolulu, Hawaii
April 22, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 106
H. D. 1

Sir:

Your Committee on Public Employment to which was referred House Bill No. 106, H. D. 1, entitled,

"AN ACT RELATING TO RECLASSIFICATION OF POSITIONS IN THE PUBLIC SERVICE,"

begs leave to report as follows:

Your Committee has amended House Bill 106, H. D. 1, to include the following items which are related but are not included in the House version.

The purpose of this bill is to amend the existing law by providing that the employee whose position has been reclassified shall not be forced to take an examination in order to hold such position, if the employee involved meets the required minimum qualifications for the reclassified class or position. This Senate amendment provides further to limit such reclassification without examination to those persons where the duties and responsibilities prior to the effective date of this Act, and where the appointing authority certifies that the employee has satisfactorily performed the duties and responsibilities on which the reexamination was based, for a period of six months immediately preceding the reallocation.

Your Committee feels that the principle of this bill is in accord with sound merit principles. However, it was felt by your Committee that an amendment in the area of reallocation of positions might better serve the purpose outlined in this bill. Accordingly, your Committee has amended House Bill 106, H. D. 1 to provide that after the effective date of this bill, whenever there is a material change in the duties and responsibilities assigned a position, the director upon notification by the appointing authority shall determine whether there has been a material change in the duties and responsibilities of the position so as to justify reallocation.

The bill, as amended, also provides that should the position be reallocated to a class with a lower salary range, the incumbent shall be placed on a reemployment list for the class to which his position was formally allocated, if this class is retained, or for a class comparable to such former class if the same is not retained.

Your Committee approves the purpose ~~of this bill~~ and recommends that it pass third reading, in the amended form attached hereto.

Respectfully submitted,

LEE DUPONTE, CHAIRMAN

AATF

H. B. 106
H. D. 1
S. D. 1

AN ACT

RELATING TO THE CLASSIFICATION OF POSITIONS AND TO APPOINTMENTS IN THE CIVIL SERVICE, AND AMENDING CHAPTER 3 OF THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. Section 3-21 of the Revised Laws of Hawaii 1955 is hereby amended by amending paragraph (t) thereof to read:

"(t) Reallocation of positions; effect on incumbents. An appointing authority shall notify the director in writing of any change, other than a temporary change, in the duties and responsibilities assigned a position within a reasonable time after such change occurs, or within such other time as may be provided for by rule. Failure to give such notice shall subject an appointing authority to the provisions of section 3-29. The director shall reallocate a position whenever there is a material change in the duties and responsibilities of the position, notwithstanding that there has been no request for reallocation from an appointing authority or employee; provided that, whenever an appointing authority or the employee concerned requests reallocation of a position, the director shall determine whether there has been a material change in the duties and responsibilities of the position so as to require reallocation.

In case an individual position is reallocated to a class with a lower salary range, the incumbent of such position shall be placed on a reemployment list for the class to which his position was formerly allocated, if this class is retained, or for a class comparable to such former class if the same is not retained.

In case an individual position is or has been reallocated to a class with a higher salary range, the incumbent of such position shall be retained as a permanent appointee in such position without examination if he meets the minimum class qualifications of the position as reallocated and the appointing authority certifies that the employee has satisfactorily performed the duties and responsibilities on which the reallocation was based for a period of six months immediately preceding the reallocation. However, this paragraph shall not apply when proper notification of material changes in the duties and responsibilities of a position which has occured after the taking effect of this Act is not made to the director within the time limit or where it appears that such failure was intended to circumvent promotional regula-

tions. In case of such failure to give notice and the position is subsequently reallocated to a class with a higher salary range, the position as reallocated may be filled by the appropriate examination procedures."

SECTION 2. This Act shall take effect upon its approval.

Standing Committee Report No. 441

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 23 , 19 57 , by

Senator DEE DUPONTE, CHAIRMAN FOR THE COMMITTEE ON PUBLIC EMPLOYMENT.

RE: H. J. RES. NO. 95, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to April 24, 1957
Recommitted to the Committee on Public Employment

WILLIAM S. RICHARDSON
Clerk of the Senate

Permitted from Pub. Employment 24th

STANDING COMMITTEE REPORT NO. 441

Honolulu, Hawaii
April 22, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Joint Resolution No. 95
H. D. 1

Sir:

Your Committee on Public Employment to which was referred House Joint Resolution No. 95, H. D. 1, entitled, "JOINT RESOLUTION RELATING TO THE CLASSIFICATION OF SCHOOL SECRETARIES," begs leave to report as follows:

The purpose of this Joint Resolution is to remedy the situation which took place when the personnel director of the Territory abolished the classes of school secretaries and reassigned said positions to classes in the general clerical, typing, stenographic and account clerk series.

It was brought to the attention of your Committee by the School Secretaries Association, officials of the Department of Public Instruction and representatives of the Hawaiian Government Employees Association at a public hearing on this subject that the establishment of a School Secretaries Series had been the subject of discussion over a long period of time and has been delayed for more than five years. Your Committee is of the opinion that said delay was not in the best interest of the service or the school secretaries and that remedial action relative to the aforementioned injustice should be taken immediately while the Twenty-Ninth Legislature of the Territory is still in session.

Your Committee is of the opinion that the duties and responsibilities of the school secretary are readily identifiable and distinguishable from the duties and responsibilities of other clerical and secretarial positions in the territorial and county governments.

Your Committee favorably recommends passage of this Resolution on Third reading.

Respectfully submitted,

DEE DUPONTE, CHAIRMAN

AAT:

Standing Committee Report No. 442

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 23 , 1957 , by

Senator TOM T. OKINO, CHAIRMAN FOR THE COMMITTEE ON AGRICULTURE.

RE: H. B. NO. 398

RECOMMENDING THAT SAID BILL PASS THIRD READING IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

ADOPTED - APRIL 23, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 442

Honolulu, Hawaii
April 23, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 398

Sir:

Your Committee on Agriculture to which was referred House Bill No. 398 entitled,

"AN ACT TO AMEND CHAPTER 28 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO THE HAWAII SOIL CONSERVATION COMMITTEE,"

begs leave to report as follows:

This bill provides for an increase in the membership of the Hawaii soil conservation committee from a maximum of four to a maximum of six. The additional two members must be actively engaged in farming and must be appointed by the governor in the manner provided by section 80 of the Organic Act.

After consultation with the Committee on Agriculture, Marketing, Manufactures, and New Industries of the House of Representatives, Twenty-Ninth Legislature, Territory of Hawaii, your Committee ascertained that it is their intention that although the House bill states that the Hawaii soil conservation committee should be composed of five members, whenever the committee invites the Secretary of Agriculture of the United States of America to appoint one person to serve upon that committee, the person so appointed shall serve as an additional member of the committee, making a total of six members. House Bill 398 has been amended by your Committee to clarify this intention.

Your Committee also checked with the board of commissioners of agriculture and forestry regarding the residence of the person to be appointed by the Secretary of Agriculture of the United States of America. It was ascertained that the person so appointed would be a local resident who would serve as an additional member of the committee, ex officio, therefore your Committee has amended the House bill to conform with this intention.

Your Committee is in accord with the intent and purpose of this bill and recommends that it be passed on third reading in the amended form attached hereto.

Respectfully submitted,

TOM T. OKINO, CHAIRMAN

AATF

H. B. NO. 398

S. D. 1

AN ACT

TO AMEND CHAPTER 28 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO THE HAWAII SOIL CONSERVATION COMMITTEE.

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

SECTION 1. Section 28-3 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Sec. 28-3. Hawaii soil conservation committee; membership. There shall be, as an agency of the Territory, the Hawaii soil conservation committee. The committee shall be composed of the following members: president of the board of commissioners of agriculture and forestry, who shall be its chairman, the director of the Hawaii experiment station, the director of the agricultural extension division of the University of Hawaii, and two members who are actively engaged in farming to be appointed by the governor in the manner prescribed by Section 80 of the Organic Act. The committee may invite the Secretary of Agriculture of the United States of America to appoint one local representative to serve as an additional member of the committee, ex officio. The term of the two farmer members shall be for 2 years, but that for the first 2 members appointed, the term of one member shall expire on December 31, 1958 and the term of the other shall expire on December 31, 1959. Any vacancy shall be filled by appointment for the remainder of the unexpired term."

SECTION 2. This Act shall take effect upon its approval.

Defer ~~Friday~~ Tue

STANDING COMMITTEE REPORT NO. 443

Honolulu, Hawaii
April , 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 103, H. D. 1

Sir:

Your Committee on Public Employment to which was referred House Bill No. 103, H. D. 1, entitled

"AN ACT AMENDING CHAPTER 3 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO PUBLIC OFFICERS AND EMPLOYEES AND CIVIL SERVICE,"

begs leave to report as follows:

The purpose of this House bill, as amended, is to give the departments the authority to change a provisional appointment to a probationary or permanent appointment when the civil service agencies fail in their responsibility of supplying appropriate eligible lists, as determined by the director of civil service, within a period of six months.

Testimony at the Committee hearings was to the effect that although the civil service agencies have to give approval for provisional appointments, and although the law provides that they have six months to recruit and test applicants, in many instances these eligible lists are not supplied until the very last minute. The departments contend that this works a hardship on the department and is unfair to the provisional appointee who has served in the position for six months. If an appropriate eligible list is not supplied for six months, the present law does not permit the department to retain the provisional appointee, even if his services are satisfactory, but a new provisional appointee may be selected.

The intent of this bill is to exert greater pressure on the civil service agencies to establish appropriate eligible lists when provisional appointments have been made, and also to make it possible for a department to grant a probationary and subsequently a permanent appointment to an employee who has served on a provisional basis for six months.

Your Committee has further amended the bill to require that a provisional appointee make a passing grade on an examination based on the specific duties and responsibilities of the position before

he be granted a probationary appointment. This will help to insure that the person so selected shall be qualified for his position. The proviso in the original bill that the period spent as a provisional appointee be counted as part of any probationary period that may subsequently be required is retained. The bill has been further amended to retain the present proviso that the personnel director shall authorize provisional appointments but with the added requirement that the departments certify the need for such appointments.

Your Committee is in accord with the purpose of this bill and recommends that it do pass in the amended form attached hereto.

Respectfully submitted,

DEE DUPONTE, Chairman

H. B. NO. 103
H. D. 1
S. D. 1

AN ACT

AMENDING CHAPTER 3 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO PUBLIC OFFICERS AND EMPLOYEES AND CIVIL SERVICE.

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

SECTION 1. Chapter 3 of the Revised Laws of Hawaii 1955, is hereby amended by amending subparagraph (1) of Section 3-21 thereof to read as follows:

"(1) Provisional and short term appointments. The director shall authorize the filling of a vacant position by a provisional appointment whenever no appropriate eligible list is available for such position, but only when the appointing authority certifies that such action is required for the performance of essential public business. The director shall subsequently proceed without delay to hold an examination for the establishment of an eligible list to fill such vacancy. A provisional appointment may continue for not longer than one month after the certification of an eligible list. If no appropriate eligible list for the position is established by the director within a period of six months after the provisional appointment, the provisional appointee is eligible for a probationary appointment upon making a passing grade on an examination based on the particular duties and responsibilities of the position to be filled rather than on the general characteristic duties of the class in which the position is placed. Such an examination shall be given during the seventh month after the date on which the provisional appointment was made. A provisional appointee, as such, shall not acquire any permanent status; however, the time spent under a provisional appointment shall be counted in the probationary period if the provisional appointee is subsequently appointed to the position.

Short term appointments, not to exceed ten working days, may be made to fill positions temporarily in any serious emergency when it is not practicable to ascertain whether there is an eligible list from which to make a careful selection."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

MARK NORMAN OLDS
STANLEY HARA
BERNARD G. KINNEY
SUMIO NAKASHIMA
PATSY TAKEMOTO MINK
MATSUKI ARASHIRO

Refer Jul

STANDING COMMITTEE REPORT NO. 444

Honolulu, Hawaii
April 24, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 105
H. D. 1

Sir:

Your Committee on Public Employment to which was referred House Bill No. 105, H. D. 1, entitled, "AN ACT RELATING TO EXAMINATIONS FOR PUBLIC EMPLOYMENT," begs leave to report as follows:

The title of this House bill was amended by this Committee.

This bill amends the existing law to the extent that when requested by the department head, promotional examinations will be limited to characteristic duties of the class and nothing more. The second purpose is to amend the existing statute so that disabled veterans and physically handicapped persons shall not be disqualified by reason of such physical handicap if they possess the physical capacity to perform the duties and responsibilities of the class for which they are applicants.

Your Committee has further amended this bill in the following respects:

1. To provide that no applicant who has successfully passed the examination shall be eligible for a position unless he produces a statement signed by a licensed physician that the applicant, on the date named in such statement, if the date is within thirty days immediately prior to the first day the applicant is given his position, has been given a physical examination and is in general good health and showing all other pertinent information on the physical fitness of the applicant.

2. To require the director to maintain an eligible list of successful applicants for a period of three years. Upon the expiration of such eligible list, and in the event no new eligible list is established, such list will remain in force for an additional one year period during which period the director must advertise and call for an examination. Applicants on the eligible list must register annually with the civil service commission and declare their availability for employment. Any

applicant may be dropped from such list when he fails to register annually, or if he is found to be unable to perform the duties and responsibilities of the position.

Your Committee approves the purpose of House Bill 105, H. D. L and recommends it pass third reading in the amended form attached hereto.

Respectfully submitted,

DEE DUPONTE, CHAIRMAN

AATF

H. B. No. 105
H. D. 1
S. D. 1

AN ACT

RELATING TO PUBLIC EMPLOYMENT AND AMENDING SECTION 3-21 OF THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. Paragraph (a) of section 3-21 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"(a) Examinations, general character. There shall be competitive examinations for testing of the relative fitness of applicants for positions in civil service. Such examinations shall be practical in their character and shall provide for ascertaining the physical and educational qualifications, experience, knowledge and skill of applicants and their relative capacity and fitness for the proper performance of the characteristic duties of the class of positions in which they seek to be employed; except that in the case of a promotional examination, such examination shall be limited, at the request of the department head, to the characteristic duties of the class and nothing else. All examinations shall be public and, except as otherwise provided by law, free and open to all citizens of the Territory but with such limitations as to health, physical condition, age, sex, education, training, experience, habits and character as the director may deem necessary and proper for the class for which the examination is to be given. Disabled veterans or physically handicapped persons shall not be disqualified for reason of such physical handicap or disability if they possess the physical capacities to perform the duties of the class. Examinations may be oral or written or partly oral and partly written, or tests of manual skill and physical strength, or evaluations of training and experience and backgrounds. Except when clearly required by the nature of the service to be performed, written examinations shall not be required of applicants for unskilled labor classes. All examinations shall be under the control of the director or such suitable person or persons as he may designate to conduct them. All persons who have passed the examination shall be required to take such physical examinations as required by the commission. The reports of such physical examinations shall be filed with the director."

SECTION 2. Paragraph (c) of section 3-21 is hereby amended by inserting between the second and third paragraph thereof a new paragraph which shall read as follows:

"An eligible list of successful applicants for positions in the civil service as determined by proper examinations and under the provisions of this chapter, shall be maintained and continued for a period of three years; provided, however, that upon the expiration of an eligible list for such position or positions and no new eligible list is established in accordance herewith, such list will remain in force and effect for an added period of one year during which period the director must advertise and call for an examination; provided further, that applicants on the eligible list must register annually with the civil service commission and declare his or her availability for employment; and provided further, that any applicant may be dropped from such list who is found to be unavailable or is rendered physically or mentally handicapped during said period."

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

MARK NORMAN OLDS
SUMIO NAKASHIMA
STANLEY HARA
BERNARD G. KINNEY
PATSY TAKEMOTO MINK
NADAO YOSHINAGA
MATSUKI ARASHIRO
YOSHIICHI YOSHIDA

Standing Committee Report No. 445

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 24 , 1957 , by

Senator DEE DUPONTE, CHAIRMAN FOR THE COMMITTEE ON PUBLIC EMPLOYMENT.

RE: H. B. NO. 902 HD2

RECOMMENDING THAT SAID BILL PASS

THID READING.

MEMO:

Deferred to April 25
Adopted - April 25, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 445

Honolulu, Hawaii
April 23, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 902
H. D. 2

Sir:

Your Committee on Public Employment to which was referred House Bill No. 902, H. D. 1, entitled, "AN ACT RELATING TO THE MEMBERSHIP OF CAFETERIA MANAGERS AND CAFETERIA WORKERS IN THE EMPLOYEES' RETIREMENT SYSTEM OF THE TERRITORY OF HAWAII, AND AMENDING CHAPTER 6, REVISED LAWS OF HAWAII 1955," begs leave to report as follows:

The purpose of this bill is to clarify the law as to whether "cafeteria workers" are eligible for membership in the Territorial Retirement System. Evidence was offered before your Committee to the effect that within the past year two different opinions were presented to the Board of Trustees of the Employees' Retirement System, one to the effect that under the definition section of the law, these cafeteria workers were not territorial employees in that they were paid out of the profits of the school lunch program. Since eligibility in the Retirement System is predicated upon being a government employee, this opinion held that they were not employees and as a proximate result thereof their contributions were returned to them.

Subsequently, this opinion was reversed on the ground that the Territorial Auditor held that administratively these funds were territorial funds and therefore the employees were held to be territorial employees.

Section 2 of the bill gives these employees the privilege of making contributions to the system in order to have full credit for all services rendered as a cafeteria worker.

Your Committee is in accord with the intent and purpose of this bill and therefore recommends that it pass third reading.

Respectfully submitted,

DEE DUPONTE, CHAIRMAN

AATF

PE 26th
Defer ~~[illegible]~~

STANDING COMMITTEE REPORT NO. 446

Honolulu, Hawaii
April 24, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 107
H. D. 1

Sir:

Your Committee on Public Employment to which was referred House Bill No. 107, H. D. 1, entitled,

"AN ACT RELATING TO SUSPENSIONS OF PUBLIC OFFICERS AND EMPLOYEES,"

begs leave to report as follows:

The purpose of this bill is to assure any government employee who has been suspended for a period in excess of thirty days pending an investigation or any hearing on a charge against him, shall not lose his pay as a result of the suspension if the charges are subsequently dropped or are not substantiated and he is reinstated in his position.

The present law pertaining to suspensions is amended by this bill in that it deletes from the affected section the provision that these suspensions must have the approval of the director.

Your Committee approves the purpose of this bill and recommends that House Bill 107, H. D. 1 pass third reading.

Respectfully submitted,

Matsuyuki Kido

Dee Dupontie
DEE DUPONTE, CHAIRMAN

Sakae Kunahedi

Tom Ekino

N H Hill

STAND. COM. REP. NO. 447

Honolulu, Hawaii

April 24, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 780

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 780, entitled:

"AN ACT RELATING TO INVESTMENTS BY THE EMPLOYEES' RETIREMENT SYSTEM",

begs leave to report as follows:

Your Committee has deemed it advisable to amend this Bill specifying the investments and percentages thereof that may be made by the board of the Territorial Employees' Retirement System. As amended, it will authorize the said board (1) to make certain home loans on leaseholds where the unexpired term of the lease at the time the loan is made is at least 50 years, and (2) to enter into an investment advisory contract with an investment adviser with respect to not more than 50 per cent of the total of the several funds of the Retirement System available for investment.

Your Committee is in accord with the changes proposed and, therefore, recommends that Senate Bill No. 780 do pass third reading in the amended form attached hereto.

Respectfully submitted,

Nelson K. Doi, Chairman

S. B. NO. 780
S. D. 1

AN ACT

RELATING TO INVESTMENTS BY THE EMPLOYEES' RETIREMENT SYSTEM.

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

SECTION 1. Amend Section 6-75 (n) of the Revised Laws of Hawaii 1955 by adding a new sentence at the end thereof to read:

"For the purposes of this section "home" means a real estate held in fee simple or under a lease, upon which a dwelling is located or upon which a dwelling is to be located in whole or in part from the proceeds of the loan; provided the unexpired term of any lease at the time the loan is made thereon is at least 50 years."

SECTION 2. Section 6-75.5 is hereby added to the Revised Laws of Hawaii 1955 to read as follows:

"Sec. 6-75.5. Contracts with investment advisers permitted. The board may enter into an investment advisory contract with an investment adviser registered with the securities and exchange commission under Section 203 of Title II, Public Law No. 768 of the 76th Congress with respect to not more than 50 per cent of the total of the several funds of the system which may from time to time be available for investment."

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

NELSON K. DOI

STAND. COM. REP. NO. 448

Honolulu, Hawaii

April ____ , 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 47
H. D. 1

Sir:

Your Committee on Judiciary to which was referred House Bill No. 47, H. D. 1, entitled:

"AN ACT RELATING TO COMMON NUISANCE AND AMENDING SECTION 267-7 OF THE REVISED LAWS OF HAWAII 1955",

begs leave to report as follows:

Section 267-7 of the Revised Laws of Hawaii 1955 now provides that the district magistrate may issue the fireworks license described therein. House Bill No. 47, H. D. 1, proposes the issuance of such license by the chief of police or any other officer designated by county ordinance, as well as the district magistrate.

Your Committee is in accord with the proposed change and, therefore, recommends that the said Bill pass third reading.

Respectfully submitted,

Nelson K. Doi

Nelson K. Doi, Chairman

Standing Committee Report No. 449

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 24 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: HOUSE JOINT RESOLUTION NO. 81
H. D. 1

RECOMMENDING THAT SAID BILL PASS AND PLACED ON THE CALENDAR FOR THIRD READING ON APRIL 30, 1957.

MEMO:

Deferred until April 30, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

Adopt Next Sine

STAND. COM. REP. NO. 449

Honolulu, Hawaii

April 24, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Joint Resolution No. 81
H. D. 1

Sir:

Your Committee on Judiciary to which was referred House Joint Resolution No. 81, H. D. 1, entitled:

"JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO ESTABLISH AN OPERATING BRANCH AND COMPLETE FACILITIES OF THE VOICE OF AMERICA IN THE TERRITORY OF HAWAII",

begs leave to report as follows:

The purpose of House Joint Resolution No. 81, H. D. 1, is amply expressed in its title. Your Committee is in accord with it and, therefore, recommends that the measure do pass third reading.

Respectfully submitted,

Nelson K. Doi, Chairman

STAND. COM. REP. NO. 450

Honolulu, Hawaii

April 23, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

Re: Senate Joint Resolution No. 91

Sir:

Your Committee on Public Lands to which was referred Senate Joint Resolution No. 91, entitled

"JOINT RESOLUTION AUTHORIZING THE COUNTIES AND THE TERRITORIAL HIGHWAY DEPARTMENT TO ENTER INTO AGREEMENTS FOR THE IMPROVEMENT AND MAINTENANCE OF COUNTY HIGHWAYS DESIGNATED AS PORTIONS OF THE FEDERAL PRIMARY OR SECONDARY HIGHWAY SYSTEM OF THE TERRITORY,"

begs leave to report as follows:

The purpose of this joint resolution is indicated in its title. Your Committee approves the purpose of this measure, but recommends that this resolution be amended to provide that the city and county of Honolulu be also authorized to enter into agreements for the improvements and maintenance of certain highways.

Your Committee accordingly recommends the following amendments to this resolution:

(1) By amending the fourth paragraph thereof by deleting the words "other than the city and county of Honolulu" found in the first and second lines thereof; and

(2) By amending section 1 and 2 thereof by deleting the words "other than the city and county of Honolulu" wherever found therein.

As amended, your Committee recommends that it do pass.

Respectfully submitted,

(third)

Chairman

STAND. COM. REP. NO. 451

Honolulu, Hawaii

April 24, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Bill No. 775

Sir:

Your Select Committee of Oahu Senators to which was referred Senate Bill No. 775 entitled, "AN ACT PROVIDING FOR THE INSTALLATION OF WATER MAINS AND APPURTENANCES FOR THE TERRITORIAL SUBDIVISION AREA AT WAIMANALO, OAHU", begs leave to report as follows:

The purpose of this bill is to appropriate $15,000 from territorial funds to be expended by the city and county of Honolulu for the installment of water mains and hydrants in the territorial subdivision area in Waimanalo. This area was formerly owned by the territory who subdivided it into lots and sold them to individual owners.

At the time of the subdivision, the commissioner of public lands did not comply with the standards as set forth by the city and county planning commission, saying in effect, that he was not subject to such zoning regulations.

Your Committee feels there is a strong obligation on the part of the territory to bring this property up to the same standards as the adjoining property and also feels that the territory in acting as a subdivider should be subjected to the same regulations as any private citizen who subdivides property.

There are measures presently pending in the Twenty-Ninth Legislature which would require the territory to comply with the subdivision rules and ordinances of the city and county.

Your Committee approves highly the purpose of this bill and recommends that it pass second reading and be referred to your Committee on Ways and Means for further consideration.

Respectfully submitted,

Chairman

Standing Committee Report No. 452

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 24 , 1957 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. J. RES. NO. 13

RECOMMENDING THAT SAID JOINT RESOLUTION PASS SECOND READING AND UP FOR THIRD APRIL 25, 1957.

MEMO:

ADOPTED - APRIL 24, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 452

Honolulu, Hawaii

April _____ , 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Joint Resolution No. 13

Sir:

Your Committee on Judiciary to which was referred House Joint Resolution No. 13, entitled:

"JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO AMEND ITS AIR PARCEL POST RATES",

begs leave to report as follows:

The Congress of the United States is requested by House Joint Resolution No. 13 to amend the present laws relating to air parcel post rates so that a flat rate of 5¢ per ounce will be chargeable. Such an amendment will benefit especially those local businesses exporting perishable products to the mainland by air for air parcel post rates, as now charged, do not take into account fractional pounds as such; that is, any fractional pound is considered the equivalent of a full pound.

Your Committee is in accord with the purpose of this measure, and recommends that it do pass second reading and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

STAND. COM. REP. NO. 453

Honolulu, Hawaii

April 24, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Bill No. 955

Sir:

Your Select Committee of Oahu Senators to which was referred Senate Bill No. 955 entitled, "AN ACT TO AMEND SECTION 149-5 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO SUITS BY AND AGAINST THE CITY AND COUNTY OF HONOLULU", begs leave to report as follows:

The purpose of this bill is to enable the city and county of Honolulu to enforce violations of its ordinances and resolutions through civil proceedings, by adding the words "or ordinances or resolutions of" to said Section 149-5.

The reason for the proposed amendment is the result of a Circuit Court decision, which held that the city and county of Honolulu has no express or implied authority to enjoin the violation of its zoning ordinance.

Your Committee approves the purpose of this bill and accordingly recommends that it pass second reading and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Chairman

STAND. COM. REP. NO. 454

Honolulu, Hawaii

April 24, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Bill No. 956

Sir:

Your Select Committee of Oahu Senators to which was referred Senate Bill No. 956 entitled, "AN ACT TO AMEND SECTION 149-185 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO NECESSITY FOR APPROVAL OF SUBDIVISIONS REQUIRED BEFORE REGISTRATION", begs leave to report as follows:

The purpose of this bill is to amend section 149-185 of the Revised Laws of Hawaii 1955, by giving to the city planning commission jurisdiction and control of any subdivision of land including the subdivision of land by the territory within the city and county of Honolulu.

This bill is intended primarily to insure that the territory, when it engages in subdivision of land, shall conform to the subdivision rules and ordinances of the city and county of Honolulu and thereby affording to the members of the public in participating in the territorial subdivision of land the same standards and uniformity as required by the city and county.

Your Committee approves the purpose of this bill and accordingly recommends that it pass second reading and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Chairman

STAND. COM. REP. NO. 455

Honolulu, Hawaii

April ____, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 601

Sir:

Your Committee on Judiciary, to which was referred Senate Bill No. 601, entitled:

"AN ACT AMENDING CHAPTER 338 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO THE APPOINTMENT OF GUARDIANS",

begs leave to report as follows:

The law now provides that when the relations or friends of any insane person apply to a judge to have a guardian appointed for such person, the judge shall cause notice to be given to the supposed insane person of the time and place set for hearing the case. According to Senate Bill No. 601, in any case involving a person in a comatose state, no such notice be given if the attending physician endorses the application for guardianship.

Your Committee is in accord with the purpose of this measure, and recommends that it pass first reading by title in the form as introduced and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

STAND. COM. REP. NO. 456

Honolulu, Hawaii

April 24, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 788

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 788, entitled:

"AN ACT TO AMEND SECTION 155-16 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO BUSINESS LICENSES AND FEES THEREFOR",

begs leave to report as follows:

Under the provisions of Act 235, Session Laws of Hawaii 1955, which now appear in section 155-16 of the Revised Laws of Hawaii 1955, the boards of supervisors of the several counties are vested with the power to impose, increase, decrease or to waive annual license fees on certain businesses carried on within their respective counties. The above mentioned law does not, however, expressly authorize the board of supervisors to grant exemptions to charitable, non-profit or eleemosynary organizations and institutions from the payment of such license fees. It is also doubtful whether the language of this section can be reasonably construed to enable the local governments to take such action.

The purpose of this Bill is, therefore, to amend paragraph (b) of said section 155-16, by inserting a provision providing that the several boards of supervisors shall have the power to

grant exemptions to such organizations and institutions from the payment of such license fees.

Your Committee, being in accord with the purpose of this Bill, recommends that it pass first reading by title in the form as introduced and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

STAND. COM. REP. NO. 457

Honolulu, Hawaii

April 24, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 800

Sir:

Your Committee on Judiciary, to which was referred Senate Bill No. 800, entitled:

"AN ACT TO AMEND SECTION 219-17 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO FEES AND EXPENSES OF EXECUTORS, ADMINISTRATORS, TRUSTEES AND GUARDIANS",

begs leave to report as follows:

Section 219-17 of the Revised Laws of Hawaii 1955 now provides that upon all moneys and other property received in the nature of revenue or income of an estate, the executors, administrators, trustees and guardians shall be allowed certain commissions. Under the proposed Bill, nothing shall prohibit any executor, administrator, guardian or trustee from acting as such fiduciary without compensation or from time to time waiving the whole or any part of the commissions otherwise due.

Your Committee is in accord with the purpose of Senate Bill No. 800, and recommends that it pass first reading by title in the amended form attached hereto and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

S. B. NO. 800
S. D. 1

AN ACT

TO AMEND SECTION 219-17 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO FEES AND EXPENSES OF EXECUTORS, ADMINISTRATORS, TRUSTEES AND GUARDIANS.

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

SECTION 1. Section 219-17 of the Revised Laws of Hawaii 1955 is hereby amended by adding thereto a new paragraph at the end thereof to read as follows:

"Nothing in this section shall be construed to prohibit any executor, administrator, guardian or trustee from acting as such fiduciary without compensation or from time to time waiving the whole or any part of the compensation otherwise due under this section."

SECTION 2. This Act shall take effect upon its approval and shall apply to future accounting in existing estates as well as to that in new estates.

INTRODUCED BY:

KAZUHISA ABE
MITSUYUKI KIDO
TOM T. OKINO
JOHN G. DUARTE
JOHN B. FERNANDES
NELSON K. DOI

STAND. COM. REP. NO. 458

Honolulu, Hawaii

April 24, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Bill No. 190

Sir:

Your Select Committee of Oahu Senators to which was referred Senate Bill No. 190 entitled, "AN ACT RELATING TO THE CLINIC FOR THE TREATMENT OF ALCOHOLISM AND AMENDING ACT 215, SESSION LAWS OF HAWAII 1955", begs leave to report as follows:

The purpose of this bill is to require the liquor commission of the city and county of Honolulu to pay at the end of each quarter of the fiscal year ten percent of all funds received by the said commission in payment of liquor licenses, to the board of health, for the purpose of maintaining a clinic for the treatment of alcoholism in the city and county of Honolulu.

The liquor commission is presently paying to the board of health for the above purpose five percent rather than the ten percent as proposed by this bill. It was brought out at hearings that this additional revenue is required to maintain a full time psychologist and additional staff members some of which are presently on part time basis.

Your Committee approves the purpose of this bill and accordingly recommends that it pass first reading by title and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Chairman

STAND. COM. REP. NO. 459

Honolulu, Hawaii

April 24, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 473

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 473, entitled:

"AN ACT RELATING TO THE PAROLE OF FELONS AND AMENDING CHAPTER 83, PART II, SECTIONS 83-64, 83-65, 83-66 AND 83-68 OF THE REVISED LAWS OF HAWAII 1955",

begs leave to report as follows:

The main purpose of this measure is to relieve the governor of his duties relating to paroles of prisoners. As proposed thereunder, the board of paroles and pardons will be authorized to grant paroles, successive paroles and final discharges from paroles without the approval of the governor. However, the governor will be empowered to revoke the parole of any prisoner in like manner as the chairman of the board.

Your Committee is in accord with the purpose of Senate Bill No. 473, and recommends that it pass first reading by title in the amended form attached hereto, that it be printed, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi

Nelson K. Doi, Chairman

S. B. NO. 473
S. D. 1

AN ACT

RELATING TO THE PAROLE OF FELONS AND AMENDING CHAPTER 83, PART II, SECTIONS 83-64, 83-65, 83-66 AND 83-68 OF THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. Section 83-64 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Sec. 83-64. Paroles; rules and regulations. The board of paroles and pardons may establish rules and regulations, with the approval of the governor, not inconsistent with the provisions of this part, under which any such prisoner may be paroled but remain, while on parole, in the legal custody and under the control of the board, and subject, at any time until the expiration of the term for which he was sentenced, to be taken back within the enclosure of the prison. Such rules and regulations shall become effective and shall have the force and effect of law upon approval of the governor and publication thereof as required by law. Full power, subject to the provisions of this part, to enforce such rules and regulations, to grant, and to revoke paroles, and to retake and reimprison any paroled prisoner under the board's control, is conferred upon the board, the written order of which, certified by the chairman, shall be a sufficient warrant for all officers named therein to authorize any such officers to return to actual custody any paroled prisoner. The warden of Oahu prison, the sheriff or chief of police of each county and all police officers of the Territory or of any county and all prison officers shall execute any such order in like manner as ordinary criminal process.

If any prisoner so paroled leaves the Territory without permission from the board, he shall be deemed to be an escaped prisoner, and may be arrested as such."

SECTION 2. Section 83-65 of the Revised Laws of Hawaii 1955 is hereby amended in the following respects:

(a) by substituting for the period a semicolon at the end of the first paragraph thereof and adding the following language:

"provided, however, that when a person is convicted in the territory of a crime committed while on parole and is sentenced to imprisonment, no hearing shall be required in order to revoke his parole."

(b) by amending the last paragraph to read as follows:

"Any paroled prisoner retaken and reimprisoned as provided in this chapter shall be confined according to his sentence for that portion of his term remaining unserved at time of parole, but successive paroles may, in the discretion of the board, be granted to such prisoner during the life and in respect of such sentence."

SECTION 3. Section 83-66 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Sec. 83-66. Parole, how initiated and granted. (a) Paroles may be granted by the board at any time after the prisoner has served the minimum term of imprisonment fixed according to law, provided that where a fine or fine and costs have also been imposed, which have not been paid, and if the prisoner has been imprisoned for at least thirty days, the board, upon being satisfied that the prisoner could qualify as a poor convict as defined in section 259-3, and upon such prisoner's taking an oath before any officer authorized to administer oaths in the form prescribed by section 259-3, may nevertheless parole the prisoner without payment of the fine or fine and costs, either with or without the condition that while on such parole he make payment of such fine or fine and costs, as the board deems proper under the circumstances. The proceedings to obtain parole may be initiated by the written recommendation of the warden to the board of paroles and pardons or may be initiated by the board without any such recommendation.

(b) The governor shall have like power to revoke the parole of any prisoner. The written authority of the governor shall likewise be sufficient to authorize any police officer to retake and return said prisoner to prison. His written order revoking the parole shall have the same force and effect and be executed in like manner as the order of the chairman of the board.

(c) The board shall act by a majority of all its members in respect to all proceedings touching the parole of prisoners."

SECTION 4. Section 83-68 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Sec. 83-68. Final discharge. Whenever, in its opinion, any paroled prisoner has given such evidence as is deemed reliable and trustworthy that he will remain at liberty without violating the law and that his final release is not incompatible with the welfare of society, the board may grant the prisoner a written discharge from further liability under his sentence, which may be revoked by the governor.

Any person, who, while on parole, entered the military service of the United States, may, upon his honorable discharge therefrom, petition the board for a final discharge, and the board may consider the honorable discharge as grounds for granting a final discharge from parole and recommending to the governor a full pardon."

SECTION 5. This Act shall take effect upon its approval.

INTRODUCED BY:

N. MIYAKE
WILFRED C. TSUKIYAMA
W. H. HILL

Date_____

Honolulu, Hawaii

THE FOLLOWING WAS

NOT IN FILE

WHEN RECORDS WERE MICROFILMED:

YEAR: 1957

SESSION: REGULAR

CHAMBER: SENATE

TYPE ITEM: STANDING COMMITTEE REPORT

ITEM NUMBER: 460

Standing Committee Report No. 461

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 24 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. CON. RES. NO. 8

RECOMMENDING THAT SAID CONCURRENT RESOLUTION BE ADOPTED.

MEMO:

ADOPTED - APRIL 24, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

adopted

STAND. COM. REP. NO. 461

Honolulu, Hawaii

April 24, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Concurrent Resolution No. 8

Sir:

Your Committee on Judiciary to which was referred House Concurrent Resolution No. 8, entitled:

"CONCURRENT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO AMEND THE HAWAIIAN ORGANIC ACT SO AS TO PROVIDE FOR ANNUAL REGULAR SESSIONS OF THE LEGISLATURE AND INCREASE THE COMPENSATION OF MEMBERS OF THE LEGISLATURE",

begs leave to report as follows:

The purpose of House Concurrent Resolution No. 8 is amply expressed in its title. Annual sessions of the Legislature, as well as an increase in compensation for members of the Legislature, are contemplated in the Constitution of the proposed state of Hawaii.

Your Committee, being in accord with the purpose of this House Concurrent Resolution, recommends that it be adopted.

Respectfully submitted,

Nelson K. Doi

Nelson K. Doi, Chairman

[illegible]

George Fukunaga

[illegible]

Sakae Gunahara

STAND. COM. REP. No. 462

Honolulu, T. H.

April 24, 1957

Honorable William H. Heen

President of the Senate

S i r :

Your Committee on Printing begs leave to report that the following matters have been printed and are ready for distribution:

S. B. No. 63 S. D. 1
S. B. No. 96 S. D. 1
S. B. No. 164 S. D. 1
S. B. No. 165 S. D. 1
S. B. No. 166 S. D. 1
S. B. No. 580 S. D. 1
S. B. No. 606 S. D. 1
S. B. No. 759 S. D. 1
S. B. No. 760 S. D. 1
S. B. No. 950 S. D. 1
S. B. No. 388 S. D. 2
S. B. No. 840 S. D. 2
S. B. No. 966
S. J. R. No. 64 S. D. 2
S. Res. No. 47
S. Con. Res. No. 50 & 51
H. B. No. 103 H. D. 1 S. D. 1
H. B. No. 106 H. D. 1 S. D. 1
H. B. No. 398 S. D. 1
Stand. Comm. Rep. No. 425 to 435
Stand. Comm. Rep. No. 437 to 443
H. B. No. 694 S. D. 1

Respectfully submitted,

John B. Fernandez
Chairman

STANDING COMMITTEE REPORT NO. 463

Honolulu, Hawaii
April 25, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: H. B. 1
H. D. 1

Sir:

Your Committee on Ways and Means, to which was referred H. B. 1, H. D. 1, entitled

"AN ACT MAKING APPROPRIATIONS OUT OF THE GENERAL REVENUES FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1959",

begs leave to report as follows:

This is the general appropriation bill, the purpose of which is to authorize and to finance the various operating programs of the territorial government for the 1957-59 biennium.

The bill, as received by your Committee, contains the following significant features:

(1) It provides for a total general fund appropriation of $129,295,777.

(2) It imposes a personnel ceiling for each sub-program or activity.

(3) It permits transfers of funds between programs, organizational units and characters of expenditures and permits creation of characters of expenditures not contained in the bill with the approval of the bureau of the budget.

Your Committee, at the same time that it considered the merits of each item in the appropriation bill, has been cognizant of, and has sought solutions to, the following budgetary problems:

(1) The need to provide for various programs demanded by the people of the territory, however, within limits of willingness and ability of the people to pay for such services.

(2) The need to provide some control over the increasing expenditure trend of the territorial government.

(3) The need to encourage the administrative agencies of the territorial government to perform the assigned programs more effectively and economically and to encourage initiative in selection of functions which will best achieve the purpose for which the agencies have been created.

With reference to problem No. 1, your Committee has received numerous and persistent demands for increased services, and is itself cognizant of many areas where allocation of additional funds might better serve the interest of the people of the Territory. Nevertheless, having recently experienced considerable difficulty in gaining acceptance of a $25 million tax increase program, your Committee believes that the level of services should not be further increased, and that the level which has been authorized by the House of Representatives, and which is agreed upon by your Committee, is at a point of reasonable balance between demands for more services and willingness and ability to pay for such services.

With reference to problem No. 2, your Committee has been perturbed by the practice of the various agencies to create positions over and above those authorized by the previous legislature through use of special funds and grants. This practice has tended to force the legislature to authorize the continuance of the positions through new general fund appropriations in response to pleas that the special fund or grant can no longer support it and that its discontinuance will cause considerable personal hardship. This practice has contributed to a spiraling of the number of governmental employees and has been an important factor in the rapid increase in the cost of government. As a solution to this problem, the House of Representatives has imposed a personnel ceiling and has indicated such ceilings in parentheses following the amount specified for each "A" (personnel) account. Your Committee believes that this might well be a solution to the problem noted above. At the same time, your Committee is aware of a need to provide certain flexibility in administering the assigned programs. Thus, your Committee intends that instead of construing the figures after each "A" account as the ceiling for that particular account, that that be used as a guide only and that the sum of such figures for

each department shall be the controlling ceiling. Section 3 of the bill has been amended to clarify this intent.

As regards problem No. 3, your Committee has been cognizant of the lack of encouragement heretofore given to department heads who are devoted to duty and who exercise courage and imagination in administering the programs assigned by the legislature. Repeatedly, your Committee has been advised that given a certain sum of money, additional position, or certain degree of flexibility within amounts appropriated, the department will be able to perform the assigned program in such a manner that the net result will be higher quality of service and reduction in the amounts needed for the program during subsequent biennia. This assurance, plus the realization that the legislature meets but once a biennium for only a brief period, has led your Committee to favor the following additions to H. B. 1, H. D. 1:

(1) Allow (within specified limitations) certain departments which have indicated willingness and ability to improve their operations, a limited amount of discretionary fund, or discretionary positions, to be used for the purpose of carrying out functions which tend to reduce the appropriation needs of the department for the following biennia. One limitation is that it not be used for salary increase purpose.

(2) Allow (with certain limitations) those departments which have been able to adequately perform the assigned program with lesser personnel and material cost, the use of the resultant savings for experimenting on new programs within their general area of responsibility which might enable them to better serve the interest and welfare of the people.

The above concepts have been in part, implemented in the several changes made by your Committee to H. B. 1, H. D. 1. The more significant among the several changes are summarized below by departments in the order that they appear in the Bill.

Board of Agriculture and Forestry

(1) Division of Animal Industry. Added $20,000 to enable the division to continue its various inspection programs as well as to administer the brucellosis and anaplasmosis programs.

(2) Divisions of Entomology and Marketing and Fish and Game. Made adjustments to the various accounts without

changing the combined total of the two divisions, to enable the divisions, through savings from other divisions of the department, to fill the Supervising Fish and Game warden position and at the same time, to adequately administer the nematode program.

Attorney General

(1) Provided for the continuation of the Bureau of Crime Statistics and Identification under the control of the Attorney General.

(2) Provided general fund appropriation to support one person to carry out the function of crime statistics in order to facilitate uniform reporting of criminal data.

(3) Provided for the continued functioning of the chief of the bureau and his civil identification unit staff within the means available, or may be made available, in the civil identification fund.

Economic Planning and Coordination Authority

Reduced the number of positions by 2 in view of the expected reduction in the agency's functions.

Executive Department

Added the International Cooperation Center inasmuch as (a) the center has no legal basis; (b) it was established by executive order; (c) the functions it performs are, in part, within the area of responsibility of the chief executive; and (d) the move will allow the International Cooperation Center to have greater flexibility in financing.

Hawaii Employment Relations Board

Placed this board under the Department of Labor and Industrial Relations.

Hawaii Statehood Commission

Reduced the appropriation to an amount equal to the 1955 appropriation.

Hawaii Visitors Bureau

Eliminated the item in its entirety inasmuch as S. B. 16 was passed by the Senate.

Department of Health

(1) Provided additional $150,000 to support the medical indigent program.

(2) Provided for a discretionary fund of $150,000.

Department of Institutions

Provided additional $5,224 in the equipment account for the purpose of furnishing the new wing.

Quasi-Public Institutions

(1) The Committee is cognizant of the fact that Kula General and Molokai Community Hospitals are the only county general hospitals that are supported by general funds of the Territory. The Committee believes that this should be the last time that such hospitals be supported by the Territory and that the county of Maui should make provisions for the financing of the hospitals in the future.

(2) The rider under Lunalilo Home was removed.

Judiciary

(1) Increased the "B" account to meet added volume of jury trials and for court appointed counsels in criminal cases.

(2) Included the Tax Appeals Court under this department.

Department of Labor and Industrial Relations

Authorized two additional safety inspectors under the Workmen's Compensation Division, and made necessary adjustments to the "B" account.

Libraries

Adjusted the accounts in the Library of Hawaii to reflect only those positions that are supported by

the general fund, as requested by the department. It is intended that the federal funds be used by the various libraries to support personnel and supplies necessary to carry out the purpose of the grant.

Department of Public Instruction

(1) Readjusted pupil-staff ratio from the present 195-1 to 205-1 for the elementary schools and 185-1 for the secondary schools, but with the proviso similar to the House version, that there shall be not less than three overhead positions in any high school.

(2) Established an administration and supervision discretionary fund of $210,000 from savings resulting from (1) above.

(3) Changed the adult education special fund estimates to a more realistic figure.

Department of Public Welfare

Provided 15 "floater positions", as requested, to be used by the department to reduce the "hard core" cases.

Department of Public Works

Reduced the maintenance account by $71,352.

Secretary of Hawaii

Provided additional $15,000 for the publication of cumulative supplement.

Bureau of Sight Conservation

(1) Made necessary changes in the accounts to provide for two additional personnel to be supported by the general fund.

(2) Eliminated the item on donations.

Tax Commissioner

(1) Provided additional $25,000 in the examiners and auditors division.

(2) Provided for additional funds to be used by the department in the event that S. B. 2 becomes law.

(3) The Committee is cognizant of weaknesses in certain elements of the department. It is expected that the department will effect shifting of personnel as is necessary to strengthen the department.

Your Committee is cognizant of the fact that the recommended budget will result in the elimination of a few positions which are currently occupied. Your Committee has therefore asked the civil service director to indicate whether there will be any difficulty on the part of such persons to find jobs of similar nature. Your Committee is satisfied by the nature of the director's reply that if any such displacement results from this Legislature's decision on the budget, there will be more than a fair chance for such persons to obtain jobs of similar type. Your Committee furthermore expects that the civil service department will provide all assistance possible to effect satisfactory placement for such persons.

The changes described in the preceding paragraphs, as well as other minor additions to H. B. 1, H. D. 1, are incorporated in a new draft which is attached hereto and made a part of this report. Your Committee on Ways and Means is in accord with the measure as amended, and recommends that it do pass.

Respectfully submitted,

KAZUHISA ABE, Chairman

H. B. NO. 1
H. D. 1
S. D. 1

AN ACT

MAKING APPROPRIATIONS OUT OF THE GENERAL REVENUES FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1959

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

SECTION 1. That the following sums, or so much thereof as shall be sufficient to accomplish the purpose designated by the appropriations, are hereby appropriated for the biennial period beginning July 1, 1957 and ending June 30, 1959, out of moneys in the treasury received from general revenues:

1. BOARD OF AGRICULTURE AND FORESTRY			2,309,735
Division of Administration			184,237
A. Personal Services	165,104	(16)	
B. Other Current Expenses	18,933		
C. Equipment	200		
Division of Animal Industry			690,185
A. Personal Services	552,730	(55)	
B. Other Current Expenses	95,942		
C. Equipment	3,813		
G. Rights & Obligations	28,000		
M. Motor Vehicles	9,700		
The above appropriation includes funds for administering the brucellosis program in conjunction with the operation of the anaplasmosis program.			
Division of Entomology and Marketing			535,804
A. Personal Services	456,932	(49)	
B. Other Current Expenses	58,334		
C. Equipment	3,788		
M. Motor Vehicles	16,750		
Division of Fish and Game			309,249
A. Personal Services	248,414	(27.5)	
B. Other Current Expenses	44,920		
C. Equipment	4,940		
M. Motor Vehicles	10,975		

Included in this appropriation is $80,000 (8 1/2 positions) to match new federal funds on a 3 to 1 basis.

Division of Forestry		502,230	
A. Personal Services	468,418	(62)	
B. Other Current Expenses	23,550		
C. Equipment	262		
Survey and Fencing Puna Forest Reserve	10,000		
Division of Territorial Parks		88,030	
A. Personal Services	83,910	(10)	
B. Other Current Expenses	4,120		
2. ATTORNEY GENERAL			370,378
Attorney General's Office		352,414	
A. Personal Services	329,486	(26)	
B. Other Current Expenses	18,928		
C. Equipment	4,000		
Office of the High Sheriff		8,400	
A. Personal Services	8,400	(1)	
Bureau of Crime Statistics		9,564	
A. Personal Services	8,064	(1)	
B. Other Current Expenses	1,000		
C. Equipment	500		
3. AUDITING DEPARTMENT			479,297
Auditor's Office Proper		350,945	
A. Personal Services	318,898	(28)	
B. Other Current Expenses	30,725		
C. Equipment	1,322		
Electrical Accounting Machines		128,352	
A. Personal Services	80,265	(11)	
B. Other Current Expenses	47,793		
C. Equipment	294		

4.	BOXING COMMISSION			29,418
	A. Personal Services	26,582	(2)	
	B. Other Current Expenses	2,836		
5.	BUREAU OF THE BUDGET			839,377
	Bureau of the Budget Proper		304,377	
	A. Personal Services	282,036	(23)	
	B. Other Current Expenses	19,476		
	C. Equipment	2,865		
	Supplies Revolving Fund		25,000	
	B. Other Current Expenses	25,000		
	Insurance Management		510,000	
	B. Other Current Expenses	10,000		
	F. Fixed Charges	500,000		
6.	TERRITORIAL COMMISSION ON CHILDREN AND YOUTH			16,566
	A. Personal Services	14,774	(1)	
	B. Other Current Expenses	1,792		
7.	CIVIL DEFENSE AGENCY			167,751
	Administration		72,486	
	A. Personal Services	41,286	(5)	
	B. Other Current Expenses	30,900		
	C. Equipment	300		
	Health Services		67,605	
	A. Personal Services	8,976	(1)	
	B. Other Current Expenses	25,000		
	C. Equipment	200		
	M. Motor Vehicle	400		
	B. Territorial and Federal Civilian Defense Matching Fund	66,058		
	Total Requirements	100,634		

Less Federal funds to be matched by territorial funds estimated at	33,029		
Net Appropriation	67,605		
Special programs		27,660	
C. Fire pumpers	4,000		
Territorial and Federal Civil Defense Matching Fund	47,320		
Total Requirements	51,320		
Less Federal funds to be matched by Territorial funds estimated at	23,660		
Net Appropriation	27,660		

The above appropriations for motor vehicle and fire pumpers are provided for purchase from the Territorial surplus property program.

8.	DEPARTMENT OF CIVIL SERVICE			355,398
	A. Personal Services	315,853	(30)	
	B. Other Current Expenses	37,760		
	C. Equipment	1,785		

The director shall provide secretarial help from his departmental staff to the Civil Service Commission as needed.

9.	ECONOMIC PLANNING AND COORDINATION AUTHORITY			368,783
	A. Personal Services	79,054	(6.5)	
	B. Other Current Expenses	79,004		
	C. Equipment	2,725		
	Grants and Contracts	208,000		

10.	EMPLOYEES' RETIREMENT SYSTEM			6,788,711
	A. Personal Services	216,870	(25)	
	B. Other Current Expenses	33,910		
	C. Equipment	4,022		
	F. Fixed Charges	6,533,909		
11.	EXECUTIVE DEPARTMENT			342,500
	Governor's Office and Washington Place	192,500		
	This appropriation includes necessary expenses of the International Cooperation Center as determined by the Governor. The total appropriation shall be expended at the discretion of the Governor.			
	Governor's Contingent Fund	150,000		
	Expenditures from this fund may be made with the approval of the Governor for urgent needs for which no specific appropriation or an insufficient appropriation is made herein or otherwise; a detailed account of all of which expenditures shall be submitted to the next legislature.			
12.	HAWAII HISTORICAL SITES COMMISSION			500
	B. Other Current Expenses	500		
13.	HAWAII SOIL CONSERVATION COMMITTEE			2,950
	B. Other Current Expenses	2,950		
14.	HAWAII STATEHOOD COMMISSION			85,000
	Washington Office		58,889	
	A. Personal Services	20,000	(1)	
	B. Other Current Expenses	38,589		
	C. Equipment	300		

Honolulu Office			26,111	
A. Personal Services		18,911	(2)	
B. Other Current Expenses		7,000		
C. Equipment		200		
15. HAWAIIAN HOMES COMMISSION				337,845
A. Personal Services		294,925	(35.3)	
B. Other Current Expenses		39,240		
C. Equipment		1,180		
M. Motor Vehicles		2,500		

This authorization constitutes the approval by the legislature of the Hawaiian Homes Commission budget for salaries and other administration expenses required by Section 213 (f), Hawaiian Homes Commission Act of 1920, as amended. Of this appropriation, $7,000 shall be expended for personal services, upkeep and maintenance of the Hoolehua Gymnasium on the island of Molokai. This appropriation is financed from receipts derived from any leasing of the available lands, defined in Section 204, estimated at $547,752.

16. DEPARTMENT OF HEALTH				6,790,025
General Administration			383,481	
A. Personal Services		325,158	(37)	
B. Other Current Expenses		53,048		
C. Equipment		3,275		
M. Motor Vehicles		2,000		
Division of Dental Health			33,422	
A. Personal Services		28,578	(2)	
B. Other Current Expenses		4,627		
C. Equipment		217		
Division of Hospitals and Medical Care			221,889	
A. Personal Services		195,735	(4)	
B. Other Current Expenses		25,954		
C. Equipment		200		

Division of Local Health Services			1,155,163
A. Personal Services		1,053,963	(124)
B. Other Current Expenses		80,741	
C. Equipment		2,459	
M. Motor Vehicles		18,000	
Division of Mental Health			335,143
A. Personal Services		297,878	(25)
B. Other Current Expenses		33,065	
C. Equipment		4,200	
Division of Preventive Medicine			977,860
A. Personal Services		702,538	(71)
B. Other Current Expenses		222,714	
C. Equipment		17,608	
M. Motor Vehicles		10,000	
Polio Vaccine Program		25,000	
Division of Sanitation			1,640,083
A. Personal Services		1,461,262	(176)
B. Other Current Expenses		113,802	
C. Equipment		7,019	
M. Motor Vehicles		18,000	
Rodent Control - Kauai		28,000	
Mosquito Control - Kauai		12,000	
Division of Hansen's Disease			300,334
Administration		166,497	
A. Personal Services	144,006		(13)
B. Other Current Expenses	21,878		
C. Equipment	613		
Hale Mohalu		714,233	
A. Personal Services - Regular	324,943		(45)
A. Personal Services - Patients	80,000		
B. Other Current Expenses	292,100		
C. Equipment	8,150		
F. Fixed Charges	9,040		

Kalaupapa Settlement		1,419,604	
A. Personal Services - Regular	480,394	(67)	
A. Personal Services - Patients	192,000		
B. Other Current Expenses	687,804		
C. Equipment	11,182		
F. Fixed Charges	48,224		
Total Requirements		2,300,334	(125)
Less such federal funds as may be made available for Hansen's Disease under PL 411, 84th Congress, 2nd Session, estimated at		2,000,000	
Net Appropriation		300,334	

Provided, that in the event an amount less than $2,000,000 is provided by Congress for Hansen's Disease, then the difference between $2,000,000 and the amount of the federal funds provided is hereby appropriated; and provided further that, in the event an amount greater than $2,000,000 is provided, then this appropriation shall be reduced to the extent that the actual realization shall exceed the estimated sum of $2,000,000 for the biennium 1957-1959.

Medical Care of Indigents and Medically Indigent			1,592,650
F. Fixed Charges		2,192,650	
Less such federal public assistance funds as may be made available, estimated at		600,000	
Net Appropriation		1,592,650	

Provided, that in the event an amount less than $600,000 is realized from federal funds, then the difference between $600,000 and the amount of the federal funds provided is hereby appropriated; and provided further that, in the event an amount greater than $600,000 is provided, then this appropriation shall be reduced to the extent that the actual realization shall exceed the estimated sum of $600,000 for the biennium 1957-1959.

Public Health Program Discretionary Fund 150,000

17. DEPARTMENT OF INSTITUTIONS 10,279,917

Office of the Director 191,231

A.	Personal Services	179,331	(16)
B.	Other Current Expenses	10,247	
C.	Equipment	1,653	

Territorial Hospital 4,333,378

A.	Personal Services	3,083,734	(394)
B.	Other Current Expenses	1,134,289	
B1.	Repairs to Buildings	49,000	
B3.	Transportation of Patients	2,000	
C.	Equipment	64,355	

Waimano Home 2,446,886

A.	Personal Services	1,675,733	(237)
B.	Other Current Expenses	732,853	
C.	Equipment	30,500	
M.	Motor Vehicle	7,800	

Hawaii Prison System 2,131,086

A.	Personal Services	1,302,073	(146)
B.	Other Current Expenses	769,213	
C.	Equipment	18,200	
M.	Motor Vehicles	5,000	
	Prisoner's Compensation	30,600	
	Transportation of Impecunious Persons	6,000	

Division of Training Schools		883,583	
A. Personal Services	657,051	(83)	
B. Other Current Expenses	225,174		
C. Equipment	1,358		
Board of Paroles and Pardons		155,260	
A. Personal Services	142,320	(15)	
B. Other Current Expenses	12,390		
C. Equipment	550		
Division of Parole and Homeplacement		138,493	
A. Personal Services	120,119	(13)	
B. Other Current Expenses	12,924		
Bl. Homeplacements	5,150		
C. Equipment	300		
18. INSTITUTIONS, QUASI-PUBLIC			7,223,375
Kula Sanatorium - Tuberculosis Division		998,459	
A. Personal Services	756,373	(131)	
B. Other Current Expenses	278,966		
C. Equipment	15,000		
F. Fixed Charges	34,120		
Total Requirements	1,084,459		
Less such receipts as may be made available estimated at	86,000		
Net Appropriation	998,459		
The above appropriation for other current expenses provides mileage allowances for staff doctors and superintendents.			
Kula Sanatorium - General Hospital Division		23,896	

A.	Personal Services	59,437	(11)
B.	Other Current Expenses	14,459	
	Total Requirements	73,896	
	Less such receipts as may be made available estimated at	50,000	
	Net Appropriation	23,896	

To supplement the estimated receipts to provide for the operation and maintenance of the hospital for the biennium 1957-1959; provided, however, that this appropriation shall be reduced to the extent that the actual receipts shall exceed the estimated sum of $50,000 for the biennium 1957-1959.

Leahi Hospital 3,422,804

A.	Personal Services	2,380,100	(389.5)
A.	Salary Increase Equivalent to Act 2, Special Session Laws 1956	200,000	
B.	Other Current Expenses	831,137	
C.	Equipment	10,000	
E.	Structures and Improvements	25,000	
	Total Requirements	3,446,237	
	Less such receipts as may be made available, estimated at	23,433	
	Net Appropriation	3,422,804	

To supplement the estimated receipts to provide for the operation and maintenance of the hospital for the biennium 1957-1959; provided, however, that this appropriation shall be reduced to the extent that the actual receipts shall exceed the estimated sum of $23,433 for the biennium 1957-1959.

The above appropriation for salary increase is to provide for salary adjustments to individual employees on a comparable basis to Territorial and County employees resulting from the provisions of Act 2, Special Session Laws of Hawaii 1956 effective July 1, 1957 and any excess of the appropriation shall lapse into the general fund of the Territory. The Budget Director shall certify as to whether the salary increase is on a comparable basis before any payments are made to the employees.

Molokai Community Hospital		103,100	
A. Personal Services	201,872		(32)
B. Other Current Expenses	93,499		
C. Equipment	780		
Total Requirements	296,151		
Less such receipts as may be made available, estimated at	193,051		
Net Appropriation	103,100		

To supplement the estimated receipts to provide for the operation and maintenance of the hospital for the biennium 1957-1959; provided, however, that this appropriation shall be reduced to the extent that the actual receipts shall exceed the estimated sum of $193,051 for the biennium 1957-1959.

Puumaile and Hilo Memorial Hospital - Tuberculosis Division		1,189,939	
A. Personal Services	1,001,871		(151.3)
B. Other Current Expenses	252,199		
C. Equipment	5,000		
Total Requirements	1,259,070		

Less such receipts as may be made available, estimated at	69,131	
Net Appropriation	1,189,939	

To supplement the estimated receipts to provide for the operations and maintenance of the division for the biennium 1957-1959; provided, however, that this appropriation shall be reduced to the extent that the actual receipts shall exceed the estimated sum of $69,131 for the biennium 1957-1959.

Samuel Mahelona Memorial Hospital		765,697
A. Personal Services	580,152	(93)
B. Other Current Expenses	215,545	
C. Equipment	7,500	
Total Requirements	803,197	
Less such receipts as may be made available, estimated at	37,500	
Net Appropriation	765,697	

To supplement the estimated receipts to provide for the operation and maintenance of the hospital for the biennium 1957-1959; provided, however, that this appropriation shall be reduced to the extent that the actual receipts shall exceed the estimated sum of $37,500 for the biennium 1957-1959.

Lunalilo Home		80,000
Contingent Appropriation	80,000	
Ward Bed Subsidy		639,480
Oahu:		
County Hospital:		
Maluhia Hospital	96,725	

Private Hospitals:	
Kapiolani Maternity Hospital	19,710
Kauikeolani Children's Hospital	40,515
Kuakini Hospital	23,725
St. Francis Hospital	54,385
Queen's Hospital	92,710
Wahiawa General Hospital	28,835
Southshore Hospital	14,235
Kahuku Hospital	10,950
Maunalani Hospital	14,600
Maui:	
County Hospitals:	
Central Maui Memorial Hospital	45,990
Hana Hospital	7,665
Private Hospitals:	
Lanai Hospital	7,300
Hawaii:	
Private Hospitals:	
Pahala Hospital	12,410
County Hospitals:	
Puumaile & Hilo Memorial Hospital - General	81,760
Honokaa Hospital	14,600
Kohala Hospital	16,425
Kona Hospital	16,425
Kauai:	
Private Hospitals:	
Wilcox Memorial Hospital	28,835
Kauai Veteran's Memorial Hospital	11,680
	639,480

The above appropriation for private and county hospitals shall be paid in quarterly installments at the rate of $.50 per ward bed per day, whether occupied or not, but not exceeding said appropriations for the biennium; provided, however, that said installments

shall not be paid unless and until (1) the auditor finds that the recipient has installed and is maintaining a uniform accounting system in conformity with accepted standards of the American Hospital Association; (2) the recipient has filed with the auditor a statement of receipts and disbursements, in accordance with the system prescribed for the quarter for which the payment is made; (3) the president of the Board of Health defines, determines, certifies, and approves the term "ward bed" and the number thereof; and (4) all persons licensed to practice medicine and surgery in the Territory of Hawaii pursuant to chapter 64, Revised Laws of Hawaii 1945 as amended, are allowed the use of the facilities of the recipient hospitals without discrimination except for misconduct or abuse of such facilities.

19. JUDICIAL BRANCH			2,573,975
Supreme Court		152,314	
A. Personal Services	107,698		(11)
B. Other Current Expenses	27,825		
C. Equipment	16,791		
District Court of Kalawao		4,560	
A. Personal Services	4,560		(1)
Land Court		37,619	
A. Personal Services	27,648		(2)
B. Other Current Expenses	9,661		
C. Equipment	310		
Tax Appeal Court		6,290	
B. Other Current Expenses	6,290		
First Circuit Court		898,302	
First Circuit Court Proper	762,652		

A. Personal Services	557,927	(57)	
B. Other Personal Services	133,100		
B. Other Current Expenses	54,400		
C. Equipment	17,225		
Adult Probation		135,650	
A. Personal Services	122,912	(14)	
B. Other Current Expenses	12,038		
C. Equipment	700		
Juvenile Court			747,515
Juvenile Court Proper		539,976	
A. Personal Services	481,174	(53)	
B. Other Current Expenses	56,802		
C. Equipment	2,000		
Detention Home		207,539	
A. Personal Services	166,458	(22)	
B. Other Current Expenses	39,608		
C. Equipment	1,473		
Second Circuit Court			269,636
A. Personal Services		186,356	(21)
B. Other Current Expenses		54,565	
C. Equipment		3,715	
E. Structure and Improvement - Maui Detention Home		25,000	
Third Circuit Court			293,814
A. Personal Services		208,684	(23)
B. Other Current Expenses		79,393	
C. Equipment		5,737	
Fifth Circuit Court			163,925
A. Personal Services		131,172	(13)
B. Other Current Expenses		27,743	
C. Equipment		2,730	
M. Motor Vehicles		2,280	

20.	DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS			665,545
	Department of Labor and Industrial Relations Proper		388,483	
	A. Personal Services	363,450	(34)	
	B. Other Current Expenses	23,612		
	C. Equipment	1,421		
	Workmen's Compensation		245,772	
	A. Personal Services	217,478	(21)	
	B. Other Current Expenses	26,288		
	C. Equipment	2,006		
	Hawaii Employment Relations Board		31,290	
	A. Personal Services	27,052	(2)	
	B. Other Current Expenses	4,238		
21.	LIBRARIES			1,476,159
	Library of Hawaii		928,488	
	A. Personal Services	710,712	(94)	
	B. Other Current Expenses	115,800		
	C. Equipment	89,976		
	M. Motor Vehicles	12,000		
	This appropriation provides for positions in the rural branch libraries; provided, that in the event an amount less than $40,480 is realized from federal funds, then the difference between $40,480 and the amount of the federal funds provided is hereby appropriated; and provided further that, in the event an amount greater than $40,480 is provided, then this appropriation shall be reduced to the extent that the actual realization shall exceed the estimated sum of $40,480 for the biennium 1957-1959.			
	Hawaii County Library		180,176	
	A. Personal Services	144,620	(19.5)	
	B. Other Current Expenses	14,022		
	C. Equipment	21,534		

Maui County Free Library		190,430	
A. Personal Services	144,422		(19.8)
B. Other Current Expenses	13,608		
C. Equipment	30,000		
M. Motor Vehicle	2,400		
Kauai Public Library Association, Ltd.		177,065	
A. Personal Services	154,312		(21.1)
B. Other Current Expenses	15,100		
C. Equipment	7,653		
22. MILITARY DEPARTMENTS			883,477
A. Personal Services	773,183		(96.5)
B. Other Current Expenses	183,658		
Bl. Repairs and Maintenance	83,967		
C. Equipment	7,569		
M. Motor Vehicle	2,100		
Total Requirements	1,050,477		
Less federal service contract funds, estimated at	167,000		
Net Appropriation	833,477		

In the event that the Hawaii National Guard and the Hawaii Air National Guard shall be called or ordered into the service of the United States, the foregoing appropriation or any part thereof remaining unexpended shall be available for expenditure for the Hawaii Territorial Guard. In the event that only a portion of the Hawaii National Guard or the Hawaii Air National Guard should be called or ordered into the service of the United States, the adjutant general with the approval of the director of the bureau of the budget shall allocate the foregoing appropriation or any part thereof remaining unexpended between the Hawaii Territorial Guard and the Hawaii National Guard.

23. PUBLIC ARCHIVES 104,500

A. Personal Services	96,778	(13)
B. Other Current Expenses	6,300	
C. Equipment	1,422	

24. DEPARTMENT OF PUBLIC INSTRUCTION 49,800,049

General Administration 1,031,753

A. Personal Services	910,235	(82)
B. Other Current Expenses	107,407	
C. Equipment	14,111	

General Education 49,071,172

A. Personal Services	46,131,137	(5131-5241)
B. Other Current Expenses	1,181,172	
C. Equipment	1,758,863	

The above appropriations include $767,104 additional for the following: kindergarten classroom supplies and equipment, grades 1-12 classroom supplies and equipment including textbooks, agriculture supplies and equipment, home economics supplies and equipment, remedial supplies and equipment, cafeteria supplies and equipment, supplementary lunch service. Also include additional $58,722 for non-classroom supplies and equipment, including library and reference books; and 6 pupil guidance school social workers (Honolulu-2, Rural Oahu-2, Maui-1, Hawaii-1).

Special Education 3,512,475

A. Personal Services	3,086,132	(268-276)
B. Other Current Expenses	303,740	
C. Equipment	122,603	

The above appropriations provide for 4 teachers for gifted children off-ratio, Director of gifted children, 21 teachers for handicapped children off-ratio, Home Instruction for handicapped children, and $50,000 for free classes in citizenship and English in adult community schools.

Total Requirements	53,615,400	(5481-5599)
Less such federal funds as may be made available for vocational education, estimated at	345,000	(10)
Less such federal funds as may be made available for Central Veterans School under PL 550, estimated at	38,760	
Less such federal funds as may be made available under PL 874, estimated at	3,378,199	(373)
Less such special funds as may be made available for adult education, estimated at	213,392	(10)
Less such special funds as may be made available for Lahainaluna Boarding School, estimated at	50,000	
Net Appropriation	49,590,049	

Provided that in the event an amount less than $3,378,199 is provided by congress under PL 874, then the difference between $3,378,199 and the amount of the federal funds provided is hereby appropriated; provided, further that in the event an amount greater than $3,378,199 is provided then this appropriation shall be reduced to the extent that the actual realization shall exceed the estimated sum of $3,378,199 for the biennium 1957-1959.

The appropriation for this department is based upon a school by school pupil-teacher ratio of 32 pupils per teacher. Further, the overhead ratios are based on a pupil-staff ratio of 205-1 in the elementary schools, and 185 to 1 in the secondary schools. Provided, however, that there shall be no less than three overhead positions in any high school.

	Discretionary Fund for Administration and Supervision		210,000	
25.	DEPARTMENT OF PUBLIC LANDS			931,318
	Office of the Commissioner		295,050	
	A. Personal Services	252,156	(27)	
	B. Other Current Expenses	40,469		
	C. Equipment	2,425		
	Bureau of Conveyances		413,335	
	A. Personal Services	361,132	(42)	
	B. Other Current Expenses	44,503		
	C. Equipment	7,700		
	Division of Hydrography		222,933	
	A. Personal Services	46,235	(5)	
	B. Other Current Expenses	9,980		
	C. Equipment	200		
	G. Rights and Obligations	166,518		
26,	DEPARTMENT OF PUBLIC WELFARE			8,465,011
	Administration		1,417,156	
	A. Personal Services	1,315,046	(235)	
	B. Other Current Expenses	99,910		
	C. Equipment	2,200		
	The above appropriations include any stenographic assistance and office space that is necessary in the Liliuokalani Building for the Territorial Commission on Children and Youth.			
	An additional 15 "floater positions" may be used to enable the reduction of the "hard core" cases.			
	Assistance Program		7,047,855	
	F. General Assistance	2,060,544		
	F. Aid to the Disabled	714,908		
	F. Old Age Assistance	504,647		
	F. Aid to Dependent Children	2,967,401		
	F. Aid to the Blind	54,939		
	F. Child Welfare Services	745,416		
	The above appropriation provides for 75% of the 1956 minimum food standard.			

27.	DEPARTMENT OF PUBLIC WORKS			1,553,269
	Office of the Superintendent		117,263	
	A. Personal Services	112,963	(8)	
	B. Other Current Expenses	4,300		
	Maintenance, Repairs, Additions and improvements to Buildings, Grounds and Government Property		1,432,526	
	A. Personal Services	773,261	(118.3)	
	B. Other Current Expenses	422,130		
	Bl. Repairs to Buildings	233,530		
	C. Equipment	3,605		
	Maintenance of Government Cemeteries		3,480	
	A. Personal Services	3,480	(3)	
28.	SECRETARY OF HAWAII			236,800
	Secretary's Office		72,302	
	A. Personal Services	69,476	(8)	
	B. Other Current Expenses	2,826		
	Expenses of Election		134,498	
	A. Personal Services	74,960	(1500)	
	B. Other Current Expenses	40,608		
	Bl. Special Election	6,450		
	C. Equipment	12,480		
	Publication of Session Laws of Hawaii and Cumulative Supplement		30,000	
29.	BUREAU OF SIGHT CONSERVATION AND WORK WITH THE BLIND			346,170
	A. Personal Services	300,618	(41.4)	
	B. Other Current Expenses	174,018		
	C. Equipment	2,728		
	M. Motor Vehicle	2,540		
	F. Fixed Charges	86,992		
	Total Requirements	566,896	(41.4)	

Less Appropriated Receipts	4,320	Page 23	
Less such federal funds as may be made available for Vocational Rehabilitation under PL 565, 83rd Congress 2nd Session, estimated at	63,406	(3)	
Less receipts from the sale of products from the Shop for the Adult Blind, estimated at	153,000		
Net Appropriation	346,170		
30. COMMISSION ON SUBVERSIVE ACTIVITIES			35,390
A. Personal Services	32,504	(3)	
B. Other Current Expenses	2,060		
C. Equipment	826		
31. OFFICE OF SURVEYOR			377,152
A. Personal Services	359,323	(31)	
B. Other Current Expenses	17,252		
C. Equipment	577		
32. DEPARTMENT OF THE TAX COMMISSIONER			2,846,131
Administration		267,645	
A. Personal Services	240,374	(22)	
B. Other Current Expenses	25,670		
C. Equipment	1,601		
Real Property Tax		553,904	
A. Personal Services	518,498	(53)	
B. Other Current Expenses	26,521		
C. Equipment	4,185		
M. Motor Vehicles	4,700		
Income and Miscellaneous Taxes		787,791	
A. Personal Services	732,117	(84)	
B. Other Current Expenses	50,504		
C. Equipment	5,170		
Examiners and Auditors		416,663	
A. Personal Services	402,195	(34)	
B. Other Current Expenses	11,513		
C. Equipment	690		
M. Motor Vehicles	2,265		

Collection		483,082	
A. Personal Services	392,473		(47)
B. Other Current Expenses	83,136		
C. Equipment	5,023		
M. Motor Vehicles	2,450		
Delinquent Taxes		164,694	
A. Personal Services	158,449		(18)
B. Other Current Expenses	4,300		
C. Equipment	1,945		
Taxation Maps		166,532	
A. Personal Services	160,766		(19)
B. Other Current Expenses	4,310		
C. Equipment	1,456		
Boards of Review		5,820	
B. Other Current Expenses	5,820		
Provided that this appropriation shall be increased by an additional amount of $295,000 in the event S. B. 2 is enacted.			
33. TREASURY DEPARTMENT			13,238,312
Treasurer's Office		148,060	
A. Personal Services	137,476		(12)
B. Other Current Expenses	10,084		
C. Equipment	500		
Deputy Bank Examiner		176,450	
A. Personal Services	162,490		(14)
B. Other Current Expenses	13,910		
C. Equipment	50		
Fire Marshal		47,713	
A. Personal Services	39,990		(3)
B. Other Current Expenses	7,519		
C. Equipment	204		

Insurance Bureau		134,397	
A. Personal Services	123,962	(12)	
B. Other Current Expenses	10,435		
Public Debt Service		41,077	
B. Other Current Expenses	41,077		
Bonded Debt		12,690,615	
Interest on Bonded Debt	5,511,615		
Redemption on Serial Bonds	7,179,000		
34. UNIVERSITY OF HAWAII			7,933,552
Administration and General		808,278	
A. Personal Services	869,705	(87.29)	
B. Other Current Expenses	189,301		
C. Equipment	8,239		
Total Requirements	1,067,245	(87.29)	
Less estimated special funds	258,967	(1.00)	
Net Appropriation	808,278	(86.29)	
Resident Instruction and Departmental Research		2,692,922	
A. Personal Services	4,403,614	(376.03)	
B. Other Current Expenses	223,020		
C. Equipment	73,762		
Total Requirements	4,700,396	(376.03)	
Less estimated special funds	2,007,474	(138.49)	
Net Appropriation	2,692,922	(237.54)	
Hilo Branch		132,517	
A. Personal Services	221,520	(21.75)	
B. Other Current Expenses	38,575		
C. Equipment	6,390		
Total Requirements	266,485	(21.75)	

Less estimated special funds		133,968	(5.75)
Net Appropriation		132,517	(16)
General Studies Division			87,775
A. Personal Services	313,534		(12)
B. Other Current Expenses	33,700		
C. Equipment	541		
Total Requirements		347,775	(12)
Less estimated special funds		260,000	(5)
Net Appropriation		87,775	(7)
Organized Activities Related to Educational Departments			500,212
A. Personal Services	559,555		(57.06)
B. Other Current Expenses	68,077		
C. Equipment	17,880		
Total Requirements		645,512	(57.06)
Less estimated special funds		145,300	(4)
Net Appropriation		500,212	(53.06)
Hawaii Agricultural Experiment Station			1,170,201
A. Personal Services	1,414,781		(148.84)
B. Other Current Expenses	327,837		
C. Equipment	42,387		
E. Structures and Improvements	7,000		
Total Requirements		1,792,005	(148.84)
Less estimated special funds		621,804	(44.02)
Net Appropriation		1,170,201	(104.82)
Agricultural Extension Service			953,287
A. Personal Services	1,247,237		(115.18)
B. Other Current Expenses	195,907		
C. Equipment	3,615		
Total Requirements		1,446,759	(115.18)

Less estimated special funds	493,472	(45.14)
Net Appropriation	953,287	(70.04)
Miscellaneous Organized Research		125,045
A. Personal Services	236,959	(6.50)
B. Other Current Expenses	95,546	
C. Equipment	42,540	
Total Requirements	375,045	(6.50)
Less estimated special funds	250,000	
Net Appropriation	125,045	(6.50)
Various Extension and Public Services		237,693
A. Personal Services	243,433	(23.70)
B. Other Current Expenses	219,297	
C. Equipment	2,692	
M. Motor Vehicles	3,400	
Total Requirements	468,822	(23.70)
Less estimated special funds	231,129	(1)
Net Appropriation	237,693	(22.70)
Library		321,080
A. Personal Services	323,975	(36.5)
B. Other Current Expenses	46,300	
C. Equipment	137,920	
Total Requirements	508,195	(36.5)
Less estimated special funds	187,115	
Net Appropriation	321,080	(36.5)
Operation and Maintenance of Physical Plant		904,542
A. Personal Services	659,441	(107)
B. Other Current Expenses	390,600	
C. Equipment	22,626	
Total Requirements	1,072,667	(107)

Less estimated special funds	168,125	(3)
Net Appropriation	904,542	(104)

The amount of the appropriation necessary to match allotments made by the federal government for extension work and agricultural experiment station operations shall be payable to the University of Hawaii in total, by single warrant, or by several warrants, representing periodical allotments. Provided, however, that disbursements matching federal allotments may be regularly audited by the federal auditor and shall be subject to the same limitations as respects the character of expenditures of the federal funds which it offsets.

Any other law to the contrary notwithstanding, no portion of the funds appropriated by this Act for the University of Hawaii, or collected or received by the University from its students or from the United States, or of any other funds under the control of its board of regents, shall be expendable for the reimbursement of the Territory for the amount payable by the Territory to cover the liability of the Territory to the various funds of the employees' retirement system on account of the employees of the University, nor shall any law providing for such reimbursement be deemed applicable to the University, provided that this exemption shall not apply to Auxiliary Enterprise funds and other funds which have not been netted in deriving the net appropriation of the University.

35. COUNCIL OF VETERANS AFFAIRS 87,079

A.	Personal Services	74,708	(5)
B.	Other Current Expenses	11,871	
C.	Equipment	500	

36. DIVISION OF VOCATIONAL REHABILITATION 178,992

A.	Personal Services	160,020
B.	Other Current Expenses	369,206
C.	Equipment	1,500
	Total Requirements	530,726

Less such federal funds as may be made available under PL 565, 83rd Congress, 2nd Session, estimated at	311,000	
Less Old Age and Survivors Insurance Grants	20,680	
Less Donations and Contributions	20,054	
Net Appropriation	178,992	(18)
To supplement estimated federal funds and other receipts for the programs of the division for the biennium 1957-1959.		

TOTAL OF OPERATING BUDGET $ 128,520,407

SECTION 2. (a) Within sixty days after this Act takes effect, the head of each department, with the approval of the director of the bureau of the budget, shall make the initial allocation of funds herein appropriated for such department for each of the two fiscal years of the biennium. In the event of a disagreement between the department head and the director, the governor shall make the initial allocation. Changes and transfer in allocation of appropriations as to programs, organizational units and characters of expenditures and creation of characters of expenditures within each fiscal year may be made by the head of the department with the approval of the director of the bureau of the budget. The head of the department may, with the approval of the governor or the director of the bureau of the budget, if so delegated by the governor, transfer funds allocated to the second fiscal year to the first fiscal year to meet emergencies. Except as otherwise provided in subparagraph (b) of this section, any unexpended balance of funds allocated for expenditure during the first fiscal year of the biennium shall not be expended but shall lapse into the general fund of the Territory, provided, however, that so much as is necessary to increase the governor's Contingent Fund to $150,000 at the beginning of the second fiscal year shall be transferred into the said fund and shall then be expendable for any of the purposes of said fund.

(b) Any department which has been allowed a discretionary fund by this Act may use such fund for such purposes as, in the opinion of the department, will result in an increase in the effectiveness of the function or program authorized by the legislature to be undertaken or performed by the department and will either not increase the over-all cost of such undertaking or performance or will reduce the cost thereof; provided that no expenditure may be made therefrom the purpose of which or the effect of which would be to increase the over-all cost of the undertaking or performance, whether or not an increase in the effectiveness of the function or program would result.

Any department which has, during the first fiscal year of the biennium, so used the moneys appropriated to it that all of the functions or programs intended by the legislature to be undertaken or performed have been accomplished as effectively as intended but at a lower cost than was anticipated, may, upon the director of the bureau of the budget so finding, use any moneys so saved during the second fiscal year of the biennium to increase the effectiveness of the function or program or to expand the scope of the function or program so authorized. None of the moneys so saved shall lapse into the general fund or to the governor's contingent fund at the end of the first fiscal year.

Each department allowed a discretionary fund and each department which the director of the bureau of the budget has found to have reduced the cost of accomplishing any function or program and which has used the moneys so saved as provided in this section, shall make a full and complete report to the 30th legislature on the manner in which such discretionary fund or savings have been used.

(c) For the purposes of this Act, the term "department" shall include any department, board, bureau, commission, agency, office or institution for which an appropriation is made herein.

SECTION 3. The sum of the figures enclosed in parentheses after the amounts stated for the personal services appropriated for each department is the maximum number of positions that a department is authorized to have at the end of the 1957-1959 biennium and any department having positions over and above the authorized number of positions at the effective date of this Act shall reduce the number of positions by normal

attrition or transfer of positions, provided, however, that this section shall not apply to any position which is required to perform a function or service of a temporary or non-recurring character nor shall it apply to the classroom teaching positions of the department of public instruction and the University of Hawaii.

SECTION 4. This Act shall take effect from and after July 1, 1957.

INTRODUCED BY:

Sen SSCR 434

Standing Committee Report No. 464

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 25 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 551

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to April 26, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 464

Honolulu, Hawaii

April 25, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 551

Sir:

Your Committee on Judiciary to which was referred House Bill No. 551, entitled:

"AN ACT TO AMEND SECTION 149-180 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO THE CITY PLANNING COMMISSION",

begs leave to report as follows:

House Bill No. 551 proposes to substitute the term "licensed real estate broker" for the term "realtor" appearing in section 149-180 of the Revised Laws of Hawaii 1955. This substitution will mean that one of the members to be appointed to the City Planning Commission must be a practicing licensed real estate broker rather than simply a realtor.

Your Committee is in accord with this substitution of terms and, therefore, recommends that House Bill No. 551 do pass third reading.

Respectfully submitted,

Nelson K. Doi, Chairman

Standing Committee Report No. 465

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 25 , 19 57, by

Senator SAKAE TAKAHASHI, CHAIRMAN FOR THE SELECT COMMITTEE OF OAHU SENATORS

RE: S. B. NO. 914
H. B. NO. 1136

RECOMMENDING THAT SAID SENATE BILL BE FILED AND SAID HOUSE BILL PASS THIRD READING.

MEMO:

Deferred to April 26, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 465
Honolulu, Hawaii
April 25, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Bill No. 914
House Bill No. 1136

Sir:

Your Select Committee of Oahu Senators to which were referred Senate Bill No. 914 entitled, "AN ACT AMENDING SECTION 153-2 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO SANITARY SEWERAGE SYSTEMS", and House Bill No. 1136 entitled, "AN ACT AMENDING SECTION 153-2 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO SANITARY SEWERAGE SYSTEMS", begs leave to report as follows:

The purpose of these bills is to raise the charge for improvement district assessments for sanitary sewerage systems in the city and county of Honolulu from six cents per square foot to eight cents per square foot. This charge is made against lands specially benefitted by such sanitary sewerage systems within an improvement district as authorized by Chapter 153, Revised Laws of Hawaii 1955.

The charge made against the benefitted property owners is not sufficient to pay for the complete costs of such sewer systems. The present law mandates that the balance of such costs will be borne by the city and county except where the improvement district is initiated by petition of the owners in which case the entire costs are borne by the property owners.

This raise in the charges is necessary because of the rise in the over-all costs. Instead of the city bearing one-third of these costs, the city has actually borne about one-half of the costs of these improvement districts during the past few years.

The legislature last raised the charge from four cents to six cents per square foot in 1953.

Your Committee approves the purpose of these bills but inasmuch as they are identical in nature, your Committee recommends that Senate Bill No. 914 be filed and that House Bill No. 1136 do pass.

Respectfully submitted,

Chairman

Mitsuyuki Kido

Standing Committee Report No. 466

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 25 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 1158 HD2

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to April 26, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 466

Honolulu, Hawaii

April 24, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 1158
H. D. 2

Sir:

Your Committee on Judiciary to which was referred House Bill No. 1158, H. D. 2, entitled:

"AN ACT TO AMEND CHAPTER 143 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO URBAN REDEVELOPMENT AGENCY AND THE POWERS THEREOF",

begs leave to report as follows:

The purposes of the Bill are as follows:

1. In SECTION 1, the purpose is to permit the Agency to lease as well as sell the redeveloped property. The lease provision was in the original law enacted in 1949, but it was deleted by amendment in 1951. There will be occasions when the Agency's inability to lease lands for private use will provide an obstacle for appropriate redevelopment of property, especially in cases of commercial, industrial or multi-family housing lands. There is a need for an alternative provision in the law to permit the Agency to lease lands when that is the only method which will provide for the appropriate redevelopment of lands which have been acquired and cleared.

2. In SECTION 2, the purpose is to eliminate the preference rights to former owners to repurchase redeveloped lots of which they owned more than one half in value. Blighted lands acquired by the Agency are acquired for the public purpose of clearing them of blighting conditions. Inasmuch as the former owners are fully compensated at the time their property is condemned or acquired by the Agency, there is no moral or legal justification for this preference right.

It is a common belief that the existing law gives preference to all former owners to repurchase redeveloped lots. This is a misconception. When large land holdings are acquired and subdivided by the Agency, the former owners have

the right to repurchase all the new lots within the old land holding. On the other hand, when a number of small lots are acquired and consolidated into a large parcel, the preference right is not present. This is because under the existing law, former owners cannot exercise their preference rights to repurchase unless they owned at least one-half in value of the redeveloped property. Furthermore, only one state in thirty seven, which have enacted redevelopment laws, has former owner purchase preference provisions.

Your Committee is in accord with the purposes of this Bill, and recommends that it do pass third reading.

Respectfully submitted,

Nelson K. Doi, Chairman

Standing Committee Report No. 467

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 25 , 19 57 , by

Senator SAKAE TAKAHASHI, CHAIRMAN FOR THE COMMITTEE ON PUBLIC LANDS.

RE: H. J. RES. NO. 54, HD2

RECOMMENDING THAT SAID JOINT RESOLUTION PASS THIRD READING.

MEMO:

Deferred to April 26, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 467

Honolulu, Hawaii
April 24, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Joint Resolution No. 54, H. D. 2

Sir:

Your Committee on Public Lands to which was referred House Joint Resolution No. 54, H. D. 2, entitled:

"JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION RELATING TO LANDS BENEATH TIDAL WATERS IN THE TERRITORY OF HAWAII, AND FILLED IN, MADE OR RECLAIMED LANDS IN SAID TERRITORY; AND AMENDING SECTION 112-1 OF THE REVISED LAWS OF HAWAII 1955 TO CONFORM TO SUCH CONGRESSIONAL LEGISLATION EFFECTIVE UPON THE ENACTMENT THEREOF"

begs leave to report as follows:

The provisions of this Joint Resolution are the same as the provisions of S. J. R. No. 20 which passed the Senate on April 22, 1957. The House Joint Resolution differs from S. J. R. No. 20 only in very minor respects noted in House Standing Committee Report No. 329.

Since the House Joint Resolution was received in the Senate before the Senate Joint Resolution was received in the House, your Committee recommends passage of H. J. R. No. 54.

Respectfully submitted,

SAKAE TAKAHASHI, Chairman

Standing Committee Report No. 468

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 25 , 19 57, by

Senator DEE DUPONTE, CHAIRMAN FOR THE COMMITTEE ON PUBLIC EMPLOYMENT.

RE: H. J. RES. NO. 95, HD1

RECOMMENDING THAT SAID JOINT RESOLUTION PASS THIRD READING.

MEMO:

Deferred to April 26, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 468

Honolulu, Hawaii
April 25, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Joint Resolution No. 95
H. D. 1

Sir:

Your Committee on Public Employment to which was re-referred House Joint Resolution No. 95, H. D. 1 entitled, "JOINT RESOLUTION RELATING TO THE CLASSIFICATION OF SCHOOL SECRETARIES", begs leave to report as follows:

Upon reconsideration, your Committee finds that the purpose of House Joint Resolution No. 95, H. D. 1, is sufficiently explained and stated in Standing Committee Report No. 441 of your Committee on Public Employment and therefore recommends it pass third reading.

Respectfully submitted,

Dee Duponte
DEE DUPONTE, CHAIRMAN

Tom Okino

Mitsuyuki Kido

Sahal Janahan Jr.

W H Hill

STAND. COM. REP. NO. 469

Honolulu, Hawaii

April 24, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 506

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 506, entitled:

"AN ACT PROVIDING THAT THE TERRITORY OF HAWAII MAY ENTER INTO A COMPACT WITH ANY OF THE UNITED STATES FOR MUTUAL HELPFULNESS IN RELATION TO PERSONS CONVICTED OF CRIME OR OFFENSES WHO MAY BE ON PROBATION OR PAROLE",

begs leave to report as follows:

The purpose of this Bill is to authorize the governor to execute a compact on behalf of the Territory with any state of the United States for mutual helpfulness in the supervision of probationers or parolees.

Under the compact the Territory may send or receive a person on probation or parole to or from other member states if the parolee or probationer has met certain requirements. The intent of the compact is to help such person rehabilitate himself by giving him the opportunity to be transferred to a state or territory wherein he is a resident or has his family and is assured of employment. Similar compacts have been entered into by various states during the past fifteen years.

Your Committee is in accord with the purpose of this Bill and recommends that it pass first reading by title in the amended form attached hereto, that it be printed, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

CORRECTION

THE PRECEDING DOCUMENT(S) HAS
BEEN REPHOTOGRAPHED TO ASSURE
LEGIBILITY
SEE FRAME(S)
IMMEDIATELY FOLLOWING

STAND. COM. REP. NO. 469

Honolulu, Hawaii

April 24, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 506

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 506, entitled:

"AN ACT PROVIDING THAT THE TERRITORY OF HAWAII MAY ENTER INTO A COMPACT WITH ANY OF THE UNITED STATES FOR MUTUAL HELPFULNESS IN RELATION TO PERSONS CONVICTED OF CRIME OR OFFENSES WHO MAY BE ON PROBATION OR PAROLE",

begs leave to report as follows:

The purpose of this Bill is to authorize the governor to execute a compact on behalf of the Territory with any state of the United States for mutual helpfulness in the supervision of probationers or parolees.

Under the compact the Territory may send or receive a person on probation or parole to or from other member states if the parolee or probationer has met certain requirements. The intent of the compact is to help such person rehabilitate himself by giving him the opportunity to be transferred to a state or territory wherein he is a resident or has his family and is assured of employment. Similar compacts have been entered into by various states during the past fifteen years.

Your Committee is in accord with the purpose of this Bill and recommends that it pass first reading by title in the amended form attached hereto, that it be printed, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

S. B. NO. 506
S. D. 1

AN ACT

PROVIDING THAT THE TERRITORY OF HAWAII MAY ENTER INTO A COMPACT WITH ANY OF THE UNITED STATES FOR MUTUAL HELPFULNESS IN RELATION TO PERSONS CONVICTED OF CRIME OR OFFENSES WHO MAY BE ON PROBATION OR PAROLE.

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

SECTION 1. The governor of the Territory of Hawaii is hereby authorized and requested to execute a compact on behalf of the Territory with any state of the United States legally joining therein in the form substantially as follows:

"A COMPACT

Entered into by and among the contracting states, signatories hereto, with the consent of the Congress of the United States of America, granted by an act entitled 'An act granting the consent of Congress to any two or more states to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and for other purposes.'

The contracting states solemnly agree:

(1) That it shall be competent for the duly constituted judicial and administrative authorities of a state party to this compact (herein called 'sending state'), to permit any person convicted of an offense within such state and placed on probation or released on parole to reside in any other state party to this compact (herein called 'receiving state'), while on probation or parole, if

(a) Such person is in fact a resident of or has his family residing within the receiving state and can obtain employment there;

(b) Though not a resident of the receiving state and not having his family residing there, the receiving state consents to such person being sent there.

Before granting such permission, opportunity shall be granted to the receiving state to investigate the home and prospective employment of such person.

A resident of the receiving state, within the meaning of this section, is one who has been an actual inhabitant of such state continuously for more than one year prior to his coming to the sending state and has not resided within the sending state more than six continuous months immediately preceding the commission of the offense for which he has been convicted.

(2) That each receiving state will assume the duties of visitation of and supervision over probationers or parolees of any sending state and in the exercise of those duties will be governed by the same standards that prevail for its own probationers and parolees.

(3) That duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any person on probation or parole. For that purpose no formalities will be required other than establishing the authority of the officer and the identity of the person to be retaken. All legal requirements to obtain extradition of fugitives from justice are hereby expressly waived on the part of states party hereto, as to such persons. The decision of the sending state to retake a person on probation or parole shall be conclusive upon and not reviewable within the receiving state; provided, however, that if at the time when a state seeks to retake a probationer or parolee there should be pending against him within the receiving state any criminal charge, or he should be suspected of having committed within such state a criminal offense, he shall not be retaken without the consent of the receiving state until discharged from prosecution or from imprisonment for such offense.

(4) That the duly accredited officers of the sending state will be permitted to transport prisoners being retaken through any and all states parties to this compact, without interference.

(5) That the governor of each state may designate an officer who, acting jointly with like officers of other contracting states, if and when appointed, shall promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of this compact.

(6) That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.

(7) That this compact shall continue in force and remain binding upon each executing state until renounced by it. The duties and obligations hereunder of a renouncing state shall continue as to parolees or probationers residing therein at the time of withdrawal until retaken or finally discharged by the sending state. Renunciation of this compact shall be by

the same authority which executed it, by sending six months' notice in writing of its intention to withdraw from the compact to the other state party hereto."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

N. MIYAKE
W. H. HILL
WILFRED C. TSUKIYAMA

STAND. COM. REP. NO. 470

Honolulu, Hawaii

April 24, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 587

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 587, entitled:

"AN ACT RELATING TO THE MONITORING OF TELEPHONE CONVERSATIONS AND PROVIDING A PENALTY FOR VIOLATIONS",

begs leave to report as follows:

The purpose of this Bill is to make it a misdemeanor for any person other than a telephone company operating in its regular course of business to record a telephone conversation being held by other parties without first informing such other parties of such recording and identifying the person who is recording the conversation.

Your Committee is in accord with the purpose of this Bill, and recommends that it pass first reading by title in the amended form attached hereto, that it be printed, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

S. B. NO. 587
S. D. 1

AN ACT

MAKING IT A MISDEMEANOR TO RECORD TELEPHONIC CONVERSATIONS AND AMENDING TITLE 31 OF THE REVISED LAWS OF HAWAII 1955 BY ADDING A NEW CHAPTER THERETO.

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

SECTION 1. Title 31 of the Revised Laws of Hawaii 1955 is hereby amended by adding thereto a new chapter to be appropriately numbered and to read as follows:

"Chapter _____. Telephone conversations.

"Sec. _____. Recording telephonic conversations; misdemeanor. Any person other than a telephone company operating in its regular course of business who records a telephone conversation being held by other parties without first informing such other parties that their conversation is being recorded and identifying the person who is recording the conversation, shall be guilty of a misdemeanor."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

DEE DUPONTE

STANDING COMMITTEE REPORT NO. 471

Honolulu, Hawaii
April 24, 1957

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 608

Sir:

Your Committee on Ways and Means to which was referred Senate Bill No. 608, entitled

"AN ACT RELATING TO THE FUEL TAX LAW AND AMENDING CHAPTER 123 OF THE REVISED LAWS OF HAWAII 1955, SO AS TO PROVIDE FOR CERTAIN REFUNDS OF PORTIONS OF FUEL TAXES,"

begs leave to report as follows:

In its proposed form, the purpose of this measure is to make available to retail dealers of liquid fuel a refund of two per cent on fuel taxes, so as to allow for shrinkage, evaporation, or similar losses which are or may be sustained in this business activity.

Your Committee has carefully examined the objectives sought to be reached by this bill, and has concluded that some relief might properly be granted to these businesses. It is believed, however, that a refund of one per cent should be adequate. Your Committee has also ascertained that certain practical problems exist in the enactment of this type of bill, in that the actual taxpayer is not the service station or retail dealer but the distributor of the liquid fuel. It has, therefore, been necessary to redraft the measure so as to allow distributors to deduct a percentage of the amount sold at retail, and the retail dealer must certify the same to the distributors. The distributor may then claim a deduction on the basis of one gallon for every 99 gallons sold by the retailer. It will be necessary that the distributors and their dealers enter into appropriate arrangements for the obtaining of the tax benefit. Your Committee likewise believes it appropriate to require that the retail dealers obtain permits from the tax commissioner, and to satisfy the commissioner that they will accurately show the gallonage actually sold, as distinguished from that used in their own operations, such as towing trucks or other equipment. Your Committee believes that such provision is necessary, in that retail dealers to some extent use gasoline rather than sell it, and they should not be favored over the many other users of liquid fuel who would have no occasion to obtain a tax benefit.

All of the foregoing amendments were approved by your Committee after conference with the attorney general and the territorial tax commissioner, and a complete new draft of the measure has been prepared and is attached to this report.

Your Committee is in accord with Senate Bill No. 608 in the amended form hereto attached, and therefore recommends that it pass first reading by title in such amended form, that it be printed and that it then take its place in the order of business for further consideration.

Respectfully submitted,

KAZUMISA ABE, Chairman

AATF:

S. B. NO. 608
S. D. 1

AN ACT

RELATING TO THE FUEL TAX, AMENDING CHAPTER 123 OF THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. Section 123-1 of chapter 123, Revised Laws of Hawaii 1955, is amended by adding thereto a new paragraph to follow the definition of "person" and to read as follows:

"'Retail dealer' means and includes a person who purchases liquid fuel from a licensed distributor, and sells the liquid fuel at retail. Only sales of liquid fuel for consumption or use by the purchaser, and not for resale, are sales at retail."

SECTION 2. Chapter 123, Revised Laws of Hawaii 1955, is further amended by inserting a new section 123-2.5, to read as follows:

"Sec. 123-2.5. Retail dealers, permits; certificates. (a) The certificate of a retail dealer as to the amount of his retail sales during the month, referred to in section 123-7, is of no validity unless at the time of making the certificate the retail dealer holds a permit from the tax commissioner, which is then in effect. In order to obtain a permit, a retail dealer shall make an application to the tax commissioner therefor, in such form as the commissioner prescribes and containing such information as the commissioner requires.

(b) Any person who makes a false or fraudulent application or certificate or false statement in an application or certificate provided for by this chapter, with intent to defraud the Territory or to obtain, for a licensed distributor, an unauthorized credit, or who in any manner intentionally deceives or attempts to deceive the commissioner or his authorized agent in relation to an application or certificate provided for by this chapter, shall be fined not more than $5,000 or imprisoned not more than one year or both.

(c) No permit shall be issued to a retail dealer unless the commissioner is satisfied that (1) the retail dealer, as to all of the liquid fuel purchased by him from

licensed distributors, is engaged exclusively in selling the same at retail, and is not using the liquid fuel for any other purpose; or (2) the retail dealer maintains on the premises a pump or pumps drawing on tanks into which fuel is delivered by licensed distributors and from which no liquid fuel is drawn by the retailer for any purpose other than the sale thereof at retail, and the retail dealer further maintains records showing the quantity of liquid fuel on hand in those tanks at the beginning and end of each month and the deliveries into those tanks made by licensed distributors during the month; or (3) the retail dealer maintains records by which retail sales of liquid fuel purchased from licensed distributors are segregated from all other sales or uses of liquid fuel, and further showing the quantity of liquid fuel on hand at the beginning and end of each month and the purchases of liquid fuel from licensed distributors during the month.

(d) Permits to retail dealers shall be issued on an annual basis and shall expire at the end of each calendar year. A fee of $5 shall be charged for each permit or renewal thereof. Permits shall be numbered and each certificate made by a retail dealer holding a permit shall bear the same identifying number as the permit which he holds.

(e) The tax commissioner is authorized to revoke a permit upon the grounds hereinafter stated, after notice to the retail dealer holding the permit informing him of the grounds of the proposed revocation and of the time and place at which a hearing will be held thereon. If the commissioner finds, after such hearing, that there is good cause therefor he may revoke the permit. The permit may be revoked upon any of the following grounds: (1) A false or fraudulent application or false statement in an application; (2) the giving of a false or fraudulent certificate or a false statement in a certificate; (3) failure to maintain the practices or records required by clause (1), (2) or (3) of subsection (c), whichever is applicable as shown by the retail dealer's application for the permit; (4) incomplete or inaccurate records when and if required to be kept.

(f) Each retail dealer who holds a permit issued by the tax commissioner, which remains in effect, is thereby authorized to make a certificate showing the amount of retail sales, made by him during the month, of liquid fuel

purchased from a licensed distributor, and further is authorized to furnish such certificate to the licensed distributor from whom he purchased the liquid fuel, for his use as provided in section 123-7."

SECTION 3. Section 123-7 of chapter 123, Revised Laws of Hawaii 1955, is amended by changing the period at the end of the first sentence of the last paragraph to a semicolon and adding the following:

"provided further, that a licensed distributor shall be entitled, in computing the tax he is required to pay, to deduct from the gallons of fuel reported for the month for each county or for the island of Lanai or the island of Molokai, as the case may be, one gallon for each ninety-nine gallons of like liquid fuel sold by retail dealers in that county or on that island during the month, as shown by certificates furnished by the retail dealers to the distributor and attached to the distributor's report."

SECTION 4. This Act shall take effect on July 1, 1957. However, the certificates referred to in section 123-7 of the Revised Laws of Hawaii 1955, as amended by this Act, may be furnished only as to retail sales of liquid fuel made on or after July 1, 1957.

INTRODUCED BY:

Date: _____

Honolulu, Hawaii

STAND. COM. REP. NO. 472

Honolulu, Hawaii

April 24, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 709

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 709, entitled:

"AN ACT TO AMEND SECTION 193-22 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO ENFORCEMENT OF LIEN ON PERSONALTY FOR WORK DONE AND MATERIALS FURNISHED",

begs leave to report as follows:

Under Senate Bill No. 709, a holder of a lien on any article of personalty may, in lieu of obtaining judgment and execution thereon, enforce such lien by selling the article and applying the proceeds of the sale to the amount due as reasonable charges for work done and materials furnished. This alternative will afford an inexpensive means of enforcing a lien. However, to avail himself of this alternative, the Bill prescribes certain conditions and requirements which have to be met by the lienholder.

This Bill, after receiving careful study, was amended by your Committee. For reasons of clarity, a new section, numbered 193-26 with provisions fully detailed therein, is proposed therein as an addition to Chapter 193 of the Revised Laws of Hawaii 1955.

Your Committee is in accord with the purpose of Senate Bill No. 709, and recommends that it do pass first reading by title in the amended form attached hereto and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

S. B. NO. 709
S. D. 1

AN ACT

RELATING TO ENFORCEMENT OF LIEN ON PERSONALTY FOR WORK DONE AND MATERIALS FURNISHED, AND AMENDING CHAPTER 193, REVISED LAWS OF HAWAII 1955.

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

SECTION 1. Chapter 193, Revised Laws of Hawaii 1955, is hereby amended by adding a new section thereto, to be numbered Sec. 193-26, and to read as follows:

"Sec. 193-26. Notwithstanding the provisions of Secs. 193-21 to 193-25, inclusive, in the event the reasonable charges for the work done and materials furnished do not exceed $50, the holder of any lien provided for in Sec. 193-21 may, in lieu of obtaining judgment and execution upon the property so held by him, sell the article of personal property upon which the alterations or repairs have been made in the manner hereinafter set forth and apply the proceeds of the sale in satisfaction of the reasonable charges for the work done and materials furnished; provided that the article shall have been unclaimed for at least six months, and provided further that the owner of the article shall have agreed in writing that the value of the article does not exceed $100. The holder of the lien shall give public notice by publication in a newspaper of general circulation in the Territory, said publication to be not less than 10 days prior to the date of the sale, and shall also notify the owner of such sale by sending a letter by registered mail to the last known address of the owner at least 30 days prior to the sale. The notice shall particularly describe the article to be sold, the name of the owner, the date and place of the sale, and the amount of the reasonable charges. At the time and place so published, the article may be sold and the purchaser shall succeed to the title of the owner. Out of the proceeds of the sale, the holder of the lien may retain the amount of the reasonable charges, the cost of publication and other expenses incident to the sale. Any balance remaining unclaimed by the owner of the article within 30 days from the date of the sale shall be deposited with the treasurer of the Territory and shall be payable to the owner of the article if

claimed within one year from the date of the sale. If no claim is made for the balance within such period, the moneys so deposited shall become a government realization."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

NELSON K. DOI (BY REQUEST)

STANDING COMMITTEE REPORT NO. 473

Honolulu, Hawaii
April 24, 1957

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 801

Sir:

Your Committee on Ways and Means to which was referred Senate Bill No. 801, entitled

"AN ACT RELATING TO FEES CHARGED BY DEPARTMENTS, COMMISSIONS, BOARDS, AGENCIES, AND ESTABLISHMENTS OF THE TERRITORIAL GOVERNMENT,"

begs leave to report as follows:

The purpose of this measure is to effect increases in many of the fees or charges assessed by the various departments and agencies of the territorial government. Your Committee is in accord with the proposition that the amount of such charges should be increased, in view of the increased costs of goods and services throughout the country generally, and a very large number of such fees have not been changed from those assessed many years ago.

Your Committee has prepared another draft of this bill, and in such amended form as attached hereto recommends that it pass first reading by title, that it be printed, and that it then be referred to your Committee on Ways and Means for additional study.

Respectfully submitted,

Kazuhisa Abe, Chairman

AATF:

S. B. NO. 801
S. D. 1

AN ACT

RELATING TO FEES CHARGED BY DEPARTMENTS, COMMISSIONS, BOARDS, AGENCIES, AND ESTABLISHMENTS OF THE TERRITORIAL GOVERNMENT, AND AMENDING SECTIONS, 24-28, 57-17, 60-2, 60-10.1, 66-2, 219-5 (a) (1), 219-5 (a) (2), 219-5 (a) (3), 219-5 (b), 219-5 (c) (1), 219-5 (c) (2), 219-5 (d), 219-5 (e) (1), 219-5 (e) (2), 219-6 (a), 224-11, 99-18, 342-105, 343-11, 72-1, 72-4, 71-6, 71-8, 64-5, OF THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. Section 24-28 of the Revised Laws of Hawaii 1955, is hereby amended by adding thereto a new subparagraph (d) to read as follows:

"(d) There shall also be inspection of swill collected by any person for resale. Any person engaged in such collection and sale of swill shall pay an inspection charge at the rate of $3 per hour for such inspection service rendered.

SECTION 2. Section 57-17 of the Revised Laws of Hawaii 1955, is hereby amended by deleting the figure "$1" and inserting in lieu thereof the figures $1.50".

SECTION 3. Section 60-2 of the Revised Laws of Hawaii 1955, is hereby amended by deleting the figures"$25" therefrom and inserting in lieu thereof the figures "$50".

SECTION 4. Section 60-10.1 of the Revised Laws of Hawaii 1955, is hereby amended by deleting therefrom the figures "$3" wherever the same appears and inserting in lieu thereof the figure "$5".

SECTION 5. Section 66-2 of the Revised Laws of Hawaii 1955, is hereby amended by deleting the figures "$10" thereform and inserting in lieu thereof the figures "$50".

SECTION 6. Section 219-5 (a) (1) of the Revised Laws of Hawaii 1955, is hereby amended by deleting the figures "$15.00" therefrom and inserting in lieu thereof the figures "$20.00"; and by deleting the figures "$50" therefrom and inserting in lieu thereof the figures "$1.00".

SECTION 7. Section 219-5 (a) (2) of the Revised Laws of Hawaii 1955 is hereby amended by deleting the figures "$10.00" therefrom and inserting in lieu thereof the figures "$15.00"; and by deleting the figures ".50" therefrom and inserting in lieu thereof the figures "$1.00".

SECTION 8. Section 219-5 (a) (3), of the Revised Laws of Hawaii 1955, is hereby amended by deleting the figures "3.00" therefrom and inserting in lieu thereof the figures "5.00"; and by deleting the figures ".50" therefrom and inserting in lieu thereof the figures "1.00".

SECTION 9. Section 219-5 (b) of the Revised Laws of Hawaii 1955, is hereby amended by deleting the figures "5.00" therefrom and inserting in lieu thereof the figures "10.00"; and by deleting the figures ".50" therefrom and inserting in lieu thereof the figures "1.00".

SECTION 10. Section 219-5 (c) (1) of the Revised Laws of Hawaii 1955, is hereby amended by deleting the figures "2.00" therefrom and inserting in lieu thereof the figures "5.00"; and bydeleting the figures ".50" therefrom and inserting in lieu thereof the figures "1.00".

SECTION 11. Section 219-5 (c) (2) of the Revised Laws of Hawaii 1955, is hereby amended by deleting the figures "10.00" therefrom and inserting in lieu thereof the figures "15.00"; and by deleting the figures ".50" therefrom and inserting in lieu thereof the figures "1.00".

SECTION 12. Section 219-5 (d) of the Revised Laws of Hawaii 1955, is hereby amended by deleting the figures "5.00" therefrom and inserting in lieu thereof the figures "10.00".

SECTION 13. Section 219-5 (e) (1) of the Revised Laws of Hawaii 1955, is hereby amended by deleting the figures ".25" therefrom and inserting in lieu thereof the figures "1.00".

SECTION 14. Section 219-5 (e) (2) of the Revised Laws of Hawaii 1955, is hereby amended by deleting the figures ".25" therefrom and inserting in lieu thereof the figures "1.00".

SECTION 15. Section 219-6 (a) of the Revised Laws of Hawaii 1955, is hereby amended by deleting the figures "25.00" therefrom and inserting in lieu thereof the figures "50.00".

SECTION 16. Section 224-11 of the Revised Laws of Hawaii 1955, is hereby amended by adding after the figure "$1" appearing in line 7 thereof, the words "for each page".

SECTION 17. Section 99-18, of the Revised Laws of Hawaii 1955, is hereby amended by deleting the figures "$10" appearing in lines 20 and 23 thereof, and inserting in lieu thereof the figures "$15".

SECTION 18. Section 342-105 of the Revised Laws of Hawaii 1955, is hereby amended by deleting the figure "$5" appearing in paragraph 20 thereof and inserting in lieu thereof the figures "$10"; and by deleting the figure "$2" appearing in paragraph 21 thereof and inserting in lieu thereof the figure "$5"; and by deleting the figures "$10", "$25" and "10" appearing in paragraph 5 thereof and inserting in lieu thereof the figures "$25", "50" and "25", respectively; and by deleting the figures "$1.50" appearing in paragraph 6 thereof and inserting in lieu thereof the figures "$3.00"; and by deleting the ;figures "$1.50" appearing in paragraph 7 thereof and inserting in lieu thereof the figures "$3.00".

SECTION 19. Section 343-11 of the Revised Laws of Hawaii 1955 is hereby amended by deleting the figures "$1.50" appearing in the 5th paragraph thereof and inserting in lieu thereof the figures "$3.00".

SECTION 20. Section 72-1 of the Revised Laws of Hawaii 1955 is hereby amended by deleting the figures "$10" therefrom and inserting in lieu thereof the figures "$25".

SECTION 21. Section 72-4 of the Revised Laws of Hawaii 1955, is hereby amended by deleting the figure "$1" appearing in line 4 thereof, and inserting in lieu thereof the figure "$5".

SECTION 22. Section 71-6 of the Revised Laws of Hawaii 1955 is hereby amended by deleting the figures "$15" therefrom and inserting in lieu thereof the figures "$25".

SECTION 23. Section 71-8 of the Revised Laws of Hawaii 1955 is hereby amended by deleting the figure "$2" from paragraph (b) thereof, and inserting in lieu thereof the figure "$5"; and by deleting the figure "$5" from paragraph (c) thereof, and inserting in lieu thereof the figures "$10".

SECTION 24. Section 64-5 of the Revised Laws of Hawaii 1955 is hereby amended by deleting the figures "$25" appearing in line 3 thereof, and inserting in lieu thereof the figures "$50"; and by deleting the figure "$2" appearing in line 6 thereof and inserting in lieu thereof the figure "$5".

SECTION 25. This Act shall take effect upon its approval.

INTRODUCED BY:

KAZUHISA ABE
TOM T. OKINO
JOHN G. DUARTE
JOHN B. FERNANDES
NELSON K. DOI

STAND. COM. REP.NO. 474

Honolulu, Hawaii

April 24, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Joint Resolution No. 25

Sir:

Your Committee on Judiciary to which was referred Senate Joint Resolution No. 25, entitled:

"JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION FOR EXTENSION OF FEDERAL GUARANTEES FOR PURCHASE OF NEW FLIGHT EQUIPMENT BY TERRITORIAL SCHEDULED AIRLINES",

begs leave to report as follows:

This ~~Senate~~ Joint Resolution memorializes the Congress of the United States to enact legislation which will ensure that purchases of new flight equipment by the scheduled airlines in the Territory will be covered by any federal program for guaranteeing such purchases by scheduled airlines. The enactment of such legislation will help the local scheduled airlines immeasurably in obtaining new flight equipment.

Your Committee is in full accord with the purpose of this measure, and recommends that it pass first reading by title in the form as introduced and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

adopted

STANDING COMMITTEE REPORT NO. 475

Honolulu, Hawaii
April 24, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Joint Resolution No. 59

Sir:

Your Select Committee of Oahu Senators to which was referred Senate Joint Resolution No. 59, entitled

"JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION ENABLING THE TERRITORY OF HAWAII TO EXCHANGE PUBLIC LANDS IN THE CITY AND COUNTY OF HONOLULU FOR LANDS OWNED BY MOILIILI HIGASHI HONGWANJI MISSION, LTD.,"

begs leave to report as follows:

The purpose of this joint resolution is to request the Congress of the United States to enact legislation that will enable the commissioner of public lands of the Territory to exchange public lands for private land presently owned by Higashi Hongwanji Mission, Ltd. Your Committee approves the purpose of this measure but recommends the following amendments thereto:

(a) By adding after the word "Ltd." found in line 7 thereof the words "notwithstanding any specific limitation as to area or value found in section 73(1) of the Hawaiian Organic Act."

As amended, your Committee recommends that this resolution pass second reading and that it then take its place in the order of business for further consideration.

Respectfully submitted,

SAKAE TAKAHASHI, Chairman

AATF:

adopted

STANDING COMMITTEE REPORT NO. 476

Honolulu, Hawaii
April 24, 1957

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 59

Sir:

Your Select Committee of Oahu Senators to which was referred Senate Bill No. 59, entitled

"AN ACT AUTHORIZING THE CLEARING OF A CHANNEL AT HALEIWA, OAHU, AND MAKING AN APPROPRIATION THEREFOR,"

begs leave to report as follows:

This bill provides for an appropriation for the planning and construction of a channel off Haleiwa, Oahu, in order to improve the beach at said Haleiwa, Oahu.

Your Committee approves of this bill and recommends that it pass second reading in the amended form attached hereto and that it be referred to your Senate Committee on Ways and Means for further consideration.

Respectfully submitted,

SAKAE TAKAHASHI, Chairman

AATF:

S. B. NO. 59
S. D. 1

AN ACT

AUTHORIZING THE CLEARING OF A CHANNEL AT HALEIWA, OAHU, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. There is hereby appropriated the sum of $_____ out of the general revenues of the Territory of Hawaii, not otherwise appropriated, to be expended for the planning and construction of a channel through the breakwater at Haleiwa, Oahu, to preserve the beach at said Haleiwa, Oahu.

SECTION 2. The board of harbor commissioners is hereby designated as the agency to supervise the planning and construction mentioned in section 1 above.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

SAKAE TAKAHASHI
MITSUYUKI KIDO
OREN E. LONG

adopted

STAND. COM. REP. NO. 477

Honolulu, Hawaii

April 25, 1957

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

RE: Senate Bill No. 926

Sir:

Your Select Committee of Oahu Senators to which was referred Senate Bill No. 926 entitled

"AN ACT TO AMEND SECTION 153-3 REVISED LAWS OF HAWAII 1955 RELATING TO REIMBURSEMENT OF THE CITY AND COUNTY OF HONOLULU BY THE TERRITORY FOR COSTS OF IMPROVEMENT BENEFITTING CERTAIN PUBLIC LANDS",

begs leave to report as follows:

The purpose of this bill is to reimburse the city and county of Honolulu for the full amount spent for improvements of public lands under the jurisdiction of the Hawaii Housing Authority and to provide further that costs for any further improvements to such agency shall be fully reimbursed to the city and county of Honolulu.

Your Committee approves the purpose of this bill and accordingly recommends that it pass second reading in the amended form attached hereto and that it then take its place in the order of business for further consideration.

Respectfully submitted,

SAKAE TAKAHASHI, Chairman

S. B. NO. 926
S. D. 1

AN ACT

TO AMEND SECTION 153-3 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO REIMBURSEMENT OF THE CITY AND COUNTY OF HONOLULU BY THE TERRITORY FOR COSTS OF IMPROVEMENT BENEFITTING CERTAIN PUBLIC LANDS.

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

SECTION 1. Section 153-3 of the Revised Laws of Hawaii 1955 is hereby amended by amending the fifth sentence thereof by adding the words "and the Hawaii Housing Authority and its property" following the words "Chapter 103, Section 1" and preceding the words "city and county" therein.

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

SAKAE TAKAHASHI
MITSUYUKI KIDO
HERBERT K. H. LEE

STAND. COM. REP. No. 478

Honolulu, T. H.

April 25, 1957

Honorable William H. Heen

President of the Senate

S i r :

Your Committee on Printing begs leave to report that the following matters have been printed and are ready for distribution:

S. B. No. 473 S. D. 1
S. B. No. 780 S. D. 1
S. B. No. 800 S. D. 1
S. B. No. 292 S. D. 2
S. B. No. 537 S. D. 2
S. B. No. 704 S. D. 2
S. B. No. 787 S. D. 2
S. B. No. 498 S. D. 2
S. J. R. No. 92 S. D. 1
H. B. No. 558 S. D. 1
H. B. No. 105 H. D. 1 S. D. 1
Stand. Comm. Rep. No. 444 to 461
Senate Petition No. 28 to 31

Respectfully submitted,

John B. Fernandes
Chairman

STAND. COM. REP. No. 479

Honolulu, T. H.

April 26, 1957

Honorable William H. Heen

President of the Senate

S i r :

Your Committee on Printing begs leave to report that the following matters have been printed and are ready for distribution:

S. B. No. 59 S. D. 1
S. B. No. 506 S. D. 1
S. B. No. 587 S. D. 1
S. B. No. 608 S. D. 1
S. B. No. 709 S. D. 1
S. B. No. 801 S. D. 1
S. B. No. 926 S. D. 1
S. B. No. 780 S. D. 2
H. B. No. 1 S. D. 1
S. J. R. No. 59 S. D. 1
S. J. R. No. 91 S. D. 1
Stand. Comm. Rep. No. 463 to 477
Governor's Message No. 123 to 131
Dept. Communication No. 100

Respectfully submitted,

John B. Dumas

Chairman

STAND. COM. REP. NO. 480

Honolulu, Hawaii

April 26, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 245

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 245, entitled:

"AN ACT AMENDING SECTIONS 317-27 AND 317-29 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO THE SALE OF REAL ESTATE BY ADMINISTRATORS AND EXECUTORS AND THE CONFIRMATION OF SUCH SALE, AND ADDING A NEW SECTION REQUIRING CONFIRMATION OF SALES MADE PURSUANT TO AUTHORITY GIVEN BY WILL",

begs leave to report as follows:

The purpose of Senate Bill No. 245 is to assure maximum realization to a decedent's estate from the sale of real property by an administrator or executor. To implement this purpose, the following three major considerations are set forth in the Bill:

1. That real property shall include a leasehold interest in real property with an unexpired term of 10 years or longer or a leasehold interest in real property together with an option to purchase the leased premises or some part thereof.

2. That before confirming a private sale the judge shall determine whether an offer greater than the selling price sought to be confirmed (in an amount at least 10 per cent more on the first $10,000 of the selling price and 5 per cent more on the amount of the selling price in excess of $10,000) may be obtained. If such offers are submitted, the court shall accept the highest and confirm the sale to person making it.

3. That sales may be made under direction of a will but that such sales shall require confirmation by the court before title passes to the purchaser.

Your Committee is in accord with the purpose of this Bill and recommends that it pass first reading by title in the amended form attached hereto, that it be printed, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi

Nelson K. Doi, Chairman

S. B. NO. 245
S. D. 1

AN ACT

AMENDING SECTIONS 317-27 AND 317-29 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO THE SALE OF REAL ESTATE BY ADMINISTRATORS AND EXECUTORS AND THE CONFIRMATION OF SUCH SALE, AND ADDING A NEW SECTION REQUIRING CONFIRMATION OF SALES MADE PURSUANT TO AUTHORITY GIVEN BY WILL.

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

SECTION 1. Section 317-27 of the Revised Laws of Hawaii 1955 is hereby amended by adding thereto the following sentence at the end thereof:

"For the purposes of this section, real property shall include a leasehold interest in real property with an unexpired term of 10 years or longer or a leasehold interest in real property together with an option to purchase the leased premises or some part thereof."

SECTION 2. Section 317-29 of the Revised Laws of Hawaii 1955 is hereby amended by adding thereto the following provisions at the end thereof:

"If a sale being presented to the judge for confirmation was a private sale, the judge shall require a notice of such sale to be posted in an appropriate place in the courthouse of the circuit wherein the matter is pending and also of the circuit wherein the property is located, if they be different, at least 15 days prior to considering such confirmation, such notice to set forth a description of the property, including the tax key number, the proposed sale price including the terms of payment, a description of any encumbrances thereon, the date of the confirmation hearing and a solicitation for sealed bids thereon or any other information required by the judge. If a written offer in an amount at least 10 per cent more on the first $10,000 of the selling price and 5 per cent more on the amount of the selling price in excess of $10,000 is made to the judge by a responsible person prior to the hearing of confirmation, the judge shall accept such higher offer and confirm the sale to such person. If more than one such written offer is made to the judge by responsible persons, including the original offeror, the judge shall accept such highest increased bid and confirm the sale to the person making it."

SECTION 3. There is hereby added to Chapter 317 of the Revised Laws of Hawaii 1955, a new section to follow section 317-29 to be numbered and to read as follows:

"Sec. 317-29.5. Sales under direction of will. When property is directed by a will to be sold, or authority is given in the will to sell property, the executor may sell the same either at public auction or private sale, and with or without notice, as he may determine; but he must make a return of sales and obtain confirmation thereof as in other cases. In either case no title passes unless the sale is confirmed by the court; but the necessity of the sale, or its advisability and benefit to the estate, need not be shown. If directions are given in the will as to the mode of selling, or the particular property to be sold, or the persons eligible to so purchase, or any other specific directions, such directions must be observed."

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

SAKAE TAKAHASHI
MITSUYUKI KIDO

STAND. COM. REP. NO. 481

Honolulu, Hawaii

April ____, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 436

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 436, entitled:

"AN ACT RELATING TO CORPORATE NAMES AND AMENDING CHAPTER 172 OF THE REVISED LAWS OF HAWAII 1955",

begs leave to report as follows:

The present law provides that the name of a corporation organized by articles of association shall include as the last word thereof the word "Limited" or the abbreviation "Ltd.". It is the purpose of this Bill to provide that the last word of the name of such corporation may be either "Corporation", "Incorporated" or "Limited" or their abbreviations "Corp.", "Inc." or "Ltd.".

Testimony was received at hearings held by your Committee that the present requirement imposes unnecessary restrictions and makes for confusion. This is particularly true with corporations engaged in business on a national scale.

Your Committee is in accord with the purpose of this Bill and recommends that it pass first reading by title in the form as introduced and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

STAND. COM. REP. NO. 482

Honolulu, Hawaii

April _____ , 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 659

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 659, entitled:

"AN ACT AMENDING CHAPTER 185 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO THE USE OF FUNDS OF MUTUAL AND FRATERNAL BENEFIT SOCIETIES",

begs leave to report as follows:

This Bill provides that a mutual benefit society may use not more than 20 per cent of the first $100,000 received in the form of admission fees, dues, contributions and assessments for expenses in connection with the management or operation of its death benefit, or disability, or sick or other benefit funds. The percentage figure is now 15 per cent. The Bill also provides that, where the fee for new members is not more than $10, commissions payable to persons soliciting membership in a mutual benefit society may be paid out of the fund created by such membership fees and shall not be considered as expenses of the society. The fee for new members now specified is $5.

Your Committee is in accord with the proposed changes and, therefore, recommends that the Bill pass first reading by title in the amended form attached hereto and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

S. B. NO. 659
S. D. 1

AN ACT

AMENDING SECTION 185-5 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO THE USE OF FUNDS OF MUTUAL AND FRATERNAL BENEFIT SOCIETIES.

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

SECTION 1. Section 185-5 of the Revised Laws of Hawaii 1955 is hereby amended in the following respects:

(a) By amending the first paragraph thereof to read as follows:

"Sec. 185-5. Same; restrictions on use of funds. After the organization of any such society is completed and a certificate of compliance with law is granted by the insurance commissioner, the society shall be governed by its administrative board or body in accordance with its constitution and by-laws, but at no time shall such society, except an association or a society organized and operating solely as a nonprofit medical indemnity or hospital service association or society, use more than twenty per cent of the payments up to $100,000 and seven per cent of the payments in excess of $100,000, received from its members or applicants in the form of admission fees, dues, contributions or assessments of any nature for expenses other than taxes, in connection with the management or operation of such death benefit, or disability, or sick or other benefit funds."

(b) By striking out the figure "5" appearing in line 6 of the second paragraph thereof and inserting therein the figure "10".

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

WILFRED C. TSUKIYAMA

STAND. COM. REP. NO. 483

Honolulu, Hawaii

April ____, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

Re: Senate Bill No. 197

Sir:

Your Committee on Agriculture, to which was referred Senate Bill No. 197 entitled: "MAKING AN APPROPRIATION FOR THE HAWAII IRRIGATION AUTHORITY REVOLVING FUND", begs leave to report that your Committee approves the purpose of the Bill and recommends that it pass first reading and be referred to your Committee on Ways and Means for further consideration.

Respectfully submitted,

TOM OKINO, CHAIRMAN

SAKAE TAKAHASHI, VICE CHAIRMAN

JOHN B. FERNANDES

DEE DUPONTE

WILFRED C. TSUKIYAMA

THE FOLLOWING WAS

NOT IN FILE

WHEN RECORDS WERE MICROFILMED:

YEAR: 1957

SESSION: REGULAR

CHAMBER: SENATE

TYPE ITEM: STANDING COMMITTEE REPORT

ITEM NUMBER: 484

STAND. COM. REP. NO. 485

Honolulu, Hawaii

April _____ , 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 671

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 671, entitled:

"AN ACT RELATING TO PUBLIC IMPROVEMENTS AND THE FINANCING THEREOF",

begs leave to report as follows:

This Bill, in the amended form attached hereto, is to take effect upon its approval by the Congress of the United States of America. Its purpose is to provide an alternate method of financing public improvements other than through general obligation bonds and revenue bonds. There is a definite need for a method of financing urgently needed public improvement projects notwithstanding any provision in our Organic Act with respect to bond limitations.

The proposal of lease-purchase agreements for financing government projects is not new. It is being utilized successfully by the United States Government and the governments of the several states in financing their projects.

Briefly, this Bill as amended envisions a lease-purchase program under which:

1. The government is permitted to buy land and/or improvements in a manner somewhat similar to commercial and private home ownership practices.

2. A new channel is opened for the acquisition of buildings during an amortization period ranging from 10 to 25 years at prices approaching the cost of rent for space of equal quality.

3. It is made possible to acquire urgently and permanently needed space without requiring lump sum construction appropriations which would increase the public debt.

received with no cover gc 10-31-57

4. Selection of sites, and the design and supervision of construction will be the government's responsibility.

5. Upon satisfactory completion and acceptance of the construction work, the government will purchase the buildings on an installment basis and will assume full responsibility for the operation, maintenance, repair and protection of the property.

6. The government will develop the projects in accordance with administration fiscal and economic policy; which projects shall be submitted to the Bureau of the Budget and Governor in the case of the Territory or the Board in the case of several counties for approval.

7. The title to the property shall vest in the government at or before the expiration of the term.

8. Equal annual payments will be provided for the amortization of principal with interest thereon, whether defined as rent or otherwise, and for the application to or reduction of the purchase price agreed upon.

9. The payment of annual amount shall not exceed 15% of the appraised fair market value of the property as of the date of the agreement or date of construction.

10. The government reserves the right to prepay the unpaid portion of the purchase price at any time during the term of the agreement without payment of premium or penalty.

11. The purchase price under the option to purchase will be the appraised fair market value on the date of the agreement or the fair market value on the date of the agreement of the completed improvements together with the site.

Your Committee is in accord with the purpose of the Bill as amended in the form attached hereto, and recommends that as so amended it pass second reading by title, that it be printed, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

S. B. NO. 671
S. D. 1

AN ACT

RELATING TO PUBLIC IMPROVEMENTS AND THE FINANCING THEREOF, AUTHORIZING LEASE-PURCHASE AGREEMENTS AND PURCHASE CONTRACTS IN CONNECTION THEREWITH, AND ENACTING CHAPTER 137A OF THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. There is hereby enacted a new chapter of the Revised Laws of Hawaii 1955 to be numbered chapter 137A, to consist of sections 137A-1 to 137A-12, and to read as follows:

"Chapter 137A. Lease-Purchase Agreements; Purchase Contracts.

Sec. 137A-1. Lease-purchase agreements and purchase contracts authorized. Wherever a public improvement or the acquisition of real property or improvements for a public use or purpose is authorized by law, the same may be financed, constructed and acquired by means of a lease-purchase agreement or a purchase contract or combination or variation thereof in the manner provided in this chapter.

Sec. 137A-2. Definitions. A 'lease-purchase agreement' means an agreement whereby the government as lessee leases property from the owner thereof as lessor with an option in or agreement by the government to purchase the property.

A 'purchase contract' means a contract whereby a person as the contractor agrees with the government as the purchaser to (1) finance, construct and sell to the government, or (2) finance the construction of and sell to the government, or (3) construct for the government, a public improvement.

'Government' includes the Territory, the several counties, and any agency or instrumentality of either which is authorized to construct any public improvement or acquire any real property or improvements for a public use or purpose.

To 'construct' includes to remodel, repair or alter.

Sec. 137A-3. Who may enter into agreement or contract. Any lease-purchase agreement or purchase contract entered into pursuant to the provisions of this chapter shall be executed in the name of the Territory or appropriate county, as the case may be, acting by and through the governmental agency having jurisdiction over the public improvement, on the one hand and may be entered into with any other person, copartnership, corporation or other public or private entity.

Sec. 137A-4. Approval of agreement or contract. No proposed lease-purchase agreement or purchase contract shall be executed unless the same has been approved, (a) in the case of the Territory or any of its agencies or instrumentalities, by the director of the bureau of the budget and the governor, or (b) in the case of a county or any of its agencies or instrumentalities, by the board of supervisors of the county.

Sec. 137A-5. Provisions of agreement or contract. Each such lease-purchase agreement or purchase contract shall include such provisions as the governmental agency having jurisdiction over the public improvement deems to be in the best interests of the government and appropriate to secure the performance of the obligations imposed upon the person who enters into such agreement or contract with the government subject to the following:

(a) The term of any such agreement or contract shall not be less than ten nor more than twenty-five years.

(b) Each such agreement or contract shall provide that title to the property shall vest in the government at or before the expiration of the term thereof and upon fulfillment of the terms and conditions stipulated therein.

(c) Every such agreement or contract shall provide for equal annual payments for the amortization of principal with interest thereon, whether defined as rent or otherwise, and for the application to or reduction of the purchase price agreed upon therein of installment payments made thereunder or specified annual amounts provided for therein.

(d) No such agreement or contract shall provide for the payment by the government in pursuance of the terms thereof of moneys in an aggregate annual amount in excess of fifteen percent of the appraised fair market value of the property being acquired as of the date of the agreement or contract, or, where the construction of the public improvement has not been completed at such date, in excess of fifteen percent of the fair market value as of the date of completion of such construction.

(e) No such agreement or contract shall provide for any payments to be made by the government in excess of the amount necessary to -

(1) amortize -

(i) the cost of the public improvement plus the fair market value, as of the date of the agreement or contract, of the site if owned or acquired by the lessor or contractor; or

(ii) the fair market value, as of the date of the agreement or contract, of the completed improvements including the site; or

(iii) a combination of the foregoing in the case of existing improvements to be remodeled, repaired or altered by the lessor or contractor; and

(2) provide a reasonable rate of interest on the outstanding principal as determined under (1) above; and

(3) reimburse the lessor or contractor for the cost of any other obligations assumed by him under the agreement or contract, including but not limited to payment of taxes, costs of carrying insurance, and costs of repair and maintenance.

(f) Every such agreement or contract shall contain a provision reserving to the government the right to prepay the unpaid portions of the principal at any time during the term thereof, either (i) without payment of premium or penalty, or (ii) with payment of premium or penalty in accordance with a specified schedule. Whether this right may be exercised with or without payment of premium or penalty, and if with payment of premium or penalty, the schedule thereof, may be made the subject of and determined as a result of alternate bids.

Sec. 137A-6. Site for public improvement. If the site of the proposed public improvement is owned by the government, the same may be leased to the lessor under a lease-purchase agreement or a contractor under a purchase contract at a rental of $1 per year for a term of not more than fifty-five years. The area covered by the lease shall not exceed the amount which would otherwise have been set aside for the public improvement. Any such lease shall in any event terminate when title to the public improvement vests in the government. The lease shall contain such provisions as are appropriate and shall be approved, (a) in the case of the Territory or any of its agencies or instrumentalities, by the commissioner of public lands and the governor, or (b) in the case of a county or any of its agencies or instrumentalities, by the board of supervisors of the county. Such a lease when made in connection with and as part of a lease-purchase agreement or purchase contract entered into under the provisions of this chapter, shall not be subject to the provisions of section 73 of the Hawaiian Organic Act.

Sec. 137A-7. Drawings and specifications. Drawings and specifications for the public improvement shall be prepared and supplied by the government to the lessor or contractor in the same manner as would have been the case if the public

improvement were not to be financed, constructed or acquired under the provisions of this chapter.

Sec. 137A-8. Public bids. Except as provided in section 137A-9, lease-purchase agreements and purchase contracts provided for under this chapter shall be entered into only as a result of an award made after public advertisement for sealed tenders in accordance with the provisions of chapter 9. The award shall be made to the responsible bidder offering the lowest annual cost to the government on an equal annual installment basis. In order to obtain the widest possible competition and the lowest annual cost to the government, bids may be called for and taken on an alternate basis, that is, to finance, construct and sell, or separately (a) to construct, and (b) to finance and sell. A construction bidder shall state the price for construction of the improvements. A finance and sell bidder shall state the rate of interest for the installment sale of the completed project to the government.

Sec. 137A-9. Lease-purchase of existing improvement. Where the government seeks to acquire an existing improvement located on a site both of which are owned by a person who is willing to enter into a lease-purchase agreement with the government covering the improvement and site, no public bid need be called and the lease-purchase agreement may be negotiated with the owner-lessor, except to the extent that any construction, remodeling, repairing or altering is to be done in connection therewith.

Sec. 137A-10. Financing by lessor or contractor. In order to facilitate the financing of the improvement by the lessor or contractor, the government may:

(a) Permit the assignment of the annual payments.

(b) Permit title to the land (if owned by the lessor or contractor) and improvements to be transferred to and held by any trustee, corporation, individual or entity acceptable to the government.

(c) Permit the lessor or contractor to mortgage the improvements and his leasehold interest in a government-owned site.

(d) Begin the annual payments on a date certain in the event of a prolonged force majeure precluding completion of the improvement prior to such date.

(e) Unequivocally agree to complete payment of all installments provided for under the agreement or contract.

Sec. 137A-11. Availability of money. Nothing in this chapter shall be interpreted as permitting the incurring of a debt or obligation on behalf of a government for the discharge of which there is no available appropriation. The annual payments provided for under a lease-purchase agreement or purchase contract for the financing, construction or acquisition of a public improvement for which there has been an appropriation either out of general revenues or out of moneys obtained on account of bond funds may be paid out of such appropriation; provided, that the total amount of principal under such agreement or contract as determined under section 137A-5 (e) (i) shall not exceed the total amount appropriated for such public improvement.

Sec. 137A-12. Limit of bonded indebtedness not affected. Amounts for which a government is obligated under lease-purchase agreements or purchase contracts shall not be considered in calculating the bonded indebtedness of a government."

SECTION 2. This Act shall take effect upon its approval by the Congress of the United States of America which it is hereby respectfully requested to do.

INTRODUCED BY:

SAKAE TAKAHASHI
MITSUYUKI KIDO

STANDING COMMITTEE REPORT NO. 486

Honolulu, Hawaii
April , 1957

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 646, S. D. 1

Sir:

Your Committee on Agriculture to which was referred Senate Bill No. 646, S. D. 1, entitled

"AN ACT TO AMEND PART V CHAPTER 22 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO GRADING OF BEEF, PORK AND POULTRY CARCASSES,"

begs leave to report as follows:

Your Committee has been informed that, for all practical purposes, there are only two grades of meat being sold in the Territory, namely, island beef and mainland U. S. choice beef. The production of island beef has increased to such a level that the supply more than meets the demand. Therefore, if the production of island beef is to continue to increase and not cause a depression in prices and thereby adversely affect the island beef industry, sales must increase. The only way its market can be expanded is by cutting into the mainland U. S. choice market.

The purpose of this bill is to upgrade island beef so that it can receive grade designation as U. S. choice beef and thus compete favorably with mainland U. S. choice beef. In order to do this, the federal grading standards must be adopted and a federal grader must be employed.

Although the existing law authorizes the board of commissioners of agriculture and forestry to adopt standard grades for beef, pork and poultry carcasses, this is only done when a significant segment of the beef, pork or poultry industries applies for grading of carcasses. To date, there is no standard grade established. Under the present bill, the board is mandated to adopt standard grades by January 1, 1958. Moreover, they are authorized to fix reasonable fees for the grading services furnished. The grading of beef, pork and poultry carcasses is still left voluntary with the producer or the agent.

The board is given the authority to adopt federal grade standards for the grading of beef, pork or poultry, but may use its

own discretion as to whether such adoption is best for the local market and industry. Your Committee is informed that it is desirable to adopt the federal grade standards for the grading of beef, while it is not desirable for the grading of pork. Whether the federal grading standards will be adopted for poultry is still undecided.

The board is authorized to enter into a cooperative agreement with the meat grading service of the United States department of agriculture and is authorized to pay the salary of the federal meat grader and other employees providing services under the agreement.

Witnesses from the board of commissioners of agriculture and forestry stated that having the whole board hold public hearings upon proposed rules or regulations on each island is costly, inconvenient and unnecessary. However, it was agreed that it would be desirable that public hearings on each island be conducted by the members of the board from each of the islands. Therefore, section 22-94 was amended to allow one or more members of the board to conduct public hearings on each of the islands.

Your Committee is in accord with the purpose and intent of this bill and recommends that the bill pass second reading and that it then be referred to your Committee on Ways and Means for further consideration.

Respectfully submitted,

TOM T. OKINO, Chairman

AATF:

STAND. COM. REP. NO. 487

Honolulu, Hawaii

April 25, 1957

Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Joint Resolution No. 63

Sir:

Your Select Committee of Oahu Senators to which was referred Senate Joint Resolution No. 63 entitled,

"JOINT RESOLUTION AUTHORIZING THE CITY AND COUNTY OF HONOLULU TO NEGOTIATE A CONTRACT FOR CONSTRUCTION OF THE SECOND BORE OF THE JOHN H. WILSON TUNNEL WITHOUT REQUIRING COMPETITIVE BIDDING THEREOF,"

begs leave to report as follows:

The purpose of this measure is to authorize the board of supervisors of the city and county of Honolulu to negotiate a contract for the construction of the second bore of the John H. Wilson Tunnel without competitive bidding, as required by the provisions of Chapter 9, Revised Laws of Hawaii 1955.

Your Committee held a hearing on this measure and in line with the long established policy of requiring competitive bidding, wishes it to be noted that your Committee feels that the said requirement should not be waived. However, your Committee also felt that there is a possibility of effecting savings through the negotiation of a contract without competitive bidding, and it therefore has amended this joint resolution to make it possible for the city and county of Honolulu to negotiate a contract after there has been competitive bidding for the construction of the second bore of the tunnel in question. It should be noted that this joint resolution, as amended, calls for competitive bidding in the first instance before any negotiations may be entered into. A further restriction on any such negotiation is the fact that this resolution requires that the rejection of any bids must be in the public interest before a contract for the project in question can be negotiated.

Your Committee approves the purpose of this measure as amended and recommends that it pass second reading in the amended form attached hereto and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Chairman

S. J. R. NO. 63

S. D. 1

JOINT RESOLUTION

AUTHORIZING THE CITY AND COUNTY OF HONOLULU TO NEGOTIATE A CONTRACT FOR CONSTRUCTION OF THE SECOND BORE OF THE JOHN H. WILSON TUNNEL IF COMPETITIVE PUBLIC BIDDING DOES NOT RESULT IN THE BEST INTEREST OF THE PUBLIC.

WHEREAS, the first bore of the John H. Wilson Tunnel is nearing completion, and a second bore is planned; and

WHEREAS, by Act 199, Session Laws of Hawaii 1955, ratified by Public Law 694, Second Session, 84th Congress, the City and County of Honolulu was authorized to issue general obligation bonds in the total sum of six million dollars, a major part of which will be used for construction of the second bore; and

WHEREAS, plans for letting of the contract for construction of the second bore are now under consideration by the City and County; and

WHEREAS, Chapter 9, of the Revised Laws of Hawaii 1945, as amended, requires that such a contract be negotiated by public competitive bidding; and

WHEREAS, it is possible that time and money may be saved by a negotiated contract for construction of said second bore; now, therefore,

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

SECTION 1. After calling for and receiving bids for the construction of the second bore and related facilities of the John H. Wilson Tunnel, the City and County of Honolulu is hereby authorized to negotiate a contract for such construction if the Board of Supervisors of said City and County, by resolution shall find it to be in the best interest of the public to reject all bids received and to award the contract for this construction through such negotiation. For this purpose and upon the aforesaid finding by the said Board of Supervisors the provisions of Chapter 9, Revised Laws of Hawaii 1955, relating to the requirement of competitive public bidding for such contract, shall not apply.

SECTION 2. This Joint Resolution shall take effect upon its approval.

INTRODUCED BY:

STAND. COM. REP. NO. 484
Honolulu, Hawaii
April 25, 1957

Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Bill No. 640

Sir:

Your Select Committee of Oahu Senators to which was referred Senate Bill No. 640 entitled, "AN ACT TO AMEND SECTION 6714 AND SECTION 6724 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO IMPROVEMENT DISTRICT ASSESSMENTS", begs leave to report as follows:

The purpose of this bill is to authorize the city and county to refund any assessments overpaid by property owners for the costs of improvement districts. The present law does not specifically allow such refunds and therefore the city and county has been compelled to refuse all claims for such over-assessments. The mechanics of this proposal would allow for refund of such amount in excess of the final cost of the improvement whenever such excess exceeds at least one percent of the actual cost of the improvement but not less than $1,500.00 under any condition. Such refunds will be made at the completion of the improvement to the owner of the property at the time of the determination. On the other hand, if the costs of the improvement is in excess of the assessments by $3,000.00 or more, the owners of the properties specially benefited will make up this increase in cost.

There have been instances in the past whereby because of changes in the engineering plans, savings have been effected. If this proposal is enacted into law, such savings would be passed back to the property owner who in all likelihood would be the party assessed since the savings would be ascertained at the time the improvements are completed and before the property is placed on the market.

Your Committee approves the purpose of this bill and recommends that this bill be amended to conform to the language of the Revised Laws of Hawaii 1955 and to clarify certain ambiguities in said bill. Your Committee accordingly recommends that Senate Bill No. 640 pass second reading in the amended form attached hereto and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Chairman

S.B. NO. 640
S.D. NO. 1

AN ACT

TO AMEND SECTION 153-15 AND SECTION 153-25 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO IMPROVEMENT DISTRICT ASSESSMENTS.

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

SECTION 1. Section 153-15 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Assessments fixed by ordinance. After the hearing, the board shall forthwith proceed to make such modifications or changes as to them may seem equitable or just, or shall confirm, the first proposed assessment, and upon reaching a final decision shall thereupon, by ordinance, fix the portions of the cost to be assessed against the benefited properties and against the owners thereof respectively, which such ordinance shall incorporate by reference the assessment roll as approved by the board, and after the final enactment of such ordinance the amounts of the several assessments so listed, advertised and incorporated and not previously objected to shall be conclusively presumed to be just and equitable and not in excess of the special benefits accruing or to accrue by reason of the improvement to the specific property assessed.

After the completion of the improvement, in the event the total of the assessments fixed by such ordinance shall be in excess of the final costs of the improvement by one per centum or more of the actual cost of such improvement but not less than $1,500 under any condition, the amount of such assessments in excess of the final costs of the improvement shall, by proper amendment of such ordinance, be used to credit and reduce the amount of the original assessments against each of the properties specially benefited in proportion to the total of the original assessments and against any share of the costs borne by the city and county in any such improvement, and where the original assessment has been fully paid by any owner of a benefited property, a cash refund of the mount of such credit shall be made to the owner of such property at the date of determination of such adjustment; provided, however, that in the event the final costs of the improvement be in excess of the total of the assessments fixed by such ordinance by $3,000 or more, the board may, by proper amendment of such ordinance, modify or change the original assessments against each of the properties specially benefited to make up such increase in costs.

Any excess of assessments over the final costs of improvements not subject to be used as credit or refund as hereinabove provided, shall be credited to and become a part of the improvement district revolving fund. Any other provision of the law to the contrary notwithstanding, any moneys in the improvement district revolving fund may be transferred to any improvement district project special fund for expenditure to cover the increase in costs of improvements up to and including but not more than $3,000 over the original assessments levied."

SECTION 2. The first sentence of the third paragraph of Section 153-25 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"All moneys collected on account of assessments and interest for any improvement after the issuance of any bonds shall be kept by the treasurer in a special fund, such fund to be used solely for the purpose of payment of interest and principal of bonds issued for such improvement until such bonds shall have been paid."

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

STAND. COM. REP. NO. 489

Honolulu, Hawaii

April 25, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Bill No. 703

Sir:

Your Select Committee of Oahu Senators to which was referred Senate Bill No. 703 entitled: "AN ACT TO AMEND SECTION 149-22 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO DEFINITION OF CITY AND COUNTY OFFICERS", begs leave to report as follows:

The purpose of this bill is to clarify the term "officers" as used throughout Chapter 149. This amendment is necessary, because there is no provision indicating who are officers of the city and county of Honolulu. The absence of a definition of officers has created numerous problems of interpretation, whenever the term "officers" is used in connection with the city and county of Honolulu government.

Your Committee is in accord with the intent and purpose of this bill and recommends that it pass second reading and that it then take its place in the order of business for further consideration.

no amendments

Respectfully submitted,

Chairman

STANDING COMMITTEE REPORT NO. 490

Honolulu, Hawaii
April 26, 1957

Re: H.B. No. 18
H.D. 1

The Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Honolulu, Hawaii

Sir:

Your Committee on Labor to which was referred House Bill No. 18, H.D. 1, entitled, "AN ACT TO AMEND CHAPTER 93 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO EMPLOYMENT SECURITY", begs leave to report as follows:

The purpose of this bill is to provide unemployment compensation for agricultural employees. It proposes to extend the provisions of the Hawaii Employment Security Law (Chapter 93, Revised Laws of Hawaii 1955) to employees employed by owners or operators of farms employing 20 or more persons in 20 or more calendar weeks in a calendar year.

Your Committee held a joint public hearing with the Committee on Labor and Industrial Relations of the House of Representatives and several other hearings and meetings on this subject. Your Committee found general agreement on the concept of extending unemployment compensation benefits to regularly employed agricultural employees. However, it was further agreed that small farmers should be excluded from coverage.

The principal impact of such a measure will, of course, fall on the two basic industries of the Territory, sugar and pineapple. Your Committee found that the effect of this bill would be to require the sugar companies to pay substantial sums in taxes annually until an estimated $1,800,000 would be immobilized in the unemployment compensation fund and to require the pineapple companies to pay continually taxes equal to 2.7% of the annual agricultural payroll, which would have amounted to $351,000 in 1955, only a small portion of which would be needed for benefits for regular employees. The balance would be paid out in benefits to seasonal and temporary agricultural employees and intermittent cannery employees.

There is no law providing unemployment compensation for agricultural employees in any jurisdiction in the United States. In view of the fact that the Territory is pioneering in this field, your Committee believes it is desirable that the approach be on a sound, conservative basis. Your Committee, therefore, recommends that the coverage be limited to regularly employed employees, as distinguished from seasonal and temporary employees, and that

the financial requirements be limited to those necessary to provide benefits for regularly employed employees only.

Your Committee is advised that its recommendation may be effected by the enactment of a separate act applicable only to agricultural employers and employees. In accordance with the foregoing approach, your Committee has had prepared a revision of the bill which embodies the following main provisions:

1. An agricultural employee is eligible for benefits if he engages in agricultural labor for the same agricultural employer on each of 30 or more different weeks in 12 months immediately preceding the filing of a claim for benefits. The intent is to cover all regular employees, but to exclude seasonal and temporary employees.

2. An employer of 20 or more employees engaged in agricultural labor on each of some 24 days in each of four consecutive calendar quarters and who is also the employer of one or more employees rendering service covered by Chapter 93 is covered by this bill.

3. An employer who employs 20 or more employees in a calendar quarter beginning after June 30, 1957, and who employed such number in three consecutive calendar quarters immediately preceding July 1, 1957 is an employer under this bill, if he employs one or more employees subject to Chapter 93. In the sugar or pineapple industries every company immediately becomes an agricultural employer and employees thereof, if otherwise eligible, will receive benefits, if unemployed after June 30, 1958.

4. Benefit amounts are determined by a table identical with the presently existing table in Chapter 93. Benefits become payable after June 30, 1958.

5. Eligibility requirements for benefits are the same as in Chapter 93, except that the employee must actively seek work.

6. The disqualifying conditions for benefits set forth in Chapter 93 are adopted, except for modification in cases of voluntary quits, discharges, and pensioners. In the case of work stoppage due to labor disputes, the appropriate provisions of Chapter 93 are retained.

7. Two methods of financing are contained in the bill. An employer may elect to pay contributions at the standard rate of 1% of annual payroll or to self-finance the payment of benefits.

8. Administration is by the Department of Labor and Industrial Relations, costs of which will be borne by employers.

9. The bill contains an amendment to Chapter 93 to preserve the right to benefits payable under that chapter when an employee is also entitled to benefits under this bill.

10. The bill further amends Chapter 93 to provide for an irrevocable election by an employer to come under its provisions.

Your Committee recommends that the bill pass second reading in the amended form attached hereto, and that it take its place in the order of business for further consideration.

Respectfully submitted,

Orin Ehrman
Chairman

Mitsuyuki Kido

S. George Fukuoka

Tom Ekino

M. F. Hill

AATF TWJ

STAND. COM. REP. NO. 491

Honolulu, Hawaii

April 26, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Bill No. 589

Sir:

Your Select Committee of Oahu Senators to which was referred Senate Bill No. 589 entitled, "AN ACT APPROPRIATING THE SUM OF SEVENTY-FIVE THOUSAND DOLLARS ($75,000.00) FOR THE TEMPORARY CARE AND CUSTODY OF MENTALLY-ILL PERSONS AS REQUIRED BY SECTION 81-25, REVISED LAWS OF HAWAII 1955", begs leave to report as follows:

The purpose of this bill is to appropriate $75,000.00 out of the general funds of the territory to the board of supervisors of the city and county of Honolulu to carry out the purpose of section 81-25 of the Revised Laws of Hawaii 1955, which states in essence that the county is to provide for the temporary care and detention of any persons committed thereto for observation and examination, as to his mental condition, etc. Inasmuch as this is a county responsibility, it was brought out at hearings that the said amount of money was not forthcoming from the city because of its dire financial status.

Your Committee therefore approves the purpose of this bill and recommends that it pass second reading and be referred to the Ways and Means Committee for further consideration.

Respectfully submitted,

Chairman

Standing Committee Report No. 492

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 26 , 19 57 , by

Senator SAKAE TAKAHASHI, CHAIRMAN FOR THE COMMITTEE ON PUBLIC LANDS.

RE: H. J. RES. NO. 37 HD1
RECOMMENDING THAT SAID BILL BE REFERRED TO THE COMMITTEE ON WAYS AND MEANS FOR FURTHER CONSIDERATION.

MEMO:

ADOPTED - APRIL 26, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 492

Honolulu, Hawaii
April 26, 1957

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Re: House Joint Resolution No. 37
H. D. 1

Sir:

Your Committee on Public Lands to which was referred House Joint Resolution No. 37, H. D. 1, entitled

"JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO AMEND THE HAWAIIAN HOMES COMMISSION ACT TO EXTEND THE PERIOD OF TAX EXEMPTION OF ORIGINAL LESSEES FROM FIVE TO SEVEN YEARS,"

begs leave to report as follows:

The purpose of this resolution is indicated in its title. Your Committee is in accord with the intent and purpose of this resolution, but in view of the fact that the resolution calls for the extension of tax relief, your Committee recommends that this resolution be referred to your Senate Committee on Ways and Means for further consideration.

Respectfully submitted,

SAKAE TAKAHASHI, Chairman

AATF:

Adopted

STAND. COM. REP. NO. 493

Honolulu, Hawaii

April 26, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Joint Resolution No. 53, S. D. 1

Sir:

Your Committee on Public Lands to which was referred Senate Joint Resolution No. 53, S. D. 1, entitled, "JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION TO AUTHORIZE CERTAIN LAND EXCHANGES AT HONOLULU, OAHU, TERRITORY OF HAWAII, FOR THE DEVELOPMENT OF THE HONOLULU AIRPORT COMPLEX", begs leave to report as follows:

The purpose of this joint resolution is to request Congress to authorize certain land exchanges for the development of the Honolulu Airport Complex. In the overall development of Honolulu International Airport, Hickam Field and Keehi Lagoon Navy Seaplane base, the Hawaii Aeronautics Commission needs about 77 acres of the Naval Supply Depot on Nimitz Highway and about 170 acres of Hickam Field for the new terminal building and related facilities. The Navy needs about 174 acres fronting on Keehi Lagoon for a new seaplane base, and the air force needs about 156 acres of tidelands and the superjacent portions of the Halawa and Moanalua fisheries, fronting on Fort Kamehameha, to fill in and construct a new jet takeoff runway for Hickam Field. This resolution requests Congress to authorize the secretary of the navy, the secretary of the air force and the governor of Hawaii to effect the necessary transfer of titles.

This resolution as further amended, authorizes the governor of the Territory of Hawaii to return to the United States all of the right, title and interest of the territory in and to those portions of the Halawa and Moanalua fisheries and the submerged lands subjacent thereto comprising the area of approximately 344 acres more or less.

Your Committee after careful consideration of this resolution, approves the purpose of this measure as amended and

accordingly recommends that it pass third reading in the amended form attached hereto.

Respectfully submitted,

Chairman

S. J. R. NO. 53

S. D. 2

JOINT RESOLUTION

REQUESTING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION TO AUTHORIZE CERTAIN LAND EXCHANGES AT HONOLULU, OAHU, TERRITORY OF HAWAII, FOR THE DEVELOPMENT OF THE HONOLULU AIRPORT COMPLEX.

WHEREAS, the Territory of Hawaii desires to acquire certain lands from the United States of America for the development of Honolulu International Airport; and

WHEREAS, the United States of America desires to acquire certain lands from the Territory of Hawaii for the development of naval air facilities at Keehi Lagoon and air force facilities at Hickam Air Force Base; now, therefore,

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

SECTION 1. The Congress of the United States is hereby respectfully requested to enact legislation to authorize the mutual exchange of certain lands at Honolulu, Oahu, Territory of Hawaii, between the United States of America and the Territory of Hawaii, by the adoption of a bill in substantially the following form:

"A BILL

To authorize land exchanges at Honolulu, Oahu, Territory of Hawaii, for the development of the Honolulu Airport Complex, consisting of the Honolulu International Airport, Hickam Air Force Base and Keehi Lagoon, an outlying facility of the Naval Air Station at Barber's Point.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is authorized to convey without reimbursement, to the Territory of Hawaii, all of the right, title and interest of the United States in and to those portions of the former Naval Air Facility, Honolulu, and the General Supply Depot, Damon Tract, Naval Supply Center, Pearl Harbor, comprising an area of 77 acres, more or less, and described as follows:

Land Situate at Moanalua, Honolulu, Oahu,
Territory of Hawaii

Being Lot 35, area 12.973 acres, as shown on Map 77, and Lot 36-B, area 63.678 acres, as shown on Map 144, said maps having been filed with the Assistant Registrar of the Land Court of the Territory of Hawaii in Land Court Application No. 1074 of the Trustees under the Will and of the Estate of Samuel M. Damon, deceased. Said Lot 35 being the land described in Transfer Certificate of Title No. 38090, and Lot 36-B being a portion of the land described in Transfer Certificate of Title No. 38094, both issued to the United States of America.

Together with any or all improvements or utilities thereon or used in connection therewith.

SEC. 2. The Secretary of the Air Force is authorized to convey without reimbursement, to the Territory of Hawaii, all of the right, title and interest of the United States in and to that portion of Hickam Air Force Base, Honolulu, comprising an area of 170 acres, more or less, and described as follows:

A portion of Hickam Air Force Base

Being a portion of Hickam Field, United States Military Reservation (Portion of Parcel III, Final Order of Condemnation, United States of America Civil No. 289 dated April 9, 1935)

Being also a portion of R. P. 7858 L.C.Aw. 7715 Apana 2 to Lot Kamehameha and a portion of Grant 4776 to Samuel M. Damon

Land situated at Moanalua, Honolulu, Oahu, T. H.

Beginning at the Northeast corner of this piece of land, on the West side of John Rodgers - Keehi Lagoon Access Road, Hawaii Project DA-NR 10-B (1), and on the South side of Lot C-4-B-1, Map 136 of Land Court Application 1074, the true azimuth and distance from the Southeast corner of said Lot C-4-B-1 being 97° 20' 15.99 feet, and the coordinates of said point of beginning referred to Government Survey Triangulation Station 'Salt Lake' being 10,524.00 feet South and 5,894.95 feet West, thence running by azimuths measured clockwise from true South:

1.	00°	00'		626.01 feet	along Lot C-6, Map 74 of Land Court Application 1074, along Territorial Law No. 17194;
2.	00°	00'		563.79 feet	along Lot 36, Map 77 of Land Court Application 1074, along U. S. Civil No. 527;
3.	349°	19'	24"	3178.18 feet	along present Honolulu International Airport, Governor's Executive Order No. 1016;
4.	90°	03'	20"	1922.84 feet	along the remainder of Hickam Air Force Base to a pipe;
5.	180°	03'	20"	1760.25 feet	along same to a spike in pavement;
6.	90°	03'	20"	400.00 feet	along same to a pipe;
7.	180°	03'	20"	1908.49 feet	along same to a spike in pavement;
8.	276°	29'		450.90 feet	along same to a spike in pavement;
9.	186°	29'		851.01 feet	along same;
10.	277°	20'		1196.15 feet	along Lot C-4-B-1, Map 136 of Land Court Application 1074, along U. S. Civil No. 436 to the point of beginning and containing an area of 170.990 Acres.

Together with any or all improvements or utilities thereon or used in connection therewith.

SEC. 3. The governor of the Territory of Hawaii is authorized to convey without reimbursement to the United States all of the right, title and interest of the Territory of Hawaii in and to that portion of the Honolulu International Airport, comprising an area of 174 acres, more or less, and described as follows:

Land situate at Moanalua, Honolulu, Oahu,
Territory of Hawaii

Being a portion of the Honolulu International (formerly John Rodgers) Airport as described in and set aside by the Governor of the Territory of Hawaii by Executive Order No. 1016, and

Being also a portion of the land as described in and title transferred to the Territory of Hawaii by Presidential Executive Order No. 10121.

Beginning at the Westerly corner of this tract of land, being also a point in common on the converging boundaries of Hickam Field and Fort Kamehameha Military Reservations, the coordinates of said point of beginning referred to Government Survey Triangulation Station 'SALT LAKE' being 16,874.10 feet South and 5,896.30 feet West, and running by azimuths measured clockwise from true South:

1.	228°	49'		0.35 feet	along Hickam Field, United States Military Reservation (United States of America Civil No. 289), being along Parcel 2 of proposed Navy Seadrome Area;
2.	244°	22'		33.00 feet	along same;
3.	231°	55'	30"	298.50 feet	along same;
4.	222°	20'	30"	401.40 feet	along same;
5.	212°	53'		139.80 feet	along same;
6.	207°	57'	30"	222.80 feet	along same;
7.	201°	40'		104.87 feet	along same;
8.	233°	00'		878.84 feet	along the remainder of Honolulu International Airport, being a portion of reclaimed lands transferred to the Territory of Hawaii by Presidential Executive Order No. 10121;

9.	270°	00'		3607.69 feet	along same, along the remainder of Area 3 as reserved for purposes of the United States of America in Presidential Executive Order No. 10121, to highwater mark at Seaplane Docking Basin;
					Thence along the Seaplane Docking Basin and Seaplane Runway 'A' following along highwater mark for the next three (3) courses the direct azimuth and distance between points at said highwater mark being:
10.	52°	30'		1871.69 feet;	
11.	16°	00'		767.64 feet;	
12.	52°	59'	05"	1722.70 feet;	
13.	110°	00'		414.47 feet	along the remainder of Honolulu International Airport; along the remainder of Moanalua Fishery, (Territory of Hawaii Final Order of Condemnation Law No. 16653) to a point on the easterly boundary of Fort Kamehameha United States Military Reservation;
14.	216°	30'		421.10 feet	along Fort Kamehameha United States Military Reservation, and along Area 9 of the United States Naval Reservation;
15.	163°	00'		260.00 feet	along Area 9 of the United States Naval Reservation (formerly portion of Fort Kemehameha United States Military Reservation);
16.	105°	44'		1607.00 feet	along same, and along Fort Kamehameha United States Military Reservation;

17. 143° 45' 389.25 feet along Fort Kamehameha United States Military Reservation to the point of beginning and containing an area of 172.212 Acres.

Together with access thereto and easements for utilities to be used in connection therewith.

SEC. 4. The governor of the Territory of Hawaii is authorized to convey without reimbursement to the United States all of the right, title and interest of the Territory in and to those portions of the Halawa and Moanalua fisheries, and the submerged lands subjacent thereto, comprising an area of 156 acres, more or less, and described as follows:

Being a portion of Moanalua Fishery (Governor's Executive Order No. 1016) and a portion of Halawa Fishery.

Situate at Moanalua, Honolulu, and Halawa, Ewa, Oahu, T. H.

Beginning at the Northeasterly corner of this piece of land, on the Easterly side of Fort Kamehameha Military Reservation, the coordinates of said point of beginning referred to Government Survey Triangulation Station 'SALT LAKE' being 18,210.90 feet South and 4,293.81 feet West, thence running by azimuths measured clockwise from true South:

1. 290° 00' 414.49 feet along the remainder of Moanalua Fishery (Governor's Executive Order No. 1016);
2. 52° 59' 05" 2503.69 feet along same;
3. 110° 00' 7986.50 feet along same;
4. 110° 00' 957.00 feet along the remainder of Halawa Fishery;

Thence along shoreline, along Ft. Kamehameha Military Reservation for the next 19 courses, the direct azimuths and distances from point to point along said shoreline being:

5.	270°	35'	20"	225.02	feet;
6.	280°	05'	40"	290.85	feet;
7.	257°	50'		239.14	feet;
8.	243°	05'		142.51	feet;
9.	233°	12'		92.13	feet to ~~Kumuxxx~~ Kumumau;
10.	268°	46'		1342.70	feet;
11.	285°	45'		1560.00	feet;
12.	301°	53'		1208.00	feet;
13.	287°	00'	30"	311.80	feet;
14.	290°	41'		980.80	feet;
15.	298°	23'	30"	797.00	feet;
16.	293°	26'		768.70	feet;
17.	318°	40'		498.20	feet;
18.	278°	48'		494.10	feet;
19.	268°	30'		568.80	feet;
20.	256°	00'		360.00	feet;
21.	187°	00'		235.00	feet;
22.	232°	00'		790.00	feet;
23.	216°	30'		318.90	feet to the point of beginning and containing an area of 156.844 acres, more or less.

Together with access thereto and easements for utilities to be used in connection therewith.

SEC. 5. The governor of the Territory of Hawaii is authorized to convey without reimbursement to the United States all of the right, title and interest of the Territory in and to those portions of the Halawa and Moanalua Fisheries, and the submerged lands subjacent thereto, comprising an area of 344 acres, more or less, and described as follows:

Being a strip of land one thousand feet wide and fifteen thousand feet along, and

Being a portion of Moanalua Fishery (Governor's Executive Order No. 1016) and a portion of Halawa Fishery.

Situated off-shore at Moanalua, District of Honolulu, and Halawa, District of Ewa, Oahu, Territory of Hawaii.

Beginning at the most easterly corner of this piece of land, on the southeasterly side and off-shore of Fort Kamehameha Military Reservation, the true azimuth and distance from the most southerly corner of proposed Navy Seaplane Base being 329° 35' 51" 4,029.15 feet, the coordinates of said point of beginning referred to Government Survey Triangulation Station 'SALT LAKE' being 21,827.76 feet South and 1865.30 feet West, thence running by azimuths measured clockwise from true South:

1.	19°	00'	1000.00 feet along the remainder of Moanalua Fishery (Governor's Executive Order No. 1016);
2.	109°	00'	15000.00 feet along same and along the remainder of Halawa Fishery;
3.	199°	00'	1000.00 feet along the remainder of Halawa Fishery;
4.	289°	00'	15000.00 feet along same and along the remainder of Moanalua Fishery (Governor's Executive Order No. 1016) to the point of beginning and containing an area of 344.353 acres."

SECTION 2. Certified copies of this joint resolution shall be transmitted to the President of the United States, the president of the Senate and the Speaker of the House of Representatives of the Congress of the United States, the Secretary of the Interior, and the Delegate to Congress from Hawaii.

SECTION 3. This joint resolution shall take effect upon its approval.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

Refer

STAND. COM. REP. NO. 494

Honolulu, Hawaii

April 26, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 966

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 966, entitled:

"AN ACT RELATING TO FREEDOM OF CHOICE OF INSURANCE COMPANIES AND AMENDING CHAPTER 190A OF THE REVISED LAWS OF HAWAII 1955",

begs leave to report as follows:

The law now provides that no lender shall, as a condition of making any loan in which insurance is required to be carried by the borrower, make the granting of such loan contingent on the procuring of such insurance with an insurance company designated by the lender. A violation of this provision will constitute a bar to the lender's recovery of any part of the principal or interest in any proceeding at law, and will also constitute a misdemeanor punishable by fine or imprisonment or both.

It is the purpose of this Bill to repeal the provision barring a lender's recovery of any part of the principal or interest, and to increase the fine for violation from not more than $1,000 to not more than $2,500.

It appears to your Committee that barring a lender from recovering any part of the loan principal or interest thereon is too harsh a provision.

Accordingly, your Committee recommends that Senate Bill No. 966 do pass third reading.

Respectfully submitted,

Nelson K. Doi, Chairman

STAND. COM. REP. NO. 495

Honolulu, Hawaii

April 26, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Bill No. 794, S.D. 1

Sir:

Your Select Committee of Oahu Senators to which was referred Senate Bill No. 794, S. D. 1 entitled, "AN ACT AUTHORIZING THE LEVY AND IMPOSITION OF SERVICE CHARGE ON SPECIAL FUNDS AND PROVIDING FOR THE APPROPRIATION OF SUCH SERVICE CHARGE," begs leave to report as follows:

The purpose of this bill is clearly set forth in Senate Standing Committee Report No. 263, dated April 18, 1957.

Your Committee is in accord with the purpose as outlined in said report but recommends the following amendment thereto:

Amend Section 1 of the bill by inserting after the word "funds" found in line 9 thereof, the words "or any other federal aid funds".

Your Committee wishes it to be noted that the words "utilities working capital fund" mentioned in lines 7 and 8 of Section 1 of the bill has reference to the funds of the suburban water system and the board of water supply and that it is the intent of your Committee that they should be excepted from the service charge being imposed by the city and county of Honolulu as proposed by this bill.

As amended, your Committee recommends that Senate Bill No. 794, S. D. 1, do pass third reading.

Respectfully submitted,

Chairman

STANDING COMMITTEE REPORT NO. 496

Honolulu, Hawaii
April 26, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: S. J. R. No. 32

Sir:

Your Committee on Ways and Means, to which was referred S. J. R. No. 32, entitled

"JOINT RESOLUTION PROVIDING EMERGENCY FUNDS IN CONNECTION WITH THE TIDAL WAVE DISASTER ON THE ISLAND OF KAUAI",

begs leave to report as follows:

The purpose of this measure is disclosed by its title. Your Committee is in full accord with the objectives of this joint resolution, as it appears very necessary that funds be appropriated promptly for essential governmental activities on the island of Kauai, where the tidal wave of March 9, 1957, caused extensive damage.

Your Committee has amended the measure so as to specify the purposes to be accomplished by appropriate portions of the total expenditure in the sum of $100,000. In its amended form as attached hereto, your Committee on Ways and Means fully approves of S. J. R. No. 32 and therefore recommends that it do pass.

Respectfully submitted,

KAZUHISA ABE, Chairman

JOINT RESOLUTION

PROVIDING EMERGENCY FUNDS IN CONNECTION WITH THE TIDAL WAVE DISASTER ON THE ISLAND OF KAUAI.

WHEREAS, some of the residents of the District of Hanalei, Island and County of Kauai, have lost their homes and possessions as a result of the tremendous tidal wave which struck the island on March 9th, 1957; and

WHEREAS, the Red Cross, Civil Defense, National Guard and County and Territorial Agencies have rapidly mobilized to render vitally needed aid and assistance, but further strenuous efforts will be required for the welfare of Hanalei residents; and

WHEREAS, it is therefore necessary that other emergency measures be taken and that adequate emergency funds be provided for the protection of the lives and for the health and the safety of the people of Kauai; and

WHEREAS, such emergency funds are also required for the construction of temporary transportation routes and other facilities, all of which needs can only be determined as the extent of the disaster is measured and ascertained; now, therefore,

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

SECTION 1. There is hereby appropriated from the general funds of the Territory not otherwise appropriated, the sum of $100,000.00 to be expended under the direction and control of the Chairman and Board of Supervisors of the County of Kauai, for the purpose of protecting the people and properties of the County who and which have been affected by the disastrous tidal wave in the District of Hanalei occurring on March 9, 1957; the sums hereby appropriated shall be expended upon warrants drawn by the Territorial Auditor, based upon vouchers approved by the Chairman and Board of Supervisors of the County of Kauai; provided however, that in the use of the funds hereby appropriated, the Chairman and the Board of Supervisors of Kauai shall not duplicate the assistance or services given or to be given by the Red Cross, Civil Defense, National Guard, and other civic and governmental agencies.

SECTION 2. The foregoing appropriation, or so much thereof as may be necessary, shall be allocated or alloted to the following projects:

1. In connection with the relocation of Kalihiwai Homes:

Construction of roads and land development		$10,000.00
Installation of new water system		10,000.00
	Sub-Total	20,000.00

2. In connection with the relocation of Wainiha Homes:

Construction of roads and land development		50,800.00
Installation of new water system		22,000.00
	Sub-Total	72,800.00

3. In connection with the relocation of Haena Homes:

Construction of roads and land development		6,000.00
Installation of new water system		1,200.00
	Sub-Total	7,200.00
	GRAND TOTAL 3 PROJECTS	$ 100,000.00

SECTION 3. This Joint Resolution shall take effect upon its approval.

INTRODUCED BY:

JOHN B. FERNANDEZ

March 11, 1957

Standing Committee Report No. 497

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 26 , 19 57, by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 545 HD1

Recommending that said bill pass Third Reading.

MEMO:

Deferred to April 27th.
ADOPTED - APRIL 27, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 497

Honolulu, Hawaii

April 26, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 545
H. D. 1

Sir:

Your Committee on Judiciary to which was referred House Bill No. 545, H. D. 1, entitled:

"AN ACT TO AMEND CHAPTER 170 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO REAL ESTATE BROKERS AND SALESMEN",

begs leave to report as follows:

House Bill No. 545, H. D. 1, provides that no real estate salesman's or broker's license shall be issued to any person unless he files with the Real Estate License Commission a bond in the penal sum of $2,500, issued by a surety company authorized to do business in the Territory. This bond is to be conditioned that the salesman or broker will faithfully, promptly and truly account and pay over to all persons to or for whom he may sell, lease or otherwise deal in property all sums of money that may properly be due them.

This Bill, designed to protect the public against fraudulent practices, is endorsed by men in the realty business. Your Committee is likewise in favor of the measure, and accordingly recommends that it do pass third reading.

Respectfully submitted,

Nelson K. Doi, Chairman

Standing Committee Report No. 498

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 26 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 745 HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to April 27
Adopted - April 27, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

Def.

STAND. COM. REP. NO. 498

Honolulu, Hawaii

April 26, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 745
H. D. 1

Sir:

Your Committee on Judiciary to which was referred House Bill No. 745, H. D. 1, entitled:

"AN ACT RELATING TO THE DISPOSAL OF GOVERNMENT RECORDS AND THE COMPOSITION OF THE DISPOSAL COMMITTEE AND AMENDING SECTION 7-8 OF THE REVISED LAWS OF HAWAII 1955",

begs leave to report as follows:

This Bill is substantially similar to Senate Bill No. 603 which was passed by the Senate. Its purpose is to change the personnel of the committee charged with the disposal of public records, so that the membership will be composed of the secretary of the Territory, the attorney general or his deputy, and the auditor. The law now provides that the committee shall consist of the chairman of the board of commissioners of public archives, the attorney general, the head of the department in which the records originated, the auditor, and the president of the University of Hawaii. It appears to your Committee that the three designated members on such disposal committee will be able to discharge their duties adequately.

Your Committee, having been informed that Senate Bill No. 603 has been or will be filed by the House, recommends that House Bill No. 745, H. D. 1, pass third reading.

Respectfully submitted,

Nelson K. Doi, Chairman

Standing Committee Report No. 499

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 26 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 1166 HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

Deferred to April 27
Adopted - April 27, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 499

Honolulu, Hawaii

April 26, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 1166
H. D. 1

Sir:

Your Committee on Judiciary to which was referred House Bill No. 1166, H. D. 1, entitled:

"AN ACT TO AMEND CHAPTER 143 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO URBAN REDEVELOPMENT AND THE APPOINTMENT AND REMOVAL OF THE AGENCY MEMBERS",

begs leave to report as follows:

House Bill No. 1166, H. D. 1, provides that the redevelopment agency of each county shall consist of 5 members appointed by the mayor or chairman of the board, with the approval of the board of supervisors. Presently the members are appointed in the following manner: 2 by the **governor**, 2 by the mayor or chairman of the board, and 1 by a judge of the circuit court for the county. It appears only reasonable and proper that the members of the agency, which operates and functions on a county level, be appointed by the respective heads of the various counties rather than by any Territorial official.

This Bill also recognizes the desirablity of assuring minority party representation on the county agency by specifying that no more than 3 of the 5 members shall belong to the same political party. This is not arbitrary for all the agency members are to be appointed by one official, that is, the mayor or chairman of the board as the case may be.

Members of any presently existing agency will continue in office but their successors will come within the purview of the Bill.

Lastly, the Bill provides that any member of a redevelopment agency may be removed for any inefficiency, neglect of duty or misconduct in office by the mayor or chairman of the board, with the approval of the board of supervisors.

For reasons of clarity, your Committee proposes one amendment to the draft of House Bill No. 1166, H. D. 1. The second sentence of Sec. 143-3 should be amended to read as follows: "The members of such agency shall serve for terms of five years each; provided that, upon the initial appointment of the members of such agency, one member shall be appointed for a term of one year, the second member for a term of two years, the third member for a term of three years, the fourth member for a term of four years and a fifth member for a term of five years."

Your Committee otherwise finds this Bill in order and accordingly, recommends that it do pass third reading in the amended form attached hereto.

Respectfully submitted,

Nelson K. Doi, Chairman

H. B. NO. 1166
H. D. 1
S. D. 1

AN ACT

TO AMEND CHAPTER 143 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO URBAN REDEVELOPMENT AND THE APPOINTMENT AND REMOVAL OF THE AGENCY MEMBERS.

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

SECTION 1. Sec. 143-3(a) of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Sec. 143-3. Redevelopment agency; creation. (a) The board of a county by resolution may create a local redevelopment agency for such county, which shall be a county agency and a public body, corporate and politic, and shall consist of five members, appointed by the mayor or chairman of the board, with the approval of the board, who shall be outstanding and public-spirited citizens and who shall have resided in the county for at least three years immediately preceding their appointment. The members of such agency shall serve for terms of five years each; provided that, upon the initial appointment of the members of such agency, one member shall be appointed for a term of one year, the second member for a term of two years, the third member for a term of three years, the fourth member for a term of four years and a fifth member for a term of five years. Each vacancy shall be filled by the appointing power for the remainder of the unexpired term. No more than three of such members shall belong to the same political party."

SECTION 2. The members of any presently existing agency who are holding office on the effective date of this Act shall continue in office in the same manner and for the same time as if this Act had not become law, but their successors shall be nominated and appointed, and shall hold office, as provided in this Act.

SECTION 3. Section 143-5 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Sec. 143-5. Removal of members. Any member of a redevelopment agency may be removed for any inefficiency, neglect of duty or misconduct in office by the mayor or chairman of the board with the approval of the board."

SECTION 4. This Act shall take effect upon its approval.

Standing Committee Report No. 500

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 26 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. J. RES. NO. 48 HD1

RECOMMENDING THAT SAID JOINT RESOLUTION PASS THIRD READING WITH AN AMENDMENT.

MEMO:

Deferred to April 27
Adopted - April 27, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

adopted 4-27

Defer

STAND. COM. REP. NO. 500

Honolulu, Hawaii

April 26, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Joint Resolution No. 48
H. D. 1

Sir:

Your Committee on Judiciary, to which was referred House Joint Resolution No. 48, H. D. 1, entitled:

"JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO AMEND SECTION 60 OF THE HAWAIIAN ORGANIC ACT TO LOWER THE VOTING AGE",

begs leave to report as follows:

The purpose of this Joint Resolution is to request the Congress of the United States of America to amend Section 60 of the Organic Act relating to the qualifications of voters for representatives. This Joint Resolution requests the lowering of the voting age from twenty-one years to twenty years for the reasons fully set forth in the Joint Resolution.

Your Committee recommends that House Joint Resolution No. 48, H. D. 1 be amended by substituting the word "citizen" for the word "resident" as the same appears in the last line of page 1 thereof.

Your Committee is in accord with the purpose of this Joint Resolution and recommends that it pass third reading as so amended.

Respectfully submitted,

Nelson K. Doi

Nelson K. Doi, Chairman

Member

Member

Standing Committee Report No. 501

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 26 , 19 57 , by

Senator SAKAE TAKAHASHI, CHAIRMAN FOR THE SELECT COMMITTEE OF OAHU SENATORS.

RE: S. B. NO. 935
H. B. NO. 1149

RECOMMENDING THAT SENATE BILL BE FILED AND HOUSE BILL PASS THIRD READING.

MEMO:

Deferred to April 27
Adopted - April 27, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 501

Honolulu, Hawaii

April 25, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Bill No. 935
House Bill No. 1149

Sir:

Your Select Committee of Oahu Senators to which were referred Senate Bill No. 935 entitled, "AN ACT AMENDING CHAPTER 149 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO THE CITY AND COUNTY, BY INSERTING THEREIN A NEW SECTION TO BE NUMBERED 149-129.1, AUTHORIZING THE BOARD OF SUPERVISORS TO MAKE TEMPORARY TRANSFERS OR LOANS OF MONEYS IN THE IMPROVEMENT DISTRICT REVOLVING FUND TO THE GENERAL FUND", and House Bill No. 1149 entitled, "AN ACT AMENDING CHAPTER 149 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO THE CITY AND COUNTY, BY INSERTING THEREIN A NEW SECTION TO BE NUMBERED 149-129.1, AUTHORIZING THE BOARD OF SUPERVISORS TO MAKE TEMPORARY TRANSFERS ON LOANS OF MONEYS IN THE IMPROVEMENT DISTRICT REVOLVING FUND TO THE GENERAL FUND", begs leave to report as follows:

The purpose of these bills is to allow the board of supervisors of the city and county of Honolulu to authorize the temporary transfer or loan of any moneys, from the improvement district revolving fund to the general fund, considered by the city and county treasurer to be in excess of the amounts necessary for the immediate requirements of the said improvement district revolving fund. This bill further provides that any moneys so transferred shall be refunded to the improvement district revolving fund within six months. The board of supervisors is allowed to authorize temporary transfer or loan of such moneys to the general fund for a period not exceeding six months and the improvement district revolving fund shall be reimbursed from the general fund within six months.

This proposal would allow for a more flexible fiscal policy in the city and county without endangering the credit of the improvement district revolving fund, which in effect is a trust fund for improvement district bonds.

Your Committee approves the purpose of these bills but inasmuch as they are identical in nature, your Committee recommends that Senate Bill No. 935 be filed and that House Bill No. 1149 do pass.

Respectfully submitted,

Chairman

Standing Committee Report No. 502

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 26 , 19 57 , by

Senator SAKAE TAKAHASHI, CHAIRMAN FOR THE SELECT COMMITTEE OF OAHU SENATORS.

RE: H. B. NO. 1138

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to April 27
Adopted - April 27, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

Defer

STAND. COM. REP. NO. 502

Honolulu, Hawaii

April 25, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: House Bill No. 1138

Sir:

Your Select Committee of Oahu Senators to which was referred House Bill No. 1138 entitled, "AN ACT AMENDING SEC. 149-120 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO THE CONTROLLER'S REPORT", begs leave to report as follows:

The purpose of this bill is to permit the controller to prepare such statements as he may deem necessary at the end of each quarter.

The present law requires the controller to prepare a quarterly report of the cash position of the city and also the unencumbered balance in each fund of the city and county including other specific reports.

This bill would require the quarterly report of the cash position of the city and county and the unencumbered balance in each fund of the city and county and such other statements he may deem necessary without requiring the controller to prepare the other statements listed in Section 149-120 of the Revised Laws of Hawaii 1955, unless he deems it necessary.

The provisions of this House Bill are the same as the provisions of Senate Bill No. 931 which passed the Senate on April 20, 1957. It has been agreed by the House County Committee and your Select Committee of Oahu Senators that House Bill No. 1138 will be reported out. Your Committee is in accord with the purpose of House Bill No. 1138 and accordingly recommends that House Bill No. 1138 do pass.

Respectfully submitted,

Chairman

Standing Committee Report No. 503

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 26 , 1957 , by

Senator SAKAE TAKAHASHI, CHAIRMAN FOR THE SELECT COMMITTEE OF OAHU SENATORS.

RE: H. J. RES. NO. 35 HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to April 27
Adopted - April 27, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

Heen

STAND. COM. REP. NO. 503

Honolulu, Hawaii

April 26, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: House Joint Resolution No. 35, H. D. 1

Sir:

Your Select Committee of Oahu Senators to which was referred House Joint Resolution No. 35, H. D. 1 entitled, "JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION PROVIDING FUNDS TO PAY FOR A SECOND BORE TO WILSON TUNNEL, ISLAND OF OAHU, TERRITORY OF HAWAII", begs leave to report as follows:

The purpose of this resolution is expressed in its title. Your Committee approves the purpose of this measure and accordingly recommends that it do pass.

Respectfully submitted,

Chairman

adopted

STAND. COM. REP. NO. 504

Honolulu, Hawaii

April ____ , 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Sir:

Your Committee on Judiciary to which were referred Senate Bills numbered 121, 122, 124, 126, 128, 130, 131, 132, 137, 141, 142, 143, 192, 253, 286, 408, 478, 563, 584, 724, 930, and 922, begs leave to report as follows:

Your Committee, having heretofore reported on its counterpart from the House, recommends that each and every Senate Bill above mentioned be filed.

Respectfully submitted,

Nelson K. Doi, Chairman

adopted. as for Tomorrow

STAND. COM. REP. NO. 505

Honolulu, Hawaii

April ____ , 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Joint Resolution No. 47

Sir:

Your Committee on Judiciary to which was referred Senate Joint Resolution No. 47, entitled:

"JOINT RESOLUTION DIRECTING THE ATTORNEY GENERAL TO INVESTIGATE CERTAIN UNFAIR TRADE PRACTICES DETRIMENTAL TO THE EXPANSION OF TERRITORIAL MANUFACTURING INDUSTRIES",

begs leave to report as follows:

The purpose of this Joint Resolution is to request the Attorney General of the Territory to investigate unlawful competitive trade practices as may be called to his attention by complaints of local enterprises.

Your Committee had an opportunity to hear from representatives of local manufacturers and the Honolulu Chamber of Commerce who testified at length as to the extent to which local manufacturers were aggrieved by unfair trade practices. It was shown that some assistance must be given to our small enterprises, the protection of which is an essential part of our economic development program.

Your Committee recommends that the request set forth in this Joint Resolution be made in the form of the Senate Concurrent Resolution attached hereto, that the Senate Concurrent Resolution be adopted and that Senate Joint Resolution No. 47 be filed.

Respectfully submitted,

Nelson K. Doi, Chairman

adopted

STAND. COM. REP. NO. 506

Honolulu, Hawaii

April ____ , 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 1099
H. D. 2

House Joint Resolution No. 53

Sir:

Your Committee on Judiciary to which was referred House Bill No. 1099, H. D. 2, entitled:

"AN ACT TO AMEND SECTIONS 144-33 AND 149-86 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO POWERS OF THE BOARD OF SUPERVISORS OF THE SEVERAL COUNTIES", and

House Joint Resolution No. 53, entitled:

"JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES OF AMERICA TO PROVIDE FOR THE DISPOSITION OF SURPLUS PERSONAL PROPERTY TO THE TERRITORIAL GOVERNMENT OF HAWAII",

begs leave to report as follows:

Your Committee approves both measures as to form and recommends that House Bill No. 1099, H. D. 2, be referred to your Committee on Public Employment and that House Joint Resolution No. 53 be referred to your Committee on Ways and Means for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

adopted
4 Thus to 0S

STAND. COM. REP. NO. 507

Honolulu, Hawaii

April 26, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Bill No. 762

Sir:

Your Select Committee of Oahu Senators to which was referred Senate Bill No. 762 entitled, "AN ACT PROVIDING FOR THE ISSUANCE OF PUBLIC IMPROVEMENT BONDS BY THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU IN THE SUM OF $_____FOR THE ACQUISITION OF SITE FOR NEW POLICE HEADQUARTERS", begs leave to report as follows:

The purpose of this bill is to authorize the board of supervisors of the city and county of Honolulu to issue general obligation bonds in the total sum of $3,500,000 provided that the limitations as set forth by the Organic Act as amended by Public Law 694, 84th Congress, Chapter 567-2d Session, are not exceeded.

The moneys from this bond issue would be expended for the acquisition or construction of facilities for use as headquarters for the Honolulu Police Department and by other municipal agencies.

The original bill was amended by inserting $3,500,000 in the blank and by deleting mention of the Sears, Roebuck and Company site. The title was also amended accordingly.

Your Committee is in accord with the purpose of this bill, and accordingly recommends that Senate Bill No. 762 pass second reading, in the amended form attached hereto and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Chairman

S.B.No. 762
S.D. 1

AN ACT

PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS BY THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU FOR PUBLIC IMPROVEMENTS.

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

SECTION 1. The board of supervisors of the city and county of Honolulu is hereby authorized to issue general obligation bonds in the total sum of $3,500,000, provided that the bonds issued under this section shall not exceed the legal total indebtedness as provided for by the Organic Act, as amended by Public Law 694, 84th Congress, Chapter 567-2d Session, and in accordance with the requirements of Chapter 139 of the Revised Laws of Hawaii 1955.

SECTION 2. The moneys realized from the bond issue provided for by section 1 of this Act shall be expended for the acquisition or construction of suitable facilities, including without restrictions of the foregoing purposes costs of land therefor, for use as headquarters for the Honolulu police department and by other municipal agencies of the city and county of Honolulu.

SECTION 3. This Act shall take effect upon its approval.

adopted

STAND. COM. REP. NO. 508

Honolulu, Hawaii

April 26, 1957

Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Bill No. 588, S. D. 1

Sir:

Your Committee on Public Lands to which was referred Senate Bill No. 588, S. D. 1, entitled, "AN ACT REGULATING STRIP MINING", begs leave to report as follows:

The purpose of this bill is to regulate strip mining. Active exploration for bauxite in the territory in recent months by several companies and studies by other agencies have indicated the possibility of developing a bauxite mining industry in the territory. It is expected that the bauxite will be mined by strip mining, which is a process whereby the surface of mineral land is removed and the mineral extracted from the exposed area. Experience in other jurisdictions has demonstrated the necessity for some form of control of strip mining. The principal problem is reclaiming and rehabilitating the mined land. In order that the limited land resources of the territory be conserved, your Committee believes it necessary that some form of regulation be provided before commercial operations are commenced.

This bill requires the mining operator to obtain a permit from the commissioner of public lands, pay a fee, post bond to secure compliance with the reclamation requirements and carry out a plan of reclamation approved by the commissioner.

Your Committee proposes a number of amendments to clarify and improve the bill, as contained in the amended form attached hereto. As so amended, the bill provides for an appropriation to defray the expense of administering its provisions. Your Committee approves the purpose of the bill in the amended form attached hereto and recommends that it be referred to the Committee on Ways and Means for further consideration.

Respectfully submitted,

Chairman

S. B. NO. 588
S. D. 2

A N A C T

REGULATING STRIP MINING.

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

SECTION 1. Purpose. This Act shall be deemed an exercise of the police powers of the Territory, for the protection of the property, economic welfare and health of the people of the Territory by providing for the restoration, conservation and improvement of areas of land subjected to "strip mining"; to aid thereby in the protection of natural resources and game, bird and wild life; to enhance the value of such land for taxation; to decrease soil erosion, hazard of floods and pollution of streams; and generally to restore the use and enjoyment of such lands. All the provisions of this Act shall be construed liberally for the accomplishment of its purposes.

SECTION 2. Definitions. Whenever used in this Act, unless a different meaning is plainly required by the context:

"Commissioner" means the commissioner of public lands of the Territory.

"Mineral" does not include sand, rock, gravel and similar materials commonly used in road construction.

"Operator" means an individual, firm or corporation engaged in strip mining operations.

"Pit" means a tract of land of which the surface soil has been removed or is being removed or is proposed to be removed for mining,

"Strip mining" means mining of mineral by uncovering therefrom the surface soil above mineral deposits and mining directly from the mineral exposed for the purpose of carrying on a business of mining or selling mineral removed by such process.

Definitions and rules of construction stated in chapter 1 of the Revised Laws of Hawaii 1955 apply.

SECTION 3. Powers of commissioner; advisory committee.

(a) The commissioner shall grant and, for any cause specified in section 5, may refuse, modify, suspend, revoke or cancel permits in accordance with the provisions of paragraph (b) of section 8 and generally shall have full power and authority to carry out and administer the provisions of this Act. The commissioner may designate one or more employees in his department to act in his stead.

(b) The commissioner on his own motion whenever he has reason to believe cause therefor exists may, and upon the sworn complaint in writing of any person setting forth facts which, if proved, would constitute grounds for refusal, suspension, revocation or cancellation of a permit shall, investigate the acts or omissions of any person holding or claiming to hold a permit under the provisions of this Act or any acts or omissions of any person constituting a violation of the provisions of this Act.

(c) The commissioner may enter upon the lands of any operator at any time for the purpose of inspection to determine whether the provisions of this Act have been complied with. For such purpose the commissioner shall have access to all parts of the land upon which the pit is located and may use any right of way or easement available to the operator over any adjoining land.

(d) The provisions of this Act shall apply to the public lands of the Territory to the extent that they are not inconsistent with the provisions of the Organic Act or the laws of Hawaii relating to public lands. Nothing contained in this Act shall be construed to limit, restrict or otherwise affect the powers of the commissioner over the public lands of the Territory as provided by the Organic Act and the laws of Hawaii relating to public lands.

(e) Notwithstanding the provisions of any act relating to forest reserves and water reserves, the provisions of this Act shall apply to mineral lands in such reserves. No act hereafter approved shall be deemed to repeal any provision of this Act unless so specifically provided.

(f) The Mineral Resources Advisory Committee established by House Joint Resolution No. 33 of the Twenty-Ninth Legislature, regular session, shall serve the commissioner in an advisory capacity in all matters pertaining to the enforcement of the provisions of this Act.

SECTION 4. Prohibitions. (a) It shall be unlawful for any person to engage in strip mining without first

obtaining from the commissioner a permit so to do, in the form hereinafter provided.

(b) It shall be unlawful for any operator to cause or permit any poisonous or noxious matter to be discharged into any public stream or shore waters in such quantity as to be injurious to animal, fish or vegetable life.

SECTION 5. Application for permit; fee. (a) Any operator desiring to engage in strip mining shall make written application to the commissioner for a permit. Application for such permit shall be made upon the form furnished by the commissioner, which form shall require a description of the pit with such particularity as the commissioner may require, the approximate number of acres of mineral land that will be mined annually, the approximate date upon which mining operations shall commence and such other information as the commissioner may require. Such application shall be accompanied by an annual fee determined by the number of acres to be stripped in one year, as follows: less than 10 acres, $100; 10 to 24 acres, $200; 25 to 49 acres, $300; 50 to 99 acres, $400; and 100 acres or more, $500. Such application together with the proper fee shall also be accompanied by a bond meeting the requirements of section 6 of this Act. Upon receipt of such application, fee and bond, the commissioner shall issue a permit to the applicant which shall entitle him to engage thereafter in strip mining at the general location of the pit or pits described in the permit for one year. The commissioner shall refuse to issue apermit if the application is not in proper form or is not accompanied by the correct amount of the fee or if the bond does not meet the requirements of section 6.

(b) Each permit shall be renewed each year by the commissioner, upon receipt by him of the required annual fee, so long as the operator complies with the provisions of this Act. The permit shall remain in effect until suspended, revoked or cancelled by the commissioner for failure of the operator to comply with the requirements of section 7, or for violation by the operator of the provisions of section 4, or for failure of the operator to pay the proper annual renewal fee.

SECTION 6. Bond. Contemporaneously with and as condition precedent to the issuance of the permit, the operator shall file with the commissioner a bond payable to the Territory, conditioned that the operator shall faithfully and fully perform all duties and requirements to be performed and observed by the operator as provided by section 7 and to carry out the plan of reclamation

required thereunder. Such bond shall be signed by the operator as principal and by a surety company authorized to do business in the Territory. The penalty of such bond shall be in an amount fixed by the commissioner based on the reasonable cost of restoring and rehabilitating the land covered by the permit but not to exceed $300 an acre of land proposed thereafter by the operator to be subjected to strip mining for the ensuing year. The penalty of the bond shall from time to time be increased or reduced by the commissioner pro tanto in accordance with the number of acres added to the land for strip mining operations or in accordance with the number of acres to which the bond is no longer operative because of the operator's withdrawal of acreage or by reason of his performance of his obligations subsequent to the issuance of the permit. Any operator may execute the bond without surety if he shall deposit with the commissioner cash in the amount of the bond fixed by the commissioner as provided in this section covering the land proposed by him to be stripped in the ensuing year and the permit issued shall therefor be limited to the number of acres for which the deposit is made or may be increased later by the commissioner on receipt by him of additional deposits. Such deposits shall be retained by the commissioner as a guaranty by the operator for the faithful performance of his bond. Should the operator fail to carry out the requirements set forth in section 7 or to carry out the plan of reclamation, the commissioner may cause them to be carried out and may use the funds deposited or may proceed against the bond to pay therefor. The commissioner shall release any bond and shall repay any deposits no longer necessary to be maintained for the purposes of this Act, upon showing by the operator that the provisions of this Act have been complied with.

SECTION 7. Reclamation. (a) The operator shall submit to the commissioner in duplicate on or before September 1st annually, a map in form approved by the commissioner, setting forth such description as will identify the land from which the operator removed any mineral by the strip mining method during the preceding permit year, with a legend upon such map showing the number of acres affected to the extent that the topography has been disturbed by such mining operations. The accuracy of the acreage shown upon the map may be checked by the commissioner, and if found to be erroneous, it shall be corrected by the operator and a new map furnished as required by the commissioner.

(b) Within two years after the completion or abandonment of strip mining operations in any pit or within such additional time as may be approved by the commissioner, the operator shall reclaim the land affected by such operations

pursuant to a plan approved by the commissioner. A pit shall be deemed abandoned if mining operations have been discontinued and have not been resumed on a substantial scale within six months after such discontinuance unless suspension of operations has been approved by the commissioner. The plan of reclamation shall require the operator to:

(1) Strike off peaks and ridges and fill in deep depressions created or left by the mining operations and grade the surface of the pit to a contour which will minimize erosion and be suitable for planting as provided in this section.

(2) Remove all debris and rubble.

(3) Provide such drains, ditches and outlets as may be necessary to prevent the accumulation of water in the pit and to remove water from the pit in such a way as to minimize erosion of the pit and the surrounding land.

(4) Replace the top soil removed from the surface of the pit and furnish such additional soil as may be necessary for planting.

(5) Provide reasonable means of access to the pit.

(6) Plant and fertilize grasses, shrubs, trees and crops where revegetation is possible in the pit. If the pit is within a forest or water reserve, the operator shall plant suitable forest trees. If the pit is not in a forest or water reserve, the operator shall restore the land to the level of use and productivity which existed immediately prior to the commencement of mining operations, provided that the operator may elect to put any such land to forest or agricultural use regardless of its prior use. If the land is to be restored for grazing, the operator shall plant grasses suitable for grazing. If the land is to be restored to agricultural use, the operator shall plant a suitable cover crop to restore productivity to the land. In all cases, the planting shall be carried on in such manner and to such extent as may be necessary to minimize erosion and to restore the land to the level of use and productivity provided for in this section.

(c) The operator shall submit such plan of reclamation to the commissioner as soon as practicable after the completion or abandonment of operations. If, in his judgment, the plan meets the requirements of this section, the commissioner shall approve it; if not, he shall notify the operator of the reasons for his disapproval in writing. The operator shall thereupon submit an amended plan. If

the commissioner disapproves of the amended plan, the operator may appeal the action to the circuit court in accordance with the provisions of section 9; otherwise he shall submit another amended plan until approval is obtained.

(d) The operator shall commence work under the reclamation plan as soon as practicable after approval of the plan and shall prosecute the work with reasonable diligence until completion. The operator shall notify the commissioner of the completion of the plan of reclamation.

SECTION 8. Termination, revocation of permit; release.

(a) Any unexpired permit shall be effective only so long as the operator possesses the legal right and power by legal estate owned to strip mine from the land described in the permit. All authority of the commissioner to enforce the requirements prescribed in section 7 shall terminate within ten years after the end of the permit year in which strip mining was completed or abandoned upon the land unless before the end of said period he has served upon the operator written directions to comply therewith. The commissioner shall release from the effect of this statute, either by reason of compliance or limitation of time, all or any part of the land affected by this Act by filing in the bureau of conveyances of the Territory, or with the assistant registrar of the land court if title to the land is registered, a written release in form prepared by the commissioner.

(b) No permit shall be refused, modified, suspended, cancelled or revoked by the commissioner until after a hearing on written charges has been had before the commissioner after not less than ten days' written notice, fixing date and place of such hearing, has been given to the operator.

SECTION 9. Appeal. Any operator aggrieved by any decision, order or action of the commissioner refusing, modifying, suspending, cancelling or revoking a permit or disapproving an amended plan of reclamation may appeal from such decision, order or action to the circuit judge at chambers of the circuit court of the circuit in which is located any part of the land described in the permit. The appeal shall be governed by the provisions of Rule 72 of the Hawaii Rules of Civil Procedure. The appellant shall file a bond with the clerk of the circuit court to which the appeal is taken, in such amount and with such surety or sureties as the clerk may fix and prescribe, conditioned to pay all costs if such appeal be decided adversely to the appellant. On motion of the commissioner the court may require the penalty of the bond to be increased to such amount and to be so conditioned that the

operator filing such appeal shall be bound to perform all requirements of this Act. The court shall have the power to reverse, affirm or modify in whole or part, the decision, order or action appealed from.

SECTION 10. Penalty; injunction. Any person violating any provision of section 4 shall forfeit to the Territory not more than $5,000 for every violation, to be recovered by action brought in the name of the Territory by the commissioner, and may be enjoined by the circuit court from continuing such violation. The penalty and remedy provided by this section shall be in addition to any criminal or civil penalty provided by any other law.

SECTION 11. Funds. All fees and fines collected under this Act shall be paid into the treasury of the Territory as general realizations. All moneys forfeited under any bond or deposit shall be held in a special fund to be expended by the commissioner for the purpose mentioned in section 6.

SECTION 12. Effect of invalidity. If any provision or application of this Act is held invalid, such invalidity shall not affect other provisions or application of the Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are declared to be severable.

SECTION 13. Appropriation. There is hereby appropriated from the general revenues of the Territory not otherwise appropriated the sum of $_____ for the administration of this Act during the biennium ending June 30, 1959. Such moneys shall be disbursed upon warrants issued by the auditor of the Territory based upon vouchers approved by the commissioner of public lands.

SECTION 14. Effective date. This Act shall take effect upon its approval.

INTRODUCED BY:

STAND. COM. REP. No. 509

Honolulu, T. H.

April 27, 1957

Honorable William H. Heen

President of the Senate

S i r :

Your Committee on Printing begs leave to report that the following matters have been printed and are ready for distribution:

S. B. No. 245 S. D. 1
S. B. No. 640 S. D. 1
S. B. No. 659 S. D. 1
S. B. No. 671 S. D. 1
S. B. No. 762 S. D. 1
S. B. No. 588 S. D. 2
S. B. No. 393 S. D. 3
S. J. R. No. 32 S. D. 1
S. J. R. No. 59 S. D. 1
S. J. R. No. 63 S. D. 1
S. J. R. No. 53 S. D. 2
S. Con. Res. No. 52
H. B. No. 18 H. D. 1 S. D. 1
H. B. No. 1166 H. D. 1 S. D. 1
Stand. Comm. Rep. No. 480 to 508

Respectfully submitted,

John B. Fernandez
Chairman

STANDING COMMITTEE REPORT NO. 570

Honolulu, Hawaii
April 27, 1957

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 770

Sir:

Your Select Committee of Oahu Senators to which was referred Senate Bill No. 770, entitled

"AN ACT TO AMEND SECTION 153-9 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO PETITION BY OWNERS OF 100% FRONTAGE OR AREA FOR IMPROVEMENTS,"

begs leave to report as follows:

The purpose of this bill is to aid the development of unimproved land in the city and county of Honolulu by reducing the security required which is determined by the value of the excess of the improvement district cost over the assessed valuation of the land to be improved. Under existing law, before the board of supervisors may approve a proposed improvement district, the assessed value of the land to be improved must at least be equal to the cost of the improvement and should the improvement district cost exceed the assessed valuation of said land, the board can approve the improvement only upon deposit of cash or certified check to the extent that the cost of improvement exceeds the assessed value of the land.

The purpose as stated above is to be accomplished by using "market value," instead of "assessed value," of the land and allowing for the "cost of the proposed improvements" to be added to "market value of the land" in determining if the cost of improvements exceeds 50% of the sum of the market value of the land and the cost of the proposed improvements. The amendment to the Revised Laws would prohibit approval by the board if the cost of improvement exceeds 50% of the sum of the value of the land and the cost of the proposed improvements, unless a deposit of cash or a certified check is made in an amount for the excess cost of improvement over the two factors mentioned.

This amendment to the present law, your Committee feels, will tend to encourage the development of subdivisions and to ease the housing shortage through the use of the improvement district method. This bill would apply particularly to those areas in which the

value of the land to be improved is presently low in comparison to other land areas.

Your Committee wishes to amend Senate Bill No. 770 by adding thereto the following:

> "An improvement district under the provisions of this section may be initiated by the board of its own motion as an alternative to initiation by petition of the owners and lessees as hereinabove provided. Under this alternative method the written consent of one hundred per cent of such owners and lessees shall be obtained before proceeding with the improvement."

This amendment provides an alternative method whereby the board of supervisors may initiate 100% improvement districts in addition to the present method of requiring property owners themselves to initiate it.

As amended, your Committee approves the purpose of this bill and recommends that it pass second reading and that it then take its place in the order of business for further consideration.

Respectfully submitted,

SAKAE TAKAHASHI, Chairman

AATF:

STANDING COMMITTEE REPORT NO. 511

Honolulu, Hawaii
April 26, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re; Senate Bill No. 801
S. D. 1

Sir:

Your Committee on Ways and Means to which was referred Senate Bill No. 801, S. D. 1, entitled:

"AN ACT RELATING TO FEES CHARGED BY DEPARTMENTS, COMMISSIONS, BOARDS, AGENCIES, AND ESTABLISHMENTS OF THE TERRITORIAL GOVERNMENT, AND AMENDING SECTIONS. 24-28, 57-17, 60-2, 60-10.1, 66-2, 219-5 (a) (1), 219-5 (a) (2), 219-5 (a) (3), 219-5 (b), 219-5 (c) (1), 219-5 (c) (2), 219-5 (d), 219-5 (e) (1), 219-5 (e) (2), 219-6 (a), 224-11, 99-18, 342-105, 343-11, 72-1, 72-4, 71-6, 71-8, 64-5, OF THE REVISED LAWS OF HAWAII 1955"

begs leave to report as follows:

The purpose of this measure is described in Standing Committee Report No. 473 of the Committee. Upon further examination and consideration, your Committee on Ways and Means has found it advisable to make certain other clarification and revisions in the bill, and the measure has been redrafted in the amended form attached hereto.

Your Committee on Ways and Means is in full accord with Senate Bill 801 as so amended, and therefor recommends that it pass second reading in such amended form, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

KAZUHISA ABE, CHAIRMAN

AATF

S. B. NO. 801
S. D. 2

AN ACT

RELATING TO FEES CHARGED BY DEPARTMENTS, COMMISSIONS, BOARDS, AGENCIES, AND ESTABLISHMENTS OF THE TERRITORIAL GOVERNMENT, AND AMENDING CHAPTER 46 and SECTIONS 57-17, 60-2, 60-10.1, 64-5, 66-2, 66-8, 72-1, 72-2, 72-4, 71-6, 71-8, 99-18, 219-5, 219-6, 224-11, 342-105, 343-11 OF THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. Chapter 46 of the Revised Laws of Hawaii 1955 is hereby amended by adding thereto two new sections, to be numbered sections 46-15.1 and 46-15.2 respectively, which shall read as follows:

"Sec. 46-15.1. License to practice certain occupations. It shall be unlawful for any person to practice any of the following listed occupations without a license so to do; any person wishing to obtain a license to engage in any of the listed occupations shall make application to the board of health, in accordance with such rules or regulations as shall be prescribed by the board under section 46-15, and any such application shall be accompanied by an examination fee for such license in accordance with the following schedule:

(a)	Chiropodist.	$ 25
(b)	Physiotherapist	10
(c)	Midwife	10
(d)	Tattoo artist	50
(e)	Laboratory director	25
(f)	Laboratory technician	10
(g)	Sanitarian	10
(h)	Itinerant vendor of medicines or drugs or devices.	25

Sec. 46-15.2. Annual registration; fees, failure to register. Every person holding a license to practice any occupation listed in section 46-15.1 shall re-register with the board of health, in accordance with the rules and regulations of the board, on or before January 31 of each year and shall pay a re-registration fee as provided for in the following schedule:

(a)	Chiropodist	$ 5
(b)	Physiotherapist	2
(c)	Midwife	2
(d)	Tattoo artist	5

(e) Laboratory director . . . . . .$ 5
(f) Laboratory technician 2
(g) Sanitarian 2
(h) Itinerant vendor of medicines or drugs or devices. 5

The failure, neglect, or refusal of any person holding such license to re-register or to pay the re-registration fee, after thirty days of delinquency, shall constitute a forfeiture of his license; provided, that the license shall be restored upon written application therefor together with a payment of all delinquent fees and a sum equal to the fee for the original license. In the event such delinquency continues over a period of more than one year, such person shall submit to and successfully pass an examination to be conducted by the board before such license shall be restored."

SECTION 2. Section 57-17, sub-paragraph (a) of the Revised Laws of Hawaii 1955, is hereby amended by deleting the figure "$1" and inserting in lieu thereof the figures "$1.50".

SECTION 3. Section 60-2 of the Revised Laws of Hawaii 1955, is hereby amended by deleting the figures "$25" therefrom and inserting in lieu thereof the figures "$50".

SECTION 4. Section 60-10.1 of the Revised Laws of Hawaii 1955, is hereby amended by deleting therefrom the figures "$3" wherever the same appear therein, and inserting in lieu thereof the figures "$5".

SECTION 5. Section 64-5 of the Revised Laws of Hawaii 1955, is hereby amended by deleting the figures "$25" appearing in line 3 thereof, and inserting in lieu thereof the figures "$50"; and by deleting the figure "$2" appearing in line 6 thereof and inserting in lieu thereof the figure "$5".

SECTION 6. Section 66-2 of the Revised Laws of Hawaii 1955, is hereby amended by deleting the figures "$10" therefrom and inserting in lieu thereof the figures "$50".

SECTION 7. Section 66-8 of the Revised Laws of Hawaii 1955, is hereby amended to read as follows:

"Sec. 66-8. License to practice; annual registration. License to practice naturopathy shall be issued by the board of health in such form as the board determines, to

those who qualify according to the provisions of this chapter. Naturopathy physicians licensed under this chapter shall observe and be subject to all territorial regulations relative to reporting births and deaths and all matters pertaining to the public health with equal rights and obligations as physicians, surgeons and practitioners of other schools of medicine. Every person holding a license to practice in the Territory shall re-register with the territorial board of examiners in naturopathy on or before January 31 of each year and shall pay a re-registration fee of $5. The failure to so re-register and pay the re-registration fee shall constitute a forfeiture of license, provided, that the license shall be reinstated upon written application therefore together with payment of all delinquent fees and the sum of $50."

SECTION 8. Section 72-1 of the Revised Laws of Hawaii 1955, is hereby amended by deleting the figures "$10" therefrom and inserting in lieu thereof the figures "$25".

SECTION 9. Section 72-2 of the Revised Laws of Hawaii 1955, is hereby amended by adding at the end thereof the following sentence:

"The rules and regulations of the board shall prescribe an original registration fee of $50 for the engaging by any person in the business of an undertaker, and an annual renewal fee of $10."

SECTION 10. Section 72-4 of the Revised Laws of Hawaii 1955, is hereby amended by deleting the figure "$1" appearing in line 4 thereof, and inserting in lieu thereof the figure "$5".

SECTION 11. Section 71-6 of the Revised Laws of Hawaii 1955, is hereby amended by deleting the figures "$15" therefrom and inserting in lieu thereof the figures "$25".

SECTION 12. Section 71-8 of the Revised Laws of Hawaii 1955, is hereby amended by deleting the figure "$2" from paragraph (b) thereof, and inserting in lieu thereof the figure "$5"; and by deleting the figure "$5" from paragraph (c) thereof, and inserting in lieu thereof the figures "$10".

SECTION 13. Section 99-18, of the Revised Laws of Hawaii 1955, is hereby amended by deleting the figures "$10" appearing in lines 20 and 23 thereof, and inserting in lieu thereof the figures "$15".

.50

SECTION 14. Section 219-5 (a) (1) of the Revised Laws of Hawaii 1955, is hereby amended by deleting the figures "$15.00" therefrom and inserting in lieu thereof the figures "$20.00"; and by deleting the figures "$50" therefrom and inserting in lieu thereof the figures "$1.00".

SECTION 15. Section 219-5 (a) (2) of the Revised Laws of Hawaii 1955, is hereby amended by deleting the figures "$10.00" therefrom and inserting in lieu thereof the figures "$15.00"; and by deleting the figures ".50" therefrom and inserting in lieu thereof the figures "$1.00".

SECTION 16. Section 219-5 (a) (3), of the Revised Laws of Hawaii 1955, is hereby amended by deleting the figures "3.00" therefrom and inserting in lieu thereof the figures "5.00"; and by deleting the figures ".50" therefrom and inserting in lieu thereof the figures "1.00".

SECTION 17. Section 219-5 (b) of the Revised Laws of Hawaii 1955, is hereby amended by deleting the figures $5.00" therefrom and inserting in lieu thereof the figures "10.00"; and by deleting the figures ".50" therefrom and inserting in lieu thereof the figures "$1.00".

SECTION 18. Section 219-5 (c) (1) of the Revised Laws of Hawaii 1955, is hereby amended by deleting the figures "2.00" therefrom and inserting in lieu thereof the figures "5.00"; and by deleting the figures ".50" therefrom and inserting in lieu thereof the figures "1.00".

SECTION 19. Section 219-5 (c) (2) of the Revised Laws of Hawaii 1955, is hereby amended by deleting the figures "10.00" therefrom and inserting in lieu thereof the figures "15.00"; and by deleting the figures ".50" therefrom and inserting in lieu thereof the figures "1.00".

SECTION 20. Section 219-5 (d) of the Revised Laws of Hawaii 1955, is hereby amended by deleting the figures "5.00" therefrom and inserting in lieu thereof the figures "10.00".

SECTION 21. Section 219-5 (e) (1) of the Revised Laws of Hawaii 1955, is hereby amended by deleting the figures ".25" therefrom and inserting in lieu thereof the figures "1.00".

SECTION 22. Section 219-5 (e) (2) of the Revised Laws of Hawaii 1955, is hereby amended by deleting the figures ".25" therefrom and inserting in lieu thereof the figures "1.00".

SECTION 23. Section 219-6 (a) of the Revised Laws of Hawaii 1955, is hereby amended by deleting the figures "$25.00" therefrom and inserting in lieu thereof the figures "50.00".

SECTION 24. Section 224-11 of the Revised Laws of Hawaii 1955, is hereby amended by adding after the figure "$1" appearing in line 7 thereof, the words "for each page".

SECTION 25. Section 342-105 of the Revised Laws of Hawaii 1955, is hereby amended by deleting the figure "$5" appearing in paragraph 20 thereof and inserting in lieu thereof the figures "$10"; and by deleting the figure "$2" appearing in paragraph 21 thereof and inserting in lieu thereof the figure "$5"; and by deleting the figures "$10", "$25" and "10" appearing in paragraph 5 thereof and inserting in lieu thereof the figures "$25", "50" and "25", respectively; and by deleting the figures "$1.50" appearing in paragraph 6 thereof and inserting in lieu thereof the figures "$3.00"; and by deleting the figures "$1.50" appearing in paragraph 7 thereof and inserting in lieu thereof the figures "$3.00".

SECTION 26. Section 343-11 of the Revised Laws of Hawaii 1955, is hereby amended by deleting the figures "$1.50" appearing in the 5th paragraph thereof and inserting in lieu thereof the figures "$3.00".

SECTION 27. This Act shall take effect on July 1, 1957.

INTRODUCED BY:

KAZUHISA ABE
TOM T. OKINO
JOHN G. DUARTE
JOHN B. FERNANDES
NELSON K. DOI

STAND. COM. REP. NO. 512

Honolulu, Hawaii

April 26, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Bill No. 806, S. D. 1

Sir:

Your Select Committee of Oahu Senators to which was referred Senate Bill No. 806, S. D. 1 entitled, "AN ACT RELATING TO THE CHARTER COMMISSION OF THE CITY AND COUNTY OF HONOLULU AND AMENDING CHAPTER 149-A, REVISED LAWS OF HAWAII", begs leave to report as follows:

The purpose of this bill is to amend the present law relating to the charter commission of the city and county of Honolulu. Section 1 of the bill deletes the phrase, "provided that such study and analysis or charter shall not curtail any of the powers, duties and responsibilities conferred by the legislature on the board of water supply of the city and county of Honolulu", from Section 149A-3 of the Revised Laws of Hawaii. This in effect would remove the prohibition against the commission proposing a charter which would curtail the present powers, duties and responsibilities of the board of water supply.

The chairman of the commission, J. Ballard Atherton, testified in the hearings held that he did not feel this amendment would necessarily result in a higher interest rate for revenue bonds floated by the water board which is the contention of the officials of the board of water supply. Mr. Atherton also felt that there seems to be no other reason for such a prohibition.

Section 2 of the original bill has been deleted in its entirety by your Committee. Section 2 of this bill, as amended, provides that the charter may be submitted to the electorate at a special election as well as at a regular election. Provision is also made, by amendment, for publication of a digest of the charter instead of publication of the charter in full.

Section 3 of the amended bill clarifies the language of Section 149A-6, Revised Laws of Hawaii 1955.

Your Committee approves the purposes of this bill, as amended and accordingly recommends that it pass second reading in the amended form attached hereto and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Chairman

S.B. No. 806
S.D. 1

AN ACT

RELATING TO THE CHARTER COMMISSION OF THE CITY AND COUNTY OF HONOLULU AND AMENDING CHAPTER 149-A, REVISED LAWS OF HAWAII.

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

SECTION 1. Section 149A-3, Revised Laws of Hawaii 1955, is hereby amended by changing the comma after the word "hereunder" in line 42 thereof to a period and by deleting the words "provided that such study and analysis or charter shall not curtail any of the powers, duties and responsibilities conferred by the legislature on the board of water supply of the city and county of Honolulu." thereafter.

SECTION 2. Section 149A-5, Revised Laws of Hawaii 1955, is hereby amended to read as follows:

"Sec. 149A-5. Submission of charter to electors. The commission shall, upon the completion of the charter, submit the charter to the city and county clerk. Upon receipt of the proposed charter, the city and county clerk shall provide for the submission of the proposed charter with the alternative provisions which have been adopted and approved by the board of supervisors to the qualified electors of the city and county of Honolulu for their approval. Such submission shall be at a special election, which shall be called by the mayor for the purpose. Such special election shall be held not less than forty-five (45) nor more than seventy-five (75) days after receipt of the charter by the clerk, provided, that if a general election is to be held within one hundred fifty (150) days from the time the proposed charter is received by the clerk, then, and in such event, the charter shall be submitted to the electorate at such general election. The board of supervisors shall appropriate such moneys as may be necessary to defray the expenses of such election.

"The commission shall publish, not less than forty-five (45) days before any election, at least once in a newspaper of general circulation within the city and county of Honolulu, a brief digest of the charter proposed by the commission and the alternative provisions proposed by the board of supervisors, together with a statement of the changes in the government of the city and county which would occur as the result of the

adoption of either the charter as proposed by the commission or the alternative provisions proposed by the board of supervisors, and a notice to the electorate of the city and county that copies of the proposed charter and alternative provisions are available at the office of the clerk, the charter commission, libraries and schools within the city and county of Honolulu. The commission shall prescribe the form of the ballot to be submitted to the electorate. The general laws and rules governing elections, so far as the same are applicable and not inconsistent herewith shall apply to the election herein referred to."

SECTION 3. Section 149A-6, Revised Laws of Hawaii 1955, is hereby amended to read as follows:

"Sec. 149A-6. Ratification of charter by legislature; effect. Within thirty days after the election held for such purpose, the city and county clerk shall certify a copy of the charter as modified by each provision as has been voted on and approved by a majority of those voting on such charter and shall forward the charter to the secretary of the Territory, who shall submit it to the legislature then in session (if not, to the next session thereof) for ratification. Upon such ratification, the charter shall become the organic law of the city and county of Honolulu and shall supersede any existing charter and all laws affecting the organization and government of the city and county which are in conflict therewith. Notwithstanding the provisions of this chapter or such ratification, there is expressly reserved to the territorial legislature the power to enact all laws of general application throughout the Territory on matters of territorial concern and interest and special laws relating to the fiscal powers of counties and cities and counties, and neither the charter nor ordinances adopted under the charter shall be in conflict therewith."

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

DATE: _____

HONOLULU, HAWAII

STANDING COMMITTEE REPORT NO. 513

Honolulu, Hawaii
April 27, 1957

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 918

Sir:

Your Committee on Public Lands to which was referred Senate Bill No. 918, entitled

"AN ACT TO AMEND SECTION 99-48 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO DISPOSAL OF ABANDONED ROADS, ETC.,"

begs leave to report as follows:

Under existing law, in the event of the abandonment of roads, streets, alleys, right-of-ways or streams, the use thereof reverts to the Territory; provided, that if the same should be disposed of by the Territory, it is to be offered to the abutter for sale, and if not then sold, to be sold at a public auction. This bill amends the present law by providing that upon the abandonment thereof, the same shall be conveyed to the county in which it is situated for the use of or disposition by the county. The reason for this is that the county in which the particular road, right-of-way, etc., is located has in all probability expended funds for the maintenance and the construction of said roads, right-of-way, etc., and your Committee feels that it is only fair and equitable that the use or disposition of said roads be turned over to the county.

It should be noted that the bill further provides that in the event the title should not vest with the Territory, the use and disposition shall be taken over directly by the county in which said roads, right-of-way, etc., is situated.

Your Committee approves the purpose of this bill and recommends that it pass second reading and that it then take its place in the order of business for further consideration.

Respectfully submitted,

SAKAE TAKAHASHI, Chairman

Standing Committee Report No. 514

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 27 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

On

RE: HOUSE BILL NO. 353
H.D. 1

RECOMMENDING THAT SAID BILL PASS THIRD READING IN THE AMENDED FORM ATTACHED HERETO.

MEMO:

DEFERRED UNTIL APRIL 29, 1957
ADOPTED - APRIL 29, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND COM. REP. NO. 514

Honolulu, Hawaii

April 27, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 353
H. D. 1

Sir:

Your Committee on Judiciary to which was referred House Bill No. 353, H. D. 1, entitled:

"AN ACT RELATING TO THE CAUSES FOR ANNULMENT AND DIVORCE, AND AMENDING SECTIONS 324-1 AND 324-20 OF THE REVISED LAWS OF HAWAII 1955",

begs leave to report as follows:

The purpose of this measure is to eliminate affliction of Hansen's disease as a ground for annulment and divorce. The board of health finds that this disease is no longer incurable, and it seems that it should not be singled out from other communicable diseases.

This Bill has been amended to delete references to Hansen's disease in other sections of our law relating to annulment, divorce and support after divorce.

Your Committee is in full accord with the purposes of this Bill and recommends that it pass third reading in the amended form attached hereto.

Respectfully submitted,

Nelson K. Doi, Chairman

H. B. NO. 353
H. D. 1
S. D. 1

AN ACT

RELATING TO ANNULMENT, DIVORCE AND SUPPORT AFTER DIVORCE OF PERSONS AFFECTED BY HANSEN'S DISEASE AND AMENDING SECTIONS 324-1, 324-20, 324-21 AND 324-33 OF THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. Section 324-1 of the Revised Laws of Hawaii 1955 is hereby amended by deleting the words "Hansen's disease" in the first line of subsection g.

SECTION 2. Section 324-20 of the Revised Laws of Hawaii 1955 is hereby amended by deleting therefrom the fifth lettered cause of divorce and re-lettering the subsequent lettered causes to conform to such deletion.

SECTION 3. Section 324-21 of the Revised Laws of Hawaii 1955 is hereby amended by changing the semi-colon after the word "application" in line seven thereof to a period and deleting the proviso which follows.

SECTION 4. Section 324-33 of the Revised Laws of Hawaii 1955 is hereby amended as follows:

a. By deleting the words "Hansen's disease sufferer or" in the title thereof;

b. By deleting the words "or on the ground that the libellee is affected with Hansen's disease," in the fourth and fifth lines thereof;

c. By deleting the words "or person affected with Hansen's disease" in the seventh line thereof.

SECTION 5. Nothing in this Act shall invalidate any court decisions or suits pending which were entered and filed pursuant to the sections hereinabove mentioned and in effect prior to the effective date of this Act.

SECTION 6. This Act shall take effect upon approval.

INTRODUCED BY:

O. VINCENT ESPOSITO
(By Request of Governor Samuel W. King)
J. WARD RUSSELL
MANUEL S. HENRIQUES
J. W. BERTRAND
WEBLEY EDWARDS
SPARK M. MATSUNAGA
SUMIO NAKASHIMA

Standing Committee Report No. 515

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 27 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 611 HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

Deferred to April 29, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 515

Honolulu, Hawaii

April 27, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 611
H. D. 1

Sir:

Your Committee on Judiciary to which was referred House Bill No. 611, H. D. 1, entitled:

"AN ACT TO AMEND SECTION 9-36 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO CERTIFICATES OF AUDITOR SHOWING AVAILABILITY OF FUNDS TO PAY COUNTY CONTRACTS",

begs leave to report as follows:

House Bill No. 611, H. D. 1, is substantially similar to Senate Bill No. 526, S. D. 1, which was heretofore reported out favorably by your Committee. The House Bill provides that where any county enters into a contract for the transportation of school children or for the collection of garbage for any period in excess of one year, the contract shall be valid so long as the auditor certifies to the availability of funds to cover the amount required by the contract for the first year only. It provides further that the amount payable for each subsequent year on account of the contract shall be a charge upon the available revenues of each subsequent year.

Your Committee is still of the opinion that the provisions above mentioned should apply only to the county of Maui as set out in Senate Bill No. 526, S. D. 1.

Accordingly, your Committee, being informed that said Senate Bill No. 526 has been or will be filed by the House, recommends that House Bill No. 611, H. D. 1, pass third reading in the amended form attached hereto.

Respectfully submitted,

Nelson K. Doi, Chairman

H. B. NO. 611
H. D. 1
S. D. 1

AN ACT

TO AMEND SECTION 9-36 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO CERTIFICATES OF AUDITOR SHOWING AVAILABILITY OF FUNDS TO PAY COUNTY CONTRACTS.

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

SECTION 1. Section 9-36 of the Revised Laws of Hawaii 1955 is hereby amended by adding thereto a new paragraph, reading as follows:

"The provisions of this section or of any other law to the contrary notwithstanding, a contract may be entered into by the county of Maui for the transportation of school children, as authorized by law, or for the collection, removal and disposition of rubbish or garbage for any period in excess of one year, if funds have been appropriated and are available to pay for any and all obligations under such contract during the year in which the contract has been entered, and a certificate certifying such appropriation and the availability of funds to such extent are attached by the county auditor of the county of Maui to such contract. The amount payable for each subsequent year on account of such contract, so certified by the county auditor of the county of Maui, shall constitute a charge upon the available revenues of such subsequent year, and the board of supervisors of the county of Maui shall thereafter annually appropriate sufficient funds to pay the amount to become due and payable under such contract during each subsequent year the contract remains in force."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

Adopted

Standing Committee Report No. 516

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 27, 19 57, by

Senator SAKAE TAKAHASHI, CHAIRMAN FOR THE COMMITTEE ON PUBLIC LANDS.

RE: H. J. RES. NO. 40
RECOMMENDING PASSAGE OF SAID JOINT RESOLUTION.

MEMO:

Deferred to April 29, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

Senate

STAND. COM. REP. NO. 516

Honolulu, Hawaii

April 27, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: House Joint Resolution No. 40

Sir:

Your Committee on Public Lands to which was referred House Joint Resolution No. 40 entitled, "JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO AMEND THE BANKHEAD-JONES FARM TENANT ACT (AS AMENDED) TO ALLOW THE MAKING OF REAL ESTATE MORTGAGE LOANS ON LONG-TERM LEASED LAND, INCLUDING HAWAIIAN HOME LANDS", begs leave to report as follows:

The purpose of this joint resolution is to request Congress to amend the Bankhead-Jones Farm Tenant Act to allow the making of real estate mortgage loans on long-term lease lands, including Hawaiian Homes Commission Lands. This will aid farmers in general and more particularly coffee growers in Kona for the construction of homes and improvements. The security for loans will not be impaired even though based on leaseholds rather than on fee simple lands.

Your Committee approves the purpose of this joint resolution and accordingly recommends that it do pass.

Respectfully submitted,

Chairman

STANDING COMMITTEE REPORT NO. 517

Honolulu, Hawaii
April 27, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: S. B. 588
S. D. 2

Sir:

Your Committee on Ways and Means, to which was referred S. B. 388, S. D. 2, entitled

"AN ACT REGULATING STRIP MINING",

begs leave to report as follows:

The purpose of this bill is amply explained in Standing Committee Report No. 508 of your Committee on Public Lands.

Your Committee on Ways and Means does not believe that appropriation is necessary for this purpose and therefore recommends that Section 13 be deleted and Section 14 be renumbered to read Section 13.

As amended, your Committee is in accord with the purpose of this bill and recommends that it pass on third reading.

Respectfully submitted,

KAZUHIRA ABE, Chairman

STAND. COM. REP. No. 518

Honolulu, T. H.

April 29, 1957

Honorable William H. Heen

President of the Senate

S i r :

Your Committee on Printing begs leave to report that the following matters have been printed and are ready for distribution:

S. B. No. 601 S. D. 1
S. B. No. 770 S. D. 1
S. B. No. 806 S. D. 1
S. B. No. 966 S. D. 1
S. B. No. 473 S. D. 2
S. B. No. 580 S. D. 2
S. B. No. 640 S. D. 2
S. B. No. 651 S. D. 2
S. B. No. 668 S. D. 2
S. B. No. 794 S. D. 2
S. B. No. 801 S. D. 2
S. B. No. 926 S. D. 2
S. B. No. 588 S. D. 3
S. Res. No. 48 & 49
S. J. R. No. 25 S. D. 1
S. Con. Res. No. 54
S. Con. Res. No. 53 S. D. 1
H. B. No. 353 H. D. 1 S. D. 1
H. B. No. 611 H. D. 1 S. D. 1
H. J. R. No. 48 H. D. 1 S. D. 2
H. J. R. No. 54 H. D. 2 S. D. 1
H. Con. Res. No. 45 C. D. 1
Conf. Comm. Rep. No. 4, 5 & 6
Stand. Comm. Rep. No. 510 to 517

Respectfully submitted,

John B. Fernandez

Chairman

Standing Committee Report No. 519

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 29 , 19 57 , by

Senator JOHN G. DUARTE, CHAIRMAN FOR THE COMMITTEE ON ACCOUNTS.

On

RE: REPORTING ON THE ACCOUNTS OF THE SENATE AS OF APRIL 26, 1957.

MEMO:

Filed - April 29, 1957

Clerk of the Senate

Standing Committee Report No. 519

Honolulu, Hawaii
April 26, 1957

Re: Senate Accounts

Hon. William H. Heen
President of the Senate
Honolulu, Hawaii

Sir:

Your Committee on Accounts begs leave to submit the following report of the accounts of the Senate as of this date:

Balance on Hand as per last report dated April 18, 1957 . . . . $122,368.51

EXPENDITURES

01	Personal Services:		
	0-120	Pay of Officers, Employees and Committee Clerks	10,015.00
		Garnishee and Orders	134.00
	0-270	Stationary and Office Supplies. . . .	1,046.53
	0-290	Other Supplies	317.40
	04	Communication Service	448.34
	05	Travel Expense	107.95
	05	Per Diem - Senators	2,730.00
	06	Transportation Service	3.00
	07	Printing & Binding Service	45.00
	08	Advertising & Publication of Notices . .	32.50
	10	Rents	37.00
	11	Repairs	80.95
	3-010	Office Equipment	6.84
		Total Expenses	15,004.51
		Balance on Hand	107,364.00
		Unpaid Taxes (T.H. - $982.55; Fed. - 7425.30).	8,407.85
		Reserved for printing the journal	20,000.00 . . . 28,407.85
		BALANCE	$78,956.15

Respectfully submitted,

John G. Duarte

JOHN G. DUARTE, Senator
Chairman

adopted

STAND. COM. REP. NO. 520

Honolulu, Hawaii

April _____ , 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 542

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 542, entitled:

"AN ACT TO AMEND CHAPTER 170 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO REAL ESTATE BROKERS AND SALESMEN",

begs leave to report as follows:

The Bill will extend from one year to two years as the period of time required before a real estate salesman may apply for a broker's license. It also requires that such salesman shall have been actively engaged in the real estate business during that period. However, in lieu thereof, other experience or education in the selling or management of real estate may be considered its equivalent. The Bill is patterned after the Oregon and California statutes.

Your Committee is in accord with the purpose of this Bill and recommends that it pass first reading in the form as introduced, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

adopted

STAND. COM. REP. NO. 521

Honolulu, Hawaii

April 29, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Bill No. 439

Sir:

Your Select Committee of Oahu Senators to which was referred Senate Bill No. 439 entitled, "AN ACT MAKING AN APPROPRIATION FOR THE CONVERSION AND EXTENSION OF MALUHIA CHRONIC HOSPITAL INTO A CITY AND COUNTY GENERAL HOSPITAL UNDER THE CITY AND COUNTY HEALTH DEPARTMENT, CITY AND COUNTY OF HONOLULU", begs leave to report as follows:

The purpose of this bill is expressed in its title. This bill involves an appropriation in the sum of $1,500,000.

Your Committee accordingly recommends that it pass second reading and that it then be referred to your Committee on Ways and Means for further consideration.

Respectfully submitted,

Chairman

adopted

STAND. COM. REP. NO. 522

Honolulu, Hawaii

April 29, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Joint Resolution No. 19

Sir:

Your Committee on Public Lands to which was referred Senate Joint Resolution No. 19 entitled, "JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES OF AMERICA TO ENACT LEGISLATION AMENDING THE HAWAIIAN HOMES COMMISSION ACT, 1920, TO AUTHORIZE THE HAWAIIAN HOMES COMMISSION TO APPROVE AND GUARANTEE LOANS TO HAWAIIAN HOMES HOMESTEADERS BY PRIVATE FINANCING INSTITUTIONS", begs leave to report as follows:

The purpose of this bill is to request congress to enact legislation amending the Hawaiian Homes Commission Act 1920 to authorize the Hawaiian Homes Commission to approve and guarantee loans made by financing institutions to those Hawaiian homes homesteaders who need capital for home construction.

The Hawaiian Homes Commission presently is unable to carry out its program of making loans to Hawaiian homes homesteaders for home construction because of the limited funds available for loan purposes.

Your Committee recommends that section 1 of this joint resolution be amended by inserting the words "not exceeding $10,000" after the word "loans" found on line four and before the word "made" found on line five of said section.

As amended, your Committee approves the purpose of this resolution and recommends that it pass second reading as so amended and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Salme Gabrielson
Chairman

John B. Fernandez

John D. Duarte

Kazuhisa Abe

Wilfred K. Tsukiyama

STAND. COM. REP. NO. 523

Honolulu, Hawaii

April 29, 1957

Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Bill No. 577

Sir:

Your Select Committee of Oahu Senators to which was referred Senate Bill No. 577 entitled, "AN ACT PROVIDING FOR THE ISSUANCE OF PUBLIC IMPROVEMENT BONDS BY THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU", begs leave to report as follows:

The purpose of this bill is to authorize the board of supervisors of the city and county of Honolulu to issue general obligation bonds for specific public improvements. This bill has been amended by specifically setting forth the amounts needed for the various public improvements. It might be noted that in issuing such general obligation bonds the board of supervisors would be limited by the legal total indebtedness as provided for by the Organic Act as amended by congress. It might be further noted that such bonds are to be issued under the requirements of Chapter 139 of the Revised Laws of Hawaii 1955.

Item (i) of the improvement list is to be the city and county's share of the total cost of a water system with its source at the Pearl Harbor basin and extending throughout the leeward Oahu areas: Ewa, Barber's Point, Nanakuli, Maile, Waianae and Kaena Point. With support from the territory, the main trunklines of this system could be installed at a cost of roughly 7½ million dollars. The cost of any hookup for feeder lines could be further borne by revenue bonds issued by the suburban water system of the city and county or by the board of water supply if the suburban water system has been integrated into the board of water supply. Upon completion, the water system will become part of the suburban water system of the city and county of Honolulu.

This project would aid economic development of the territory. Approximately 9,000 acres of land now undeveloped can be developed for commercial, industrial, agricultural and residential uses when water is made available to said land. To further point up the feasibility and necessity of this project, the U.S. navy has already indicated that it is interested in obtaining water from private or public sources instead of installing its own system.

The proposed bill carries the usual proviso for the transfer by the board of supervisors of any unexpended balance from any bond issue to supplement the appropriation for any other improvement or improvements. There is also included a proviso permitting the utilization of any possible federal matching funds available under federal law.

Your Committee approves the purpose of this bill as amended and recommends that it do pass third reading in the amended form attached hereto.

Respectfully submitted,

Chairman

S. B. NO. 577
S. D. 1

AN ACT

PROVIDING FOR THE ISSUANCE OF PUBLIC IMPROVEMENT BONDS BY THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU.

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

SECTION 1. The board of supervisors of the city and county of Honolulu may issue bonds for public improvements as authorized by the Organic Act and Chapter 139 of the Revised Laws of Hawaii 1955, as amended, in an amount not to exceed the legal total indebtedness as provided for by the Organic Act as amended by Public Law 694, 84th Congress, Chapter 567-2d Session, and in accordance with the requirements in Chapter 139 of the Revised Laws of Hawaii 1955.

SECTION 2. The moneys realized from any bond issue provided for by section 1 of this Act shall be expended for the following public improvements and in the following amounts:

(a)	Construction of sewerage systems	$ 5,000,000
(b)	Construction of flood control projects	1,500,000
(c)	Completion of, the improvements to, and the development of certain existing public parks and playgrounds, and for the acquisiiton, construction and improvement of new public parks and playgrounds	2,000,000
(d)	War memorial municipal auditorium (This sum to be in addition to that provided by Act 145, Session Laws of Hawaii 1955 for the same project)	2,000,000
(e)	Property acquisition, plans, construction, equipping and furnishing suitable facilities for use as headquarters for the Honolulu Police Department and by other municipal agencies	3,500,000
(f)	City and county jail (This sum to be in addition to that provided under Item 6 (a) of Section 2 of Act 273, Session Laws of Hawaii 1955 for the same project)	800,000
(g)	Acquisition of Waikiki Beach and other property	2,650,000

(h) School Improvements
(This sum to be in addition to those provided for by Section 5a of Act 273 Session Laws of Hawaii 1955) 4,700,000

(i) Pearl Harbor Basin to Waianae Areas Water System 3,000,000

$25,150,000

SECTION 3. In case the amount specified for any improvement authorized in section 2 shall not be wholly required to complete such improvement, the unrequired balance may, after completion of said improvement or after it is definitely ascertained by the office or offices in charge of the improvement authorized that not more than a specified amount, less than the whole amount authorized, will be required to complete said improvement, be transferred by the board of supervisors to supplement the amount provided for any other improvement or improvements.

SECTION 4. Any provision of this Act or any other territorial law to the contrary notwithstanding, it is expressly provided that, in the event that it is found possible to secure federal funds made available under any Act of the Congress of the United States to be expended in connection with or for the construction of any of the projects or works authorized by any projects or works of this Act (whether or not such item specifically provides for expenditure thereof in connection with federal funds), the proper territorial or county officers, or both, charged with the expenditure of the funds appropriated by such item, shall have power to enter into such undertakings with the proper officers or agencies of the federal government, agree to required conditions, transfer the funds appropriated by this Act to such other officer, officers or agents of the Territory or county (who are hereby given power to expend the same pursuant to the Act) for expenditure thereof, and do and perform such other acts and things as may be necessary or be required by such acts of said Congress or any regulations or requirements of the federal government, as a condition to securing such federal funds for such projects or works.

Any other provision of law to the contrary notwithstanding, any bonds issued under this Act may, with the approval of the mayor of the city and county of Honolulu, be deposited with and pledged to, or be otherwise disposed of to, the United States or any board, agency or instrumentality of the United States government, to secure the repayment, or in actual payment, of any loans or advances made or to be made, under any Act or Acts of the Congress of the United States authorizing such loans or advances, by the United States or any such board, agency, or

instrumentality to the Territory for the construction, in whole or in part, of any public works project authorized under this Act or the cost of which, or any portion thereof, would be payable or could legally be paid out of the proceeds of such bonds if sold.

SECTION 5. This Act shall take effect upon its approval.

Standing Committee Report No. 524

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 29 , 19 57 , by

Senator SAKAE TAKAHASHI, CHAIRMAN FOR THE COMMITTEE ON PUBLIC LANDS

RE: HOUSE JOINT RESOLUTION NO. 2, HD1

RECOMMENDING THAT SAID JOINT RESOLUTION PASS THIRD READING IN THE AMENDED FORM HERETO ATTACHED.

MEMO:

Deferred until April 30, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

Tomorrow

STAND. COM. REP. NO. 524

Honolulu, Hawaii

April 29, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: House Joint Resolution No. 2, H. D. 1

Sir:

Your Committee on Public Lands to which was referred House Joint Resolution No. 2, H. D. 1, entitled, "JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO AMEND SECTION 73 OF THE ORGANIC ACT, RELATING TO PUBLIC LANDS OF THE TERRITORY AND ENABLING THE COMMISSIONER OF PUBLIC LANDS TO MAKE AVAILABLE LANDS FOR THE RELOCATION OF DISPLACED PERSONS", begs leave to report as follows:

The primary purpose of this resolution is to request congress to amend the Organic Act by granting to the Commissioner of public lands the authority to execute a direct sale or lease for a period of sixty-five years, or to exchange public lands without the benefit of public auction and without regard to the $5,000.00 limitation contained in the Organic Act.

Your Committee feels that it is the responsibility of the government to provide means by which families, displaced by any major improvements instituted by the territory, its political subdivisions or federal agencies or by natural disasters such as tidal waves, earthquakes or volcanic eruptions, may relocate themselves on public lands, due to the scarcity of private lands and the severe housing shortage now existing in the territory.

Your Committee has further amended this resolution to provide for the amendment of the sections of the Revised Laws of Hawaii 1955, which pertain to the same subject matter and to clarify the title of this resolution.

Your Committee approves the purpose of this resolution and accordingly recommends that it do pass in the amended form attached hereto.

Respectfully submitted,

Chairman

H. J. R. NO. 2, H.D. 1
S. D. 1

JOINT RESOLUTION

REQUESTING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION TO PERMIT THE SALE, LEASING OR EXCHANGE OF PUBLIC LANDS WITHOUT COMPLIANCE WITH CERTAIN REQUIREMENTS OF THE HAWAIIAN ORGANIC ACT OR OF THE LAND LAWS OF HAWAII.

WHEREAS, major improvements instituted by the Territory of Hawaii, its political subdivisions, Federal, Territorial or County Agencies, are causing the dispossession or displacement of many families from their homes;

WHEREAS, natural disasters such as tidal waves, earthquakes and volcanic eruptions also cause similar dispossession or displacements;

WHEREAS, land is a limited and valuable commodity in the Territory and is generally beyond the reach of most of the dispossessed or displaced families; now, therefore,

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

SECTION 1. The Congress of the United States is hereby requested to enact a bill substantially as follows:

"A BILL

AMENDING THE HAWAIIAN ORGANIC ACT AND APPROVING AMENDMENTS OF THE HAWAIIAN LAND LAWS IN REGARD TO SALES, LEASING AND EXCHANGE OF PUBLIC LANDS.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that section 73 of the Hawaiian Organic Act is hereby amended as follows:

(a) By adding a new sub-section '73 (s)' immediately following sub-section 73 (r) to read as follows:
'Section 73 (s). Other sections of this Act to the contrary notwithstanding, the Commissioner of Public Lands, with the approval of two-thirds of the Board of Public Lands and of the Governor may, without the benefit of public auction sell or lease for a term not to exceed sixty-five (65) years, or exchange without regard to the $5,000.00

limitation contained in Section 73 (1) of this Act, any residential lot to dispossessed or displaced persons. For the purposes herein, dispossessed or displaced persons shall include only those persons who, by reason of major improvements instituted by the Territory of Hawaii, its political subdivisions, or any Federal, Territorial or County Agency, or by any natural disaster such as tidal waves, earthquakes or volcanic eruptions, are dispossessed or displaced from their principal place of residence, and who have resided at such principal place of residence for a period of at least two years immediately prior to the date of taking or to the date of disaster. Date of taking shall mean, in a voluntary sale, the date of execution of the document of conveyance, and in a condemnation proceeding, the effective date of the order of possession or of the entry of final order of condemnation, whichever is the earlier in time.'

SEC. 2. Section 73 (1) of the Hawaiian Organic Act is hereby amended as follows:

(a) By deleting the period after the word 'made' at the end of the first sentence and adding thereafter 'except as otherwise provided in Section 73 (s) of this Act.'

(b) By deleting the period after the word 'uses' at the end of the last sentence and adding thereafter 'except as otherwise provided in Section 73 (s) of this Act.'

SEC. 3. The amendments of Sections 99-40, 99-49 and 99-53 of the Revised Laws of Hawaii 1955, made by the Twenty-ninth Legislature are hereby approved.

SEC. 4. This Act shall take effect upon its approval."

SECTION 2. (a) Section 99-40 is hereby amended by adding after the first paragraph the following paragraph: "Other sections in the Revised Laws of Hawaii to the contrary notwithstanding, the Commissioner of Public Lands, with the approval of two-thirds of the Board of Public Lands and of the Governor may, without the benefit of public auction sell or lease for a term not to exceed sixty-five (65) years, or exchange without regard to the $5,000.00 limitation contained in Section 73 (1) of the Hawaiian Organic Act, any residential lot to persons dispossessed or displaced from their homes by major improvements

instituted by the Territory of Hawaii, its political subdivisions or Federal or Territorial or County Agencies, or by natural disasters such as tidal waves, earthquakes or volcanic eruptions. For the purposes herein, dispossessed or displaced persons shall include only those persons who, by reason of major improvements instituted by the Territory of Hawaii, its political subdivisions, or any Federal, Territorial or County Agency, or by any natural disaster such as tidal waves, earthquakes or volcanic eruptions, are dispossessed or displaced from their principal place of residence, and who have resided at such principal place of residence for a period of at least two years immediately prior to the date of taking or to the date of disaster. Date of taking shall mean, in a voluntary sale, the date of execution of the document of conveyance, and in a condemnation proceeding, the effective date of the order of possession or of the entry of final order of condemnation, whichever is the earlier in time."

(b) This section shall take effect upon the approval by the Congress of the United States of America of the amendment made by this section. The Congress of the United States is hereby respectfully requested to approve this amendment.

SECTION 3. (a) Section 99-49 of the Revised Laws of Hawaii 1955 is hereby amended by inserting after the clause "or to any person who has legally declared his intention to be a citizen," contained in the second sentence the clause "or to any dispossessed or displaced person covered by Section 99-40 of the Revised Laws of Hawaii 1955, which dispossessed or displaced person may be an alien."

(b) This section shall take effect upon the approval by the Congress of the United States of America of the amendment made by this section. The Congress of the United States is hereby respectfully requested to approve this amendment.

SECTION 4. (a) Section 99-53 is hereby amended by deleting the comma after "99-51" in the first clause of the first sentence and inserting after "99-51" the phrase "and Section 99-40."

(b) This section shall take effect upon the approval by the Congress of the United States of America of the amendment made by this section. The Congress of the United States is hereby respectfully requested to approve this amendment.

SECTION 5. Certified copies of this Resolution, upon its adoption, shall be forwarded to the President of the United States, President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, the Secretary of the Interior and the Delegate to Congress from Hawaii.

SECTION 6. This Joint Resolution shall take effect upon its approval.

INTRODUCED BY:

Standing Committee Report No. 525

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 29 , 1957 , by

Senator SAKAE TAKAHASHI, CHAIRMAN FOR THE SELECT COMMITTEE OF OAHU SENATORS.

RE: HOUSE BILL NO. 1050 HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING WITH AN AMENDMENT.

MEMO:

Deferred to April 30, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND COM. REP. NO. 525

Honolulu, Hawaii

April 29, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: House Bill No. 1050, H. D. 1

Sir:

Your Select Committee of Oahu Senators to which was referred House Bill No. 1050, H. D. 1 entitled, "AN ACT TO AMEND SECTION 153-9 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO PETITION BY OWNERS OF 100% FRONTAGE OR AREA FOR IMPROVEMENTS", begs leave to report as follows:

The purpose of this bill is to aid the development of unimproved land in the city and county of Honolulu by reducing the security required which is determined by the value of the excess of the improvement district cost over the assessed valuation of the land to be improved. Under existing law, before the board of supervisors may approve a proposed improvement district, the assessed value of the land to be improved must at least be equal to the cost of the improvement and should the improvement district cost exceed the assessed valuation of said land, the board can approve the improvement only upon deposit of cash or certified check to the extent that the cost of improvement exceeds the assessed value of the land.

The purpose as stated above is to be accomplished by using "market value," instead of "assessed value," of the land and allowing for the "cost of the proposed improvements" to be added to "market value of the land" in determining if the cost of improvements exceeds 50% of the sum of the market value of the land and the cost of the proposed improvements. The amendment to the Revised Laws would prohibit approval by the board if the cost of improvement exceeds 50% of the sum of the value of the land and the cost of the proposed improvements, unless a deposit of cash or a certified check is made in an amount for the excess cost of improvement over the two factors mentioned.

This amendment to the present law, your Committee feels, will tend to encourage the development of subdivisions and to ease the housing shortage through the use of the improvement district method. This bill would apply particularly to those

areas in which the value of the land to be improved is presently low in comparison to other land areas.

Your Committee wishes to amend House Bill No. 1050, H. D. 1 by adding the following paragraph to section 1 of said bill:

> "An improvement district under the provisions of this section may be initiated by the board of its own motion as an alternative to initiation by petition of the owners and lessees as hereinabove provided. Under this alternative method the written consent of one hundred per cent of such owners and lessees shall be obtained before proceeding with the improvement."

This amendment provides an alternative method whereby the board of supervisors may initiate 100% improvement districts in addition to the present method of requiring property owners themselves to initiate it.

As amended, your Committee approves the purpose of this bill and recommends that it do pass.

Respectfully submitted,

Chairman

adopted

STANDING COMMITTEE REPORT NO. 576

Honolulu, Hawaii
April 26, 1957

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Re: Senate Concurrent Resolution No. 31

Sir:

Your Committee on Public Lands, to which was referred Senate Concurrent Resolution No. 31, begs leave to report as follows:

The purpose of this resolution is to provide recreational and farming areas for the patients at Hale Mohalu, an institution for the treatment of Hansen's disease on Oahu. The commissioner of public lands and the president of the board of health are requested to enter into negotiations with the United States Navy for the use of the area immediately adjacent to Hale Mohalu in order to effectuate the purpose of this resolution.

Your Committee approves the purpose of this resolution but recommends the title to be amended to read "CONCURRENT RESOLUTION". As so amended, your Committee recommends that this concurrent resolution be adopted.

Respectfully submitted,

SAKAE TAKAHASHI, Chairman

AATF:

adopted

STANDING COMMITTEE REPORT NO. S27

Honolulu, Hawaii
April 26, 1957

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Re: Senate Concurrent Resolution No. 24

Sir:

Your Committee on Public Lands to which was referred Senate Concurrent Resolution No. 24, entitled

"CONCURRENT RESOLUTION REQUESTING THE COMMISSIONER OF PUBLIC LANDS TO FAVORABLY CONSIDER THE REQUEST OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MAUI TO NEGOTIATE FOR AND EFFECT AN EXCHANGE OF LANDS, TO ESTABLISH A BEACH PARK IN THE DISTRICT OF WAILUKU, MAUI,"

begs leave to report as follows:

The purpose of this resolution is to request the commissioner of public lands to enter into and effect an exchange on a fair and reasonable basis lands with the Wailuku Sugar Company in order that a beach park may be established in the district of Wailuku, Maui.

Your Committee approves the purpose of this resolution and recommends that it be adopted.

Respectfully submitted,

SAKAE TAKAHASHI, Chairman

AATF:

Standing Committee Report No. 528

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 29 , 1957 , by

Senator SAKAE TAKAHASHI, CHAIRMAN FOR THE COMMITTEE ON PUBLIC LANDS.

On

RE: H. CON. RES. NO. 27

RECOMMENDING ADOPTION OF SAID CONCURRENT RESOLUTION.

MEMO:

ADOPTED - APRIL 29, 1957

Clerk of the Senate

Adopted

STANDING COMMITTEE REPORT NO. 508

Honolulu, Hawaii
April 26, 1957

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Re: House Concurrent Resolution No. 27

Sir:

Your Committee on Public Lands, to which was referred House Concurrent Resolution No. 27, begs leave to report as follows:

This concurrent resolution requests the commissioner of public lands to expedite in every practical and practicable way and give the highest possible priority to the projected subdivision and the sale of public lands as farm lots in the Lamalilo area on the island of Hawaii.

Your Committee approves the purpose of this resolution and recommends that it be adopted.

Respectfully submitted,

SAKAE TAKAHASHI, Chairman

AATF:

Standing Committee Report No. 529

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 29 , 19 57 , by

Senator SAKAE TAKAHASHI, CHAIRMAN FOR THE COMMITTEE ON PUBLIC LANDS.

RE: HOUSE CONCURRENT RESOLUTION NO. 35

RECOMMENDING THAT SAID CONCURRENT RESOLUTION BE ADOPTED WITH THE FOLLOWING AMENDMENTS:

1. Delete the words "an early" found in line 4 of the fourth paragraph and substitute thereof the word "a".

2. Add a new paragraph to follow the last paragraph to read as follows:

BE IT FURTHER RESOLVED that a certified copy of this Concurrent Resolution be transmitted to the Attorney General of the Territory of Hawaii.

MEMO:

ADOPTED - April 29, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

Adopted as amended in resolved clause

STANDING COMMITTEE REPORT NO. 529

Honolulu, Hawaii
April 26, 1957

Honorable William H. Heen
President of the Senate
Twenth-ninth Legislature
Territory of Hawaii

Re: House Concurrent Resolution No. 35

Sir:

Your Committee on Public Lands, to which was referred House Concurrent Resolution No. 35, begs leave to report as follows:

This resolution relates to the nature and extent of the interest of the Territory in the mineral reserve in all royal patents and land patents on the Kingdom of Hawaii and Republic of Hawaii respectively.

Under this resolution, the attorney general of the Territory is requested to bring about a clarification of interest of the Territory in this area. Your Committee approves the purpose of this resolution but recommends that the words "an early" found in line 4 of the fourth paragraph be deleted and the word "a" be substituted thereof.

As so amended, your Committee recommends that this concurrent resolution be adopted.

Respectfully submitted,

Sakae Takahashi
SAKAE TAKAHASHI, Chairman

John G Duarte

Wilfred Tsukiyama

John B Fernandez

Kazuhisa Ale

AATF:

adopted

Standing Committee Report No. 530

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 29 , 1957 , by

Senator SAKAE TAKAHASHI, CHAIRMAN FOR THE COMMITTEE ON PUBLIC LANDS.

RE: H. CON. RES. NO. 50

RECOMMENDING ADOPTION OF SAID CONCURRENT RESOLUTION.

MEMO:

Deferred to April 30, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

defer - print Tomorrow

STANDING COMMITTEE REPORT NO. 530

Honolulu, Hawaii
April 26, 1957

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Re: House Concurrent Resolution No. 50

Sir:

Your Committee on Public Lands, to which was referred House Concurrent Resolution No. 50, begs leave to report as follows:

The general purpose of this resolution is to aid the rehabilitation of the Hawaiian people through financial and proper technological assistance through the federal government. It specifically requests that the Committee on Interior and Insular Affairs of the House of Representatives of the Congress have its subcommittee confer with the Secretary of the Interior and his assistants who conducted a study of the Hawaiian Homes Commission projects in Hawaii in 1956.

Your Committee approves the purpose of this resolution and accordingly recommends that it be adopted.

Respectfully submitted,

SAKAE TAKAHASHI, Chairman

AATF:

Standing Committee Report No. 531

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 29 , 1957 , by SELECT

Senator SAKAE TAKAHASHI, CHAIRMAN FOR THE COMMITTEE OF OAHU SENATORS.

RE: H. B. NO. 357, H. D. 1

RECOMMENDING PASSAGE OF SAID BILL.

MEMO:

Deferred to April 30, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 531
Honolulu, Hawaii
April 29, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: House Bill No. 357, H. D. 1

Sir:

Your Select Committee of Oahu Senators to which was referred House Bill No. 357, H. D. 1, entitled, "AN ACT RELATING TO THE CLINIC FOR THE TREATMENT OF ALCOHOLISM AND AMENDING ACT 215, SESSION LAWS OF HAWAII 1955", begs leave to report as follows:

The purpose of this bill is to require the liquor commission of the city and county of Honolulu to pay at the end of each quarter of the fiscal year ten percent of all funds received by the said commission in payment of liquor licenses, to the board of health, for the purpose of maintaining a clinic for the treatment of alcoholism in the city and county of Honolulu.

The liquor commission is presently paying to the board of health for the above purpose five percent rather than the ten percent as proposed by this bill. It was brought out at hearings that this additional revenue is required to maintain a full-time psychologist and additional staff members some of which are presently on part-time basis.

Senate Bill No. 190 passed the senate on April 26, 1957 and provides for the same purpose as this bill. Inasmuch as House Bill No. 357, H. D. 1, was received in the senate before the senate bill was received in the house, your committee recommends that House Bill No. 357, H. D. 1, do pass.

Respectfully submitted,

Chairman

STAND. COM. REP. NO. 532

Honolulu, Hawaii

April 29, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

S I R:

Re: Senate Bill No. 164, S.D. 1

Your Committee on Public Employment, to which was recommitted Senate Bill No. 164 S. D. 1, entitled "AN ACT AMENDING CHAPTER 3 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO PUBLIC OFFICERS AND EMPLOYEES AND CIVIL SERVICE," begs leave to report as follows:

S. B. 164 S. D. 1 amends Sections 3-20, 3-51 and 3-61 of Chapter 3 of the Revised Laws of Hawaii 1955 covering those positions in the Territorial and County governments which are exempt from Civil Service.

The purpose of this Bill is to exclude from the scope of the civil service law services rendered by independent contractors by limiting its application to positions or employment creating the relationship of master and servant, i. e., employer-employee relationship.

Your Committee has reconsidered certain provisions of S. B. 164 S. D. 1, which deleted the authority of the director to determine coverage as to specific positions, and such deletion has been omitted from S. B. 164 S. D. 2 attached.

Your Committee is in accord with the purpose of this Bill, as services performed by independent contractors are not within the intent or scope of the civil service law.

Your Committee recommends passage of S. B. 164 S. D. 2 attached.

Respectfully submitted,

Chairman

CORRECTION

THE PRECEDING DOCUMENT(S) HAS BEEN REPHOTOGRAPHED TO ASSURE LEGIBILITY
SEE FRAME(S)
IMMEDIATELY FOLLOWING

STAND. COM. REP. NO. 532

Honolulu, Hawaii

April 29, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

S I R:

Re: Senate Bill No. 164, S.D. 1

Your Committee on Public Employment, to which was recommitted Senate Bill No. 164 S. D. 1, entitled "AN ACT AMENDING CHAPTER 3 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO PUBLIC OFFICERS AND EMPLOYEES AND CIVIL SERVICE," begs leave to report as follows:

S. B. 164 S. D. 1 amends Sections 3-20, 3-51 and 3-61 of Chapter 3 of the Revised Laws of Hawaii 1955 covering those positions in the Territorial and County governments which are exempt from Civil Service.

The purpose of this Bill is to exclude from the scope of the civil service law services rendered by independent contractors by limiting its application to positions or employment creating the relationship of master and servant, i. e., employer-employee relationship.

Your Committee has reconsidered certain provisions of S. B. 164 S. D. 1, which deleted the authority of the director to determine coverage as to specific positions, and such deletion has been omitted from S. B. 164 S. D. 2 attached.

Your Committee is in accord with the purpose of this Bill, as services performed by independent contractors are not within the intent or scope of the civil service law.

Your Committee recommends passage of S. B. 164 S. D. 2 attached.

Respectfully submitted,

Chairman

S. B. No. 164
S. D. 2

AN ACT

AMENDING CHAPTER 3 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO PUBLIC OFFICERS AND EMPLOYEES AND CIVIL SERVICE.

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

SECTION 1. Chapter 3 of the Revised Laws of Hawaii 1955 is hereby amended in the following respects:

(1) By amending subparagraph (c) of Section 3-20 thereof by deleting the word "service" in the first line of said subparagraph and substituting therefor the word "positions;"

(2) By amending subparagraph (h) of Section 3-51 thereof by deleting the word "services" in the first line of said subparagraph and substituting therefor the word "positions;"

(3) By amending subparagraph (h) of Section 3-61 thereof by deleting the word "services" in the first line of said subparagraph and substituting therefor the word "positions."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

adopted

STANDING COMMITTEE REPORT NO. 533

Honolulu, Hawaii
April 29, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: S. R. No. 47

Sir:

Your Committee on Ways and Means, to which was referred S. R. No. 47, entitled

"THE SENATE RESOLUTION REQUESTING THE ATTORNEY GENERAL OF THE TERRITORY TO CONDUCT AN INVESTIGATION INTO THE LEGALITY OF THE PRACTICES AND PROCEDURES DESCRIBED, AND TO MAKE A REPORT OF HIS FINDINGS TO THE SENATE, TOGETHER WITH ANY RECOMMENDATIONS HE MAY HAVE AS TO THE ADVISABILITY OR DESIRABILITY OF ENACTING LEGISLATION DEALING WITH SUCH PRACTICES AND PROCEDURES",

begs leave to report as follows:

The purpose of this measure is clearly stated in the resolution. Your Committee is in general agreement with the purpose of the measure. However, in order to dispell any impression that irregularity already exists, your Committee recommends that paragraph 5 of the resolution be changed to read as follows:

"BE IT RESOLVED by the Senate of the Twenty-Ninth Legislature of the Territory of Hawaii that the attorney general of the Territory be and he is hereby requested to study the practices and procedures above described, for the purpose of determining any possible irregularity."

As amended, your Committee is in accord with the purpose of the resolution, and recommends that it do pass.

Respectfully submitted,

KAZUHISA ABE, Chairman

STANDING COMMITTEE REPORT NO. 534

Honolulu, Hawaii
April 26, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: S. B. 330

Sir:

Your Committee on Ways and Means, to which was referred S. B. No. 330, entitled

"AN ACT RELATING TO SALARIES OF CERTAIN TERRITORIAL OFFICERS, AMENDING SECTION 130, AS AMENDED, OF THE REVISED LAWS OF HAWAII 1945",

begs leave to report as follows:

The bill relates to the increase in the salaries of the various department heads of the territorial government, which merits consideration.

Your Committee recommends that the bill pass first reading by title, that it be placed on the calendar for second reading, that it pass second reading, and that after passage of second reading it again be referred to your Committee on Ways and Means for further consideration.

Respectfully submitted,

KAZUHISA ABE, Chairman

STANDING COMMITTEE REPORT NO. 535

Honolulu, Hawaii
April 29, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: S. B. No. 344

Sir:

Your Committee on Ways and Means, to which was referred S. B. No. 344, entitled

"AN ACT AMENDING SECTION 4998 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO THE BOARD OF HARBOR COMMISSIONERS SPECIAL FUND",

begs leave to report as follows:

The purpose of this bill is to amend Act 72 of the Session Laws of Hawaii 1947 by increasing the limitations on new construction from $100,000 to $300,000 and from $25,000 to $75,000.

Your Committee on Ways and Means recommends that the bill pass first reading by title and that it then be referred back to the Committee on Ways and Means for further consideration.

Respectfully submitted,

KAZUHIGA ABE, Chairman

STAND. COM. REP. NO. 536

Honolulu, Hawaii

April ____, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 414

Sir:

Your Committee on Judiciary to which was referred Senate Bill No. 414, entitled:

"AN ACT TO AMEND ACT 194 OF THE SESSION LAWS OF HAWAII 1931, AS AMENDED, RELATING TO THE CLAIM OF WONG NIN, TO WAIVE THE STATUTES OF LIMITATIONS, AND TO AUTHORIZE STIPULATIONS OF FACT, COMPROMISES, AND REINSTATEMENT OF AN ACTION PREVIOUSLY FILED IN CONNECTION THEREWITH, OR THE FILING OF A NEW ACTION",

begs leave to report as follows:

The purpose of this Bill is to amend Act 194, Session Laws of 1931. Act 194 permitted one Wong Nin to sue the City and County of Honolulu for damages for an alleged unlawful misappropriation of Wong Nin's water rights in Manoa Valley by the Board of Water Supply.

The action was filed in 1935, Law No. 13638, in the First Circuit Court. However, the merits of the matter were never reached and the action was dismissed by the court in 1954 for want of prosecution.

This Bill would amend Act 194, by permitting Wong Nin to petition the court to reinstate the original action, or in the alternative to file a new action within 90 days after the effective date of the act.

The Attorney General of the Territory reports that there is no legal objection to the passage of this Bill.

Your Committee is in accord with the purpose of this Bill and recommends that it pass first reading in the form as introduced and that it then take its place in the order of business for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

STANDING COMMITTEE REPORT NO. 537

Honolulu, Hawaii
April 27, 1957

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 496

Sir:

Your Committee on Ways and Means to which was referred Senate Bill No. 496, entitled

"AN ACT TO AMEND SECTIONS 146-2, 147-1, 148-1, 149-54 AND 149-55 OF THE REVISED LAWS OF HAWAII 1955, ALL RELATING TO SALARIES OF CERTAIN OFFICERS OF THE COUNTIES,"

begs leave to report as follows:

The purpose of this measure is to effect increases in the salaries of the principal officials of each of the counties.

Your Committee has prepared an amended draft of the bill, which is attached hereto, and now recommends that it be printed in such amended form, that it pass first reading by title in such amended form, and that it then be referred back to your Committee on Ways and Means for further consideration.

Respectfully submitted,

KAZUHISA ABE, Chairman

TW?
AATF:

S. B. NO. 496
S. D. 1

AN ACT

TO AMEND SECTIONS 146-2, 147-1, 148-1, 149-54 AND 149-55 OF THE REVISED LAWS OF HAWAII 1955, ALL RELATING TO SALARIES OF CERTAIN OFFICERS OF THE COUNTIES.

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

SECTION 1. Sections 146-2, 147-1 and 148-1 of the Revised Laws of Hawaii 1955 are hereby amended so as to provide the following schedule of salaries for the officers of the counties of Hawaii, Kauai and Maui, respectively:

	Per Annum
	$
Chairman and executive officer	____
Members of board of supervisors (each)	____
County attorney	____
Auditor	____
Treasurer	____
Clerk	____
Chief of Police	____
Fire chief	____

SECTION 2. Section 149-54 of the Revised Laws of Hawaii 1955 is hereby amended to provide the following schedule of salaries for the elective officers of the city and county of Honolulu:

	Per Annum
	$
Mayor	____
Members of board of supervisors (each)	____
Sheriff	____
City and county clerk	____
Auditor	____
Treasurer	____

SECTION 3. Section 149-55 of the Revised Laws of Hawaii 1955 is hereby amended to provide the following schedule of salaries for the appointive officers of the city and county of Honolulu:

	Per Annum
	$
City and county attorney	____
Public prosecutor	____
Controller	____
Chief of police	____
Fire chief	____

SECTION 4. This Act shall take effect on July 1, 1957.

INTRODUCED BY:

STANDING COMMITTEE REPORT NO. 538

Honolulu, Hawaii
April 29, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Sir:

Re: S. B. No. 544

Your Committee on Ways and Means, to which was referred S. B. No. 544, entitled

"AN ACT TO AMEND CHAPTER 170 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO REAL ESTATE BROKERS AND SALESMEN",

begs leave to report as follows:

The purpose of this bill is to clarify the authority of the Real Estate License Commission to conduct educational programs.

Your Committee recommends that it pass first reading by title and that it then be referred back to the Committee on Ways and Means for further consideration.

Respectfully submitted,

KAZUHISA ABE, Chairman

adopted

STANDING COMMITTEE REPORT NO. 539

Honolulu, Hawaii
April 29, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: S. B. No. 585

Sir:

Your Committee on Ways and Means, to which was referred S. B. No. 585, entitled

"AN ACT TO AMEND CHAPTER 150 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO REAL ESTATE BROKERS AND SALESMEN",

begs leave to report as follows:

The purpose of this bill is to increase the annual renewal fee for real estate brokers from $10.00 to $25.00 and for real estate salesmen from $5.00 to $10.00. It further provides for the transfer of any funds in excess of $10,000.00 to the general fund.

Your Committee recommends that it pass first reading by title and that it then be referred back to the Committee on Ways and Means for further consideration.

Respectfully submitted,

KAZUHISA ABE, Chairman

STANDING COMMITTEE REPORT NO. 540

Honolulu, Hawaii
April 29, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 731

Sir:

Your Committee on Ways and Means to which was referred Senate Bill No. 731 entitled:

"AN ACT RELATING TO THE FINANCES OF THE TERRITORY, AMENDING ACT 2 SPECIAL SESSION LAWS OF HAWAII 1956, AND MAKING REAPPROPRIATIONS THEREFOR,"

begs leave to report as follows:

The purpose of this measure is to amend Act 2 of the Special Session Laws of 1956 so as to restore the amount of $58,226 to the "Special Compensation and Accident Prevention Fund" which had been designated under Act 2 as part of the monies for salary increases of government employees. Your Committee understands that the amount mentioned in this bill is not required for the salary increases, and therefore can be properly returned to the special fund.

Your Committee is in accord with the objectives of this bill and therefore recommends that it pass first reading in the amended form attached hereto, that it be printed, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

KAZUMISA ABE, CHAIRMAN

AATF

CORRECTION

THE PRECEDING DOCUMENT(S) HAS
BEEN REPHOTOGRAPHED TO ASSURE
LEGIBILITY
SEE FRAME(S)
IMMEDIATELY FOLLOWING

STANDING COMMITTEE REPORT NO. 540

Honolulu, Hawaii
April 29, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 731

Sir:

Your Committee on Ways and Means to which was referred Senate Bill No. 731 entitled:

"AN ACT RELATING TO THE FINANCES OF THE TERRITORY, AMENDING ACT 2 SPECIAL SESSION LAWS OF HAWAII 1956, AND MAKING REAPPROPRIATIONS THEREFOR,"

begs leave to report as follows:

The purpose of this measure is to amend Act 2 of the Special Session Laws of 1956 so as to restore the amount of $58,226 to the "Special Compensation and Accident Prevention Fund" which had been designated under Act 2 as part of the monies for salary increases of government employees. Your Committee understands that the amount mentioned in this bill is not required for the salary increases, and therefore can be properly returned to the special fund.

Your Committee is in accord with the objectives of this bill and therefore recommends that it pass first reading in the amended form attached hereto, that it be printed, and that it then take its place in the order of business for further consideration.

Respectfully submitted,

KAZUMISA ABE, CHAIRMAN

AATF

S. B. NO. 731
S. D. 1

AN ACT

RELATING TO THE FINANCES OF THE TERRITORY, AMENDING ACT 2 SPECIAL SESSION LAWS OF HAWAII 1956.

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

SECTION 1. Paragraph 1, Section 5 of Act 2, Special Session Laws of Hawaii 1956, is hereby amended by deleting therefrom the item "Special Compensation and Accident Prevention Fund, Symbol S - 6609 . . . . $58,226.00".

SECTION 2. The said sum of $58,226 is hereby reappropriated and restored to said special compensation and accident prevention fund.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

JOHN B. FERNANDES

STANDING COMMITTEE REPORT NO. 541

Honolulu, Hawaii
April 27, 1957

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 829

Sir:

Your Committee on Ways and Means to which was referred Senate Bill No. 829, entitled

"AN ACT AMENDING ACT 273 OF THE SESSION LAWS OF HAWAII 1955, REAPPROPRIATING CERTAIN UNENCUMBERED BALANCES OF APPROPRIATIONS THEREUNDER FOR THE KAPAA SCHOOL CAFETORIUM, KAUAI,"

begs leave to report as follows:

The purpose of this measure is indicated by its title. Your Committee on Ways and Means recommends that the bill pass first reading by title and be referred back to your Committee on Ways and Means for further consideration.

Respectfully submitted,

KAZUHISA ABE, CHAIRMAN

AATF:

STANDING COMMITTEE REPORT NO. 542

Honolulu, Hawaii
April 27, 1957

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 832

Sir:

Your Committee on Ways and Means to which was referred Senate Bill No. 832, entitled

"AN ACT AMENDING ACT 205 OF THE SESSION LAWS OF HAWAII 1947, AS AMENDED, TO REAPPROPRIATE CERTAIN UNENCUMBERED BALANCES OF APPROPRIATIONS THEREUNDER FOR SWAMP FILLING PROJECTS AT KAPAA, KAUAI,"

begs leave to report as follows:

The purpose of this measure is indicated by its title. Your Committee on Ways and Means recommends that the bill pass first reading by title and be referred back to your Committee on Ways and Means for further consideration.

Respectfully submitted,

KAZUHISA ABE, Chairman

AATF:

STANDING COMMITTEE REPORT NO. 543

Honolulu, Hawaii
April 27, 1957

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 833

Sir:

Your Committee on Ways and Means to which was referred Senate Bill No. 833, entitled

"AN ACT AMENDING ACT 401 OF THE SESSION LAWS OF HAWAII 1949, AS AMENDED, TO REAPPROPRIATE CERTAIN UNENCUMBERED BALANCES OF APPROPRIATIONS THEREUNDER TO THE KAUAI WATERWORKS DEPARTMENT,"

begs leave to report as follows:

The purpose of this bill is indicated by its title. Your Committee on Ways and Means recommends that the bill pass first reading by title and be referred back to your Committee on Ways and Means for further consideration.

Respectfully submitted,

KAZUHISA ABE, Chairman

TWO
AATF:

STANDING COMMITTEE REPORT NO. 544

Honolulu, Hawaii
April 27, 1957

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 838

Sir:

Your Committee on Ways and Means to which was referred Senate Bill No. 838, entitled

"AN ACT ADVANCING $15,000 OUT OF THE GENERAL FUND FOR WATER AND ROAD IMPROVEMENTS OF PUBLIC LANDS AT UKUMEHAME, WAILUKU, MAUI,"

begs leave to report as follows:

The purpose of this bill is indicated by its title. Your Committee on Ways and Means recommends that the bill pass first reading by title and be referred back to your Committee on Ways and Means for further consideration.

Respectfully submitted,

KAZUHISA ABE, Chairman

AATF:

STANDING COMMITTEE REPORT NO. 545

Honolulu, Hawaii
April 27, 1957

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 839

Sir:

Your Committee on Ways and Means to which was referred Senate Bill No. 839, entitled

"AN ACT CREATING A PERMANENT IMPROVEMENTS FUND OF THE COUNTY OF MAUI; REAPPROPRIATING UNENCUMBERED BALANCES OF CERTAIN TERRITORIAL LOAN FUND APPROPRIATIONS; AND OTHER MATTERS RELATING THERETO,"

begs leave to report as follows:

The purpose of this measure is indicated by its title. Your Committee on Ways and Means recommends that the bill pass first reading by title and be referred back to your Committee on Ways and Means for further consideration.

Respectfully submitted,

KAZUHISA ABE, Chairman

TW 2
AATF:

STAND. COM. REP. NO. 546

Honolulu, Hawaii
April , 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

RE: S. B. No. 888

Sir:

Your Committee on Ways and Means to which was referred S. B. No. 888, entitled: "AN ACT RELATING TO THE COMPENSATION OF MEMBERS OF THE TAX APPEAL COURT AND OF BOARDS OF REVIEW AND AMENDING SECTIONS 116-3 AND 116-5 OF THE REVISED LAWS OF HAWAII 1955" begs leave to report as follows:

This bill relates to the compensation of the members of the Boards of Review and Tax Appeal Court, which merits consideration.

Your Committee recommends that the bill pass first reading by title, that it be placed on the calendar for second reading, that it pass second reading, and that after passage of second reading it again be referred to your Committee on Ways and Means for further consideration.

Respectfully submitted,

KAZUHISA ABE, Chairman

STAND. COM. REP. NO. 547

Honolulu, Hawaii
April , 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: S. B. No. 889

Sir:

Your Committee on Ways and Means to which was referred S. B. No. 889, entitled: "AN ACT RELATING TO THE COMPENSATION OF THE COURT REPORTER OF THE TAX APPEAL COURT, AND AMENDING SECTION 116-6 OF THE REVISED LAWS OF HAWAII 1955", begs leave to report as follows:

This bill relates to the compensation of the court reporter for the Tax Appeal Court, which merits consideration.

Your Committee recommends that the bill pass first reading by title, that it be placed on the calendar for second reading, that it pass second reading, and that after passage of second reading it again be referred to your Committee on Ways and Means for further consideration.

Respectfully submitted,

KAZUHISA ABE, Chairman

STAND. COM. REP. NO. 548

Honolulu, Hawaii
April 29, 1957

Re: H. B. NO. 94
H. D. 1

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Sir:

Your Committee on Labor, to which was referred H.B. No. 94, H.D. 1, entitled, "AN ACT RELATING TO THE DIVISION OF INDUSTRIAL SAFETY AND AUTHORIZING ADDITIONAL ENGINEERS OR INSPECTORS FOR CERTAIN PROJECTS, UNDERTAKINGS, OR CONTRACTS", begs leave to report as follows:

The purpose of this bill is to empower the Director of Labor and Industrial Relations, with the Governor's approval, to hire or contract additional safety engineers or inspectors when he deems that such additional engineers or inspectors are needed on any private or public project where the interest of the public requires it. This is in addition to the usual services of the Division of Industrial Safety.

Your Committee, upon consideration of this bill, was faced with the problem of the compensation for the additional personnel authorized, and agreed that the compensation should be made from the Governor's Contingent Fund if there is not sufficient money in the Department of Labor and Industrial Relations for this purpose. To this end your Committee has amended H.B. 94, H.D. 1, by adding this sentence:

"Compensation for such additional personnel shall be provided out of the governor's contingent fund if sufficient money is not available in the budget for the Department of Labor and Industrial Relations."

Your Committee is in accord with the purpose of this bill and recommends that it pass in the amended form attached hereto.

Respectfully submitted,

AATF

Chairman

H.B. NO. 94
H.D. 1
S.D. 1

AN ACT

RELATING TO THE DIVISION OF INDUSTRIAL SAFETY AND AUTHORIZING ADDITIONAL ENGINEERS OR INSPECTORS FOR CERTAIN PROJECTS, UNDERTAKINGS, OR CONTRACTS.

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

SECTION 1. Chapter 96 of the Revised Laws of Hawaii 1955 is hereby amended by adding a new section to read as follows:

"Sec. 96-12. Additional industrial safety engineers and inspectors. From time to time the director of labor and industrial relations with the approval of the governor may contract for additional safety engineers or inspectors when in his judgment any project, undertaking, or contract, whether private or public, is of such nature that the interest of the public or the safety, health and welfare of the workers employed thereon requires more than the usual services or attention of the division of industrial safety. Compensation for such additional personnel shall be provided out of the governor's contingent fund if sufficient money is not available in the budget of the Department of Labor and Industrial Relations."

SECTION 2. This Act shall take effect upon its approval.

Standing Committee Report No. 549

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 29 , 19 57 , by

Senator OREN E. LONG, CHAIRMAN FOR THE COMMITTEE ON LABOR.

RE: H.B. NO. 434
H. D. 2

RECOMMENDING THAT SAID BILL PASS AND PLACED ON THE CALENDAR FOR THIRD READING ON APRIL 30, 1957.

MEMO:

Deferred until April 30, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 549

Honolulu, Hawaii
April 29, 1957

RE: H.B. NO. 434
H. D. 2

The Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Honolulu, Hawaii

Sir:

Your Committee on Labor to which was referred H.B. No. 434, H.D. 2, entitled, "AN ACT RELATING TO WORKMEN'S COMPENSATION" begs leave to report as follows:

The purposes of this bill are to amend the workmen's compensation laws in the following respects:

1. Subsection (a) of Sec. 97-26, Revised Laws of Hawaii 1955 is to be amended by providing that in the paragraph entitled "Scope and time of payment," the words, "total or partial disability," be deleted and in its place, inserted the words, "temporary total disability and temporary partial disability."

   This amendment would do no more than to word the statute to conform with the interpretation that the Workmen's Compensation Bureau has followed in the past. It is the practice and intent of the workmen's compensation law that a worker who is drawing temporary total disability compensation or temporary partial disability compensation shall not draw compensation for permanent partial disability at the same time. This amendment is indorsed by the Bureau.

2. Amends the statute of limitations of the workmen's compensation law which now requires a claimant to file within six months from the date of injury or death, to one year. There were no objections to this proposal.

3. To change the requirement that employers making supplemental reports covering injuries and compensation paid, every thirty days, to a semi-annual reporting requirement.

Upon consideration of this bill your Committee recommends certain amendments to H.B. 434, H.D. 2.

First, it is recommended that in subsection (a) of Section 1, the words "temporary total disability and temporary partial disability" be changed to "temporary total disability or temporary partial disability" so that the application of the section may be to either of the conditions instead of both.

Second, that a new subsection (b) be inserted, which would delete from subsection (b) of section 97-26 the words and figures, "nor less than $8." This amendment would eliminate the present minimum weekly benefit of $8 for temporary partial disability. At the present time when a worker has a temporary partial disability and returns to work, he receives a weekly compensation of 2/3 of the difference of his average weekly wage before the accident and what he earns, but limited to no more than $35 per week, but not less than $8 per week. In practice, under this situation, sometimes a worker who has a temporary partial disability returns to work and receives wages only slightly lower than he earned before the accident, sometimes $1 or $2 less. In such cases the wage loss is minimal. Nevertheless, it is required that these persons be paid $8 per week. The amendment here would correct this situation.

Your Committee is in accord with the purposes of this bill and recommends that it pass in the amended form attached hereto.

Respectfully submitted,

Chairman

AATF

H.B. NO. 434
H. D. 2
S. D. 1

AN ACT

RELATING TO WORKMEN'S COMPENSATION.

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

SECTION 1. Chapter 97, Revised Laws of Hawaii 1955, is hereby amended in the following respects:

(a) By amending the paragraph entitled "Scope and time of payment" in subsection (a) of section 97-26 to read:

"Scope and time of payment. The compensation for the foregoing specific injuries shall be in lieu of all other compensation except the benefits provided in sections 97-22 and 97-25; provided that payments of compensation under this section shall not commence until after the periods of temporary total disability or temporary partial disability have terminated."

(b) By deleting from subsection (b) of section 97-26 the words and figures "nor less than $8."

(c) By substituting for the words "six months" whenever they appear in section 97-52 the words "one year".

(d) By amending the fourth paragraph of section 97-80 to read:

"On June 30 and December 31 of each year the employer shall make a report to the director with respect to each injury on which he is continuing to pay compensation or expenses under section 97-22 showing all amounts theretofore paid by him on account of such injury."

SECTION 2. This Act shall take effect on July 1, 1957.

Standing Committee Report No. 550

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 29 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY

RE: HOUSE BILL NO. 440

RECOMMENDING THAT SAID BILL PASS IN THE AMENDED FORM HERETO ATTACHED AND PLACED ON THE CALENDAR FOR THIRD READING ON APRIL 30, 1957.

MEMO:

Deferred until April 30, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 550

Honolulu, Hawaii

April _____ , 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 440

Sir:

Your Committee on Judiciary to which was referred House Bill No. 440, entitled:

"AN ACT TO AMEND CHAPTER 149 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO THE CITY PLANNING COMMISSION, CITY AND COUNTY OF HONOLULU",

begs leave to report as follows:

This Bill has been amended so as to authorize the governing body or the planning commission of the various counties, with the consent of the Boards of Supervisors, to enter into agreements with the federal government and to receive funds or other assistance in connection with projects it plans or undertakes. So authorized, the governing body or planning commission will then qualify as the local planning body making application for funds allocable for regional or urban planning under Section 701 of the Federal Housing Act of 1954.

As the Bill now reads, its application is limited to the City Planning Commission of the City and County of Honolulu.

Your Committee, being in favor of this change, recommends that House Bill No. 440 do pass third reading in the amended form attached hereto.

Respectfully submitted,

Nelson K. Doi, Chairman

H. B. NO. 440
S. D. 1

AN ACT

TO AMEND CHAPTER 138 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO GENERAL PROVISIONS COMMON TO ALL COUNTIES.

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

SECTION 1. Chapter 138 of the Revised Laws of Hawaii 1955 is hereby amended by adding thereto a new section to be appropriately numbered and to read as follows:

"Sec. _____. The governing body or the planning commission of the various counties, with the consent of the boards of supervisors, may enter into agreements (which may extend over any period, notwithstanding any provision or rule of law to the contrary) with the Federal Government or any other public body or bodies respecting action to be taken pursuant to any of the powers granted to it by law and furnish, expend and/or receive any funds or other assistance in connection with projects being or to be undertaken pursuant to such powers."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

PHILIP MINN

Adopted

STAND. COM. REP. NO. 551

Honolulu, Hawaii

April ____, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Sir:

Your Committee on Judiciary to which was referred:

H. B. NO. 71, entitled "AN ACT AMENDING SECTION 142-17 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO SIDEWALKS AND CURBS"; and

H. B. NO. 594, entitled "AN ACT AUTHORIZING AND DIRECTING THE HAWAIIAN HOMES COMMISSION TO PAY THE SUM OF $4,500 TO THE CREDITORS AND REGISTERED STOCKHOLDERS OF HOOLEHUA COMPANY, LIMITED, BEING THE REASONABLE VALUE OF THE COMPANY'S STORE BUILDING ACQUIRED BY SAID COMMISSION,"

begs leave to report as follows:

Your Committee is in accord with the purposes of the Bills and recommends that House Bill No. 71 be referred to your Select Committee of Oahu Senators for further consideration and that House Bill No. 594 be referred to your Committee on Ways and Means for further consideration.

Respectfully submitted,

Nelson K. Doi

Nelson K. Doi, Chairman

STANDING COMMITTEE REPORT NO. 552

Honolulu, Hawaii
April 30, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: S. B. 812
S. D. 1

Sir:

Your Committee on Ways and Means, to which was referred S. B. 812, S. D. 1, entitled

"AN ACT FOR THE RELIEF OF THE DIVISION OF NATIONAL MISSIONS OF THE METHODIST CHURCH, A NEW YORK ELEEMOSYNARY CORPORATION, AND MAKING AN APPROPRIATION",

begs leave to report as follows:

The purpose of this bill is adequately explained in Standing Committee Report No. 404 submitted by your Committee on Judiciary.

Your Committee on Ways and Means understands that the sum of $1,430 appropriated by this bill will permit the Territory to refund the amount deposited by the Methodist Church group and that the land involved will again be placed on status of unencumbered public lands.

Your Committee is in accord with the purpose of this bill and recommends that it be passed on third reading.

Respectfully submitted,

KAZUHISA ABE, Chairman

STAND. COM. REP. NO. 553

Honolulu, Hawaii
April ____, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 781, S. D. 2

Sir:

Your Committee on Ways and Means to which was referred Senate Bill No. 781, entitled: "AN ACT RELATING TO FOREIGN CORPORATIONS MAKING LOCAL MORTGAGE LOANS, AMENDING PART II OF CHAPTER 174, REVISED LAWS OF HAWAII 1955 AND CONFERRING A TAX EXEMPTION", begs leave to report as follows:

The purpose of the bill, as originally drafted, was to encourage the making of mortgage loans in Hawaii by foreign corporations.

However, your Committee found that, while there is a great need for additional mortgage loan funds in Hawaii, the need is chiefly for residential housing. This suggests, therefore, that any tax exemption feature of the bill should be shaped to encourage such loans, and it was found that this could best be accomplished by granting the exemption only to income derived from mortgage loans guaranteed or insured by the Federal Housing Administration or the Veterans Administration.

Your Committee felt, also, that such exemption should extend equally to all lenders making F.H.A. and V.A. loans in Hawaii.

The Committee believes that no lender should be granted any form of tax exemption on a permanent basis, and felt that if the operation of the proposed law were limited to a period of six years a fair and reasonable situation would result. That is, sufficient new loan funds should be attracted to Hawaii to alleviate the present pressing needs of residential building, and at the same time not create a permanent exemption.

Passage of this bill, in the amended form submitted herewith, should lead to increased residential construction and employment, more revenues resulting from the expenditure of construction loan proceeds, broadening of the real property tax base by this additional construction, and greater overall economic benefit to the Territory.

Your Committee has amended the bill to effectuate the foregoing changes, has amended the title to make it more specifically indicative of the contents of the bill, has added a separability clause and has appropriately renumbered the sections of the bill.

Your Committee is in accord with the intent and purpose of this bill and recommends its passage in the amended form attached hereto on third reading.

Respectfully submitted,

with reservation

KAZUMISA ABE, Chairman

with reservation

S. B. NO. 781
S. D. 2

AN ACT

RELATING TO MORTGAGE LOANS, AMENDING CHAPTER 174 OF THE REVISED LAWS OF HAWAII 1945, AND ADDING A NEW CHAPTER TO THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. Section 174-30, Revised Laws of Hawaii 1955, is hereby amended in the following respects:

(a) By deleting therefrom the words "of real and personal property or interests therein".

(b) By inserting between the first and second sentences a new sentence to read as follows:

"The permitted mortgages are only those secured by real property or an interest therein; however, incidental personal property may be included in the mortgage."

SECTION 2. Section 174-31, Revised Laws of Hawaii 1955, is hereby amended to read as follows:

"Sec. 174-31. Exemptions. Corporations licensed pursuant to this chapter shall be exempt from qualifying under part I of chapter 178 of the Revised Laws of Hawaii 1955 (known as the Hawaii Bank Act of 1931) and shall not be subject to the provisions of chapter 135. All income in respect of mortgage loans, which are guaranteed or insured by the Federal Housing Administration or the Veterans Administration and which are made during the period of six years from and after the effective date of the act of the regular session of the Twenty-ninth Legislature amending this section, earned or received by any corporation authorized to do business under chapter 174 shall not be considered as income for the purpose of determining any tax, license fee or charge payable by such corporation to the Territory."

SECTION 3. Section 174-32, Revised Laws of Hawaii 1955, is hereby amended by deleting therefrom the figures "$100" and inserting in lieu thereof "$500".

SECTION 4. There is hereby added to the Revised Laws of Hawaii 1955 a new chapter, which chapter and its section

shall be appropriately numbered by the secretary of the Territory, reading as follows:

"Sec. _____. F.H.A. and V.A. Mortgage Loans. Any other law to the contrary notwithstanding, including any other enactment of the regular session of the Twenty-ninth Legislature, all income in respect of mortgage loans which are made within six years from the effective date of this chapter and which are guaranteed or insured by the Federal Housing Administration or the Veterans Administration, earned or received by any lender, corporate or individual, making such loans in the Territory of Hawaii shall not be considered as income for the purpose of determining any tax, license fee or charge payable by such lender to the Territory."

SECTION 5. If any provision of this Act or the application of such provision to any person or circumstance shall be held invalid, the remainder of the Act or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

SECTION 6. This Act shall take effect upon its approval. The exemptions from taxation provided in sections 2 and 4 of this Act shall take effect notwithstanding any other enactment of the regular session of the Twenty-ninth Legislature.

Standing Committee Report No. 554

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 30 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY

RE: H. B. NO. 547, H. D. 2

RECOMMENDING PASSAGE OF SAID BILL.

MEMO:

Deferred to May 1, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 554

Honolulu, Hawaii

April _____, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 547
H. D. 2

Sir:

Your Committee on Judiciary to which was referred House Bill No. 547, H. D. 2, entitled:

"AN ACT TO AMEND CHAPTER 170 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO REAL ESTATE BROKERS AND SALESMEN",

begs leave to report as follows:

The purpose of this Bill is to require real estate brokers and salesmen to deliver a copy of any real estate agreement or contract, including any contract authorizing a broker to sell real estate, to the party or parties signing it, at the time the signature is obtained. The delivery of one copy of the agreement or contract to parties signing as tenants by the entirety, joint tenants, or tenants in common or as officers of a corporation is sufficient to meet the purpose of this Act.

Your Committee was informed that this Bill will protect the parties to any agreement or contract from any fraudulent alteration, deletion or addition to such instruments.

Your Committee is in accord with the purpose of this Bill and recommends that it pass third reading.

Respectfully submitted,

Nelson K. Doi, Chairman

Standing Committee Report No. 555

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 30, 19 57, by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 749 HD2

RECOMMENDING THAT SAID BILL PASS THIRD READING IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

Deferred to May 1, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 555

Honolulu, Hawaii

April ____ , 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 749
H. D. 2

Sir:

Your Committee on Judiciary to which was referred House Bill No. 749, H. D. 2, entitled:

"AN ACT TO AMEND SECTION 160-33 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO CHAUFFEURS, DRIVERS AND OPERATORS OF MOTOR VEHICLES",

begs leave to report as follows:

Section 160-33 of the Revised Laws of Hawaii 1955 now permits any person, regardless of age, to drive or operate a road machine, farm tractor or implement of husbandry temporarily on a highway without an operator's license. House Bill No. 749, H. D. 2, proposes to place an age restriction on such person; more particularly, to permit no person under the age of thirteen years of age to drive or operate any such road machine, farm tractor or implement of husbandry on a highway.

Your Committee, being in favor of the proposed restriction, recommends that the Bill pass third reading in the amended form attached hereto. The amendments, as you will note, pertain only to the style thereof.

Respectfully submitted,

Nelson K. Doi, Chairman

H. B. NO. 749
H. D. 2
S. D. 1

AN ACT

TO AMEND SECTION 160-33 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO CHAUFFEURS, DRIVERS AND OPERATORS OF MOTOR VEHICLES.

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

SECTION 1. Subsection (b) of section 160-33 of the Revised Laws of Hawaii 1955 is hereby amended by adding after the semicolon at the end thereof the following proviso:

> "provided, that no person under the age of thirteen years shall be permitted to drive or operate any such road machine, farm tractor or implement of husbandry on a highway;".

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

Standing Committee Report No. 556

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 30 , 19 57 , by

Senator OREN E. LONG, CHAIRMAN FOR THE COMMITTEE ON LABOR.

RE: H. B. NO. 435, HD1

RECOMMENDING PASSAGE OF SAID BILL.

MEMO:

Deferred to May 1, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REPORT NO. 556

Honolulu, Hawaii
April 30, 1957

Re: H.B. No. 435
H.D. 1

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Sir:

Your Committee on Labor to which was referred H.B. No. 435, H.D. 1 entitled "AN ACT RELATING TO WORKMEN'S COMPENSATION", begs leave to report as follows:

Section 1 (a) of this bill is intended to eliminate a special fund in the Workmen's Compensation Bureau by transferring the special fund of the Workmen's Compensation Bureau into the "special compensation fund" thereby reducing the number of special funds in the bureau from two to one. This change is one which is recommended by the Administrator of the Workmen's Compensation Bureau.

The purpose in enacting Section 1 (b) of this bill is to provide for a situation in which an injured employee entitled to compensation receives none because of a failure on the part of his employer to insure his worker under the Workmen's Compensation Law, and having failed to secure insurance, is insolvent and unable to pay hospital and medical bills and expenses, and is also unable to pay compensation to the injured employee. In such a case, this bill would provide that up to $1000 may be paid for compensation or medical care out of the special compensation fund. The territory is then allowed to recoup the monies expended by proceeding against the employer at a subsequent time when he might be in a position to make reimbursement. In the meantime the employee will have the benefit of compensation for himself and his family during the critical period immediately following the injury.

Your Committee is in accord with the purposes of this bill and recommends its passage on third reading.

Respectfully submitted,

AATF HK

Chairman

Standing Committee Report No. 557

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 30 , 19 57, by

Senator OREN E. LONG, CHAIRMAN FOR THE COMMITTEE ON LABOR.

RE: H. B. NO. 436, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

Deferred to May 1, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COM. REPORT NO. 557

Honolulu, Hawaii
April 30, 1957

Re: H.B. No. 436
H.D. 1

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Sir:

Your Committee on Labor, to which was referred H.B. No. 436, H.D. 1, entitled "AN ACT RELATING TO WORKMEN'S COMPENSATION", begs leave to report as follows:

The purpose of this bill is to revise the schedule pertaining to periods of payments for permanent partial disabilities provided under Sec. 97-26 (a). The changes as provided in this bill would conform the periods of payments as provided in the Federal Longshoremen and Harbor Workers Act. Passage of this bill is favored by the Workmen's Compensation Bureau. Your Committee was advised by representatives of the insurance industry that the increase in the periods of payments provided by this bill would result in an increase in rates by 2.1%.

Your Committee recommends that H.B. No. 436, H.D. 1, be amended by amending Section 1 of this bill where a reference is made to "subsection 1," and to replace the same with "subsection (a)" to conform it to the Revised Laws of Hawaii 1955.

Your Committee is in accord with the purposes of this bill and recommends its passage on third reading in the amended form attached hereto.

Respectfully submitted,

AATF

Chairman

H.B. NO. 436
H.D. 1
S.D. 1

AN ACT

RELATING TO WORKMEN'S COMPENSATION

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

SECTION 1. Chapter 97, Revised Laws of Hawaii 1955 is hereby amended by changing the periods of compensation for certain members in the schedule of injuries in subsection (a) of section 97-26 as follows:

Thumb, from fifty-one weeks to seventy-five weeks

First finger, from twenty-eight weeks to forty-six weeks

Second finger, from eighteen weeks to thirty weeks

Third finger, from seventeen weeks to twenty-five weeks

Fourth finger, from seven weeks to fifteen weeks

Great toe, from twenty-six weeks to thirty-eight weeks

Other toes, from eight weeks to sixteen weeks

Hand, from two hundred and twelve weeks to two hundred and forty-four weeks

Arm, from two hundred and eighty weeks to three hundred and twelve weeks

Foot, from one hundred and seventy-three weeks to two hundred and five weeks

Leg, two hundred and forty-eight weeks to two hundred and eighty-eight weeks.

SECTION 2. This Act shall take effect on July 1, 1957 and shall be applicable only to injuries occurring on or after that date.

Standing Committee Report No. 558

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 30 , 1957 , by

Senator OREN E. LONG, CHAIRMAN FOR THE COMMITTEE ON LABOR.

RE: H. B. NO. 592

RECOMMENDING THAT SAID BILL PASS THIRD READING IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

Deferred to May 1, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 558
Honolulu, Hawaii
April 30, 1957

RE: H.B. NO. 592

The Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Honolulu, Hawaii

Sir:

Your Committee on Labor to which was referred H.B. No. 592 entitled: "AN ACT TO AMEND CHAPTER 97, REVISED LAWS OF HAWAII 1955, RELATING TO WORKMEN'S COMPENSATION", begs leave to report as follows:

The purpose of this bill is to allow the family of the deceased worker or his next of kin the right to select a mortician under Section 97-23 where death results from injuries. In these cases the present law provides a sum up to $750 for burial expenses, but does not specify as to who shall select the mortician. Additionally this bill provides that if the deceased has no family or next of kin, his employer or the insurance carrier may make the selection.

Your Committee recommends that as a matter of form this bill be amended by replacing the period at the end thereof with a semicolon since it is the intent to continue with the balance of the existing statute.

Your Committee is in accord with the purpose of H.B. No. 592 as amended, and recommends that it pass third reading in the amended form attached hereto.

Respectfully submitted,

Chairman

AATF

H.B. NO. 592
S.D. 1

AN ACT

TO AMEND CHAPTER 97, REVISED LAWS OF HAWAII 1955, RELATING TO WORKMEN'S COMPENSATION.

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

SECTION 1. Section 97-23, Chapter 97, Revised Laws of Hawaii 1955, is hereby amended by inserting after the figure "$750" in the third line the following:

"to the mortician selected by the family of the deceased or next of kin, or to the mortician selected by the employer or insurance carrier when the deceased has no family or next of kin;"

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY: Matsuki Arashiro
Representative, Sixth District

March 13, 1957
Honolulu, Hawaii

Standing Committee Report No. 559

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 30 , 19 57 , by

Senator OREN E. LONG, CHAIRMAN FOR THE COMMITTEE ON LABOR.

RE: H. B. NO. 625, H.D.2

RECOMMENDING PASSAGE OF SAID BILL.

MEMO:

Deferred to May 1, 1957.

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REPORT NO. 559

Honolulu, Hawaii
April 30, 1957

Re: H.B. No. 625
H.D. 2

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Sir:

Your Committee on Labor to which was referred H.B. No. 625, H.D. 2, entitled "AN ACT RELATING TO WORKMEN'S COMPENSATION", begs leave to report as follows:

The purpose of this bill is to allow dependents to receive any unpaid balance of compensation due in the case of the death of a worker who was awarded and was receiving compensation for permanent total disability. Under the present law the dependents of persons receiving compensation for permanent partial disability receive the balance of the payments due if the person who had the permanent partial disability should die. But this would not apply under the existing law to cases where a person who had a permanent total disability should die.

This bill would provide that where a worker has been awarded or is entitled to a compensation for either a permanent partial disability or permanent total disability should die from a cause other than that which caused the injury for which he was entitled to compensation, payment of the unpaid balance of compensation will be made to his dependents as specified under Chapter 97. This will eliminate the distinction made between persons receiving awards for permanent partial disability and permanent total disability and would allow the dependents to receive the unpaid balance of compensation in both cases.

Your Committee is in accord with the purpose of H.B. No. 625, H.D. 2, and recommends its passage on third reading.

Respectfully submitted,

AATF lk

Chairman

Standing Committee Report No. 560

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 30 , 19 57 , by

Senator OREN E. LONG, CHAIRMAN FOR THE COMMITTEE ON LABOR.

RE: H. B. NO. 893, HD1

RECOMMENDING PASSAGE OF SAID BILL.

MEMO:

Deferred to May 1, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 560
Honolulu, Hawaii
April 30, 1957

RE: H.B. NO. 893
H.D. 1

The Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Sir:

Your Committee on Labor to which was referred H.B. No. 893, H.D. 1 entitled: "AN ACT RELATING TO EMPLOYMENT SECURITY", begs leave to report as follows:

The purpose of this bill is to amend the Employment Security Law to:

(1) change the definition of "Federal Unemployment Tax Act" to conform to the present Internal Revenue Code;

(2) provide for a minimum penalty of $10 for failure to pay contributions when due;

(3) provide for a penalty of $10 if any employer fails to submit a separation report within five working days after mailing of notice by registered or certified mail;

(4) exclude from computation of wages for benefit and contribution purposes any payments in the nature of unemployment benefits made by employers to employees;

(5) provide that no benefits paid to a claimant shall be charged against an employer who, during such claimant's base period, employed him less than full time at the same time that he had other employment, if such employer shows that he has continuously employed such claimant to the same extent as during the claimant's base period.

(6) make certain technical changes in the law which provides for establishment of employment service to conform to the amended Wagner-Peyser Act.

Your Committee on Labor is in accord with the purposes of H.B. No. 893, H.D. 1, and recommends its passage on third reading.

Respectfully submitted,

AATF

Chairman

Standing Committee Report No. 561

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 30 , 1957 , by

Senator OREN E. LONG, CHAIRMAN FOR THE COMMITTEE ON LABOR.

RE: H. B. NO. 982 HD1

RECOMMENDING PASSAGE OF SAID BILL.

MEMO:

Deferred to May 1, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REPORT NO. 561

Honolulu, Hawaii
April 30, 1957

Re: H.B. No. 982
H.D. 1

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Sir:

Your Committee on Labor to which was referred H.B. No. 982, H.D. 1, entitled "AN ACT RELATING TO EMPLOYMENT SECURITY", begs leave to report as follows:

The purpose of this bill is to authorize the Director of Labor and Industrial Relations to collect delinquent contributions. Under the present law, this responsibility rests with the Tax Commissioner.

Present delinquent contributions in Hawaii are in excess of $300,000, and this delinquency in terms of percentage of taxable wages, with the exception of one other state, is the highest in the country. Although the Bureau of Employment Security, which administers the employment security law, has made a concerted effort to improve its record with respect to delinquencies, it has been hampered by the fact that the responsibility for collections and enforcement of collection provisions has been vested in another agency.

The Washington and Regional Offices of the Bureau of Employment Security, U.S. Department of Labor, have strongly recommended that the entire delinquent tax function be made a responsibility of the Hawaii Bureau of Employment Security. In all other States the agency which administers the employment security law retains such duty and responsibility.

The Tax Commissioner is in accord with this bill, and the Territory will not incur any added expense should this bill be enacted into law for Federal funds will be made available for increased costs involved.

This bill provides that the Director of Labor and Industrial Relations shall collect delinquent contributions, penalties and interest, if any, by civil action, distraint proceeding or enforcement of lien. It also provides for jeopardy assessment should it be determined that collection may be delayed.

Your Committee on Labor is in accord with the purposes of H.B. No. 982, H.D. 1, and recommends its passage on third reading.

Respectfully submitted,

AATF

Chairman

Standing Committee Report No. 562

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 29 , 19 57 , by

Senator OREN E. LONG, CHAIRMAN FOR THE COMMITTEE ON LABOR.

RE: H. B. NO. 999, HD1

RECOMMENDING PASSAGE OF SAID BILL.

MEMO:

Deferred to May 1, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 562
Honolulu, Hawaii
April 30, 1957

RE: H.B. NO. 999
H.D. 1

The Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Honolulu, Hawaii

Sir:

Your Committee on Labor to which was referred H.B. No. 999, H.D. 1 entitled: "AN ACT RELATING TO PAYMENT OF WAGES," begs leave to report as follows:

The purposes of this bill are as follows:

(1) To provide that wages be paid within 15 days after the end of a pay period;

(2) To provide that no deduction shall be made from wages for a cash shortage in a common money till, cash box or cash register which is used by more than one employee;

(3) To provide that where cash deductions from wages may be authorized in writing by the worker, no such authorization shall be permitted in cases of deductions for fines, cash shortage in a common money till or for breakage.

Your Committee is in accord with the purposes of this bill and recommends its passage on third reading.

Respectfully submitted,

Chairman

AATF HK

Standing Committee Report No. 563

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 30 , 19 57 , by

Senator OREN E. LONG, CHAIRMAN FOR THE COMMITTEE ON LABOR.

RE: H. B. NO. 1085

RECOMMENDING PASSAGE OF SAID BILL.

MEMO:

Deferred to May 1, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REPORT NO. 563

Honolulu, Hawaii
April 30, 1957

Re: H.B. NO. 1085

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Sir:

Your Committee on Labor to which was referred H.B. No. 1085 entitled "AN ACT RELATING TO EMPLOYMENT SECURITY", begs leave to report as follows:

The purpose of this bill is to amend the Employment Security Law so that certain funds now credited to the unemployment compensation fund for benefit purposes may be transferred and used for administration purposes. These funds will not be used in determining the solvency factor. Under the terms of federal legislation (Reed Act) all moneys collected under the federal Unemployment Tax Act are earmarked for employment security purposes. The Reed Act sets up a loan fund of $200,000,000.00 and funds in excess of this are distributed to the states. In the current fiscal year $81,950.00 was credited to Hawaii and about $130,000.00 will be made available in July of this year and an estimated like amount in July 1958. Amendments to the Employment Security Law are necessary to transfer these funds from the unemployment compensation fund to the employment security administration fund. Upon the enactment of this enabling legislation an appropriation may then be made for the purposes so specified in the appropriation act which is limited to the acquisition of land and construction of buildings. The funds so appropriated shall be expended within two years after the enactment of the appropriate law.

Your Committee on Labor is in accord with the purposes of H.B. No. 1085 and recommends its passage on third reading.

Respectfully submitted,

AATF

Chairman

STANDING COMMITTEE REPORT NO. 564

Honolulu, Hawaii
April 30, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

RE: HOUSE BILL NO. 18
H. D. 1
S. D. 3

S i r:

Your Committee on Ways and Means, to which was referred H. B. No. 18, H.D. 1, S.D. 3, entitled:

"AN ACT RELATING TO EMPLOYMENT SECURITY: PROVIDING UNEMPLOYMENT COMPENSATION FOR AGRICULTURAL WORKERS AND AMENDING CHAPTER 93 OF THE REVISED LAWS OF HAWAII 1955",

begs leave to report as follows:

The purpose of this bill is adequately explained in Standing Committee Report No. 490 from your Committee in Labor.

Your Committee is in agreement with the bill and recommends that it be passed on Third Reading.

Respectfully submitted,

KAZUHISA ABE, CHAIRMAN

adopted

STANDING COMMITTEE REPORT NO. 565

Honolulu, Hawaii
April 30, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: S. B. 197

Sir:

Your Committee on Ways and Means, to which was referred S. B. No. 197, entitled

"AN ACT MAKING AN APPROPRIATION FOR THE HAWAII IRRIGATION AUTHORITY REVOLVING FUND",

begs leave to report as follows:

The purpose of this measure is to replenish the Authority's revolving fund to the extent of $250,000, in order to enable its continuation of the various water development projects.

Inasmuch as the Hawaii Irrigation Authority has been made a part of the Hawaii Water Authority, it is recommended that wherever the term "Hawaii Irrigation Authority" appears in the bill the same be changed to read the "Hawaii Water Authority".

As amended, your Committee is in accord with the purpose of this bill and recommends that it be passed on second reading and thereafter be placed on the calendar for further consideration.

Respectfully submitted,

KAZUHISA ABE, Chairman

STANDING COMMITTEE REPORT NO. 566

Honolulu, Hawaii
April 30, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: S. B. 823

Sir:

Your Committee on Ways and Means, to which was referred S. B. No. 823, entitled

"AN ACT ALLOWING SANDRA HARRIS TO SUE THE TERRITORY FOR INJURIES SUFFERED BY HER WHICH WERE ALLEGEDLY DUE TO THE NEGLIGENCE OF THE TERRITORY OR OF ITS OFFICERS OR EMPLOYEES",

begs leave to report as follows:

The purpose of this measure is to permit Sandra Harris to file suit against the Territory for injuries allegedly due to negligence of a Territorial employee.

Your Committee is in accord with the purpose of this bill and recommends that it be passed on second reading and thereafter be placed on the calendar for further consideration.

Respectfully submitted,

KAZUOISA ABE, Chairman

STANDING COMMITTEE REPORT NO. 567

Honolulu, Hawaii
April 30, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

S. B. 829

Sir:

Your Committee on Ways and Means, to which was referred S. B. No. 829, entitled

"AN ACT AMENDING ACT 273 OF THE SESSION LAWS OF HAWAII 1955, REAPPROPRIATING CERTAIN UNENCUMBERED BALANCES OF APPROPRIATIONS THEREUNDER FOR THE KAPAA SCHOOL CAFETORIUM, KAUAI",

begs leave to report as follows:

The purpose of this measure is to provide for the transfer to the Kapaa School Cafetorium project any unencumbered balances remaining after the completion of the various projects listed in the bill.

To clarify the meaning your Committee recommends that the first line of section 1 be amended by deleting the same and inserting in lieu thereof the following:

"All unencumbered balances of appropriation remaining upon completion of projects listed as".

As amended, your Committee is in accord with the purpose of this bill and recommends that it be passed on second reading and thereafter be placed on the calendar for further consideration.

Respectfully submitted,

KAZUMISA ABE, Chairman

STANDING COMMITTEE REPORT NO. 568

Honolulu, Hawaii
April 30, 1957

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Re: S. B. No. 838

Sir:

Your Committee on Ways and Means, to which was referred S. B. No. 838, entitled

"AN ACT ADVANCING $15,000 OUT OF THE GENERAL FUND FOR WATER AND ROAD IMPROVEMENTS OF PUBLIC LANDS AT UKUMEHAME, WAILUKU, MAUI",

begs leave to report as follows:

The purpose of this bill is indicated by its title. Upon further consideration, your Committee on Ways and Means finds that it is in accord with the objectives of this bill and therefore recommends that it pass second reading and thereafter take its place in the order of business for further consideration.

Respectfully submitted,

KAZUHISA ABE, Chairman

STANDING COMMITTEE REPORT NO. 569

Honolulu, Hawaii
April 30, 1957

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Re: S. B. 832

Sir:

Your Committee on Ways and Means, to which was referred S. B. No. 832, entitled

"AN ACT AMENDING ACT 205 OF THE SESSION LAWS OF HAWAII 1947, AS AMENDED, TO REAPPROPRIATE CERTAIN UNENCUMBERED BALANCES OF APPROPRIATIONS THEREUNDER FOR SWAMP FILLING PROJECTS AT KAPAA, KAUAI",

begs leave to report as follows:

The purpose of this measure is indicated by its title. Upon further consideration, your Committee on Ways and Means finds that it is in accord with the objectives of this bill and therefore recommends that it pass second reading and thereafter take its place in the order of business for further consideration.

Respectfully submitted,

KAZUHISA ABE, Chairman

STANDING COMMITTEE REPORT NO. 570

Honolulu, Hawaii
April 30, 1957

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Re: S. B. 833

Sir:

Your Committee on Ways and Means, to which was referred S. B. No. 833, entitled

"AN ACT AMENDING ACT 401 OF THE SESSION LAWS OF HAWAII 1949, AS AMENDED, TO REAPPROPRIATE CERTAIN UNEMCUMBERED BALANCES OF APPROPRIATIONS THEREUNDER TO THE KAUAI WATER-WORKS DEPARTMENT",

begs leave to report as follows:

The purpose of this bill is indicated by its title. Upon further consideration, your Committee on Ways and Means finds that it is in accord with the objectives of this bill and therefore recommends that it pass second reading and thereafter take its place in the order of business for further consideration.

Respectfully submitted,

KAZUMASA ABE, Chairman

STANDING COMMITTEE REPORT NO. 571

Honolulu, Hawaii
April 30, 1957

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Re: S. B. No. 585

Sir:

Your Committee on Ways and Means, to which was referred S. B. No. 585, entitled

"AN ACT TO AMEND CHAPTER 150 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO REAL ESTATE BROKERS AND SALESMEN",

begs leave to report as follows:

Mr. Robert E. Bekeart, Executive Secretary of the Real Estate License Commission of the Territory of Hawaii, stated that the Commission's needs are such that under the present fee schedule the funds will be exhausted by July 1957. Salary increases mandated by Act 2 of Special Session Laws of 1956 has resulted in a substantial depletion of the fund. Increase in administrative requirements due to other activities, including the bonding of real estate brokers and salesmen will make further demands on the funds of the Commission.

Your Committee is in accord with the purpose of this bill. However, subsection (c) pertaining to the transfer of excess funds to the general fund is not necessary and has been deleted from S. B. No. 585.

Your Committee recommends its passage on second reading in the ~~amended form~~ attached hereto and after its passage on second ~~reading, that~~ it be placed on the calendar for further consideration.

Respectfully submitted,

KAZUMISA ABE, Chairman

S. B. NO. 585

S.D. 1

AN ACT

TO AMEND CHAPTER 150 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO REAL ESTATE BROKERS AND SALESMEN.

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

SECTION 1. Section 7740 of Chapter 150 of the Revised Laws of Hawaii, 1945, as amended, is hereby further amended in the following respects:

(a) By substituting for paragraph numbered 3, the following:

"3. Annual renewal for broker, twenty-five dollars."

(b) By substituting for paragraph numbered 4, the following:

"4. Annual renewal for salesman, ten dollars."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

HERBERT K. H. LEE (by request)

MARCH 19, 1957

S. B. NO. 585

AN ACT

TO AMEND SECTION 170-10 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO REAL ESTATE BROKERS AND SALESMEN.

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

SECTION 1. Section 170-10 of the Revised Laws of Hawaii 1955, is hereby amended in the following respects:

(a) By substituting for paragraph lettered (c), the following:

(c) Annual renewal for broker, $25.

(b) By substituting for paragraph lettered (d), the following:

(d) Annual renewal for salesmen, $10.

(c) By adding at the end of Section 170-10, the following paragraph:

"Any funds in excess of $10,000.00 remaining in the special fund at the end of each calendar year, excluding, however, prepaid fees received for subsequent years, shall be transferred to the general fund."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

DATE: _____

HONOLULU, HAWAII

STAND. COM. REP. No. 572

Honolulu, T. H.

April 30, 1957

Honorable William H. Heen

President of the Senate

S i r :

Your Committee on Printing begs leave to report that the following matters have been printed and are ready for distribution:

S. B. No. 496 S. D. 1
S. B. No. 577 S. D. 1
S. B. No. 731 S. D. 1
S. B. No. 164 S. D. 2
S. B. No. 801 S. D. 3
S. Con. Res. No. 31 S. D. 1
H. B. No. 94 H. D. 1 S. D. 1
H. B. No. 353 H. D. 1 S. D. 2
H. B. No. 434 H. D. 2 S. D. 1
H. B. No. 440 S. D. 1
H. J. R. No. 2 H. D. 1 S. D. 1
H. Con. Res. No. 35 S. D. 2
Stand. Comm. Rep. No. 520 to 551

Respectfully submitted,

John B. Fernandez

Chairman

CORRECTION

THE PRECEDING DOCUMENT(S) HAS
BEEN REPHOTOGRAPHED TO ASSURE
LEGIBILITY
SEE FRAME(S)
IMMEDIATELY FOLLOWING

S. B. NO. 585

AN ACT

TO AMEND SECTION 170-10 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO REAL ESTATE BROKERS AND SALESMEN.

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

SECTION 1. Section 170-10 of the Revised Laws of Hawaii 1955, is hereby amended in the following respects:

(a) By substituting for paragraph lettered (c), the following:

(c) Annual renewal for broker, $25.

(b) By substituting for paragraph lettered (d), the following:

(d) Annual renewal for salesmen, $10.

(c) By adding at the end of Section 170-10, the following paragraph:

"Any funds in excess of $10,000.00 remaining in the special fund at the end of each calendar year, excluding, however, prepaid fees received for subsequent years, shall be transferred to the general fund."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

DATE: _____

HONOLULU, HAWAII

STAND. COM. REP. No. 572

Honolulu, T. H.

April 30, 1957

Honorable William H. Heen

President of the Senate

S i r :

Your Committee on Printing begs leave to report that the following matters have been printed and are ready for distribution:

S. B. No. 496 S. D. 1
S. B. No. 577 S. D. 1
S. B. No. 731 S. D. 1
S. B. No. 164 S. D. 2
S. B. No. 801 S. D. 3
S. Con. Res. No. 31 S. D. 1
H. B. No. 94 H. D. 1 S. D. 1
H. B. No. 353 H. D. 1 S. D. 2
H. B. No. 434 H. D. 2 S. D. 1
H. B. No. 440 S. D. 1
H. J. R. No. 2 H. D. 1 S. D. 1
H. Con. Res. No. 35 S. D. 2
Stand. Comm. Rep. No. 520 to 551

Respectfully submitted,

John B. Fernandez
Chairman

STAND. COM. REP. NO. 573

Honolulu, Hawaii

April ____ , 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Concurrent Resolution No. 54

Sir:

Your Committee on Judiciary to which was referred Senate Concurrent Resolution No. 54, entitled:

"CONCURRENT RESOLUTION REQUESTING THE HOUSING AND HOME FINANCE ADMINISTRATOR TO EXTEND THE COVERAGE OF THE FEDERAL FLOOD INSURANCE ACT OF 1956 TO INCLUDE THE NATURAL DISASTER OF VOLCANIC ERUPTION",

begs leave to report as follows:

The purpose of this Concurrent Resolution is to request the Housing and Home Finance Administrator to extend the coverage of the Federal Flood Insurance Act of 1956 to cover losses directly caused by the disaster of volcanic eruption.

Your Committee is in accord with the purpose of this Concurrent Resolution and recommends that it be adopted in the form as introduced.

Respectfully submitted,

Nelson K. Doi, Chairman

adopted

STANDING COMMITTEE REPORT NO. 574

Honolulu, Hawaii
April 30, 1957

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 330

Sir:

Your Committee on Ways and Means to which was referred Senate Bill No. 330, entitled

"AN ACT RELATING TO SALARIES OF CERTAIN TERRITORIAL OFFICERS, AMENDING SECTION 130, AS AMENDED, OF THE REVISED LAWS OF HAWAII 1945,"

begs leave to report as follows:

The purpose of this measure is to increase the salaries of the department heads of the territorial government, in accordance with the schedules set forth in the bill.

Your Committee believes that substantial salary increases should be granted, but has concluded that the schedule should be revised from that presently proposed in the bill, so that the maximum annual salary of any department head will not exceed $15,000. Your Committee further believes that there should be a differential of ten per cent between the salary of the head of any department and that of his first deputy or chief assistant.

In accordance with the foregoing, your Committee has prepared an amended draft of the bill which is hereto attached. In such amended form, your Committee is in accord with the objectives of this measure and therefore recommends that it pass second reading, and thereafter take its place in the order of business for further consideration.

Respectfully submitted,

KAZUHISA ABE, Chairman

AATF:

S. B. NO. 330
S. D. 1

AN ACT

RELATING TO SALARIES OF CERTAIN TERRITORIAL OFFICERS, AMENDING SECTION 130, AS AMENDED, OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Section 130 of the Revised Laws of Hawaii 1945 as amended hereby further amended to read as follows:

"Sec. 130. Salaries fixed. The salaries of the following officers are hereby fixed at the following annual rates:

	Per Annum
Attorney general	$ 15,000
Director of the bureau of the budget	15,000
President, board of health	15,000
Superintendent of public instruction	15,000
Superintendent of public works	15,000
Auditor	13,500
Director of institutions	13,500
Director of public health	13,500
President, board of commissioners of agriculture and forestry	13,500
Tax Commissioner	13,500
Treasurer	13,500
Commissioner of public lands	12,500
Deputy Auditor	11,500
Director of labor and industrial relations	12,500
Director of public welfare	12,500
Surveyor	12,500

SECTION 2. Notwithstanding any other law to the contrary, the salary of any first deputy or first assistant to the head of any department of the territorial government shall not exceed a sum equal to 90 per cent of the salary of such department head. The salary of any such first deputy or first assistant, which shall exceed such limitation as of the effective date of this act, is hereby reduced to comply with the provisions of this section 2.

SECTION 3. There is hereby appropriated from the general revenues of the Territory, not otherwise appropriated, the sum of $140,000 to supplement department appropriations as necessary pursuant to this Act.

SECTION 4. This Act shall take effect on July 1, 1957.

INTRODUCED BY:

KAZUHISA ABE
TOM OKINO
MITSUYUKI KIDO

Standing Committee Report No. 575

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 30 , 19 57 , by

Senator TOM T. OKINO, CHAIRMAN FOR THE COMMITTEE ON AGRICULTURE

RE: HOUSE BILL NO. 532
H. D. 1

RECOMMENDING PASSAGE OF SAID BILL.

MEMO:

Deferred until May 1, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 575

Honolulu, Hawaii

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 532
H. D. 1

Sir:

Your Committee on Agriculture to which was referred House Bill No. 532, H. D. 1, entitled,

"AN ACT TO AMEND CHAPTER 51 OF THE REVISED LAWS OF HAWAII, 1955, RELATING TO ADULTERATION AND TOLERANCES FOR PESTICIDE CHEMICALS,"

begs leave to report as follows:

The purpose of this bill is to bring the territorial laws to conform closer with the Miller Amendment of the Federal Food, Drug and Cosmetic Act relating to adulteration and tolerances for pesticide chemicals in or on raw agricultural commodities produced and consumed in the Territory. The present territorial laws do not allow many types of pesticide chemicals not harmful to the human body on agricultural commodities.

Your Committee was informed that this bill will bring the territorial laws in close conformity with the present Federal Food, Drug and Cosmetic Act relative to adulteration and tolerances for pesticide chemicals allowing specific quantities of certain pesticide chemicals to remain in or on raw agricultural commodities produced and consumed in the Territory. This bill would set the tolerance for pesticide chemicals as prescribed by the Federal Act.

Your Committee is in accord with the intent and purpose of this bill and therefore recommends that it passes third reading.

Respectfully submitted,

TOM T. OKINO, CHAIRMAN

F. K.
AATF

Standing Committee Report No. 576

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented APRIL 30 , 19 57 , by

Senator TOM T. OKINO, CHAIRMAN FOR THE COMMITTEE ON AGRICULTURE.

RE: HOUSE BILL NO. 816

RECOMMENDING PASSAGE OF SAID BILL.

MEMO:

Deferred until May 1, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 576

Honolulu, Hawaii

_____, 1957.

Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

Re: House Bill No. 816

Sir:

Your Committee on Agriculture to which was referred House Bill No. 816 entitled,

"AN ACT AMENDING SECTION 21-158 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO WILD DEER,"

begs leave to report as follows:

The purpose of this bill is to bring the Island of Molokai under the jurisdiction of the Board of Commissioners of Agriculture and Forestry in regulating deer hunting. At the present time, Molokai is the only island that is not subject to such regulations of the board.

Your Committee has been advised that the board is in sympathy with this bill and that the land owners on Molokai are also agreeable to such regulations.

Your Committee, therefore, is in accord with the intent and purpose of this bill and therefore recommends that it passes third reading.

Respectfully submitted,

TOM OKINO, CHAIRMAN

SAKAE TAKAHASHI, VICE CHAIRMAN

JOHN B. FERNANDES

DEE DUPONTE

WILFRED C. TSUKIYAMA

STAND. COM. REP. No. 577

Honolulu, T. H.

May 1, 1957

Honorable William H. Heen

President of the Senate

S i r :

Your Committee on Printing begs leave to report that the following matters have been printed and are ready for distribution:

S. B. No. 330 S. D. 1
S. B. No. 585 S. D. 1
S. B. No. 781 S. D. 2
S. Res. No. 47 S. D. 1
S. Res. No. 51
S. J. R. No. 19 S. D. 1
H. B. No. 105 H. D. 1 S. D. 2
H. B. No. 436 H. D. 1 S. D. 1
H. B. No. 592 S. D. 1
H. B. No. 694 H. D. 1 S. D. 1
H. B. No. 749 H. D. 2 S. D. 1
H. B. No. 1050 H. D. 1 S. D. 1
H. B. No. 18 H. D. 1 S. D. 3
Stand. Comm. Rep. No. 552 to 576
Senate Petition No. 32
Governor's Message No. 132

Respectfully submitted,

John B. Fernandez
Chairman

STANDING COMMITTEE REPORT NO. 578

Honolulu, Hawaii
April 30, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: S. B. No. 373
S. D. 1

Sir:

Your Committee on Ways and Means, to which was referred S. B. No. 373, S. D. 1, entitled

"AN ACT AUTHORIZING THE GOVERNOR TO ENTER INTO THE COMPACT OF THE WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION, PROVIDING FOR THE APPOINTMENT OF COMMISSIONERS, AND MAKING AN APPROPRIATION",

begs leave to report as follows:

The purposes of this measure are indicated by its title, and are fully explained in Standing Committee Report No. 83 of your Committee on Education.

Your Committee on Ways and Means regards this as a meritorious measure, and approves an appropriation in the amount of $16,000 for the carrying out of the purposes of the bill. Your Committee finds certain amendments to the measure to be necessary, and therefore recommends that it be amended in the following respects:

1. Amend the language in the third paragraph under the heading "Article 7" appearing on page 4 of the bill, so that the final clause in the first sentence thereof, or that portion of the first sentence following the semicolon shall read as follows:

"and from time to time to prepare comprehensive reports on such research for presentation to the western governors' conference and to the legislatures of the compacting states and territories."

2. Change the word "or" to the word "and" in the second line of "Article 10" where the same appears on page 5 of the bill.

3. Amend sections 3, 4 and 5 of the bill to read as follows:

"SECTION 3. The governor, with the advice and consent of the senate, shall appoint the commissioners from Hawaii for which provision is made in the compact. The terms, qualifications and powers of the commissioners shall be as specified in the compact, and the commissioners shall have such other powers and duties as may hereafter be prescribed by law. The commissioners shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties.

"SECTION 4. There is hereby appropriated from the general revenues of the Territory, not otherwise appropriated the sum of $16,000, or so much thereof as may be necessary, to carry out the purposes of this Act. Expenditures by the commission, including the amounts fixed annually as the equal contribution of each member state and territory to the compact, shall be made upon warrants issued by the territorial auditor based upon vouchers approved by any one of the commissioners. A report of the activities and expenses of the commissioners and a proposed program for the Territory's continuing participation in the activities of the Western Interstate Commission for Higher Education, including a budget request, shall be submitted by the commissioners to the Thirtieth Legislature and to each succeeding legislature.

"SECTION 5. This Act shall take effect upon its approval."

4. Delete sections 6 and 7 of the bill.

As so amended, your Committee on Ways and Means is in full accord with the purposes and objectives of this bill and therefore recommends that it pass third reading.

Respectfully submitted,

Mitsuyuki Kido
Orin Long
John G Duarte

KAZUHISA ABE, Chairman
John R Hamada
Tom Okino
Wilfred Tsukiyama

Rec'd. with no
Covers - gc 10-31-57

STANDING COMMITTEE REPORT NO. 579

Honolulu, Hawaii
April 29, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 107
H. D. 1

Sir:

Your Committee on Public Employment to which was re-referred House Bill No. 107, H. D. 1, entitled:

"AN ACT RELATING TO SUSPENSIONS OF PUBLIC OFFICERS AND EMPLOYEES,"

begs leave to report as follows:

Upon reconsideration your Committee finds that the purpose of this House bill is sufficiently explained and stated in Standing Committee Report No. 446 of your Committee on Public Employment, and therefor recommends it pass third reading.

Respectfully submitted,

DEE DUPONTE, CHAIRMAN

AATF

STAND. COM. REP. NO. 580

Honolulu, Hawaii

April _____ , 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 192
H. D. 2

Sir:

Your Committee on Judiciary to which was referred House Bill No. 192, H. D. 2, entitled:

"AN ACT RELATING TO ELECTIONS, AMENDING SECTION 11-47 OF THE REVISED LAWS OF HAWAII 1955 AND ADDING A NEW SECTION THERETO",

begs leave to report as follows:

This Bill has been amended to prohibit campaign activities throughout the Territory on election days as well as within an area of three hundred feet in radius around the polling place.

The purposes of this Bill as amended in the form attached hereto are (1) to prevent interference with the conduct of election around the polling places during the hours designated for voting and (2) to prohibit campaign activities by any person, including candidates on election days. Penalties are provided for any violation.

Your Committee was informed that the congregating of people, both young and old, around the polls on election days for distribution and circulation of campaign materials interferes with and hampers the orderly conduct of elections, and that voters are being harassed by activities which have in many instances amounted to a nuisance. The elimination of campaign activities on election days, especially around the polls, will contribute toward a more conducive atmosphere for sound and sober consideration and reflection by the voter.

Your Committee is in accord with the purpose of this Bill as amended in the form attached hereto and recommends that it pass third reading as so amended.

Respectfully submitted,

Nelson K. Doi, Chairman

H. B. NO. 192
H. D. 2
S. D. 1

AN ACT

RELATING TO ELECTIONS, AMENDING SECTION 11-47 OF THE REVISED LAWS OF HAWAII 1955 AND ADDING A NEW SECTION THERETO.

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

SECTION 1. Section 11-47 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Sec. 11-47. Admission within polling place; penalty. The inspectors shall, prior to opening the polls, set apart an area of three hundred feet in radius around the polling place (excepting private residences, buildings, and other private establishments falling within such radius) to prevent interference with the conduct of the election, and no person, other than the inspectors, the candidates and such voters as are for the time being actually engaged in voting or going to and returning therefrom, shall be permitted within the area so set apart during the time appointed for voting, except that public sidewalks, alleys, roads, streets and highways falling within such three hundred-foot radius shall be open to persons and vehicles passing through on such alleys, roads, streets and highways. Any other person who remains or loiters within the area so set apart during the time appointed for voting shall be fined not more than $500 or imprisoned not more than six months, or both; provided, that in the event a voter is manifestly physically disabled, such voter may be assisted by anyone through the area so set apart.

This section shall not be construed as an abridgment of an elector's privilege from arrest on election day during his attendance at election and in going to and returning therefrom, as set forth in Sec. 57 of the Organic Act."

SECTION 2. A new section is hereby added to the Revised Laws of Hawaii 1955 to be numbered section 11-198 and to read as follows:

"Sec. 11-198. Campaign activities on election days prohibited. No person, including candidates, shall carry on any campaign activities on the day on which a general, primary or special election is being held for the purpose of influencing votes. Campaign

activities shall include but not be restricted to the following: (a) the distribution, circulation, posting or staking of campaign cards, pamphlets and other literature; (b) the use of public address systems; (c) the use of motor caravans or parades; and (d) the use of entertainment troupes or the free distribution of goods and services.

The 'day of election' as used in this section shall commence at midnight of the day before the polls are open and shall end with the closing of the polls. Any person violating the provisions of this section shall be fined not more than $500 or imprisoned not more than six months, or both."

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

Standing Committee Report No. 581

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 1 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 248, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

ADOPTED - MAY 1, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 581

Honolulu, Hawaii

April _____, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 248
H. D. 1

Sir:

Your Committee on Judiciary to which was referred House Bill No. 248, H. D. 1, entitled:

"AN ACT TO AMEND CHAPTER 190A, REVISED LAWS OF HAWAII 1955, RELATING TO FREEDOM OF CHOICE OF INSURANCE COMPANIES BY BORROWERS FROM LENDERS IN LOAN TRANSACTIONS",

begs leave to report as follows:

The law now provides that no lender shall, as a condition of making any loan in which insurance is required to be carried by the borrower, make the granting of such loan contingent on the procuring of such insurance with an insurance company designated by the lender. A violation of this provision will constitute a bar to the lender's recovery of any part of the principal or interest in any proceeding at law, and will also constitute a misdemeanor punishable by a fine of not more than $1,000 or imprisonment of not more than one year or both.

It is the purpose of this Bill to amend a part of the forfeiture feature in Section 190A-4, Revised Laws of Hawaii 1955, by preventing the forfeiture of principal and permitting the forfeiture of interest only. It is also the purpose of this Bill to except from the provisions of Chapter 190A group life insurance under a policy issued to a creditor insuring debtors of said creditor pursuant to Section 181-563, Revised Laws of Hawaii 1955.

Your Committee feels that the present law barring recovery of any part of the principal or interest when the lender fails to give written notice to the borrower as to his freedom of choice of insurance is too severe. This forfeiture feature has undoubtedly discouraged new investments to be made in the

Territory. A fine and/or imprisonment and the forfeiture of interest only should suffice as punishment for a lender violating any of the provisions of Chapter 190A.

The reason for excepting a policy issued to a creditor insuring his debtors is to permit the lender himself to take out inexpensive group policy covering his debtors. Under Section 181-563 (d), the amount of insurance on the life of any debtor under a group policy issued to a creditor cannot exceed the amount owed by him to the creditor, or $5,000, whichever is less. To give the right of purchasing insurance to the borrower under this situation is not feasible, for the reason that it may make the loan sought by the borrower very expensive or even prohibitive, and perhaps unobtainable due to the small amount that may be involved.

Your Committee is in accord with the purposes of this Bill and recommends that it do pass third reading.

Respectfully submitted,

Nelson K. Doi, Chairman

Standing Committee Report No. 582

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 1 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 344, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

ADOPTED - MAY 1, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 582

Honolulu, Hawaii

April ____, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 344
H. D. 1

Sir:

Your Committee on Judiciary to which was referred House Bill No. 344, H. D. 1, entitled:

"AN ACT RELATING TO THE TERRITORIAL COMMISSION ON HISTORICAL SITES AND THE PRESERVATION OF HISTORICAL SITES, THE DUTIES OF THE TERRITORIAL TAX COMMISSIONER IN CONNECTION THEREWITH, AND AMENDING SECTIONS 14-7 AND 14-8, REVISED LAWS OF HAWAII 1955",

begs leave to report as follows:

The purpose of House Bill No. 344, H. D. 1, is to require closer coordination and cooperation among government departments and agencies to assure the preservation and protection of heiaus, ancient burial places and other sites of historical interest. To accomplish this, the Bill provides the following:

(1) The Historical Sites Commission shall locate, identify and preserve in suitable records information regarding sites of historical interest.

(2) Such information shall be submitted to the Territorial Tax Commissioner who shall designate on all tax maps of the Territory the location of all heiaus, ancient burial places and other historical sites.

(3) The Commission shall cooperate with other territorial agencies and owners of private historical sites.

(4) Before any public construction is undertaken, the current tax map of the area to be affected by such construction shall be examined to determine whether any site of historical interest is designated on such map.

(5) If so designated, the proposed public construction shall not be commenced, or, in the event it has already begun, continued, until the approval of the Commission or that of the Governor has been secured.

Your Committee has amended the Bill by deleting SECTION 1 thereof and by renumbering the following two SECTIONS. The deletion means that the executive secretary of the Hawaii Visitors' Bureau will continue to act as the secretary of the Historical Sites Commission.

As so amended, your Committee recommends that House Bill No. 344, H. D. 1, do pass third reading. The amended draft of said Bill is attached hereto.

Respectfully submitted,

Nelson K. Doi, Chairman

H. B. NO. 344
H. D. 1
S. D. 1

AN ACT

RELATING TO THE PRESERVATION OF HISTORICAL SITES, THE DUTIES OF THE TERRITORIAL TAX COMMISSIONER IN CONNECTION THEREWITH, AND AMENDING SECTION 14-8, REVISED LAWS OF HAWAII 1955.

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

SECTION 1. Section 14-8, Revised Laws of Hawaii 1955, is hereby amended to read as follows:

"Sec. 14-8. Powers and duties. The commission shall locate, identify, and preserve in suitable records information regarding heiaus, ancient burial places, and sites of historical interest. Such information shall be submitted to the territorial tax commissioner, who shall clearly designate on all tax maps of the Territory the location of all heiaus, ancient burial places, and sites of historical interest. The commission shall cooperate with other territorial agencies and owners of private historical sites.

"Before any public construction or improvement of any nature whatsoever is undertaken by the Territory, the City and County of Honolulu or any of the counties, or any governmental agency or officer, the head of such agency or such officer shall first examine the current tax map of the area to be affected by such public construction or improvement to determine whether any heiaus, ancient burial places, or sites of historical interest are designated on such map. If so designated, the proposed public construction or improvement shall not be commenced, or, in the event it has already begun, continued, until the head of such agency or such officer shall have advised the commission on historical sites of the proposed public construction or improvement and shall have secured the concurrence of the commission or, as hereafter provided, shall have secured the written approval of the governor.

"If the concurrence of the commission is not obtained within thirty days after the filing of a request therefor with the commission by, or after the filing of a notice of objections by the commission with, the agency or officer

seeking to proceed with any project, such agency or officer may apply to the governor for permission to proceed notwithstanding the non-concurrence of the commission, and the governor may take such actions as he deems best in overruling or sustaining the commission."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

Standing Committee Report No. 583

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 1 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 424, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

ADOPTED - MAY 1, 1957.

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 583

Honolulu, Hawaii

May
April 1, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 424
H. D. 1

Sir:

Your Committee on Judiciary to which was referred House Bill No. 424, H. D. 1, entitled:

"AN ACT TO AMEND SECTION 259-8 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO THE REQUIREMENT OF A QUARTERLY SUBMISSION TO THE TREASURER OF STATEMENTS OF ACCOUNTS",

begs leave to report as follows:

Section 259-8 of the Revised Laws of Hawaii 1955 now requires the clerks of any court, district magistrates and other officers keeping records of the fines, forfeitures and costs received to render accounts of the same to the treasurer once every three months. House Bill No. 424, H. D. 1, proposes to do away with this requirement.

Your Committee is in accord with this purpose and, therefore, recommends that the said Bill do pass third reading.

Respectfully submitted,

Nelson K. Doi

Nelson K. Doi, Chairman

Standing Committee Report No. 584

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented May 1, 19 57, by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 531

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

ADOPTED - MAY 1, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 584

Honolulu, Hawaii

April 1, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 531

Sir:

Your Committee on Judiciary to which was referred House Bill No. 531, entitled:

"AN ACT TO AMEND CHAPTER 218 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO DISTRICT COURT CLERKS",

begs leave to report as follows:

The purpose of this Bill is twofold: (1) to authorize the administrative magistrate of the rural Oahu district courts to appoint clerks and interpreters for such courts; and (2) to authorize said administrative magistrate to establish an office in Honolulu to receive any document for filing in any of the rural Oahu district courts.

Your Committee, being in accord with this purpose, recommends that the Bill do pass third reading.

Respectfully submitted,

Nelson K. Doi, Chairman

Standing Committee Report No. 585

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 1 , 19 57, by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 564

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

ADOPTED - MAY 1, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 585

Honolulu, Hawaii

May 1, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 564

Sir:

Your Committee on Judiciary to which was referred House Bill No. 564, entitled:

"AN ACT TO AMEND SECTION 108-36 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO THE DEDUCTION OF EARNED INCOME OF A NEEDY BLIND PERSON IN DETERMINING AMOUNT OF PUBLIC ASSISTANCE",

begs leave to report as follows:

The purpose of this Bill is to remove any question about the application of Section 108-36, Revised Laws of Hawaii 1955, to dependents of a blind person when determining such blind person's need for public assistance.

Your Committee is in accord with this purpose and, therefore, recommends that the Bill do pass third reading.

Respectfully submitted,

Nelson K. Doi

Nelson K. Doi, Chairman

Standing Committee Report No. 586

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 1, 19 57, by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 579

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

ADOPTED - MAY 1, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

586

STAND. COM. REP. NO. ~~586~~

Honolulu, Hawaii

May 1, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 579

Sir:

Your Committee on Judiciary to which was referred House Bill No. 579, entitled:

"AN ACT TO PROVIDE FOR THE DUTY TO SUPPORT A STEP-CHILD BY A STEP-PARENT, AND AMENDING CHAPTER 330 OF THE REVISED LAWS OF HAWAII 1955",

begs leave to report as follows:

It is the purpose of this Bill to require a step-parent who acts in loco parentis to provide, maintain and support his step-child during the residence of such child with such step-parent if the legal parent deserts such child or is unable to support such child, thereby reducing such child to destitute and necessitous circumstances.

Your Committee is in accord with this purpose and, therefore, recommends that the Bill do pass third reading.

Respectfully submitted,

Nelson K. Doi

Nelson K. Doi, Chairman

Standing Committee Report No. 587

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 1 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. J. RES. NO. 71
RECOMMENDING THAT SAID JOINT RESOLUTION PASS THIRD READING IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

ADOPTED - MAY 1, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 587

Honolulu, Hawaii

April ____, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Joint Resolution No. 71

Sir:

Your Committee on Judiciary to which was referred House Joint Resolution No. 71, entitled:

"JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO REPEAL SECTION 212 (d)(7) OF THE IMMIGRATION AND NATIONALITY ACT",

begs leave to report as follows:

Amendments in wording and style were made to this Joint Resolution.

The purpose of this Joint Resolution is to request the Congress of the United States to repeal Section 212 (d)(7) of the Immigration and Nationality Act which impedes and restricts the free travel of certain residents of the Territory between Hawaii and the continental United States.

Your Committee was informed that the administration of the United States Government has requested the Congress of the United States to repeal said section for the reason first mentioned above.

Your Committee is in accord with the purpose of this Joint Resolution and recommends that it pass third reading in the amended form attached hereto.

Respectfully submitted,

Nelson K. Doi, Chairman

H. J. R. NO. 71
S. D. 1

JOINT RESOLUTION

REQUESTING THE CONGRESS OF THE UNITED STATES TO REPEAL SECTION 212 (d)(7) OF THE IMMIGRATION AND NATIONALITY ACT.

WHEREAS, a great number of aliens residing in the Territory of Hawaii are affected by the provision of Section 212 (d)(7) of the Immigration and Nationality Act; and

WHEREAS, the people of the United States of America have long participated in the struggle for the principles of democracy in these troubled times of our history; and

WHEREAS, the loyalty of certain aliens to American ideals has been put to test many times in war and in peace and today these people stand as the products of democracy in the Far East; and

WHEREAS, the people of the Far East have always looked upon the people of the United States of America for leadership, fair-play and equality; and

WHEREAS, the United States of America, the citadel of freedom and justice, is the haven of the oppressed without regard to creed, color or national origin; and

WHEREAS, a great number of these persons permanently residing in Hawaii were brought to this Territory on the strength of the needs of the industries of Hawaii; and

WHEREAS, these certain aliens in Hawaii have contributed immensely in the economic development of this Territory and have wielded a tremendous influence in the political and social life of the community; and

WHEREAS, these people living in this Territory have amply demonstrated that they are law abiding and desirable people and that their contribution of talent, effort and service to help better the community in which they live has been recognized and appreciated; and

WHEREAS, in Hawaii, the showcase of democracy on this side of the Pacific, no inequities or injustice against any residents should exist; now, therefore,

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

SECTION 1. The Congress of the United States is hereby requested to repeal Section 212 (d)(7) of the Immigration

and Nationality Act, which impedes and restricts the free travel of certain residents between Hawaii and the continental United States.

SECTION 2. Certified copies of this Joint Resolution shall be forwarded to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, the Secretary of the Interior, and to the Delegate to Congress from Hawaii.

SECTION 3. This Joint Resolution shall take effect upon its approval.

INTRODUCED BY:

GEORGE R. ARIYOSHI
STANLEY I. HARA
DANIEL K. INOUYE
STEERE G. NODA
ANNA KAHANAMOKU
ELMER F. CRAVALHO
NADAO YOSHINAGA
SUMIO NAKASHIMA
AKONI PULE
RAYMOND M. KOBAYASHI
MARK NORMAN OLDS
PATSY TAKEMOTO MINK
RAY F. ADAMS
SPARK MATSUNAGA

Standing Committee Report No. 588

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 1 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. J. RES. NO. 92

RECOMMENDING THAT SAID JOINT RESOLUTION PASS THIRD READING.

MEMO:

Deferred to May 2, 1957
ADOPTED - MAY 2, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

Defer Tomorrow

STAND. COM. REP. NO. 588

Honolulu, Hawaii

May 1, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Joint Resolution No. 92

Sir:

Your Committee on Judiciary to which was referred House Joint Resolution No. 92, entitled:

"JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES OF AMERICA TO ESTABLISH A DEFENSE HIGHWAY IN THE TERRITORY OF HAWAII AND TO AUTHORIZE APPROPRIATIONS THEREFOR",

begs leave to report as follows:

The purpose of this House Joint Resolution is to request the Congress of the United States of America to establish a defense highway system in the Territory of Hawaii and to authorize appropriations therefor.

Your Committee is in accord with this purpose and, therefore, recommends that the House Joint Resolution do pass third reading.

Respectfully submitted,

Nelson K. Doi

Nelson K. Doi, Chairman

S. George Fukuoka

[illegible]

[illegible]

[illegible]

Standing Committee Report No. 589

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 1 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. CON. RES. NO. 47

RECOMMENDING ADOPTION OF SAID CONCURRENT RESOLUTION.

MEMO:

ADOPTED - MAY 1, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

adopted

STAND. COM. REP. NO. 589

Honolulu, Hawaii

May 1, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Concurrent Resolution No. 47

Sir:

Your Committee on Judiciary to which was referred House Concurrent Resolution No. 47, entitled:

"CONCURRENT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES OF AMERICA TO ENACT LEGISLATION CREATING THE HAWAII DEFENSE HIGHWAY SYSTEM",

begs leave to report as follows:

House Concurrent Resolution No. 47 requests the Congress of the United States to enact legislation which will create a Hawaii Defense Highway System eligible for federal aid on a nine-to-one matching basis. Mentioned for inclusion in such Defense Highway System is the construction of a defense highway from Kawaihae harbor to Hilo harbor, by way of the Saddle Road, in the county of Hawaii.

Your Committee is in accord with the purpose of this Concurrent Resolution and recommends that it be adopted.

Respectfully submitted,

Nelson K. Doi, Chairman

Standing Committee Report No. 590

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 1 , 1957 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. CON. RES. NO. 51, HD1
RECOMMENDING ADOPTION OF SAID CONCURRENT RESOLUTION.

MEMO:

ADOPTED - MAY 1, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

adopted

STAND. COM. REP. NO. 5-90

Honolulu, Hawaii

April _____, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Concurrent Resolution No. 51
H. D. 1

Sir:

Your Committee on Judiciary to which was referred House Concurrent Resolution No. 51, H. D. 1, entitled:

"CONCURRENT RESOLUTION AUTHORIZING AND DIRECTING THE ENGINEER OF THE TERRITORIAL HIGHWAY DEPARTMENT TO CAUSE AN IMMEDIATE COMPREHENSIVE SURVEY FOR THE CONSTRUCTION OF A FEDERAL-AID HIGHWAY FROM KAWAIHAE TO MAHUKONA, COUNTY OF HAWAII, AND THAT RESULTS OF SAID SURVEY BE REPORTED TO THE THIRTIETH LEGISLATURE WITHIN FIVE DAYS AFTER ITS INAUGUARATION",

begs leave to report as follows:

The purpose of this Concurrent Resolution is to request the engineer of the Territorial Highway Department to make an immediate comprehensive survey relative to the construction and completion of a federal-aid highway from Kawaihae to Mahukona, County of Hawaii, and to report the results of said survey to the 30th Legislature on or before November 30, 1958.

Your Committee is in accord with this purpose and, therefore, recommends that House Concurrent Resolution No. 51, H. D. 1, be adopted.

Respectfully submitted,

Nelson K. Doi, Chairman

THE FOLLOWING WAS

NOT IN FILE

WHEN RECORDS WERE MICROFILMED:

YEAR: 1957

SESSION: REGULAR

CHAMBER: SENATE

TYPE ITEM: STANDING COMMITTEE REPORT

ITEM NUMBER: 591

WM

STAND. COM. REPORT. NO. 592

Honolulu, Hawaii
May 1, 1957

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Re: House Bill Nos. 670, 672, 675, 690, 688, 693 and 701

Sir:

Your Select Committee of Oahu Senators, to which were referred the House Bills hereinafter listed, begs leave to report that your Committee has considered said bills, is in accord with the purposes thereof, and recommends that they be referred to your Committee on Ways and Means, inasmuch as they involve appropriations.

H. B. NO. 670, H. D. 1, entitled:
"AN ACT RELATING TO REIMBURSEMENT TO THE CITY AND COUNTY OF HONOLULU FOR THE COST OF SEWER IMPROVEMENTS IN IMPROVEMENT DISTRICT NO. 98, SARATOGA ROAD, CITY AND COUNTY OF HONOLULU, MAKING AN APPROPRIATION THEREFOR AND AUTHORIZING AND DIRECTING THE COMMISSIONER OF PUBLIC LANDS TO SEEK REIMBURSEMENT FROM THE UNITED STATES OF AMERICA FOR THE AMOUNT HEREIN REIMBURSED TO THE CITY AND COUNTY OF HONOLULU."

H. B. NO. 672 entitled:
"AN ACT APPROPRIATING THE SUM OF TEN THOUSAND SIX HUNDRED TWENTY-SIX DOLLARS AND FIFTY-TWO CENTS ($10,626.52) TO REIMBURSE THE CITY AND COUNTY OF HONOLULU FOR THE COST OF IMPROVEMENTS IN IMPROVEMENT DISTRICT NO. 96, PIIKOI STREET, IN THE DISTRICT OF HONOLULU."

H. B. NO. 675 entitled:
"AN ACT APPROPRIATING THE SUM OF NINE HUNDRED DOLLARS ($900.00) TO REIMBURSE THE CITY AND COUNTY OF HONOLULU FOR THE COST OF SEWER IMPROVEMENTS IN IMPROVEMENT DISTRICT NO. 114, PEARL CITY SEWERS, IN THE CITY AND COUNTY OF HONOLULU."

H. B. NO. 688, H. D. 1, entitled:
"AN ACT RELATING TO REIMBURSEMENT TO THE CITY AND COUNTY OF HONOLULU FOR THE COST OF SEWER IMPROVEMENTS IN IMPROVEMENT DISTRICT NO. 112, AINA HAINA SEWERS, CITY AND COUNTY OF HONOLULU, MAKING AN APPROPRIATION THEREFOR AND AUTHORIZING THE COMMISSIONER OF PUBLIC LANDS TO SEEK

REIMBURSEMENT FROM THE UNITED STATES OF AMERICA FOR A PORTION OF THE AMOUNT HEREIN REIMBURSED TO THE CITY AND COUNTY OF HONOLULU."

H. B. NO. 690 entitled:
"AN ACT APPROPRIATING THE SUM OF ONE THOUSAND SIX HUNDRED SIXTY-NINE DOLLARS AND SEVENTY-FIVE CENTS ($1,669.75) TO REIMBURSE THE CITY AND COUNTY OF HONOLULU FOR THE COST OF FRONTAGE IMPROVEMENTS IN IMPROVEMENT DISTRICT NO. 89, ISENBERG STREET FROM KING STREETTO BERETANIA STREET, IN THE DISTRICT OF HONOLULU."

H. B. NO. 693, H. D. 1, entitled:
"AN ACT APPROPRIATING FROM THE HAWAII HOUSING AUTHORITY REVOLVING FUND THE SUM OF TWENTY-FIVE THOUSAND EIGHT HUNDRED NINETY-SIX DOLLARS AND SIXTY-FOUR CENTS ($25,896.64) TO REIMBURSE THE CITY AND COUNTY OF HONOLULU FOR THE COST OF IMPROVEMENTS IN IMPROVEMENT DISTRICT NO. 109, KAM IV ROAD, IN THE DISTRICT OF HONOLULU."

H. B. NO. 701 entitled:
"AN ACT APPROPRIATING THE SUM OF SIX HUNDRED SIXTY-FIVE DOLLARS AND SIXTY-ONE CENTS ($665.61) TO REIMBURSE THE CITY AND COUNTY OF HONOLULU FOR THE COST OF IMPROVEMENTS IN IMPROVEMENT DISTRICT NO. 92, PUU PANINI AVENUE, IN THE DISTRICT OF HONOLULU."

Respectfully submitted,

SAKAE TAKAHASHI, Chairman

AATF:fw

Standing Committee Report No. 593

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 1 , 1957 , by

Senator TOM T. OKINO, CHAIRMAN FOR THE COMMITTEE ON AGRICULTURE.

RE: H. CON. RES. NO. 54
RECOMMENDING ADOPTION OF SAID CONCURRENT RESOLUTION.

MEMO:

ADOPTED - MAY 1, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

Straight adopt

STAND. COM. REP. NO. 593

Honolulu, Hawaii

May 1, 1957

Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

Sir:

Re: House Concurrent Resolution No. 54

Your Committee on Agriculture to which was referred House Concurrent Resolution No. 54, entitled:

"REQUESTING THE COMMISSIONER OF PUBLIC LANDS TO CONTINUE HIS POLICY OF CONSULTING WITH THE PRESIDENT OF THE BOARD OF COMMISSIONERS OF AGRICULTURE AND FORESTRY THE FEASIBILITY OF RESERVING FROM ALL AGRICULTURAL AND PASTORAL LEASES OF PUBLIC LANDS THE RIGHT BY THE PUBLIC TO HUNT GAME BIRDS AND GAME ANIMALS."

begs leave to report as follows:

The purpose of this concurrent resolution is to request the Commissioner of Public Lands, to continue his policy of consulting with the President of the Board of Commissioners of Agriculture and Forestry, whenever possible to reserve hunting rights by the public from all agricultural and pastoral leases of public lands.

Your Committee approves the purpose of this resolution and recommends that it be adopted.

Respectfully submitted,

TOM OKINO, CHAIRMAN

SAKAE TAKAHASHI, VICE CHAIRMAN

JOHN B. FERNANDES

BEE DUPONTE

WILFRED C. TSUKIYAMA

Draft adopted

STANDING COMMITTEE REPORT NO. 594

Honolulu, Hawaii
April , 1957

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Re: Senate Bill No. 34
Senate Bill No. 381, S. D. 1

Sir:

Your Committee on Agriculture to which was referred Senate Bill No. 34, entitled

"AN ACT TO ESTABLISH A TERRITORIAL WATER POLLUTION CONTROL BOARD, AND TO CONTROL, PREVENT AND ABATE POLLUTION OF THE SURFACE AND UNDERGROUND WATERS OF THE TERRITORY, AND MAKING AN APPROPRIATION THEREFOR,"

and Senate Bill No. 381, S. D. 1, entitled

"AN ACT TO CREATE A WATER POLLUTION CONTROL BOARD, AND TO PROVIDE FOR THE CONTROL, PREVENTION AND ABATEMENT OF POLLUTION OF THE SURFACE AND SHORE WATERS OF THE TERRITORY, AND MAKING AN APPROPRIATION THEREFOR,"

begs leave to report as follows:

The purposes and objectives of both of these measures are disclosed by their titles. Your Committee has held public hearings on the proposed legislation, and Standing Committee Report No. 63 of your Committee on Judiciary states that a hearing was also held by that Committee. It appears very clearly that some steps should be taken to regulate and control the pollution and muddying of the shore waters surrounding the islands comprising the Territory of Hawaii, but your Committee on Agriculture has concluded that further study of the problem should be made before the enacting of appropriate laws pertaining thereto.

In accordance with the foregoing, your Committee has prepared a concurrent resolution which is attached to this report. If adopted, the resolution would request the governor to appoint a

committee to make a thorough study of the entire problem, and such committee would be empowered to consult with governmental officials, plantation officers, and any other parties interested in such study.

It is the recommendation of your Committee on Agriculture that the attached concurrent resolution be adopted and that Senate Bill Nos. 34 and 381 be filed.

Respectfully submitted,

TOM T. OKINO, Chairman

AATF:

adopted

STANDING COMMITTEE REPORT NO. 595

Honolulu, Hawaii
May 1, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: S. J. R. No. 81

Sir:

Your Committee on Ways and Means, to which was referred S. J. R. No. 81, entitled

"THE SENATE JOINT RESOLUTION DIRECTING THE DEPARTMENT OF PUBLIC WORKS OF THE TERRITORY TO RESTORE THE RETAINING WALL AND REFILL LAND WASHED AWAY BY THE FLOOD OF 1956 AND THE TIDAL WAVES OF MARCH 9, 1957, REGARDING THE PROPERTY BELONGING TO HENRY PETERS, COUNTY OF KAUAI",

begs leave to report as follows:

The purpose of the bill is to appropriate a blank amount from the general fund for the purpose of repairing and restoring the retaining wall at Anini Beach, county of Kauai, which was damaged by the tidal wave of March 9, 1957.

Your Committee on Ways and Means believes that this matter should properly be in the form of a request to the department of public works to study and to do whatever it can to undertake the project, and therefore has prepared a concurrent resolution which is attached hereto and made a part of this report.

Your Committee recommends that the attached Senate concurrent resolution do pass and that S. J. R. No. 81 be filed.

Respectfully submitted,

Kazuhisa Abe
KAZUHISA ABE, Chairman

John B. Fernandez
Tom Kino
John G. Duarte
Orin E. Long
Mitsuyuki Kido
Wilfred Tsukiyama

THE FOLLOWING WAS

NOT IN FILE

WHEN RECORDS WERE MICROFILMED:

YEAR: 1957

SESSION: REGULAR

CHAMBER: SENATE

TYPE ITEM: STANDING COMMITTEE REPORT

ITEM NUMBER: 596

Standing Committee Report No. 597

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 1 , 1957 , by

Senator DEE DUPONTE, CHAIRMAN FOR THE COMMITTEE ON PUBLIC EMPLOYMENT.

RE: HOUSE BILL NO. 1099
H. D. 2

RECOMMENDING THAT SAID BILL BE REFERRED TO THE COMMITTEE ON WAYS AND MEANS FOR FURTHER CONSIDERATION.

MEMO:

Adopted - May 1, 1957
Referred to the Committee on Ways and Means

WILLIAM S. RICHARDSON
Clerk of the Senate

WM

STANDING COMMITTEE REPORT NO. 597

Honolulu, Hawaii
~~April 29~~, 1957
May 1

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 1099
H. D. 2

Sir:

Your Committee on Public Employment to which was referred House Bill No. 1099, H. D. 2, entitled:

"AN ACT TO AMEND SECTIONS 144-33 AND 149-86 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO POWERS OF THE BOARD OF SUPERVISORS OF THE SEVERAL COUNTIES,"

begs leave to report as follows:

Your Committee having considered this bill, recommends that it be referred to the Committee on Ways and Means as it appears to be within the purview of that Committee.

Respectfully submitted,

DEE DUPONTE, CHAIRMAN

AATF

Standing Committee Report No. 598

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 1 , 19 57 , by

Senator DEE DUPONTE, CHAIRMAN FOR THE COMMITTEE ON PUBLIC EMPLOYMENT.

RE: H. B. NO. 1105

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

ADOPTED - MAY 1, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

Print tonight

STANDING COMMITTEE REPORT NO. 598

Honolulu, Hawaii
April 29, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 1105

Sir:

Your Committee on Public Employment to which was referred House Bill No. 1105 entitled:

"AN ACT TO AMEND SECTION 3-4 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO PUBLIC OFFICERS AND EMPLOYEES,"

begs leave to report as follows:

The purpose of this measure is to facilitate agreements between the territorial and county civil service departments as to the conduct of their operations by providing for reciprocity in the use of eligible lists.

Your Committee approves the purpose of this bill and recomends that it pass third reading.

Respectfully submitted,

DEE DUPONTE, CHAIRMAN

AATF

STANDING COMMITTEE REPORT NO. 599

Honolulu, Hawaii
May , 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: S. J. R. No. 26

Sir:

Your Committee on Public Employment to which was referred Senate Joint Resolution No. 26 entitled,

"JOINT RESOLUTION RELATING TO CREDIT IN TERRITORIAL RETIREMENT SYSTEM FOR ROBERT O. GRAHAM,"

begs leave to report as follows:

Your Committee has been informed that no appropriation is necessary to effectuate the purpose of this resolution in view of the fact that there is a standing appropriation to cover territorial contributions for military leaves. Your Committee has prepared an amended draft of the measure, which is attached hereto, and recommends the resolution pass third reading as so amended.

Respectfully submitted,

DEE DUPONTE, CHAIRMAN

AATF

S. J. RES. NO. 26
S. D. 1

JOINT RESOLUTION

RELATING TO CREDIT IN EMPLOYEES' RETIREMENT SYSTEM FOR ROBERT O. GRAHAM.

WHEREAS, Robert O. Graham entered civilian employment of the National Guard during September, 1941; and

WHEREAS, he joined the employees' retirement system on April 1, 1942; and

WHEREAS, he was called into active military service on November 30, 1942, and upon honorable discharge from military service on October 4, 1945, returned to civilian employment with the Territory of Hawaii; and

WHEREAS, due to erroneous information furnished him by his superiors he resigned and withdrew his contributions from the employees' retirement system instead of taking military leave and securing credit at territorial expense in the employees' retirement system as others were permitted to do; and

WHEREAS, his employment record shows that he left territorial service to enter military service; now, therefore,

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

SECTION 1. That Robert O. Graham be granted credit in the employees' retirement system for the period November 30, 1942 to October 4, 1945, during which time he was in active military service.

SECTION 2. This Joint Resolution shall take effect upon its approval.

INTRODUCED BY:

SAKAE TAKAHASHI
MITSUYUKI KIDO
JOHN B. FERNANDES

adopted
HM

STANDING COMMITTEE REPORT NO. 600

Honolulu, Hawaii
May 1, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 64

Sir:

Your Committee on Public Employment to which was referred House Bill No. 64 entitled,

"AN ACT RELATING TO THE RETROACTIVE COMPENSATION OF EMPLOYEES OF SAMUEL MAHELONA MEMORIAL HOSPITAL,"

begs leave to report as follows:

The purpose of this bill is to correct an injustice to the employees of Samuel Mahelona Hospital, which occurred in 1953 when retroactive compensation under Act 278, Session Laws of Hawaii 1953, was being computed.

Under Act 278, this retroactive compensation consisted of money which would have been received by the employees if Act 320, Session Laws of Hawaii 1951, had gone into effect less the compensation actually received during the biennium 1951 - 1953. When computing the retroactive compensation due these employees, under sections 4 and 5 of said Act 278, the actual compensation was not used for the purpose of computing the amounts to be deducted from the total retroactive compensation of the employees. Instead, compensation was interpreted as including perquisites the employees were supposed to have received during the biennium.

Your Committee has been advised that this interpretation was used only in this one institution and that the retroactive compensation for employees at other hospitals was computed strictly on a cash basis. The result of the above interpretation was to reduce the retroactive compensation paid to these workers and it is the intent of this bill that this retroactive compensation shall be recomputed using the definition of compensation which was used for all other territorial and county workers.

Your Committee has amended House Bill No. 64 to provide that the payment of the retroactive compensation under this bill shall be completed by August 31, 1956.

Your Committee is in full accord with the purpose of this bill and recommends that it be referred to your Committee on Ways and Means for further consideration in view of the appropriation involved.

Respectfully submitted,

DEE DUPONTE, CHAIRMAN

AATF

H. Com - 298
St. Com - 600
" " - 764

H. B. NO. 64
S. D. 1

AN ACT

RELATING TO RETROACTIVE COMPENSATION OF EMPLOYEES OF SAMUEL MAHELONA MEMORIAL HOSPITAL AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. The county of Kauai and the board of trustees of the Samuel Mahelona Memorial Hospital shall recompute retroactive compensation for employees of the Samuel Mahelona Memorial Hospital who were eligible under Section 4 and 5, Act 278, Session Laws of Hawaii 1953. The compensation actually received by those covered under said sections for the biennium beginning July 1, 1951, shall, for the purpose of this recomputation, be the cash compensation only received by them as shown on the official payroll records of the Samuel Mahelona Memorial Hospital.

SECTION 2. The recomputation of retroactive compensation under Section 4 of said Act 278 shall be completed on or before August 15, 1957. Any person qualified for retroactive compensation under said Section 4, shall, notwithstanding any option he may have selected thereunder, be entitled to select any of the options therein. Any new selection of options pursuant hereto shall be made in writing on or before August 31, 1957 and shall be final.

SECTION 3. The recomputation of retroactive compensation under said Section 5 shall be completed on or before August 15, 1957.

SECTION 4. The difference between the retroactive compensation paid under Section 4 and 5, Act 278, Session Laws of Hawaii 1953 as heretofore computed thereunder and the retroactive compensation payable as recomputed under this Act shall be paid to the persons entitled thereto.

SECTION 5. There is hereby appropriated out of the general revenues of the Territory of Hawaii, not otherwise appropriated, the sum of $48,000, or so much thereof as may be necessary, to carry out the provisions of this Act. This sum shall be paid into the treasury of the county of Kauai and held in special funds solely for the purpose of this Act.

SECTION 6. This Act shall take effect upon its approval.

INTRODUCED BY:

MATSUYUKI ARASHIRO
MANUEL S. HENRIQUES

Standing Committee Report No. 601

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 1 , 19 57 , by

Senator S. GEORGE FUKUOKA, CHAIRMAN FOR THE SELECT COMMITTEE OF MAUI SENATORS.

RE: HOUSE BILL NO. 617
H. D. 1

RECOMMENDING THAT SAID BILL BE REFERRED TO THE COMMITTEE ON WAYS AND MEANS FOR FURTHER CONSIDERATION.

MEMO:

Adopted - May 1, 1957
Referred to the Committee on Ways and Means

WILLIAM S. RICHARDSON
Clerk of the Senate

adopted
UM

STANDING COMMITTEE REPORT NO. 601
Honolulu, Hawaii
May 1, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 617
H. D. 1

Sir:

Your Select Committee of Maui Senators, to which was referred House Bill No. 617, H. D. 1, entitled

"AN ACT RELATING TO PUBLIC IMPROVEMENTS, AMENDING ACT 280 (SERIES E-247) OF THE SESSION LAWS OF HAWAII, 1953, AS AMENDED BY ACT 146, SESSION LAWS OF HAWAII, 1955, RELATING TO PUBLIC IMPROVEMENTS AND MAKING APPROPRIATIONS THEREFOR",

begs leave to report that your Committee approves the purpose of the bill and recommends that it be referred to the Committee on Ways and Means for further consideration.

Respectfully submitted,

H. George Fukunaka
Chairman

Lee Duponte

John G Duarte

A.A.T.F.

STAND. COM. REP. NO. 602

Honolulu, Hawaii

May _____, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 139
H. D. 2

Sir:

Your Committee on Judiciary to which was referred House Bill No. 139, H. D. 2, entitled:

"AN ACT RELATING TO THE DEFINITION OF A PUBLIC UTILITY",

begs leave to report as follows:

House Bill No. 139, H. D. 2, proposes to clarify the definition of "taxicab" as used in Section 104-1 of the Revised Laws of Hawaii 1955. Thereunder, a taxicab is defined to mean and include:

(1) Any motor vehicle used in the movement of passengers on the public highways under the following circumstances, namely, the passenger hires the vehicle on call or at a fixed stand, with or without baggage for transportation, and controls the vehicle to the passenger's destination; and

(2) Any motor vehicle having seating accommodations for 12 or less passengers used in the movement of passengers on the public highways between a terminal in the city of Honolulu and a terminal in a district outside the limits of the city of Honolulu, and vice versa, without picking up passengers other than at the terminals; provided that passengers may be unloaded at any point between such terminals.

Insofar as motor vehicles in the second category are concerned, the Bill provides that the operators or owners thereof must have been duly licensed and doing business between such terminals on January 1, 1957. It is your

Committee's understanding that this restriction will preclude any such operator or owner from assigning or transferring his license, including the vehicles, to a third party desiring to continue in said business without supervision of the Public Utilities Commission.

Your Committee is in accord with the intent and purpose of this Bill but proposes the following amendments:

(1) Substitute the word "eight" for the word "twelve" appearing in the eighth line of the paragraph defining "Taxicab" as set forth in the Bill.

(2) Change the last 4 lines of the said paragraph to read as follows:

> "relating to motor vehicles operating between such terminals shall pertain only to such motor vehicles whose operators or owners were duly licensed (under Section 155-111, Revised Laws of Hawaii 1955, and any other applicable provision of law or ordinance) and doing business between such terminals on January 1, 1957."

As so amended, your Committee recommends that House Bill No. 139, H. D. 2, do pass third reading. The amended draft of said Bill is attached hereto.

Respectfully submitted,

Nelson K. Doi, Chairman

H. B. NO. 139
H. D. 2
S. D. 1

AN ACT

RELATING TO THE DEFINITION OF A PUBLIC UTILITY.

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

SECTION 1. The second paragraph of Section 104-1, Revised Laws of Hawaii 1955 (i.e., the paragraph defining "Taxicab"), is hereby amended to read as follows:

"'Taxicab' means and includes: (1) any motor vehicle used in the movement of passengers on the public highways under the following circumstances, namely, the passenger hires the vehicle on call or at a fixed stand, with or without baggage for transportation, and controls the vehicle to the passenger's destination; and (2) any motor vehicle having seating accommodations for eight or less passengers used in the movement of passengers on the public highways between a terminal, i.e., a fixed stand, in the city of Honolulu, as defined in Section 149-2, Revised Laws of Hawaii 1955, and a terminal in a geographical district outside the limits of the city of Honolulu, and vice versa, without picking up passengers other than at the terminals or fixed stands; provided that passengers may be unloaded at any point between such terminals; and provided further, that this definition relating to motor vehicles operating between such terminals shall pertain only to such motor vehicles whose operators or owners were duly licensed (under Section 155-111, Revised Laws of Hawaii 1955, and any other applicable provision of law or ordinance) and doing business between such terminals on January 1, 1957."

SECTION 2. This Act shall take effect upon approval.

INTRODUCED BY:

Standing Committee Report No. 603

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 1 , 1957 , by

Senator DEE DUPONTE, CHAIRMAN FOR THE COMMITTEE ON PUBLIC EMPLOYMENT.

RE: H. B. NO. 216

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 2
ADOPTED - MAY 2, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 603

Honolulu, Hawaii
April 30, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 216

Sir:

Your Committee on Public Employment to which was referred House Bill No. 216, entitled "AN ACT TO AMEND ACT 44 OF SESSION LAWS OF HAWAII 1955, RELATING TO THE EMPLOYMENT, COMPENSATION, AND RETIREMENT OF ROBERT V. KAILIANU", begs leave to report as follows:

House Bill No. 216 amends Act 44 of the Session Laws of Hawaii 1955, so as to allow Robert V. Kailianu to take advantage of any increase in compensation that may be allowed to public employees by any act or joint resolution of the legislature. At the present time, Robert V. Kailianu is unable to receive the benefits of Act 2, Special Session Laws of Hawaii 1956, and this bill will correct that situation.

Your Committee is in accord with the purpose of this House Bill and recommends it pass third reading.

Respectfully submitted,

DEE DUPONTE, CHAIRMAN

AATF

Standing Committee Report No. 604

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 1 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 389, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

Deferred to May 2
ADOPTED - MAY 2, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

Tomorrow / after adopted

STAND. COM. REP. NO. 604

Honolulu, Hawaii

May 1, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 389
H. D. 1

Sir:

Your Committee on Judiciary, to which was referred House Bill No. 389, H. D. 1, entitled: "AN ACT TO AMEND CHAPTER 288 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO GAMBLING AND LOTTERY", begs leave to report as follows:

The purpose of this Bill is to amend Section 288-1 of the Revised Laws of Hawaii 1955, relating to lottery, so as to exempt from its coverage ball or marble amusement devices or machines which are licensed under the provisions of Section 155-36 of the Revised Laws of Hawaii 1955, and which award nothing but free games to any player. This proposed amendment amounts to a mere clarification of the law inasmuch as it has been heretofore judicially determined in other jurisdictions that amusement devices and machines awarding nothing but free games are not lottery machines.

It is the further purpose of this Bill to amend Section 288-4 of the Revised Laws of Hawaii 1955, relating to playing prohibited games, so as to exempt from its coverage such ball and marble amusement devices mentioned above and also to clarify devices and games under this section to mean gambling devices, gambling games or any games of chance in which skill is not involved, making explicit what has been implicit for many years.

The proposed amendments would permit games of skill which, until recently, were conducted at many bazaars and carnivals held by schools, churches and other charitable organizations. Such permission would be of financial benefit to these organizations and these amendments were carefully considered by your Committee after many requests by the aforesaid organizations. It is the opinion of your Committee that because of the said financial benefit, a similar benefit would also accrue to the Territory.

Your Committee is in accord with the intent and purpose of this Bill as amended in the form attached hereto and recommends that it pass third reading as so amended.

Respectfully submitted,

Nelson K. Doi, Chairman

H. B. NO. 389
H. D. 1
S. D. 1

AN ACT

TO AMEND CHAPTER 288 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO GAMBLING AND LOTTERY.

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

SECTION 1. Section 288-1 of the Revised Laws of Hawaii 1955 is hereby amended by substituting a semicolon for the period at the end of the last line thereof and adding thereto the following:

"provided, however, that nothing contained in this section shall be construed to prevent the use and operation of amusement devices or machines described in section 155-36 whereby nothing but free plays are awarded to any player."

SECTION 2. Section 288-4 of the Revised Laws of Hawaii 1955 is hereby amended by inserting the word "gambling" in the fifth line thereof after the word "any" and before the word "device"; by inserting the word "gambling" in the sixth line thereof after the word "other" and before the word "game"; by deleting the words "in which" in the sixth line thereof and substituting in lieu thereof the words "or any game of chance in which skill is not involved wherein"; and by substituting a semicolon for the period at the end of the last line thereof and adding thereto the following:

"provided, however, that nothing contained in this section shall be construed to prevent the use and operation of amusement devices or machines described in section 155-36 whereby nothing but free plays are awarded to any player."

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

DANIEL K. INOUYE
ANNA F. KAHANAMOKU
J. WARD RUSSELL
S. L. AUSTIN
YASUTAKA FUKUSHIMA
PHILIP MINN
SUMIO NAKASHIMA
MARK NORMAN OLDS
NADAO YOSHINAGA
GEORGE R. ARIYOSHI

Standing Committee Report No. 605

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 1 , 1957 , by

Senator DEE DUPONTE, CHAIRMAN FOR THE COMMITTEE ON PUBLIC EMPLOYMENT.

RE: H. B. NO. 414

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 2
ADOPTED - MAY 2, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 605

Honolulu, Hawaii
April 29, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 414

Sir:

Your Committee on Public Employment to which was referred House Bill No. 414 entitled,

"AN ACT RELATING TO INJURED POLICE AND FIREMEN, AND AMENDING SECTION 149-7 OF THE REVISED LAWS OF HAWAII 1955",

begs leave to report as follows:

The purpose of this bill is to include police chemists under the provisions of the law wherein employees of the police department or fire department are required to be continued on the payroll at his full regular monthly salary during the first four months of his disability and thereafter during the period of total disability from work at sixty per cent of his regular monthly salary if the employee received personal injury by accident arising out and in the performance of his duty without negligence on his part.

Your Committee has been informed that the hazards incurred by police chemists are similar to those incurred by police officers.

Your Committee is in accord with the purpose of this House bill and recommends it pass third reading.

Respectfully submitted,

DEE DUPONTE, CHAIRMAN

AATF

Standing Committee Report No. 606

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 1 , 1957 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 533, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 2
ADOPTED - MAY 2, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 606

Honolulu, Hawaii

May 1, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 533
H. D. 1

Sir:

Your Committee on Judiciary to which was referred House Bill No. 533, H. D. 1, entitled:

"AN ACT TO AMEND SECTION 46-13 OF THE REVISED LAWS OF HAWAII 1955, AND ADDING CHAPTER 62B THERETO RELATING TO THE AUTHORITY OF THE BOARD OF HEALTH TO REGULATE THE PRACTICE OF FUMIGATION",

begs leave to report as follows:

The purpose of House Bill No. 533, H. D. 1, is to make fumigation a matter of regulation and control by the Board of Health. To effectuate this purpose, the following pertinent provisions are proposed:

(1) That the Board of Health shall cause each applicant for a fumigation license to be examined to determine his eligibility for such license.

(2) That the Board may appoint an advisory committee consisting of at least 7 members, 2 of whom shall be selected from the fumigation profession.

(3) That the Board shall have power to prescribe rules and regulations, which power shall include the power to issue various classes of licenses based upon the experience and qualification of the applicant.

(4) That an applicant for a license shall meet certain requirements.

(5) That the Board may issue an apprentice license to an applicant meeting certain requirements.

(6) That any licensed fumigator shall carry insurance of the type and in the amounts prescribed.

(7) That the Board may suspend or revoke any license for cause.

Your Committee is in accord with the purpose of this Bill as set forth above, and recommends that the Bill do pass third reading.

Respectfully submitted,

Nelson K. Doi, Chairman

Standing Committee Report No. 607

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 1 , 1957 , by

Senator OREN E. LONG, CHAIRMAN FOR THE COMMITTEE ON LABOR.

RE: H. B. NO. 644, HD2

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 2
ADOPTED - MAY 2, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 607
Honolulu, Hawaii
May 1, 1957

RE: H.B. NO. 644
H.D. 2

The Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Honolulu, Hawaii

Sir:

Your Committee on Labor to which was referred H.B. No. 644, H.D. 2 entitled, "AN ACT TO AMEND SECTION 97-30 REVISED LAWS OF HAWAII 1955, RELATING TO THE COMPUTATION OF WAGES", begs leave to report as follows:

The purpose of this bill is to amend the second paragraph of Section 97-30 of the Revised Laws of Hawaii 1955 so that in case a worker is injured at a time when he is employed at higher wages than formerly during the year, only this higher wage shall be used in computing his average weekly wage. This will be to the worker's advantage in situations where he should become injured while earning a higher wage than which he had been receiving, since only this higher wage would be used in determining his average weekly wage.

The existing law provides that this higher wage be used in the computation of the worker's average weekly wage, if "regularly employed in a higher grade" and with "larger regular wages". The change in the statute made by this bill will merely conform the statute to the present manner of application and interpretation made by the Workmen's Compensation Bureau of the territory.

Your Committee is in accord with the purpose of this bill and recommends its passage on third reading.

Respectfully submitted,

Chairman

AATF TWS

Standing Committee Report No. 608

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 1 , 19 57 , by

Senator DEE DUPONTE, CHAIRMAN FOR THE COMMITTEE ON PUBLIC EMPLOYMENT.

RE: H. B. NO. 726, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 2
ADOPTED - MAY 2, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 608

Honolulu, Hawaii
May / , 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 726
H. D. 1

Sir:

Your Committee on Public Employment to which was referred House Bill No. 726, H. D. 1, entitled,

"AN ACT RELATING TO THE EMPLOYMENT AND COMPENSATION OF A CERTAIN RETIRED PUBLIC OFFICER AND EMPLOYEE AND HIS POSITION,"

begs leave to report as follows:

The purpose of this bill is to permit the board of commissioners of agriculture and forestry to continue to contract the services of Nelson Kauhileleihoamano Kaloa as part-time animal caretaker without the necessity of annually going through civil service listings for a possible applicant to this part-time position. Mr. Kaloa has worked as an animal caretaker on full-time or part-time since 1934 and has always been willing to work the odd hours and on split shift basis whenever necessary. This position is not attractive nor can it be satisfactorily filled by casual employees.

Your Committee is in accord with the purpose of this bill and recommends it pass third reading.

Respectfully submitted,

DEE DUPONTE, CHAIRMAN

AATF HR

Standing Committee Report No. 609

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 1 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 770

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 2
ADOPTED - MAY 2, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 609

Honolulu, Hawaii

May 1, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 770

Sir:

Your Committee on Judiciary to which was referred House Bill No. 770, entitled:

"AN ACT RELATING TO THE COPYING, CERTIFICATION AND REPRODUCTION OF RECORDS OR EXCERPTS IN THE PUBLIC ARCHIVES, PROVIDING FOR FEES, AND AMENDING SECTION 224-11 OF THE REVISED LAWS OF HAWAII 1955",

begs leave to report as follows:

The purpose of House Bill No. 770 is to authorize the board of commissioners of public archives to prescribe fees for copying records, certifying same, and performing other services in connection therewith. Presently, the fees to be charged are fixed and oftentimes, in practice, do not have any relationship to the cost involved. The Bill seeks to correct this situation by authorizing the said board of commissioners to prescribe fees in direct relationship to the cost of the services.

Your Committee, being fully in accord with its purpose, recommends that the Bill do pass third reading.

Respectfully submitted,

Nelson K. Doi, Chairman

Standing Committee Report No. 610

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 1 , 19 57 , by

Senator OREN E. LONG, CHAIRMAN FOR THE COMMITTEE ON LABOR.

RE: H. B. NO. 946

RECOMMENDING THAT SAID BILL PASS THIRD READING IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

Deferred to May 2
ADOPTED - MAY 2, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REPORT NO. 610

Honolulu, Hawaii
May 1, 1957

Re: H.B. No. 946

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Sir:

Your Committee on Labor to which was referred H.B. No. 946 entitled "AN ACT RELATING TO THE DEPARTMENT OF LABOR, AND AMENDING SECTIONS 88-6 AND 88-18, REVISED LAWS OF HAWAII 1955", begs leave to report as follows:

The purpose of this bill is to make available governmental services toward rendering feasible the extending of benefits of group life, medical, hospitalization and health insurance and pension and retirement plans to employees of smaller employers at costs comparable to those benefits presently enjoyed by the employees of the larger employers. Currently, such plans are, as a practical matter, restricted to the employees of larger employers because the number of employees and diversity of occupations have a direct bearing on the costs of the plans.

This bill would require the Bureau of Research and Statistics of the Territorial Department of Labor and Industrial Relations to "render all necessary assistance" toward establishing the above-mentioned plans for any designated group of employees upon the request of any employer or employee. By express mention, conducting studies, collecting and assembling data, negotiating and drafting contracts and active soliciting of employer and employee participation are some of the forms which the "necessary assistance" may take.

Section 1 of this bill amends Section 88-6 of the Revised Laws of Hawaii 1955, which relates to the general functions of the Bureau of Research and Statistics. Section 2 amends Section 88-18, which specifies the powers and duties of the Bureau.

It is your Committee's recommendation that H.B. 946 be amended in two respects for the purpose of clarification: first, that Section 1 be amended by inserting the word "life" between the words "group" and "insurance", and, second, that Section 2 be likewise amended by inserting the word "life" between the words "group" and "insurance". These amendments are made for the purpose of making certain that the words "group insurance" means group life insurance. This amendment was suggested by the Board of Underwriters.

Your Committee is of the opinion that the enactment of this bill would improve the lot of the employees of the small employer and would be in step with progressive industrial relations.

Your Committee on Labor therefore recommends that H.B. No. 946 be passed on third reading in the amended form attached hereto.

Respectfully submitted,

Chairman

AATF

H.B. NO. 946
S.D. 1

AN ACT

RELATING TO THE DEPARTMENT OF LABOR, AND AMENDING SECTIONS 88-6 AND 88-18, REVISED LAWS OF HAWAII 1955.

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

SECTION 1. Sec. 88-6 (c), Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"(c) The bureau of research and statistics, which shall collect and assemble statistics relating to labor and industrial relations, and shall also collect, assemble and furnish information to employers and employees regarding group life insurance plans and group medical hospitalization and health insurance plans and pension and retirement plans, and shall assist employers and employees in establishing such plans."

SECTION 2. Sec. 88-18, Revised Laws of Hawaii 1955, is hereby amended by adding a new subsection, to be numbered 88-18 (d), and to read as follows:

"(d) The bureau of research and statistics shall collect, assemble and furnish information regarding group life insurance plans, group medical, hospitalization and health insurance plans, and pension and retirement plans, at the request of any employer or employee. Upon the request of any employer or employee, the bureau shall undertake a study of the feasibility of establishing any or all of such plans for such persons as may be designated by the employer or employee making the request. If the bureau determines that it will be feasible to establish such plan or plans for the persons so designated, it shall render all necessary assistance to the persons who will be included in such plan or plans, including but not limited to such matters as negotiating for and on behalf of such persons with insurance companies, and drafting of contracts and agreements. If the bureau determines that it will not be feasible to establish such plan or plans for the persons designated because of the small number or the diversity of occupations within the group or for any other reason, the bureau shall actively solicit the participation of as many other employers and employees within the Territory as may be necessary to form a group or groups for which it shall be feasible to establish the plan or plans

contemplated by the employer or employee who made the original request, and shall furnish all necessary assistance in similar manner.

The commission shall adopt all necessary rules and regulations to carry out the purposes of this section."

SECTION 3. This act shall take effect upon approval.

INTRODUCED BY:

DATE: April , 1957

Honolulu, Hawaii

Standing Committee Report No. 611

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 1 , 19 57 , by

Senator OREN E. LONG, CHAIRMAN FOR THE COMMITTEE ON LABOR.

RE: H. B. NO. 1004, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 2
ADOPTED - MAY 2, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COMM. REPORT NO. 611

Honolulu, Hawaii
May 1, 1957

Re: H.B. No. 1004
H.D. 1

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Sir:

Your Committee on Labor to which was referred H.B. No. 1004, H.D. 1, entitled "AN ACT AMENDING CHAPTER 9A OF THE REVISED LAWS OF HAWAII 1955, SECTION 9A-2 (a) THEREOF PERTAINING TO WAGES AND HOURS OF EMPLOYEES ON PUBLIC WORKS", begs leave to report as follows:

The purpose of this bill is to exempt public works projects costing less than $2,000 from the provisions of Chapter 9A, Revised Laws of Hawaii 1955, entitled "Wages and Hours of Employees on Public Works."

Under said Chapter all governmental contracting agencies of the territory, including counties, government officers, bureaus, boards, commissions, etc., must comply with Section 9A-2 (a) which requires a statement of minimum wages to be paid to all the various classes of laborers and mechanics employed on the job in any construction projects, which includes projects in the nature of alterations, repairs, painting and decorating, as part of the specifications in the contract which is let out to the contractor. This requirement is made irrespective of the cost of the project or contract price.

The purpose of this bill is to omit this requirement in cases of contracts involving less than $2,000. Consequently under this bill contracts involving less than $2,000 would not require in the specification, statements concerning minimum wages to be paid the various classes of laborers and mechanics. It should be noted, however, that insofar as contracts in excess of $2,000 are concerned, such contracts would require the specifications concerning minimum wages for mechanics and laborers on the contract. This change is desirable because in some of the counties, experience has shown that where the jobs which are let out are small in cost, in cases such as minor electrical repairs, small painting jobs, and other small alterations, the statutory requirement becomes onerous and unnecessary.

Your Committee is in accord with the purpose of this bill and recommends that it pass on third reading.

Respectfully submitted,

AATF HK

Chairman

Standing Committee Report No. 612

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 1 , 19 57 , by

Senator DEE DUPONTE, CHAIRMAN FOR THE COMMITTEE ON PUBLIC EMPLOYMENT.

RE: H. B. NO. 1214, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 3
Referred to the Committee on Ways and Means 5/3

WILLIAM S. RICHARDSON
Clerk of the Senate

WM

STANDING COMMITTEE REPORT NO. 612

Honolulu, Hawaii
May 1, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 1214
H. D. 1

Sir:

Your Committee on Public Employment to which was referred House Bill No. 1214, H. D. 1, entitled "AN ACT RELATING TO CIVIL SERVICE AND CLASSIFICATION, INCLUDING COMPENSATION AND EXPENSES OF COMMISSION MEMBERS AND AMENDING SECTION 3-13 OF THE REVISED LAWS OF HAWAII 1955", begs leave to report as follows:

Under the present law each commission member of the Territorial or City and County civil service commission are compensated at the rate of $10 per meeting, but not to exceed $100 in any one month. The members of the outside counties are limited to the sum of $50 in any one month.

The purpose of this bill is to accord the outside county members the same compensation as the members of the Territorial and City and County of Honolulu.

Your Committee is in accord with the purpose of this bill and recommends it pass third reading.

Respectfully submitted,

DEE DUPONTE, CHAIRMAN

AATF

Standing Committee Report No. 613

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 1 , 1957 , by

Senator SAKAE TAKAHASHI, CHAIRMAN FOR THE COMMITTEE ON PUBLIC LANDS.

RE: H. J. RES. NO. 9, HD2

RECOMMENDING THAT SAID JOINT RESOLUTION PASS THIRD READING WITH AN AMENDMENT.

MEMO:

Deferred to May 2
ADOPTED - MAY 2, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 613

Honolulu, Hawaii

May 1, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: House Joint Resolution No. 9, H. D. 2

Sir:

Your Committee on Public Lands to which was referred House Joint Resolution No. 9, H. D. 2, entitled, "JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES OF AMERICA TO ENACT LEGISLATION AMENDING THE HAWAIIAN HOMES COMMISSION ACT, 1920, TO AUTHORIZE THE HAWAIIAN HOMES COMMISSION TO APPROVE AND GUARANTEE LOANS MADE TO HAWAIIAN HOMES HOMESTEADERS BY PRIVATE FINANCING INSTITUTIONS", begs leave to report as follows:

The purpose of this resolution is to request congress to enact legislation amending the Hawaiian Homes Commission Act 1920 to authorize the Hawaiian Homes Commission to approve and guarantee loans made by financing institutions to those Hawaiian homes homesteaders who need capital for home construction.

The Hawaiian Homes Commission presently is unable to carry out its program of making loans to Hawaiian homes homesteaders for home construction because of the limited funds available for loan purposes.

Your Committee recommends that Section 1 of this joint resolution be amended by inserting the words "not exceeding $10,000" after the word "loans" and before the word "made" found on line four of said section.

Inasmuch as senate joint resolution no. 19, which provides for the same purpose as this resolution, passed the senate on April 30, 1957, your Committee has agreed with the house committee on public lands to report out this house joint resolution.

As amended your Committee approves the purpose of this resolution and accordingly recommends that it do pass third reading as amended.

Respectfully submitted,

Chairman

Standing Committee Report No. 614

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 1 , 19 57 , by

Senator SAKAE TAKAHASHI, CHAIRMAN FOR THE COMMITTEE ON PUBLIC LANDS.

RE: H. J. RES. NO. 33, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING WITH CERTAIN AMENDMENTS.

MEMO:

Deferred to May 2
ADOPTED - MAY 2, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

End of Cal

STAND. COM. REP. NO. 614

Honolulu, Hawaii

May 1, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: House Joint Resolution No. 33, H. D. 1

Sir:

Your Committee on Public Lands to which was referred House Joint Resolution No. 33, H. D. 1, entitled, "JOINT RESOLUTION ESTABLISHING A BAUXITE MINING STUDY COMMITTEE AND APPROPRIATING FUNDS FOR ITS USE", begs leave to report as follows:

The purpose of this joint resolution is expressed in its title.

Your Committee recommends that the following amendments be made:

1. Amend the title to read as follows:

"RELATING TO MINING, ESTABLISHING A MINERAL RESOURCES ADVISORY COMMITTEE AND MAKING APPROPRIATIONS FOR STUDIES OF MINERAL DEPOSITS IN THE TERRITORY, MINING PROCESSES, LAND RECLAMATION AND OTHER MATTERS RELATING TO THE DEVELOPMENT, CONSERVATION AND USE OF MINERAL RESOURCES IN THE TERRITORY, AND FOR THE ADMINISTRATION OF OTHER MINING LAWS."

2. Add a new sentence to Section four immediately before the last sentence of said section to read as follows:

"Such funds may also be expended for the administration of laws regulating strip mining in addition to such funds, if any, specifically appropriated for such purposes."

As amended, your Committee approves the purpose of this resolution and recommends that it do pass third reading in the amended form.

Respectfully submitted,

Chairman

Standing Committee Report No. 615

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 1 , 19 57 , by

Senator SAKAE TAKAHASHI, CHAIRMAN FOR THE COMMITTEE ON PUBLIC LANDS.

RE: H. J. RES. NO. 65, HD2

RECOMMENDING THAT SAID JOINT RESOLUTION PASS THIRD READING WITH CERTAIN AMENDMENTS.

MEMO:

Deferred to May 2
ADOPTED - MAY 2, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

print
Common

STAND. COM. REP. NO. 615

Honolulu, Hawaii

May 1, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: House Joint Resolution No. 65, H. D. 2

Sir:

Your Committee on Public Lands to which was referred House Joint Resolution No. 65, H. D. 2, entitled, "JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES OF AMERICA TO ENACT LEGISLATION AUTHORIZING THE COMMISSIONER OF PUBLIC LANDS TO EXTEND LEASES OF CERTAIN LANDS DAMAGED BY THE TIDAL WAVES OF NOVEMBER 4, 1952, IN THE TERRITORY OF HAWAII", begs leave to report as follows:

The purpose of this resolution is to request the congress of the United States of America to enact legislation authorizing the commissioner of public lands to extend leases of certain lands damaged by the tidal waves of November 4, 1952, and March 9, 1957, in the Territory of Hawaii, where a lessee has spent substantial sums in replacing or repairing improvements on such lands damaged or destroyed by the tidal waves of such date or dates and providing that no lease shall extend beyond November 3, 1973.

Your Committee recommends that the following amendments be made:

1. Amend the title to read as follows: "JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES OF AMERICA TO ENACT LEGISLATION AUTHORIZING THE COMMISSIONER OF PUBLIC LANDS TO EXTEND LEASES OF CERTAIN LANDS DAMAGED BY THE TIDAL WAVES OF NOVEMBER 4, 1952, OR MARCH 9, 1957, IN THE TERRITORY OF HAWAII."

2. Amend Section 1 of this resolution to read as follows:

"SECTION 1. The Congress of the United States of America is hereby respectfully requested to enact legislation substantially as follows:

'AN ACT

To authorize the extension of leases of certain lands in the Territory of Hawaii

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That where a lessee of water-front lands in the Territory of Hawaii, under lease on November 4, 1952, or March 9, 1957, has spent substantial sums in repairing or replacing improvements on such lands damaged or destroyed by the tidal waves of such date or dates, then notwithstanding any provision of the Organic Act of Hawaii (31 Stat. 141), as amended, or of the laws of the Territory of Hawaii, the Commissioner of Public Lands of the Territory of Hawaii, at the request of the lessee, in his discretion may extend the term of the lease at the original rental: Provided, That no lease is extended beyond November 3, 1973'."

As amended, your Committee approves the purpose of this resolution and recommends that it do pass third reading in the amended form.

Respectfully submitted,

Chairman

Standing Committee Report No. 616

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 1 , 1957 , by

Senator DEE DUPONTE, CHAIRMAN FOR THE COMMITTEE ON PUBLIC EMPLOYMENT.

RE: H. B. NO. 257

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 2
ADOPTED - MAY 2, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 616

Honolulu, Hawaii
April 27, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 257

Sir:

Your Committee on Public Employment to which was referred House Bill No. 257 entitled,

"AN ACT TO ALLOW CREDIT FOR TIME SPENT IN MILITARY SERVICE IN THE EMPLOYEES' RETIREMENT SYSTEM OF THE TERRITORY TO AXEL W. P. JENSEN,"

begs leave to report as follows:

The purpose of this measure is to give to Axel W. P. Jensen retirement credit for his military service from time spent beginning December 8, 1941 and ending August 14, 1946 which he would have normally been credited had he remained in the service of the Territory.

Your Committee is in accord with the purpose of this bill and recommends that it pass third reading.

Respectfully submitted,

DEE DUPONTE, CHAIRMAN

AATF

Standing Committee Report No. 617

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 1 , 19 57 , by

Senator DEE DUPONTE, CHAIRMAN FOR THE COMMITTEE ON PUBLIC EMPLOYMENT.

RE: H. B. NO. 265

RECOMMENDING THAT SAID BILL PASS THIRD READING IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

Deferred to May 2
RECOMMITTED TO PUBLIC EMPLOYMENT - MAY 2, 1957.

WILLIAM S. RICHARDSON
Clerk of the Senate

recommit PE

STANDING COMMITTEE REPORT NO. 617

Honolulu, Hawaii
April 30, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 265

Sir:

Your Committee on Public Employment to which was referred House Bill No. 265 entitled,

"AN ACT RELATING TO EMPLOYEES OF THE TERRITORY; AND AMENDING SECTION 3-29 OF THE REVISED LAWS OF HAWAII 1955 TO REQUIRE CERTIFICATION OF PAYROLLS BY THE CIVIL SERVICE COMMISSION INSTEAD OF BY THE PERSONNEL DIRECTOR,"

begs leave to report as follows:

This bill provides that the various civil service commissions or their authorized agents shall certify payrolls for any position in the territorial or county service.

Your Committee is in accord with the purpose of this House bill, but recommends that the title be amended to include county as well as territorial employees. As amended, your Committee recommends that the bill pass third reading in the amended form attached hereto.

Respectfully submitted,

Dee Duponte
DEE DUPONTE, CHAIRMAN

Tom Okino

Mitsuyuki Kido

Sakae Gallaher Mr

N H Hill

AATF HH

H. B. 265

S. D. 1

AN ACT

TO AMEND SECTION 3-29 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO CERTIFICATION OF PAYROLLS BY THE VARIOUS CIVIL SERVICE COMMISSIONS.

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

SECTION 1. Section 3-29 of the Revised Laws of Hawaii 1955 is hereby amended in the following manner:

(a) By deleting from the first sentence of subsection (a) the words "director or his authorized agent" and substituting in lieu thereof the words "commission or its authorized agent";

(b) By deleting from the second sentence of subsection (a) the word "director" and substituting in lieu thereof the word "commission"; and

(c) By deleting from subsection (d) the word "director" as it appears twice therein and substituting in lieu thereof the word "commission".

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

MARK NORMAN OLDS
SUMIO NAKASHIMA
STANLEY HARA
BERNARD G. KINNEY
NADAO YOSHINAGA
PATSY TAKEMOTO MINK
YOSHIICHI YOSHIDA
MATSUKI ARASHIRO

Standing Committee Report No. 618

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 1 , 1957 , by

Senator SAKAE TAKAHASHI, CHAIRMAN FOR THE COMMITTEE ON PUBLIC LANDS.

RE: H. CON. RES. NO. 23, HD1

RECOMMENDING ADOPTION OF SAID CONCURRENT RESOLUTION WITH AN AMENDMENT.

MEMO:

Deferred to May 2
ADOPTED - MAY 2, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

adopted

STAND. COM. REP. NO. 618

Honolulu, Hawaii

May 1, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: House Concurrent Resolution No. 23, H. D. 1

Sir:

Your Committee on Public Lands to which was referred House Concurrent Resolution No. 23, H. D. 1, begs leave to report as follows:

The purpose of this concurrent resolution is to request the Hawaiian Homes Commission to include as a part of its policy the highest priority for occupancy of Hawaiian Homes Commission lands by those qualified Hawaiians adversely affected by the expansion and building programs made by the territory and private land holders in the territory.

Your Committee recommends that this resolution be amended by substituting the word "Legislature" for the word "House" found on line one of paragraph six of said resolution.

As amended, your Committee approves the purpose of this concurrent resolution and recommends that it be adopted.

Respectfully submitted,

Chairman

Standing Committee Report No. 619

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 1 , 1957 , by

Senator DEE DUPONTE, CHAIRMAN FOR THE COMMITTEE ON PUBLIC EMPLOYMENT.

RE: HOUSE BILL NO. 443

RECOMMENDING THAT SAID BILL BE REFERRED TO THE COMMITTEE ON JUDICIARY.FOR FURTHER CONSIDERATION.

MEMO:

Adopted - May 1, 1957
Referred to the Committee on Judiciary

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 619

Honolulu, Hawaii
May 1, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 443

Sir:

Your Committee on Public Employment to which was referred House Bill No. 443 entitled,

"AN ACT AMENDING SECTION 3-20, SUBDIVISION (1) AND SECTION 3-21, SUBDIVISION (e), OF THE REVISED LAWS OF HAWAII 1955, RELATING TO CIVIL SERVICE EXEMPTIONS AND FILLING OF VACANCIES",

begs leave to report as follows:

Under existing law, one secretary or clerk for each justice of the supreme court and each judge of the circuit court and one law clerk for each justice of the supreme court are exempted from the civil service system. The purpose of this bill is to allow the transfer into the civil service system such secretary, clerk or law clerk without taking an examination, if such person has been employed for over three years in a similar civil service position and considered qualified by the appointing justice or judge.

This bill amends also the appropriate section relating to the filling of civil service vacancies.

Your Committee has been informed by the judges of the circuit court of the difficulty in obtaining qualified legal secretaries, clerks or law clerks for the specialized type of work required in the judiciary through the regular civil service process.

Your Committee is in accord with the intent and purpose of this legislation and recommends that it be referred to the Committee on Judiciary for further consideration.

Respectfully submitted,

DEE DUPONTE, CHAIRMAN

AATF

STANDING COMMITTEE REPORT NO. 620
Honolulu, Hawaii
May 1, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Sir:

Your Select Committee of Maui Senators, to which was referred the Senate Bills, Senate Resolution, Senate Concurrent Resolution, and Departmental Communications listed hereinbelow begs leave to report that your Committee has carefully considered same and recommends that the same be filed.

Senate Bill Nos. 220, 240, 530, 549 and 735.
Senate Resolution No. 34.
Senate Concurrent Resolution No. 36.
Departmental Communication Nos. 19, 20, 21, 22, 27, 33, 34, 41, 42, 63 and 101.

Respectfully submitted,

S. George Fukunaga
Chairman

Lee Duponte

John G. Duarte

A.A.T.F.

STANDING COMMITTEE REPORT NO. 621
Honolulu, Hawaii
May 1, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Sir:

Your Committee on Public Health, to which was referred the Senate Bills, Senate Resolution, Senate Joint Resolutions, Miscellaneous Communications, Departmental Communication and House Bill listed hereinbelow begs leave to report that your Committee has carefully considered same and recommends that the same be filed.

Senate Bill Nos. 22, 41, 187, 193, 225, 293, 360, 361, 366, 376, 512, 545, 578, 596, 616, 632, 658, 673, 714, 733, 736, 746, 749, 789, 824, 863, 865, 879 and 906.
Senate Resolution No. 37.
Senate Joint Resolution Nos. 46, 66 and 88.
Miscellaneous Communication Nos. 5, 57 and 62.
Departmental Communication No. 8.
House Bill No. 561.

Respectfully submitted,

George Fukunaga
Chairman

A.A.T.F.

Standing Committee Report No. 622

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 1 , 19 57, by

Senator DEE DUPONTE, CHAIRMAN FOR THE COMMITTEE ON PUBLIC EMPLOYMENT.

RE: H. B. NO. 366, HD2

RECOMMENDING THAT SAID BILL PASS THIRD READING IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

Deferred to May 2
ADOPTED - MAY 2, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 622

Honolulu, Hawaii
May , 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 366
H. D. 2

Sir:

Your Committee on Public Employment to which was referred House Bill No. 366, H. D. 2, entitled,

"AN ACT RELATING TO CIVIL SERVICE AND CLASSIFICATION AND AMENDING CHAPTERS 3 AND 4 OF THE REVISED LAWS OF HAWAII 1955,"

begs leave to report as follows:

The title of this bill was amended by deleting the word and figures "AND 4".

The purpose of this bill is to exempt civil service employees who are engated in research projects which are approved by the governor for which federal funds are available. Your Committee has been informed that in many instances projects financed under federal funds call for immediate action and that processing the filling of such positions through civil service will cause unnecessary delay and jeopardize such projects.

This bill also exempts custodians and guides of certain historical structures and sites. Your Committee feels that these custodians and guides should be people who are "students of Hawaii" and that examinations will not always assure the best qualified people for this exceptional type of work.

Your Committee is in accord with the purpose of this bill and recommends it pass third reading in the amended form attached hereto.

Respectfully submitted,

DEE DUPONTE, CHAIRMAN

AATF

H. B. NO. 366
H. D. 2

S. D. 1

AN ACT

RELATING TO CIVIL SERVICE AND CLASSIFICATION AND AMENDING CHAPTER 3 OF THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. Chapter 3 of the Revised Laws of Hawaii 1955 is amended by amending Section 3-20 thereof by inserting therein two new exceptions which shall be appropriately lettered and read as follows:

"Employees engaged in research projects approved by the governor, for which projects federal funds are available, provided however the period of employment shall not exceed one year.

"A custodian or guide at Iolani Palace, Royal Mausoleum and Hulihee Palace."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

Standing Committee Report No. 623

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 1 , 19 57 , by

Senator SAKAE TAKAHASHI, CHAIRMAN FOR THE COMMITTEE ON PUBLIC LANDS.

RE: H. J. RES. NO. 97, HD1

RECOMMENDING THAT SAID JOINT RESOLUTION PASS THIRD READING IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

Deferred to May 2
ADOPTED - MAY 2, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 623

Honolulu, Hawaii

May 1, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

HOUSE JOINT RESOLUTION NO. 97, H.D. 1

Sir:

Your Committee on Public Lands to which was referred House Joint Resolution No. 97, H. D. 1, entitled, "JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO AUTHORIZE THE PRESIDENT TO RELEASE TO THE TERRITORY OF HAWAII THAT PORTION OF THOSE LANDS WITHIN FORT DERUSSY, WAIKIKI, WHICH IS IN EXCESS OF THE MILITARY NEEDS OF THE UNITED STATES", begs leave to report as follows:

The joint resolution requests the federal government to return to the territory or otherwise dispose of Fort De Russy lands not essential for military purposes.

Your Committee has considered this resolution, together with House Joint Resolution Nos. 98 and 101, which relate to Bellows Field and Fort Ruger. The over-all subject matter is one which has concerned the Committee on Interior and Insular Affairs of the House of Representatives of the Congress at a number of sessions. The hearings held by that Committee have brought out that: "When there is a collision between military and civilian requirements, it would seem that the measure must be 'highest and best use'". Fort De Russy, Sand Island, Bellows Field and Fort Ruger have been named in reports of this Committee as federal reservations in urbanized areas which require re-evaluation in the light of the present situation.

Your Committee has prepared an amended form of this joint resolution which reviews the over-all problem and refers to pertinent reports of the Committee on Interior and Insular Affairs of the Congress. This amended joint resolution relates to Fort De Russy, Sand Island, Bellows Field and Fort Ruger and reviews the situation as to each, requesting action which will aid the civilian economy.

As amended, your Committee approves the purpose of this resolution and recommends that it do pass third reading in the amended form attached hereto.

Respectfully submitted,

Chairman

H. J. R. NO. 97, H. D. 1
S. D. 1

JOINT RESOLUTION

RELATING TO THE RESTORATION TO THE CIVILIAN ECONOMY OF CERTAIN FEDERAL RESERVATIONS IN URBANIZED AREAS NOW UNDER THE CONTROL OF THE DEPARTMENT OF DEFENSE.

WHEREAS, the Committee on Interior and Insular Affairs of the House of Representatives, in the 85th Congress and prior thereto, held hearings on the subject of utilization for the maximum public benefit of the public lands and other real property of the United States, particularly on the subject of federal reservations for defense purposes, and hearings on this subject were held in Hawaii in December, 1954, before a special subcommittee of the House Committee on Interior and Insular Affairs; and

WHEREAS, the hearings held in Hawaii brought out that federal reservations, in terms of value, comprised 24.55% of the total real property in the Territory; and

WHEREAS, the federal reservations for defense purposes in the Territory of Hawaii comprise two categories of lands, that is:

First: Lands purchased or condemned by the United States; and

Second: Lands withdrawn from the public lands of Hawaii by exercise of the power conferred on the President by section 91 of the Hawaiian Organic Act (48 U.S.C. 511); and

WHEREAS, the Committee on Interior and Insular Affairs of the House of Representatives, H. Rept. No. 2203 of the 84th Congress, referred to the series of hearings held on the subject of federal reservations for defense purposes and stated:

> "* * * it is apparent that the Military Establishment has not in all instances recognized that--concurrent with its asserted expansion requirements--there exist matching expansion demands for the civilian economy and domestic population growth. It is clear that the latter dictates a need for continuing reevaluation of defense holdings, particularly in heavily urbanized areas, and that the time to initiate such reevaluation is now.

"When there is a collision between military and civilian requirements, it would seem that the measure must be 'highest and best use.'"; and

WHEREAS, at the hearings held by the Committee on Interior and Insular Affairs of the 85th Congress on H. R. 5538 and summarized in H. Rept. No. 215 accompanying the bill, it was stated by the Department of Defense that even when properties are currently serving essential defense purposes, it is recognized that, where a property is partially or completely surrounded by urban development and is of high value, such property can be disposed of and less costly replacement property acquired; and

WHEREAS, this Department of Defense testimony has direct bearing on the matter of continued retention by the United States of Fort De Russy, which was named in the aforesaid H. Rept. No. 215 as exemplifying the policy involved in this Defense Department testimony, and which is situated in the heart of the highly valuable Waikiki area, could be sold by the United States for upwards of $20,000,000, consists almost entirely of lands in the first category, that is, lands purchased or condemned by the United States, and therefore if sold or leased would realize for the Treasury of the United States funds for acquisition of substitute Defense Department facilities; and

WHEREAS, the title to lands in the second category was ceded to the United States by the Republic of Hawaii, but the ceded lands did not become subject to the land laws of the United States, the Newlands Resolution of July 7, 1898, 30 Stat. 750, accepting the terms of the cession made by the Republic of Hawaii, so providing and further providing that the revenues from or proceeds of the ceded lands, "except as regards such part thereof as may be used or occupied for the civil, military or naval purposes of the United States" are for the benefit of the people of Hawaii; and

WHEREAS, under the terms of the cession so accepted, as the Congress of the United States has recognized in section 91 of the Hawaiian Organic Act and in other legislation, when land withdrawn by the United States for particular purposes has served those purposes the land is to be returned to the Territory for its benefit, the control of the public lands of Hawaii being vested by the Hawaiian Organic Act in the commissioner of public lands appointed by the Governor of Hawaii with the advice and consent of the Senate of the Territory, and not in the Bureau of Land Management of the Department of the Interior; and

WHEREAS, in the report of the Department of the Interior upon the bill to return the Fort Armstrong property to the Territory, H. R. 6024 of the 84th Congress, which became Public Law 894 (70 Stat. 901, c. 850), the department stated:

> "We consider that in the light of the Resolution of Annexation and section 91 of the Organic Act, cited above, the use of valuable city property by the military is justified only when the interests of national security clearly make such control essential. The land which would be restored to the Territory by enactment of H. R. 6024 belonged to the former Republic of Hawaii. The Territory's continuing need for such land must always be assumed."

WHEREAS, in H. Rept. No. 2203, accompanying the aforesaid H. R. 6024, the Committee on Interior and Insular Affairs of the House of Representatives agreed with the position taken by the Department of the Interior in its report to the Committee, and stated the issue of federal retention versus restoration to the Territory as follows:

> "The committee agrees with the Territorial government of Hawaii and the Department of Interior in their position that the limited use to which the land in question is currently being put by certain Federal agencies does not justify its retention by the United States and that the land should consequently be restored to the possession, use, and control of the Territory.
>
> * * *
>
> "The committee has concluded, with the Department of the Interior, that in the light of the Resolution of Annexation and section 91 of the Hawaii Organic Act, the use of valuable city property by the military is justified only when the interests of national security clearly makes such control essential, either presently, or in the immediately foreseeable future."

WHEREAS, it was set forth in H. Rept. No. 215 accompanying H. R. 5538 of the 85th Congress, that the following lands in the second category are in urbanized areas and fall within the policy statement of the Department of Defense, that is: Sand Island, Bellows Field, and the Diamond Head Crater and surrounding area of Fort Ruger; and

WHEREAS, at Sand Island there presently are some 313 acres, having the status of ceded land, under the control of the Army, in addition to Coast Guard and Navy areas at the same location, and the Army for all practical purposes has abandoned its facilities there but still retains control of

this valuable urban area; and

WHEREAS, the military installations in the Pearl Harbor area are so extensive as to require the expansion of the Honolulu residential area in the Diamond Head-Waimanalo end of the island of Oahu making imperative the release of federal defense reservations in that area which could be accommodated elsewhere; and

WHEREAS, Bellows Field, situated in the fast growing Waimanalo community and having an ocean frontage of 2.8 miles with a fine sandy beach extending its full length, while originally an air field no longer has significance as such, and has become a recreational and training area and the site of global communication facilities, with the result that there is excess land not being put to "highest and best use" and the beach, which should be public, is in the federal reservation; and

WHEREAS, by Executive Order No. 10648 there were returned to the Territory portions of the Fort Ruger reservation, but as to the Diamond Head Crater and surrounding area it was specified that this shall be used for National Guard, Air National Guard, or Civil Defense purposes only, unless otherwise permitted by the Department of the Army, and this area is so situated in relation to Waikiki, and so vital in meeting the expanding residential needs of the population, which has been prevented from expanding in the Pearl Harbor direction, that the Territory would like to obtain the release of as much of this land as possible, making suitable arrangements in cooperation with the Defense Department for accommodation of any activity which might thereby be displaced; now therefore,

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

SECTION 1. The President of the United States, the Congress of the United States, the Department of Defense, and in particular the Departments of the Army and Air Force, are hereby respectfully requested to give favorable consideration to and to put into execution, the following program for putting to its highest and best use property in urban areas now held in federal reservations, in order to meet the demands of the civilian economy of the Territory and at the same time implement the Department of Defense policy of replacing valuable properties with other properties serving defense needs at lower cost, that is:

(a) That federal authorities, working with persons having knowledge of the local land situation designated by the Governor, develop a plan for the sale or leasing of the Fort De Russy property and sell or lease the same in such

manner as to realize for the federal government the extremely high value of this property, to further the economy of the Territory, to provide for additional tourist facilities to take care of the tremendous influx of tourists, and enhance and improve the Waikiki area as a resort and convention area, it now being divided into two segments by reason of the interposition of the undeveloped Fort De Russy lands.

(b) That the portion of Sand Island now under Army control be returned to the Territory.

(c) That the excess lands and the beach at Bellows Field be returned to the Territory.

(d) That the requirement that the Diamond Head Crater and surrounding area of Fort Ruger be used only for National Guard, Air National Guard and Civil Defense purposes be removed.

SECTION 2. Certified copies of this Joint Resolution shall be sent to the President of the United States, to the President of the Senate and Speaker of the House of Representatives of the Congress of the United States, to each Committee on Interior and Insular Affairs of the Senate and House of Representatives of the Congress, to the Secretary of Defense, the Secretary of the Army and the Secretary of the Air Force, to the Secretary of the Department of the Interior and to the Delegate to Congress from Hawaii.

SECTION 3. This Joint Resolution shall take effect upon its approval.

INTRODUCED BY:

Date: _____

Honolulu, Hawaii

Standing Committee Report No. 624

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 1 , 19 57 , by

Senator JOHN B. FERNANDES, CHAIRMAN FOR THE SELECT COMMITTEE OF KAUAI SENATORS.

RE: H. B. NO. 1025, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

Deferred to May 2
ADOPTED - MAY 2, 1957.

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 624

Honolulu, Hawaii
May 1, 1957

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Re: H. B. No. 1025, H. D. 1

Sir:

Your Select Committee of Kauai Senators, to which was referred House Bill No. 1025, H. D. 1, entitled

"AN ACT TO SET THE NUMBER OF REGULAR FIRE STATIONS IN THE COUNTY OF KAUAI AND RELATING TO THE EMPLOYEES THEREOF; TO PROVIDE FOR VOLUNTARY FIRE STATIONS; AMENDING CHAPTER 147 OF THE REVISED LAWS OF HAWAII 1955,"

begs leave to report as follows:

The purpose of this bill is to reduce the number of regular fire stations in the county of Kauai from seven to three and to provide for such other volunteer fire stations as are deemed necessary. In effecting the said reduction, no employee of the Kauai fire department is to be dismissed.

Your Committee feels that although the reduction to three regular fire stations and the retention of all employees are desirable, the reduction should be done gradually so that the number of employees, at any time, will not be superfluous. The speed of the reduction should be left to the discretion of the board of supervisors. However, in order to cut down on the number of employees, no vacancy should be filled during the interim period when the number of regular fire stations is being reduced to three, unless absolutely necessary. Furthermore, during the interim period, the chief engineer should have the discretion to shift personnel among the various regular fire stations, subject to the approval of the board of supervisors, but the personnel so shifted should not suffer any decrease in pay grade.

Your Committee also feels that all volunteer fire fighters should be compensated for services rendered and that the rate of compensation should be set by the board of supervisors.

Your Committee is in accord with the intent and purpose of the bill and recommends that House Bill No. 1025, H. D. 1, pass third reading in the amended form attached hereto.

Respectfully submitted,

NOBORU MIYAKE, Member

JOHN B. FERNANDES, Chairman

H. B. NO. 1025
H. D. 1
S. D. 1

AN ACT

RELATING TO THE COUNTY OF KAUAI REGARDING REGULAR AND VOLUNTARY FIRE STATIONS, THE EMPLOYEES THEREOF AND AMENDING CHAPTER 147 OF THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. Chapter 147 of the Revised Laws of Hawaii is hereby amended by adding thereto two new sections to read as follows:

"Sec. 147-36.5. Regular fire stations. There shall be three regular fire stations in the county of Kauai to be located as determined by the chief engineer, subject to the approval of the board of supervisors, and to which shall be assigned such assistant engineers and other personnel as are necessary, subject to the provisions of section 147-36.

Sec. 147-36.6. Volunteer fire stations. The chief engineer may establish and organize such volunteer fire fighting stations in the county as are deemed necessary, subject to the approval of the board of supervisors. Equipment for the volunteer fire fighting stations shall be furnished by the county. Such volunteers to serve as firemen as is deemed necessary may be selected by the chief engineer to operate the fire fighting equipment of such volunteer fire fighting stations. All volunteers shall be compensated for services rendered as firemen at a rate to be set by the board of supervisors."

SECTION 2. The reduction in the number of regular fire stations from the present seven to the three mandated by this Act shall be gradual, the speed of the reduction being left to the discretion of the board of supervisors. No employee of the Kauai fire department shall be dismissed because of the reduction provided for in this Act; nor shall any new employee be employed to fill any vacancy in the Kauai fire department during the interim period when the number of regular fire stations is being reduced to three, unless absolutely necessary. During this interim period, the chief engineer shall have the discretion to shift personnel among the various regular fire stations, subject to the approval of the board of supervisors, but the personnel so shifted shall not suffer any decrease in pay grade.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

MANUEL S. HENRIQUES

No cover received yet

O/S Lomonon

STAND. COM. REP. NO. 625

Honolulu, Hawaii

April ____, 1957
May 2

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

failed of adoption indefinitely postponed

Re: House Bill No. 401
H. D. 1

Sir:

Your Committee on Judiciary to which was referred House Bill No. 401, H. D. 1, entitled:

"AN ACT RELATING TO THE HAWAII AERONAUTICS COMMISSION AND AMENDING SECTIONS 15-3 AND 15-4 OF THE REVISED LAWS OF HAWAII 1955",

begs leave to report as follows:

This Bill proposes to reduce the membership of the Hawaii Aeronautics Commission from 9 to 7, 4 of whom (rather than 6) shall be residents of the city and county of Honolulu. It also proposes to terminate the terms of all present members and to require the governor to appoint the 7 new members whose terms of office shall expire as specified therein. It further provides that no more than a majority of the members shall belong to the same political party. Lastly, it provides that 4 members shall constitute a quorum and no action shall be taken by less than a majority of the members of the Commission.

Your Committee, being in accord with these changes, recommends that House Bill No. 401, H. D. 1, do pass third reading in the amended form attached hereto.

Respectfully submitted,

Nelson K. Doi, Chairman

H. B. NO. 401
H. D. 1
S. D. 1

AN ACT

RELATING TO THE HAWAII AERONAUTICS COMMISSION AND AMENDING SECTIONS 15-3 AND 15-4 OF THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. The first sentence of Section 15-3 of the Revised Laws of Hawaii 1955, is hereby amended to read as follows:

"There shall be a 'Hawaii Aeronautics Commission' to consist of seven members of whom four shall be residents of the city and county of Honolulu, one shall be a resident of the county of Hawaii, one shall be a resident of the county of Maui, and one shall be a resident of the county of Kauai, all of whom shall be appointed by the governor, by and with the consent of the Senate, as provided in Section 80 of the Organic Act, and who shall continue in office as designated by the governor at the time of appointment, for terms expiring as follows:

Two on the last day of the calendar year 1958, two on the last day of the calendar year 1959, two on the last day of the calendar year 1960, and one on the last day of the calendar year 1961, respectively; provided, however, that no more than a majority of such members shall belong to the same political party."

SECTION 2. The fifth sentence of Section 15-4 of the Revised Laws of Hawaii 1955, is hereby amended to read as follows:

"Four members shall constitute a quorum and no action shall be taken by less than a majority of the members of the Commission."

SECTION 3. The terms of all members presently serving shall terminate upon the effective date of this Act, but they shall serve until their successors have been appointed and qualified.

SECTION 4. The governor shall appoint seven persons to be members of the Hawaii Aeronautics Commission immediately upon the effective date of this Act who shall serve for terms as provided in Section 15-3 of the Revised Laws of Hawaii 1955.

SECTION 5. This Act shall take effect upon its approval.

INTRODUCED BY:

Standing Committee Report No. 626

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 2 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 802, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 3 - 4 - 6 - 7
ADOPTED - MAY 2, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

adopted

defer ~~Monday~~ 2nd

STAND. COM. REP. NO. 626

Honolulu, Hawaii

May ____, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 802
H. D. 1

Sir:

Your Committee on Judiciary to which was referred House Bill No. 802, H. D. 1, entitled:

"AN ACT RELATING TO DISTRIBUTIONS OF ASSETS OF CORPORATIONS ORGANIZED TO PROVIDE HOUSING FOR RENT PURSUANT TO REGULATIONS OF THE FEDERAL HOUSING COMMISSIONER UNDER THE PROVISONS OF TITLE VIII OF THE NATIONAL HOUSING ACT AS AMENDED, AND AMENDING SECTION 172-110 OF THE REVISED LAWS OF HAWAII 1955",

begs leave to report as follows:

The purpose of the Bill is to permit domestic corporations organized to provide housing for rent to members of the armed forces under the terms of the Federal Wherry Act (Title VIII, National Housing Act, prior to the Capehart Amendment) to make dividend payments as permitted by the Federal Housing Commissioner even though such payments may exceed profits or earned surplus.

The corporations affected have as their principal assets leases and leasehold improvements, amortization and depreciation of which is so high that such corporations, particularly in the early years of their operations, show little or no profit, and hence accumulate little or no earned surplus. However, since amortization and depreciation require no cash outlay, these corporations accumulate substantial sums of cash not required in their business. Present territorial law permits dividend payments only out of profits or earned surplus. The regulations of the Federal Housing Commissioner adopted pursuant to Title VIII of the National Housing Act (the Wherry Act) permit payment of dividends by such corporations out of cash, if any, remaining after payment of all current FHA-insured mortgage indebtedness, payment of all other expenses incurred but unpaid or provision therefor, provision for tenant security and breakage deposits and payments into a reserve for replacement of fixtures and equipment.

The Bill brings territorial law as applied to these corporations into line with the regulations of the Federal Housing Commissioner, helps prevent the indefinite accumulation of unneeded cash in such corporations, and permits stockholders of such corporations to receive the return on their investments which the Federal Housing Administration has determined pursuant to the Wherry Act to be reasonable.

Your Committee is in accord with the purpose of this Bill and recommends that it pass third reading.

Respectfully submitted,

Nelson K. Doi, Chairman

Standing Committee Report No. 627

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 2 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 1167, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

Deferred to May 3
ADOPTED - MAY 3, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 627

Honolulu, Hawaii

April _____, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 1167
H. D. 1

Sir:

Your Committee on Judiciary to which was referred House Bill No. 1167, H. D. 1, entitled:

"AN ACT TO AMEND SECTION 142-1 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO DEFINITION OF PUBLIC HIGHWAYS, BY AMENDING THE SIXTH SENTENCE THEREOF, RELATING TO ACCEPTANCE OF PUBLIC HIGHWAYS BY THE BOARD OF SUPERVISORS OF THE VARIOUS COUNTIES",

begs leave to report as follows:

The purpose of this Bill is to clarify the requirement that roads and highways must be constructed according to standards set by law before the counties are compelled to accept them as public roads and highways.

It is your Committee's opinion that ~~the proposed~~ amendment set forth in the Bill be further amended to read as follows:

"In every case where such road, alley, street, way, lane, trail, bridge or highway has been constructed and completed as required by any ordinance of the county or any rule, regulation or resolution thereof having the effect of law, the Board of Supervisors of the county shall accept the dedication or surrender of the same without exercise of discretion."

So amended, your Committee recommends that House Bill No. 1167, H. D. 1, do pass third reading. The amended draft of said Bill is attached hereto.

Respectfully submitted,

Nelson K. Doi, Chairman

H. B. NO. 1167
H. D. 1
S. D. 1

AN ACT

TO AMEND SECTION 142-1 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO DEFINITION OF PUBLIC HIGHWAYS, BY AMENDING THE SIXTH SENTENCE THEREOF, RELATING TO ACCEPTANCE OF PUBLIC HIGHWAYS BY THE BOARD OF SUPERVISORS OF THE VARIOUS COUNTIES.

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

SECTION 1. The sixth sentence of Section 142-1 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"In every case where such road, alley, street, way, lane, trail, bridge or highway has been constructed and completed as required by any ordinance of the county or any rule, regulation or resolution thereof having the effect of law, the Board of Supervisors of the county shall accept the dedication or surrender of the same without exercise of discretion."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

Standing Committee Report No. 628

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 2, 19 57, by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 1181

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 3
ADOPTED-MAY 3, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 628

Honolulu, Hawaii

May _____, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 1181

Sir:

Your Committee on Judiciary to which was referred House Bill No. 1181, entitled:

"AN ACT TO AMEND SECTION 144-75 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO THE ASSIGNMENT OF POLICE OFFICERS TO THE COUNTY ATTORNEYS",

begs leave to report as follows:

The law now provides that, in the counties of Hawaii, Maui and Kauai, police officers assigned to the county attorney shall continue to serve on such assignments as long as the necessity therefor shall in the judgment of both the county attorney and chief of police exist. The Bill under consideration proposes to leave the matter of terminating such assignments to the judgment of the county attorney alone.

Your Committee is in accord with the purpose above stated, and recommends that the Bill do pass third reading.

Respectfully submitted,

Nelson K. Doi, Chairman

Standing Committee Report No. 629

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 2 , 1957 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. J. RES. NO. 69, HD1

RECOMMENDING THAT SAID JOINT RESOLUTION PASS THIRD READING IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

Deferred to May 3 - 4 - 6 - 7
ADOPTED - MAY 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 629

Honolulu, Hawaii

April _____ , 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Joint Resolution No. 69
H. D. 1

Sir:

Your Committee on Judiciary to which was referred House Joint Resolution No. 69, H. D. 1, entitled:

"JOINT RESOLUTION DIRECTING THE HAWAII AERONAUTICS COMMISSION TO WITHHOLD THE ACTUAL CONSTRUCTION OF ITS PROPOSED EXPANSION PROJECT OF THE HONOLULU INTERNATIONAL AIRPORT",

begs leave to report as follows:

This Joint Resolution has been amended to "request" rather than "direct" the Hawaii Aeronautics Commission to withhold actual construction of its proposed expansion project of the Honolulu International Airport.

The purpose of this Joint Resolution is to request the Hawaii Aeronautics Commission not to begin the actual construction of its expansion program into the Damon Tract area now occupied by families until February 1, 1958. Your Committee was informed that this would allow the residents of Damon Tract who will be affected time to arrange for their relocation into dwelling units being constructed by private developers under provisions of the Housing Act of 1956.

The Hawaii Aeronautics Commission feels that postponing the date of actual construction to February 1, 1958 would not unduly affect its schedule.

Your Committee is in accord with the purpose of this Joint Resolution and recommends that it pass third reading in the amended form attached hereto.

Respectfully submitted,

Nelson K. Doi, Chairman

H. J. R. NO. 69
H. D. 1
S. D. 1

JOINT RESOLUTION

REQUESTING THE HAWAII AERONAUTICS COMMISSION TO WITHHOLD THE ACTUAL CONSTRUCTION OF ITS PROPOSED EXPANSION PROJECT OF THE HONOLULU INTERNATIONAL AIRPORT.

WHEREAS, the Hawaii Aeronautics Commission is about to embark upon its project for the expansion of the Honolulu International Airport; and

WHEREAS, the immediate commencement of that project would result in the acceleration of displacement of residents in portions of the Damon Tract area; and

WHEREAS, a delay in the construction of the project of airport expansion would allow Damon Tract residents to be relocated without difficulty; and

WHEREAS, a considerable amount of construction is scheduled to go into operation pursuant to Section 108 of the "Housing Act of 1956", for the purpose of providing homes for families displaced by any governmental activity and would enable residents of the Damon Tract area to be relocated without undue hardship; and

WHEREAS, homes constructed under said program would be within the means of a large number of Damon Tract residents; and

WHEREAS, numerous families have initiated action to take advantage of the opportunity presented by the construction program under the "Housing Act of 1956", now therefore,

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

SECTION 1. The Hawaii Aeronautics Commission is requested not to begin actual construction of its Honolulu Airport expansion project into the Damon Tract area now occupied by residents thereof until February 1, 1958 and the Commission shall allow Damon Tract residents to remain on their premises until January 31, 1958.

SECTION 2. This Joint Resolution shall take effect upon its approval.

INTRODUCED BY:

Standing Committee Report No. 630

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 2 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 423, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

Deferred to May 3
ADOPTED - MAY 3, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 630

Honolulu, Hawaii

May ____, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 423
H. D. 1

Sir:

Your Committee on Judiciary to which was referred House Bill No. 423, H. D. 1, entitled:

"AN ACT RELATING TO CONTRACTORS; CREATING A CONTRACTORS LICENSE BOARD; PRESCRIBING ITS POWERS, DUTIES AND FUNCTIONS; AND PRESCRIBING PENALTIES",

begs leave to report as follows:

This Bill has been amended with respect to the fees to be charged for licenses and the renewal thereof, the giving of notice by registered mail, and the holding of a hearing on the island where the aggrieved party resides.

The purpose of this Bill as amended in the form attached hereto is to enact a new chapter to the Revised Laws of Hawaii 1955 so as to:

(1) Create a Contractors License Board;

(2) Prescribe its powers and duties, including licensing of contractors and promulgating rules and regulations, and otherwise administer the chapter for the purpose of protecting the general public;

(3) Authorize the appointment of, and delegation of certain functions to, subordinates to carry out or assist in the administration of the Board's functions; and

(4) Provide penalties for violation or non-compliance with the provisions of the chapter.

The general intent of this Bill is to protect the general public against dishonest, fraudulent, unskillful or unqualified contractors. To that end this Bill requires application for licensing and the licensing of contractors who meet qualifications required by this Bill, and authorizes the Board among other things to revoke the license of a contractor for the violation of the provisions of this Bill.

Your Committee is in accord with the purpose of this Bill as amended in the form attached hereto and recommends that it pass third reading as so amended.

Respectfully submitted,

Nelson K. Doi, Chairman

H. B. NO. 423
H. D. 1
S. D. 1

AN ACT

RELATING TO CONTRACTORS; CREATING A CONTRACTORS LICENSE BOARD; PRESCRIBING ITS POWERS, DUTIES AND FUNCTIONS; AND PRESCRIBING PENALTIES.

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

SECTION 1. There is hereby added to the Revised Laws of Hawaii 1955 a new chapter to be appropriately numbered by the Secretary of the Territory reading as follows:

CHAPTER _____. CONTRACTORS

Sec. 1. Definitions. As used in this chapter,

(a) "Board" means the contractors license board.

(b) "Contractor" means any person who by himself or through others offers to undertake, or holds himself out as being able to undertake or does undertake to construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building, highway, road, railroad, excavation or other structure, project, development or improvement, or to do any part thereof, including the erection of scaffolding or other structures or works in connection therewith, for another person, for a fee.

(c) "Contractor" includes a subcontractor and a specialty contractor.

(d) "Person" means an individual, partnership, joint venture, corporation or any combination thereof. "Corporation" includes an association, business trust or any organized group of persons.

Sec. 2. Exemptions. The provisions of this chapter shall not apply;

(a) To an officer or employee of the United States, the Territory or any political subdivision if the project or operation is performed by employees thereof;

(b) To any person acting as a receiver, trustee in bankruptcy, administrator or executor, or any other person acting under any order or authorization of any court;

(c) To a person who sells or installs any finished products, materials or articles of merchandise which are not actually fabricated into and do not become a permanent fixed part of the structure, or to the construction, alteration, improvement or repair of personal property;

(d) To any project or operation for which the aggregate contract price for labor, materials and all other items is less than $100. This exemption shall not apply in any case wherein such undertaking is only a part of a larger or major project or operation, whether undertaken by the same or a different contractor, or in which a division of the project or operation is made in contracts of amounts less than $100 for the purpose of evading the provisions of this chapter or otherwise;

(e) To a registered architect or professional engineer acting solely in his professional capacity;

(f) To any person who engages in the activities herein regulated as an employee with wages as his sole compensation;

(g) To any person who undertakes by himself or through his employees any operation for himself;

(h) To any copartnership or joint venture if all members thereof hold licenses issued under this chapter or if the person or persons who have the direct management of the contracting business thereof hold a license.

Sec. 3. Contractors License Board.

(a) There shall be a Contractors License Board of seven members appointed by the governor in the manner

prescribed in section 80 of the Organic Act, and who shall continue in office, as designated by the governor at the time of appointment, for terms expiring as follows: three on the last day of the calendar years of 1959, 1960, and 1961, respectively; two on the last day of the calendar year of 1962, and two on the last day of the calendar year of 1963.

(b) Successors of the members initially appointed shall be appointed each for a term of five years commencing with the expiration of the preceding term, in the same manner as the members originally appointed under this chapter, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed only for the remainder of such term. Each member shall serve until the appointment and qualification of his successor.

(c) (1) Five members of the board shall be contractors who have been actively engaged in the contracting business for a period of not less than five years preceding the date of their appointment.

(2) Four members shall be residents of the City and County of Honolulu and the other three shall be residents of the counties of Hawaii, Maui and Kauai, respectively.

(3) One member of the board shall be a general engineering contractor, two members shall be general building contractors, two members shall be specialty contractors and two members shall be non-contractors. No member shall receive any compensation for his services, but each shall be reimbursed for his necessary traveling expenses incurred in the performance of his duties.

(d) Except for members of the board first appointed, no one, except the two non-contractor members, shall be eligible for appointment who does not at the time of his appointment hold a valid and

unexpired license to operate as a contractor. Each of the contractor members of the board first appointed shall, within 30 days of his appointment, qualify for and obtain a license to operate as a contractor.

(e) Organization, records, reports. Immediately upon the appointment and qualification of the original members, and annually thereafter, the board shall organize by the election of one member as chairman and one member as vice-chairman. The board shall keep a complete record of all its proceedings and shall present annually to the governor a detailed statement of the receipts and disbursements of the board during the preceding year, with a statement of its acts and proceedings and such recommendations as the board may deem proper.

Sec. 4. Powers and duties of board. In addition to any other duties and powers granted by this chapter the board shall:

(a) Grant licenses to contractors pursuant to this chapter;

(b) Make, amend or repeal such rules and regulations as it may deem proper fully to effectuate the provisions of this chapter and carry out the purpose thereof, which purpose is the protection of the general public. All such rules and regulations shall be approved by the governor and shall be published once in the English language in a newspaper of general circulation in the Territory, and when promulgated and filed pursuant to the provisions of sections 7-28 to 7-41, shall have the force and effect of law. The rules and regulations may forbid acts or practices deemed by the board to be detrimental to the accomplishment of the purpose of this chapter. Such rules and regulations may require contractors to make reports to the board containing such items of information as will better enable the board to enforce this chapter and rules and regulations, or as will better enable the board from time to time to amend the rules and regulations more fully to effectuate the purpose of this chapter. The rules and regulations may require contractors to furnish reports

to owners containing such matters of information as the board deems necessary to promote the purpose of this chapter. The enumeration of specific matters which may properly be made the subject of rules and regulations shall not be construed to limit the board's broad general power to make all rules and regulations necessary fully to effectuate the purpose of this chapter;

(c) Enforce the provisions of this chapter and rules and regulations adopted pursuant thereto;

(d) Subject to the provisions of chapters 3 and 4, appoint and remove such administrative and clerical assistants as it may require and prescribe their powers and duties;

(e) (1) Appoint an executive secretary of the board and fix his compensation without regard to the provisions of chapters 3 and 4 or any other law relating to Territorial civil service, to serve at the pleasure of the board. The executive secretary shall be appointed with due regard to his fitness, through administrative ability and knowledge of and experience in the business of contracting. He shall devote his entire time to the duties of his office and shall not be actively engaged or employed in any other business, vocation or employment, nor shall he have any pecuniary interest, direct or indirect, in any contracting enterprise or enterprises conducted or carried on within the Territory.

(2) The executive secretary shall, under the supervision of the board, administer the provisions of this chapter and the rules and regulations and orders established thereunder and perform such other duties as the board may require; he shall attend but not vote at all meetings of the board; he shall be in charge of the offices of the board and responsible to the board for the preparation of reports and the collection and dissemination of data and other public information relating to contracting.

(3) The board may, by written order filed in its office, delegate to the executive secretary such of its powers or duties as it deems reasonable and proper for the effective administration of this chapter, except the power to make rules or regulations. Such delegated powers and duties may be exercised by the executive secretary in the name of the board.

(f) Suspend or revoke any license for any cause prescribed by this chapter, or for any violation of the rules and regulations, and refuse to grant any license for any cause which would be ground for revocation or suspension of a license;

(g) Publish and distribute pamphlets and circulars containing such information as it deems proper to further the accomplishment of the purpose of this chapter.

Sec. 5. Place of meeting. The superintendent of public works shall provide suitable quarters for meetings of the board and for the transaction of its other business.

Sec. 6. Classification. (a) For the purpose of classification, the contracting business includes any or all of the following branches:

(1) General engineering contracting.

(2) General building contracting.

(3) Specialty contracting.

(b) A general engineering contractor is a contractor whose principal contracting business is in connection with fixed works requiring specialized engineering knowledge and skill, including the following divisions or subjects: irrigation, drainage, water power, water supply, flood control, inland waterways, harbors, docks and wharves, shipyards and ports, dams and hydroelectric projects, levees, river control and reclamation works, railroads, highways, streets and roads, tunnels, airports and

airways, sewers and sewage disposal plants and systems, waste reduction plants, bridges, overpasses, underpasses and other similar works, pipelines and other systems for the transmission of petroleum and other liquid or gaseous substances, parks, playgrounds and other recreational works, refineries, chemical plants and similar industrial plants requiring specialized engineering knowledge and skill, powerhouses, power plants and other utility plants and installations, mines and metallurgical plants, land leveling and earthmoving projects, excavating, grading, trenching, paving and surfacing work and cement and concrete works in connection with the above mentioned fixed works.

(c) A general building contractor is a contractor whose principal contracting business is in connection with any structure built, being built, or to be built, for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, requiring in its construction the use of more than two unrelated building trades or crafts, or to do or superintend the whole or any part thereof.

(d) A specialty contractor is a contractor whose operations as such are the performance of construction work requiring special skill and whose principal contracting business involves the use of specialized building trades or crafts.

Sec. 7. Powers to classify and limit operations.

(a) The board may adopt rules and regulations necessary to effect the classification of contractors in a manner consistent with established usage and procedure as found in the construction business, and may limit the field and scope of the operations of a licensed contractor to those in which he is classified and qualified to engage, as defined in the preceding section.

(b) A licensee may make application for classification and be classified in more than one classification if the licensee meets the qualifications prescribed by the board for such additional classification or classifications. No additional

application or license fee shall be charged for qualifying or classifying a licensee in additional classifications.

(c) This section shall not prohibit a specialty contractor from taking and executing a contract involving the use of two or more crafts or trades, if the performance of the work in the crafts or trades, other than in which he is licensed, is incidental and supplemental to the performance of work in the craft for which the specialty contractor is licensed.

Sec. 8. Licenses required. No person within the purview of this chapter shall act, or assume to act, or advertise, as a general engineering contractor, general building contractor or specialty contractor without a license previously obtained under and in compliance with the provisions of this chapter and the rules and regulations of the board.

Sec. 9. Investigations permitted. The board may investigate, classify and qualify applicants for contractors' licenses.

Sec. 10. No license issued when. No license hereunder shall be issued:

(a) To any person unless he has filed an application therefor;

(b) To any person who does not possess a good reputation for honesty, truthfulness, financial integrity and fair dealing;

(c) To any copartnership or joint venture unless every member of such copartnership or joint venture who actively participates in the contracting business thereof holds an appropriate license;

(d) To any corporation unless the contracting business thereof is under the direct management of an officer or employee thereof and unless such officer or employee holds an appropriate license;

(e) To any individual unless he is of the age of twenty years or more;

(f) To any person unless he submits satisfactory proof to the board that he has obtained workmen's compensation insurance or has been authorized to act as a self-insurer as required by chapter 97.

Sec. 11. Applications; fees.

(a) Every applicant for a license under this chapter shall file an application with the board in such form and setting forth such information as may be prescribed or required by the board, and shall furnish such additional information bearing upon the issuance of such license as it shall require. Every application shall be sworn to before an officer authorized to administer oaths. In the case of a copartnership, joint venture or corporation any member or officer thereof may sign the application and verify the same on behalf of the applicant.

(b) Every application, in the case of an individual, shall be accompanied by sworn certificates of not less than two persons who have known the applicant for a period of not less than six months, certifying that the applicant bears a good reputation for honesty, truthfulness and fair dealing.

(c) Every application for a license hereunder shall be accompanied by an application fee of $5.

Sec. 12. Form for licenses. The form of every license shall be prescribed by the board, and shall be issued in the name of the board.

Sec. 13. Place of business and posting of license. A licensed contractor shall have and maintain a definite place of business in the Territory and shall display therein his contractor's license.

Sec. 14. Fees; annual renewals. (a) The fee for each original license and renewal thereof prescribed by this chapter shall be as follows:

(1) License to act as a specialty contractor, $25
(2) License to act as a general engineering contractor, $100
(3) License to act as a general contractor, $100

(4) Reissuance of a license when there has been a change in the licensee's name or business address, $1;

(5) Reissuance of a lost license, $1.

(6) Issuance of a certified copy of license, $1.

(b) The annual renewal fee shall be paid to the board on or before June 30 of each year. Failure, neglect or refusal of any licensee to pay such annual renewal fee before such date shall constitute a forfeiture of his license. Any such license may be restored upon written application therefor within one year from such date and the payment of the required fee plus an amount equal to 10% thereof.

(c) The fee for an original or renewal license may be increased to not more than $200 in any year if the board determines that its expenses of administration warrant such increase.

Sec. 15. Action on applications. Within 45 days after the filing of an application for a license and the payment of the required fees, the board shall conduct an investigation of the applicant. Within such time the board shall either issue a license to the applicant or else notify him in writing by registered mail to show cause within the next 15 days why his application should not be denied. The proceeding upon an order to show cause shall be conducted in accordance with the provisions of section 17 of this chapter.

Sec. 16. Revocation, suspension and renewal of licenses. The board may revoke any license issued hereunder, or suspend the right of the licensee to use such licenses, or refuse to renew any such license for any of the following causes:

(a) Conviction of any felony or misdemeanor involving moral turpitude;

(b) Any dishonest or fraudulent or deceitful act as a contractor which causes substantial damage to another;

(c) Pursuing a continued and flagrant course of misrepresentation or of making false promises through advertising or otherwise;

(d) Abandonment of any construction project or operation without reasonable or legal excuse;

(e) Wilful diversion of funds or property received for prosecution or completion of a specific construction project or operation, or for a specified purpose in the prosecution or completion of any construction project or operation, and the use thereof for any other purpose;

(f) Wilful departure from, or wilful disregard of plans or specifications in any material respect without consent of the owner or his duly authorized representative, which is prejudicial to a person entitled to have the construction project or operation completed in accordance with such plans and specifications;

(g) Wilful violation of any law of the Territory, or of any political subdivision thereof, relating to building, including any violation of any applicable rule or regulation of the Board of Health, or of any applicable safety law or labor law;

(h) Failure to make and keep records showing all contracts, documents, records, receipts and disbursements by a licensee of all his transactions as a contractor for a period of not less than three years after completion of any construction project or operation to which the records refer or to permit inspection of such records by the board;

(i) When the licensee being a copartnership or a joint venture permits any member of such copartnership or joint venture who does not hold a license to actively participate in the contracting business thereof;

(j) When the licensee being a corporation permits any officer or employee of such corporation who does not hold a license to have the direct management of the contracting business thereof;

(k) Misrepresentation of a material fact by an applicant in obtaining a license;

(l) Failure of a licensee to complete in a material respect any construction project or operation for the agreed price if such failure is without legal excuse;

(m) Wilful failure in any material respect to comply with the provisions of this chapter or the rules and regulations promulgated pursuant thereto;

(n) Wilful failure or refusal to prosecute a project or operation to completion with reasonable diligence;

(o) Wilful failure to pay when due a debt incurred for services or materials rendered or purchased in connection with his operations as a contractor when he has the ability to pay or when he has received sufficient funds therefor as payment for the particular operation for which the services or materials were rendered or purchased;

(p) The false denial of any debt due or the validity of the claim therefor with intent to secure for licensee, his employer, or other person, any discount of such debt or with intent to hinder, delay, or defraud the person to whom such debt is due;

(q) Failure to secure or maintain workmen's compensation insurance when not authorized to act as a self-insurer under chapter 97.

No license shall be suspended for longer than two years and no person whose license has been revoked shall be eligible to apply for a new license until the expiration of two years.

Sec. 17. Hearings. In every case where it is proposed to refuse to grant a license or to revoke or suspend a license or to refuse to renew a license, the board shall give written notice to the person concerned specifying the cause or causes for which it is proposed to take such action, and fixing the date of hearing. The notice shall be given in writing by registered mail at least 15 days before the hearing. At the hearing, before final action is taken by the board, the person concerned shall be entitled to be heard in person or through counsel, and shall be accorded a full and fair hearing. Said hearing whenever possible shall be held on the island on which the aggrieved party resides.

In all proceedings before it, the board and each member thereof shall have the same powers respecting administering oaths, compelling the attendance of witnesses and the production of documentary evidence, and examining witnesses, as are possessed by circuit judges at chambers. In cases of disobedience by any person of any order of the board, or any member thereof, or of any subpoena issued by it, or him, or the refusal of any witness to testify to any matter regarding which he may be questioned lawfully, any circuit judge, on application by the board, or a member thereof, shall compel obedience as in the case of disobedience of the requirements of a subpoena issued by a circuit court, or a refusal to testify therein.

Sec. 18. Appeal to circuit judge. An applicant who has been refused a license and every licensee whose license shall have been suspended, revoked or not renewed may appeal the board's decision to a circuit judge at chambers of the circuit court of the circuit in which the applicant or licensee resides by filing a notice of appeal in such court within 20 days from the date of mailing by the board to the applicant or licensee of a copy of its decision. Such appeal shall not operate as a stay of the decision appealed from. The appeal shall be subject to such procedure and rules as may be prescribed by the court and the decision of the judge shall be final.

Sec. 19. Fees; appropriation.

(a) All fees received by the board under this chapter shall be deposited in a special fund in the Territorial treasury. All funds so deposited are hereby appropriated for the purpose of paying all

expenses incurred in the administration of this chapter, including investigations of alleged violations of the provisions of this chapter. Said funds may be expended upon warrants issued by the auditor of the Territory based upon vouchers approved by the chairman of the board.

(b) The board may refund any fee erroneously paid to it under this chapter when the board deems it just and equitable.

Sec. 20. Death or dissociation. No copartnership, joint venture or corporation shall be deemed to have violated any provision of this chapter by acting or assuming to act as a contractor after the death or dissociation of a licensee who had the direct management of the contracting business thereof prior to final disposition by the board of an application for a license made within 30 days from the date of such death or dissociation.

Sec. 21. Civil action. The failure of any person to comply with any provision of this chapter shall not prevent such person from recovering for work done, or materials or supplies furnished, or both, on a contract or on the basis of the reasonable value thereof, in a civil action, if such person shall obtain a license under this chapter prior to the time of trial of such action.

Sec. 22. Violation, penalty. Any person who violates, or omits to comply with, any of the provisions of this chapter shall be punished by a fine not to exceed $1000.

SECTION 2. Constitutionality. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any other provision or application of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

SECTION 3. This act shall take effect upon its approval, except that no person shall be required to make application for and obtain a license to act as a contractor prior to August 1, 1957.

O.K.

STANDING COMMITTEE REPORT NO. 631

Honolulu, Hawaii
May 2, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Sir:

Your Committee on Education recommends that the following be placed on file:

Senate Bills: 30, 31, 91, 104, 120, 296, 348, 378, 409, 410, 421, 426, 612, 783, 807, 820, 821, 822;

Senate Joint Resolution No. 43;

Senate Concurrent Resolutions: 11, 16;

Senate Resolution No. 31 (certified copy);

Senate Petitions: 15, 18, 19, 21, 22, 23, 25;

Governor's Message No. 24 (copy);

Miscellaneous Communications: 29, 61, 66 and 80.

Respectfully submitted,

MITSUYUKI KIDO, Chairman

O.K.

STAND. COM. REPORT NO. 632

Honolulu, Hawaii
May 2, 1957

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Honolulu, Hawaii

Sir:

Your Committee on Labor recommends that the following be placed on file:

S.B. Nos. 18, 33, 53, 90, 102, 488, 520, 521, 532, 547, 592, 593, 605, 650, 817, 818, 819, 834, 869, 880, 881, 884, 885, 886.

Misc. Communication No. 51.

Respectfully submitted,

Chairman

O. IC.

STANDING COMMITTEE REPORT NO. 633

Honolulu, Hawaii
May 2, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Sir:

Your Committee on Ways and Means recommends that the following be filed:

Senate Bill: 123-SD1, 396-SD1, 496-SD1, 554-SD1, 562-SD1, 589, 646-SD1, 677, 678, 679, 762-SD1, 808, 849-SD1, 888, 889.

Senate Joint Resolution: 10, 11, 27-SD1, 52, 56, 65, 76, 79, 80, 82, 85, 87.

Senate Concurrent Resolution: 6, 32, 33, 40, 44.

Senate Resolution: 27, 28.

Senate Petition: 4, 10, 26, 28, 32.

Respectfully submitted,

KAZUHISA ABE, Chairman

STAND. COM. REP. No. 634

Honolulu, T. H.

May 2, 1957

Honorable William H. Heen

President of the Senate

S i r :

Your Committee on Printing begs leave to report that the following matters have been printed and are ready for distribution:

S. B. No. 197 S. D. 1
S. B. No. 542 S. D. 1
S. B. No. 829 S. D. 1
Amendment to S. B. No. 330 S. D. 1
S. B. No. 585 S. D. 2
S. B. No. 373 S. D. 2
S. J. R. No. 26 S. D. 1
S. Res. No. 52
S. Con. Res. No. 55 to 59
H. B. No. 64 S. D. 1
H. B. No. 107 H. D. 1 S. D. 1
H. B. No. 139 H. D. 2 S. D. 1
H. B. No. 192 H. D. 2 S. D. 1
H. B. No. 265 S. D. 1
H. B. No. 344 H. D. 1 S. D. 1
H. B. No. 366 H. D. 2 S. D. 1
H. B. No. 389 H. D. 1 S. D. 1
H. B. No. 625 H. D. 2 S. D. 1
H. B. No. 816 S. D. 1
H. B. No. 946 S. D. 1
H. B. No. 999 H. D. 1 S. D. 1
H. B. No. 1025 H. D. 1 S. D. 1
H. J. R. No. 71 S.D. 1
H. J. R. No. 97 H. D. 1 S. D. 1
Stand. Comm. Rep. No. 578 to 624
Governor's Message No. 133

Respectfully submitted,

John B. Brunder
Chairman

CORRECTION

THE PRECEDING DOCUMENT(S) HAS
BEEN REPHOTOGRAPHED TO ASSURE
LEGIBILITY
SEE FRAME(S)
IMMEDIATELY FOLLOWING

expenses incurred in the administration of this chapter, including investigations of alleged violations of the provisions of this chapter. Said funds may be expended upon warrants issued by the auditor of the Territory based upon vouchers approved by the chairman of the board.

(b) The board may refund any fee erroneously paid to it under this chapter when the board deems it just and equitable.

Sec. 20. Death or dissociation. No copartnership, joint venture or corporation shall be deemed to have violated any provision of this chapter by acting or assuming to act as a contractor after the death or dissociation of a licensee who had the direct management of the contracting business thereof prior to final disposition by the board of an application for a license made within 30 days from the date of such death or dissociation.

Sec. 21. Civil action. The failure of any person to comply with any provision of this chapter shall not prevent such person from recovering for work done, or materials or supplies furnished, or both, on a contract or on the basis of the reasonable value thereof, in a civil action, if such person shall obtain a license under this chapter prior to the time of trial of such action.

Sec. 22. Violation, penalty. Any person who violates, or omits to comply with, any of the provisions of this chapter shall be punished by a fine not to exceed $1000.

SECTION 2. Constitutionality. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any other provision or application of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

SECTION 3. This act shall take effect upon its approval, except that no person shall be required to make application for and obtain a license to act as a contractor prior to August 1, 1957.

D.C.

STANDING COMMITTEE REPORT NO. 631

Honolulu, Hawaii
May 2, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Sir:

Your Committee on Education recommends that the following be placed on file:

Senate Bills: 30, 31, 91, 104, 120, 296, 348, 378, 409, 410, 421, 426, 612, 783, 807, 820, 821, 822;

Senate Joint Resolution No. 43;

Senate Concurrent Resolutions: 11, 16;

Senate Resolution No. 31 (certified copy);

Senate Petitions: 15, 18, 19, 21, 22, 23, 25;

Governor's Message No. 24 (copy);

Miscellaneous Communications: 29, 61, 66 and 80.

Respectfully submitted,

MITSUYUKI KIDO, Chairman

O.K.

STAND. COM. REPORT NO. 632

Honolulu, Hawaii
May 2, 1957

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Honolulu, Hawaii

Sir:

Your Committee on Labor recommends that the following be placed on file:

S.B. Nos. 18, 33, 53, 90, 102, 488, 520, 521, 532, 547, 592, 593, 605, 650, 817, 818, 819, 834, 869, 880, 881, 884, 885, 886.

Misc. Communication No. 51.

Respectfully submitted,

Chairman

O.K.

STANDING COMMITTEE REPORT NO. 633

Honolulu, Hawaii
May 2, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Sir:

Your Committee on Ways and Means recommends that the following be filed:

Senate Bill: 123-SD1, 396-SD1, 496-SD1, 554-SD1, 562-SD1, 589, 646-SD1, 677, 678, 679, 762-SD1, 808, 849-SD1, 888, 889.

Senate Joint Resolution: 10, 11, 27-SD1, 52, 56, 65, 76, 79, 80, 82, 85, 87.

Senate Concurrent Resolution: 6, 32, 33, 40, 44.

Senate Resolution: 27, 28.

Senate Petition: 4, 10, 26, 28, 32.

Respectfully submitted,

Kazuhisa Abe
KAZUHISA ABE, Chairman

Tom Skino

Mitsuyuki Kido

Orin E. Lang

John B. Fernandez

John G. Duarte

Wilfred Tsukiyama

STAND. COM. REP. No. 634

Honolulu, T. H.

May 2, 1957

Honorable William H. Heen

President of the Senate

S i r :

Your Committee on Printing begs leave to report that the following matters have been printed and are ready for distribution:

S. B. No. 197 S. D. 1
S. B. No. 542 S. D. 1
S. B. No. 829 S. D. 1
Amendment to S. B. No. 330 S. D. 1
S. B. No. 585 S. D. 2
S. B. No. 373 S. D. 2
S. J. R. No. 26 S. D. 1
S. Res. No. 52
S. Con. Res. No. 55 to 59
H. B. No. 64 S. D. 1
H. B. No. 107 H. D. 1 S. D. 1
H. B. No. 139 H. D. 2 S. D. 1
H. B. No. 192 H. D. 2 S. D. 1
H. B. No. 265 S. D. 1
H. B. No. 344 H. D. 1 S. D. 1
H. B. No. 366 H. D. 2 S. D. 1
H. B. No. 389 H. D. 1 S. D. 1
H. B. No. 625 H. D. 2 S. D. 1
H. B. No. 816 S. D. 1
H. B. No. 946 S. D. 1
H. B. No. 999 H. D. 1 S. D. 1
H. B. No. 1025 H. D. 1 S. D. 1
H. J. R. No. 71 S.D. 1
H. J. R. No. 97 H. D. 1 S. D. 1
Stand. Comm. Rep. No. 578 to 624
Governor's Message No. 133

Respectfully submitted,

John B. Fernandez
Chairman

Standing Committee Report No. 635

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 2 , 19 57 , by

Senator SAKAE TAKAHASHI, CHAIRMAN FOR THE SELECT COMMITTEE OF OAHU SENATORS.

RE: H. CON. RES. NO. 32, HD1

RECOMMENDING ADOPTION OF SAID CONCURRENT RESOLUTION.

MEMO:

Deferred to May 3
ADOPTED - MAY 3, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

Adopted

STAND. COM. REP. NO. 635

Honolulu, Hawaii

May 2, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: House Concurrent Resolution 32, H. D. 1

Sir:

Your Select Committee of Oahu Senators to which was referred House Concurrent Resolution 32, H. D. 1, begs leave to report as follows:

The purpose of this concurrent resolution is to request the Department of Public Works of the Territory to install appropriate railings on the steps of Iolani Palace and the Territorial building located in Honolulu, to enable the physically handicapped to enter these buildings without undue difficulty.

The Committee approves the purpose of this concurrent resolution and recommends accordingly that it be adopted.

Respectfully submitted,

Chairman

Adopted

STAND. COM. REP. NO. 636

Honolulu, Hawaii

May 7, 1957

Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

Sir:

Your Committee on Public Lands recommends that the following departmental communications and governor's message be filed:

Departmental Communications Nos. 57 and 59.

Governor's Message No. 122.

Respectfully submitted,

Chairman

STAND. COM. REP. NO. 637

Honolulu, Hawaii

May 2, 1957

Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

Sir:

Your Committee on Public Lands recommends that the following senate bills and joint resolutions be placed on file:

Senate Bills Nos. 7, 14, 199, 206, 207, 594, 692, 706, 899, 900 and 929.

Senate Joint Resolutions Nos. 1, 2, 7, 9, 13, 14, 15, 33, 36, 38, 50, 54, 67, 70, 71, 72, 74 and 75.

Respectfully submitted,

Chairman

STAND. COM. REP. NO. 638

Honolulu, Hawaii

May 3, 1957

Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

Sir:

Your Select Committee of Oahu Senators recommends that the following senate petitions, departmental communications, and miscellaneous communications be filed:

Senate Petitions Nos. 2, 3, 6, 12, 13, 29, 30 and 31.

Departmental Communications Nos. 36, 37, 43, 44, 49, 50, 51, 55, 66, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91 and 92.

Miscellaneous Communications Nos. 3, 28, 32, 39, 44, 46, 52, 56, 60, 68, 69, 70, 71, 72, 73, 74, 75 and 78.

Respectfully submitted,

(Chairman)

STANDING COMMITTEE REPORT NO. 639

Honolulu, Hawaii
May 2, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Sir:

Your Committee on Public Employment recommends that the following Senate Bills, Senate Joint Resolutions, Senate Concurrent Resolution and Senate Resolutions be filed:

Senate Bills: 35, 74, 82, 106, 107, 108, 109, 118, 149, 151, 157 - SD1, 160 - SD1, 161, 162, 165 - SD1, 166 - SD1, 167, 169, 172, 173, 174, 175, 177, 178, 179, 182, 183, 211, 212, 242, 246, 251, 262, 263, 276, 277, 278, 279, 280, 332, 343, 359, 363, 403, 460, 482, 504, 508, 546, 573, 604, 617, 621, 649, 672, 684, 686, 689, 702, 729, 732, 742, 745, 751, 761, 778, 784, 797, 810, 837, 871, 873, 890, 895, 898, 923, 937, 939, 940, 941, 942, 943, 944, 945, 946, 948, 949, 951, 953, 960.

Senate Joint Resolutions: 3, 4, 5, 17, 18, 48.

Senate Concurrent Resolution: 28

Senate Resolutions: 4, 25

Respectfully submitted,

DEE DUPONTE, CHAIRMAN

STAND. COM. REP. NO. 640

Honolulu, Hawaii

May 2, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

Sir:

Your Select Committee of Oahu Senators recommends that the following senate bills and senate joint resolutions hereinafter listed, be placed on file:

Senate Bill Nos. 146, 200, 201, 254, 385, 483, 567, 590, 700, 764, 765, 769, 770 S. D. 1, 771, 813, 815, 902, 911, 913, 917, 936.

Senate Joint Resolution Nos. 58, 60.

Respectfully submitted,

Chairman

STAND. COM. REP. NO. 641

Honolulu, Hawaii
May 22, 1957

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature

S I R :

Your Select Committee of Kauai Senators recommends that the following Senate Bills, Senate Joint Resolution and Departmental Communications be filed.

Senate Bill Nos. 29, 32, 42, 43, 46, 81, 289, 339, 434, 435, 465 and 831
Senate Joint Resolution No. 5
Departmental Communication Nos. 17, 32 and 49

Respectfully submitted,

John B. Tenaudo
Chairman

STAND. COM. REP. NO. 642

Honolulu, Hawaii

May 22, 1957

Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

Sir:

Your committee on Agriculture to which were referred senate bills and senate joint resolutions numbered: Senate Bills 27, 86, 87, 116, 221, 224, 351, 355, 380, 394, 395, 402, 437, 515, 720, 721, 722, 776, 777, 836, 864, 905, 964, Senate Joint Resolutions 23, 31 and 83, begs leave to report as follows:

Your Committee, having considered on all above mentioned bills and resolutions, recommends that each and every Senate Bills and Resolutions be filed.

Respectfully submitted,

Tom Okino

TOM OKINO, CHAIRMAN

Sakae Takahashi

SAKAE TAKAHASHI, VICE CHAIRMAN

John B. Fernandes

JOHN B. FERNANDES

Bee Duponte

BEE DUPONTE

Wilfred C. Tsukiyama

WILFRED C. TSUKIYAMA

STAND. COM. REP. NO. 643

Honolulu, Hawaii

May 22, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Sir:

Your Committee on Judiciary, to which were referred Senate Bills numbered:

5, 19, 20, 23, 36, 39, 47, 61, 62, 70, 75, 78, 80, 85, 88, 89, 94, 95, 99, 110, 115, 135, 139, 191, 198, 214, 215, 218, 223, 232, 236, 238, 244, 259, 260, 273, 274, 275, 281, 288, 294, 295, 305, 316, 319, 322, 323, 335, 341, 342, 345, 347, 349, 350, 352, 353, 354, 368, 370 (S. D. 1), 372, 392, 397, 404, 420, 425, 427, 428, 430, 431, 459, 463, 468, 479, 481, 485, 487, 493, 494, 497, 499, 500, 501, 510, 513, 514, 516, 517, 518, 524, 534, 535, 536, 538, 539, 541, 543, 552, 555, 558, 579, 583, 591, 595, 597, 602, 607, 611, 615, 631, 639, 641, 643, 654, 662, 663, 665, 666, 667, 674, 675, 685, 688, 695, 698, 710, 712, 723, 744, 748, 754, 757, 782, 802, 803, 804, 826, 856, 858, 860, 862, 877, 878, 893, 894, 908, 920, 921, 925, 927, 928, 938, 961, and 962,

recommends that they be filed.

Respectfully submitted,

Nelson K. Doi, Chairman

STAND. COM. REP. NO. 644

Honolulu, Hawaii
May 8, 1957

2

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Re: House Bill No. 103, H. D. 1, S. D. 1

Sir:

Your Committee on Public Employment to which was re-referred House Bill No. 103, H. D. 1, S. D. 1, entitled

"AN ACT AMENDING CHAPTER 3 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO PUBLIC OFFICERS AND EMPLOYEES AND CIVIL SERVICE,"

begs leave to report as follows:

Upon reconsideration your Committee further amended this bill to clarify the law pertaining to provisional appointments.

Under the present law provisional appointments may not continue for more than 180 days. Testimony before your Committee was to the effect that this time limit had worked a hardship particularly in cases where no eligible list was established by the director. Your Committee, therefore, amended this bill to provide that if no appropriate list is established within a reasonable time, the appointing authority may continue the provisional appointment for a total period of not more than twelve months from the date of such appointment. In providing for the additional period, your Committee strongly feels that this period of twelve months is more than ample to establish an eligible list. The failure to do so by the several directors of civil service should give rise to a presumption of neglect and dereliction of duty on the part of the director who fails to establish such a list.

Provisional appointees shall not acquire permanent status, however, the time spent under provisional appointment shall be counted in the probationary period if he is subsequently successful in an examination and is certified and appointed to the position.

Your Committee is in accord with the purpose of this bill and recommends it pass third reading in the amended form attached hereto.

Respectfully submitted,

DEE DUPONTE, Chairman

STF-
PW

H. B. NO. 103
H. D. 1
S. D. 2

AN ACT

AMENDING CHAPTER 3 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO PUBLIC OFFICERS AND EMPLOYEES AND CIVIL SERVICE.

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

SECTION 1. Chapter 3 of the Revised Laws of Hawaii 1955, is hereby amended by amending subparagraph (1) of Section 3-21 thereof to read as follows:

"(1) Provisional and short term appointments. If no appropriate eligible list is available for the filling of a vacant position, the appointing authority may fill such position by a provisional appointment pending the establishment of an appropriate eligible list. A person given a provisional appointment shall meet the minimum qualifications for the position. Such appointment may continue for not longer than one month after the certification of an appropriate eligible list, and in no event shall such provisional appointment extend beyond a period of twelve months from and after the date of such appointment. A provisional appointee, as such, shall not acquire any permanent status; provided, however, that the time spent under a provisional appointment shall be counted in the probationary period, if the appointee is subsequently successful in an examination and is certified and appointed to the position.

"Short term appointments, not to exceed ten working days may be made to fill positions temporarily in any serious emergency when it is not practicable to ascertain whether there is an eligible list from which to make a careful selection."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

MARK NORMAN OLDS
STANLEY HARA
BERNARD G. KINNEY
SUMIO NAKASHIMA
PATSY TAKEMOTO MINK
MATSUKI ARASHIRO

PE

STANDING COMMITTEE REPORT NO. 645

Honolulu, Hawaii
May 2, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 130, H. D. 1

Sir:

Your Committee on Public Employment to which was referred House Bill No. 130, H. D. 1, entitled, "AN ACT RELATING TO THE VACATION AND SICK LEAVE ALLOWANCES, AND TRAINING COURSES OF CAFETERIA MANAGERS IN THE DEPARTMENT OF PUBLIC INSTRUCTION AND MAKING AN APPROPRIATION THEREFOR," begs leave to report as follows:

Under existing law the cafeteria managers are recruited under Chapter 3, Revised Laws of Hawaii 1955, and compensated under the provision of Chapter 4 of said Revised Laws, and receive vacation and sick leave allowances as other general employees of government.

The purpose of this bill would be to continue the recruitment of cafeteria managers by the usual civil service process. Their positions, however, would be classified by the commissioners of public instruction and said positions would be paid on the basis of the salary schedule contained in the bill.

A further purpose of this bill is to pay the cafeteria managers on a twelve-month basis and to give them the same vacation and sick leave privileges as those enjoyed by school teachers.

In addition, the commissioners of public instruction are given the authority to set up training courses for these cafeteria managers during the period when the school children are on summer vacation.

Your Committee agrees with the principle of this bill and recommends it pass third reading without referring said bill to your Committee on Ways and Means since no appropriation is required.

Respectfully submitted,

DEE DUPONTE, CHAIRMAN

Standing Committee Report No. 646

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 2 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 334, HD2

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 3
ADOPTED - MAY 3, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 646

Honolulu, Hawaii

May 2, 1957

Honorable William H. Heen
President of the Senate
29th Legislature, Territory of Hawaii
Honolulu, Hawaii

Dear Sir:

Re: House Bill No. 334
H.D. 2

Your Committee on Judiciary, to which was referred House Bill No. 334, H. D. 2, entitled

"AN ACT RELATING TO THE HAWAII WATER AUTHORITY, AMENDING CHAPTER 86, REVISED LAWS OF HAWAII 1955, AND MAKING PROVISIONS FOR AMORTIZATION OF ADVANCES FROM THE TERRITORY FROM THE PROCEEDS OF GENERAL OBLIGATION BONDS,"

begs leave to report as follows:

The bill was prepared by the Office of the Attorney General with the cooperation of the Treasurer's Office and the Hawaii Water Authority (formerly Hawaii Irrigation Authority). Representatives of the Water Authority appeared before your Committee and strongly recommended passage of the bill.

The purpose of this bill is to amend the Irrigation Act, Chapter 86, Revised Laws of Hawaii 1955 to:

1. Give the power of eminent domain to the Authority, a power which the Authority does not have except for the Molokai irrigation project. The right of eminent domain would facilitate the Authority in its negotiations for the purchase of rights of way, reservoir sites, etc., which may be required in the construction of future projects.

2. Establish a longer repayment period for the amortization of irrigation projects constructed by the Authority. The bill specifies a 40-year repayment period for interest and principal on bonds issued for the construction of irrigation projects, following a ten-year development period after completion of construction. This repayment plan is in line with U.S.

Bureau of Reclamation practices on the mainland, and might possibly be an important consideration in obtaining Federal Aid for irrigation projects in the Territory. It is a plan which is more realistic and will enable the Authority to amortize an irrigation project over a longer period than the 20-year period for which Territorial bonds are now being sold and will also enable the Authority to fix charges for water at a reasonable rate to the farmers.

The bill also provides for one minor amendment to Chapter 86, Revised Laws of Hawaii 1955, for the purpose of clarification.

Your Committee is in accord with the intent and purpose of H.B. 334, H.D. 2 and recommends that it pass third reading.

Respectfully submitted,

Nelson K. Doi, Chairman

Standing Committee Report No. 647

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 2 , 19 57 , by

Senator DEE DUPONTE, CHAIRMAN FOR THE COMMITTEE ON PUBLIC EMPLOYMENT.

RE: H. B. NO. 466, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 3 - 4 - 6 - 7
ADOPTED - MAY 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 647

Honolulu, Hawaii
May 3, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 466
H. D. 1

Sir:

Your Committee on Public Employment to which was referred House Bill No. 466, H. D. 1, entitled,

"AN ACT TO AMEND SECTION 5-38 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO VACATION ALLOWANCES ON TERMINATION OF EMPLOYMENT BY DEATH,"

begs leave to report as follows:

The purpose of this House bill is to clarify the existing law and will provide that the person or persons designated as the beneficiary or beneficiaries by the employee during his lifetime, in a verified written statement filed with the proper disbursing officer will be paid monies due for accumulated or current accrued vacation earned but not taken by such employee, and in the event that the employee fails to make such a designation, the payment will be paid to his or her spouse. Further, if there is no surviving spouse, payment will be made to the decedent's estate.

Your Committee is in accord with the purpose of this House bill and recommends it pass third reading.

Respectfully submitted,

DEE DUPONTE, CHAIRMAN

Standing Committee Report No. 648

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 2 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 492, HD2

RECOMMENDING THAT SAID BILL PASS THIRD READING IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

Deferred to May 3
ADOPTED - MAY 3, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 648
Honolulu, Hawaii
May 2, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 492
H. D. 2

Sir:

Your Committee on Judiciary, to which was referred House Bill No. 492, H. D. 2, entitled

"AN ACT RELATING TO COLLECTION AGENCIES, AND REPEALING SECTIONS 155-43, 155-44, 155-45, 155-46 AND 155-47 OF THE REVISED LAWS HAWAII, 1955",

begs leave to report as follows:

The purpose of this bill is to repeal the present law relating to collection agencies and to enact a new and comprehensive law to provide for a more effective control over them. The bill provides for the following:

1. It creates an advisory board of 5 members, consisting of the attorney general of the Territory and four other members, three of whom shall be licensed collectors and one a layman. The attorney general is to serve as the commissioner or executive officer.

2. It prescribes the powers and duties of the commissioner, including the power to enforce the provisions of the law.

3. It prescribes the duties of the advisory board, including the establishment of rules and regulations which are reasonable and necessary for the enforcement of the provisions of the bill and the licensing of applicants.

4. It provides that each licensee give a bond running to the Territory and conditioned that the licensee will, within 30 days after the close of each calendar month, pay over the net proceeds due on all collections made during such calendar month, to the owners thereof.

5. It provides for penalties for the violation of any of the provisions.

The intent of the bill is to protect the general public against fraudulent practices by collection agencies, such as the collection of money by fly-by-night collectors who do not account and pay over to the creditors any collections made.

Your Committee has made the following amendments to House Bill 492, H. D. 2:

1. A few minor corrections in wording have been made.

2. A provision has been added to require that all applications shall be acted upon 15 days after the first meeting following the receipt of the application.

3. An additional license fee of $25 is imposed for each branch that a collection agency may have over and beyond its principal office.

4. The penalty provision of $5 per day has been reduced to $1 per day and the period between the failure to renew one's license and the automatic forfeiture of a license has been increased from 10 to 20 days.

5. The notice period for hearings has been increased from 10 days to 15 days.

6. The concurrence of three members with the attorney general is required before acting on any license.

Your Committee is in accord with the intent and purpose of House Bill 492 and recommends that it pass third reading in the amended form attached hereto.

Respectfully submitted,

Chairman

H. B. 492
H. D. 2
S. D. 1

AN ACT

RELATING TO COLLECTION AGENCIES, AND REPEALING SECTIONS 155-43, 155-44, 155-45, 155-46 AND 155-47 OF THE REVISED LAWS OF HAWAII, 1955.

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

SECTION 1. Sections 155-43, 155-44, 155-45, 155-46 and 155-47 of the Revised Laws of Hawaii, 1955 are hereby repealed.

SECTION 2. There is hereby added to the Revised Laws of Hawaii 1955 a new chapter to be appropriately numbered by the Secretary of the Territory reading as follows:

CHAPTER _____. COLLECTION AGENCIES.

Sec. 1. DEFINITIONS. As used in this chapter:

(a) "Board" means the collection agency advisory board.

(b) "Person" includes an individual, partnership, joint venture, corporation, association, business, trust or any organized group of persons, or any combination thereof.

(c) "Collection agency" means: Any person who by himself or through others offers to undertake or holds himself out as being able to undertake or does undertake to collect for another person, claims or money due on accounts or other forms of indebtedness for a commission or a portion of the sums so collected.

(d) "Collection agency" includes:

(1) Any person using any name other than his own in collecting his own claims with the intention of conveying, or which tends to convey the impression that a third party has been employed.

(2) Any person who, in the conduct of his business for a fee, regularly repossesses any merchandise or chattels for another.

(3) Any person who operates a pool plan for the liquidation of the indebtedness of another, whereby he effects a composition for a debtor with his creditors and distributes a sum of money periodically to two or more creditors on the debtor's behalf.

(e) "Collection Agency" does not include attorneys at law or district court practitioners acting within the scope of their profession, licensed real estate brokers and salesmen residing in this Territory when engaged in the regular practice of their respective profession, nor banks, trust companies, building and loan associations, companies doing an escrow business, individuals regularly employed on a regular wage or salary in the capacity of credit men or in other similar capacity for a single employer who is not a collection agency, or any person doing business subject to public supervision and regulation, and any public officer or any person acting under an order of court.

Sec. 2. No license issued when. No license hereunder shall be issued to a person unless:

(a) He is of the age of twenty years or more;

(b) He is a citizen of the United States or has declared his intention to so become;

(c) He has been a resident of the Territory for more than one year prior to the date of application;

(d) He is a high school graduate or shall prove to the satisfaction of the board that he possesses the equivalent of a high school education, or is found to be otherwise qualified to operate a collection agency;

(e) The applicant for a collection agency license, or the renewal thereof, shall apply therefor in writing, under oath, upon blanks furnished by the board, and shall state the full name and residence address of the applicant and the business name and address where he will conduct his collection agency, and in case of a partnership, the full name and residence address of each partner, and in case of a corporation, the full name and residence address of each of its officers and directors.

(f) The individual applicant, or if the applicant is a partnership, then its partners, or if the applicant is a corporation or an association, then its managing officers and directors, have never been convicted of forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or other similar offenses, or has been disbarred from the practice of law.

(g) The applicant obtains a tax clearance from the Territory of Hawaii and from the county in which the applicant plans to have his principal place of business as a collector.

Sec. 3. License required. No person within the purview of this chapter shall act, or assume to act, or advertise, as a collection agency, without a license previously obtained under and in compliance with the provisions of this chapter and the rules and regulations of the board.

Sec. 4. Bond.

(a) A bond shall be executed by the applicant, as principal, and by a surety or sureties which may be a corporation, licensed by the Territorial Insurance Commissioner to transact the business of fidelity and surety insurance, running to the Territory and conditioned that the licensee shall faithfully, promptly and truly account and pay within 30 days after the calendar month, to his clients the net proceeds due on all collections made during the calendar month. In addition to any other remedy, every person sustaining any damage resulting from a breach of the conditions of said bond may sue the surety for the recovery of any damages sustained by such person. The bond shall be continuous in form and remain in full force and effect and shall run concurrently with the license period and for any renewals thereof, unless terminated or cancelled by the surety. Such termination or cancellation shall not be effective, however, unless notice thereof is delivered by the surety to the commissioner at least 30 days prior to the date of termination or cancellation. The commissioner shall forthwith give notice thereof to the collection agency affected by such termination or cancellation, which notice shall be by registered or certified mail, with request for return receipt, and shall be addressed to the licensees at the addresses shown on the records of the commissioner. The license of any licensee shall be suspended upon termination or cancellation of the bond, unless prior thereto, a new bond has been filed with the commissioner. The form of the bond and sufficiency of the surety shall be approved by the commissioner.

(b) The bond of each licensee shall be for $5,000. However, when an applicant or licensee intends to operate more than one office, under one ownership, one bond shall cover all such offices and the amount of the bond shall be equal to the sum of $5,000 for the first office and $3,000 for each additional office. In all such cases the board shall determine the facts and set the amount of the bond required.

(c) The form of the bond shall be set and furnished by the board and only on such forms shall the bonds required by section 4(a) of this Act be executed.

Sec. 5. Application; license fees.

(a) Every applicant for a license under this chapter shall file an application with the commissioner in such form and setting forth such information as may be prescribed or required by the commissioner, and shall furnish such additional information bearing upon the issuance of such license as it shall require. Every application shall be sworn to before an officer authorized to administer oaths. In the case of a partnership, joint venture, voluntary association or corporation, any member or officer thereof may sign the application and verify the same on behalf of the applicant.

(b) All applications shall either be granted or set for hearing within 15 days after the first meeting of the board following the receipt thereof by the commissioner.

Sec. 6. Place of business and posting licenses. A licensed collector shall have and maintain a definite place of business in the Territory and shall display therein his collector's license.

Sec. 7. Fees; annual renewals.

(a) The fee for any license prescribed by this chapter shall be as follows:

(1) License as a collection agency, $50, if the initial license is obtained between July 1 and December 31; but if it is obtained between January 1 and July 1, the fee for a license valid to the latter date shall be $25.

(2) Annual renewal of license to act as a collection agency, $50.

(3) Annual license for each place of business other than the principal one, $25.

(b) The annual renewal fee shall be paid to the commissioner on or before June 30 of each year. Any licensee who fails to pay his renewal fee before July 1 shall in addition to the regular license fee, be penalized and pay $1 for each day elapsing between July 1 and the day payment is tendered. The commissioner shall notify

the delinquent licensee of his failure to renew his license as provided in this section, within five days after such delinquency occurs. This notification shall be by registered mail, addressed to the principal place of business of the licensee as shown by the commissioner's records, notifying him of his failure to register. This notification shall state that the licensee's license will be revoked unless application for renewal, a renewal or new bond and payment of the renewal license fee together with the $1 daily penalty is submitted within ten days from the date of mailing the notice. Failure to file within the prescribed twenty days shall work an automatic forfeiture of the delinquent license unless just cause is shown for a further extension of time, in which case no further penalty of $1 per day shall be assessed against the licensee from and after the date such extension is granted by the commission. For good cause the board may waive all or any part of the penalty herein prescribed.

The license certificate mentioned in this section shall be in a form and size prescribed by the commission. Each such license certificate shall show the name of the licensee and his business name and address, the date of expiration of such license and such other information as may be prescribed by the board. While any such license is in force it shall be displayed in a conspicuous place in the outer office of the collection agency.

Sec. 8. Licensing of persons who are acting as collectors agencies at time of the act.

(a) All persons who are required to obtain a license under this chapter, and who, on the effective date of this act, are acting as a collection agency shall be entitled to have issued to them a license without examination and without further qualification by experience and knowledge except as otherwise provided in subsection (b), upon written application being made therefor as provided by section 5 and upon the payment of the required license fee prior to October 31, 1957.

(b) All such persons otherwise eligible to receive an initial license as set forth above under subsection (a) but who fail to make application therefor and to pay the required license fee prior to October 31, 1957, shall be eligible to receive a license only upon compliance with all provisions of this chapter.

Sec. 9. Issuance of pocketcard; by commissioner and licensee.

(a) The commissioner shall issue a pocket card to each licensee authorized to do a collection business in the Territory of Hawaii and the licensee shall issue a solicitor's pocket card as provided by the board, to each of his solicitors, collectors or repossessors.

(b) This card must be presented by the licensee or employee thereof when contacting prospective clients or any debtor.

(c) Upon termination of a solicitor's or other employee's employment, he shall forthwith surrender his pocket card to his employer.

Sec. 10. Transfer of license prohibited; exception when. Any license granted under this chapter shall not be transferred, provided, that upon the death of any natural person who is a licensee the board shall have the right to transfer the license of the decedent to the executor or administrator of his estate for the period of the unexpired term of the license and thereupon the court having jurisdiction of the probate of the estate of said decedent may authorize such executor or administrator to continue the collection business of the decedent, for the benefit of his estate, and upon such terms and conditions as the court may prescribe.

Sec. 11. Assignability of licenses; procedure upon change of name or business location. Licenses granted under this chapter are not assignable. Upon change of business name or removal from the location stated in any license issued under this chapter, the licensee shall, within 5 days thereafter present his license and full information regarding the change to the Commissioner, who shall issue a new license conforming to the facts and make an appropriate entry in his records.

Sec. 12. Expiration date of licenses. All licenses issued under this chapter shall expire on June 30 following the issuance thereof.

Sec. 13. Annual statement of undisbursed collections. Each licensee shall, not later than January 31 of each calendar year, file with the commission an annual statement for the preceding calendar year, showing the respective amounts of all client's money collected by the licensee during the preceding calendar year, which have not been remitted to the customer's entitled thereto or which have not been properly accounted for, and showing also the amounts of money which the licensee has on deposit in any bank or in the licensee's possession for the purpose of liquidating any and all amounts due to the clients. This statement shall be under oath.

CLIENTS' → client's

customer's CUSTOMERS

Sec. 14. False declarations prohibited. The wilful making of any false declaration in the annual statement shall constitute sufficient grounds for revocation of the license of the licensee, after hearing and determination as provided in this chapter.

Sec. 15. Failure to file annual statement. If the annual statement is not filed as required, the failure to file it shall constitute grounds for the immediate suspension of the license of the licensee so failing to file the statement, and the Commissioner shall notify the licensee by registered mail that the license of the licensee shall be suspended upon the expiration of the period of 20 days thereafter unless the annual statement is submitted prior to that time. However, for good cause shown and upon satisfactory proof furnished by the licensee that the failure to file the statement was due to a condition not within his control, or was due to his excusable neglect, the board may permit the filing of the statement at a later date to be fixed by it. If the annual statement is not filed when due, or by such later date as fixed by the board, the board shall revoke the license of the licensee.

Sec. 16. Statements are confidential. Any statement of any applicant or licensee required by the terms of this chapter to be filed with the commissioner shall be confidential and shall not become a public record, but it may be introduced in evidence in any suit, action or proceeding in any court or in any proceeding involving the granting or revocation of the license of any licensee. Any statement relative to the financial affairs of any applicant for a license shall not be revealed by the commissioner to any other members of the board.

Sec. 17. Investigation of complaints. The Commissioner, or any deputy attorney general designated by him, shall upon the sworn complaint in writing of any person specifying in detail the charges against a licensee, investigate the actions of any licensee, alleged to have violated the provisions of this chapter, and for that purpose only the licensee shall make available to the Commissioner, or his deputy, his offices and place of business, books, accounts, records, papers, files, safes and vaults which are necessary to the investigation of that particular complaint.

Sec. 18. Manner in which records and funds to be kept by licensees:

(a) Every licensee shall keep a permanent record of all sums collected by him, and of all disbursements, and shall maintain and keep such records and all customer's

funds within the Territory of Hawaii. No person shall wilfully make any false entry in any collection agency record, or intentionally mutilate, destroy, conceal or in any way dispose of any such record.

(b) A licensee shall not commingle the money of his clients with his own, but shall maintain a separate trust account for clients' funds.

(c) A licensee shall not collect, or attempt to collect, any collection fee from any debtor unless the debtor has agreed in writing with his creditor, or the licensee, to pay such fee.

Sec. 19. Reports and payments by agency. Every collection agency shall, within 30 days after the close of each calendar month, report and pay to his clients the net amount due to each client out of all collections made during the preceding calendar month.

Sec. 20. Grounds for suspension or revocation of licenses.

(a) Failure to comply with any provision of this chapter, any lawful order of the board, or any rule or regulation promulgated by the board is sufficient cause for suspension or revocation of any license issued pursuant to this chapter.

(b) In addition to the penalty hereinafter provided, any license issued under the provisions of this chapter may be revoked by order of the judge of any circuit court wherein the licensee is found guilty of any crime involving moral turpitude.

Sec. 21. Denial, suspension or revocation of license; procedure; appeal. The board shall not deny any application for an original or renewal license or initiate any disciplinary action against any licensee except for probable cause. Before denying, suspending or revoking any license, the charges against the licensee shall be investigated by the Commissioner. His findings shall be made known to the board and if the commissioner and at least two other members of the board concur, the matter shall be set for hearing. At least fifteen days prior to the date set for hearing the commissioner shall furnish the applicant or licensee a true copy of the charges against him upon which the contemplated action by the board is based, and a notice in writing of the time and place of the hearing and shall afford the applicant or licensee an opportunity to be

heard, in person and by or with counsel, in reference thereto. Such copy of the charges and written notice may be served by delivery personally to the applicant or the licensee or by mailing it by registered mail to the last known business address of the applicant or licensee. The hearing on the charges shall be held at such time and place as the commissioner shall prescribe. The commissioner shall have the power to issue subpoenas and bring before the board any person or relevant book or writing in this Territory; to swear witnesses and take the testimony of any person by deposition, with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in courts of record of the Territory in civil cases. All evidence shall be under oath. Any party to any hearing shall have the right of subpoena to compel the attendance of witnesses and to cause the production of any books and writings in his behalf. If the board determines that any applicant is not qualified to receive a license, a license shall not be granted, and if the board determines that any licensee is guilty of a violation of any of the provisions of this chapter, his license may be suspended or revoked by the board, provided that four members of the board, one of whom must be the commissioner, concur in such determination. Any order denying a license, or suspending or revoking a license, shall include the findings of fact upon which the order is based and shall be rendered no later than 15 days after the conclusion of the hearings. This order shall not be operative for a period of 15 days from the date thereof, and any person aggrieved thereby may appeal during that period to the circuit court of the county in which the applicant resides, or where the licensee has his principal place of business, by giving notice of appeal to the commission and filing such notice with proof of service thereon, in the office of the clerk of said circuit court. The filing of the notice shall supersede the order of the commissioner. Within 15 days from the date of filing the notice, or within such further time as may be granted by the court, the commissioner shall file in the circuit court a transcript of the whole record relative to all matters involved in the appeal. The circuit court shall, sitting as though a court of equity, try the matter anew and enter judgment forthwith based upon all the evidence presented to the court.

Sec. 22. Action on collection agency bond. If a collection agency has failed to account for and pay over the proceeds of any collection made, the client shall have, in addition to all other legal remedies, a right of action in his own name on the bond given pursuant to the provisions of this chapter and the total of all recoveries from the sureties shall not exceed the face of the bond. Upon entering judgment for

plaintiff in any action on the bond required by this chapter, for more than any sum which may have been tendered in court by the defendant, the court shall include in the judgment reasonable compensation for the services of plaintiff's attorney in the action.

Sec. 23. The commissioner and collection agencies advisory board; appointment, qualifications and terms of members.

(a) A collection agencies advisory board is hereby created. The board shall consist of five members, three of whom shall be licensees under this chapter, one of whom shall be an individual not licensed under this chapter, and one of whom shall be the attorney general of the territory who shall be the commissioner of the collection agencies and who may delegate his duties as commissioner or board member to one of his deputies. The commissioner shall be the executive officer of the board and its chairman. Each of the three licensee members of the board must have been for three years before the date of his appointment a licensed operator of a collection agency or have had three years experience as an executive of a collection agency actively engaged in business as such in the territory. No member of the board shall receive compensation for serving on the board.

(b) Initially the Governor shall appoint two qualified members to the board for a term of one year and two for a term of two years, in the manner prescribed by Section 80 of the Organic Act. Thereafter all regular appointments shall be for terms of two years, and shall be made in the manner aforesaid. The Governor shall fill by appointment the appointee to serve during the unexpired term of his predecessor on the board. No member of the board shall be appointed to a second consecutive regular term.

Sec. 24. Meetings of board; quorum; effect of vacancy. The board shall hold meetings for the transaction of business once or more in each period of two months, at the call of the commissioner, at such time and place as he shall designate. A majority of the members of the board shall constitute a quorum for the transaction of any business or for the exercise of any power or for the performance of any duty of the board. In the absence or unavailability of the commissioner, he shall appoint a deputy or an assistant attorney general to preside at the meeting in the capacity of acting commissioner, and such acting commissioner shall have the same authority as the commissioner. A vacancy in the board membership shall not impair the right of the remaining members of the board to

exercise any power or to perform any duty of the board, so long as the power is exercised or the duty performed by a quorum of the board.

Sec. 25. Powers and duties of the commissioner. The commissioner shall enforce the provisions of this chapter, and he shall have full power to issue collection agency licenses to applicant's found qualified by himself and at least three other members of the board, and to deny, suspend or revoke licenses for any violation of this chapter which he, and at least three other members of the board have determined that it warrants this action, and to perform all the other acts and duties provided for in this chapter and necessary to its enforcement. The board shall establish and enforce such rules and regulations as may be reasonable and necessary for the enforcement of the provisions of this chapter, and for the examining and licensing of applicants for a collection agency license.

Sec. 26. Expenses. Necessary expenses of the board shall be paid by the Territorial auditor upon presentation of vouchers signed by the commissioner.

Sec. 27. Records of the board; records as evidences; commissioner to sign all papers. Records of the board shall be kept in the office of the commissioner. Copies of all records and papers of the board certified to be a true copy under the hand and seal of the commissioner, shall be received in evidence in all cases with like effect as the originals. All actions by the board which require publication, or any writing, shall be over the signature of the commissioner or acting commissioner.

Sec. 28. Publication of a directory. On or about the first day of September in each year, the commissioner shall cause to be issued a mimeographed or printed directory containing a list of all the collection agencies in the territory and a copy of this chapter and such other materials as the board shall prescribe, at government expense, and mail a copy to each licensed collection agency and to any other person upon request.

Sec. 29. Disposition of receipt.

(a) All fines and penalties provided for in this chapter shall be paid to the commissioner by checks payable to the treasurer of the Territory, which shall be forwarded by the commissioner to the treasurer, and these moneys, together with all license fees and any other fees received from collection agencies, shall be placed in the general fund. All such funds so received and paid to the treasurer,

shall be available and constitute an appropriation from the general fund for the payment of the necessary expenses incurred by the board under the provisions of this chapter.

(b) All money remaining in the general fund of the Territory to the credit of the collection agency account shall, on June 30 of each year, except $500, and except any money which has been collected for licenses issued or to be issued for the succeeding year, be transferred from the collection agency agency account to the general fund to become available for general governmental purposes.

Sec. 30. Remedies not exclusive. The remedies provided for in this chapter are in addition to and exclusive of any other remedies provided by law.

Sec. 31. Jurisdiction of courts. The various district courts of the Territory shall have concurrent jurisdiction with the circuit courts in all criminal prosecutions for violations of this chapter.

Sec. 32. Penalties.

(a) Violation of any of the provisions of this chapter by an individual is punishable, upon conviction, by a fine of not more than $500.

(b) Violation of any of the provisions of this chapter by persons other than an individual is punishable, upon conviction, by a fine of not more than $1,000. Any officer or agent of a corporation or association who personally participates in any violation of this chapter by such corporation is subject to penalties prescribed in subsection (1) of this section."

SECTION 3

Sec. 33. This Act to take effect upon its approval, except that no person shall be required to make application for and obtain a license to act as a collection agency prior to August 1, 1957.

Standing Committee Report No. 649

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 2 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 706

RECOMMENDING THAT SAID BILL PASS THIRD READING IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

Deferred to May 3/6 - 7
ADOPTED - MAY 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

deferred ~~until [illegible] today~~ may 6
Later

STAND. COM. REP. NO. 649

Honolulu, Hawaii

May 22, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 706

Sir:

Your Committee on Judiciary to which was referred House Bill No. 706, entitled:

"AN ACT ABOLISHING CAPITAL PUNISHMENT AND AMENDING SECTION 291-5 OF THE REVISED LAWS OF HAWAII 1955",

begs leave to report as follows:

The purpose of House Bill No. 706 is to abolish capital punishment. To effectuate this purpose, the Bill proposes to amend Section 291-5 of the Revised Laws of Hawaii 1955 by providing that the only punishment for murder in the first degree shall be life imprisonment at hard labor not subject to parole. The said section now provides that punishment for murder in the first degree shall be either death or life imprisonment at hard labor not subject to parole, at the discretion of the jury trying the case.

Your Committee shares the views of many that capital punishment has not served as a deterrent. Your Committee further appreciates the fact that the trend today seems to be toward abolishing capital punishment.

There are pending before our courts criminal cases wherein the death penalty is involved. This circumstance has not influenced your Committee in its determination that the death penalty should be abolished.

No attempt is made by your Committee to make the Bill in question retrospective in its application. It is your Committee's feeling that an attempt, if made, may well be construed as an unwarranted interference by the legislature in the realm of the judiciary.

Inasmuch as references to capital punishment appear in other sections of the Revised Laws of Hawaii 1955, your Committee has deemed it advisable to amend the Bill. These

references are changed or deleted so that they will be in conformance with the Bill's general purpose of abolishing capital punishment. So changed or deleted, your attention is called particularly to Section 258-35. Thereunder, a person charged with the offense of murder in the first degree will be allowed to waive trial by jury with the consent of the court.

Your Committee has deemed it advisable to amend the Bill further by providing therein for the repeal of Section 291-4. By repealing said section, a plea of guilty to a charge of murder in the first degree may be received by the court. With the death penalty abolished, there appears no good reason to retain the statutory provision prohibiting the entering of a plea of guilty to a charge of murder in the first degree.

Accordingly, your Committee recommends that House Bill No. 706 do pass third reading in the amended form attached hereto.

Respectfully submitted,

Nelson K. Doi, Chairman

H. B. NO. 706
S. D. 1

AN ACT

RELATING TO THE ABOLISHMENT OF CAPITAL PUNISHMENT.

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

SECTION 1. Section 291-5 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Sec. 291-5. Penalties. Whoever is guilty of murder in the first degree shall be punished by imprisonment at hard labor for life not subject to parole. Whoever is guilty of murder in the second degree shall be punished by imprisonment at hard labor for any number of years but for a term not less than twenty years."

SECTION 2. Section 212-14 of the Revised Laws of Hawaii 1955 is hereby amended by deleting the word "death" appearing in line ten thereof and inserting in lieu thereof, the words "imprisonment for life not subject to parole".

SECTION 3. Section 248-5 of the Revised Laws of Hawaii 1955 is hereby amended by deleting the word "death" appearing in line four thereof and inserting in lieu thereof, the words "imprisonment for life not subject to parole".

SECTION 4. Section 252-5 of the Revised Laws of Hawaii 1955 is hereby amended by deleting the word "death" appearing in line five thereof and inserting in lieu thereof, the words "imprisonment for life not subject to parole".

SECTION 5. Section 253-5 of the Revised Laws of Hawaii 1955 is hereby amended by deleting the word "death" appearing in line ten thereof and inserting in lieu thereof, the words "imprisonment for life not subject to parole".

SECTION 6. Section 253-7 of the Revised Laws of Hawaii 1955 is hereby amended by deleting the word "death" appearing in line two thereof and inserting in lieu thereof, the words "imprisonment for life not subject to parole".

SECTION 7. Section 256-3 of the Revised Laws of Hawaii 1955 is hereby amended by deleting the words "capital offenses" appearing in line three thereof and inserting in lieu thereof, the words "offenses punishable by imprisonment for life not subject to parole".

SECTION 8. Section 256-4 of the Revised Laws of Hawaii 1955 is hereby amended by deleting the words "capital in its nature" appearing in line two thereof and inserting in lieu thereof, the words "punishable by imprisonment for life not subject to parole"; and by deleting the words "In all cases not capital" appearing in line twelve thereof and inserting in lieu thereof, the words "Except in cases where the punishment is imprisonment for life not subject to parole, in all cases".

SECTION 9. Section 256-5 of the Revised Laws of Hawaii 1955 is hereby amended by deleting the word "death" appearing in line two thereof and inserting in lieu thereof, the words "imprisonment for life not subject to parole".

SECTION 10. Section 258-35 of the Revised Laws of Hawaii 1955 is hereby amended by deleting the words "other than a case in which the death penalty may be imposed" appearing in line two thereof.

SECTION 11. Section 258-60 of the Revised Laws of Hawaii 1955 is hereby amended by amending line one thereof to read "Sec. 258-60. Sentence."; and by deleting the words "where the punishment is less than capital," appearing in lines two and three thereof.

SECTION 12. Section 291-3 of the Revised Laws of Hawaii 1955 is hereby amended by deleting the word "death" appearing in line three thereof and inserting in lieu thereof, the words "imprisonment for life not subject to parole".

SECTION 13. Section 291-4 of the Revised Laws of Hawaii 1955 is hereby repealed.

SECTION 14. This Act shall take effect upon its approval.

INTRODUCED BY:

SPARK MATSUNAGA
ANNA KAHANAMOKU
MATSUKI ARASHIRO
MANUEL S. HENRIQUES
PHILIP MINN
PATSY TAKEMOTO MINK
RAY F. ADAMS
NADAO YOSHINAGA
ELMER F. CRAVALHO

Standing Committee Report No. 650

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 2 , 19 57 , by

Senator TOM T. OKINO, CHAIRMAN FOR THE COMMITTEE ON AGRICULTURE.

RE: H. B. NO. 820, HD2

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 3
ADOPTED - MAY 3, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 650

Honolulu, Hawaii

May 13, 1957

Re: H. B. No. 820,
H. D. 2

Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

Sir:

Your Committee on Agriculture, to which was referred House Bill No. 820 entitled: "AN ACT TO EXEMPT HANSEN'S DISEASE PATIENTS AT KALAUPAPA FROM TERRITORIAL FISHING LAWS AND GRANT AUTHORITY TO THE BOARD OF HEALTH TO REGULATE FISHING IN KALAWAO COUNTY", begs leave to report as follows:

This bill seeks to remove all fishing restrictions for patients at Kalaupapa within the limits of Kalaupapa waters, Kalawao County, that is to say, any fishing regulatory law shall not apply.

Your Committee is in accord with the purpose of this bill and recommends that it pass Third Reading.

Respectfully submitted,

TOM OKINO, CHAIRMAN

SAKAE TAKAHASHI, VICE CHAIRMAN

JOHN B. FERNANDES

DEE DUPONTE

WILFRED C. TSUKIYAMA

CORRECTION

THE PRECEDING DOCUMENT(S) HAS
BEEN REPHOTOGRAPHED TO ASSURE
LEGIBILITY
SEE FRAME(S)
IMMEDIATELY FOLLOWING

Standing Committee Report No. 650

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 2 , 19 57 , by

Senator TOM T. OKINO, CHAIRMAN FOR THE COMMITTEE ON AGRICULTURE.

RE: H. B. NO. 820, HD2

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 3
ADOPTED - MAY 3, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 650

Honolulu, Hawaii

May 13, 1957

Re: H. B. No. 820,
H. D. 2

Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

Sir:

Your Committee on Agriculture, to which was referred House Bill No. 820 entitled: "AN ACT TO EXEMPT HANSEN'S DISEASE PATIENTS AT KALAUPAPA FROM TERRITORIAL FISHING LAWS AND GRANT AUTHORITY TO THE BOARD OF HEALTH TO REGULATE FISHING IN KALAWAO COUNTY", begs leave to report as follows:

This bill seeks to remove all fishing restrictions for patients at Kalaupapa within the limits of Kalaupapa waters, Kalawao County, that is to say, any fishing regulatory law shall not apply.

Your Committee is in accord with the purpose of this bill and recommends that it pass Third Reading.

Respectfully submitted,

TOM OKINO, CHAIRMAN

SAKAE TAKAHASHI, VICE CHAIRMAN

JOHN B. FERNANDES

DEE DUPONTE

WILFRED C. TSUKIYAMA

STAND. COM. REP. NO. 650

Honolulu, Hawaii

May 3, 1957

Re: H. B. No. 820 H. D. 1

Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

Sir:

Your Committee on Agriculture, to which was referred House Bill No. 820 entitled: "AN ACT TO EXEMPT HANSEN'S DISEASE PATIENTS AT KALAUPAPA FROM ALL FISHING LAWS AND REGULATIONS", begs leave to report as follows:

This bill seeks to remove all fishing restrictions for patients at Kalaupapa within the limits of Kalaupapa waters, Kalawao County, that is to say, any fishing regulatory law shall not apply.

Your Committee is in accord with the purpose of this bill and recommends that it pass Third Reading.

Respectfully submitted,

TOM OKINO, Chairman

SAKAE TAKAHASHI, VICE CHAIRMAN

JOHN B. FERNANDES

DEE DUPONTE

WILFRED C. TSUKIYAMA

Standing Committee Report No. 651

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 2 , 1957 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 867, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 3 - 6 - 7
ADOPTED - MAY 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

deferred until Monday 5/6

STAND. COM. REP. NO. 651

Honolulu, Hawaii

May 3, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 867
H. D. 1

Sir:

Your Committee on Judiciary to which was referred House Bill No. 867, H. D. 1, entitled:

"AN ACT TO AMEND CHAPTER 178 OF THE REVISED LAWS OF HAWAII 1955 BY ADDING A NEW SECTION RELATING TO INVESTMENT BANKING",

begs leave to report as follows:

The purpose of this Bill is to permit any corporation, domestic or foreign, which engages in the underwriting and sale of securities in a bona fide capacity to use the terms "investment bank," "investment banker," "investment bankers," or "investment banking" in its letterheads or circulars and in any and all forms of advertising provided such corporation shall have a paid-up-in-cash capital of not less than $200,000 and a paid-in-cash surplus equivalent to fifty per cent of its paid-in capital as provided in Section 178-12.

Under Section 178-11, no person or corporation, without having received a certificate of authority from the treasurer, is permitted to engage in the banking business or advertise as a banking business or use the terms "bank," or "banker," "bankers" or "banking," in its name or title when transacting business. It is the intention of this Bill to make an exception with respect to the use of the term "investment bank" or "investment banking" upon the satisfaction of certain requirements and under certain conditions and regulations as may be provided by the treasurer of the territory.

Your Committee believes that investment banking as distinguished from commission brokerage and banking is a service necessary for the development of the economy of the territory.

Investment banking in the territory falls in the category of channeling venture capital and new capital for enterprise in the territory, promotion of new industries and their underwriting. Although the larger corporations today do not require the services of a local investment banker, the smaller and more independent enterprises including new enterprises require the guidance, promotion and services which fall under the classification of investment banking. The services of an investment banking firm will also include the underwriting and distribution of our local county and Territorial bond issues which have been a very much neglected area.

Your Committee is in accord with the intent and purpose of this Bill and recommends that it pass third reading.

Respectfully submitted,

Nelson K. Doi

Nelson K. Doi, Chairman

S. George Fukunaka

(with reservations) Sakae Yamashiro

Mizuha

Herbert Ashe

Standing Committee Report No. 652

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 2 , 1957 , by

Senator TOM T. OKINO, CHAIRMAN FOR THE COMMITTEE ON AGRICULTURE.

RE: H. B. NO. 899, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 3
ADOPTED - MAY 3, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 652

Honolulu, Hawaii

May 3, 1957

Re: H. B. No. 899
H. D. 1

Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

Sir:

Your Committee on Agriculture to which was referred House Bill No. 899 entitled: "AN ACT RELATING TO THE FARM LOAN BOARD OF HAWAII, AND AMENDING SECTION 102-11, REVISED LAWS OF HAWAII 1955", begs leave to report as follows:

The purpose of this bill is to allow all persons who are eligible to become citizens of the United States to qualify for loans from the Farm Loan Board of Hawaii. Under existing law, only citizens of the United States are eligible for such loans.

Your Committee, in considering the bill, believes that there should be some incentive for non-citizens to become citizens by allowing them to receive such benefits on a completely equal basis with citizens. It was the opinion of the committee that non-citizens who clearly express an intent of desiring to become citizens should not be denied eligibility for loans.

Your Committee therefore recommends that the bill be amended to provide that eligibility for loans be extended to include aliens who have filed an application with the United States Immigration and Naturalization Service.

Your Committee on Agriculture is in accord with the purpose of House Bill No. 899, as amended herein, and recommends that it pass third reading.

Respectfully submitted,

TOM OKINO, CHAIRMAN

SAKAE TAKAHASHI, VICE CHAIRMAN

JOHN B. FERNANDES

DEE DUPONTE

WILFRED C. TSUKIYAMA

Standing Committee Report No. 653

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 2 , 1957 , by

Senator S. GEORGE FUKUOKA, CHAIRMAN FOR THE COMMITTEE ON PUBLIC HEALTH.

RE: H. B. NO. 952

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 3 - 4
ADOPTED - MAY 4, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

~~cyfer tomorrow~~

STANDING COMMITTEE REPORT NO. 653
Honolulu, Hawaii
May 2, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 952 - HD1

Sir:

Your Committee on Public Health, to which was referred House Bill No. 952, entitled

"AN ACT AMENDING CHAPTER 82 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO PERSONS COMMITTED TO WAIMANU HOME",

begs leave to report as follows:

The purpose of this bill is to authorize the Department of Institution to negotiate with any hospital, 50% or more of whose revenues are derived from Territorial funds, for the transfer of non-ambulatory patients from Waimanu Home to such hospitals. The intention is to attempt to alleviate the crowded condition at Waimanu Home.

This enabling legislation will leave the way open for the Department of Institutions to negotiate with such other hospitals for such transfer of non-ambulatory patients and will authorize the Department of Institutions and such hospitals to negotiate for such financial and other arrangements as may be agreeable to all parties.

Your Committee is in accord with the intent and purpose of House Bill 952 and recommends that it pass third reading.

Respectfully submitted,

John B. Fernandez

S. George Fukunaga
Chairman

M H Hill

Lee Duponte

Onn E Lang

Standing Committee Report No. 654

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 2 , 19 57 , by

Senator SAKAE TAKAHASHI, CHAIRMAN FOR THE SELECT COMMITTEE OF OAHU SENATORS.

RE: H. B. NO. 1050, HD1, SD1

RECOMMENDING THAT SAID BILL PASS THIRD READING IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

Deferred to May 3
ADOPTED - MAY 3, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 654

Honolulu, Hawaii

May 2, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: House Bill No. 1050, H. D. 1, S. D. 1

Sir:

Your Select Committee of Oahu Senators to which was referred House Bill No. 1050, H. D. 1, S. D. 1, entitled, "AN ACT TO AMEND SECTION 153-9 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO PETITION BY OWNERS OF 100% FRONTAGE OR AREA FOR IMPROVEMENTS", begs leave to report as follows:

The purpose of this bill is expressed in Standing Committee Report No. 525, dated April 29, 1957.

Your Committee has further amended this bill to provide in Section 153-8 of the Revised Laws of Hawaii, 1955, that the board of supervisors may on its own motion initiate an improvement district upon the written consent of 60% of such owners and lessees.

As amended, your Committee approves the purpose of this bill and recommends that it do pass.

Respectfully submitted,

Chairman

H. B. NO. 1050
H. D. 1
S. D. 2

AN ACT

TO AMEND SECTION 153-8, R.L.H. 1955 RELATING TO PETITION BY OWNERS OF 60% OF FRONTAGE OR AREA FOR IMPROVEMENTS AND SECTION 153-9, R.L.H. 1955, RELATING TO PETITION BY OWNERS OF 100% OF FRONTAGE OR AREA FOR IMPROVEMENTS.

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

SECTION 1. Section 153-8, R.L.H. 1955 is hereby amended by adding the following paragraph thereto:

"An improvement district under the provisions of this section may be initiated by the board on its own motion as an alternative to initiation by petition of the owners and lessees as hereinabove provided. Under this alternative method the written consent of sixty per cent of such owners and lessees shall be obtained before proceeding with the improvement."

SECTION 2. The last paragraph of Section 153-9 of the Revised Laws of Hawaii 1955, is hereby amended to read as follows:

"No such improvement shall be approved by the board, if the cost of improvement exceeds 50% of the market value of the land, plus the cost of the proposed improvement thereon; provided, that if the cost of the proposed improvement exceeds 50% of said market value of the land, plus the cost of the proposed improvement, the improvement may be approved by the board upon deposit of cash or certified check to the extent of the amount by which the cost of improvement exceeds 50% of said market value, plus the cost of proposed improvement.

"An improvement district under the provisions of this section may be initiated by the board on its own motion as an alternative to initiation by petition of the owners and lessees as hereinabove provided. Under this alternative method the written consent of one hundred per cent of such owners and lessees shall be obtained before proceeding with the improvement."

SECTION 3. This Act shall take effect upon its approval.

Standing Committee Report No. 655

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 2 , 1957 , by

Senator TOM T. OKINO, CHAIRMAN FOR THE COMMITTEE ON AGRICULTURE.

RE: H. J. RES. NO. 18

RECOMMENDING THAT SAID JOINT RESOLUTION PASS THIRD READING.

MEMO:

Deferred to May 3
ADOPTED - MAY 3, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 655

Honolulu, Hawaii

May 3, 1957

Re: H. J. R. No. 18

Honorable William H. Heen
President of the Senate
Honolulu, T.H.

Sir:

Your Committee on Agriculture to which was referred House Joint Resolution 18 entitled: "JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO AMEND THE AGRICULTURAL ADJUSTMENT ACT OF 1938, AS AMENDED, TO INCLUDE COFFEE UNDER THE PARITY PAYMENT PROGRAM," begs leave to report as follows:

The purpose of this Joint Resolution is to request Congress to enact legislation to include coffee among the basic agricultural commodities, assisted and supported by programs under the Agricultural Adjustment Act of 1938, as amended, and to allow parity payments to Hawaii's coffee growers.

Your Committee is in accord with the purpose of House Joint Resolution 18 and recommends that it pass Third Reading.

Respectfully submitted,

TOM OKINO, CHAIRMAN

SAKAE TAKAHASHI, VICE CHAIRMAN

JOHN B. FERNANDES

DEE DUPONTE

WILFRED C. TSUKIYAMA

Standing Committee Report No. 656

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 2 , 19 57 , by

Senator TOM T. OKINO, CHAIRMAN FOR THE COMMITTEE ON AGRICULTURE.

RE: H. J. RES. NO. 72

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 3
ADOPTED - MAY 3, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND COM. REP. NO. 656

Honolulu, Hawaii

May 3, 1957

Re: House J. R. 72

Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

Sir:

Your Committee on Agriculture to which was referred H.J.R. No. 72 entitled: "JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO EXPRESSLY EXTEND TO THE TERRITORY OF HAWAII THE PROVISIONS OF TITLE IV OF THE AGRICULTURAL ACT OF 1956, PUBLIC LAW 540 RELATING TO FORESTRY PROVISIONS," begs leave to report as follows:

The 84th Congress of the United States enacted into law "The Agricultural Act of 1956" as Public Law 540. Title IV of this Act relates to forestry provisions and authorizes the Secretary of Agriculture to assist the various states in undertaking needed programs of tree planting, of giving technical assistance and advice, and of furnishing financial help not to exceed the amount spent by the states for the same purpose during the same fiscal year. The provisions of Title IV, as written, applies only to states and cannot be extended to the Territory of Hawaii. The Territory, therefore, is deprived of Federal technical and financial assistance in its reforestation program to develop commercial timber, industrial woods, and other related products.

The purpose of this joint resolution is to request the Congress to enact a law extending the provisions of Title IV to the Territory of Hawaii.

Your Committee agrees with the intent of House Joint Resolution 72 and recommends that it pass Third Reading.

Respectfully submitted,

TOM OKINO, CHAIRMAN

TAKAE TAKAHASHI, VICE CHAIRMAN

JOHN B. FERNANDES

DEE DUPONTE

WILFRED C. TSUKIYAMA

Standing Committee Report No. 657

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 2 , 19 57, by

Senator SAKAE TAKAHASHI, CHAIRMAN FOR THE COMMITTEE ON PUBLIC LANDS.

RE: H. J. RES. NO. 85, HD2

RECOMMENDING THAT SAID JOINT RESOLUTION PASS THIRD READING IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

Deferred to May 3
ADOPTED - MAY 3, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 657

Honolulu, Hawaii

May 2, 1957

Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: House Joint Resolution No. 85, H.D. 2

Sir:

Your Committee on Public Lands to which was referred House Joint Resolution No. 85, H. D. 2, entitled, "JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION TO PERMIT THE LEASING OF PUBLIC LANDS FOR MINING PURPOSES FOR SIXTY-FIVE (65) YEARS", begs leave to report as follows:

The purpose of this measure is to request congress to enact legislation permitting the leasing of public lands for mining purposes for sixty-five years.

Your Committee is aware of the fact that House Joint Resolution No. 60 relating to the extension of leases of public lands is somewhat similar to this measure. Your Committee wishes it to be noted, however, that this resolution relates to mining leases only and it was felt by your Committee that this measure might well stand a better chance of enactment in congress if the extension of leases of public lands be related to mining leases only.

Your Committee recommends that this measure be amended by deleting section 3 of the proposed bill found in section 1 of this resolution and inserting two new sections into said section 1 of this measure relating to the rights of homesteaders who are now prohibited from transferring any interest in their homesteads without the consent of the commissioner of public lands and the governor.

As amended, your Committee recommends that this resolution pass third reading in the amended form attached hereto.

Respectfully submitted,

Chairman

H. J. R. NO. 85
H. D. 2
S. D. 1

JOINT RESOLUTION

REQUESTING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION TO PERMIT THE LEASING OF PUBLIC LANDS FOR MINING PURPOSES FOR SIXTY-FIVE (65) YEARS.

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

SECTION 1. The Congress of the United States is hereby requested to enact a bill substantially as follows:

"A BILL

AMENDING THE HAWAIIAN ORGANIC ACT (31 Stat. 141), AS AMENDED, AND APPROVING AMENDMENTS OF THE HAWAIIAN LAND LAWS IN RESPECT OF LEASES.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. That Section 73 of the Hawaiian Organic Act (48 U.S.C. 663-6776), as amended, is hereby further amended as follows:

(a) By adding a new sub-section '73 (s)' immediately following sub-section (r), to read as follows: 'Section 73 (s). Leases may be made by the Commissioner of Public Lands, with the approval of two-thirds of the members of the Board of Public Lands, for mining purposes for terms up to but not in excess of sixty-five (65) years. The land, or any part thereof so leased, may at any time during the term of the lease be withdrawn from the operation thereof for homestead or public purposes, in which case the rent reserved shall be reduced in proportion to the value of the part so withdrawn. Every such lease shall contain a provision to that effect: PROVIDED, That The Commissioner may, with the approval of the Governor and at least two-thirds of the members of the Board of Public Lands, omit such withdrawal provision from, or limit the same in, the lease of any lands whenever he deems it advantageous to the Territory of Hawaii. Land so leased shall not be subject to such right of withdrawal, or shall be subject only to a right of withdrawal as limited in the lease.'

SEC. 2. Section 73 (d) of the Hawaiian Organic Act (48 U.S.C. 665) is hereby amended as follows:

(a) By replacing the period at the end of the first sentence with a comma, and adding thereafter 'provided, however, mining leases affecting such agricultural lands or such undeveloped arid public land may be made for terms up to but not in excess of sixty-five (65) years as provided in Section 73 (s) of this Act.'

SEC. 3. Section 73 (g) of the Hawaiian Organic Act is hereby amended by replacing the period at the end thereof with a comma, and by adding thereto the following: 'nor to the execution of a lease or license to mine minerals on any homestead land to which the holder of such certificate, lease or agreement has received a fee simple title to any such homestead'.

SEC. 4. Section 99-78 of the Revised Laws of Hawaii, 1955, is hereby amended by replacing the period at the end thereof by a comma, and by adding thereto the following: 'nor to the execution of a lease or license to mine minerals on any homestead land to which the holder of such certificate, lease or agreement has received a fee simple title to any such homestead.

SEC. 5. The amendment of Section 99-51 of the Revised Laws of Hawaii 1955, made by the Twenty-ninth Legislature of the Territory of Hawaii, is hereby approved.

SEC. 6. This Act shall take effect upon its approval."

SECTION 2. (a) Section 99-51 of the Revised Laws of Hawaii 1955 is amended by replacing the period at the end of the first sentence with a comma, and adding thereafter "provided, however, mining leases affecting such agricultural lands or such undeveloped arid public land may be made for terms up to but not in excess of sixty-five (65) years as provided in Section 73 (s) of the Hawaiian Organic Act."

(b) This section shall take effect upon the approval by the Congress of the United States of the amendment made by this section. The Congress of the United States is hereby respectfully requested to approve the amendment.

JOINT

SECTION 3. Certified copies of this Resolution, upon its adoption, shall be forwarded to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the United States, the Secretary of the Interior and the Delegate to Congress from Hawaii.

SECTION 4. This Joint Resolution shall take effect upon its approval.

INTRODUCED BY:

Document without cover 9c
12-757

STAND. COM. REP. NO. 658

Honolulu, Hawaii

May 2, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: House Joint Resolution No. 91

Sir:

Your Committee on Public Lands to which was referred House Joint Resolution No. 91 entitled, "HOUSE JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO AUTHORIZE THE COMMISSIONER OF PUBLIC LANDS TO EXCHANGE CERTAIN PUBLIC LANDS FOR PRIVATE LANDS OF EQUAL VALUE REQUIRED BY THE TERRITORY OF HAWAII FOR PUBLIC HIGHWAY PURPOSES", begs leave to report as follows:

The purpose of this resolution is expressed in its title. Your Committee approves the purpose of this resolution and recommends that it do pass third reading.

Respectfully submitted,

Chairman

Standing Committee Report No. 659

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 2 , 19 57, by

Senator SAKAE TAKAHASHI, CHAIRMAN FOR THE COMMITTEE ON PUBLIC LANDS.

RE: H. J. RES. NO. 103, HD1
RECOMMENDING THAT SAID JOINT RESOLUTION PASS THIRD READING WITH AN AMENDMENT.

MEMO:

Deferred to May 3
ADOPTED - MAY 3, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 659
Honolulu, Hawaii
May 2, 1957

Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: House Joint Resolution No. 103, H.D. 1

Sir:

Your Committee on Public Lands to which was referred House Joint Resolution No. 103, H. D. 1, entitled, "JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES OF AMERICA TO AMEND THE HAWAIIAN ORGANIC ACT (31 STAT. 141), AS AMENDED, BY REMOVING CERTAIN RESTRICTIONS ON THE USE OF PUBLIC LANDS", begs leave to report as follows:

The purpose of this resolution is to request the congress of the United States to amend the Hawaiian Organic Act to permit the commissioner of public lands with the consent of the governor to amend existing patents by removing the restrictions contained in land patents where such removal will be of public interest and would promote the general welfare of the territory.

Your Committee recommends that the following amendment be made:

Amend section 1 of this resolution to read as follows:

"SECTION 1. That the Congress of the United States of America be hereby respectfully requested to amend the Hawaiian Organic Act (31 Stat. 141), as amended, in the following respects:

1. To permit the commissioner of public lands with the consent of the governor to amend existing patents by removing the restrictions contained in any land patent and deed which has run for ten years or more where strict enforcement of the restrictions would involve practical difficulties or unnecessary hardship and where such removal would be in the public interest and would promote the general welfare of the Territory."

As amended, your Committee approves the purpose of this resolution and recommends that it do pass third reading in the amended form.

Respectfully submitted,

Chairman

STAND. COM. REP. No. 660

Honolulu, T. H.

May 3, 1957

Honorable William H. Heen

President of the Senate

S i r :

Your Committee on Printing begs leave to report that the following matters have been printed and are ready for distribution:

S. Res. No. 54
S. Con. Res. No. 60
H. B. No. 103 H. D. 1 S. D. 2
H. B. No. 401 H. D. 1 S. D. 1
H. B. No. 423 H. D. 1 S. D. 1
H. B. No. 492 H. D. 2 S. D. 1
H. B. No. 533 H. D. 1 S. D. 1
H. B. No. 706 S. D. 1
H. B. No. 1025 H. D. 1 S. D. 2
H. B. No. 1050 H. D. 1 S. D. 2
H. B. No. 1167 H. D. 1 S. D. 1
H. J. R. No. 9 H. D. 2 S. D. 1
H. J. R. No. 33 H. D. 1 S. D. 1
H. J. R. No. 65 H. D. 2 S. D. 1
H. J. R. No. 69 H. D. 1 S. D. 1
H. J. R. No. 85 H. D. 2 S. D. 1
H. Con. Res. No. 23 H. D. 1 S. D. 1
Stand. Comm. Rep. No. 625 to 633
Stand. Comm. Rep. No. 635 to 659
Governor's Message No. 134 to 141

Respectfully submitted,

John B Fernandez

Chairman

CORRECTION

THE PRECEDING DOCUMENT(S) HAS BEEN REPHOTOGRAPHED TO ASSURE LEGIBILITY
SEE FRAME(S)
IMMEDIATELY FOLLOWING

Standing Committee Report No. 659

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 2 , 19 57, by

Senator SAKAE TAKAHASHI, CHAIRMAN FOR THE COMMITTEE ON PUBLIC LANDS.

RE: H. J. RES. NO. 103, HD1

RECOMMENDING THAT SAID JOINT RESOLUTION PASS THIRD READING WITH AN AMENDMENT.

MEMO:

Deferred to May 3
ADOPTED - MAY 3, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 659
Honolulu, Hawaii
May 2, 1957

Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: House Joint Resolution No. 103, H.D. 1

Sir:

Your Committee on Public Lands to which was referred House Joint Resolution No. 103, H. D. 1, entitled, "JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES OF AMERICA TO AMEND THE HAWAIIAN ORGANIC ACT (31 STAT. 141), AS AMENDED, BY REMOVING CERTAIN RESTRICTIONS ON THE USE OF PUBLIC LANDS", begs leave to report as follows:

The purpose of this resolution is to request the congress of the United States to amend the Hawaiian Organic Act to permit the commissioner of public lands with the consent of the governor to amend existing patents by removing the restrictions contained in land patents where such removal will be of public interest and would promote the general welfare of the territory.

Your Committee recommends that the following amendment be made:

Amend section 1 of this resolution to read as follows:

"SECTION 1. That the Congress of the United States of America be hereby respectfully requested to amend the Hawaiian Organic Act (31 Stat. 141), as amended, in the following respects:

1. To permit the commissioner of public lands with the consent of the governor to amend existing patents by removing the restrictions contained in any land patent and deed which has run for ten years or more where strict enforcement of the restrictions would involve practical difficulties or unnecessary hardship and where such removal would be in the public interest and would promote the general welfare of the Territory."

As amended, your Committee approves the purpose of this resolution and recommends that it do pass third reading in the amended form.

Respectfully submitted,

Chairman

STAND. COM. REP. No. 660

Honolulu, T. H.

May 3, 1957

Honorable William H. Heen

President of the Senate

S i r :

Your Committee on Printing begs leave to report that the following matters have been printed and are ready for distribution:

S. Res. No. 54
S. Con. Res. No. 60
H. B. No. 103 H. D. 1 S. D. 2
H. B. No. 401 H. D. 1 S. D. 1
H. B. No. 423 H. D. 1 S. D. 1
H. B. No. 492 H. D. 2 S. D. 1
H. B. No. 533 H. D. 1 S. D. 1
H. B. No. 706 S. D. 1
H. B. No. 1025 H. D. 1 S. D. 2
H. B. No. 1050 H. D. 1 S. D. 2
H. B. No. 1167 H. D. 1 S. D. 1
H. J. R. No. 9 H. D. 2 S. D. 1
H. J. R. No. 33 H. D. 1 S. D. 1
H. J. R. No. 65 H. D. 2 S. D. 1
H. J. R. No. 69 H. D. 1 S. D. 1
H. J. R. No. 85 H. D. 2 S. D. 1
H. Con. Res. No. 23 H. D. 1 S. D. 1
Stand. Comm. Rep. No. 625 to 633
Stand. Comm. Rep. No. 635 to 659
Governor's Message No. 134 to 141

Respectfully submitted,

John B. Fernandez

Chairman

Standing Committee Report No. 661

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 3 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: HOUSE BILL NO. 739
H. D. 1

RECOMMENDING THAT SAID BILL BE REFERRED TO THE SELECT COMMITTEE OF KAUAI SENATORS FOR FURTHER CONSIDERATION.

MEMO:

Adopted - May 3, 1957
Referred to the Select Committee of Kauai Senators

WILLIAM S. RICHARDSON
Clerk of the Senate

adopted

STAND. COM. REP. NO. 661

Honolulu, Hawaii

May 3, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 739
H. D. 1

Sir:

Your Committee on Judiciary to which was referred House Bill No. 739, H. D. 1, entitled: "AN ACT TO AMEND SECTION 147-72, REVISED LAWS OF HAWAII 1955, RELATING TO DEPUTIES, ASSISTANTS AND EMPLOYEES OF THE KAUAI DEPARTMENT OF PUBLIC WORKS", recommends that this Bill be referred to your Select Committee of Kauai Senators.

Respectfully submitted,

Nelson K. Doi, Chairman

adopted

STAND. COM. REP. NO. 662

Honolulu, Hawaii

May 3, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 177
H. D. 1

Sir:

Your Select Committee of Hawaii Senators, to which was referred House Bill No. 177, H. D. 1, entitled:

"AN ACT PROVIDING FOR THE IMPROVEMENT OF KAUMANA ROAD, HILO, COUNTY OF HAWAII, AND DIRECTING THE BOARD OF SUPERVISORS OF HAWAII TO MAKE $11,000 OF GENERAL EXCISE TAX MONEYS AVAILABLE THEREFOR",

begs leave to report that your Committee has considered the purpose of this Bill and recommends that it be referred to your Committee on Ways and Means for further consideration.

Respectfully submitted,

Nelson K. Doi, Chairman

STAND. COM. REP. NO. 663

Honolulu, Hawaii

May 3, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Resolution No. 8

Sir:

Your Select Committee of Hawaii Senators, to which was referred Senate Resolution No. 8, entitled:

"RESOLUTION REQUESTING THE MANAGER AND CHIEF ENGINEER OF THE BOARD OF HARBOR COMMISSIONERS OF THE TERRITORY OF HAWAII TO REFRAIN FROM PROCEEDING WITH THE CONSTRUCTION OF A BOAT HARBOR AT KAHALUU, KONA AND TO MEET WITH THE SELECT COMMITTEE OF HAWAII SENATORS AT THE EARLIEST CONVENIENT DATE",

begs leave to report as follows:

The purpose of this Resolution is to request the Board of Harbor Commissioners to refrain from proceeding with the construction of a boat harbor at Kahaluu, Kona, County of Hawaii.

Many petitions, letters and resolutions were received from residents, organizations and the Board of Supervisors of the County of Hawaii requesting that said plans to construct a boat harbor at Kahaluu, Kona be abandoned.

Your Committee is in accord with the purpose of this Resolution in the amended form attached hereto and recommends that it be adopted.

Respectfully submitted,

Nelson K. Doi, Chairman

S. R. NO. 8
S. D. 1

RESOLUTION

BE IT RESOLVED, by the Senate of the Twenty-Ninth Legislature of the Territory of Hawaii, Regular Session of 1957:

That the Manager and Chief Engineer of the Board of Harbor Commissioners of the Territory of Hawaii be and he is hereby requested to refrain from proceeding with the construction of a boat harbor at Kahaluu, Kona, Island and County of Hawaii; and

BE IT FURTHER RESOLVED that a copy of this Resolution be delivered to the Manager and Chief Engineer of the Board of Harbor Commissioners.

OFFERED BY:

TOM T. OKINO
KAZUHISA ABE
NELSON K. DOI
W. H. HILL

STAND. COM. REP. NO. 664

Honolulu, Hawaii

May 3, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: House Bill No. 14, H. D. 1

Sir:

Your Committee on Public Lands to which was referred House Bill No. 14, H. D. 1, entitled, "AN ACT RELATING TO MINERAL RIGHTS IN THE TERRITORY OF HAWAII, PROVIDING FOR THE RESERVATION OF SUCH RIGHTS TO THE TERRITORY IN TERRITORIAL LANDS, THE LEASE OF SUCH RIGHTS AND THE PAYMENT OF RENTALS AND ROYALTIES THEREFOR", begs leave to report as follows:

The purpose of House Bill No. 14, H. D. 1, is set forth in House Standing Committee Report No. 731, dated April 27, 1957.

Your Committee made several amendments to House Bill No. 14, H. D. 1, as follows:

1. Section 1 thereof has been amended in the following respects:

(a) By amending Sec. 99-99 thereof by amending the meaning of "occupier" by deleting the words "issued upon any such certificate, lease or agreement". The meaning, as amended, is broader and will include all holders of a deed, grant, or patent.

(b) By amending Sec. 99-101 thereof by requiring, in addition to lessees of a mining lease, every assignee of such lessee to file a bond with the commissioner. This amendment will assure that the assignees of such lessees shall post bonds before engaging in mining operations.

(c) By further amending Sec. 99-101 by allowing the occupier at his option to have the matter of rentals as well as damages, be arbitrated.

(d) By amending Sec. 99-102 thereof by deleting the words "Within 10 days thereafter" and inserting in lieu thereof the words "As soon as practical thereafter". This section was further amended to provide that the notice to apply for a mining lease shall be accompanied by, in addition to the fees and descriptions of the lands

and minerals, such information and maps as the commissioner may by regulation prescribe. The test to be used by the commissioner to determine the better use of the land was further simplified. The commissioner was also given the power to modify the boundaries of the land areas offered for mining leases. The amendment further provides for the publication of notice, at least 30 days before the holding of any public auction.

(e) By amending Sec. 99-103 thereof by providing that bidders at the public auction of reserved lands shall bid on an amount to be paid to the Territory for a mining lease, granting to the lessee the right to exploit minerals reserved to the Territory. This amendment clarifies that in such public auctions, the occupier and the Territory are both entitled to rentals. The occupier is entitled to rental by virtue of the provisions in Sec. 99-101.

(f) By amending Sec. 99-104 thereof by requiring that the results of the exploration turned over to the commissioner shall be kept confidential.

(g) By amending Sec. 99-105 thereof by adding a minimum price to the royalties to be fixed by the commissioner and by lowering the maximum price from the price equivalent of four pounds of virgin pig aluminum to three pounds in the case of ore processed without the Territory. In the case of ore processed in the Territory the royalty shall be fixed at eighty percent of the rate of royalty for ore not processed in the Territory. The section has been further amended by deleting the provision requiring that industrial wastes shall be disposed by the lessee in the manner agreed upon with the commissioner. Your Committee is of the opinion that the requirement as such is harsh and uncertain.

(h) By amending Sec. 99-106 thereof to include the provision that the longest dimension of the area leased shall not exceed its narrowest dimension by more than six times. This requirement will prevent mining on very narrow or unusually shaped strips of land.

2. Section 3 has been amended by adding thereto a provision that the bill, after its enactment into law, may be amended by the legislature of the Territory of Hawaii, without approval of congress.

Your Committee on Public Lands is in accord with the aims and purposes of House Bill No. 14, H. D. 1, as amended, and recommends that it be passed on third reading in the form attached hereto as House Bill No. 14, H. D. 1, S. D. 1.

Respectfully submitted,

Chairman

H. B. NO. 14
H. D. 1
S. D. 1

AN ACT

RELATING TO MINERAL RIGHTS IN THE TERRITORY OF HAWAII, PROVIDING FOR THE RESERVATION OF SUCH RIGHTS TO THE TERRITORY IN TERRITORIAL LANDS, THE LEASE OF SUCH RIGHTS AND THE PAYMENT OF RENTALS AND ROYALTIES THEREFOR.

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

SECTION 1. Title 12 of the Revised Laws of Hawaii 1955 is hereby amended by adding thereto a new chapter numbered 99-A, including new sections numbered 99-99 to 99-113, inclusive, to read as follows:

"CHAPTER 99-A, RESERVATION AND DISPOSITION OF GOVERNMENT MINERAL RIGHTS.

Sec. 99-99. Definitions. In this chapter, if not inconsistent with the context:

(a) "Minerals" means any or all of the oil, gas, coal, phosphate, sodium, sulphur, iron, titanium, gold, silver, bauxite, bauxitic clay, diaspore, boehmite, laterite, gibbsite, alumina, all ores of aluminum and, without limitation thereon, all other mineral substances and ore deposits whether solid, gaseous or liquid, in, on or under any land; provided, that it does not include sand, rock, gravel, and other similar materials commonly used in road construction.

(b) "Commissioner" means commissioner of public lands.

(c) "Reserved lands" means those lands owned or leased by any person in which the Territory or its predecessors in interest has reserved to itself expressly or by implication the minerals or right to mine minerals, or both.

(d) "Territorial lands" includes all public and other lands owned or in the possession, use and control of the Territory of Hawaii or any of its agencies and the provisions of this chapter shall apply thereto, subject to the limitations contained herein, to the extent permitted by the laws of the United States.

(e) "Occupier" means any person entitled to the possession of land under a certificate of occupation, a right of purchase lease, a cash freehold agreement, or under a deed,

grant or patent, and any person entitled to possession under a general lease, and also means and includes the assignee of any one of the above.

(f) "Force majeure" means any fire, explosion, flood, volcanic activity, seismic or tidal wave, mobilization, war (whether declared or undeclared), act of any belligerent in any such war, riot, rebellion, the elements, power shortages, strike, lock-out, differences of workmen, any cause which prevents the economic mining of the lease, or any other cause beyond the reasonable control of the party affected, whether or not of the nature or character hereinbefore specifically enumerated.

(g) "Mining operations" means the process of excavation, extraction and removal of minerals from the ground, design engineering, other engineering, erection of transportation facilities and port facilities, erection of necessary plants, other necessary operations or research or development approved by the commissioner of public lands preceding or connected with the actual extraction of minerals.

Sec. 99-100. Mineral rights reserved to the Territory. (a) All minerals in, on or under territorial lands or lands which hereafter become territorial lands are reserved to the Territory; provided, that the commissioner may release, cancel or waive such reservation whenever he deems the land use, other than mining, is of greater benefit to the Territory as provided for in section 99-102. Such minerals are reserved from sale or lease except as provided in this law. A purchaser or lessee of any such lands shall acquire no right, title or interest in or to such minerals. The right of such purchaser or lessee shall be subject to the reservation of all such minerals and to the conditions and limitations prescribed by law providing for the Territory and persons authorized by it to prospect for, mine and remove such minerals, and to occupy and use so much of the surface of the land as may be required for all purposes reasonably extending to the mining and removal of such minerals therefrom by any means whatsoever.

(b) Subject to the provisions of section 99-100(a), all land patents, leases, grants or other conveyances of territorial land shall be subject to and contain a reservation to the Territory of all such minerals, and shall also contain a reservation to the Territory, and persons authorized by it, of the right to prospect for, mine and remove such minerals by deep mining, strip mining, drilling and any other means whatsoever, and to occupy and use so much of the surface as may be required therefor.

Sec. 99-101. Bond; compensation to occupiers. (a) Every lessee of a mining lease granted under this chapter and every assignee thereof shall file with the commissioner a bond, in a form and in an amount approved by the commissioner, made payable to the Territory and which shall be conditioned upon the faithful performance by the lessee of all the requirements of this chapter and of the mining lease, and also conditioned upon the full payment by the lessee of all damages suffered by the occupiers hereinunder mentioned. If the Territory sells or leases its mineral rights on land which it or its predecessors in interest have granted or leased, or which it may hereafter sell or lease, and the occupier thereof is damaged due to injury to his crops or improvements or to the surface or condition of his land caused by any mining or other incidental operations, including exploratory work, or by the failure of the lessee of the mining lease to properly restore the land after termination of such operations, such occupier shall be reimbursed the full extent of the damages caused by the mining operations of the lessee so long as the occupier was not granted a mining lease without public auction under the provisions of section 99-103.

(b) Nothing herein shall be construed to prevent the occupier from demanding and receiving rentals from the lessee of the mining lease or to forbid and prevent the occupier and such lessee from agreeing upon the amount of damages to be paid the occupier and the terms and conditions of payment. The occupier may in writing before or within thirty days after the public auction notify the commissioner that he elects to have the amount of damages and the amount of rentals to be paid as a result of the mining lease determined by arbitration with the successful bidder. In such event, the occupier shall notify the successful bidder of his election to arbitrate, and the arbitration shall proceed in accordance with the provisions of chapter 188 of the Revised Laws of Hawaii 1955. The arbitrators in fixing the amount of damages to be paid to the occupier shall award him the amount which in their judgment shall fairly compensate the occupier for the damages he may suffer to his crops or improvements or to the surface or condition of his land caused by the mining or other incidental operations, including exploratory work, and a reasonable rental for the use of the surface.

Sec. 99-102. Mining leases on territorial lands. If any mineral is discovered or known to exist on territorial lands, any interested person may notify the commissioner of his desire to apply for a mining lease. Such notice shall be accompanied by a fee of $100 together with a description

of the land desired to be leased and the minerals involved and such information and maps as the commissioner by regulation may prescribe. As soon as practicable thereafter, the commissioner shall cause a notice to be published in a newspaper of general circulation in the county where such lands are located, at least once in each of three successive weeks, setting forth the description of the land, and the minerals desired to be leased. The commissioner may hold the public auction of such mining lease within six months from the date of the first publication of notice or such further time as may be reasonably necessary. Whether or not the territorial land sought to be auctioned is then being utilized or put to some productive use, the commissioner, after due notice of public hearing to all parties in interest, within six weeks from the date of the first publication of notice or such further time as may be reasonably necessary, shall determine whether the proposed mining operation or the existing or reasonably foreseeable future use of the land would be of greater benefit to the Territory. If the commissioner shall determine that the existing or reasonably foreseeable future use would be of greater benefit to the Territory than the proposed mining use of such land, he shall disapprove the application for a mining lease of such land without putting the land to auction. The commissioner shall determine the area to be offered for lease and, after due notice of public hearing to all parties in interest, may modify the boundaries of the land areas. At least thirty days prior to the holding of any public auction, the commissioner shall cause a notice to be published in a newspaper of general circulation in the Territory at least once in each of three successive weeks, setting forth the description of the land, the minerals to be leased, and the time and place of the auction. Bidders at the public auction shall bid on the amount of annual rental to be paid for the term of the mining lease based on an upset price fixed by the commissioner.

Sec. 99-103. Mining leases on reserved lands. If any mineral is discovered or known to exist on reserved lands, any interested person may notify the commissioner of his desire to apply for a mining lease. Such notice shall be accompanied by a fee of $100 together with a description of the land desired to be leased and the minerals involved and such information and maps as the commissioner may by regulation prescribe. The commissioner may grant a mining lease on reserved lands in accordance with the provisions of section 99-102, or the commissioner may, with the approval of two-thirds of the members of the board of public lands, without public auction, grant a mining lease on reserved lands to the occupier thereof. Such a mining lease may be

granted to a person other than the occupier if the occupier has assigned his rights to apply for a mining lease to another person, in which case only such assignee may be granted a mining lease. If the occupier or his assignee of the right to obtain a mining lease should fail to apply for a mining lease within six months from the date of notice from the commissioner of a finding by the commissioner that it is in the public interest that the minerals on such reserved lands be mined, a mining lease shall be granted under the provisions of section 99-102; provided, that bidders at the public auction shall bid on an amount to be paid to the Territory for a mining lease granting to the lessee the right to exploit minerals reserved to the Territory.

Sec. 99-104. Exploration. Any person wishing to conduct exploration on such territorial lands shall apply to the commissioner who shall issue exploration permits upon such terms and conditions as he shall by regulation prescribe; provided, that where the territorial lands sought to be explored are located within a forest reserve or are otherwise included within lands under the jurisdiction of the board of commissioners of agriculture and forestry, such permit shall also be approved by the board before the same can be issued. During and as a result of such exploration, no minerals of such types and quantity beyond that reasonably required for testing and analysis shall be extracted and removed from such territorial lands. Upon termination of the exploration permit, the drill logs and the results of the assays resulting from the exploration shall be turned over to the commissioner and kept confidential by the commissioner. If such person shall not make application for a mining lease of such lands within a period of six months from the date such information is turned over to the commissioner, the commissioner in his discretion need not keep such information confidential.

Sec. 99-105. Lease. Prior to the public auction contemplated in sections 99-102 or 99-103, or the granting of mining lease without public auction contemplated in section 99-103, the commissioner shall cause a mining lease for the land in question to be drawn. Such lease shall describe the land and shall contain, in addition to such other provisions which the commissioner may deem appropriate, provisions to the following effect:

(a) The term of the lease shall be sixty-five years or for a lesser period at the discretion of the commissioner.

(b) The payment of royalties to the Territory shall be fixed by the commissioner; provided, that in the case of bauxite, bauxitic clay, gibbsite, diaspore, boehmite and all

ores of aluminum, the amount of royalties for each long dry ton of ore as beneficiated shall not be less than twenty-five cents or the equivalent of the price of one pound of virgin pig aluminum, whichever is higher, nor shall it exceed the equivalent of the price of three pounds of virgin pig aluminum; provided further, that the rate of royalty for ore processed into aluminous oxide in the Territory shall be set at eighty per cent of the rate of royalty for ore not processed to aluminous oxide in the Territory. The prices of virgin pig aluminum for the purpose of determining the royalties hereunder shall be the basic price on the United States market for virgin pig, not refined, f.o.b. factory. Such royalties shall be in lieu of any severance or other similar tax on the winning, beneficiating, handling, storing, treating, or transporting of the mineral or any product into which it may be processed into in the Territory, and shall not be subject to reopening or renegotiating for and during the first twenty years of the lease term.

In the event the lessee desires to mine other minerals, such lessee shall, before mining such minerals, so notify the commissioner in writing, and the commissioner and the lessee shall negotiate and fix the royalties for such minerals.

(c) The lessee shall covenant and agree that the lessee shall commence mining operations upon the leased lands within three years from the date of execution of such lease; provided, that so long as the lessee is actively and on a substantial scale engaged in mining operations on at least one such lease on the same minerals, such covenant shall be suspended as to all other leases held by such lessee.

Any interested party may, however, request that a mining lease contain a research period under which the lessees shall be required to expend money in research and development to establish a method to make economical the mining and processing of the mineral deposits contained in the lease. If the commissioner determines that such research period would be beneficial he shall fix the period of research and shall also fix a minimum expenditure for labor performed or money spent by the lessee in research and development and the method by which the lessee shall establish that such expenditure in fact be made. In such leases, the obligation to commence mining operations within three years shall not commence until the expiration of the research period.

(d) For the period of the lease the lessee shall have the exclusive right of possession of the minerals leased and the exclusive right to mine and remove said minerals by

means which shall be reasonable and satisfactory to the commissioner and to occupy and use so much of the surface of the land as may reasonably be required, subject to the provisions of section 99-101 herein. The right to use the surface shall include the right to erect transportation facilities thereon, construct plants for beneficiating, drying and processing said minerals and such other uses as may be necessary or convenient to the winning and processing of the minerals; provided, that the lessee shall comply with all water and air pollution control laws, rules and regulations of the Territory or its political subdivisions.

(e) The lessee may retain all minerals separated from the land as a part of the process of mining the minerals specified in the mining lease; provided, that the lease may prescribe the accounting and testing procedures by which the amount and quality of such additional materials shall be determined for the purpose of computing the severance or excise taxes thereon.

Sec. 99-106. Number of leases; area covered by lease. There shall be no limit upon the number of mining leases that may be granted to any person undertaking any mining operations. No lease shall grant and include an area of land exceeding four square miles of contiguous land, in which the longest dimension of the area demised shall exceed its narrowest dimension by more than six times.

Sec. 99-107. Deposit; first year's rental. All bidders shall prior to the date of public auction post with the commissioner a deposit of $500. The commissioner shall refund to unsuccessful bidders such amount within two days after the auction. All bidders, prior to the auction, shall satisfy the commissioner of their financial ability to conduct mining operations and of their capability to develop a mine. The successful bidder shall pay to the commissioner the amount of the first year's rental within two days after the acceptance of the bid by the commissioner and the $500 deposit shall be credited against such sum. If the deposit exceeds the first year's rental, the excess shall be refunded. All rentals thereafter are payable in advance once a year.

Sec. 99-108. Revocation of mining leases. A mining lease may be revoked if the lessee fails to pay rentals when due or if any of the terms of the lease or of law are not complied with, or if the lessee wholly ceases all mining operations for other than reasons of force majeure or the uneconomic operation of such mining lease for a period of one year without the written consent of the commissioner;

provided, that the commissioner shall give the lessee notice of any default and such lessee shall have six months from the date of such notice to remedy such default.

Sec. 99-109. Assignment. Any mining lease may be assigned in whole or in part, subject to the approval of the commissioner, to an assignee who shall have the same qualifications as any bidder for a mining lease. The assignee shall be bound by the terms of the lease to the same extent as if such assignee were the original lessee. The approval of the assignment by the commissioner shall release the assignor from any liabilities or duties under the mining lease as to the portion thereof assigned.

Sec. 99-110. Acquisition of rights-of-way. The Territory may, at its discretion, acquire by eminent domain, by negotiation or otherwise, such real property, rights-of-way and interest in, over, across, under, and through any real property which may be necessary for transportation or communication facilities in connection with any mining operations and may assign, lease or otherwise transfer such property or rights to persons or corporations engaged in mining operations.

Sec. 99-111. Surrender of mining leases. Any lessee of a mining lease, who has complied fully with all the terms, covenants, and conditions of the existing lease, may, with the consent of the commissioner, surrender at any time and from time to time all or any part of a mining lease or the land contained therein upon payment as consideration therefor two years' rent prorated upon the portion of the lease or land surrendered. The lessee shall thereupon be relieved of any future liability or duty with respect to the land or lease so surrendered; provided, that nothing herein contained shall constitute a waiver of any liability or duty lessee may have with respect to the land or lease surrendered as a result of any previous activities conducted on such land or under such lease. Upon the termination, cancellation or surrender of any mining lease or any portion thereof, the lessee shall have the right to remove any and all equipment, buildings and plants placed on the land surrendered by the holder of the mining lease.

Sec. 99-112. Rules and regulations. Subject to the provisions of sections 7-28 to 7-41 of the Revised Laws of Hawaii 1955, the commissioner may make, promulgate and

amend such rules and regulations as he deems necessary to carry out the provisions of this chapter and to perform his duties thereunder, all commensurate with and for the purpose of protecting the public interest. All such rules and regulations shall be approved by the governor and shall have the force and effect of law.

Sec. 99-113. Other use of surface of territorial lands. Where mining leases are granted on territorial lands, the commissioner may reserve to the Territory the right to lease, sell or otherwise dispose of the surface of the lands embraced within such lease. Such lease, sale or other disposal of the surface, if made, shall be subject to the rights of the holder of the mining lease."

SECTION 2. If any provisions of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 3. This Act shall become effective upon its approval by the Congress of the United States. Notwithstanding any provisions of the Hawaiian Organic Act (31 Stat. 141) or of the Revised Laws of Hawaii 1955, the powers, duties, obligations and functions of the commissioner of public lands of the Territory of Hawaii, relating to mining leases or mineral rights belonging to the Territory of Hawaii, shall be governed by the provisions of this Act, as hereby enacted or as it may be duly amended from time to time by the legislature of the Territory of Hawaii.

INTRODUCED BY:

STAND. COM. REP. NO. 665

Honolulu, Hawaii

May 3, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 52
H. D. 1

Sir:

Your Committee on Judiciary to which was referred House Bill No. 52, H. D. 1, entitled:

"AN ACT TO AMEND SECTIONS 5-13 AND 3-10 OF THE REVISED LAWS OF HAWAII 1955 TO RESTRICT CERTAIN PUBLIC OFFICERS AND EMPLOYEES FROM ACTING AS MASTER OF ACCOUNTS",

begs leave to report as follows:

This Bill provides that no person holding any salaried office or employment in the executive or judicial branches of the government of the Territory or any county thereof, or holding any executive or judicial office or employment any part of the compensation for which is paid by the Territory or any county, shall be appointed to serve as master to examine, pass or report upon any account filed in any court of the Territory by any guardian, trustee, executor or administrator except where the estate concerned be insolvent or there be insufficient funds therein to pay a reasonable master's fee. It provides also that the attorney general, his assistants and deputies, shall no longer be entitled to accept fees or other compensation in connection with masterships.

Your Committee finds that the reference to Section 3-10 of the Revised Laws of Hawaii 1955 appearing in the title and in SECTION 2 of the Bill is erroneous. That reference should read Section 30-10 and the Bill should be amended accordingly.

So amended, your Committee recommends that the Bill do pass third reading.

Respectfully submitted,

Nelson K. Doi, Chairman

STANDING COMMITTEE REPORT NO. 666

Honolulu, Hawaii
May 3, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 95
H. D. 1

Sir:

Your Committee on Judiciary to which was referred House Bill No. 95, H. D. 1, entitled,

"AN ACT TO AMEND SECTION 216-4, OF THE REVISED LAWS OF HAWAII 1955, RELATING TO CIVIL JURISDICTION OF DISTRICT COURTS,"

begs leave to report as follows:

The purpose of this measure is to enlarge the jurisdiction of the district courts of the Territory over civil matters. Your Committee is in accord with the objectives of this bill, but believes certain amendments should be made therein, and has therefore prepared an amended draft which is attached to this report.

As amended, your Committee fully approves of this bill and therefore recommends that it pass third reading.

Respectfully submitted,

Nelson K. Doi for
NELSON K. DOI, CHAIRMAN

AATF

H. B. NO. 95
H. D. 1
S. D. 1

AN ACT

TO AMEND SECTION 216-4, OF THE REVISED LAWS OF HAWAII 1955, RELATING TO CIVIL JURISDICTION OF DISTRICT COURTS.

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

SECTION 1. Section 216-4 of the Revised Laws of Hawaii 1955 is hereby amended by deleting the first seven lines thereof, and inserting in place of the same the following:

"Section 216-4. Civil jurisdiction. The district courts shall have original and exclusive jurisdiction of all civil actions, except as otherwise provided, where the debt, amount or damages, or the value of the property claimed, does not exceed $50; and, in the districts within the county of Hawaii, the district of Wailuku, and the district of Honolulu, concurrent jurisdiction in all civil actions, except as aforesaid, where the debt, amount or damages, or the value of the property claimed, does not exceed $2,000, and, in the other districts of the Territory, concurrent jurisdiction in all civil actions, except as aforesaid, where the debt, amount or damages, or the value of the property claimed does not exceed $1,000;"

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED: BY:

STAND. COM. REP. NO. 667

Honolulu, Hawaii

May 3, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 97
H. D. 1

Sir:

Your Committee on Judiciary to which was referred House Bill No. 97, H. D. 1, entitled:

"AN ACT RELATING TO WILLS AND AMENDING CHAPTER 322 OF THE REVISED LAWS OF HAWAII 1955",

begs leave to report as follows:

The purpose of this Bill is to permit incorporation by reference in a will any existing document, book, record or memorandum in existence at the time any will is executed.

Presently there is no provision in our laws allowing for such incorporation by reference. The recognized practice in the law of wills throughout the mainland provides for such incorporation by reference. The passage of this Bill would be a progressive movement toward conformity with the accepted practice in the United States.

Your Committee approves the purpose of this Bill and recommends that it pass third reading.

Respectfully submitted,

Nelson K. Doi, Chairman

Standing Committee Report No. 668

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 3 , 19 57 , by

Senator S. GEORGE FUKUOKA, CHAIRMAN FOR THE COMMITTEE ON PUBLIC HEALTH.

RE: H. B. NO. 906, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 4
ADOPTED - MAY 4, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 668
Honolulu, Hawaii
May 3, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 906
H. D. 1

Sir:

Your Committee on Public Health, to which was referred House Bill No. 906, H. D. 1, entitled

"AN ACT AMENDING CHAPTER 70 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO CONSULTATIONS AND PROVIDING FOR THE RECOGNITION OF THE CERTIFICATES OF THE NATIONAL BOARD OF EXAMINERS FOR OSTEOPATHIC PHYSICIANS AND SURGEONS",

begs leave to report as follows:

The purpose of this bill is to permit any licensed physician in the Territory to have the benefit of consultation with an osteopathic physician or surgeon from another state, who is licensed in that state but not in the Territory, so long as such osteopathic physician or surgeon does not actually engage in practice here. Another purpose is to allow the territorial board of osteopathic examiners for licensing purposes to accept the examination of the national board of examiners for osteopathic physician and surgeons in lieu of its own examination.

Your Committee has been informed that the local board of osteopathic examiners is in favor of this bill.

Your Committee is in accord with the intent and purposes of this bill and recommends that it pass third reading.

Respectfully submitted,

Chairman

I do not concur

A.A.T.F.

STANDING COMMITTEE REPORT NO. 669

Honolulu, Hawaii
May 3, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 156
H. D. 1

Sir:

Your Committee on Public Employment to which was referred House Bill No. 156, H. D. 1, entitled, "AN ACT TO PROVIDE PROTECTION FOR PER DIEM WORKERS AND THEIR RETIREMENT RIGHTS, AND MAKING APPROPRIATIONS THEREFOR," begs leave to report as follows:

The purpose of this bill is to clarify the protection to be given to per diem workers in the counties of Hawaii and Kauai as they are converted to a monthly salaried status in accordance with Act 274, Session Laws of Hawaii 1955. This bill provides that per diem employees will be given preference in other positions in the government service.

Per diem workers who are not now in the retirement system will be required to join the retirement system when they become monthly salaried employees and this bill provides that they shall receive prior service credit in the employees' retirement system when they join the retirement system. This prior service credit will be paid for by the various counties.

Your Committee has amended House Bill No. 156 to clarify the provision requiring the counties involved to pay for the prior service credit for these employees.

Your Committee is in accord with the intent and purpose of this bill and recommends it pass third reading in the amended form attached hereto.

Respectfully Submitted,

DEE DUPONTE, CHAIRMAN

AATF

H. B. NO. 156
H. D. 1

S. D. 1

AN ACT

TO PROVIDE PROTECTION FOR PER DIEM WORKERS AND THEIR RETIREMENT RIGHTS, AND MAKING APPROPRIATIONS THEREFOR.

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

SECTION 1. Employees occupying per diem positions at the time of the enactment of Act 274, Session Laws of Hawaii 1955, shall be given preference in other positions in the government service. During the transition from per diem positions to other positions, laws and regulations relating to filling of vacancies, transfers, examinations, classification, and increments shall be liberally construed to provide for a smooth transition.

SECTION 2. Employees in per diem positions, who are not members of the employees' retirement system on the effective date of this Act, shall join the retirement system upon attaining a monthly status and shall receive prior service credit in the retirement system on the same basis and under the same rules and regulations as were provided in Act 110, Session Laws of Hawaii, 1951.

SECTION 3. The various counties are authorized and directed to pay to the employees' retirement system the sums necessary for the purpose of granting prior service credit in the employees' retirement system to the per diem workers in the respective counties covered by this Act.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

Standing Committee Report No. 670

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 3 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 477, HD2

RECOMMENDING THAT SAID BILL PASS THIRD READING WITH AN AMENDMENT.

MEMO:

Deferred to May 4
ADOPTED - MAY 4, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 670
Honolulu, Hawaii
May 3, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 477
H. D. 2

Sir:

Your Committee on Judiciary, to which was referred House Bill No. 477, H. D. 2, entitled

"AN ACT TO AMEND SECTIONS 144-72, 149-20 AND 149-113 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO THE POWER OF THE ATTORNEY GENERAL TO CONTROL AND DIRECT THE VARIOUS MUNICIPAL AND COUNTY LEGAL OFFICERS, AND RELATING TO THE POWER OF THE MAYOR OF THE CITY AND COUNTY OF HONOLULU TO APPOINT AND REMOVE SUCH OFFICERS",

begs leave to report as follows:

The purposes of this Bill are as follows:

1. To eliminate the provisions in the laws which state that county attorneys of the several counties and the city and county public prosecutor and their deputies or assistants shall be deputies of the attorney general.

2. To abolish the power of the attorney general to remove the attorney and the public prosecutor of the city and county with the approval of the governor.

3. To provide that the city and county attorney may also be appointed public prosecutor. The existing law permits the public prosecutor to be appointed also as city and county attorney.

4. To provide for the removal of the city and county attorney and the public prosecutor by the mayor with the approval of the board of supervisors.

STANDING COMMITTEE REPORT NO. 670
Page Two

Your Committee recommends that the title of this Bill be amended to read as follows:

"AN ACT RELATING TO THE POWER OF THE ATTORNEY GENERAL TO CONTROL AND DIRECT THE VARIOUS MUNICIPAL AND COUNTY LEGAL OFFICERS, AND RELATING TO THE POWER OF THE MAYOR OF THE CITY AND COUNTY OF HONOLULU TO APPOINT AND REMOVE SUCH OFFICERS".

Your Committee is in accord with the purpose of this Bill and recommends that it pass third reading as so amended.

Respectfully submitted,

Nelson L. Koi
Chairman

S George Fukuoka

Arthur Kyoshe

Salvat Jallahadi

Minnie Ido not Concur

A.A.T.F.

Standing Committee Report No. 671

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 3 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 736, HD2

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 4
ADOPTED - MAY 4, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 671
Honolulu, Hawaii
May 3, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 736
H. D. 2

Sir:

Your Committee on Judiciary, to which was referred House Bill No. 736, H. D. 2, entitled

"AN ACT TO AMEND SUBSECTION (b) OF SECTION 144-33, REVISED LAWS OF HAWAII 1955, RELATING TO THE POWER OF THE BOARD OF SUPERVISORS TO APPOINT EMPLOYEES",

begs leave to report as follows:

The purpose of the Bill is to clarify the vague language of subsection (b) of Section 144-33 of the Revised Laws of Hawaii 1955, relating to the power of the board of supervisors of the Counties of Hawaii, Maui and Kauai "to appoint such subordinate officers as they may deem necessary for the public service" by amending it to read "to appoint such committee clerks and assistants as may be deemed necessary to carry out the administrative functions of the board and to suspend or remove them for just and lawful cause". The implied power to suspend or remove has been spelled out.

Your Committee is in full accord with the purpose of the Bill and recommends that it pass third reading.

Respectfully submitted,

Chairman

Standing Committee Report No. 672

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 3 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 761, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 4
ADOPTED - MAY 4, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 672
Honolulu, Hawaii
May 3, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 761
H. D. 1

Sir:

Your Committee on Judiciary, to which was referred House Bill No. 761, H. D. 1, entitled

"AN ACT TO AMEND SECTION 258-53 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO PROBATION AND SUSPENSION BY THE CIRCUIT COURT",

begs leave to report as follows:

This Bill provides that when a person placed on probation shall leave the Territory without permission from the court or the adult probation division or officer, or if the whereabouts of such person be not known to the court or the adult probation division or officer because of the neglect or failure of such person to so inform the court or the adult probation division or officer, the court may order the period of probation of such person suspended pending apprehension or the return of such person to the jurisdiction of the court.

This Bill further provides that from and after such suspension of the period of probation and until the return of such person to the jurisdiction of the court, such person shall be deemed a delinquent probationer, and no part of the time during which such person is a delinquent shall be considered a part of his probation.

Your Committee is in full accord with the purpose of this Bill and recommends that it pass third reading.

Respectfully submitted,

Chairman

Standing Committee Report No. 673

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 3 , 1957 , by

Senator DEE DUPONTE, CHAIRMAN FOR THE COMMITTEE ON PUBLIC EMPLOYMENT.

RE: H. B. NO. 811

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 4
Referred to the Committee on Ways and Means
May 4, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

~~Woolaway~~ WM

STAND. COM. REP. NO. 673

Honolulu, Hawaii

May 3, 1957

Re: House Bill No. 811

Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

Sir:

Your Committee on Public Employment, to which was referred H. B. NO. 811 entitled: "AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM OF THE TERRITORY OF HAWAII AND AMENDING CHAPTER 6, REVISED LAWS OF HAWAII, 1955", begs leave to report as follows:

Under existing law governmental employees including firemen and policemen may retire at the minimum age of 55 years. Due, however, to the fact that the retirement allowance at the age of 55 is so low, few, if any, of said employees actually retire. It is apparent that policemen and firemen are engaged in hazardous occupations and must depend upon their physical capabilities in the proper execution of their responsibilities for the public safety.

The purpose of this bill is to allow policemen and firemen who have completed 25 years of service and who have attained the age of 55 years the privilege of retiring. Likewise, this bill provides a special inducement for policemen and firemen with long and specialized experience to continue in government service so that their expert knowledge might be of use in their chosen fields of endeavor. An allowance, therefore, of 1½% of the policemen's and firemen's average final compensation for each of the next 10 years of creditable service after 25 years is incorporated in this bill.

This bill also provides that the accrued liability of any additional retirement benefits payable to policemen and firemen by reason of any amendments to the Employees Retirement System laws by the 29th Legislature of the Territory of Hawaii may, with the approval of the Board of Trustees of the Retirement System, be liquidated by uniform payments extending over a period of 30 years from the effective date of these amendments.

Mr. George Buck, the actuary for the Employees Retirement System, during his recent visit to the Territory, appeared before

the House Committee on Finance and the Ways and Means Committee of the Senate and pointed out that policemen and firemen are not eligible for benefits under the Social Security Act. He likewise pointed out that policemen and firemen receive preferential treatment in mainland cities and that the cost involved will not be entirely borne by the respective counties since the policemen and firemen would pay higher rates of contributions. Mr. Harold C. Hill, secretary of the Employees Retirement System, pointed out in the hearing that this is a conservative bill.

Mr. Harold Hill, Executive Secretary of the Employees Retirement System, further testified that there will be no necessity of increasing the present contribution made by the various counties because they have paid up their past liability to the Employees Retirement System and the present contribution, if continued, will be sufficient to take care of the added benefits given to the policemen and firemen under this bill.

The Committee agrees, in principle, with the intent and purpose of this bill and recommends that it pass third reading.

Respectfully submitted,

DEE DUPONTE, CHAIRMAN

TOM OKINO, VICE CHAIRMAN

MITSUYUKI KIDO

SAKAE TAKAHASHI

WILLIAM H. HILL

Standing Committee Report No. 674

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 3 , 19 57, by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 865, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 4 - 6
Recommitted to Judiciary Committee - May 6, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

recom. to Jud. 5/6 Kig.

mandy

STAND. COM. REP. NO. 674

Honolulu, Hawaii

May 3, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 865
H. D. 1

Sir:

Your Committee on Judiciary to which was referred House Bill No. 865, H. D. 1, entitled:

"AN ACT EMPOWERING THE SEVERAL COUNTIES TO REQUIRE SITES FOR SCHOOLS, PARKS OR PLAYGROUNDS AS A CONDITION PRECEDENT TO THE APPROVAL OF NEW SUBDIVISIONS FOR HOMESITES, AND ESTABLISHING LIMITATIONS THERETO; ADDING CHAPTER 142B TO AND REPEALING SECTIONS 149-94 TO 149-97 OF THE REVISED LAWS OF HAWAII 1955",

begs leave to report as follows:

The purpose of this Bill is to require subdividers of land in the city and county of Honolulu and in the counties of Hawaii, Maui and Kauai to set aside sites for school, park or playground as a condition precedent to the approval of new subdivisions for homesites, if any such land development comprises an area in excess of ten acres. It also provides that if any subdivider is required to set aside a portion of his land for the purposes mentioned, then the county, imposing such a condition for the approval of the subdivision, is required to pay to the property owner an amount equal to the value of the raw land to be subdivided plus the proportionate cost of the improvements.

Your Committee is in accord with the purpose of this Bill and recommends that it pass third reading.

Respectfully submitted,

Nelson K. Doi

Nelson K. Doi, Chairman

[signature] [signature]

[signature] [signature]

Standing Committee Report No. 675

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 3 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 873, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING WITH CERTAIN AMENDMENTS.

MEMO:

Deferred to May 4 - 6 - 7
Recommitted to Judiciary Committee - May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

Jud

STAND. COM. REP. NO. 675

Honolulu, Hawaii

May 3, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 873
H. D. 1

Sir:

Your Committee on Judiciary to which was referred House Bill No. 873, H. D. 1, entitled:

"AN ACT TO AMEND CHAPTER 160, PART V, OF THE REVISED LAWS OF HAWAII 1955, RELATING TO LICENSING OF MOTOR VEHICLE DEALERS AND SALESMEN, AND TO ADD PROVISIONS RELATING TO LICENSING OF MOTOR VEHICLE BROKERS AND BROKERS' AGENTS",

begs leave to report as follows:

The purposes of this Bill are as follows:

(1) To include within the provisions of the Motor Vehicle Dealers' and Salesmen's Licensing Act all persons or organizations, including brokers and brokers' agents, in the Territory of Hawaii regularly engaged in the business of selling, negotiating for the sale or purchase of, or otherwise effecting the sale or exchange of motor vehicles.

(2) To include within the provisions of said Act dealers and salesmen of motorcycles and motor scooters which are now exempted, and whose inclusion is considered desirable.

(3) To give the public greater protection in dealing with such dealers, salesmen, brokers and brokers' agents by means of certain requirements as to delivery of agreements, advertising, bonds and financial responsibility.

(4) To give greater continuity to each board by providing for staggered four-year terms instead of the present two-year terms.

(5) To make it clear that the secretary provided for by the present law is the executive secretary of the board, which was probably the original intent.

(6) To clarify the board's procedure with respect to granting, revocation and suspension of licenses.

(7) To provide for the increased expenses incident to the operation of the boards, by providing a revised schedule of license fees.

(8) To strengthen enforcement of the provisions of this part by the board by increasing the civil and criminal penalties presently specified.

This Bill is the first major revision of a comprehensive law enacted in 1939 relating to the licensing and regulation of motor vehicle dealers and salesmen, the regulation of the sale of motor vehicles, and the prohibition of fraudulent and unfair practices in the business of selling motor vehicles and installment contracts.

Your Committee recommends the following amendments to this Bill:

(1) Insert before the word "or" in the third line of the paragraph defining "engage in business", on page 1 of the bill, the following words: "holding oneself out by advertising".

This corrects what we believe to be a typographical error of omission.

(2) Amend the quoted paragraph defining "sale" on page 2 of the bill by inserting before the words "or any interest" in the fourth line of said paragraph, the words "or negotiating, or offering, or attempting to negotiate, the sale, purchase or exchange of,".

The reason for this amendment is that it might be possible for a mainland dealer to send his own representative to negotiate sales of his own product in the territory through some subterfuge, and we would want that covered. Brokers and broker's agents are exempted from the definition of dealer anyway by paragraph (c) on page 3, and there is no need, therefore, to attempt to exempt them further by deleting the words above proposed to be added, which were in the original bill.

(3) Amend the paragraph defining "dealer" on page 2 by deleting the words "or offering or attempting to negotiate sales," and inserting in lieu thereof the following: "buying or otherwise dealing in, or offering or attempting to negotiate sales, purchases".

The reason for this proposed amendment is that the definition of broker on pages 2 to 3 is narrowed to a person engaged in the business of offering or attempting to negotiate the purchase of

motor vehicles or any interest therein where title to such motor vehicles will not pass through such person. There possibly can be purchases or negotiations to purchase where title does pass through the negotiator, and therefore, "dealer" should include them. Licensed brokers are protected by being expressly exempted from the definition of "dealer" by paragraph (c) on page 3 and do not need to be excluded further by deleting the words above proposed to be restored in the definition of dealer, which were in the original bill.

✓(4) Substitute for the section number "Sec. 160-161" at the end of the quoted section 160-161 on page 4, the words "Sec. 160-160".

This amendment is needed to correct an erroneous cross-reference to a section number.

✓(5) Amend subsection 6 of SECTION 1 of the Bill by deleting the second paragraph lettered (j) appearing on pages 5-6.

(6) By adding to said part following the quoted section 160-167.55 on page 11 of this Bill a new section to be numbered and to read as follows:

"Sec. 160-167.555. Delivery of contract required. In the event any person licensed according to the provisions of this part represents a buyer in the Territory in purchasing or attempting to purchase a motor vehicle from an owner or dealer not licensed in the Territory (hereinafter called 'non resident') residing or doing business without the Territory whereby title to the motor vehicle will be transferred directly from such non resident to the buyer, or acts as a broker or broker's agent in negotiating for the sale of a motor vehicle directly from such non resident to the buyer in the Territory, then in such event, he shall deliver to the buyer a copy of a contract or agreement covering such transaction which shall include the make, model, type, year and price of the motor vehicle, the name and address of the non resident and the name and address of any broker or broker's agent through whom the sale or purchase is negotiated.

(7) Delete from the quoted Sec. 160-180 on page 20 of the bill, the redundant words "$500 for the first offense and not less than" in the next to the last line of said quoted section.

(8) Substitute for the word "of" after the word "part" in the sixth line of SECTION 2 on page 22 of the bill, the word "or".

Your Committee is in accord with the purpose of this Bill as amended herein and recommends that it pass third reading as so amended.

Respectfully submitted,

Nelson K. Doi, Chairman

Standing Committee Report No. 676

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 3 , 19 57 , by

Senator DEE DUPONTE, CHAIRMAN FOR THE COMMITTEE ON PUBLIC EMPLOYMENT.

RE: H. B. NO. 959

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 4 - 6 - 7
ADOPTED - MAY 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

adopted defer - ~~[illegible]~~

STANDING COMMITTEE REPORT NO. 676

Honolulu, Hawaii
May , 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 959

Sir:

Your Committee on Public Employment to which was referred House Bill No. 959 entitled,

"AN ACT RELATING TO THE EMPLOYMENT COMPENSATION AND RETIREMENT OF CERTAIN PUBLIC OFFICER AND EMPLOYEE AND HER POSITION; AMENDING ACT 41, SESSION LAWS, TERRITORY OF HAWAII, 1955"

begs leave to report as follows:

The purpose of this bill is to permit Olga Sezenevsky, a clerk in the First Circuit Court, to receive compensation equal to that set for others doing the same type of work. The territorial Legislature in the Regular Session of 1955, by Act 41, continued Mrs. Sezenevsky in her present position, beyond her retirement age. However, her rate of pay was determined to be that equal to what she was then receiving. This bill is intended to give her the benefits of subsequent legislation on reclassification and pay increases pertaining to her position.

Your Committee is in accord with the intent and purpose of House Bill No. 959 and recommends it pass third reading.

Respectfully submitted,

Dee Dupontes
DEE DUPONTE, CHAIRMAN

(I do not concur) Tom Okino

Mitsuyuki Kido

M H Hill Jakob Takahashi

Standing Committee Report No. 677

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 3 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY

RE: H. B. NO. 905

RECOMMENDING THAT SAID BILL PASS THIRD READING IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

Deferred to May 4
ADOPTED - MAY 4, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 677

Honolulu, Hawaii

May 3, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 905

Sir:

Your Committee on Judiciary to which was referred House Bill No. 905, entitled:

"AN ACT RELATING TO WITNESS FEES AND AMENDING SECTION 216-6 OF THE REVISED LAWS OF HAWAII 1955",

begs leave to report as follows:

Under this Bill, all witnesses duly subpoenaed to appear in any of the district courts shall be allowed the same attendance and mileage fees allowed witnesses subpoenaed before the circuit courts. The law now provides that such attendance and mileage fees shall be paid only to those witnesses duly subpoenaed from a district other than the district of the magistrate issuing the subpoena. The enactment of the Bill will correct this inequitable provision by providing for the payment of fees to all witnesses compelled to appear before any district court regardless of whether such witnesses reside within or without the district in which the court is located.

Your Committee has, however, amended the provisions of the Bill to except therefrom salaried county or territorial official or employee.

Your Committee is in accord with the intent and purpose of this Bill and recommends that it do pass third reading in the amended form attached hereto.

Respectfully submitted,

Nelson K. Doi, Chairman

H. B. NO. 905
S. D. 1

AN ACT

RELATING TO WITNESS FEES AND AMENDING SECTION 216-6 OF THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. Section 216-6 of the Revised Laws of Hawaii 1955 is hereby amended by amending the second paragraph thereof to read as follows:

"Every witness duly subpoenaed as provided in this section, other than a salaried county or territorial official or employee, shall be allowed the same attendance and mileage fees allowed witnesses subpoenaed before the circuit courts."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

Standing Committee Report No. 678

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 3 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 964

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 4
ADOPTED - MAY 4, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 678

Honolulu, Hawaii

May 3, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 964

Sir:

Your Committee on Judiciary to which was referred House Bill No. 964, entitled:

"AN ACT RELATING TO PUBLIC BOARDS AND COMMISSIONERS",

begs leave to report as follows:

The purpose of this Bill is to prohibit any person from serving on more than one board or commission of a public character created by the Territory or any of its political subdivisions. As written, the present members of public boards and commissions shall not be affected by the Bill, but all appointments, whether for interim or regular terms, made subsequent to the Bill's enactment into law shall come within its purview.

Your Committee is in accord with the intent and purpose of this Bill and recommends that it do pass third reading.

Respectfully submitted,

Nelson K. Doi, Chairman

Standing Committee Report No. 679

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 3 , 1957 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 975

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 4
ADOPTED - MAY 4, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 679

Honolulu, Hawaii

May 3, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 975

Sir:

Your Committee on Judiciary to which was referred House Bill No. 975, entitled:

"AN ACT TO AMEND SECTION 267-24 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO INTRUDING ON SCHOOL PREMISES",

begs leave to report as follows:

The purpose of House Bill 975 is to amplify the present provisions in our law relating to unlawful intruding upon the premises of female boarding schools. As proposed by said Bill, any person intruding, loitering, loafing or idling upon the premises of any school, public or private, including any female boarding school, Kawailoa girls' home, and school dormitories, may be arrested by a police officer, without any warrant, and on the complaint of the principal or other person in charge of the school. It is made clear therein that this provision does not affect the right of the parent or legal guardian, or other person having written permission of the parent, to take custody of a student during regular school hours.

Your Committee is in accord with the intent and purpose of this Bill, and recommends that it do pass third reading.

Respectfully submitted,

Nelson K. Doi, Chairman

Standing Committee Report No. 680

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 3 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 1017, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

Deferred to May 4 - 6 - 7
ADOPTED - MAY 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

Monday

STANDING COMMITTEE REPORT NO. 680

Honolulu, Hawaii
May 3, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 1017
H. D. 1

Sir:

Your Committee on Judiciary to which was referred House Bill No. 1017, H. D. 1, entitled,

"AN ACT TO CONSOLIDATE THE JUDICIAL DISTRICTS OF NORTH KONA AND SOUTH KONA, COUNTY OF HAWAII, AND AMENDING TERRITORIAL STATUTES TO CONFORM TO SUCH CONSOLIDATION,"

begs leave to report as follows:

This measure has to do with judicial districts within the county of Hawaii, and its enactment would consolidate the districts of North Kona and South Kona. Your Committee has examined related matters pertaining to the district courts and district magistrates in the county of Hawaii, and is in accord with the objectives of this bill in its present form, but further believes it should be amended so as to provide that all district magistrates in the county of Hawaii shall be attorneys at law licensed to practice in all the courts of the Territory. Your Committee has therefore prepared an amended draft of the measure, which is attached hereto.

In such amended form, your Committee on Judiciary recommends that House Bill No. 1017 pass third reading.

Respectfully submitted,

NELSON K. DOI, CHAIRMAN

AATF

H. B. No. 1017
H. D. 1
S. D. 1

AN ACT

RELATING TO JUDICIAL DISTRICTS AND DISTRICT MAGISTRATES IN THE COUNTY OF HAWAII.

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

SECTION 1. Notwithstanding the provisions of section 10-1 of the Revised Laws of Hawaii 1955 or of any other law, the judicial districts of North Kona and South Kona, Hawaii, are hereby consolidated into one judicial district which shall be known as the Kona Judicial District.

Court sessions for such district shall be held at Kealakekua, county of Hawaii.

Wherever in the laws of the Territory reference is made to the judicial districts of North Kona and South Kona or to the courts or magistrates of such districts, such reference shall be construed to mean the judicial district, the court, or the magistrate, as the case may be, of Kona.

Any proceeding pending in and all judgments, sentences and orders of either of the district courts of North Kona or South Kona on the effective date of this Act shall be continued in and have the same force and effect as if they were pending or had been entered in the district court of Kona.

SECTION 2. Section 216-1 of the Revised Laws of Hawaii 1955 is hereby amended by amending the final sentence thereof to read as follows:

> "Each magistrate shall be an elector of the county in which he is appointed and shall have passed an examination for admission to practice law in the district courts; except that the district magistrates of the districts within the county of Hawaii, the district magistrate of Wailuku, and the district magistrates of Honolulu shall be attorneys licensed to practice in all the courts of the Territory, provided, that the district magistrate of Kalawao need not have passed an examination for admission to practice law in the district courts."

SECTION 3. Notwithstanding, the provisions of Section 2 of this Act, any district magistrate in the county of Hawaii holding office on the effective date of this Act, who does not have the qualifications prescribed by such Section 2, shall be eligible to continue holding such office and shall be eligible for reappointment as such district magistrate.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

Standing Committee Report No. 681

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 3 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 1032, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 4
ADOPTED - MAY 4, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 681

Honolulu, Hawaii

May 3, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 1032
H. D. 1

Sir:

Your Committee on Judiciary to which was referred House Bill No. 1032, H. D. 1, entitled:

"AN ACT RELATING TO THE UNIVERSITY OF HAWAII, ESTABLISHING THE UNIVERSITY AS A BODY CORPORATE, AND AMENDING CHAPTER 44 OF THE REVISED LAWS OF HAWAII 1955",

begs leave to report as follows:

This Bill establishes the University of Hawaii as the territorial University and constitutes it a body corporate.

Although the University has been in existence for fifty years without corporate status, the Board of Regents feels that the Bill is desirable in that it clarifies the status of the University.

Furthermore, your Committee has been informed that at the present time the University is unable to hold title to any real property that it uses and occupies but that the title to such property is vested in and held in the name of the Territory of Hawaii. And at the present time, in cases where real property is given to the University by private citizens, the University is mandated to vest title to such property in the Territory even though the intent of the donor of such property was to vest the title in the University. The Bill, by constituting the University a body corporate, will among other things enable the University to acquire, hold and maintain any property, whether real or personal.

Your Committee has also been informed that many colleges on the mainland have corporate status.

Your Committee is in full accord with the purpose of this Bill and recommends that it pass third reading.

Respectfully submitted,

Nelson K. Doi, Chairman

Standing Committee Report No. 682

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 3 , 19 57 , by

Senator TOM T. OKINO, CHAIRMAN FOR THE COMMITTEE ON AGRICULTURE.

RE: H. B. NO. 1066

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 4 - 6 - 7
ADOPTED - MAY 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 687

Honolulu, Hawaii

May 3, 1957

Re: House Bill No. 1066

Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

Sir:

Your Committee on Agriculture, to which was referred House Bill No. 1066, entitled: "AN ACT TO AMEND SECTION 21-68 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO FISHING IN CERTAIN HILO WATERS", begs leave to report as follows:

The purpose of this bill is to delete from the provisions of Section 21-68, which make it unlawful to fish in certain waters of the Territory, the locations known as "Reeds Bay, Radio Bay, Wailoa River, and Wailuku River" on the island of Hawaii.

Your Committee is in accord with the purpose of House Bill No. 1066 and recommends that it pass Third Reading.

Respectfully submitted,

TOM OKINO, CHAIRMAN

SAKAE TAKAHASHI, VICE CHAIRMAN

JOHN B. FERNANDES

DEE DUPONTE

WILFRED C. TSUKIYAMA

Standing Committee Report No. 683

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 3 , 1957 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 1071, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 4
ADOPTED - MAY 4, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 683

Honolulu, Hawaii

May 3, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 1071
H. D. 1

Sir:

Your Committee on Judiciary to which was referred House Bill No. 1071, H. D. 1, entitled:

"AN ACT RELATING TO BURIAL OF VETERANS, AMENDING SECTION 348-2 OF THE REVISED LAWS OF HAWAII 1955",

begs leave to report as follows:

The purpose of this Bill is to amend Section 348-2 of the Revised Laws of Hawaii 1955, relating to the responsibility of the Board of Supervisors of the counties of Hawaii, Maui and Kauai to establish and maintain veterans' cemetery or cemeteries within their respective counties. By virtue of the proposed amendments, honorably discharged veterans of the U. S. armed forces with either peacetime or war-time service, and the widows, widowers or minor children of such servicemen, will become eligible for interment in such cemeteries.

Your Committee, being in accord with these amendments, recommends that the Bill do pass third reading.

Respectfully submitted,

Nelson K. Doi

Nelson K. Doi, Chairman

D. George Fukunaga

[illegible]

[illegible]

Sakae Takahashi

Standing Committee Report No. 684

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 3 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 1119, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 4
ADOPTED - MAY 4, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 684

Honolulu, Hawaii

May 3, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 1119
H. D. 1

Sir:

Your Committee on Judiciary to which was referred House Bill No. 1119, H. D. 1, entitled:

"AN ACT TO AMEND SECTIONS 144-33 AND 149-86 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO THE POWERS OF THE BOARDS OF SUPERVISORS",

begs leave to report as follows:

The purpose of this Bill is to authorize the Board of Supervisors of the counties of Hawaii, Maui and Kauai to enact zoning ordinances providing that lands deemed subject to seasonal or periodic, or occasional flooding shall not be used for residence or other purposes in such a manner as to endanger the health or safety of the occupants thereof, as required by the Federal Flood Insurance Act of 1956, (Chapter 1025, Public Law 1016).

Your Committee is in accord with the purpose of this Bill and recommends that it pass third reading.

Respectfully submitted,

Nelson K. Doi, Chairman

Standing Committee Report No. 685

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 3 , 19 57, by

Senator JOHN B. FERNANDES, CHAIRMAN FOR THE SELECT COMMITTEE OF KAUAI SENATORS.

RE: H. B. NO. 1182, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

Deferred to May 4
ADOPTED - MAY 4, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 685

Honolulu, Hawaii
May 3, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill 1182, H. D. 1

Sir:

Your Select Committee of Kauai Senators to which was referred House Bill No. 1182, H. D. 1, entitled:

"AN ACT AMENDING CHAPTER 123, SECTION 123-3.2, REVISED LAWS OF HAWAII 1955, PROVIDING FOR THE PURCHASE OF CONSTRUCTION MACHINERY AND EQUIPMENT FOR THE COUNTY OF KAUAI FROM THE FUEL TAX FUNDS,"

begs leave to report as follows:

The bill as passed by the House and referred to your Committee authorizes the county of Kauai to spend up to $25,000 per year from the fuel tax funds for the purchase, repair and maintenance of road constructing machinery and equipment. Your Committee feels that this sum of money should be confined to the purchase of road constructing machinery and equipment.

Your Committee therefore recommends that the bill pass third reading in the amended form attached hereto.

Respectfully submitted,

John B. Fernandes

JOHN B. FERNANDES, CHAIRMAN

AATF

H. B. 1182
H. D. 1
S. D. 1

AN ACT

AMENDING CHAPTER 123, SECTION 123-3.2, REVISED LAWS OF HAWAII 1955, PROVIDING FOR THE PURCHASE OF CONSTRUCTION MACHINERY AND EQUIPMENT FOR THE COUNTY OF KAUAI FROM THE FUEL TAX FUNDS.

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

SECTION 1. Chapter 123, Section 123-3.2, Revised Laws of Hawaii 1955 is hereby amended by adding thereto a new subsection (f) reading as follows:

"(f) The County of Kauai is hereby authorized to expend up to $25,000 of said fund during any calendar year for the purchase of road constructing machinery and equipment."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

Standing Committee Report No. 686

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 3 , 19 57, by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 1190, HD2

RECOMMENDING THAT SAID BILL PASS THIRD READING WITH AN AMENDMENT.

MEMO:

Deferred to May 4,
Referred to the Committee on Agriculture, May 4

WILLIAM S. RICHARDSON
Clerk of the Senate

refer to Ag

STAND. COM. REP. NO. 686

Honolulu, Hawaii

May 3, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 1190
H. D. 2

Sir:

Your Committee on Judiciary to which was referred House Bill No. 1190, H. D. 2, entitled:

"AN ACT RELATING TO THE ADVERTISING AND STAMPING OF THE ORIGIN OF BEEF AND PROVIDING PENALTIES FOR VIOLATIONS",

begs leave to report as follows:

This Bill makes it unlawful to sell or expose for sale any beef unless at the time of such sale or offer for sale the public is apprised by a suitable sign as to its origin, i.e. whether such beef has been produced within the Territory, the mainland United States or in a foreign country. A violation thereof is made punishable by fine not exceeding $100 or by imprisonment not exceeding 10 days, or by both.

There being no reference of "stamping" of the origin of beef in the body of the Bill, it appears advisable to delete such reference in the title. Accordingly, your Committee proposes that the title of the Bill be amended to read as follows: "AN ACT RELATING TO THE ADVERTISING OF THE ORIGIN OF BEEF AND PROVIDING PENALTIES FOR VIOLATIONS".

As so amended, your Committee recommends that House Bill No. 1190, H. D. 2, do pass third reading.

Respectfully submitted,

Nelson K. Doi, Chairman

Standing Committee Report No. 687

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 3 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 1194, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 4 - 6 - 7
ADOPTED - MAY 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

Monday

STANDING COMMITTEE REPORT NO. 687
Honolulu, Hawaii
May 3, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 1194
H. D. 1

Sir:

Your Committee on Judiciary, to which was referred House Bill No. 1194, H. D. 1, entitled

"AN ACT MAKING IT A MISDEMEANOR TO REFUSE TO RELINQUISH A TELEPHONE PARTY LINE IN AN EMERGENCY",

begs leave to report as follows:

The purpose of this Bill is to make it a misdemeanor for any person who wilfully refuses to yield a party line when informed that such line is needed for an emergency call to a fire department or police department or for medical aid or ambulance service. It also makes it a misdemeanor to secure the use of a party line by falsely stating that such line is needed for an emergency call.

A "party line" is defined in this bill to mean a subscriber's line telephone circuit consisting of two or more telephone stations connected therewith. An "emergency" is defined to mean a situation in which property or human life is in jeopardy and the prompt summoning of aid is essential.

Your Committee feels that the purpose sought to be accomplished by this bill is a good one, and that it may well make the difference between life and death to a person in such an emergency.

Your Committee is in accord with the purpose of this Bill and recommends that it pass third reading.

Respectfully submitted,

Chairman

A.A.T.F.

Standing Committee Report No. 688

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 3 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 1218, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 4
ADOPTED - MAY 4, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 688
Honolulu, Hawaii
May 3, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 1218
H. D. 1

Sir:

Your Committee on Judiciary, to which was referred House Bill No. 1218, H. D. 1, entitled

"TO AMEND PARAGRAPH (c) OF SECTION 144-2 OF REVISED LAWS OF HAWAII 1955 RELATING TO THE GENERAL POWERS AND LIMITATIONS OF THE COUNTIES OF HAWAII, KAUAI AND MAUI",

begs leave to report as follows:

The purpose of this Bill is to allow the counties of Hawaii, Kauai and Maui to lease, sublease or in any other manner acquire, manage or dispose of buildings, etc. for public works projects.

Your Committee is in accord with the purpose of this bill and recommends that it pass third reading.

Respectfully submitted,

Chairman

A.A.T.F.

Standing Committee Report No. 689

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 3 , 1957 , by

Senator TOM T. OKINO, CHAIRMAN FOR THE COMMITTEE ON AGRICULTURE.

RE: H. B. NO. 1219, HD2

RECOMMENDING THAT SAID BILL PASS THIRD READING IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

Deferred to May 4
ADOPTED - MAY 4, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 689

Honolulu, Hawaii

May 3, 1957

RE: H.B. NO. 1219 - H. D. 1

Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

Sir:

Your Committee on Agriculture to which was referred H. B. No. 1219, H. D. 1, entitled: "AN ACT TO AMEND PART V CHAPTER 22 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO GRADING OF BEEF, PORK, MUTTON AND LAMB CARCASSES", begs leave to report as follows:

The purpose of this bill is to amend Part V, Chapter 22 of the Revised Laws of Hawaii 1955 which relates to the grading of beef, pork, mutton and lamb carcasses. The bill does the following: (1) requires the Board of Commissioners of Agriculture and Forestry to adopt standard grades for beef, pork, mutton and lamb carcasses by January 1, 1958 and allows the Board to fix reasonable fees for grading services; (2) makes the adoption of federal grade standards discretionary with the Board; (3) authorizes the Board to enter into cooperative agreement with meat grading service of the United States Department of Agriculture and to pay salaries of federal employees providing services; (4) deletes the provision that grading shall be done by the Board "whenever a significant segment of the beef, pork and poultry industry shall apply for grading of carcasses"; (5) deletes the requirement that the Board hold public hearings "on each island" before adopting rules and regulations; and (6) adds a new section regarding disposition of fees collected with said fees to be paid into the special fund of animal industry.

The officials of the Board of Commissioners of Agriculture and Forestry recommends the passage of this bill.

Your Committee recommends that item (5) enumerated above be deleted.

Your Committee is in accord with the purposes of H. B. 1219, as amended herein, and recommends that H. B. 1219, H. D. 1, S. D. 1 pass third reading.

STAND. COM. REP. NO. 689

Honolulu, Hawaii

May 3, 1957

RE: H.B. NO. 1219 -- H. D. 1

Respectfully submitted,

TOM OKINO, CHAIRMAN

SAKAE TAKAHASHI, VICE CHAIRMAN

JOHN B. FERNANDES

DEE DUPONTE

WILFRED C. TSUKIYAMA

H. B. NO. 1219
H. D. 2
S. D. 1

AN ACT

TO AMEND PART V, CHAPTER 22, OF THE REVISED LAWS OF HAWAII 1955, RELATING TO GRADING OF BEEF, PORK, MUTTON AND LAMB CARCASSES; AND AUTHORIZING THE COLLECTION OF FEES.

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

SECTION 1. Chapter 22 of the Revised Laws of Hawaii 1955 is hereby amended as follows:

(a) By amending section 22-90 to read as follows:

"Sec. 22-90. Standard grades; rules and regulations. The boardof commissioners of agriculture and forestry shall, by January 1, 1958, adopt standard grades for beef, pork, mutton and lamb carcasses, and make rules and regulations relating thereto, subject to the approval of the governor, which shall have the force and effect of law, and shall be applicable only to carcasses previously inspected and passed for wholesomeness. Such rules and regulations may include provisions for the enforcement thereof, including the definitions of prohibited acts and the penalties therefor, and may fix reasonable fees for the grading services furnished under this part. Such fees shall be on a uniform basis and in an amount reasonably necessary to cover the cost of inspection and the administration of this part."

(b) By amending section 22-91 to read as follows:

"Sec. 22-91. Federal standards. The board may adopt the federal grade standards for the grading of beef, pork, mutton and lamb."

(c) By adding a new section to read as follows:

"Sec. 22-92. Cooperating with federal authority. The board may enter into a cooperative agreement with the meat grading service of the United States department of agriculture and may, to the extent funds are available from fees collected under this part, pay the salaries, or portions thereof, of federal employees providing services under such agreement.

(d) By renumbering sections 22-92, 22-93, and 22-94 as sections 22-93, 22-94, and 22-95, respectively.

(e) By amending section 22-93, as herein amended, to read as follows:

"Sec. 22-93. Grading voluntary. The grading of beef, pork, mutton and lamb carcasses by trained graders of the board of commissioners of agriculture and forestry shall be voluntary with the producer or his agent."

(f) By adding a new section to read as follows:

"Sec. 22-96. Disposition of fees. All fees collected under this part shall be paid into a special fund in the division of animal industry and shall be expended for the purposes of this part."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

PHILIP P. MINN
MANUEL S. HENRIQUES
AKONI PULE
MARK NORMAN OLDS
NADAO YOSHINAGA
PATSY TAKEMOTO MINK
STEERE G. NODA
SUMIO NAKASHIMA

Standing Committee Report No. 690

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 3 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 1239

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 4
ADOPTED - MAY 4, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 690
Honolulu, Hawaii
May 3, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 1239

Sir:

Your Committee on Judiciary, to which was referred House Bill No. 1239, entitled

"AN ACT RELATING TO THE STATUTE OF LIMITATIONS",

begs leave to report as follows:

The purpose of this Bill is to provide for the tolling of the statute of limitations in cases of infancy, insanity or imprisonment.

Your Committee has been informed that under the present law, the two-year statute of limitations in Section 241-7, dealing with actions for damage to persons or property, applies equally to all persons, regardless of whether he is an infant, an insane person, or one in prison.

It is the view of your Committee that the two-year statute of limitations should not properly run against an infant, an insane person or a person in prison during the period of his disability but that the statute should toll during such disability.

Your Committee is in accord with the purpose of this Bill and recommends that it pass third reading.

Respectfully submitted,

Chairman

A.A.T.F.

Rec'd without cover
JC 11-1-57

STAND. COM. REP. NO. 691

Honolulu, Hawaii

May 3, 1957

Re: H. J. R. No. 32

Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

Sir:

Your Committee on Agriculture to which was referred H. J. R. No. 32, entitled: "JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO APPROPRIATE FUNDS FOR THE IMMEDIATE ESTABLISHMENT AND OPERATION OF A FOREST RESEARCH CENTER IN THE TERRITORY OF HAWAII" begs leave to report as follows:

The purpose of this joint resolution is to request the Congress of the United States to appropriate funds for the immediate establishment and operation of a forest research center in the Territory of Hawaii.

The United States Forest Service has nine regional forest experiment stations established in the continental United States and several forest research centers. Such research centers have been established in Puerto Rico and Alaska also. Under the jurisdiction of the United States Department of Agriculture these forest research centers and experiment stations are used to find out thebest methods of reforestation, of growing and utilizing timber, forage, and other forest products, of maintaining favorable conditions of water flow and preventing erosion, and of protecting timber and other forest growths from fire, insects, diseases, and other harmful agencies, to find out the most effective use of forest lands, and to find out the economic considerations which should underlie the establishment of sound policies for the management of forest lands and utilization of forest products. The joint resolution also indicates to the Congress that the Territory of Hawaii is very much interested in the establishment of such forest research center here.

Mr. C. Eric Reppun, President of the Board of Commissioners of Agriculture and Forestry, stated that funds for the establish-

CORRECTION

THE PRECEDING DOCUMENT(S) HAS
BEEN REPHOTOGRAPHED TO ASSURE
LEGIBILITY
SEE FRAME(S)
IMMEDIATELY FOLLOWING

Standing Committee Report No. 690

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 3 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 1239

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 4
ADOPTED - MAY 4, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 690
Honolulu, Hawaii
May 3, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 1239

Sir:

Your Committee on Judiciary, to which was referred House Bill No. 1239, entitled

"AN ACT RELATING TO THE STATUTE OF LIMITATIONS",

begs leave to report as follows:

The purpose of this Bill is to provide for the tolling of the statute of limitations in cases of infancy, insanity or imprisonment.

Your Committee has been informed that under the present law, the two-year statute of limitations in Section 241-7, dealing with actions for damage to persons or property, applies equally to all persons, regardless of whether he is an infant, an insane person, or one in prison.

It is the view of your Committee that the two-year statute of limitations should not properly run against an infant, an insane person or a person in prison during the period of his disability but that the statute should toll during such disability.

Your Committee is in accord with the purpose of this Bill and recommends that it pass third reading.

Respectfully submitted,

Chairman

A.A.T.F.

Rec'd without cover
JC 11-1-57

STAND. COM. REP. NO. 691

Honolulu, Hawaii

May 3, 1957

Re: H. J. R. No. 32

Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

Sir:

Your Committee on Agriculture to which was referred H. J. R. No. 32, entitled: "JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO APPROPRIATE FUNDS FOR THE IMMEDIATE ESTABLISHMENT AND OPERATION OF A FOREST RESEARCH CENTER IN THE TERRITORY OF HAWAII" begs leave to report as follows:

The purpose of this joint resolution is to request the Congress of the United States to appropriate funds for the immediate establishment and operation of a forest research center in the Territory of Hawaii.

The United States Forest Service has nine regional forest experiment stations established in the continental United States and several forest research centers. Such research centers have been established in Puerto Rico and Alaska also. Under the jurisdiction of the United States Department of Agriculture these forest research centers and experiment stations are used to find out thebest methods of reforestation, of growing and utilizing timber, forage, and other forest products, of maintaining favorable conditions of water flow and preventing erosion, and of protecting timber and other forest growths from fire, insects, diseases, and other harmful agencies, to find out the most effective use of forest lands, and to find out the economic cnnsiderations which should underlie the establishment of sound policies for the management of forest lands and utilization of forest products. The joint resolution also indicates to the Congress that the Territory of Hawaii is very much interested in the establishment of such forest research center here.

Mr. C. Eric Reppun, President of the Board of Commissioners of Agriculture and Forestry, stated that funds for the establish-

ment of a forest research center in the Territory have not been requested in the United States Department of Agriculture's 1957-1958 fiscal year's bedgetary request. He emphasized, however, the urgency of passing this joint resolution as soon as possible on the grounds that the United States Department of Agriculture still has time and may revise its budgetary request to include an appropriation for the Territory in its 1957-1958 fiscal year's budget.

Your Committee is in accord with the intent and purpose of this joint resolution and recommends that it pass Third Reading.

Respectfully submitted,

TOM OKINO, CHAIRMAN

SAKAE TAKAHASHI, VICE CHAIRMAN

JOHN B. FERNANDES

DEE DUPONTE

WILFRED C. TSUKIYAMA

H. J. R. No. 32
S. D. 1

JOINT RESOLUTION

REQUESTING THE CONGRESS OF THE UNITED STATES TO APPROPRIATE FUNDS FOR THE IMMEDIATE ESTABLISHMENT AND OPERATION OF A FOREST RESEARCH CENTER IN THE TERRITORY OF HAWAII.

WHEREAS, the fast growing population and even faster economic development of the Territory of Hawaii is bringing increased pressures upon the forest areas for water, forage, timber, game recreation and homesites; and

WHEREAS, the Territory of Hawaii recognizes the urgent need for a forest research program to provide information to solve these forest, range, and watershed problems in Hawaii; and

WHEREAS, the Secretary of Agriculture of the United States is authorized to conduct such investigation, experiments, and tests as he may deem necessary to determine, demonstrate, and promulgate the best methods of reforestation and of growing, managing, and utilizing timber, forage, and other forest products, of maintaining favorable conditions of water flow and their prevention of erosion, of protecting timber and other forest growth from fire, insects, disease, and other harmful agencies of obtaining the fullest and most effective use of forest lands, and to determine and promulgate the economic considerations which should underlie the establishment of sound policies for the management of forest land and the utilization of forest products in Hawaii; and

WHEREAS, the U. S. Forest Service has established nine (9) regional forest experiment stations in the continental United States with several research centers under their jurisdiction including a research center in Puerto Rico, and a research center in Alaska; and

WHEREAS, funds for the establishment of such forest research center in Hawaii have not been requested in the Secretary of Agriculture's 1957-1958 fiscal year's budgetary request; now, therefore,

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

SECTION 1. The Congress of the United States is hereby respectfully requested to appropriate necessary funds for the immediate establishment of a Forest Research Center in the Territory of Hawaii to be administered by the United States Forest Service.

SECTION 2. Duly authenticated copies of this Joint Resolution shall be forwarded to the President of the United States, to the President of the Senate and Speaker of the House of Representatives of the Congress of the United States, to the Secretary of Agriculture of the United States and to the Delegate to Congress from Hawaii.

SECTION 3. This Joint Resolution shall take effect upon its approval.

INTRODUCED BY:

Standing Committee Report No. 692

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 3 , 19 57 , by SELECT
Senator SAKAE TAKAHASHI, CHAIRMAN FOR THE/COMMITTEE OF OAHU SENATORS

RE: H. B. NO. 822
RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 4
Referred to the Committee on Judiciary - May 4

WILLIAM S. RICHARDSON
Clerk of the Senate

~~HS~~ Jud

STAND. COM. REP. NO. 692

Honolulu, Hawaii

May 3, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: House Bill No. 822

Sir:

Your Select Committee of Oahu Senators to which was referred House Bill No. 822 entitled, "AN ACT TO AMEND SECTION 218-9 AND SECTION 220-3 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO CLERKS, CLERK-REPORTERS AND INTERPRETERS, DISTRICT COURT OF HONOLULU AND THEIR SALARIES", begs leave to report as follows:

The purposes of this bill are as follows:

1. Section 1 amends Section 218-9 of the Revised Laws of Hawaii 1955 by adding "clerk-reporters" among the employees who may be appointed by the district magistrate of Honolulu, of South Hilo and of Wailuku.

2. Section 220-3 is amended to revise the job descriptions for the district court of Honolulu by eliminating the present job descriptions which are archaic and nonfactual in title. It will provide for the following positions: chief clerk, clerk-reporter supervisor and such other clerks and clerk reporters as may be needed and Japanese, Filipino and Chinese interpreters. The phrase "such other clerks and clerk-reporters as may be needed" is used for the purpose that if specific titles are listed, it might delimit the district court in the kinds of work which could be assigned to its personnel or the actual number of positions which could be utilized.

Your Committee is in accord with the intent and purposes of this bill and recommends that House Bill No. 822 do pass third reading.

Respectfully submitted,

Chairman

Standing Committee Report No. 693

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 4 , 1957 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE SELECT COMMITTEE OF HAWAII SENATORS.

RE: H. CON. RES. NO. 29

RECOMMENDING ADOPTION OF SAID CONCURRENT RESOLUTION WITH AN AMENDMENT.

MEMO:

Deferred to May 4
ADOPTED - MAY 4, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 693

Honolulu, Hawaii

May 3, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Concurrent Resolution No. 29

Sir:

Your Select Committee of Hawaii Senators, to which was referred House Concurrent Resolution No. 29, entitled:

"CONCURRENT RESOLUTION REQUESTING THE UNITED STATES ARMY CORPS OF ENGINEERS TO CONSTRUCT AN ADDITIONAL BREAKWATER FOR THE PROTECTION OF HILO HARBOR, ISLAND OF HAWAII",

begs leave to report as follows:

The purpose of this Concurrent Resolution is to request the United States Army Corps of Engineers to construct an additional breakwater for the protection of Hilo Harbor, Island of Hawaii.

Your Committee recommends that this Concurrent Resolution be amended by deleting the word "from" appearing in the first line of the third whereas clause and substituting the word "for" therefor.

Your Committee is in accord with the purpose of this Concurrent Resolution and recommends that it be adopted in the form as amended herein.

Respectfully submitted,

Nelson K. Doi, Chairman

1 Concurrent after the word "this" in the last Resolve

Standing Committee Report No. 694

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 3 , 1957 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE SELECT COMMITTEE OF HAWAII SENATORS.

RE: H. CON. RES. NO. 33, HD1

RECOMMENDING THAT SAID CONCURRENT RESOLUTION BE ADOPTED IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

Deferred to May 4
ADOPTED - MAY 4, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 694

Honolulu, Hawaii

May 3, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Concurrent Resolution No. 33
H. D. 1

Sir:

Your Select Committee of Hawaii Senators to which was referred House Concurrent Resolution No. 33, H. D. 1, begs leave to report as follows:

The purpose of this Concurrent Resolution is to request the Hawaii Water Authority (formerly, the Hawaii Irrigation Authority) to conduct a survey of the feasibility of establishing an irrigation project for the districts of North Kona and South Kona. The Authority is to study the economic advantages and the engineering aspect of this project for said districts. If the Authority determines that such a project will be to the advantage of the people and the community, it is to prepare plans and specifications to be presented to the next session of the legislature.

The Concurrent Resolution has been amended as to wording and style.

Your Committee is in accord with the purpose of this Concurrent Resolution and recommends that it be adopted in the amended form attached hereto.

Respectfully submitted,

Nelson K. Doi, Chairman

H. C. R. NO. 33
H. D. 1
S. D. 1

CONCURRENT RESOLUTION

WHEREAS, there is in the districts of North Kona and South Kona in the county of Hawaii a vast area of irrigable lands; and

WHEREAS, an irrigation project for the districts of North Kona and South Kona will make idle lands available for agricultural purposes thus enhancing the economy of the county of Hawaii and the Territory; now, therefore, be it

RESOLVED by the House of Representatives of the Twenty-Ninth Legislature of the Territory of Hawaii, the Senate concurring, that the Hawaii Water Authority be and it is hereby requested, to conduct a survey of the feasibility of establishing an irrigation project for the districts of North Kona and South Kona; and be it further

RESOLVED, that the Hawaii Water Authority be and it is hereby further requested, should it find that an irrigation project will be beneficial, to prepare construction plans and specifications for said project to be submitted to the Thirtieth Legislature of the Territory of Hawaii; and be it further

RESOLVED, that certified copies of this Concurrent Resolution be forwarded to the manager-chief engineer, and the commissioners of the Hawaii Water Authority.

OFFERRED BY:

Standing Committee Report No. 695

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 3 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE SELECT COMMITTEE OF HAWAII SENATORS.

RE: H. CON. RES. NO. 60

RECOMMENDING ADOPTION OF SAID CONCURRENT RESOLUTION.

MEMO:

Deferred to May 4
ADOPTED - MAY 4, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 695

Honolulu, Hawaii

May 3, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Concurrent Resolution No. 60

Sir:

Your Select Committee of Hawaii Senators, to which was referred House Concurrent Resolution No. 60, entitled:

"CONCURRENT RESOLUTION REQUESTING THE CHAIRMAN AND BOARD OF SUPERVISORS OF THE COUNTY OF HAWAII TO HOLD A PUBLIC HEARING TO DETERMINE WHETHER LANDOWNERS ARE IN FAVOR OF PAYING FOR THE COST OF RESURFACING THE KAOHE HOMESTEAD ROAD AT PAHOA, DISTRICT OF PUNA, COUNTY OF HAWAII ON AN IMPROVEMENT DISTRICT BASIS",

begs leave to report as follows:

The purpose of this Concurrent Resolution is to request the governing body of the County of Hawaii to determine whether or not the landowners in the vicinity of Kaohe Homestead Road at Pahoa, District of Puna in said county would be in favor of establishing an improvement district and paying for the cost of resurfacing the Kaohe Homestead Road, after public hearing.

Your Committee is in accord with the purpose of this Concurrent Resolution and recommends that it be adopted.

Respectfully submitted,

Nelson K. Doi, Chairman

STAND. COM. REP. NO. 696

Honolulu, Hawaii

May 3, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Sir:

Your Committee on Judiciary, to which were referred

Senate Bills numbered: 6 with Stand. Com. Rep. 99 (copy), 489 S. D. 1 with Stand. Com. Rep. 78, 642 with Stand. Com. Rep. 66 (copy), 875 with Stand. Com. Rep. 126 (copy), 932 with Stand. Com. Rep. 271 (copy), and

House Bills numbered: 51, 53, 82, 197, 215, 245, 273, 426, 485, 559, 562, 662, 678, 708, 789, 889, 968, 1051, 1058, 1208, 1211, 1227, and

House Concurrent Resolution numbered 38,

recommends that they be filed.

Respectfully submitted,

Nelson K. Doi, Chairman

STAND. COM. REP. NO. 697

Honolulu, Hawaii

May 3, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Sir:

Your Committee on Judiciary, to which were referred

Senate Concurrent Resolutions numbered: 8, 39, 41, and

Senate Joint Resolutions numbered: 8, 12, 16, 24, 28, 29, 30, 35, 39, 49, 73, 77, 86, and

Senate Resolutions numbered: 36, 42, and 49,

recommends that they be filed.

Respectfully submitted,

Nelson K. Doi, Chairman

STAND. COM. REP. NO. 698

Honolulu, Hawaii

May 3, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Sir:

Your Select Committee of Hawaii Senators to which were referred

Senate Bills numbered: 338, 854, and

Senate Petitions numbered: 5, 7, and

Senate Joint Resolution numbered: 37, and

House Bill numbered: 294,

recommends that they be filed.

Respectfully submitted,

Nelson K. Doi, Chairman

STAND. COM. REP. NO. 699

Honolulu, Hawaii

May 3, 1957

Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

Sir:

Your committee on Agriculture to which were referred House Bills 163, 214, 487, 719, 1124, 1220, House Concurrent Resolution 52, Senate Concurrent Resolution 37 and Senate Bill 73, begs leave to report as follows:

Your Committee, having considered on all above mentioned bills and resolutions, recommends that each and every bill and resolution be filed.

Respectfully submitted,

TOM OKINO, CHAIRMAN

SAKAE TAKAHASHI, VICE CHAIRMAN

JOHN B. FERNANDES

DEE DUPONTE

WILFRED C. TSUKIYAMA

STANDING COMMITTEE REPORT NO. 700

Honolulu, Hawaii
May 3, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Sir:

Your Committee on Public Employment recommends that the following House Bills, Miscellaneous Communications, Senate Petitions, Departmental Communications, Standing Committee Reports, and the report of the Secretary of the Board of Trustees of the Employees' Retirement System, be filed.

House Bills Nos. 265 - H.D.1, 358 - H.D.1, 666 and 70.

Miscellaneous Communications Nos. 7, 8, 9, 37, 40, 59, 63, 85 and 86.

Senate Petitions Nos. 4 to 32.

Departmental Communications Nos. 9, 10, 52, 56, 65, 67 and 100.

Standing Committee Reports Nos. 95 and 293.

Your Committee further begs leave to report of its previous filing of Standing Committee Reports Nos. 441, 446 and 506 together with H. J. R. No. 96 - H.D.1, House Bill No. 107 - H.D.1, and House Bill No. 1099 - H.D.2 respectively and which House bills were previously reported out by your Committee.

Respectfully submitted,

Dee Duponte
DEE DUPONTE, CHAIRMAN

Tom Ekimo

Mitsuyuki Kido

Sakae Takahashi

W H Hill

STAND. COM. REP. No. 701

Honolulu, T. H.

May 4, 1957

Honorable William H. Heen

President of the Senate

S i r :

Your Committee on Printing begs leave to report that the following matters have been printed and are ready for distribution:

H. B. No. 14 H. D. 1 S. D. 1
H. B. No. 95 H. D. 1 S. D. 1
H. B. No. 156 H. D. 1 S. D. 1
H. B. No. 492 H. D. 2 S. D. 2
H. B. No. 905 S. D. 1
H. B. No. 1017 H. D. 1 S. D. 1
H. B. No. 1182 H. D. 1 S. D. 1
H. B. No. 1219 H. D. 2 S. D. 1
Amendment to H. B. No. 917 H. D. 1
H. J. R. No. 32 S. D. 1
H. J. R. No. 33 H. D. 1 S.D. 2
H. J. R. No. 85 H. D. 2 S. D. 2
H. J. R. No. 91 S. D. 1
H. J. R. No. 103 H. D. 1 S. D. 1
H. J. R. No. 103 H. D. 1 S. D. 2
H. Con. Res. No. 33 H. D. 1 S. D. 1
S. Res. No. 8 S. D. 1
Conf. Comm. Rep. No. 7
Stand. Comm. Rep. No. 661 to 700
Governor's Message No. 143, 145, 146

Respectfully submitted,

John B. Fernandez
Chairman

WM

STAND. COM. REP. NO. 702

Honolulu, Hawaii

May 4, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 49
H. D. 2

Sir:

Your Committee on Judiciary to which was referred House Bill No. 49, H. D. 2, entitled:

"AN ACT RELATING TO JURY COMMISSIONERS AND AMENDING SECTION 221-9 OF THE REVISED LAWS OF HAWAII 1955",

begs leave to report as follows:

House Bill No. 49, H. D. 2, is substantially similar to Senate Bill No. 123, S. D. 1, heretofore considered favorably by your Committee. The House Bill provides that a jury commissioner shall be allowed for services on a jury commission such compensation as may be determined by the judge to be just and reasonable, not to exceed $420 in the first circuit and $166 in other circuits. Your Committee feels that the amounts mentioned should be made to conform to those set forth in the Senate Bill, to wit, $750 in the first circuit and $200 in other circuits.

So conformed, your Committee recommends that House Bill No. 49, H. D. 2, do pass third reading.

Respectfully submitted,

Nelson K. Doi

Nelson K. Doi, Chairman

STAND. COM. REP. NO. 703

Honolulu, Hawaii

May 4, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 57
H. D. 1

Sir:

Your Committee on Judiciary to which was referred House Bill No. 57, H. D. 1, entitled:

"AN ACT TO AMEND SECTION 216-3, REVISED LAWS OF HAWAII 1955, RELATING TO THE COMPENSATION OF CERTAIN DISTRICT MAGISTRATES",

begs leave to report as follows:

The purpose of this Bill is to provide a rate of compensation to be paid to a second or third magistrate, or a magistrate designated by the Chief Justice, who substitutes for another magistrate during the latter's disqualification, absense, illness or vacancy. A magistrate serving under such a circumstance is allowed per diem compensation on which actual service is rendered based on the monthly rate of compensation paid to the magistrate of the district in which the service is performed. A month is defined therein as consisting of thirty days.

Your Committee is in accord with the purpose of this Bill and recommends that it pass third reading.

Respectfully submitted,

Nelson K. Doi, Chairman

STAND. COM. REP. NO. 704

Honolulu, Hawaii

May 4, 1957

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Re: House Bill No. 130
H. D. 1

Sir:

Your Committee on Public Employment to which was referred House Bill No. 130, H. D. 1, entitled: "AN ACT RELATING TO VACATION AND SICK LEAVE ALLOWANCES OF CAFETERIA MANAGERS IN THE DEPARTMENT OF PUBLIC INSTRUCTION", begs leave to report as follows:

Under existing law cafeteria managers are recruited under Chapter 3, Revised Laws of Hawaii 1955, and receive vacation and sick leave allowances as other general employees of government.

The purpose of this bill would be to continue the recruitment of cafeteria managers by the usual civil service process, however, your Committee amended this House Bill to the extent that cafeteria managers would receive their vacation and sick leave privileges as those enjoyed by school teachers.

Your Committee is in accord with the purpose of this bill and recommends its passage in the amended form attached hereto.

Respectfully submitted,

Dee Duponte

Dee Duponte, Chairman

Julian Yamashiro Tom Kino

Mitsuyuki Kido W H Hill

H. B. NO. 130
H. D. 1
S. D. 1

AN ACT

RELATING TO THE VACATION AND SICK LEAVE ALLOWANCES OF CAFETERIA MANAGERS IN THE DEPARTMENT OF PUBLIC INSTRUCTION.

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

SECTION 1. Section 5-30 of the Revised Laws of Hawaii 1955 is hereby amended by amending the first sentence thereof by deleting the words "school teachers and school principals" and substituting therefor the following:

"school teachers, principals and cafeteria managers".

SECTION 2. Section 5-39 of the Revised Laws of Hawaii 1955 is hereby amended by amending the first sentence thereof by deleting the words "school teachers and school principals" and substituting therefor the following:

"school teachers, principals and cafeteria managers".

SECTION 3. Section 38-37 of the Revised Laws of Hawaii 1955 is hereby amended by adding thereto a new sentence at the end thereof reading as follows:

"Cafeteria managers shall have the same vacation and sick leave allowances as school teachers and principals."

SECTION 4. This Act shall take effect September 1, 1957.

INTRODUCED BY:

DATE: _____

HONOLULU, HAWAII

Standing Committee Report No. 705

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 4 , 1957 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 554, HD2

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 6 - 7
ADOPTED - MAY 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 705

Honolulu, Hawaii

May 4, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 554
H. D. 2

Sir:

Your Committee on Judiciary to which was referred House Bill No. 554, H. D. 2, entitled:

"AN ACT TO AMEND ACT 194 OF THE SESSION LAWS OF HAWAII 1931, AS AMENDED, RELATING TO THE CLAIM OF WONG NIN, TO WAIVE THE STATUTES OF LIMITATIONS, AND TO AUTHORIZE STIPULATIONS OF FACT, COMPROMISES, AND REINSTATEMENT OF AN ACTION PREVIOUSLY FILED IN CONNECTION THEREWITH, OR THE FILING OF A NEW ACTION, AND TO PROVIDE FOR REIMBURSEMENT TO THE TERRITORY",

begs leave to report as follows:

The purpose of this Bill is disclosed by its title. Your Committee believes it appropriate to have this particular claim determined by court action, and therefore is in accord with the objectives of this measure.

Your Committee on Judiciary therefore recommends that House Bill No. 554, H. D. 2, pass third reading.

Respectfully submitted,

Nelson K. Doi, Chairman

Standing Committee Report No. 706

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 4 , 1957 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 669

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 6 - 7
ADOPTED - MAY 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 706

Honolulu, Hawaii
May 4, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill 669

Sir:

Your Committee on Judiciary to which was referred House Bill 669 entitled,

"AN ACT AUTHORIZING AN ACTION AGAINST THE TERRITORY OF HAWAII BY LILY Y. MURAKAWA,"

begs leave to report as follows:

The purpose of this bill is to waive the territorial immunity to suit which may be brought by Lily Y. Murakawa for injuries received while a pedestrian on a public sidewalk under jurisdiction of the harbor board. Your Committee deems it appropriate to allow a claim of this kind to be settled in the court.

Your Committee is in accord with the purpose of this measure and recommends it pass third reading.

Respectfully submitted,

NELSON K. DOI, CHAIRMAN

AATF

Standing Committee Report No. 707

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 4 , 19 57, by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 707, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 6 - 7
ADOPTED - MAY 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 707

Honolulu, Hawaii
May 4 , 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 707
H. D. 1

Sir:

Your Committee on Judiciary to which was referred House Bill No. 707, H. D. 1, entitled,

"AN ACT WAIVING THE TERRITORIAL IMMUNITY TO SUIT WITH RESPECT TO AN ACTION BY PETER Y. T. CHANG,"

begs leave to report as follows:

The purpose of this measure is to allow a suit to determine whether liquidated damages were properly charged against a certain construction contractor. Your Committee deems it appropriate to allow a claim of this kind to be settled in the court.

Your Committee is in accord with the purpose of this bill and recommends it pass third reading.

Respectfully submitted,

Nelson K. Doi

NELSON K. DOI, CHAIRMAN

S. George Fukushima

Jackie Jakahashi

[illegible]

AATF

Standing Committee Report No. 708

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 4 , 19 57, by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 742, HD2

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 6 - 7
ADOPTED - MAY 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 708

Honolulu, Hawaii
May , 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 742
H. D. 2

Sir:

Your Committee on Judiciary to which was referred House Bill No. 742, H. D. 2, entitled,

"AN ACT WAIVING THE TERRITORY IMMUNITY TO SUIT, STATUTE OF LIMITATIONS AGAINST THE TERRITORY OF HAWAII AND THE CITY AND COUNTY OF HONOLULU AND REQUIREMENT OF NOTICE OF INJURIES TO THE CITY AND COUNTY OF HONOLULU FOR THE CLAIM OF BONNIE ELIZABETH FISCHER FOR ALLEGED PERSONAL INJURIES TO BONNIE ELIZABETH FISCHER AT THE WAR MEMORIAL NATATORIUM,"

begs leave to report as follows:

The purpose of this bill is disclosed by its title. Your Committee deems it appropriate to allow a claim of this kind to be settled in the court.

Your Committee is in accord with the purpose of this measure and recommends it pass third reading.

Respectfully submitted,

Nelson K. Doi

NELSON K. DOI, CHAIRMAN

S. George Fukushima

Jakae Takahashi

[illegible]

AATF

Standing Committee Report No. 709

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 4 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 827, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 6 - 7
ADOPTED - MAY 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 709

Honolulu, Hawaii
May , 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 827
H. D. 1

Sir:

Your Committee on Judiciary to which was referred House Bill No. 827, H. D. 1, entitled,

"AN ACT WAIVING THE DEFENSES OF LACHES, IMMUNITY FROM SUIT AND THE STATUTE OF LIMITATIONS RELATIVE TO THE CLAIM AND AUTHORIZING SUIT AGAINST THE TERRITORY BY THOMAS AGAPAY AND MARGARET AGAPAY AGAINST THE TERRITORY FOR DAMAGES ARISING OUT OF THE DEATH OF THOMAS PHINEAS AGAPAY, THEIR MINOR CHILD,"

begs leave to report as follows:

The purpose of this measure is to waive the territorial immunity to suit as to the case described in the title. As is common to virtually all bills of this nature, the measure contains appropriate provision that enactment of this statute does not constitute an admission of liability on the part of the Territory.

Your Committee is in accord with the objectives of this bill and therefore recommends that it pass third reading.

Respectfully submitted,

NELSON K. DOI, CHAIRMAN

AATF

Standing Committee Report No. 710

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 4 , 1957 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 828, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 6 - 7
ADOPTED - MAY 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 710

Honolulu, Hawaii
May , 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 828
H. D. 1

Sir:

Your Committee on Judiciary to which was referred House Bill No. 828, H. D. 1, entitled,

"AN ACT AUTHORIZING AND DIRECTING THE CITY AND COUNTY OF HONOLULU TO EXTEND THE TIME WITHIN WHICH TO GIVE THE MAYOR OF THE CITY AND COUNTY OF HONOLULU WRITTEN NOTICE OF CLAIM FOR INJURIES AND TO WAIVE THE DEFENSES OF LACHES, IMMUNITY FROM SUIT AND THE STATUTE OF LIMITATIONS RELATIVE TO THE CLAIM OF THOMAS AGAPAY AND MARGARET AGAPAY AGAINST THE CITY AND COUNTY OF HONOLULU ARISING OUT OF THE DEATH OF THOMAS PHINEAS AGAPAY, THEIR MINOR CHILD.

begs leave to report as follows:

The purpose of this measure is indicated by its title. It may be described as a companion bill to H. B. No. 827, which allows suit on the same claim against the Territory. By the enactment of both of these measures, it may be finally determined as to whether there is liability on the part of either the Territory or the city and county of Honolulu, or both or neither.

Your Committee believes it appropriate to have this claim determined in the courts and therefore recommends that it pass third reading.

Respectfully submitted,

NELSON K. DOI, CHAIRMAN

Standing Committee Report No. 711

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 4 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 960, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 6 - 7
ADOPTED - MAY 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 711

Honolulu, Hawaii
May 4, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 960
H. D. 1

Sir:

Your Committee on Judiciary to which was referred House Bill No. 960, H. D. 1, entitled,

"AN ACT RELATING TO COMPENSATION FOR WORK PERFORMED ON BEHALF OF THE TERRITORY, AND AUTHORIZING SUIT AGAINST THE TERRITORY FOR THE CLAIM OF KENJI OHYE, A FORMER EMPLOYEE OF THE TERRITORY,"

begs leave to report as follows:

The purpose of this measure is indicated by its title. Your Committee deems it appropriate to allow a claim of this type to be settled in court.

Your Committee is in accord with the purpose of this bill and recommends it pass third reading.

Respectfully submitted,

NELSON K. DOI, CHAIRMAN

AATF

Standing Committee Report No. 712

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 4 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 976

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 6 - 7
ADOPTED - MAY 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 712

Honolulu, Hawaii
May , 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 976

Sir:

Your Committee on Judiciary to which was referred House Bill No. 976 entitled,

"AN ACT AUTHORIZING SUIT AGAINST THE TERRITORY OF HAWAII ON THE CLAIM OF CHICA ISHII,"

begs leave to report as follows:

The purpose of this bill is to waive the territorial immunity to suit on a claim of alleged wrongful construction of a driveway on the part of the Territory. Your Committee deems it appropriate to allow a claim of this kind to be settled in court.

Your Committee is in accord with the purpose of this measure and recommends it pass third reading.

Respectfully submitted,

NELSON K. DOI, CHAIRMAN

AATF

Standing Committee Report No. 713

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 4 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 981

RECOMMENDING THAT SAID BILL PASS THIRD READING WITH AN AMENDMENT.

MEMO:

Deferred to May 6 - 7
ADOPTED - MAY 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 713

Honolulu, Hawaii

May 4, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 981

Sir:

Your Committee on Judiciary to which was referred House Bill No. 981, entitled:

"AN ACT TO AMEND SECTION 179-14 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO INVESTMENTS OF TRUST COMPANIES",

begs leave to report as follows:

Under Section 179-14 (c) (4) of the Revised Laws of Hawaii 1955, trust companies are permitted to invest their capital and surplus in notes or bonds secured by a first mortgage or deed of trust upon either improved or productive real estate and improvements thereon; provided that the total amount of the principal of the obligation secured by such mortgage or deed of trust shall not exceed sixty per cent of the appraised value of the security; provided further, that subsequent advances may be made for certain taxes and assessments to protect the security under the mortgage or deed of trust notwithstanding that the total amount of such principal will thereby be made to exceed sixty per cent of such appraised value. The purpose of House Bill No. 981 is to increase the percentage mentioned above to sixty-six and two-thirds per cent in each instance.

The word "of" should be substituted for the word "or" appearing between the words "deed" and "trust" in the seventh line of the quoted portion of the Bill.

With this substitution so made, your Committee, being in favor of the increase proposed, recommends that the Bill do pass third reading.

Respectfully submitted,

Nelson K. Doi, Chairman

Standing Committee Report No. 714

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 4 , 19 57, by

Senator DEE DUPONTE, CHAIRMAN FOR THE COMMITTEE ON PUBLIC EMPLOYMENT.

RE: H. B. NO. 1076, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 6 - 7
ADOPTED - MAY 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

Adopted

STANDING COMMITTEE REPORT NO. 714

Honolulu, Hawaii
May 4, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 1076
H D. 1

Sir:

Your Committee on Public Employment to which was referred House Bill No. 1076, H. D. 1, entitled, "AN ACT RELATING TO THE PUBLIC SERVICE IN THE TERRITORY AND THE SEVERAL COUNTIES INCLUDING CIVIL SERVICE, CLASSIFICATION AND COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES AND AMENDING CHAPTERS 3 AND 4 OF THE REVISED LAWS OF HAWAII 1955," begs leave to report as follows:

This House bill amends the civil service laws to the extent that the personnel directors are to be appointed by and removed at the pleasure of the respective commissions.

Under the present law the directors are appointed by the commissions and may be removed in the same manner. Since the director, however, enjoys civil service status, he may appeal the removal and an independent board must be appointed to hear such a dismissal action. It is the consensus of the members of your Committee that with a "strong director" type of law there should be some control over the directors. Experience has shown that under the existing law they are all too powerful. Investigation has shown that a commission would be reluctant to bring charges for the reason that the commissioners feel that they are on trial instead of the directors.

In its original form this bill made the directors appointable by the governor, the mayor and the respective chairmen of the boards of supervisors, with confirmation by the Senate and the respective board of supervisors as the case may be. Your Committee feels that the proper appointing and removing authorities should be the commissions.

This bill creates the same type of a setup as governs in the cases of the respective chiefs of police. Experience has shown that in the cases of the chiefs of police it has worked quite well.

STANDING COMMITTEE REPORT NO. 714

Your Committee has been informed that testimony offered before the House Committee by the mayor and the board of supervisors of the city and county of Honolulu was to the effect that they would prefer the director being taken out of civil service and appointed and removed at the pleasure of the civil service commission so that there will be closer control on the actions and activities of the directors.

Your Committee is in accord with the purpose of House Bill No. 1076, H. D. 1, and recommends it pass third reading.

Respectfully submitted,

With reservations Dee Duponte.

DEE DUPONTE, CHAIRMAN

Mitsuyuki Kido

Richard Gushikuchi

I do not concur Tom Okino

AATF

Standing Committee Report No. 715

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 4 , 19 57, by

Senator SAKAE TAKAHASHI, CHAIRMAN FOR THE SELECT COMMITTEE OF OAHU SENATORS.

RE: H. B. NO. 1143

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 6 - 7
ADOPTED - MAY 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 715

Honolulu, Hawaii

May 4, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: House Bill No. 1143

Sir:

Your Select Committee of Oahu Senators to which was referred House Bill No. 1143 entitled, "AN ACT TO AMEND SECTION 153-3 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO LANDS EXEMPT FROM IMPROVEMENT ASSESSMENTS, BY AMENDING THE FIRST SENTENCE THEREOF, EXCLUDING LANDS OWNED BY THE BOARD OF WATER SUPPLY AS PUBLIC LANDS", begs leave to report as follows:

The purpose of this bill is to remove lands owned by the Board of Water Supply from exemption from payment of improvement assessments. At present the Board of Water Supply lands are exempt from such payment and the City and County is required to pay any improvement assessment thereon, subject to reimbursement of 50 per cent of such assessment from the Territory. Inasmuch as the Board of Water Supply is an entity independent of the Board of Supervisors of the City and County and is revenue-producing and maintains an independent financial structure, it is inequitable to require the City and County to bear assessments allocable to lands owned by the Board of Water Supply. House Bill No. 1143 would remedy this situation.

Your Committee approves the purpose of this bill and recommends that it do pass third reading.

Respectfully submitted,

Chairman

Standing Committee Report No. 716

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 4 , 19 57 , by

Senator SAKAE TAKAHASHI, CHAIRMAN FOR THE SELECT COMMITTEE OF OAHU SENATORS.

RE: H. B. NO. 1157

RECOMMENDING THAT SAID BILL PASS THIRD READING IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

Deferred to May 6 - 7
ADOPTED - MAY 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 716

Honolulu, Hawaii

May 4, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: House Bill No. 1157

Sir:

Your Select Committee of Oahu Senators to which was referred House Bill No. 1157 entitled, "AN ACT TO AMEND SECTION 149-181 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO THE ORGANIZATION, EMPLOYEES AND EXPENSES OF THE CITY PLANNING COMMISSION OF THE CITY AND COUNTY OF HONOLULU", begs leave to report as follows:

The purpose of this bill is to create the position of city planning director, to be appointed and subject to removal by the city planning commission and who shall administer the affairs of the commission and whose position is exempted from any civil service or compensation laws.

Presently the statutes provides for an appointment of an executive secretary by the commission. This position has been replaced by that of the city planning director.

This bill has been amended by your Committee to include also the appointment of such experts, assistants and clerks as may be necessary to perform the duties of the commission.

As amended, your Committee approves the purpose of this bill and recommends that it pass third reading in the amended form attached hereto.

Respectfully submitted,

Chairman

H. B. NO. 1157
S. D. NO. 1

AN ACT

TO AMEND SECTION 149-181 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO THE ORGANIZATION, EMPLOYEES AND EXPENSES OF THE CITY PLANNING COMMISSION OF THE CITY AND COUNTY OF HONOLULU.

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

SECTION 1. Section 149-181 of the Revised Laws of Hawaii 1955, is hereby amended to read as follows:

"Sec. 149-181. Organization; employees; expenses.

(a) The mayor shall designate one of the members appointed by him as chairman of the commission. The commission shall elect a vice-chairman who shall act as chairman and perform all of the duties of the chairman, in the absence of the chairman at any meeting. Officers and employees of the several departments of the city and county may be temporarily detailed by the mayor to assist the commission as required, and in such event shall serve without additional compensation, but no such officer or employee shall be deprived of his regular compensation because of such service with the commission.

(b) The commission shall appoint a city planning director, whose position shall be exempt from the requirements of any civil service or compensation laws, and who shall have full power to administer the affairs of the commission, subject to the direction and approval of the commission. The director shall receive such salary as the commission may provide and for which appropriations have been made by the board of supervisors, and shall hold office at the pleasure of the commission.

(c) The commission may appoint such experts, assistants and clerks as may be necessary to perform the duties of the commission and incur such other expenses as may be necessary and proper, and for which appropriations have been made by the board of supervisors. Disbursements therefor shall be made by warrants issued on vouchers signed by the chairman or acting chairman."

SECTION 2. This Act shall take effect upon its approval.

Standing Committee Report No. 717

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 4 , 1957 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 1172, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 6 - 7
ADOPTED - MAY 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 717

Honolulu, Hawaii
May , 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 1172
H. D. 1

Sir:

Your Committee on Judiciary to which was referred House Bill No. 1172, H. D. 1, entitled:

"AN ACT WAIVING TERRITORIAL IMMUNITY TO SUIT WITH RESPECT TO AN ACTION BY OR ON BEHALF OF JOHN R. BONILLA, A MINOR,"

begs leave to report as follows:

The purpose of this measure is to waive the territorial immunity as to claim for injuries sustained under circumstances wherein territorial employees were allegedly negligent. The measure, as is common to bills of this type, appropriately provides that there is no admission of liability on the part of the Territory. Your Committee deems it appropriate to allow a claim of this kind to be settled in court.

Your Committee is in accord with the purpose of this bill and recommends it pass third reading.

Respectfully submitted,

NELSON K. DOI, CHAIRMAN

AATF

Standing Committee Report No. 718

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 4 , 19 57, by

Senator SAKAE TAKAHASHI, CHAIRMAN FOR THE SELECT COMMITTEE OF OAHU SENATORS.

RE: H. B. NO. 1213, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 6 - 7
ADOPTED - MAY 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 718

Honolulu, Hawaii

May 4, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: House Bill No. 1213, H. D. 1

Sir:

Your Select Committee of Oahu Senators to which was referred House Bill No. 1213 entitled, "AN ACT TO AMEND SECTION 149-86 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO THE POWERS AND DUTIES OF THE BOARD OF SUPERVISORS, CITY AND COUNTY OF HONOLULU", begs leave to report as follows:

Provision of section 1 (a) authorizes the board of supervisors of the city and county to lease, sublease, build and furnish water works outside of the district of Honolulu. The present statute only authorizes the board to "establish, construct and maintain" such water works. The amendment will provide for those situations in which the city and county might have to lease private water systems.

Section 1 (b) adds a new subsection to Section 149-86 of the Revised Laws of Hawaii 1955, by spelling out the authority of the city and county to open, construct, maintain, repair and close streets, highways, roads, alleys, ways, lanes, trails and bridges and other related projects and to construct, build, rebuild, lease, sublease, rent, furnish, refurnish and repair public buildings, lands or other public property which in actuality the city and county has been doing in practice.

Your Committee approves the purpose of this bill and accordingly recommends that it pass third reading.

Respectfully submitted,

Chairman

Standing Committee Report No. 719

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 4 , 19 57 , by

Senator SAKAE TAKAHASHI, CHAIRMAN FOR THE COMMITTEE ON PUBLIC LANDS.

RE: H. J. RES. NO. 11, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

Deferred to May 6 - 7
ADOPTED - MAY 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 719

Honolulu, Hawaii

May 4, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: House Joint Resolution No. 11, H.D. 1

Sir:

Your Committee on Public Lands to which was referred House Joint Resolution No. 11, H. D. 1, entitled, "JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO PERMIT THE SALE OF PUBLIC LANDS WITHOUT RECOURSE TO PUBLIC AUCTION TO CERTAIN DISPOSSESSED PERSONS", begs leave to report as follows:

The purpose of this resolution is indicated in its title. Your Committee on Public Lands has already reported to the floor of this senate, with a favorable recommendation, a measure that will effectuate the purpose of this joint resolution; namely, House Joint Resolution No. 2 as amended by the senate. Since that time it has been brought to the attention of your Committee that there is an area in the laws governing public lands in Hawaii that should be amended to aid certain occupiers of public lands. The situation the amendment seeks to improve is where a person has occupied land under a certificate of occupation for over ten years and has made substantial improvements on the land but is still disqualified from being issued a patent under the existing law.

Your Committee feels that inasmuch as occupiers under a 999-year lease have been given the benefit of time spent under a certificate of occupation, to qualify for the ten-year residence requirement, persons who have spent over ten years on land under a certificate of occupation should be granted the same privilege.

Your Committee therefore has amended this resolution to aid those certain occupiers mentioned above. As amended, your Committee recommends that this resolution pass third reading in the amended form attached hereto.

Respectfully submitted,

Chairman

H. J. R. NO. 11
H. D. 1
S. D. 1

JOINT RESOLUTION

REQUESTING THE CONGRESS OF THE UNITED STATES TO AMEND THE LAW RELATING TO THE GRANTING OF LAND PATENTS IN FEE SIMPLE TO CERTAIN OCCUPIERS OF PUBLIC LANDS.

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

SECTION 1. Section 1 of Public Law 620, chapter 824, as enacted by the 83d Congress of the United States of America, at the second session, is hereby amended to read as follows:

"A fee simple patent shall be issued to every occupier under a certificate of occupation and to every lessee under a 999-year homestead lease of public lands where such lands have been improved under such certificate or lease or certificate and lease, and have been used as a place of residence by such occupier or lessee for an aggregate continuous period of not less than ten years, upon the payment to the commissioner of public lands of a fair price, disregarding the value of the improvements made by the occupier or lessee, which price shall be determined by three disinterested citizens to be appointed by the governor."

SECTION 2. That certified copies of this Joint Resolution be transmitted to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, to the Secretary of the Interior and to the Delegate to Congress from Hawaii.

SECTION 3. This Joint Resolution shall take effect upon its approval by the Congress of the United States.

INTRODUCED BY:

Standing Committee Report No. 720

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 4 , 19 57, by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. J. RES. NO. 102, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 6 - 7
ADOPTED - MAY 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 720

Honolulu, Hawaii

May 4, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Joint Resolution No. 102
H. D. 1

Sir:

Your Committee on Judiciary to which was referred House Joint Resolution No. 102, entitled:

"JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO CLARIFY THE HAWAIIAN ORGANIC ACT (31 STAT. 141), AS AMENDED, IN REGARD TO THE POWER OF THE ATTORNEY GENERAL AND THE POWER OF THE LEGISLATURE TO REPEAL OR AMEND ANY AND ALL LAWS EXISTING UNDER THE REPUBLIC OF HAWAII WHICH MAY AFFECT THE POWERS AND AUTHORITY OF ANY TERRITORIAL OFFICIAL",

begs leave to report as follows:

The purpose of this Joint Resolution is to request the Congress to clarify sections 71 and 6 of the Hawaiian Organic Act in regard to the powers of the attorney general and the power of the legislature to repeal or amend any laws existing under the old Republic of Hawaii which may affect the powers and authority of any territorial official.

Section 71 outlines the powers of the attorney general and provides that he also has the powers and duties of the old minister of the interior which relate to prisons, prisoners, prison inspectors, notaries public, and escheat of lands under the laws of Hawaii, except as changed by the Hawaiian Organic Act and subject to modification by the legislature.

Section 6 provides that the laws of Hawaii not inconsistent with the Constitution or laws of the United States or the Hawaiian Organic Act shall continue in force, subject to repeal or changes by the legislature of Hawaii or the Congress.

Section 71, section 6, and other sections in the Hawaiian Organic Act have caused our courts and so-called judicial experts to interpret the powers of the attorney general and

the various other officers of the Territory in a conflicting manner. These conflicting interpretations gave rise to serious questions of whether the legislature of the Territory has the power and authority to amend or change such powers.

H. J. R. No. 102, consequently, redefines and clarifies the powers of the attorney general of the Territory and clearly provides that his powers may be modified or changed from time to time by the legislature of the Territory. It further provides that the attorney general shall be responsible for the enforcement of the laws of the Territory and shall appear in criminal cases whenever the legal officer of any court shall fail or be unable to so appear. Section 6 is also amended by adding thereto a sentence clearly providing that the legislature has the power to repeal or amend all laws existing under the old Republic of Hawaii which may affect the powers of any territorial official.

Your Committee on Judiciary is in accord with the purposes of H. J. R. No. 102, H. D. 1, and recommends that it be passed on third reading.

Respectfully submitted,

Nelson K. Doi, Chairman

Standing Committee Report No. 721

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 4, 1957, by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. CON. RES. NO. 62

RECOMMENDING ADOPTION OF SAID CONCURRENT RESOLUTION.

MEMO:

Deferred to May 6 - 7
ADOPTED - MAY 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

adopted

STAND. COM. REPORT NO. 721

Honolulu, Hawaii
May 4, 1957

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Re: House Concurrent Resolution No. 62

Sir:

Your Committee on Judiciary to which was referred House Concurrent Resolution No. 62, entitled

"CONCURRENT RESOLUTION RELATING TO COMMEMORATING STATEHOOD FOR HAWAII,"

begs leave to report as follows:

The purpose of this concurrent resolution is to request the governor to appoint a representative committee of citizens of the Territory of Hawaii, including members from the legislative, executive, and judicial branches of the Territory, and from the Hawaii Visitors Bureau, to plan for Admission Day, the day Hawaii is formally admitted into the Union, and Statehood Year, a full year of celebration commemorating this occasion and emphasizing its significance to the peoples of the Pacific. It also directs the committee to give consideration to enumerated events and planning details.

Your Committee is in accord with the intent and purpose of this concurrent resolution and therefore recommends its adoption.

Respectfully submitted,

NELSON K. DOI, Chairman

STAND. COM. REP. No. 722

Honolulu, T. H.

May 6, 1957

Honorable William H. Heen

President of the Senate

S i r :

Your Committee on Printing begs leave to report that the following matters have been printed and are ready for distribution:

H. B. No. 49 H. D. 2 S. D. 1
H. B. No. 52 H. D. 1 S. D. 1
H. B. No. 95 H.D. 1 S. D. 1
H. B. No. 130 H. D. 1 S. D. 1
H. B. No. 477 H. D. 2 S. D. 1
H. B. No. 873 H. D. 1 S. D. 1
H. B. No. 917 H. D. 1 S. D. 1
H. B. No. 952 H. D. 1 S. D. 1
H. B. No. 981 S. D. 1
H. B. No. 1066 S. D. 1
H. B. No. 1157 S. D. 1
H. B. No. 1190 H. D. 2 S. D. 1
Amendment to H. B. No. 1194 H. D. 1
H. J. R. No. 11 H. D. 1 S. D. 1
H. C. R. No. 29 S. D. 1
S. Res. No. 55
Stand. Comm. Rep. No. 702 to 721
Governor's Message No. 142, 145 & 146

Respectfully submitted,

John B. Fernandez
Chairman

CORRECTION

THE PRECEDING DOCUMENT(S) HAS
BEEN REPHOTOGRAPHED TO ASSURE
LEGIBILITY
SEE FRAME(S)
IMMEDIATELY FOLLOWING

Standing Committee Report No. 721

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 4 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. CON. RES. NO. 62

RECOMMENDING ADOPTION OF SAID CONCURRENT RESOLUTION.

MEMO:

Deferred to May 6 - 7
ADOPTED - MAY 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

adopted

STAND. COM. REPORT NO. 721

Honolulu, Hawaii
May 4, 1957

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Re: House Concurrent Resolution No. 62

Sir:

Your Committee on Judiciary to which was referred House Concurrent Resolution No. 62, entitled

"CONCURRENT RESOLUTION RELATING TO COMMEMORATING STATEHOOD FOR HAWAII,"

begs leave to report as follows:

The purpose of this concurrent resolution is to request the governor to appoint a representative committee of citizens of the Territory of Hawaii, including members from the legislative, executive, and judicial branches of the Territory, and from the Hawaii Visitors Bureau, to plan for Admission Day, the day Hawaii is formally admitted into the Union, and Statehood Year, a full year of celebration commemorating this occasion and emphasizing its significance to the peoples of the Pacific. It also directs the committee to give consideration to enumerated events and planning details.

Your Committee is in accord with the intent and purpose of this concurrent resolution and therefore recommends its adoption.

Respectfully submitted,

NELSON K. DOI, Chairman

STAND. COM. REP. No. 722

Honolulu, T. H.

May 6, 1957

Honorable William H. Heen

President of the Senate

S i r :

Your Committee on Printing begs leave to report that the following matters have been printed and are ready for distribution:

H. B. No. 49 H. D. 2 S. D. 1
H. B. No. 52 H. D. 1 S. D. 1
H. B. No. 95 H.D. 1 S. D. 1
H. B. No. 130 H. D. 1 S. D. 1
H. B. No. 477 H. D. 2 S. D. 1
H. B. No. 873 H. D. 1 S. D. 1
H. B. No. 917 H. D. 1 S. D. 1
H. B. No. 952 H. D. 1 S. D. 1
H. B. No. 981 S. D. 1
H. B. No. 1066 S. D. 1
H. B. No. 1157 S. D. 1
H. B. No. 1190 H. D. 2 S. D. 1
Amendment to H. B. No. 1194 H. D. 1
H. J. R. No. 11 H. D. 1 S. D. 1
H. C. R. No. 29 S. D. 1
S. Res. No. 55
Stand. Comm. Rep. No. 702 to 721
Governor's Message No. 142, 145 & 146

Respectfully submitted,

John B. Fernandez

Chairman

Standing Committee Report No. 723

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 6 , 19 57, by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. B. NO. 443

RECOMMENDING THAT SAID BILL BE REFERRED TO THE COMMITTEE ON PUBLIC EMPLOYMENT.

MEMO:

Adopted - May 6, 1957
Referred to the Committee on Public Employment.

WILLIAM S. RICHARDSON
Clerk of the Senate

~~Stand~~ adopted

STAND. COM. REP. NO. 723

Honolulu, Hawaii

May 6, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 443

Sir:

Your Committee on Judiciary to which was referred House Bill No. 443, entitled:

"AN ACT AMENDING SECTION 3-20, SUBDIVISION (i) AND SECTION 3-21, SUBDIVISION (e), OF THE REVISED LAWS OF HAWAII 1955, RELATING TO CIVIL SERVICE EXEMPTIONS AND FILING OF VACANCIES",

begs leave to report as follows:

The purpose of said Bill relates to civil service, therefore, your Committee recommends it be referred to your Committee on Public Employment.

Respectfully submitted,

Nelson K. Doi, Chairman

Standing Committee Report No. 724

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 6 , 19 57, by

Senator DEE DUPONTE, CHAIRMAN FOR THE COMMITTEE ON PUBLIC EMPLOYMENT.

RE: H. B. NO. 443

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Deferred to May 7
ADOPTED - MAY 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 724

Honolulu, Hawaii
May 3, 1957

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Re: House Bill No. 443

Sir:

Your Committee on Public Employment to which was referred House Bill No. 443 entitled,

"AN ACT AMENDING SECTION 3-20, SUBDIVISION (i) AND SECTION 3-21, SUBDIVISION (e), OF THE REVISED LAWS OF HAWAII 1955, RELATING TO CIVIL SERVICE EXEMPTIONS AND FILLING OF VACANCIES",

begs leave to report as follows:

Under existing law, one secretary or clerk for each justice of the supreme court and each judge of the circuit court and one law clerk for each justice of the supreme court are exempted from the civil service system. The purpose of this bill is to allow the transfer into the civil service system such secretary, clerk or law clerk without taking an examination, if such person has been employed for over three years in a similar position and considered qualified by the appointing justice or judge.

This bill amends also the appropriate section relating to the filling of civil service vacancies.

Your Committee has been informed by the judges of the circuit court of the difficulty in obtaining qualified legal secretaries, clerks or law clerks for the specialized type of work required in the judiciary through the regular civil service process.

Your Committee is in accord with the intent and purpose of this legislation and recommends that it pass third reading.

Respectfully submitted,

Chairman

AATF

Standing Committee Report No. 725

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 6, , 19 57 , by

Senator S. GEORGE FUKUOKA, CHAIRMAN FOR THE COMMITTEE ON PUBLIC HEALTH.

RE: RECOMMENDING THE FILING OF HOUSE BILL NO. 1179.

MEMO:

adopted - May 6, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

adopted file

STANDING COMMITTEE REPORT NO. 725
Honolulu, Hawaii
May 6, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Sir:

Your Committee on Public Health, to which was referred House Bill No. 1179 begs leave to report that your Committee has carefully considered the same and recommends that the same be filed.

Respectfully submitted,

S. Gray Fukuoka
Chairman

Lee Duporte

Orin E. Long

John B. Fernandez

[illegible] Hill

Standing Committee Report No. 726

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 6 , 1957 , by

Senator S. GEORGE FUKUOKA, CHAIRMAN FOR THE COMMITTEE ON PUBLIC HEALTH.

RE: H. B. NO. 962, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

Deferred to May 7
ADOPTED - MAY 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

Adopted

STANDING COMMITTEE REPORT NO. 726
Honolulu, Hawaii
May 6, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 962, H. D. 1

Sir:

Your Committee on Public Health to which was referred House Bill No. 962, H. D. 1, entitled

"AN ACT RELATING TO QUALIFICATIONS FOR TAKING EXAMINATION TO PRACTICE MEDICINE",

begs leave to report as follows:

The purpose of this bill is to allow persons who are graduates of foreign medical schools to apply for and take the examination for a license to practice medicine and surgery, providing that:

1. They have had at least 3 years of medical training and experience in a hospital approved by the council on medical education and hospitals of the American medical association for internship or residency;

2. The applicants meet the other qualifications such as residency in the Territory, citizenship, and character; and

3. The applications are made prior to June 30, 1958.

The intent is to recognize the unfortunate situation of a few graduates of foreign medical schools, some of whom seem to be emminently capable, and to give them the opportunity of at least taking the medical examination.

The board of medical examiners and the Hawaii Medical Association were opposed to this bill as originally written because it included the graduates of class "B" medical schools and did not set any time limitation. The amended form of the bill corrects these objections.

STANDING COMMITTEE REPORT NO. 726
Page Two

Your Committee is in accord with the purpose of House Bill 962, and recommends that it pass third reading in the amended form attached hereto.

Respectfully submitted,

Chairman

I do not concur

A.A.T.F.

H. B. NO. 962
H. D. 1
S. D. 1

AN ACT

RELATING TO QUALIFICATIONS FOR TAKING EXAMINATION TO PRACTICE MEDICINE.

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

SECTION 1. Section 64-3 (d) of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"(d) He is a graduate of a medical school or college approved by the council on medical education and hospitals of the American medical association, or in lieu thereof, has actively practiced, either in some other jurisdiction, or in the United States army or navy or public health service, as a licensed physician of medicine or surgery for ten out of the eleven years immediately preceding the date of application to take such examination; provided, that an applicant who is a graduate of a foreign medical school, who has had at least three years' medical experience or training in a hospital approved by the council on medical education and hospitals of the American medical association for internship or residency, and who has all the other qualifications enumerated in this section, except those listed in the first portion of this subsection, may apply for such examination not later than June 30, 1958."

SECTION 2. This Act shall take effect upon its approval.

Standing Committee Report No. 727

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7 , 1957 , by

Senator OREN E. LONG, CHAIRMAN FOR THE COMMITTEE ON LABOR.

RE: HOUSE BILL NO. 586
H. D. 1

RECOMMENDING PASSAGE OF SAID BILL.

MEMO:

Adopted - May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COMM. REPORT NO. 727

Honolulu, Hawaii
March 7, 1957

Re: H.B. No. 586
H.D. 1

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Sir:

Your Committee on Labor to which was recommitted H.B. No. 586, H.D. 1, entitled, "AN ACT AMENDING SECTIONS 97-24, 97-25, AND 97-26 OF CHAPTER 97, REVISED LAWS OF HAWAII 1955, RELATING TO WORKMEN'S COMPENSATION", begs leave to report as follows:

The purposes of this bill have been adequately stated in Standing Committee Report No. 392.

Upon recommittal to your Committee, this bill was further considered and upon such further consideration, your Committee finds itself in accord with the purposes of H.B. No. 586, H.D. 1, and recommends its passage on third reading.

Respectfully submitted,

AATF HK

Chairman

Standing Committee Report No. 728

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7 , 1957 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: HOUSE BILL NO. 738
H. D. 1

RECOMMENDING THAT SAID BILL PASS THIRD READING IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

Adopted - May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 728

Honolulu, Hawaii

May 7, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 738
H. D. 1

Sirs:

Your Committee on Judiciary to which was referred House Bill No. 738, H. D. 1, entitled:

"AN ACT TO AMEND SECTION 144-45, REVISED LAWS OF HAWAII 1955, RELATING TO THE POWER OF APPOINTMENT AND REMOVAL OF CERTAIN EMPLOYEES AND OFFICERS OF THE COUNTIES OF HAWAII, KAUAI AND MAUI",

begs leave to report as follows:

Section 144-45, Revised Laws of Hawaii 1955, being silent as to how an officer or employee appointed thereunder may be suspended or removed, this Bill provides that such officer or employee may be suspended or removed by the chairman and executive officer "at his sole discretion for just and lawful cause". The foregoing Section pertains to the counties of Hawaii, Maui and Kauai.

The amendment to the Bill, proposed by your Committee, relates only to style.

Your Committee, being in accord with its purpose, recommends that House Bill No. 738, H. D. 1, do pass third reading in the amended form attached hereto.

Respectfully submitted,

Nelson K. Doi

Nelson K. Doi, Chairman

[illegible] [illegible]

[illegible] [illegible]

H. B. NO. 738
H. D. 1
S. D. 1

AN ACT

TO AMEND SECTION 144-45, REVISED LAWS OF HAWAII 1955, RELATING TO THE POWER OF APPOINTMENT AND REMOVAL OF CERTAIN EMPLOYEES AND OFFICERS OF THE COUNTIES OF HAWAII, KAUAI AND MAUI.

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

SECTION 1. Section 144-45, Revised Laws of Hawaii 1955, is hereby amended by substituting a semi-colon for the period at the end of the first sentence thereof and adding the following:

"provided that the chairman and executive officer may appoint all clerks, assistants and employees necessary to carry out the administrative functions of his office and may suspend or remove them at his sole discretion for just and lawful cause."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

Standing Committee Report No. 729

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7 , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: H. CON. RES. NO. 37

RECOMMENDING ADOPTION OF SAID CONCURRENT RESOLUTION IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

ADOPTED - MAY 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

Prim

STAND. COM. REP. NO. 729

Honolulu, Hawaii
May 7, 1957

The Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Concurrent Resolution No. 37

Sir:

Your Committee on Judiciary to which was referred House Concurrent Resolution No. 37 requesting that the commissioner of public lands of the Territory effect an exchange of public lands for private fishing rights.

The purpose of this concurrent resolution is to request the commissioner of public lands to exchange lands with certain claimants for private fishing rights in the fishery of Mokauea now sought to be condemned by the Territory.

Your Committee held a hearing on this matter and was informed that during the course of the condemnation proceeding mentioned above, the Territory acknowledged and recognized only one of the claimants in the said fishery sought to be condemned by effecting an exchange with said favored claimant. In the said exchange, the Territory accepted a release of said claimant's fishing rights and in return granted wharfage land to said claimant. Consequently, the Territory moved to have said wharfage land deleted from the condemnation proceedings. The motion was denied and the matter is before the supreme court of the Territory for a final adjudication of said denial of the motion to delete the wharfage land from the condemnation proceedings.

Your Committee was further informed that the proceedings were instituted in 1941 and that the matter is likely to continue for some time. This has resulted in the expenditure of much money by the claimants. Your Committee feels that something should be done to expedite this matter.

Your Committee, however, feels that the claimants' interest in and to the said fishery should be proved in court and accordingly recommends that the concurrent resolution be amended to so state.

Your Committee further recommends that this concurrent resolution be amended to request that Congress enact legislation authorizing the commissioner of public lands to effect an exchange notwithstanding

the limitation as set forth in the Hawaiian Organic Act and the land laws of the Territory of Hawaii.

As amended, this Committee approves the purpose of this concurrent resolution and recommends that it be adopted in the amended form attached hereto.

Respectfully submitted,

Chairman

EXCUSED: S. TAKAHASHI

H. C. R. NO. 37
S. D. 1

CONCURRENT RESOLUTION

WHEREAS, there is pending in the Circuit Court of the First Judicial District of the Territory of Hawaii a condemnation suit, Law No. 16696, wherein the Territory is condemning the Fishery of Mokauea; and

WHEREAS, although said condemnation suit was commenced on August 29, 1941, and there has been no final adjudication thereof, the Territory has transferred by quitclaim deed to one of the claimants to an undivided interest in and to the said Fishery of Mokauea, namely, the Hawaiian Dredging Company, Limited, a portion of the said Fishery to wit, 1.634 acres or 71,170 square feet of wharfage land that abuts the Hawaiian Dredging Company, Limited, plant by quitclaim deed dated August 6, 1952; and

WHEREAS, the said exchange mentioned above was executed under Sections 4534 and 4535 of the Revised Laws of Hawaii, 1945, said Sections 4534 and 4535 being expressly cited in the said quitclaim deed; and

WHEREAS, said exchange was executed upon the recommendation of the then Land Commissioner of Public Lands and approved and signed by the Governor of the Territory; and

WHEREAS, said exchange although benefiting the Hawaiian Dredging Company, Limited, a claimant of an undivided interest in and to said Fishery of Mokauea may have prejudiced the rights of other claimants of undivided interest in and to said Fishery; and

WHEREAS, the rest of said claimants in and to the said Fishery of Mokauea are willing to abide by a judicial determination of their interest and the extent thereof, if any, in and to said Fishery; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-Ninth Legislature of the Territory of Hawaii, the Senate concurring, that the Congress of the United States is hereby respectfully requested to enact legislation authorizing the Commissioner of Public Lands of the Territory of Hawaii to effect an equitable exchange of public lands in the Territory of Hawaii with those claimants to the Fishery of Mokauea who will have judicially established their interest and the extent thereof, if any, in and to the said Fishery in the condemnation proceedings mentioned above or in any other judicial proceeding in the Territory; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution shall be forwarded to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to the Delegate to Congress from Hawaii.

OFFERED BY:

Standing Committee Report No. 730

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7, , 19 57 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: HOUSE BILL NO. 1212
H. D. 1

RECOMMENDING PASSAGE OF SAID BILL.

MEMO:

Adopted - May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 730

Honolulu, Hawaii

May 7, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 1212
H. D. 1

Sir:

Your Committee on Judiciary to which was referred House Bill No. 1212, H. D. 1, entitled:

"AN ACT RELATING TO SIZE AND GROSS WEIGHT OF POWER VEHICLES AND AMENDING SECTIONS 311-20 AND 311-21 OF THE REVISED LAWS OF HAWAII 1955",

begs leave to report as follows:

Generally, this Bill relates to size and weight of vehicles that may be lawfully operated upon the public highways.

Specifically, the purpose of this Bill is to amend subsection (b) of section 311-20, and section 311-21 of the Revised Laws of Hawaii 1955. Section 1 of the Bill adds a proviso to subsection (b) of said section 311-20, which will except from the formula for the computation of the gross weight on the axles of vehicles, as set forth in the said subsection. The exception to such a formula will be applicable only when the distance between the axles is less than six feet and the maximum weight does not exceed thirty-two thousand pounds. Section 2 of the Bill amends said section 311-21, by authorizing the issuance of special permits for the use of oversize vehicles and/or vehicles weighing in excess of the gross weight based on the formulae provided in said section 311-20.

The present law authorizes the territorial highway engineer, as to territorial highways, and the county engineer, as to county highways, to issue special permits for individual movements of vehicles with excessive dimensions or weights upon such public highways. The provisions of section 311-21 as amended by this Bill will grant to such officials the discretionary power to issue permits for individual movements as well as for the continuous operation of such vehicles for a period of not more than one year.

Your Committee concurs with the purpose of this Bill, and, therefore, recommends that it pass third reading.

Respectfully submitted,

Nelson K. Doi, Chairman

Standing Committee Report No. 731

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7 , 1957 , by

Senator KAZUHISA ABE, CHAIRMAN FOR THE COMMITTEE ON WAYS AND MEANS.

RE: HOUSE BILL NO. 312

RECOMMENDING THAT SAID BILL PASS THIRD READING IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

Adopted - May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

Print

STAND. COM. REP. NO. 731

Honolulu, Hawaii
May 7, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

RE: House Bill No. 312

Sir:

Your Committee on Ways and Means, to which was referred House Bill No. 312, entitled:

"AN ACT RELATING TO THE AUDITOR AND DEPUTY AUDITOR OF THE TERRITORY, CHANGING THEIR TITLES TO COMPTROLLER AND DEPUTY COMPTROLLER RESPECTIVELY, AND DEFINING THEIR POWERS AND DUTIES.",

begs leave to report as follows:

The purpose of this bill is to change the title of the auditor and deputy auditor of the Territory to comptroller and deputy comptroller, respectively, where reference is made to such officers in the Revised Laws of Hawaii 1955. This redesignation will conform to a similar amendment of section 77 of the Hawaiian Organic Act by Act of the Congress of the United States, 70 Stat. 920, August 1, 1956.

Your Committee recommends that this bill be amended as follows:

(1) Change the reference to the Revised Laws of Hawaii 1945 as it appears in section 1 to read "Revised Laws of Hawaii 1955"; and

(2) Change the effective date to July 1, 1957, to permit ample time for revision of administrative records and forms.

H. B. 312, S. D. 1 incorporating these amendments is attached hereto and made a part of this report.

Your Committee is in accord with the intent and purpose of this bill, as amended, and recommends its passage on third reading.

Respectfully submitted,

Mitsuyuki Kido
Oscar E. Long
John T. Duarte
Kazuhiro Ale
John B. Fernandez
Tom Okino
Wilfred S. Tsukiyama

H. B. 312
S. D. 1

A N A C T

RELATING TO THE AUDITOR AND DEPUTY AUDITOR OF THE TERRITORY, CHANGING THEIR TITLES TO COMPTROLLER AND DEPUTY COMPTROLLER RESPECTIVELY, AND DEFINING THEIR POWERS AND DUTIES.

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

SECTION 1. The auditor and deputy auditor of the Territory shall hereafter be known and entitled respectively as the comptroller and deputy comptroller of the Territory. Wherever the words "auditor" and "deputy auditor" occur in the Revised Laws of Hawaii 1955, they are hereby amended to read "comptroller" and "deputy comptroller", as the context requires.

SECTION 2. The powers, duties and functions of the auditor and deputy auditor shall continue without interruption, and shall be exercised by the comptroller and deputy comptroller, except to the extent they may be conferred or imposed upon the post auditor of the Territory, should such an office be created, and to that extent, in respect of the comptroller and deputy comptroller, they shall terminate.

SECTION 3. This Act shall take effect on July 1, 1957.

INTRODUCED BY:

Standing Committee Report No. 732

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7 , 19 57 , by

Senator KAZUHISA ABE, CHAIRMAN ON THE COMMITTEE ON WAYS AND MEANS.

RE: HOUSE BILL NO. 759
H. D. 1

RECOMMENDING THAT SAID BILL PASS THIRD READING WITH CERTAIN AMENDMENTS.

MEMO:

Adopted - May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 732

Honolulu, Hawaii
May 7, 1957

Prior com. Reports

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Re: House Bill No. 759, H. D. 1

Sir:

Your Committee on Ways and Means to which was referred House Bill No. 759, H. D. 1, entitled

"AN ACT MAKING AN APPROPRIATION TO THE BOARD OF COMMISSIONERS OF AGRICULTURE AND FORESTRY FOR THE BRUCELLOSIS TESTING PROGRAM, AUTHORIZING THE BOARD TO PAY INDEMNITIES FOR CATTLE SENT TO SLAUGHTER AS REACTORS TO THE BRUCELLOSIS TEST, AND FIXING THE AMOUNT OF INDEMNITY,"

begs leave to report as follows:

The purpose of this bill is indicated by its title. Your Committee finds that the establishment of a brucellosis testing program is essential to the cattle raising industry of the Territory, and therefore, is in accordance with the objectives of this measure.

Your Committee finds, however, that there is no present necessity of the proposed appropriation of $30,000, and therefore recommends that it be deleted from the bill. Accordingly, your Committee recommends that the title of the bill be amended to read as follows:

"AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF AGRICULTURE AND FORESTRY TO INSTITUTE A BRUCELLOSIS TESTING PROGRAM, TO PAY INDEMNITIES FOR CATTLE SENT TO SLAUGHTER AS REACTORS TO THE BRUCELLOSIS TEST, AND FIXING THE AMOUNT OF INDEMNITY."

Your Committee further recommends that Section 1 of the bill be amended to read as follows:

"SECTION 1. The board of commissioners of agriculture and forestry is hereby authorized to institute and conduct a brucellosis testing program through the division of animal industry of the board."

As so amended, your Committee on Ways and Means approves of House Bill No. 759, H. D. 1, and therefore recommends that it pass third reading.

Respectfully submitted,

KAZUHISA ABE, Chairman

AATF:

Finance Com Rep

STANDING COMMITTEE REPORT NO. 733

Honolulu, Hawaii
May 1, 1957
7

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: H.B. 670, 672, 675, 688,
690, 693, 701.

Sir:

Your Committee on Ways and Means, to which was referred the following bills entitled

H.B. 670 "AN ACT APPROPRIATING THE SUM OF TWENTY-SEVEN THOUSAND ONE HUNDRED EIGHT DOLLARS AND SIXTY-FOUR CENTS ($27,108.64) TO REIMBURSE THE CITY AND COUNTY OF HONOLULU FOR THE COST OF IMPROVEMENTS IN IMPROVEMENT DISTRICT NO. 98, SARATOGA ROAD, IN THE DISTRICT OF HONOLULU,"

H.B. 672 "AN ACT APPROPRIATING THE SUM OF TEN THOUSAND SIX HUNDRED TWENTY-SIX DOLLARS AND FIFTY-TWO CENTS ($10,626.52) TO REIMBURSE THE CITY AND COUNTY OF HONOLULU FOR THE COST OF IMPROVEMENTS IN IMPROVEMENT DISTRICT NO. 96, PIIKOI STREET, IN THE DISTRICT OF HONOLULU",

H.B. 675 "AN ACT APPROPRIATING THE SUM OF NINE HUNDRED DOLLARS ($900.00) TO REIMBURSE THE CITY AND COUNTY OF HONOLULU FOR THE COST OF SEWER IMPROVEMENTS IN IMPROVEMENT DISTRICT NO. 114, PEARL CITY SEWERS, IN THE CITY AND COUNTY OF HONOLULU",

H.B. 688 "AN ACT APPROPRIATING THE SUM OF FIVE THOUSAND TWENTY-TWO DOLLARS AND NINETY-SIX CENTS ($5,022.96) TO REIMBURSE THE CITY AND COUNTY OF HONOLULU FOR THE COST OF SEWER IMPROVEMENTS IN IMPROVEMENT DISTRICT NO. 112, AINA HAINA SEWERS, IN THE DISTRICT OF HONOLULU",

H.B. 690 "AN ACT APPROPRIATING THE SUM OF ONE THOUSAND SIX HUNDRED SIXTY-NINE DOLLARS AND SEVENTY-FIVE CENTS ($1,669.75) TO REIMBURSE THE CITY AND COUNTY OF HONOLULU FOR THE COST OF FRONTAGE IMPROVEMENTS IN IMPROVEMENT DISTRICT NO. 89, ISENBERG STREET FROM KING STREET TO BERETANIA STREET, IN THE DISTRICT OF HONOLULU",

OK

H.B. 693 "AN ACT APPROPRIATING THE SUM OF TWENTY-FIVE THOUSAND EIGHT HUNDRED NINETY-SIX DOLLARS AND SIXTY-FOUR CENTS ($25,896.64) TO REIMBURSE THE CITY AND COUNTY OF HONOLULU FOR THE COST OF IMPROVEMENTS IN IMPROVEMENT DISTRICT NO. 109, KAM IV ROAD, IN THE DISTRICT OF HONOLULU",

H.B. 701 "AN ACT APPROPRIATING THE SUM OF SIX HUNDRED SIXTY-FIVE DOLLARS AND SIXTY-ONE CENTS ($665,61) TO REIMBURSE THE CITY AND COUNTY OF HONOLULU FOR THE COST OF IMPROVEMENTS IN IMPROVEMENT DISTRICT NO. 92, PUU PANINI AVENUE, IN THE DISTRICT OF HONOLULU",

begs leave to report as follows:

The purposes of these bills are similar in that they all deal with the subject of reimbursement by the Territory to the city and county of Honolulu for improvement district assessments paid by the city and county under Chapter 153 Revised Laws of Hawaii 1955. Under Section 153-3 Revised Laws of Hawaii 1955, any improvement assessment paid by the city and county for property classed as "public lands" or property owned by eleemosynary institutions would be reimbursed in full in the case of the former and fifty per cent in the latter by the Territory.

This Committee is in accord with the purposes of these bills and recommends that they pass on third reading.

Respectfully submitted,

JOHN B. FERNANDES

KAZUHISA ABE, Chairman

MITSUYUKI KIDO

TOM OKINO

OREN E. LONG

JOHN G. DUARTE

WILFRED C. TSUKIYAMA

Standing Committee Report No. 734

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7 , 19 57 , by

Senator KAZUHISA ABE, CHAIRMAN FOR THE COMMITTEE ON WAYS AND MEANS.

RE: HOUSE BILL NO. 1165
H. D. 1

RECOMMENDING THAT SAID BILL PASS THIRD READING IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

Adopted - May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 734

Honolulu, Hawaii

~~APRIL 26~~, 1957
May 7

The Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 1165
H. D. 1

Sir:

Your Committee on Ways and Means, to which was referred House Bill No. 1165, H. D. 1, entitled

"AN ACT TO AMEND CHAPTER 143 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO URBAN REDEVELOPMENT FUND"

begs leave to report as follows:

The purpose of the bill is to permit the Agency to include in its budgets for the Redevelopment Fund sums of money necessary to finance the expenses of the Urban Renewal Coordinator Office and Central Relocation Office under the jurisdiction of the said Urban Renewal Coordinator. The bill however has certain limitations. The amount to be appropriated for such purpose for any one year shall not exceed the sum of $100,000.00 and the estimates or budget for the Office of the Urban Renewal Coordinator and the Central Relocation Office shall be first approved by the Mayor or Chairman of the Board and the Board of Supervisors.

The City and County Attorney has rendered an opinion that the administrative expenses of the Urban Renewal Coordinator and the Central Relocation Office may be paid for from the funds of the Redevelopment Agency. This bill reaffirms the ruling made by the City and County Attorney.

The bill has been amended by renumbering Section 1 of H. D. 1 to be Section 2 of S. D. 1. A new section 1 has been inserted and the title has been amended accordingly.

The purpose of Section 1 is to clarify the Urban Redevelopment and Renewal Act as to which agency has the power and duty to make the studies and initial determination as to what areas are blighted for the purposes of the Act. It is the intention of this Committee that such studies an initial determination be functions of the planning commission and that the Urban Redevelopment Agency's functions commence after such studies and determination, and that the Agency make surveys, studies and plans for redevelopment or renewal of particular areas within areas already declared to be blighted by

the planning commission. Hence, the first sentence of Section 143-6 (d) R. L. H. 1955 is to be amended by this bill with the insertion of "provided that the studies and initial determination of what areas are blighted within the meaning of this Act shall be made exclusively by the planning commission" after the eleventh word in said sentence.

Your Committee is in accord with the bill in the amended form attached hereto, and recommend its passage on third reading.

Respectfully submitted,

KAZUHISA ABE, Chairman

H. B. No. 1165
H. D. No. 1
S. D. No. 1

AN ACT

TO AMEND CHAPTER 143 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO THE POWERS OF THE URBAN REDEVELOPMENT AGENCY AND TO THE URBAN REDEVELOPMENT FUND.

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

SECTION 1. The first sentence of Section 143-6(d) of the Revised Laws of Hawaii 1955, is hereby amended to read as follows:

"(d) To make preliminary surveys, studies, and plans to identify redevelopment areas provided that the studies and initial determination of what areas are blighted, within the meaning of this Act, shall be made exclusively by the planning commission, and to make redevelopment plans for any such areas, which plans shall be in conformity with the master plan for the development of the locality, and each such plan shall show the outline of the area, character of existing development, proposed use of land, general character of new buildings and other general details of redevelopment, as well as the preliminary estimated cost thereof."

SECTION 2. Section 143-15 of the Revised Laws of Hawaii 1955 is hereby amended by adding thereto the following paragraph:

"The Agency may submit in its budget for Redevelopment Agency Fund estimates of amount required for administrative expenses and other costs of operation of the Office of Urban Renewal Coordinator and the Central Relocation Office under the jurisdiction of the said Urban Renewal Coordinator provided however the amount to be appropriated for such purpose for any one year shall not exceed the sum of $100,000 and provided further that said estimates for the Office of Urban Renewal Coordinator and the said Central Relocation Office shall have first been approved by the Mayor or Chairman of the Board and the Board."

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

Standing Committee Report No. 735

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7 , 19 57 , by

Senator SAKAE TAKAHASHI, CHAIRMAN FOR THE COMMITTEE ON PUBLIC LANDS.

RE: H. J. RES. NO. 43
RECOMMENDING THAT SAID JOINT RESOLUTION BE FILED AND THAT A CONCURRENT RESOLUTION (61) BE OFFERED IN ITS PLACE FOR ADOPTION.

MEMO:

ADOPTED - MAY 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

adopted

Ex. Print

STAND. COM. REP. NO. 735

Honolulu, Hawaii

May 7, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: House Joint Resolution 43

Sir:

Your Committee on Public Lands to which was referred House Joint Resolution No. 43 entitled, "JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO PROVIDE FOR A FEDERAL LOAN PROGRAM IN THE AMOUNT OF $10,000,000 FOR THE DEVELOPMENT OF HAWAIIAN HOME LANDS", begs leave to report as follows:

The purpose of this joint resolution is to request the congress of the United States to provide for a federal loan program in the amount of $10,000,000 for the installation of water systems, construction of roads, drainage facilities and other improvements on Hawaiian home lands, so that the same may be made available for residence and farm purposes.

It has been brought to the attention of your Committee that a bill, H. R. No. 577, has been introduced in Congress by the Honorable Delegate from Hawaii; said bill requesting the enactment of similar legislation by Congress.

Your Committee accordingly recommends that this joint resolution be filed and that the concurrent resolution attached hereto be adopted.

Respectfully submitted,

[signature] Chairman

[signature]

[signature]

[signature]

[signature]

[signature]

Standing Committee Report No. 736

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented May 7, 19 57, by

Senator KAZUHISA ABE, CHAIRMAN FOR THE COMMITTEE ON WAYS AND MEANS.

RE: H. B. NO. 1229, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING WITH CERTAIN AMENDMENTS.

MEMO:

ADOPTED - MAY 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 736

Honolulu, Hawaii
May , 1957

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Re: House Bill No. 1229, H. D. 1

Sir:

Your Committee on Ways and Means to which was referred House Bill No. 1229, H. D. 1, entitled

"AN ACT PROVIDING A BONUS FOR PENSIONERS AND MAKING AN APPROPRIATION THEREFOR,"

begs leave to report as follows:

The purpose of this measure is to provide bonuses for persons receiving pensions as retired employees of the Territory or counties. In past years, it has been found essential to provide bonuses on governmental pensions, and it appears important that such practice be continued. The bill carries an appropriation in the amount of $3,231,000, and it is well known to your Committee and to the entire legislature that the present tax laws of the Territory are so grossly inadequate that it would be utterly impossible to provide the essential revenues unless a new tax law or laws be enacted by the Twenty-Ninth Legislature and approved by the governor of Hawaii. Your Committee, therefore, is forced to the conclusion that the measure under consideration can be properly enacted into law only if new tax statutes are likewise enacted, and therefore recommends that section 6 of House Bill No. 1229 be amended to read as follows:

"SECTION 6. This Act shall take effect on July 1, 1957, upon the express condition however, and only in the event that there is approved by the governor of Hawaii and enacted into law as of such date of July 1, 1957, the measure known and identified as Senate Bill No. 2 of the Twenty-ninth Legislature of the Territory of Hawaii, regular session of 1957, entitled: "AN ACT RELATING TO TAXATION....".

The bill in its present form also provides that the pensions shall not be payable to any person who may retire on or after July 1, 1957. Your Committee believes that this provision should include a condition that the bonus would not be payable only in the event that the retired person will be receiving benefits under the social security laws, and, therefore, recommends that section 3 be amended to read as follows:

"SECTION 3. The provisions of this Act shall not apply to any person who may retire on or after July 1, 1957 and who will receive social security benefits upon his retirement."

As so amended, your Committee on Ways and Means is in accord with the objectives of this bill and therefore recommends that it pass third reading.

Respectfully submitted,

KAZUHISA ABE, Chairman

AATF: Tw

Standing Committee Report No. 737

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7 , 19 57, by

Senator KAZUHISA ABE, CHAIRMAN FOR THE COMMITTEE ON WAYS AND MEANS.

RE: HOUSE BILL NO. 1215
H. D. 1
S. D. 1

RECOMMENDING THAT SAID BILL PASS THIRD READING IN AN AMENDED FORM HERETO ATTACHED.

MEMO:

Adopted - May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

Print ed

STANDING COMMITTEE REPORT NO. 737

Honolulu, Hawaii
May 7, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 1215, H. D. 1,
S. D. 1

Sir:

Your Committee on Ways and Means to which was referred House Bill No. 1215, H. D. 1, S. D. 1, entitled:

"AN ACT RELATING TO THE COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES AND MAKING APPROPRIATIONS THEREFOR,"

begs leave to report as follows:

The purpose of this measure is to grant an "across the board" salary increase of $15 per month to personnel of the University of Hawaii, and of $10 per month to all other public employees in the Territorial and County governments. Your Committee regards this bill as a highly desirable and necessary piece of legislation, and believes it merits favorable consideration, and further believes that the increase for University personnel should be on the basis of 7½ per cent of present salaries, rather than the sum of $15 per month. The measure will require an appropriation in the sum of $3,849,035, and your Committee is painfully aware, as are all of the other members of this legislature, of the fact that the present tax laws of the Territory can not possibly furnish the needed revenues. In action similar to that recommended by your Committee on Ways and Means as to House Bill No. 1229, there is no escaping the conclusion that this salary increase measure can be properly enacted only if new tax statutes are also enacted, and therefore it is the recommendation of your Committee that Section 4 of the bill be amended so as to provide that the Act in question will take effect only if Senate Bill No. 2 of this Twenty-ninth Legislature likewise becomes law.

Your Committee has prepared an amended draft of the bill so as to incorporate the aforesaid amendments, and such amended draft is attached hereto.

D

STANDING COMMITTEE REPORT NO. 737

As so amended, your Committee on Ways and Means is in accord with the objectives of this bill and therefore recommends that it pass third reading.

Respectfully submitted,

KAZUHISA ABE, CHAIRMAN

AATF

H. B. NO. 1215
H. D. 1
S. D. 1

AN ACT

RELATING TO THE COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES AND MAKING APPROPRIATIONS THEREFOR.

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

SECTION 1. (a) The rates of compensation for personnel of the University of Hawaii, established by the Board of Regents of the University pursuant to section 44-8 and 44-10 of the Revised Laws of Hawaii 1955 and in effect on the effective date of this Act, are hereby increased by seven and one-half per cent, effective July 1, 1957.

(b) The monthly salary ratings of teachers and the monthly salaries of principals, vice principals and vocational and special teachers, including their differentials, prescribed in Part III of Chapter 38 of the Revised Laws of Hawaii 1955, and in effect on the effective date of this Act, and the monthly salaries of professional officers and employees of the department of public instruction whose positions are classified under section 38-38 of the Revised Laws of Hawaii 1955, and in effect on the effective date of this Act, are hereby increased by $10, effective September 1, 1957.

(c) The monthly rates of basic compensation, including the longevity increases, prescribed in sections 4-9 and 4-10 of the Revised Laws of Hawaii 1955 and in effect on the effective date of this Act and any monthly rates continued in effect pursuant to the last paragraph of section 4-10 of the Revised Laws of Hawaii 1955 are hereby increased by $10, effective July 1, 1957.

SECTION 2. Nothing contained in this Act shall be construed as having the effect of changing the service anniversary date of any officer or employee or delaying any increment earnable by any officer or employee.

SECTION 3. The sum of $3,849,035, or so much thereof as may be necessary is hereby appropriated from the general revenues of the Territory, in addition to any other sums appropriated for the same or a similar purpose, for the purposes of this Act.

The appropriation made by this section shall be allotted by the director of the bureau of the budget, with the approval of the governor, to the several boards, commissions and officers of the Territory concerned, and to the several counties; in the case of the counties the moneys so allotted shall be paid into the county treasuries and held in special funds solely for the authorized purposes. Such moneys shall be expended in the same manner as other appropriations for personal services.

SEE PINK SHEET ←

SECTION 4. This Act shall take effect on July 1, 1957, but only in the event, and upon the express condition, that there shall be approved by the governor of Hawaii and enacted into law on said date of July 1, 1957, the measure known as Senate Bill No. 2 of the Twenty-ninth Legislature of the Territory of Hawaii Regular Session of 1957, entitled, "AN ACT RELATING TO TAXATION . . . . . ".

INTRODUCED BY:

Standing Committee Report No. 738

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7, , 1957 , by

Senator KAZUHISA ABE, CHAIRMAN FOR THE COMMITTEE ON WAYS AND MEANS.

RE: HOUSE BILL NO. 821

RECOMMENDING THAT SAID BILL PASS THIRD READING WITH AN AMENDMENT.

MEMO:

Adopted - May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 738

Honolulu, Hawaii
May 6, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 821

Sir:

Your Committee on Ways and Means to which was referred House Bill No. 821 entitled,

"AN ACT TO AMEND SECTION 220-3 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO SALARIES OF DISTRICT MAGISTRATES,"

begs leave to report as follows:

The purpose of this measure is to increase the salaries of the district magistrates of Honolulu (who are not permitted to engage in the private practice of law) by the amounts of $100 per month, or $1200 per year. Your Committee believes that some salary increase is justified, but that a more appropriate change would be a raise of approximately $500 per year. Accordingly, your Committee recommends that Section 1 of the bill be amended to read as follows:

"Section 1. Section 220-3 of the Revised Laws of Hawaii 1955 is hereby amended by deleting the figures '800.00' and '9,600.00' appearing in the line numbered 52 and substituting in place thereof the figures '842.00' and '10,104', respectively."

As so amended, your Committee on Ways and Means is in full accord with the objectives of this bill, and therefore recommends that it pass third reading.

Respectfully submitted,

KAZUHISA ABE, Chairman

Standing Committee Report No. 738

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7, , 1957 , by

Senator KAZUHISA ABE, CHAIRMAN FOR THE COMMITTEE ON WAYS AND MEANS.

RE: HOUSE BILL NO. 821

RECOMMENDING THAT SAID BILL PASS THIRD READING WITH AN AMENDMENT.

MEMO:

Adopted - May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 738

Honolulu, Hawaii
May 6, 1957

7

adopted

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 821

Sir:

Your Committee on Ways and Means to which was referred House Bill No. 821 entitled,

"AN ACT TO AMEND SECTION 220-3 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO SALARIES OF DISTRICT MAGISTRATES,"

begs leave to report as follows:

The purpose of this measure is to increase the salaries of the district magistrates of Honolulu (who are not permitted to engage in the private practice of law) by the amounts of $100 per month, or $1200 per year. Your Committee believes that some salary increase is justified, but that a more appropriate change would be a raise of approximately $500 per year. Accordingly, your Committee recommends that Section 1 of the bill be amended to read as follows:

"Section 1. Section 220-3 of the Revised Laws of Hawaii 1955 is hereby amended by deleting the figures '800.00' and '9,600.00' appearing in the line numbered 52 and substituting in place thereof the figures '842.00' and '10,104', respectively."

As so amended, your Committee on Ways and Means is in full accord with the objectives of this bill, and therefore recommends that it pass third reading.

Respectfully submitted,

KAZUHISA ABE, Chairman

Standing Committee Report No. 739

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7 , 19 57 , by

Senator KAZUHISA ABE, CHAIRMAN FOR THE COMMITTEE ON WAYS AND MEANS.

RE: HOUSE BILL NO. 765
H. D. 1

RECOMMENDING THAT SAID BILL PASS THIRD READING WITH CERTAIN AMENDMENTS.

MEMO:

Adopted - May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

Principal report

STANDING COMMITTEE REPORT NO. 739

Honolulu, Hawaii
May 7, 1957

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Re: H. B. NO. 765
H. D. 1

Sir:

Your Committee on Ways and Means, to which was referred H. B. NO. 765, H. D. 1, entitled:

"AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM OF THE TERRITORY OF HAWAII"

begs leave to report as follows:

The purpose of this Bill is stated in House Standing Committee report No. 120. This is a companion Bill to House Bill No. 763, Social Security Enabling Act and amends the retirement system so as to provide for the supplementation of the retirement system by the provisions of Title II of the Social Security Act. For the purpose of clarity, your Committee recommends that H. B. NO. 765, H. D. 1 be amended by amending subsection (b) to read as follows:

"(b) by adding thereto a new paragraph reading as follows:

'There shall be two classes of members in the system, to be known as Class A members and Class B members, and to be defined as follows:

(a) Class A members shall be those members who are covered by the provisions of Title II of the Federal Social Security Act on account of service creditable under this chapter. Such Class A members shall consist of all employees who enter the membership on and after the date the retirement system is divided in accordance with Sec. 6-191.5 except employees in positions to which coverage under Title II of the Social Security Act is not extended, and shall include any employee who was a member on such date and who prior to such date, on a form approved by the board, elects to be covered by said Social Security

Act and the supplementary benefits provided by this chapter, as amended, in lieu of the benefits provided by this chapter, as it heretofore existed, and agrees to the deduction of his accrued Social Security taxes, if any, from the accumulated contributions held in his account in the annuity savings fund.

(b) Class B. members shall consist of all other members of the retirement system.'"

With this amendment your Committee is in accord with the Bill as amended and as set forth in House Draft 1 and recommends its passage on third reading.

Respectfully submitted,

KAZUMISA ABE, Chairman

STAND. COMM. REP. NO. 740

Honolulu, Hawaii
May 7, 1957

RE: H.B. NO. 3
H. D. 1

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

S i r:

Re: House Bill No. 3, H. D. 1

Your Committee on Judiciary to which was referred H.B. 3, H.D. 1, entitled: "TO PROVIDE FOR THE ESTABLISHMENT AND REGULATION OF FOREST AND WATER RESERVE ZONES BY THE BOARD OF COMMISSIONERS OF AGRICULTURE AND FORESTRY, TO MAKE AVAILABLE FOR THIS PURPOSE THE SUM OF $15,000.00, TO MAKE AVAILABLE THE ADDITIONAL SUM OF $20,000.00 FOR A FOREST RESOURCE SURVEY IN COOPERATION WITH THE U.S. FOREST SERVICE, TO AMEND THE SURRENDER OF PRIVATE LAND PROVISIONS OF SECTION 19-5, REVISED LAWS OF HAWAII, 1955; AND TO REPEAL THE FOREST LAND TAX EXEMPTION PROVISIONSOF SECTION 128-21, REVISED LAWS OF HAWAII, 1955; ALL RELATING TO THE CONSERVATION, CONTROL AND DEVELOPMENT OF FOREST LANDS AND WATER RESOURCES IN THE VARIOUS COUNTIES OF THE TERRITORY", begs leave to report as follows:

Your Committee has amended H.B. 3, H.D. 1 by incorporating therein certain closely related county zoning provisions found in S.B. 4, S.D. 1, H.D. 2. The provisions of S.B. 4, S.D. 1, H.D. 2 are found for the most part in Section 9 of the amended draft of H.B. 3, H.D. 1, attached hereto. The one major change made to the provisions transferred from S.B. 4 is the elimination of the proviso that county zoning boards could zone land in the forest reserve if the board of agriculture and forestry failed to do so. This proviso was objected to by the administration and is unnecessary under the present combined form of the bill.

Certain changes have been made in the provisions of H.B. 3, H.D. 1 to meet objections raised by the administration to the closely related S.B. 3 which was vetoed. Your Committee is informed that the suggested changes were the result of conversations held with the governor by the minority leader and speaker of the House and have been checked by the attorney general and the president of the board of agriculture and forestry. These major changes are:

(1) Addition of the last two provisos at the end of the first paragraph of Section 2 of the amended draft. The first proviso allows the landowner to make application for a change in use and sets a time limit in which the boards must act. If no action is taken within the time limit the owner may put the land to the use requested. The second proviso allows land owners who have a surrender agreement in effect on the effective date of this Act to rescind such agreement and either enter into another agreement or leave their land subject to taxation and regulation.

Inneither case do the options allow the landowner to remove land from the forest reserve at will as they can now. All land within the

boundaries established remains subject to regulation and taxation until the processes of the Act are followed.

(2) The amendment to Section 19-5 of the Revised Laws of Hawaii, 1955 has been modified by insuring that an owner making a surrender agreement under that section may negotiate as to the placement of improvements on his land by the government during the surrender period.

(3) The amendment to Section 19-5 of the Revised Laws of Hawaii, 1955 was further modified by providing that the owner having surrendered the land would not be subjected to taxation regardless of the disposition of the rights to water or the water arising on such land.

(4) The title has been amended to make it more general and to include within it the concept of zoning all lands in the county including forest reserve lands.

(5) A general appeal provision has been added applying to all zoning regulations enacted under the bill.

(6) A new section 3 has been added to insure that requests for strip mining permits concerning land within the forest reserve will be first cleared by the board to insure that no damage is done to vital forest areas.

Your Committee believes that the amendments made to the subject matter of the incorporated bills should meet the objections raised by the governor in his veto messages on S.B. 3, S.D. 2, H.D. 2, and S.B. 4, S.D. 1, H.D. 2.

Your Committee is in accord with the intent and purposes of this bill and recommends that it pass third reading as amended and in the form attached hereto.

Respectfully submitted,

NELSON K. DOI, Chairman

GEORGE FUKUOKA, Vice-Chairman

HERBERT K. H. LEE, Member

NOBORU MIYAKE, Member

SAKAE TAKAHASHI, Member

H. B. NO. 3
H. D. 1
S. D. 1

AN ACT

TO DEVELOP AND REGULATE, THROUGH ZONING, FOREST AND OTHER LANDS IN THE VARIOUS COUNTIES, TO AMEND SECTIONS 19-5 AND 149-184 AND REPEAL SECTION 128-21 OF THE REVISED LAWS OF HAWAII 1955, TO PROVIDE FOR COOPERATION WITH THE U. S. FOREST SERVICE, AND MAKE APPROPRIATIONS.

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

SECTION 1. Statement of policy. The pressure of a rapidly increasing population in the Territory of Hawaii requires an orderly economic growth within the various counties, and the conservation and development of all natural resources. Adequate controls must be established, maintained and enforced by responsible agencies of government to reduce waste and put all of our limited land area, and the resources found thereon, to their most beneficial use.

It is the intent and purpose of the legislature, by means of zoning ordinances and regulations enacted by or under this act, and in accord with a long range, comprehensive general plan, to promote the health, safety, convenience, order, welfare and prosperity of the present and future inhabitants of the Territory. Such ordinances and regulations shall be designed, among other things, to (1) lessen congestion in the streets and roads; (2) secure safety from fire and other dangers; (3) provide adequate light and air in urban construction; (4) prevent both excessive concentration and wasteful scattering of population; (5) promote classification of land uses; (6) encourage both rural and urban development; (7) establish standards for the conservation of water and develop forest resources; (8) improve drainage, sanitation, educational opportunities and recreational facilities; (9) foster the Territory's agriculture and industries; and (10) by doing these things, protect and broaden the tax base.

SECTION 2. Forest and water reserve zones. There are hereby established forest and water reserve zones in each of the counties of the Territory of Hawaii. These zones shall initially encompass all of those areas in the various counties, either government or privately owned, contained within the forest reserve boundaries as established on January 31, 1957. No use, except a non-conforming use as defined in this section 2, shall be made of such areas unless such use is in accord with a zoning regulation adopted pursuant to this section or unless such use is allowed under a temporary variance granted by the board of commissioners of agriculture and forestry; provided, however, that any owner of land within the forest reserve boundaries who shall desire to establish a use or uses for his land, or a greater or different use or uses, if his land is classed as non-conforming, shall make application in accordance with subsection C of this section, and if within one hundred eighty days after receipt of such application the board shall fail to give notice, hold a hearing, and render a decision consistent with the standards set forth in subsection A of this section, such owner may automatically put his land to the use or uses requested in his application; provided further that any owner of land within the forest reserve boundaries who has surrendered his land to the Territory under the terms of section 19-5 or section 128-21, Revised Laws of Hawaii 1955, and whose surrender agreement is in effect on the effective date of this act, shall have the option, prior to January 1, 1958, to rescind such surrender agreement without penalty, and to either negotiate a new surrender agreement under the terms of section 19-5 as amended by section 4 of this act or in the alternative to have his land subjected to taxation and regulation under the provisions of this act subsequent to the date of such rescission.

Neither this act nor any regulation enacted under this act shall prohibit the continuance of the lawful use of any building, premises or land for any trade, industrial, residential or other purpose for which such building, premises or land is used at the time this act or any regulation adopted under authority of this act takes effect. All such existing uses shall be non-conforming uses. Any parcel of land of not more than ten acres in area contained within the boundaries of the forest reserve which, as of January 31, 1957, was subject to real property taxes and upon which such taxes were being paid, and which was held and intended for residential or farming use, whether actually put to such use or not, shall also be considered as non-conforming and capable of such use.

To effectuate the provisions of this section, the board of commissioners of agriculture and forestry shall have the following powers and duties, in addition to all other powers and duties:

A. General powers. The board of commissioners of agriculture and forestry shall, after notice and hearing as herein provided, review and redefine the boundaries of forest and water reserve zones as established by or under the authority of this act. The board may allow temporary variances from zoned use where good cause is shown and where the proposed variance is for a use determined by the board to be in accordance with good conservation practices. The board may establish subzones within the forest and water reserve zones, which subzones shall be restricted to certain uses. In establishing permitted uses in such subzones, the board shall give full consideration to all available data as to soil classification and physical use capabilities of the land so as to allow and encourage the highest economic use thereof consonant with requirements for the conservation and maintenance of the purity of the water supplies arising in or running or percolating through such land.

B. Review of zones established by this act. The board, as soon as feasible after the effective date of this act, shall undertake to review the boundaries of all forest and water reserve zones within each county with the view of making necessary corrections and establishing subzones within such zones, and fixing permissible uses therein. The board shall, after such review, prepare a proposed set of regulations, complete with necessary maps, establishing zone and subzone boundaries, and designating permitted uses therein. These proposed regulations and necessary maps shall be made available for inspection by interested members of the public. After notice and hearings as provided in subsection C of this section, the board may adopt such regulations as proposed or as amended. When adopted and after promulgation as required by law, such regulations shall have the force and effect of law.

C. Notice, hearings. Whenever any landowner or government agency whose property will be directly affected makes an application to change the boundaries of any forest and water reserve zone, or the boundaries or permitted uses of any subzone therein, or to establish a subzone with certain permitted uses, or where the board proposes to make such change or changes itself, such change or changes shall be put in the form of a proposed regulation by the applicant and the board shall then give notice by publication at least once in a newspaper of general circulation in the county and by mail to all landowners whose property is directly affected by any such proposed change. Such notice shall be given not less than fourteen days prior to the date set for hearing, and shall state the time and place of the hearing and the changes proposed. Any proposed regulation and the necessary maps shall be made available for inspection by interested members of the public. The hearing shall be conducted by the president of the board, or by some member or employee designated by him. For the purpose of its public hearing or hearings, the board shall have power to summon witnesses, administer oaths, and require the giving of testimony.

D. Scope of zoning regulations. The board shall, after notice and hearing as provided herein, adopt such regulations governing the use of land within the boundaries of the forest and water reserve zones as will not be detrimental to the conservation of necessary forest growth and the conservation and development of water resources adequate for present and future needs. The board by means of such regulations may establish subzones within any forest and water reserve zone and specify the land uses permitted therein which may include, but are not limited to, farming, flower gardening, operation of nurseries or orchards, growth of commercial timber, grazing, recreational or hunting pursuits, or residential use. Such regulations may also control the e xtent, manner and times of such permitted uses, and may specifically prohibit unlimited cutting of forest growth, soil mining, or other activities detrimental to good conservation practices.

E. Enforcement. The board shall prescribe such administrative procedures, and provide such personnel as it may deem necessary for the enforcement of the provisions of this act, and any zoning regulation enacted in accordance therewith. Such regulations may be enforced by court order at the suit of the board or of the owner or owners of real estate directly affected by such regulation. Any person violating this act or any regulation adopted in accordance with this act shall be fined not more than five hundred dollars.

SECTION 3. Notwithstanding any other law or parts of laws enacted by the Twenty-Ninth Legislature of the Territory relating to strip mining of bauxite or other minerals, no original permit or license for such strip mining on land within the forest reserve boundaries shall be issued by the commissioner of public lands or any other officer or agency of the Territory without the prior approval and concurrence of the board of agriculture and forestry. In determing whether to grant or withhold such approval, the board shall be guided by the standards set forth in section 2 of this act. All other laws or parts of laws enacted by the Twenty-Ninth Legislature relating to such strip mining are hereby expressly repealed to the extent that they are in conflict with this section.

SECTION 4. Section 19-5 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Sec. 19-5. Surrender of private land. Any person may, on agreement with the board of agriculture and forestry, at any time surrender to the government the care, custody and control of any lands, whether held under lease or in fee, as forest or water reserve lands, either for a term of not less than twenty years, or forever. Such surrender agreement may reserve to the surrendering party all, part, or none of the rights to the water located or arising on or flowing through such surrendered lands. Such agreement shall be in writing and shall contain the proviso that the government may develop and improve such land through plantings and erosion control and may construct such improvements thereon as may be allowed by the

agreement. It shall contain the further proviso that the government shall retain title to all such improvements with right of removal, and the party surrendering shall, at the end of the surrender period, if he desires to have such improvements left on the lands, pay to the government the reasonable value, allowing for depreciation and permitted use, of any such improvements. It shall also provide that the party surrendering shall, at the end of the surrender period, pay to the government the then reasonable value of any timber or other crops planted during the term of surrender.

No taxes shall be levied or collected on any private lands so surrendered so long as the land remains exclusively under the control of the government as a forest reservation."

The provisions of section 19-5, as amended, shall not be construed as affecting the terms of any existing surrender agreement entered into prior to the effective date of this act except as set forth in section 2 hereof.

SECTION 5. Section 128-21 of the Revised Laws of Hawaii 1955, relating to forest reserve land tax exemption, is hereby repealed.

SECTION 6. Any final order of the board of commissioners of agriculture and forestry based upon this act, or any final order of a zoning agency established under authority of section 9 of this act may be appealed to the circuit court of the circuit in which the land in question is found. Such appeal shall be in accord with the Hawaii Rules of Civil Procedure.

SECTION 7. There is hereby appropriated from the general revenues of the Territory not otherwise appropriated the sum of $15,000.00 to be expended under the direction of the board of agriculture and forestry to defray the expenses of administering this act.

SECTION 8. The board of commissioners of agriculture and forestry shall take steps immediately to secure the establishment and operation of a forest research center in the Territory by the U. S. Forest Service. In this connection, the board shall cooperate with the U. S. Forest Service in conducting a forest resource survey in the Territory. Through photogrammetry and other techniques, the survey shall gather information on (1) kind, volume and location of timber stands, (2) productivity, ownership, condition and extent of forest land, (3) rates of timber growth and depletion by cutting and destruction by insects, diseases and other natural agents, (4) present and prospective requirements for timber production, and (5) other data essential to an adequate appraisal of the timber supply and forest condition. The sum of $20,000.00 is hereby appropriated from the general revenues of the Territory, not otherwise appropriated, to the board to be expended for such services, equipment and supplies as deemed necessary for effectuating the purposes of this section.

SECTION 9. County zoning. This section and any ordinances or rules and regulations adopted in accordance with it, shall apply only to those lands not contained within the forest reserve boundaries as established on January 31, 1957 by the board of commissioners of agriculture and forestry, or as subsequently amended.

Zoning in all counties shall be accomplished within the framework of a long range, comprehensive, general plan prepared or being prepared to guide the overall future development of the county. Zoning shall be one of the tools available to the county to put the general plan into effect in an orderly manner. Zoning in the counties of Hawaii, Maui and Kauai shall mean the establishment of districts of such number, shape and area, and the adoption of regulations for each such district as shall be deemed best suited to carry out the purposes of this act. In establishing or regulating such districts, full consideration shall be given to all available data as to soil classification and physical use capabilities of the land so as to allow and encourage the most beneficial use of such land consonant with good zoning practices. The zoning power granted herein shall be exercised by ordinance which may relate to:

A. The areas within which agriculture, forestry, industry, trade and business may be conducted.

B. The areas in which residential uses may be regulated or prohibited.

C. The areas bordering natural water courses, channels and streams, in which trades or industries, filling or dumping, erection of structures and the location of buildings may be prohibited or restricted.

D. The areas in which particular uses may be subjected to special restrictions.

E. The location of buildings and structures designed for specific uses and designation of uses for which buildings and structures may not be used or altered.

F. The location, height, bulk, number of stories and size of buildings and other structures.

G. The location of roads, schools and recreation areas.

H. Building setback lines and future street lines.

I. The density and distribution of population.

J. The percentage of lot which may be occupied, size of yards, courts and other open spaces.

K. Minimum and/or maximum lot sizes.

L. Other such regulations as may be deemed by the boards as necessary and proper to permit and encourage orderly development of land resources within their jurisdictions.

The board of supervisors of any county shall prescribe such rules and regulations and administrative procedures and provide such personnel as it may deem necessary for the enforcement of the provisions of this act and any ordinance enacted in accordance therewith. Such ordinances may be enforced by appropriate fines and penalties, or by court order at the suit of the county or the owner or owners of real estate directly affected by such ordinances.

Nothing in this section shall invalidate any zoning ordinance or regulation adopted by any county or other agency of government pursuant to the statutes in effect prior to the effective date of this act.

The powers granted herein shall be liberally construed in favor of the county or city and county exercising them, and in such a manner as to promote the orderly development of each county or city and county in accord with a long range, comprehensive, general plan, and to insure the greatest benefit for the Territory as a whole. This section shall not be construed to limit or repeal any powers now possessed by any county to achieve such ends through zoning and building regulation, except insofar as forest and water reserve zones are concerned.

Neither this section nor any ordinance enacted under this section shall prohibit the continuance of the lawful use of any building or premises for any trade, industry, residential, agricultural or other purpose for which such building or premises is used at the time this act or such ordinance takes effect, provided, however, that a zoning ordinance may provide for elimination of non-conforming uses as such uses are discontinued. Nothing contained in this section shall affect or impair the powers and duties of the airport zoning board as set forth in chapter 17 of the Revised Laws of Hawaii 1955.

SECTION 10. Section 149-184 of the Revised Laws of Hawaii 1955 is hereby amended by amending the last two paragraphs thereof to read as follows:

"The master plan may be extended to areas of the city and county outside the limits of the city, as defined in section 149-2, except forest and water reserve zones, and any such extension may be initiated by the commission or the board of supervisors in the same manner as provided herein for the initiation of any addition to any change in the master plan.

Upon the authorization of any addition to, change in or extension of the master plan in accordance with the provisions of this section, the commission shall make such revision of the master plan as shall be necessary to conform thereto. In making any addition, change, or extension full consideration shall be given to all available data as to soil classification and physical use capabilities of the land, so as to allow and encourage the most beneficial use of such land consonant with good zoning practice."

SECTION 11. Severability. If any portion of this act or its application to any person or circumstances is held to be invalid for any reason, then the legislature hereby declares that the remainder of this act and each and every other provision thereof shall not be affected thereby.

SECTION 12. This act shall take effect on July 1, 1957.

INTRODUCED BY:

DATE_____
HONOLULU, HAWAII

Standing Committee Report No. 741

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7, , 1957 , by

Senator KAZUHISA ABE, CHAIRMAN FOR THE COMMITTEE ON WAYS AND MEANS.

RE: HOUSE BILL NO. 504
H. D. 2

RECOMMENDING THAT SAID BILL PASS THIRD READING WITH AN AMENDMENT.

MEMO:

Adopted - May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 741

Honolulu, Hawaii
May 8, 1957

7

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 504
H. D. 2

Sir:

Your Committee on Ways and Means to which was referred House Bill No. 504, H. D. 2 entitled,

"AN ACT RELATING TO SCHOLARSHIPS AT THE UNIVERSITY OF HAWAII, AMENDING SECTIONS 1951, 1952, AND 1954, AND REPEALING SECTIONS 1953 AND 1955, OF THE REVISED LAWS OF HAWAII 1945,"

begs leave to report as follows:

The purpose of this measure is to increase the number of scholarships to the University of Hawaii to a total of ninety-six, and to provide for their allocation among senatorial districts rather than representative districts. The latter change is made necessary by reason of the reapportionment of the legislature to go into effect in 1958. Your Committee approves the objectives of this bill, but believes that Section 3 thereof should be amended to read as follows:

"Section 3, Section 44-15 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Sec. 44-15. Number and allocation of scholarships. No more than ninety-six holders of territorial scholarships shall be attending the university at any one time. Each scholarship shall be granted for the period of one academic year, and shall be renewed each year for all recipients who maintain a satisfactory standard of scholarship and deportment. No student shall receive territorial scholarship grants for a period longer than four academic years. The maximum number of scholarships among the several senatorial districts at any one time shall be as follows:

First senatorial district	14
Second senatorial district	14
Third senatorial district	20
Fourth senatorial district	14
Fifth senatorial district	14
Sixth senatorial district	20

As so amended, your Committee on Ways and Means is in full accord with the purposes of this measure, and therefore recommends that it pass third reading.

Respectfully submitted,

KAZUMISA ABE, Chairman

Standing Committee Report No. 742

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7 , 19 57 , by

Senator KAZUHISA ABE, CHAIRMAN FOR THE COMMITTEE ON WAYS AND MEANS.

RE: HOUSE BILL NO. 758
H. D. 1

RECOMMENDING THAT SAID BILL PASS THIRD READING WITH CERTAIN AMENDMENTS.

MEMO:

Adopted - May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

Adopted

STAND. COM. REP. NO. 742

Honolulu, Hawaii
May 7, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 758, H. D. 1

Sir:

Your Committee on Ways and Means to which was referred House Bill No. 758, H. D. 1, entitled

"AN ACT FOR THE RELIEF OF CERTAIN PERSONS, FIRMS AND CORPORATIONS ON ACCOUNT OF OVERPAYMENT OF TAXES AND OTHER CLAIMS AGAINST THE TERRITORY, AND PROVIDING APPROPRIATIONS THEREFOR,"

begs leave to report as follows:

The purpose of this measure is disclosed by its title. The various claims have been examined by your Committee and found to be meritorious, and your Committee further believes that the measure should be amended in the following respects:

(1) Insert in section 1 of the bill, in the appropriate alphabetical position, the following items or claims:

"KELIINOI, William Y. - - - - - - - - - - - - Refund for real property tax overpaid for the years 1945 to 1955, inclusive."	$ 59.73
"McCABE, Herbert - - - - - - - - - - - - - - Refund for payment for repairs to his automobile which incurred damage from the tidal wave of March 9, 1957, while claimant was driving to a work assignment."	25.20

(2) Renumber sections 2, 3 and 4 of the bill to sections 3, 4 and 5, respectively, and amend section 2 to read as follows:

"SECTION 2. The tax commissioner is hereby authorized to remit the real property taxes assessed upon that certain parcel of land shown on the taxation maps and records of the third taxation division of the Territory of Hawaii as tax key 2-2-32-3 for the tax years 1943 to 1956, inclusive, to the Office of Alien Property and the Hilo Daijingu."

As so amended, your Committee on Ways and Means is in accord with the objectives of this bill and therefore recommends that it pass third reading.

Respectfully submitted,

KAZUHISA ABE, Chairman

AATF: TWJ

Standing Committee Report No. 743

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7, , 1957 , by

Senator KAZUHISA ABE, CHAIRMAN FOR THE COMMITTEE ON WAYS AND MEANS.

RE: HOUSE BILL NO. 995
H. D. 1

RECOMMENDING THAT SAID BILL PASS THIRD READING WITH AN AMENDMENT.

MEMO:

Adopted - May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

Adopted

STAND. COM. REP. NO. 743

Honolulu, Hawaii
May 7, 1957

Final Com Report

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 995, H. D. 1

Sir:

Your Committee on Ways and Means to which was referred House Bill No. 995, H. D. 1, entitled

"AN ACT RELATING TO APPROPRIATIONS FOR CAPITAL EXPENDITURES AND THE LAPSING THEREOF,"

begs leave to report as follows:

The purpose of this measure is to lapse into the general fund certain unused appropriations, or portions thereof, which had been made at various times in legislative sessions dating as far back as 1941.

Your Committee is in accord with the objectives of this bill, but believes it should be amended by deleting from section 2 thereof the words and figures "Act 273, SLH 1955".

As so amended, your Committee on Ways and Means approves said bill and therefore recommends that it pass third reading.

Respectfully submitted,

KAZUHISA ABE, Chairman

FA

Standing Committee Report No. 744

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7, , 19 57 , by

Senator SAKAE TAKAHASHI, CHAIRMAN FOR THE SELECT COMMITTEE OF OAHU SENATORS.

RE: RECOMMENDING THE FILING OF HOUSE CONCURRENT RESOLUTION NO. 12.

MEMO:

Adopted - May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

adopted

STAND. COM. REP. NO. 744

Honolulu, Hawaii

May 7, 1957

Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: House Concurrent Resolution No. 12

Sir:

Your Select Committee of Oahu Senators to which was referred House Concurrent Resolution No. 12 entitled, "CONCURRENT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO MAKE CERTAIN BEACH AREAS AVAILABLE TO THE RESIDENTS OF THE TERRITORY OF HAWAII", begs leave to report as follows:

The purpose of this resolution is to request the congress of the United States to take such steps as are necessary to grant to the residents of the territory access to such beach areas as are contained within federal land holdings and which are now being used or can be used for recreational purposes, and to transfer to the territory the beach park area in Keehi Lagoon (including that area now being used exclusively by the navy officers swimming club) for the purpose of providing the residents of the fifth representative district of the island of Oahu with a much-needed beach park. Inasmuch as the beach park area in Keehi Lagoon is involved and affected by Senate Joint Resolution No. 53, S.D. 1, which provides for land exchanges by the territory and the federal government, your Committee feels that this concurrent resolution should be deferred at the present time until the congress of the United States has acted on the above senate joint resolution.

Your Committee accordingly recommends that this concurrent resolution be filed.

Respectfully submitted,

Chairman

STAND. COM. REP. NO. 745

Honolulu, Hawaii

May 7, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 873
H. D. 1
S. D. 1

Sir:

Your Committee on Judiciary to which was referred House Bill No. 873, H. D. 1, S. D. 1, entitled:

"AN ACT TO AMEND CHAPTER 160, PART V, OF THE REVISED LAWS OF HAWAII 1955, RELATING TO LICENSING OF MOTOR VEHICLE DEALERS AND SALESMEN, AND TO ADD PROVISIONS RELATING TO LICENSING OF MOTOR VEHICLE BROKERS AND BROKERS' AGENTS",

begs leave to report as follows:

The purposes of this Bill are as follows:

(1) To include within the provisions of the Motor Vehicle Dealers' and Salesmen's Licensing Act all persons or organizations, including brokers and brokers' agents, in the Territory of Hawaii regularly engaged in the business of selling, negotiating for the sale or purchase of, or otherwise effecting the sale or exchange of motor vehicles.

(2) To include within the provisions of said Act dealers and salesmen of motorcycles and motor scooters which are now exempted, and whose inclusion is considered desirable.

(3) To give the public greater protection in dealing with such dealers, salesmen, brokers and brokers' agents by means of certain requirements as to delivery of agreements, advertising, bonds and financial responsibility.

(4) To give greater continuity to each board by providing for staggered four-year terms instead of the present two-year terms.

(5) To make it clear that the secretary provided for by the present law is the executive secretary of the board, which was probably the original intent.

(6) To clarify the board's procedure with respect to granting, revocation and suspension of licenses.

(7) To provide for the increased expenses incident to the operation of the boards, by providing a revised schedule of license fees.

(8) To strengthen enforcement of the provisions of this part by the board by increasing the civil and criminal penalties presently specified.

This Bill is the first major revision of a comprehensive law enacted in 1939 relating to the licensing and regulation of motor vehicle dealers and salesmen, the regulation of the sale of motor vehicles, and the prohibition of fraudulent and unfair practices in the business of selling motor vehicles and installment contracts.

Your Committee recommends the following amendments to this Bill:

(1) Amend subsection 9 of SECTION 1 of the Bill by placing a close quote after the words and punctuation "or both." appearing on the third line of paragraph (c) on page 18 and deleting the last paragraph of said subsection 9 beginning with the word and figures "Sec. 160-167.555 at the bottom of page 18 and ending with the words and punctuation "purchase is negotiated." at the top of page 19.

(2) Amend the Bill by adding a new subsection to be numbered 10 following the amended subsection 9 to read as follows:

"10. By adding to said part a new section to be numbered and to read as follows:

'Sec. 160-167.555. Disclosure of dealer and broker. In cases where any person licensed according to the provisions of this part represents buyers in the Territory in purchasing or attempting to purchase motor vehicles from or through dealers or brokers not licensed in the Territory (hereinafter called 'non-residents') residing or doing business without the Territory or acts as a broker or agent in negotiating for the sales of motor vehicles from or through such non-residents to the buyers in the Territory, then in such cases he shall file with the Board every six months

a statement showing the names and addresses of such non-residents with whom he has actually negotiated any such sales during such six months period. All such statements shall be under oath.'"

(3) Amend the Bill by adding a new subsection to be numbered 11 following the new subsection 10 to read as follows:

"11. By adding to said part a new section to be numbered and to read as follows:

'Sec. 160-167.6. Delivery of contract required. In the event any person licensed according to the provisions of this part represents a buyer in the Territory in purchasing or attempting to purchase a motor vehicle from or through a dealer or broker not licensed in the Territory (hereinafter called 'non-resident') residing or doing business without the Territory or acts as a broker or agent in negotiating for the sale of a motor vehicle from or through such non-resident to the buyer in the Territory, then in such event, he shall deliver to the buyer a copy of a contract or agreement covering such transaction which shall include the make, model, type, year and price of the motor vehicle, the name and address of the non-resident through whom the sale or purchase is negotiated.'"

(4) Amend SECTION 1 of the Bill by renumbering sub-sections 10 to 25 inclusive as subsections 12 to 27 respectively.

(5) Amend the renumbered subsection 12 of SECTION 1 of the Bill by amending the third sentence of paragraph (a) thereof by deleting the figures "10,000" and "3,000" as they appear in lines two and three on page 20 and substituting therefor the figures "3,000" and "1,000" respectively.

(6) Amend the renumbered subsection 19 of SECTION 1 of the Bill by deleting the word "broker" appearing in the first line on page 33 and substituting therefor the word "dealer".

Your Committee is in accord with the purpose of this Bill

as amended herein and recommends that it pass third reading as so amended.

Respectfully submitted,

Nelson K. Doi, Chairman

I do not concur

adopted

STAND. COM. REP. NO. 746

Honolulu, Hawaii

May 7, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Sir:

Your Committee on Judiciary, to which were referred Miscellaneous communications Nos. 6, 33, 65, and Departmental communication Nos. 30, 58, 61, 62, recommends that they be filed.

Respectfully submitted,

Nelson K. Doi

Nelson K. Doi, Chairman

S. George Fukushima

Jadal Takahashi

[illegible]

[illegible]

adopted

STAND. COM. REP. NO. 747

Honolulu, Hawaii
May 7, 1957

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature

S I R :

Your Select Committee of Kauai Senators recommends that House Bill No. 739 be filed.

Respectfully submitted,

John B. Fernandes

John B. Fernandes, Chairman

adopted

STAND. COM. REP. No. 748-

Honolulu, T. H.

May 7, 1957

Honorable William H. Heen

President of the Senate

S i r :

Your Committee on Printing begs leave to report that the following matters have been printed and are ready for distribution:

S. B. No. 2 S. D. 2 H. D. 1 C. D. 1
H. B. No. 14 H. D. 1 S. D. 2
H. B. No. 49 H. D. 2 S. D. 1
H. B. No. 52 H. D. 1 S. D. 1
H. B. No. 95 H. D. 1 S. D. 1
H. B. No. 130 H. D. 1 S. D. 1
H. B. No. 477 H. D. 2 S. D. 1
H. B. No. 873 H. D. 1 S. D. 1
H. B. No. 917 H. D. 1 S. D. 1
H. B. No. 952 H. D. 1 S. D. 1
H. B. No. 981 S. D. 1
H. B. No. 1066 S. D. 1
H. B. No. 1157 S. D. 1
H. B. No. 1190 H. D. 2 S. D. 1
H. B. No. 962 H. D. 1 S. D. 1
Amendment to H. B. No. 1194 H. D. 1
H. J. R. No. 11 H. D. 1 S. D. 1
H. C. R. No. 29 S. D. 1
S. Res. No. 50, 53, 55 & 56
Stand. Comm. Rep. No. 18, 93, 191, 702 to 721
Stand. Comm. Rep. No. 723 to 726
Governor's Message No. 142, 144, 145, 146
Governor's Message No. 148 to 152

Respectfully submitted,

John B. Tavares

Chairman

Standing Committee Report No. 749

THE SENATE

Standing Committee Report

The Legislature of the Territory of Hawaii

Presented MAY 3, , 1957 , by

Senator JOHN G. DUARTE, CHAIRMAN FOR THE COMMITTEE ON ACCOUNTS

RE: REPORTING ON THE ACCOUNTS OF THE SENATE AS OF APRIL 26, 1957.

MEMO:

Filed - May 3, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

Standing Committee Report No. 749

Honolulu, Hawaii
May 3, 1957

Re: Senate Accounts

Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

Sir:

Your Committee on Accounts begs leave to submit the following report of the accounts of the Senate as of this date:

BALANCE ON HAND as per last report dated April 26, 1957 . $107,364.00

EXPENDITURES

01	Personal Services:		
0-120	Pay of Officers, Employees & Committee Clerks	10,102.95	
	Garnishee	8.75	
	Taxes (T.H. 1,226.85) (Fed. 9,284.30)	10,511.15	
0-190	Pay of Contract Employees	4,685.00	
0-210	Cleaning & Toilet Supplies	27.50	
0-270	Stationery & Office Supplies	4,406.78	
0-290	Other Supplies	148.25	
04	Communication Service	285.95	
05	Travel Expense	70.30	
05	Per Diem - Senators	2,730.00	
07	Printing & Binding Service	152.95	
10	Rents	2,094.00	
11	Repairs	38.05	
3-010	Office Equipment	290.76	
	Total Expenses		35,552.39
	Balance on Hand		71,811.61
	Reserved for Printing the Journal		20,000.00
	BALANCE		51,811.61

Respectfully,

John G. Duarte

JOHN G. DUARTE, Senator
Chairman

Standing Committee Report No. 750

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7 , 19 57 , by

Senator KAZUHISA ABE, CHAIRMAN FOR THE COMMITTEE ON WAYS AND MEANS.

RE: H. B. NO. 763, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

ADOPTED - MAY 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 750

Honolulu, Hawaii
May 2, 1957

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Re: H. B. NO. 763
H. D. 1

Sir:

Your Committee on Ways and Means, to which was referred H. B. NO. 763, H. D. 1, entitled:

"AN ACT RELATING TO THE COVERAGE OF CERTAIN OFFICERS AND EMPLOYEES OF THE TERRITORY AND LOCAL GOVERNMENTS UNDER THE OLD AGE AND SURVIVORS INSURANCE PROVISIONS OF TITLE II OF THE FEDERAL SOCIAL SECURITY ACT, AS AMENDED",

begs leave to report as follows:

The purpose of this Bill is stated in House Standing Committee Report No. 119 and in general is an enabling Act to provide for the execution of an agreement between the Secretary of Health, Education and Welfare and the Territory of Hawaii providing for social security coverage of territorial and county employees.

Your Committee has made a number of minor changes affecting only the style of the Bill and not affecting the substance.

Your Committee is in accord with the purpose of this Bill as amended and as set forth in H. B. No. 763, H. D. 1, S. D. 1, attached hereto, and recommends its passage.

Respectfully submitted,

KAZUHISA ABE, Chairman

H. B. NO. 763
H. D. 1
S. D. 1

AN ACT

RELATING TO THE COVERAGE OF CERTAIN OFFICERS AND EMPLOYEES OF THE TERRITORY AND LOCAL GOVERNMENTS UNDER THE OLD AGE AND SURVIVORS INSURANCE PROVISIONS OF TITLE II OF THE FEDERAL SOCIAL SECURITY ACT AS AMENDED AND AMENDING PART VI OF CHAPTER 6 OF THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. Declaration of Policy. In order to extend to employees of the Territory and its political subdivisions and to the dependents and survivors of such employees, the basic protection accorded to others by the old age and survivors insurance system embodied in the Social Security Act, it is hereby declared to be the policy of the legislature, subject to the limitations of this Act, that such steps be taken as to provide such protection to employees of the Territory and its political subdivisions on as broad a basis as is permitted under the Social Security Act. It is also the policy of the legislature that the protection afforded employees in positions covered by a retirement system on the date their agreement under this Act is made applicable to service performed in such positions, or receiving periodic benefits under such retirement system at such time, will not be impaired as a result of making the agreement so applicable or as a result of legislative enactment in anticipation thereof.

SECTION 2. Section 6-190 of the Revised Laws of Hawaii 1955, is hereby amended in the following respects:

a. By amending subsection (b) thereof to read as follows:

"(b) The term 'employment' means any service performed by an employee in the employ of the Territory, or any political subdivision thereof, for such employer except (1) service which in the absence of an agreement entered into under this Act would constitute 'employment' as defined in the Social Security Act; or (2) service which under the Social Security Act may not be included in an agreement between the Territory and the Department of Health, Education and Welfare entered into under this Act. Service which under the Social Security Act may be included in an agreement only upon certification by the Governor in accordance with Section 218(d)(3) of that Act shall be included in the term 'employment' if and when the Governor issues, with respect to such service, a

certificate to the Secretary of Health, Education and Welfare pursuant to Section 6-195.5."

b. By amending subsection (d) thereof to read as follows:

"(d) The term 'territorial agency' means the Secretary of the Territorial Employee's Retirement System."

c. By amending subsection (e) thereof to read as follows:

"(e) The term 'Secretary of Health, Education, and Welfare' includes an individual to whom the Secretary of Health, Education, and Welfare has delegated any of his functions under the Social Security Act with respect to coverage under such Act of employees of the States and Territories and their political subdivisions."

d. By amending subsection (h) thereof to read as follows:

"(h) The term 'Federal Insurance Contributions Act' means subchapter A of Chapter 9 of the Federal Internal Revenue Code of 1939 and subchapters A and B of Chapter 21 of the Federal Internal Revenue Code of 1954, as such Codes have been and may from time to time be amended; and the term 'employee tax' means the tax imposed by section 1400 of such Code of 1939 and section 3101 of such Code of 1954."

SECTION 3. Part VI of Chapter 6 of the Revised Laws of Hawaii 1955 is hereby amended by deleting the word "department" wherever the same shall therein appear and substituting therefor the words "Secretary of Health, Education, and Welfare".

SECTION 4. Section 6-191 of the Revised Laws of Hawaii 1955, is hereby amended by amending subsection (b) thereof by deleting from the fifth line the words "sections 1400 and 1410 of".

SECTION 5. Part VI of Chapter 6 of the Revised Laws of Hawaii 1955, is hereby amended by adding thereto a new section to be numbered 6-191.5 and to read as follows:

"Sec. 6-191.5. Division of retirement systems. The employees' retirement system of the Territory of Hawaii

(or such components thereof as may be established by the Governor or his agent pursuant to section 218(d)(6) of the Social Security Act) shall, for the purpose of this Act, be deemed to constitute two retirement systems as provided in, and in accordance with, such section 218(d)(6) one of which is composed of the members of such system who have expressed a desire to be covered under the Social Security Act and the other of which is composed of the members of such system who have not expressed a desire for such coverage. Upon request of the governing body of any political subdivision operating a retirement system, the membership of its retirement system may likewise be divided."

(c) By adding a new subsection thereto to be designated subsection (g) and to read as follows:

"(g) As modified the agreement shall include all service described in paragraph (d) and may include all service described in paragraph (e) of this section and performed by individuals in positions covered by a retirement system with respect to which the Governor has issued a certificate to the Secretary of Health, Education, and Welfare pursuant to section 6-195.5."

SECTION 7. Section 6-192 of the Revised Laws of Hawaii 1955, is hereby amended by deleting the words "tax which would be imposed by section 1400 of" appearing in line 7 thereof and substituting therefor the words "the employee tax which would be imposed by".

SECTION 8. Subsection (b) of section 6-195 is hereby amended to read as follows:

"(b) It provides that all services which constitute employment as defined in section 6-190 and are performed in the employ of the political subdivision by employees thereof, shall be covered by the Plan, except that it may exclude services performed by individuals to whom section 218(c)(3)(C) of the Social Security Act is applicable;".

SECTION 9. Section 6-198 is hereby amended by deleting therefrom the words "tax which would be imposed by section 1400 of" appearing in lines 9 and 10 thereof and substituting therefor the words "the employee tax which would be imposed by".

SECTION 10. Part VI of Chapter 6 of the Revised Laws of Hawaii 1955 is hereby amended by adding thereto a new section to be numbered section 6-195.5 and to read as follows:

"Sec. 6-195.5. Referendum. With respect to any retirement system of the Territory to which this Act applies or to any retirement system of a political subdivision whose governing body so requests, the Governor is empowered to authorize a referendum, and shall designate an agency or individual to supervise its conduct, in accordance with the requirements of Section 218(d)(3) of the Social Security Act, on the question of whether service in positions covered by a retirement system established by the Territory, or by a political subdivision thereof should be excluded from or included under an agreement under this Act. The notice of referendum required by Section 218(d)(3)(C) of the Social Security Act to be given to employees shall contain or shall be accompanied by a statement, in such form and such detail as the agency or the individual designated to supervise the referendum shall deem necessary and sufficient to inform the employees of the rights which will accrue to them and their dependents and survivors, and the liabilities to which they will be subject, if their services are included under an agreement under this Act. Upon receiving evidence satisfactory to him that with respect to any such referendum the conditions specified in Section 218(d)(3) of the Social Security Act have been met the Governor shall so certify to the Secretary of Health, Education and Welfare."

SECTION 10. Administrative Appropriation. For the purpose of administering the provisions of this Act, including the costs of holding the referendum provided for by section 6-195.5 and the costs of informing the employees affected, there is hereby appropriated from the general revenues of the Territory the sum of $20,000.

SECTION 11. This Act shall take effect upon its approval.

INTRODUCED BY:

Standing Committee Report No. 751

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7 , 1957 , by

Senator KAZUHISA ABE, CHAIRMAN FOR THE COMMITTEE ON WAYS AND MEANS.

RE: HOUSE JOINT RESOLUTION NO. 50

RECOMMENDING PASSAGE OF SAID BILL.

MEMO:

Adopted - May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

Adopted

STAND. COM. REP. N O. 757

Honolulu, Hawaii
May 7, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Joint Resolution No. 50

Sir:

Your Committee on Ways and Means to which was referred House Joint Resolution No. 50, entitled

"JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO AMEND THE HAWAIIAN ORGANIC ACT TO PROVIDE FOR THE APPOINTMENT OF THE POST-AUDITOR BY THE TERRITORIAL LEGISLATURE,"

begs leave to report as follows:

The purpose of this measure is expressed in its title. Your Committee on Ways and Means is in full accord with the objectives of this joint resolution and therefore recommends that it pass third reading.

Respectfully submitted,

KAZUHISA ABE, Chairman

AATF:

Standing Committee Report No. 752

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7 , 1957 , by

Senator KAZUHISA ABE, CHAIRMAN FOR THE COMMITTEE ON WAYS AND MEANS.

RE: HOUSE BILL NO. 352
H. D. 1

RECOMMENDING PASSAGE OF SAID BILL.

MEMO:

Adopted - May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

adopted

STAND. COM. REP. NO. 752

Honolulu, Hawaii
May 7, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 352, H. D. 1

Sir:

Your Committee on Ways and Means to which was referred House Bill No. 353, H. D. 1, entitled

"AN ACT RELATING TO FEES FOR CERTIFIED COPIES AND SEARCHES, BY THE BOARD OF HEALTH AND AMENDING SECTION 57-17 OF THE REVISED LAWS OF HAWAII 1955,"

begs leave to report as follows:

The purpose of this measure is to increase from "$1" to "$1.50" the fees for certified copies of vital statistics records. Your Committee on Ways and Means is in full accord with the purposes of this bill and therefore recommends that it pass third reading.

Respectfully submitted,

KAZUHISA ABE, Chairman

AATF:

Standing Committee Report No. 753

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7 , 1957 , by

Senator KAZUHISA ABE, CHAIRMAN FOR THE COMMITTEE ON WAYS AND MEANS.

RE: HOUSE BILL NO. 457
H. D. 1

RECOMMENDING THAT SAID BILL PASS THIRD READING WITH CERTAIN AMENDMENTS.

MEMO:

Adopted - May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 753

Honolulu, Hawaii
May 6, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 457
H. D. 1

Sir:

Your Committee on Ways and Means to which was referred House Bill No. 457, H. D. 1 entitled,

"AN ACT RELATING TO THE KAMEHAMEHA DAY CELEBRATION COMMISSION MAKING AN APPROPRIATION OF $44,500 FOR THE 1957 AND 1958 CELEBRATIONS AND FOR A MOOLELO KEIA NO HAWAII AND CLERICAL ASSISTANCE AND OTHER EXPENSES,"

begs leave to report as follows:

The purpose of this measure is disclosed by its title. Your Committee is in accord with the objective of this bill, but believes it should be amended in the following respects;

First: Amend the first paragraph of Section 1 by deleting the symbol and figures, "$40,000", where the same appear in the third line of said Section 1, and insert in place of the same the symbol and figures, "$30,100".

Second: Amend subparagraph (a) of Section 1 to read as follows:

(a) $26,500 shall be used to defray the expenses of the Kamehameha Day celebrations of June 11, 1957 and 1958 to be alloted as follows:

(1)	Oahu	$13,000
(2)	Hawaii (excluding Kona, Kau, Hamakua and Kohala)	3,750
(3)	Kona	1,250
(4)	Kau	750
(5)	Hamakua	750
(6)	North and South Kohala	1,000
(7)	Maui	2,500
(8)	Molokai	600
(9)	Lanai	200

(10)	Kalaupapa	$ 200
(11)	Kauai	2,500

Third: Amend subparagraph (b) of Section 1 by deleting the symbol and figures, "$9,600", where the same appear in the first line of said subparagraph, and insert in place of the same, "$3,600".

Fourth: Renumber Sections 2 and 3 to Sections 3 and 4, respectfully, and amend Section 2 to read as follows:

"Section 2. None of the funds appropriated under this Act shall be expended for "luaus", or other kind or kinds of parties."

As so amended, your Committee on Ways and Means approves of this Bill, and therefore recommends it pass third reading.

Respectfully submitted,

KAZUHISA ABE, Chairman

Standing Committee Report No. 754

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7 , 1957 , by

Senator KAZUHISA ABE, CHAIRMAN FOR THE COMMITTEE ON WAYS AND MEANS.

RE: HOUSE BILL NO. 529
H. D. 2
S. D. 1

RECOMMENDING THAT SAID BILL PASS THIRD READING IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

Adopted - May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 754

Honolulu, Hawaii
May 6, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 529
H. D. 2
S. D. 1

Sir:

Your Committee on Ways and Means to which was referred House Bill No. 529, H. D. 2 entitled,

"AN ACT TO AMEND SECTION 220-2 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO SALARIES OF DISTRICT MAGISTRATES,"

begs leave to report as follows:

The purpose of this bill is to increase the salary of the district magistrate of Ewa, City and County of Honolulu by $10.00 per month or $120.00 per year.

Your Committee believes that the magistrate should receive an increase of $25.00 per month or $300.00 per year, and has therefore, prepared an amendment to reflect this belief.

As amended, your Committee is in agreement with this bill and recommends that the bill, in its amended form attached hereto, be passed on third reading.

Respectfully submitted,

KAZUMASA ABE, Chairman

H. B. NO. 529
H. D. 2
S. D. 1

AN ACT

TO AMEND SECTION 220-2 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO SALARIES OF DISTRICT MAGISTRATES.

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

SECTION 1. Section 220-2 of the Revised Laws of Hawaii 1955 is hereby amended as follows:

(a) By deleting, after the words "district magistrate, Ewa", the figures "325.00" and "3,900.00" and substituting the figures "350.00" and "4,200", respectively.

SECTION 2. This Act shall take effect on July 1, 1957.

INTRODUCED BY:

Standing Committee Report No. 755

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7, , 1957 , by

Senator KAZUHISA ABE, CHAIRMAN FOR THE COMMITTEE ON WAYS AND MEANS.

RE: HOUSE BILL NO. 1154
H. D. 1

RECOMMENDING PASSAGE OF SAID BILL

MEMO:

Adopted - May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

Adopted

STAND. COM. REP. NO. 755

Honolulu, Hawaii
May 7, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 1154, H. D. 1

Sir:

Your Committee on Ways and Means to which was referred House Bill No. 1154, H. D. 1, entitled

AN ACT TO AMEND SECTION 130-1 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO VEHICLE WEIGHT TAX,"

begs leave to report as follows:

The purpose of this measure is to clarify the definition of "net weight" in the statutes dealing with the motor vehicle weight tax.

Your Committee is in full accord with the purpose of this bill and therefore recommends that it pass third reading.

Respectfully submitted,

KAZUHISA ABE, Chairman

AATF:

Standing Committee Report No. 756

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7 , 1957 , by

Senator TOM T. OKINO, CHAIRMAN FOR THE COMMITTEE ON AGRICULTURE.

RE: HOUSE BILL NO. 1190
H. D. 2
S. D. 1

RECOMMENDING THAT SAID BILL PASS THIRD READING IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

Adopted - May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 756

Honolulu, Hawaii
May 1, 1957

RE: H. B. NO. 1190
H. D. 2
S. D. 1

Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

Sir:

Your Committee on Agriculture, to which was referred H. B. NO. 1190, H. D. 2, S. D. 1, entitled: "AN ACT RELATING TO THE ADVERTISING OF THE ORIGIN OF BEEF AND PORK AND PROVIDING PENALTIES FOR VIOLATIONS", begs leave to report as follows:

The purpose of this bill is to prescribe certain requirements in the advertisement or sale of beef and pork. It requires notice by a poster or advertisement displayed near the beef and pork at the time and place of sale as to the source where the beef and pork was produced. It further requires that all beef and pork sold or offered for sale shall have signs in plain legible letters of not less than twelve point type indicating whether or not the beef and pork was produced in the Territory, the mainland United States or a foreign country. A penalty of not more than $100, or imprisonment not more than 10 days or both, is provided for where violation of this Act occurs.

Your Committee is in accord with the purpose of this bill and recommends it pass Third Reading in the amended form attached hereto.

Respectfully submitted,

Tom Okino
TOM OKINO, CHAIRMAN

Sakae Takahashi
SAKAE TAKAHASHI, VICE CHAIRMAN

John B. Fernandes
JOHN B. FERNANDES

Dee Duponte
DEE DUPONTE

Wilfred C. Tsukiyama
WILFRED C. TSUKIYAMA

H. B. NO. 1190
H. D. 2
S. D. 2

AN ACT

RELATING TO THE ADVERTISING OF THE ORIGIN OF BEEF AND PORK AND PROVIDING PENALTIES FOR VIOLATIONS.

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

SECTION 1. It shall be unlawful to sell or expose for sale any beef and pork unless at the time of such sale or offer for sale the public shall be notified by a suitable sign whether such beef and pork has been produced within the Territory of Hawaii, the mainland United States or in a foreign country. Such notice shall consist of at least a poster or advertisement displayed near such beef and pork in such a position so as to clearly apprise the public of the beef and pork referred to at the time and place of sale.

SECTION 2. Any person who violates this Act shall be fined not more than $100, or imprisoned not more than 10 days, or both.

SECTION 3. This Act shall take effect upon its approval.

Standing Committee Report No. 757

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7 , 1957 , by

Senator KAZUHISA ABE, CHAIRMAN FOR THE COMMITTEE ON WAYS AND MEANS.

RE: HOUSE BILL NO. 681
H. D. 2

RECOMMENDING THAT SAID BILL PASS THIRD READING WITH CERTAIN AMENDMENTS.

MEMO:

Adopted - May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

Adopted

Print

STAND. COM. REP. NO. 757

Honolulu, Hawaii
May 7, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 681, H. D. 2

Sir:

Your Committee on Ways and Means to which was referred House Bill No. 681, H. D. 2, entitled

"AN ACT TO CREATE AND ESTABLISH A TERRITORIAL AGENCY FOR SURPLUS PROPERTY, AMENDING CHAPTER 12 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO FEDERAL AID, AND MAKING AN APPROPRIATION THEREFOR,"

begs leave to report as follows:

The purpose of this measure is disclosed by its title and is fully explained in Standing Committee Report No. 600. Your Committee believes that the proposed amendments to Chapter 12 of the Revised Laws of Hawaii 1955 will be beneficial to the Territory.

Your Committee believes, and therefore recommends, that the measure in its present form be amended so that the first paragraph, or the first two lines, of Section 1 of the bill be amended to read as follows:

"SECTION 1. Chapter 12 of the Revised Laws of Hawaii 1955 is hereby amended so as to renumber the present section 12-10 as section 12-13, and so as to delete therefrom the present sections 12-7, 12-8 and 12-9, and insert in place of the same and in addition thereto the following sections 12-7 to 12-12 inclusive:".

Your Committee further recommends that the bill be amended by deleting therefrom the present section 2, and renumbering section 3 as section 2.

As so amended, your Committee on Ways and Means approves of this measure and recommends that it pass third reading.

Respectfully submitted,

KAZUHISA ABE, Chairman

Standing Committee Report No. 758

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7, , 1957 , by

Senator KAZUHISA ABE, CHAIRMAN FOR THE COMMITTEE ON WAYS AND MEANS.

RE: HOUSE BILL NO. 660

RECOMMENDING THAT SAID BILL PASS THIRD READING WITH AN AMENDMENT.

MEMO:

Adopted - May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REPORT NO. 758

Honolulu, Hawaii
May 7, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 660

Sir:

Your Committee on Ways and Means to which was referred House Bill No. 660, entitled

"AN ACT AMENDING SECTION 64-5 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO BOARD OF MEDICAL EXAMINERS AND PROVIDING FOR INCREASE IN EXAMINATION FEES,"

begs leave to report as follows:

The purpose of this bill is to increase the examination fee for license to practice medicine, the increase being from $25 to $50. Your Committee is in accord with this bill, and believes that it should be amended so as to increase the annual renewal or re-registration fee from $2 to $5. Accordingly, your Committee recommends that section 1 of the bill be amended to read as follows:

"SECTION 1. Section 64-5 of the Revised Laws of Hawaii 1955 is hereby amended by deleting '$25.' appearing in the first and third sentences thereof and inserting in lieu thereof '$50.' in these sentences, and by deleting '$2.' where the same appears in the sixth line and inserting in place of the same '$5.'"

As so amended, your Committee on Ways and Means is in accord with the objectives of this bill and therefore recommends that it pass third reading.

Respectfully submitted,

Kazuhiza Abe
KAZUHIZA ABE, Chairman

Tom Ekimo

John B. Fernandez

Wilfred Tsukiyama

Mitsuyuki Kido

Oren E. Long

adopted

STAND. COM. REP. NO. 759

Honolulu, Hawaii

May 7, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Concurrent Resolution No. 4

Sir:

Your Select Committee of Oahu Senators to which was referred Senate Concurrent Resolution No. 4 entitled, "CONCURRENT RESOLUTION REQUESTING THE GOVERNOR AND THE COMMISSIONER OF PUBLIC LANDS OF THE TERRITORY OF HAWAII TO SET ASIDE CERTAIN PUBLIC LANDS", begs leave to report as follows:

The purpose of this resolution is to request the governor of the territory and the commissioner of public lands to set aside a portion of the public lands on which the present Pearl City Kai School now stands for the purpose of constructing a civic and recreation center thereon.

Your Committee approves the purpose of this resolution and accordingly recommends that it be adopted.

Respectfully submitted,

Chairman

CORRECTION

THE PRECEDING DOCUMENT(S) HAS BEEN REPHOTOGRAPHED TO ASSURE LEGIBILITY
SEE FRAME(S)
IMMEDIATELY FOLLOWING

Standing Committee Report No. 758

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7, , 1957 , by

Senator KAZUHISA ABE, CHAIRMAN FOR THE COMMITTEE ON WAYS AND MEANS.

RE: HOUSE BILL NO. 660

RECOMMENDING THAT SAID BILL PASS THIRD READING WITH AN AMENDMENT.

MEMO:

Adopted - May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REPORT NO. 758

Honolulu, Hawaii
May 7, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 660

Sir:

Your Committee on Ways and Means to which was referred House Bill No. 660, entitled

"AN ACT AMENDING SECTION 64-5 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO BOARD OF MEDICAL EXAMINERS AND PROVIDING FOR INCREASE IN EXAMINATION FEES,"

begs leave to report as follows:

The purpose of this bill is to increase the examination fee for license to practice medicine, the increase being from $25 to $50. Your Committee is in accord with this bill, and believes that it should be amended so as to increase the annual renewal or re-registration fee from $2 to $5. Accordingly, your Committee recommends that section 1 of the bill be amended to read as follows:

"SECTION 1. Section 64-5 of the Revised Laws of Hawaii 1955 is hereby amended by deleting '$25.' appearing in the first and third sentences thereof and inserting in lieu thereof '$50.' in these sentences, and by deleting '$2.' where the same appears in the sixth line and inserting in place of the same '$5.'"

As so amended, your Committee on Ways and Means is in accord with the objectives of this bill and therefore recommends that it pass third reading.

Respectfully submitted,

Kazuhiza Abe
KAZUHIZA ABE, Chairman

Tom Ekimo

John B. Fernandes

Wilfred Tsukiyama

Mitsuyuki Kido

Oren E. Long

adopted

STAND. COM. REP. NO. 759

Honolulu, Hawaii

May 7, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: Senate Concurrent Resolution No. 4

Sir:

Your Select Committee of Oahu Senators to which was referred Senate Concurrent Resolution No. 4 entitled, "CONCURRENT RESOLUTION REQUESTING THE GOVERNOR AND THE COMMISSIONER OF PUBLIC LANDS OF THE TERRITORY OF HAWAII TO SET ASIDE CERTAIN PUBLIC LANDS", begs leave to report as follows:

The purpose of this resolution is to request the governor of the territory and the commissioner of public lands to set aside a portion of the public lands on which the present Pearl City Kai School now stands for the purpose of constructing a civic and recreation center thereon.

Your Committee approves the purpose of this resolution and accordingly recommends that it be adopted.

Respectfully submitted,

Chairman

Standing Committee Report No. 760

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7, , 1957 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: HOUSE BILL NO. 383
H. D. 2

RECOMMENDING PASSAGE OF SAID BILL.

MEMO:

Adopted - May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 760

Honolulu, Hawaii

May 1, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 383
H. D. 2

Sir:

Your Committee on Judiciary to which was referred House Bill No. 383, H. D. 2, entitled:

"AN ACT TO AMEND SECTION 159-45 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO LIQUOR LICENSES",

begs leave to report as follows:

The purpose of this Bill is to prohibit the issuance of a new liquor license to any applicant for a dispenser or cabaret license whose premises are situated within five hundred feet of any church or school building or buildings.

Your Committee feels that the use and consumption of liquor should not be exposed to the young and impressionable segment of the community. Proponents of the Bill expressed the view that to permit children to observe adults imbibing in intoxicating liquor as they go to and from church or school would tend to undermine the teachings and principles associated with those institutions.

Your Committee is in accord with the purpose of this Bill and recommends that it pass third reading.

Respectfully submitted,

Nelson K. Doi, Chairman

adopted

STANDING COMMITTEE REPORT NO. 761

Honolulu, Hawaii
May 7, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 580, H. D. 1
House Bill No. 702, H. D. 1

Sir:

Your Committee on Ways and Means to which were referred House Bills Nos. 580, H. D. 1 and 702, H. D. 1, entitled,

"AN ACT RELATING TO THE SALARIES OF CERTAIN TERRITORIAL OFFICERS, AND MAKING AN APPROPRIATION THEREFOR,"

AND

"AN ACT TO REPEAL SECTIONS 146-2, 147-1, 148-1, 149-54 AND 149-55 OF THE REVISED LAWS OF HAWAII 1955, ALL RELATING TO SALARIES OF CERTAIN OFFICERS OF THE SEVERAL COUNTIES OF THE TERRITORY OF HAWAII; AND TO AMEND SECTION 149-86 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO THE GENERAL POWERS OF THE CITY AND COUNTY BOARD OF SUPERVISORS, BY ADDING THERETO A NEW SUBSECTION DESIGNATED (49) RELATING TO SALARIES OF COUNTIES AND COUNTY OFFICERS,"

begs leave to report as follows:

Both of these measures are concerned with the single subject matter of salaries of public officers, the first being officers of the Territory, the second being officers of the several counties. House Bill No. 580, H. D. 1, would prescribe salary increases for various territorial officers, and House Bill No. 702, H. D. 1 would transfer from the Legislature to the various counties the authority to fix the salaries of certain county officers. Your Committee believes that both of these may properly be combined into one bill, and has therefor prepared an amended draft of House Bill No. 702 which is attached hereto. Your Committee has made certain revisions in the salary schedule of the territorial officers, and believes that it would be more appropriate at this time to increase the salaries of the various county officials rather than transfer to the various counties the authority to fix such salaries. Your Committee has likewise concluded there should be provided by law a differential of not less than ten per cent between the salary of any department head and that of the first deputy or chief assistant.

Finally, your Committee believes it appropriate to write into the law a provision that no full-time county or territorial officer may engage in any other occupational employment or in the practice of any profession.

In such amended form, your Committee on Ways and Means fully approves of the purposes and objectives of House Bill 702 and recommends that it pass third reading, and further recommends that House Bill 580 be filed.

Respectfully submitted,

KAZUHIA ABE, CHAIRMAN

AATF

Standing Committee Report No. 762

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7 , 1957 , by

Senator KAZUHISA ABE, CHAIRMAN FOR THE COMMITTEE ON WAYS AND MEANS.

RE: HOUSE BILL NO. 617
H. D. 1

RECOMMENDING THAT SAID BILL PASS THIRD READING IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

Adopted - May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

adopted

STAND. COM. REP. NO. 762

Honolulu, Hawaii
May 7, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 617, H. D. 1

Sir:

Your Committee on Ways and Means to which was referred House Bill No. 617, H. D. 1, entitled

"AN ACT RELATING TO PUBLIC IMPROVEMENTS, AMENDING ACT 280 (SERIES E-247) OF THE SESSION LAWS OF HAWAII, 1953, AS AMENDED BY ACT 146, SESSION LAWS OF HAWAII, 1955, RELATING TO PUBLIC IMPROVEMENTS AND MAKING APPROPRIATIONS THEREFOR,"

begs leave to report as follows:

The purpose of this bill is to consolidate certain existing, unexpended and unallocated balances of territorial loan fund appropriations for certain school construction purposes. Your Committee is in accord with the objectives of this bill, and also believes that additional consolidations or clarifications of certain loan fund appropriations should be accomplished. Accordingly, your Committee has prepared an amended draft of the measure, so as to make certain provisions for the Kauai veterans memorial hospital and for the Honolulu vocational school. Your Committee has likewise added a severability clause.

In such amended form, your Committee on Ways and Means fully approves of the purposes and objectives of this bill and therefore recommends that it pass third reading.

Respectfully submitted,

KAZUHISA ABE, Chairman

AATF:

H. B. NO. 617
H. D. 1
S. D. 1

AN ACT

RELATING TO PUBLIC IMPROVEMENTS, AMENDING ACT 251 OF THE SESSION LAWS OF HAWAII 1941, AMENDING ACT 280 OF THE SESSION LAWS OF HAWAII 1953, AND AMENDING ACT 273 OF THE SESSION LAWS OF HAWAII 1955.

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

SECTION 1. Section 1 of Act 251 (Series E-320) of the Session Laws of Hawaii 1941, as amended, is hereby further amended by substituting for the words and figures therein reading:

"Construction of Kauai veterans memorial hospital ..... $25,000.00,"

the following words and figures:

"Construction of Kauai veterans memorial hospital and for the purchase of equipment incidental thereto or necessary for the operation thereof..... $25,000.00".

SECTION 2. Section 2(a) of Act 280, Session Laws of Hawaii 1953, as amended, is hereby further amended in the following respects:

(a) By amending item 7(j) thereof, to read as follows:

"7(j) For any school or schools in the county of Maui, including any school designated herein, as determined by the board of supervisors.... $793,000"

(b) By deleting therefrom the following items and appropriations:

"7(c) New Popohaku School..... $240,000
7(d) New Kahului School..... 220,000
7(h) Kahului School Cafetorium..... 55,000
7(k) Hamakuapoko School..... 45,000
7(l) Kahakuloa School..... 28,000
7(m) Kaunoa School..... 150,000

(c) By redesignating items "7(e)", "7(f)", "7(g)", "7(i)", and "7(j)" thereof, to read "7(c)", "7(d)", "7(e)", "7(f)", and "7(g)", respectively.

SECTION 3. Act 273 of the Session Laws of Hawaii 1955, is hereby amended by amending items (a), (b), (c) of subparagraph 2 of section 1 (a) so that the same shall be combined into a single item to read as follows:

"(a) Honolulu Vocational School Foods Building, Honolulu Vocational School Classroom Building, Honolulu Vocational School Shop Building, $369,000."

SECTION 4. If any section, sentence, clause, or phrase of this Act is held to be unconstitutional or invalid, the remaining portions of this Act shall not be affected. The legislature hereby declares that it would have passed this Act, and each and every section, sentence, clause or phrase or part thereof, despite the fact that any one or more sections, sentences, clauses or phrases or parts thereof be declared unconstitutional or invalid.

SECTION 5. This Act shall take effect upon its approval.

INTRODUCED BY:

Standing Committee Report No. 763 d

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7, , 1957 , by

Senator KAZUHISA ABE, CHAIRMAN FOR THE COMMITTEE ON WAYS AND MEANS.

RE: HOUSE BILL NO. 766
H. D. 1

RECOMMENDING THAT SAID BILL PASS THIRD READING WITH AN AMENDMENT.

MEMO:

Adopted - May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 763

Honolulu, Hawaii
May 7, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: H. B. No. 766
H. D. 1

Sir:

Your Committee on Ways and Means to which was referred H. B. No. 766, H. D. 1, entitled: "AN ACT PROVIDING FOR THE BINDING AND PUBLICATION OF THE JOURNALS OF THE HOUSE OF REPRESENTATIVES AND MAKING AN APPROPRIATION THEREFOR", begs leave to report as follows:

The purpose of this bill is to provide for the binding and publication of the journals of the House of Representatives of the Territory of Hawaii for the special session of 1954 and for the regular session of 1955. Both journals were not prepared and published.

Your Committee believes that the journals in question have limited utility at this late date, and therefore, recommends their printing only to the extent that it can be done with the remaining balance of the funds appropriated to the House of Representatives under Act 1 of the Session Laws of Hawaii.

Accordingly, your Committee recommends the passage of the bill on third reading with deletion of the last sentence in section 2.

Respectfully submitted,

KAZUHISA ABE, Chairman

Revised

STANDING COMMITTEE REPORT NO. 764

Honolulu, Hawaii
May 7, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 64
S. D. 1

Sir:

Your Committee on Ways and Means to which was referred House Bill No. 64, S. D. 1, entitled,

"AN ACT RELATING TO RETROACTIVE COMPENSATION OF EMPLOYEES OF SAMUEL MAHELONA MEMORIAL HOSPITAL AND MAKING AN APPROPRIATION THEREFOR",

begs leave to report as follows:

The purpose of this bill is amply explained in Standing Committee Report No. 600 from your Committee on Public Employment.

Your Committee on Ways and Means agrees with the purpose of this bill and recommends that it be passed on third reading.

Respectfully submitted,

KAZUHISA ABE, Chairman

Standing Committee Report No. 765 Ch

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7 , 19 57 , by

Senator KAZUHISA ABE, CHAIRMAN FOR THE COMMITTEE ON WAYS AND MEANS.

RE: HOUSE BILL NO. 812
H. D. 1

RECOMMENDING PASSAGE OF SAID BILL.

MEMO:

Adopted - May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

Chapter

Print Report

STAND. COM. REP. NO. 765

Honolulu, Hawaii
May 7, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill 812, H. D. 1

Sir:

Your Committee on Ways and Means to which was referred House Bill No. 812, H. D. 1, entitled

"AN ACT RELATING TO TERRITORIAL PRISONS,"

begs leave to report as follows:

The purpose of this bill is to make certain appropriations of the proceeds from the sale of lands of Oahu Prison in Honolulu. Under the bill, the proceeds would be devoted to Kulani and Olinda prison camp improvements, and for certain work at Oahu Prison.

Your Committee on Ways and Means is in full accord with the purpose of this bill and therefore recommends that it pass third reading.

Respectfully submitted,

KAZUHISA ABE, Chairman

AATF:

Standing Committee Report No. 766

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7 , 1957 , by

Senator KAZUHISA ABE, CHAIRMAN FOR THE COMMITTEE ON WAYS AND MEANS.

RE: HOUSE BILL NO. 716
H. D. 1

RECOMMENDING THAT SAID BILL PASS THIRD READING IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

Adopted - May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

adopted

STANDING COMMITTEE REPORT NO. 766

Honolulu, Hawaii
May 7, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 716
H. D. 1

Sir:

Your Committee on Ways and Means to which was referred House Bill No. 716, H. D. 1, entitled,

"AN ACT TRANSFERRING THE FOOD PROCESSING LABORATORY OF THE ECONOMIC PLANNING AND COORDINATION AUTHORITY TO THE UNIVERSITY OF HAWAII, PROVIDING FOR ITS OPERATION, AND MAKING AN APPROPRIATION THEREFOR,"

begs leave to report as follows:

This measure has to do with certain operation of the University of Hawaii, and proposes to setup within the University's jurisdiction the food processing laboratory presently under the control of the Economic Planning and Coordination Authority. After careful study, your Committee has concluded that the University's functions would be more satisfactorily undertaken by the establishment of an Institute of Geophysics on the campus, for which Federal aid in very substantial amounts could be obtained. Accordingly, your Committee has prepared a redraft of the measure which is attached hereto.

In such an amended form, your Committee on Ways and Means is in full accord with the objectives of this bill and therefore recommends it pass third reading.

Respectfully submitted,

KAZUHIA ABE, CHAIRMAN

AATF

H. B. No. 716
H. D. 1
S. D. 1

AN ACT

TO PROVIDE FOR THE OPERATION OF THE HAWAII INSTITUTE OF GEOPHYSICS AT THE UNIVERSITY OF HAWAII AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. Legislative determination. The legislature recognizes that increases in population and the standard of living put ever-increasing stress on Hawaii's physical resources; and that this stress can be effectively met only with constantly increasing knowledge and application of knowledge of these resources and their geophysical setting. To the latter end it determines that the Hawaii Institute of Geophysics, created by the board of regents of the University of Hawaii and which has among its objectives the conduct of fundamental and applied research, training,and the dissemination of knowledge in the field of geophysics and physical resources, should be strengthened to accomplish its objectives adequately. Such is the purpose of this Act.

SECTION 2. The following three sections are hereby added to the Revised Laws of Hawaii 1955, to be designated and to read as follows:

"Sec. 44-44. Geophysics institute; director and staff. There shall be a Hawaii institute of geophysics at the university. The institute shall be administered by a director to be appointed by the president with the approval of the board of regents of the university, to serve at the pleasure of the president. The director shall appoint the professional members of the staff and other employees. The president and the board of regents shall have the same powers over the institute and its staff as over the university and its faculties.

The institute shall undertake basic research and training in geophysics, and shall disseminate knowledge of geophysics affecting Hawaii, and to the extent its facilities permit, may serve to apply the results of its research to geophysical problems in the territory.

"Sec. 44-45. Territorial geophysicists. The staff of the institute shall include a specialist qualified in geology and one qualified in volcanology, or one qualified in both fields (to be designated as territorial geologist and territorial volcanologist, or territorial geologist and volcanologist, as appropriate), whose duties shall include consultation with territorial officials, departments and agencies concernining possible applications of these fields and research desirable to facilitate such applications. Such other territorial geophysicists may be designated as appropriate in the opinion of the director and the board of regents.

The territorial geophysicist may undertake applied research required in their respective fields by territorial officials, departments and agencies,but their personal conduct of such applied research may be limited by the director, to such an extent as, in his opinion, is necessary to ensure the conduct of fundamental research and training required by the long-range interests of the Territory.

"Sec. 44-46. Encouragement of federal assistance. The governor and the president and board of regents of the university are hereby authorized and requested to take any appropriate action to secure federal assistance in strengthening the institute."

SECTION 3. There is hereby appropriated from the general fund of the Territory the sum of $50,000, or so much thereof as may be necessary for the operation of the Hawaii Institute of Geophysics during the biennium 1957-59. In subsequent biennia, the university shall include in its budgets amounts required to operate the institute.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

Standing Committee Report No. 767

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7 , 19 57 , by

Senator KAZUHISA ABE, CHAIRMAN FOR THE COMMITTEE ON WAYS AND MEANS.

RE: H. B. NO. 471, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING.

MEMO:

Recommitted to the Committee on Ways and Means
May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 767

Honolulu, Hawaii
May 7, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

RE: HOUSE BILL NO. 471
H. D. 1

Sir:

Your Committee on Ways and Means to which was referred House Bill No. 471, H. D. 1 entitled,

"AN ACT RELATING TO TERRITORIAL PUBLIC IMPROVEMENTS AND THE FINANCING THEREOF BY THE ISSUANCE OF REVENUE BONDS OR FROM CURRENT REVENUES,"

begs leave to report as follows:

The purpose of this bill is to authorize the issuance of revenue bonds by the Board of Harbor Commissioners, payable solely from revenue derived from the public undertakings of the Harbor Board, the proceeds of the sale of such bonds to be used for certain harbor improvements.

Your Committee believes that a small boat harbor at Port Allen should also be included and therefore recommends that section 1 be amended by adding a new item under "Harbor and Waterfront Improvements" to read as follows:

"3. The contruction of a small boat harbor at Port Allen Kauai ..... $100,000.

As amended, your Committee is in accord with the purpose of the bill, and recommends its passage on third reading.

Respectfully submitted,

KAZUMISA ABE, Chairman

Standing Committee Report No. 768

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7 , 19 57 , by

Senator KAZUHISA ABE, CHAIRMAN FOR THE COMMITTEE ON WAYS AND MEANS.

RE: HOUSE BILL NO. 1129
H. D. 1

RECOMMENDING PASSAGE OF SAID BILL.

MEMO:

Adopted - May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

Land Appeals

Adopted

STANDING COMMITTEE REPORT NO. 768

Honolulu, Hawaii
May 7, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 1129
H. D. 1

Sir:

Your Committee on Ways and Means to which was referred House Bill No. 1129, H. D. 1 entitled,

"AN ACT MAKING AN APPROPRIATION FOR THE ACQUISITION OF LAND AND CONSTRUCTION THEREON OF BUILDINGS AND IMPROVEMENTS FOR USE BY THE BUREAU OF EMPLOYMENT SECURITY, OR TO ASSIST IN FINANCING OF THE CONSTRUCTION OF ANY BUILDING ERECTED BY THE TERRITORY OF HAWAII OR ANY OF ITS AGENCIES WHEREIN SPACE IS PROVIDED FOR USE BY THE BUREAU OF EMPLOYMENT SECURITY",

begs leave to report as follows:

The purpose of this bill is to make an appropriation from funds being made available to the states and territories under the provisions of the federal Employment Security Administrative Financing Act of 1954, being c. 657, 68 Stat. 668, approved August 5, 1954, commonly known as the Reed Act. Through enabling legislation and this appropriation bill the funds may be used for the purchase of real property and the purchase or erection of buildings for space to be occupied by the bureau of employment security of the department of labor and industrial relations. The funds so appropriated must be expended before July 1, 1959. The sum of $81,925.36 is now available and additional sums will be made available on July of this year and July of 1958. Granted funds under Title III of the Social Security Act will subsequently be used to reimburse the Territory for the "Reed Act" monies used for the purposes set forth in this Act.

9

Your Committee on Ways and Means is in accord with the purposes of this bill and recommends its passage on third reading.

Respectfully submitted,

KAZUHISA ABE, Chairman

Standing Committee Report No. 769

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7 , 1957 , by

Senator KAZUHISA ABE, CHAIRMAN FOR THE COMMITTEE ON WAYS AND MEANS.

RE: HOUSE BILL NO. 1084

RECOMMENDING THAT SAID BILL PASS THIRD READING IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

Adopted - May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

adopted

STAND. COM. REP. NO. 769

Honolulu, Hawaii
May 7, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 1084

Sir:

Your Committee on Ways and Means to which was referred House Bill No. 1084, entitled

"AN ACT APPROPRIATING $1,307.40 FROM THE TERRITORIAL GENERAL FUND TO CERTAIN OWNERS FOR LOSSES SUSTAINED AS A RESULT OF VOLUNTARY SLAUGHTER OF 21 HEAD OF CATTLE FOUND AS REACTORS TO THE ANAPLASMOSIS TEST,"

begs leave to report as follows:

This measure has to do with the anaplasmosis tests conducted by the Board of Commissioners of Agriculture and Forestry, and makes an appropriation to compensate certain named persons for losses of cattle which had to be slaughtered following the testing.

Your Committee believes that the functions of the Board of Agriculture and Forestry might well be improved, and the expansion of the cattle industry may well be aided, by amending the present language of House Bill No. 1084 so as to direct the board to engage in a program of controlling noxious weeds. Accordingly, your Committee has prepared a complete redraft of the bill which is attached hereto.

In such amended form, your Committee on Ways and Means is in accord with the purposes of this bill and therefore recommends that it pass third reading.

Respectfully submitted,

KAZUHISA ABE, Chairman

AATF:

H. B. NO. 1084
S. D. 1

AN ACT

RELATING TO NOXIOUS WEED CONTROL, INCLUDING GORSE CONTROL, ADDING A NEW CHAPTER TO TITLE 3 OF THE REVISED LAWS OF HAWAII 1955, AND MAKING APPROPRIATIONS THEREFOR.

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

SECTION 1. Title 3 of the Revised Laws of Hawaii 1955 is hereby amended by adding a new chapter to be designated "Noxious Weed Control", with sections to be numbered and to read as follows:

"Chapter 27A. Noxious Weed Control.

Sec. 27A-1. Findings and declaration of policy. The legislature of the Territory finds and declares that the farms and grazing lands of the Territory are its basic assets; that portions of these lands are infested with some one or more plant species which are considered as noxious weeds; that such infestations of noxious weeds are likely to increase and spread to new localities and islands in the Territory if allowed to go uncontrolled; that certain species of noxious weeds present on certain islands are not present, or comprise relatively small infestations, on other islands; that the uncontrolled spread of infestations of noxious weeds has an injurious and harmful effect upon the agricultural, horticultural and livestock industries of the Territory; that the control and eradication of noxious weeds is in the public interest; and that it is the policy of the Territory to control and eradicate noxious weeds when discovered on islands other than those on which they comprise relatively small infestations; provided, that such control and eradication be first determined to be practicable and feasible in accordance with the provisions of this chapter.

Sec. 27A-2. Definitions. For the purpose of this chapter, unless otherwise required by context:

(a) "Board" means the board of commissioners of agriculture and forestry.

(b) "Director" means the director of the divisions of entomology and marketing.

(c) "Noxious weed" means any plant species which is injurious, harmful or deleterious or which may be likely to become so to the agricultural, horticultural

and livestock industries of the Territory, as determined and so designated by the board from time to time, by rules and regulations.

(d) "Landowner" means the possessor of a fee simple absolute title in land or real estate and shall include the Territory as well as its political subdivisions in their capacities as owners of public lands.

(e) "Person" means any individual, firm, corporation, association or partnership.

Sec. 27A-3. Rules and regulations. The board shall have all powers necessary to carry out and to effectuate the purposes of this chapter, by rules and regulations including but not limited to the following:

(a) To designate which plant species are to be considered noxious weeds for the purpose of this chapter.

(b) To designate certain islands as being reasonably free of specified species of noxious weeds.

(c) To prevent the transportation of noxious weeds or parts thereof to those islands declared reasonably free from such noxious weeds.

(d) To make all necessary rules and regulations reasonably necessary to control and eradicate noxious weeds when infectations appear on islands designated as being reasonably free of such specified noxious weeds;

Provided, that all such rules and regulations shall be in compliance with all other laws concerning the making of rules and regulations shall have the force and effect of law.

Sec. 27A-4. Duties of the board; noxious weed control and eradication. (a) It shall be the duty of the board through its divisions of entomology and marketing to maintain a constant vigilance for incipient infestations of specific noxious weeds on islands declared reasonably free from such weeds, and to use such procedures and methods to control and eradicate such infestations of noxious weeds as are determined to be feasible and practicable.

(b) When the board determines that an infestation of a certain noxious weed exists on an island declared reasonably free from such weed, the board through its divisions of entomology and marketing shall immediately conduct such investigations and surveys as are necessary to determine

the feasibility and practicability of control and eradication of such infestation. The methods of control and eradication adopted by the board for any noxious weed infestation shall cause as little damage to crops and property as possible.

(c) Upon determining that control and eradication of such an infestation is practicable and feasible, the board shall immediately serve notice, either oral or written, on both the landowner of the property and the occupant of the property on which such infestations exist. Written notice sent to the landowner's address last known to the board by registered mail, postage prepaid, return receipt requested, shall be deemed sufficient notice. The notice shall set forth all pertinent information with respect to such infestation and notify the landowner and the land occupant of the procedure and methods of control.

Sec. 27A-5. Appropriation for noxious weed control fund of board. There is hereby appropriated from the general revenues of the Territory, not otherwise appropriated, the sum of $22,000 to be known as the noxious weed control fund for carrying out the purposes of this chapter, upon vouchers approved by the president of the board of commissioners of agriculture and forestry, or by such representatives as the president may authorize in writing. The board shall hereafter include a biennial estimate for the noxious weed control fund when submitting biennial budgetary estimates."

SECTION 2. The sum of $18,000 is hereby appropriated from the general revenues of the Territory not otherwise appropriated to the Department of Institutions for the eradication of gorse plants on the island of Maui.

SECTION 3. This Act shall take effect on July 1, 1957.

INTRODUCED BY:

adopted

STANDING COMMITTEE REPORT NO. 770

Honolulu, Hawaii
May , 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 49, H. D. 2
S. D. 1

Sir:

Your Committee on Ways and Means to which was referred House Bill No. 49, H. D. 2, S. D. 1, entitled,

"AN ACT RELATING TO JURY COMMISSIONERS AND AMENDING SECTION 221-9 OF THE REVISED LAWS OF HAWAII 1955,"

begs leave to report as follows:

The purpose of this bill is to increase from three to five the number of jury commissioners for each of the circuit courts in the Territory, and to increase the compensation of such jury commissioners. Your Committee is in accord with the first of these purposes, but does not believe that the compensation should be increased at the present time and therefore recommends that the bill be amended to delete the figures "750" and "200" where the same appear in Section 1 of the bill, and insert in place thereof the figures "250" and "100", respectively.

As so amended your Committee fully approves the purpose of this measure and recommends that it pass third reading.

Respectfully submitted,

Orin E. Lange Kazuhisa Abe
KAZUHISA ABE, CHAIRMAN

John B. Fernandez Tom Ekino

John G. Duarte

Mitsuyuki Kido

AATF

fill

STANDING COMMITTEE REPORT NO. 771

Honolulu, Hawaii
May 7, 1957

filed

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: Senate Joint Resolution No. 61

Sir:

Your Committee on Public Employment to which was referred Senate Joint Resolution No. 61 entitled,

"JOINT RESOLUTION RELATING TO THE BOARD OF TRUSTEES OF THE EMPLOYEES' RETIREMENT SYSTEM OF THE TERRITORY OF HAWAII, AMENDING SECTION 6-61, REVISED LAWS OF HAWAII 1955, CONFIRMING IN OFFICE THE PRESENT INCUMBENT TRUSTEES, AND REQUESTING THE CONGRESS OF THE UNITED STATES TO APPROVE AND RATIFY THIS JOINT RESOLUTION,"

recommends that said Joint Resolution be filed.

Respectfully submitted,

Dee Duponte
DEE DUPONTE, CHAIRMAN

Tom Okino

[illegible]

Standing Committee Report No. 772

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7 , 1957 , by

Senator TOM T. OKINO, CHAIRMAN FOR THE COMMITTEE ON AGRICULTURE.

RE: HOUSE CONCURRENT RESOLUTION NO. 52

RECOMMENDING ADOPTION OF SAID CONCURRENT RESOLUTION.

MEMO:

Adopted - May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

adopted

STAND. COM. REP. NO. 772

Honolulu, Hawaii
May 7, 1957

RE: H. C. R. NO. 52

Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

Sir:

Your Committee on Agriculture, to which was referred H. C. R. NO. 52, begs leave to report as follows:

The purpose of this Concurrent Resolution is to adopt the Nene (Nesochen sandwicensis or Bernicata sandwicensis) as the bird emblematic of the Territory of Hawaii.

The Resolution recites that many nations and states adopt birds as emblematic of such nations and states and that such designations accord recognition to the birds selected, increase the understanding of bird life and promotes the feelings of pride and loyalty of the inhabitants. It provides that the Nene is beautiful and is indigenous to the Territory and is considered one of the rarest species of birds in the world.

Your Committee on Agriculture is in accord with the spirit and purpose of H.C.R. No. 52 and recommends its adoption.

Respectfully submitted,

TOM OKINO, CHAIRMAN

SAKAE TAKAHASHI, VICE CHAIRMAN

JOHN B. FERNANDES

DEE DUPONTE

WILFRED C. TSUKIYAMA

Standing Committee Report No. 773

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7 , 19 57 , by

Senator KAZUHISA ABE, CHAIRMAN FOR THE COMMITTEE ON WAYS AND MEANS.

RE: HOUSE BILL NO. 631
H. D. 2

RECOMMENDING THAT SAID BILL PASS THIRD READING IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

Adopted - May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 773

Honolulu, Hawaii
May 7, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 631, H. D. 2

Sir:

Your Committee on Ways and Means to which was referred House Bill No. 631, H. D. 2, entitled: "AN ACT AMENDING CHAPTERS 123 AND 129 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO THE FUEL TAX AND THE PROCEEDS THEREOF", begs leave to report as follows:

The purpose of this bill is to provide a definition of "aviation fuel", so as to assure the application to all types of aviation fuel of the provisions of the present law relating to gasoline sold for use in or used for airplanes. The advent of jet aviation makes these amendments advisable.

Your Committee is advised that it will be the summer of 1959 before jet planes start coming in to Hawaii to any substantial degree. Your Committee accordingly recommends that the Act be made effective as of July 1, 1959. It is necessary that the Act be adopted at this time, even though not effective until July 1, 1959. This is because, in order to finance the expansion of and new construction at the Honolulu International Airport, in preparation for the jet planes, revenue bonds are to be issued, and the deposit in the airport fund of the fuel tax on all aviation fuel accordingly must be assured.

Your Committee has prepared an amended form of bill, which is the same as H. D. 2 except that section 6 is amended to read as follows:

"SECTION 6. This Act, upon its approval, shall take effect July 1, 1959."

Your Committee recommends passage of the bill on third reading in the amended form hereto attached.

Respectfully submitted,

KAZUHISA ABE, Chairman

STAND. COM. REP. NO. 773
PAGE 2

John G. Duarte

John B. Fernandez

Mitsuyuki Kido

Irene E. Long

Wilfred Tsukiyama

H. B. NO. 631
H. D. 2
S. D. 1

AN ACT

AMENDING CHAPTERS 123 AND 129 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO THE FUEL TAX AND THE PROCEEDS THEREOF.

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

SECTION 1. Section 123-1 of the Revised Laws of Hawaii 1955, is amended in the following respects:

(a) By inserting therein a new paragraph to follow the definition of "Distributor" and to read as follows:

"'Aviation fuel' means and includes all liquid substances of whatever chemical composition usable for the propulsion of airplanes."

(b) By adding to the paragraph defining "Liquid fuel" and "fuel" the following sentence:

"All aviation fuel which is sold for use in or used for airplanes is deemed to be 'liquid fuel' or 'fuel' whether or not coming within the definition contained in the foregoing sentence."

SECTION 2. Section 123-3 of the Revised Laws of Hawaii 1955, is amended in the following respects:

(a) By inserting in paragraph (2) of subsection (a), after the word "gasoline", the words "or other aviation fuel."

(b) By amending subsection (c) by adding at the end of the first paragraph a new sentence to read as follows:

"This subsection shall not apply to aviation fuel sold for use in or used for airplanes."

SECTION 3. Section 129-11 of the Revised Laws of Hawaii 1955, is hereby amended by inserting after the word "gasoline", in the proviso of the first paragraph, the words "or other aviation fuel."

SECTION 4. Nothing in this Act shall be deemed to limit the broad scope of the word "use" as defined by section 123-1 of the Revised Laws of Hawaii 1955.

SECTION 5. If any section, sentence, clause or phrase of this Act, or its application to any person or circumstances, is for any reason held to be unconstitutional or invalid, the remaining portions of this Act, or the application of this Act to other persons or circumstances, shall not be affected. The legislature hereby declares that it would have passed this Act and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 6. This Act, upon its approval, shall take effect July 1, 1959.

INTRODUCED BY:

DATE: _____

HONOLULU, HAWAII

Standing Committee Report No. 774

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7, , 19 57 , by

Senator KAZUHISA ABE, CHAIRMAN FOR THE COMMITTEE ON WAYS AND MEANS.

RE: HOUSE JOINT RESOLUTION NO. 57
H. D. 2

RECOMMENDING THAT SAID BILL PASS THIRD READING WITH AN AMENDMENT.

MEMO:

Adopted - May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

adopted

STANDING COMMITTEE REPORT NO. 774

Honolulu, Hawaii
May 7, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Joint Resolution No. 57
H. D. 2

Sir:

Your Committee on Ways and Means to which was referred House Joint Resolution No. 57, H. D. 2, entitled,

"JOINT RESOLUTION RELATING TO THE HAWAII AERONAUTICS COMMISSION, AUTHORIZING THE ISSUANCE OF $14,000,000 IN AVIATION REVENUE BONDS, AND REQUESTING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION TO APPROVE AND RATIFY SUCH AUTHORIZATION,"

begs leave to report as follows:

The purpose of this Joint Resolution is indicated by its title. The proposed borrowing would not affect the debt limit of the Territory, as the bonds would be repayable solely from revenues received by the Hawaii Aeronautics Commission.

Your Committee is informed that the Aeronautics Commission will not require more than sixty-seven acres of additional land now being held in private ownership, in order to construct the new Honolulu International Airport, and your Committee believes that it would be appropriate to write in to this Resolution a provision limiting the acquisition of privately owned lands. Accordingly it is recommended that this Joint Resolution be amended by renumbering the present sections 3 and 4 as sections 4 and 5, and by inserting a new section 3 to read as follows:

"Section 3. Notwithstanding any of the provisions of the foregoing sections 1 and 2 of this Joint Resolution, the Hawaii Aeronautics Commission shall not acquire or seek to acquire more than sixty-seven acres of land held in private ownership. This restriction shall not in any way affect or interfere with the acquisition by the Aeronautics Commission of additional lands owned by or under the control of the Federal government."

STANDING COMMITTEE REPORT NO. 774

As so amended your Committee fully approves this measure and recommends that it pass third reading.

Respectfully submitted,

KAZUMISA ABE, CHAIRMAN

AATF

Standing Committee Report No. 775

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7 , 19 57 , by

Senator SAKAE TAKAHASHI, CHAIRMAN FOR THE COMMITTEE ON PUBLIC LANDS.

RE: HOUSE JOINT RESOLUTION NO. 90

RECOMMENDING PASSAGE OF SAID BILL.

MEMO:

Adopted - May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

Adopted

STAND. COM. REP. NO. 775

Honolulu, Hawaii

May 7, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: House Joint Resolution No. 90

Sir:

Your Committee on Public Lands to which was referred House Joint Resolution No. 90 entitled, "JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION PERMITTING THE TERRITORY OF HAWAII TO APPROPRIATE FUNDS FOR FEDERAL FLOOD INSURANCE", begs leave to report as follows:

The purpose of this resolution is to request the congress of the United States to pass legislation to enable the territory of Hawaii, notwithstanding the provisions of the Hawaiian Organic Act, to appropriate funds necessary to cover its share of the premium payments in order to participate in the Federal Flood Control Insurance Act of 1956.

Your Committee approves the purpose of this resolution and recommends that it do pass third reading.

Respectfully submitted,

Chairman

Standing Committee Report No. 776

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7 , 19 57, by

Senator SAKAE TAKAHASHI, CHAIRMAN FOR THE COMMITTEE ON PUBLIC LANDS.

RE: HOUSE CONCURRENT RESOLUTION NO. 15
H. D. 1

RECOMMENDING ADOPTION OF SAID CONCURRENT RESOLUTION.

MEMO:

Adopted - May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

adopted

STAND. COM. REP. NO. 776

Honolulu, Hawaii

May 7, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: House Concurrent Resolution No. 15, H. D. 1

Sir:

Your Committee on Public Lands to which was referred House Concurrent Resolution No. 15, H. D. 1, begs leave to report as follows:

The purpose of this concurrent resolution is to request the commissioner of public lands to designate and allocate building space in Fort Armstrong, Oahu, to be used by the Aloha Week Incorporated for storage of its materials and equipments.

Your Committee recommends that the words "and directed" be deleted from the fourth line of the fifth paragraph of this resolution.

As amended your Committee recommends that this concurrent resolution be adopted.

Respectfully submitted,

Chairman

Standing Committee Report No. 777

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7 , 19 57 , by

Senator KAZUHISA ABE, CHAIRMAN FOR THE COMMITTEE ON WAYS AND MEANS.

RE: HOUSE BILL NO. 548

RECOMMENDING PASSAGE OF SAID BILL.

MEMO:

ADOPTED - MAY 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 777

Honolulu, Hawaii
May 7, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 548

Sir:

Your Committee on Ways and Means to which was referred House Bill No. 548 entitled,

"AN ACT TO AMEND CHAPTER 150 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO REAL ESTATE BROKERS AND SALESMEN",

begs leave to report as follows:

The purpose of this bill is to authorize an increase in renewal fees for real estate brokers and salesmen.

The bill is identical to S.B. 585 which the Senate passed to the House on May 1, 1957, and which has not yet been approved by the House.

Your Committee recommends therefore, that House Bill 548 be passed on third reading.

Respectfully submitted,

KAZUHISA ABE, Chairman

Standing Committee Report No. 778

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7 , 19 57 , by

Senator KAZUHISA ABE, CHAIRMAN FOR THE COMMITTEE ON WAYS AND MEANS.

RE: HOUSE BILL NO. 811

RECOMMENDING THAT SAID BILL PASS THIRD READING WITH CERTAIN AMENDMENTS.

MEMO:

Adopted - May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

Print Legislative

adopted

STAND. COM. REP. NO. 778

Honolulu, Hawaii
May 7, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 811

Sir:

Your Committee on Ways and Means to which was referred House Bill No. 811, entitled

"AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM OF THE TERRITORY OF HAWAII AND AMENDING CHAPTER 6, REVISED LAWS OF HAWAII, 1955,"

begs leave to report as follows:

The purpose of this measure is to improve and extend the retirement benefits of policemen and firemen in all of the counties. Your Committee believes that this bill should be amended to coordinate it with House Bill No. 1229, and therefore recommends that the present section 2 of the bill be renumbered as section 3, and that the new section 2 to read as follows:

"SECTION 2. Notwithstanding the provisions of House Bill No. 1229 of the Twenty-Ninth Legislature of the Territory of Hawaii, Regular Session of 1957, entitled: 'AN ACT PROVIDING A BONUS FOR PENSIONERS ....', no policeman or fireman receiving retirement allowances under the provisions of section 1 of this Act shall be entitled to receive any bonus."

Your Committee is in full accord with the objectives of this bill, but because it will require substantial increases in governmental contributions to the retirement system, the revenues under present tax laws are not adequate to support such additional expenditures. In action similar to that proposed by House Bill 1215 and House Bill 1229, your Committee recommends that section 2 of the present bill, now to be renumbered as section 3, be amended to read as follows:

"SECTION 3. This Act shall take effect on July 1, 1957, but only in the event, and on the express condition, that there is approved by the governor and enacted into law as of said date of July 1, 1957, the measure known as Senate Bill No. 2 of the Twenty-Ninth Legislature of the Territory of Hawaii, Regular Session of 1957, entitled: 'AN ACT RELATING TO TAXATION....'."

As so amended, your Committee fully approves of this measure and therefore recommends that it pass third reading.

Respectfully submitted,

KAZUHISA ABE, Chairman

AATF:

Standing Committee Report No. 779

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7 , 1957 , by

Senator NELSON K. DOI, CHAIRMAN FOR THE COMMITTEE ON JUDICIARY.

RE: HOUSE BILL NO. 822

RECOMMENDING THAT SAID BILL PASS THIRD READING IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

Adopted - May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 779

Honolulu, Hawaii

May 7, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: House Bill No. 822

Sir:

Your Committee on Judiciary to which was referred House Bill No. 822, entitled:

"AN ACT TO AMEND SECTION 218-9 AND SECTION 220-3 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO CLERKS, CLERK-REPORTERS AND INTERPRETERS, DISTRICT COURT OF HONOLULU AND THEIR SALARIES",

begs leave to report as follows:

House Bill No. 822 will authorize the district magistrates of Honolulu, of South Hilo, and of Wailuku to appoint one or more clerk-reporters for their respective district courts. Presently, district magistrates are authorized to appoint only a clerk or clerks and one or more interpreters for such courts. The Bill will also enumerate the following Honolulu district court positions as coming within the purview of Section 220-3 of the Revised Laws of Hawaii 1955, relating to salaries:

"Clerks, reporters and interpreters, district court, Honolulu, (at rates provided under chapter 4):
A chief clerk
A clerk-reporter supervisor
Such other clerks and clerk-reporters as may be needed
A Japanese interpreter
A Filipino interpreter
A Chinese interpreter"

Your Committee has found it advisable to amend the Bill. The amendments, as you will note, relate only to form.

Your Committee is in accord with the purpose of said House Bill No. 822 and recommends that it do pass third reading in the amended form attached hereto.

Respectfully submitted,

Nelson K. Doi, Chairman

H. B. NO. 822
S. D. 1

AN ACT

TO AMEND SECTION 218-9 AND SECTION 220-3 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO CLERKS, CLERK-REPORTERS AND INTERPRETERS, DISTRICT COURT OF HONOLULU AND THEIR SALARIES.

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

SECTION 1. Section 218-9 of the Revised Laws of Hawaii 1955 is hereby amended by inserting immediately after the word "clerks" appearing in the third line of the second paragraph thereof the following:

", one or more clerk-reporters,"

SECTION 2. Section 220-3 of the Revised Laws of Hawaii 1955 is hereby amended by deleting the last 13 lines thereof and substituting in lieu thereof the following:

"Clerks, reporters and interpreters, district court, Honolulu, (at rates provided under chapter 4):
A chief clerk
A clerk-reporter supervisor
Such other clerks and clerk-reporters as may be needed
A Japanese interpreter
A Filipino interpreter
A Chinese interpreter".

SECTION 3. This Act shall take effect on July 1, 1957.

INTRODUCED BY:

STAND. COM. REP. No. 780

Honolulu, T. H.

May 7, 1957

Honorable William H. Heen

President of the Senate

S i r :

Your Committee on Printing begs leave to report that the following matters have been printed and are ready for distribution:

S. Res. No. 57 & 58
S. Con. Res. No. 61
Stand. Comm. Rep. No. 727 to 747
Stand. Comm. Rep. No. 750 to 758
Conf. Comm. Rep. No. 8, 9, 11 to 18
H. B. No. 738 H. D. 1 S. D. 1
H. B. No. 312 S. D. 1
H. B. No. 1165 H. D. 1 S. D. 1
H. B. No. 1215 H. D. 1 S. D. 1
H. B. No. 3 H. D. 1 S. D. 1
H. B. No. 529 H. D. 2 S. D. 1
H. B. No. 1194 H. D. 1 S. D. 1
H. B. No. 103 H. D. 1 S. D. 1 C. D. 1
H. B. No. 106 H. D. 1 S. D. 1 C. D. 1
H. B. No. 105 H. D. 1 S. D. 1 C. D. 1
H. B. No. 1190 H. D. 2 S. D. 2
H. B. No. 763 H. D. 1 S. D. 1
H. B. No. 192 H. D. 1 S. D. 1 C. D. 1
H. B. No. 873 H. D. 1 S. D. 2
H. Con. Res. No. 37 S. D. 1
Comm. of the Whole No. 2

H. B. No. 617 H. D. 1 S. D. 1
H. B. No. 702 H. D. 1 S. D. 1
Conf. Comm. Rep. No. 19
Stand. Comm. Rep. No. 759 to 763

Respectfully submitted,

John B. Fernandez
Chairman

adopted

STAND. COM. REP. NO. 781

Honolulu, Hawaii

May 7, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Sir:

Your Committee on Judiciary, to which were referred

House Bills numbered: 393, 404, 498, 741, 857, 865, 978, 998, 1007, 1042, 1053, 1061, 1070, 1152, 1156, 1197, and

House Joint Resolutions numbered 80 and 84,

recommends that they be filed.

Respectfully submitted,

Nelson K. Doi, Chairman

Standing Committee Report No. 782

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7 , 1957 , by

Senator KAZUHISA ABE, CHAIRMAN FOR THE COMMITTEE ON WAYS AND MEANS.

RE: HOUSE JOINT RESOLUTION NO. 37
H. D. 1

RECOMMENDING PASSAGE OF
SAID BILL.

MEMO:

Adopted - May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

Print Report

STANDING COMMITTEE REPORT NO. 782

Honolulu, Hawaii
May 7, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: H. J. R. No. 37
H. D. 1

Sir:

Your Committee on Ways and Means to which was referred House Joint Resolution No. 37, H. D. 1, entitled: "REQUESTING THE CONGRESS OF THE UNITED STATES TO AMEND THE HAWAIIAN HOMES COMMISSION ACT TO EXTEND THE PERIOD OF TAX EXEMPTION OF ORIGINAL LESSEES FROM FIVE TO SEVEN YEARS", begs leave to report as follows:

The purpose of this Joint Resolution is to request Congress to amend the Hawaiian Homes Commission Act to allow an original lessee of Hawaiian Homes lands from all taxes for the first seven years from the date of lease. Presently the exemption is for the first five years.

Your Committee is in accord with the purpose of this joint resolution and recommends its passage on third reading.

Respectfully submitted,

KAZUHISA ABE, Chairman

3/

STAND. COM. REP. NO. 783

Honolulu, Hawaii

May 7, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

Sir:

Your Select Committee of Oahu Senators recommends that the following house bills be placed on file.

House Bills Nos. 71, 281 H. D. 1, 777 H. D. 1, 779 H. D. 1, 780 H. D. 1, 782 H. D. 1, 869 H. D. 1, 870 H. D. 1, 871, 876 H. D. 1, 1005 H. D. 1, 1012, 1137 H. D. 1, 1039, 1159 H. D. 1, 1048 H. D. 2.

Respectfully submitted,

Chairman

STAND. COM. REP. NO. 784

Honolulu, Hawaii

May 17, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

RE: House Bill No. 777, H. D. 1
House Bill No. 779, H. D. 1
House Bill No. 780, H. D. 1
House Bill No. 782, H. D. 1

Sir:

Your Select Committee of Oahu Senators to which were referred

House Bill No. 777, H. D. 1, entitled, "AN ACT MAKING AN APPROPRIATION TO COMPENSATE EDNA S. KOIKE FOR PROPERTY DAMAGES SUSTAINED AS A RESULT OF A BROKEN WATER MAIN ON TENTH AVENUE, CITY AND COUNTY OF HONOLULU",

House Bill No. 779, H. D. 1, entitled, "AN ACT MAKING AN APPROPRIATION TO COMPENSATE SHOJI SEKIYA FOR PROPERTY DAMAGES SUSTAINED AS A RESULT OF A BROKEN WATER MAIN ON TENTH AVENUE, CITY AND COUNTY OF HONOLULU",

House Bill No. 780, H. D. 1, entitled, "AN ACT MAKING AN APPROPRIATION TO COMPENSATE HELEN M. BABA FOR PROPERTY DAMAGES SUSTAINED AS A RESULT OF A BROKEN WATER MAIN ON TENTH AVENUE, CITY AND COUNTY OF HONOLULU" and

House Bill No. 782, H. D. 1, entitled, "AN ACT MAKING AN APPROPRIATION TO COMPENSATE THE OWNERS OF KAIMUKI MARKET BUILDING FOR DAMAGES SUFFERED AS A RESULT OF A BREAK IN THE WATER MAIN FRONTING SAID BUILDING",

begs leave to report as follows:

The purposes of these bills are to compensate Edna S. Koike, Shoji Sekiya, Helen M. Baba, Yachiyo Baba Sekiya and Janyce Chiyo Maekawa for damages to their business properties resulting from the bursting of a water main fronting 1401 to 1403 Tenth Avenue, Honolulu T. H., on or about February 29, 1956. The bills provide for an appropriation from the funds of the Board of Water Supply of the city and county of Honolulu. The Board of Water Supply is sympathetic towards the loss suffered by the property owners involved but is powerless under existing statutes to provide for just compensation. The loss

sustained by the owners in the instant case being entirely unanticipated, it should be a matter of legislative policy that the owners be relieved from personal loss.

The bills further recognize an existing moral obligation and provide a means of fulfilling that obligation by permitting the institution of proceedings in the circuit court of the first judicial circuit and leaving the determination of the amount of damages to the court.

Your Committee has amended Section 2 of said bills in order to clarify its intent and effect its purpose in the light of existing statutes.

Your Committee is in accord with the purpose of the foregoing bills and recommends that they do pass third reading in the amended forms attached hereto.

Respectfully submitted,

Chairman

with reservations

With Reservation

As the Bills are worded I do not concur

With Reservations

With Reservation

H. B. No. 777
H. D. 1
S. D. 1

AN ACT

MAKING AN APPROPRIATION TO COMPENSATE EDNA S. KOIKE FOR PROPERTY DAMAGES SUSTAINED AS A RESULT OF A BROKEN WATER MAIN ON TENTH AVENUE, CITY AND COUNTY OF HONOLULU.

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

SECTION 1. There is hereby appropriated out of the revenues of the Board of Water Supply of the City and County of Honolulu subject to Section 2 herein the sum of $4,600.00 to be paid to Edna S. Koike to compensate her for damages sustained to her business property and equipment located at 1403 Tenth Avenue, Honolulu, City and County of Honolulu, as a result of a break in the water main fronting said premises.

SECTION 2. Notwithstanding any provisions of the law to the contrary, the foregoing sum or any lesser amount thereof is to be paid to Edna S. Koike upon proof of damages established before the Circuit Court of the First Judicial Circuit, provided that nothing herein contained shall authorize the commencement of any proceeding after the expiration of 2 years from the effective date of this Act.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

H. B. NO. 779
H. D. 1
S. D. 1

AN ACT

MAKING AN APPROPRIATION TO COMPENSATE SHOJI SEKIYA FOR PROPERTY DAMAGES SUSTAINED AS A RESULT OF A BROKEN WATER MAIN ON TENTH AVENUE, CITY AND COUNTY OF HONOLULU.

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

SECTION 1. There is hereby appropriated out of the revenues of the Board of Water Supply of the City and County of Honolulu subject to Section 2 herein, the sum of $203.60 to be paid to Shoji Sekiya to compensate him for damages sustained to his business property and equipment located at 1401 Tenth Avenue, Honolulu, City and County of Honolulu, as a result of a break in the water main fronting said premises.

SECTION 2. Notwithstanding any provisions of the law to the contrary, the foregoing sum or any lesser amount thereof is to be paid to Shoji Sekiya upon proof of damages established before the Circuit Court of the First Judicial Circuit, provided that nothing herein contained shall authorize the commencement of any proceeding after the expiration of 2 years from the effective date of this Act.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

H. B. NO. 780
H. D. 1
S. D. 1

AN ACT

MAKING AN APPROPRIATION TO COMPENSATE HELEN M. BABA FOR PROPERTY DAMAGES SUSTAINED AS A RESULT OF A BROKEN WATER MAIN ON TENTH AVENUE, CITY AND COUNTY OF HONOLULU.

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

SECTION 1. There is hereby appropriated out of the revenues of the Board of Water Supply of the City and County of Honolulu subject to Section 2 herein the sum of $5,600.00 to be paid to Helen M. Baba to compensate her for damages sustained to her business property and equipment located at 1403 Tenth Avenue, Honolulu, City and County of Honolulu, as a result of a break in the water main fronting said premises.

SECTION 2. Notwithstanding any provisions of the law to the contrary, the foregoing sum or any lesser amount thereof is to be paid to Helen M. Baba upon proof of damages established before the Circuit Court of the First Judicial Circuit, provided that nothing herein contained shall authorize the commencement of any proceeding after the expiration of 2 years from the effective date of this Act.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

H. B. NO. 782
H. D. 1
S. D. 1

AN ACT

MAKING AN APPROPRIATION TO COMPENSATE THE OWNERS OF KAIMUKI MARKET BUILDING FOR DAMAGES SUFFERED AS A RESULT OF A BREAK IN THE WATER MAIN FRONTING SAID BUILDING.

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

SECTION 1. There is hereby appropriated out of the revenues of the Board of Water Supply of the City and County of Honolulu, subject to Section 2 herein, the sum of $2,000.00 to compensate Yachiyo Baba Sekiya and Janyce Chiyo Maekawa, owners of Kaimuki Market Building situated at 1401 Tenth Avenue, Honolulu, City and County of Honolulu, for damages sustained to said building as a result of a break in the water main fronting said premises.

SECTION 2. Notwithstanding any provisions of the law to the contrary, the foregoing sum or any lesser amount thereof is to be paid to Yachiyo Baba Sekiya and Janyce Chiyo Maekawa upon proof of damages established before the Circuit Court of the First Judicial Circuit, provided that nothing herein contained shall authorize the commencement of any proceeding after the expiration of 2 years from the effective date of this Act.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

Standing Committee Report No. 785

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7 , 19 57 , by

Senator KAZUHISA ABE, CHAIRMAN FOR THE COMMITTEE ON WAYS AND MEANS.

RE: HOUSE BILL NO. 1000

RECOMMENDING PASSAGE OF SAID BILL.

MEMO:

Adopted - May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

adopted

STANDING COMMITTEE REPORT NO. 785

Honolulu, Hawaii
May 7, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: H. B. No. 1000

Sir:

Your Committee on Ways and Means to which was referred House Bill No. 1000, entitled: "AN ACT MAKING AN APPROPRIATION FOR REHABILITATING BUILDINGS, FENCES, AND OTHER IMPROVEMENTS AT WAIANAE, OAHU, FOR THE HAWAII NATIONAL GUARD", begs leave to report as follows:

The purpose of this bill is to provide facilities for the anti-aircraft battery at Waianae.

Your Committee agrees with the purpose of the bill and recommends that it be passed on third reading.

Respectfully submitted,

Kazuhisa Abe
KAZUHISA ABE, Chairman

John B. Fernandez

Tom Skinner

John G. Duarte

Mitsuyuki Kido

Omer E. Long

Wilfred Tsukiyama

Adopted

STAND. COM. REP. NO. 786

Honolulu, Hawaii

May 7, 1957

The Honorable William H. Heen
President of the Senate
Honolulu, Hawaii

Sir:

Your Committee on Public Lands recommends that the following resolutions be placed on file.

House Joint Resolution Nos. 26 H. D. 1, 38 H. D. 1, 59 H. D. 2, 62 H. D. 3, 63, 64 H. D. 1, 70, 82, 98 H. D. 1, 101 H. D. 1, 104 H. D. 2, 25 H. D. 1.

House Concurrent Resolution No. 3.

Senate Concurrent Resolution Nos. 23, 25, 34.

Senate Resolution Nos. 20, 30.

Respectfully submitted,

Chairman

adopted

STAND. COM. REP. NO. 787

Honolulu, Hawaii

May 7, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Sir:

Your Committee on Ways and Means to which were referred

House Bills numbered: 94 (H. D. 1, S. D. 1), 117 (H. D. 1), 219 (H. D. 1), 345 (H. D. 2), 472, 497, 578 (H. D. 1), 594, 718 (H. D. 1), 1099 (H. D. 2), 1185, and

House Joint Resolutions numbered: 14, 53, 86, 93, and

Senate Concurrent Resolution numbered: 57,

recommends that they be filed.

Respectfully submitted,

Kazuhisa Abe

Kazuhisa Abe, Chairman

John B. Fernandes

Doon Ekino

John G. Duarte

Matsuyuki Kido

Orin Ehrenberg

Wilfred Tsukuyama

adopted

STAND. COM. REP. NO. 788

Honolulu, Hawaii

May 7, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Sir:

Your Select Committee of Hawaii Senators to which were referred Miscellaneous communications Nos. 42, 45, 47, 49, 67, and Departmental communication Nos. 28, 31, 35, recommends that they be filed.

Respectfully submitted,

Nelson K. Doi, Chairman

Standing Committee Report No. 789

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7 , 1957 , by

Senator OREN E. LONG, CHAIRMAN FOR THE COMMITTEE ON LABOR.

RE: HOUSE BILL NO. 577
H. D. 1
S. D. 1

RECOMMENDING THAT SAID BILL PASS THIRD READING IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

Adopted - May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

approved

STAND. COM. REP. NO. 789

Honolulu, Hawaii
May 7, 1957

RE: H. B. No. 577
H. D. 1
(S. D. 1)

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Sir:

Your Committee on Labor to which was referred H. B. No. 577, H. D. 1, entitled: "AN ACT AMENDING CHAPTER 97, REVISED LAWS OF HAWAII 1955, RELATING TO WORKMEN'S COMPENSATION", begs leave to report as follows:

The purpose of this bill is to liberalize the workmen's compensation law in the following respects:

(1) The increase of the $20,000 ceiling on death and disability benefits to $25,000;

(2) Increase of the ceiling on liability of employer in permanent total disability cases from $20,000 to $25,000;

(3) Increasing the amount payable in cases of facial or head disfigurement from $3,500 to $7,000; and

(4) Assessment of costs and attorneys' fees to the employer on appeals to the appellate board or the circuit court where the employer appeals and is unsuccessful.

Your committee recommends that Section 3 subsection (b) of the bill be amended to read as follows:

"(b) Disfigurement. In case of injury resulting in disfigurement the director may, in his discretion, make such award or compensation as he may deem proper and equitable, in view of the nature of the disfigurement, but not to exceed $7,000."

Your committee is in accord with the bill as amended and recommends its passage on third reading in the form attached hereto as H. B. No. 577, H. D. 1, S. D. 1.

Respectfully submitted,

Oren E. Long

OREN E. LONG, Chairman

STAND. COM. REP. NO.__

Honolulu, Hawaii
May 7, 1957

RE: H. B. No. 577
H. D. 1
S. D. 1

MITSUYUKI KIDO

S. GEORGE FUKUOKA

W. H. HILL

TOM OKINO

H. B. NO. 577
H. D. 1
S. D. 1

AN ACT

AMENDING CHAPTER 97, REVISED LAWS OF HAWAII 1955, RELATING TO WORKMEN'S COMPENSATION.

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

SECTION 1. Section 97-21 of the Revised Laws of Hawaii 1955 is hereby amended by deleting the figure "$20,000" wherever it appears in the section and substituting the figure "$25,000".

SECTION 2. Section 97-25 is amended by deleting the figure "$20,000" wherever it appears in the section and substituting the figure "$25,000".

SECTION 3. Section 97-26 is amended by:

(a) Deleting the figure "$20,000" wherever it appears in the section and substituting the figure "$25,000".

(b) Amending the paragraph entitled "Facial or head disfigurement" to read:

"Disfigurement. In case of injury resulting in disfigurement the director may, in his discretion, make such award or compensation as he may deem proper and equitable, in view of the nature of the disfigurement, but not to exceed $7,000."

SECTION 4. Section 97-69 is amended by changing the period appearing at the end of the section to a semicolon and adding the following words:

"provided that if an employer appeals a decision and award of the appellate board and in such appeal is unsuccessful in the circuit court, the costs of the proceedings before the appellate board and the circuit court, together with reasonable attorneys' fees, shall be assessed against the employer."

SECTION 5. This Act shall take effect on July 1, 1957.

DATE:_____

HONOLULU, HAWAII

Standing Committee Report No. 790

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7 , 1957 , by

Senator KAZUHISA ABE, CHAIRMAN FOR THE COMMITTEE ON WAYS AND MEANS.

RE: H. B. NO. 1214, HD1

RECOMMENDING THAT SAID BILL PASS THIRD READING WITH AN AMENDMENT.

MEMO:

ADOPTED - MAY 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STAND. COM. REP. NO. 790

Honolulu, Hawaii

May ____, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

Re: H. B. No. 1214
H. D. 1

Sir:

Your Committee on Ways and Means to which was referred House Bill No. 1214, H. D. 1, entitled: "AN ACT RELATING TO CIVIL SERVICE AND CLASSIFICATION, INCLUDING COMPENSATION AND EXPENSES OF COMMISSION MEMBERS AND AMENDING SECTION 3-13 OF THE REVISED LAWS OF HAWAII 1955", begs leave to report as follows:

The purpose of this bill is to increase the ceiling on compensation of the members of the several civil service commissions of the neighbor islands the same as those of the City and County of Honolulu.

Your Committee believes that the ceiling for the neighbor island civil service commissioners should be raised from the present $50 to $70, and accordingly recommends that Section 1 be amended to read as follows:

"Section 1. Section 3-13 of the Revised Laws of Hawaii 1955 is hereby amended by deleting the figure"$50"as the same appears in line 2 of page 16 of the Revised Laws of Hawaii 1955, and inserting in lieu thereof the figure "$70."

As amended, your Committee agrees with the purpose of the bill and recommends that it be passed on third reading.

Respectfully submitted,

KAZUHISA ABE, Chairman

Standing Committee Report No. 791

THE SENATE

Standing Committee Report

The Legislature
of the
Territory of Hawaii

Presented MAY 7 , 19 57 , by

Senator KAZUHISA ABE, CHAIRMAN FOR THE COMMITTEE ON WAYS AND MEANS.

RE: HOUSE BILL NO. 345
H. D. 1

RECOMMENDING THAT SAID BILL PASS THIRD READING IN AN AMENDED FORM ATTACHED HERETO.

MEMO:

Adopted - May 7, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

STANDING COMMITTEE REPORT NO. 791

Honolulu, Hawaii
May 7, 1957

Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

H. B. No. 345
H. D. 1

Sir:

Your Committee on Ways and Means to which was referred House Bill No. 345, H. D. 1, entitled: "AN ACT RELATING TO THE SALES OF SURPLUS FOODSTUFFS PRODUCED BY TAX SUPPORTED INSTITUTIONS OR AGENCIES", begs leave to report as follows:

This measure deals with the production and sale of foodstuffs by public institutions or agencies, and proposes to regulate such production in connection with agricultural training programs or research. In its consideration of matters pertaining to the problem encompassed by this bill, your Committee concluded that the important matter of agricultural production, particularly for future years, will be well served by appropriating certain funds to the Division of Vocational Education of the Department of Public Instruction, which are to be used for the advancement of on-farm training for veterans of the Korean war. Accordingly, your Committee has prepared an amended draft of H. B. 345, H. D. 1 which is attached hereto.

In such amended form, your Committee on Ways and Means is in full accord with the objectives of this measure and therefore recommends that it pass third reading.

Respectfully submitted,

KAZUHISA ABE, Chairman

H. B. NO. 345
H. D. 1

AN ACT

RELATING TO ASSISTANCE FOR KOREAN VETERANS WITH RESPECT TO ON-FARM TRAINING, AND PROVIDING AN APPROPRIATION THEREFOR.

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

SECTION 1. The sum of $16,000 is hereby appropriated from the general revenues of the Territory, not otherwise appropriated, to be included in the budget of the Division of Vocational Education, Department of Public Instruction of the Territory, and set aside specifically to pay for all veterans on-farm training instructional cost except instructional supply cost.

SECTION 2. The Department of Public Instruction shall continue this assistance as long as veterans are eligible under P. L. 550 (82nd Congress) entitled Veterans' Readjustment act of 1952, or similar acts, subject, however, to Department of Public Instruction policies regarding the number of trainees necessary to maintain a training center.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

SUMIO NAKASHIMA

RAYMOND M. KOBAYASHI

STANLEY I. HARA

MARK NORMAN OLDS

THOMAS T. TOGUCHI

BERNARD G. KINNEY

adopted

STANDING COMMITTEE REPORT NO. 792

Honolulu, Hawaii

May 7, 1957

Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Honolulu, Hawaii

Sir:

Your Committee on Labor recommends that the following be placed on file:

H.B. Nos. 277, H.D. 2; 612; 643, H.D. 1; 676, H.D. 1; 686, H.D. 1; 1001, H.D. 1; 1186, H.D. 1.

Respectfully submitted,

Chairman

1957

REGULAR SESSION

SENATE

PETITIONS

Senate Petition No. 1

THE SENATE

Petition

The Legislature
of the
Territory of Hawaii

Presented FEBRUARY 28 , 19 57 , by

Senator JOHN KEALOHA GILMAN AND OTHER PETITIONERS.

Relating to

H-BOMB TESTS ON CHRISTMAS ISLAND.

MEMO:
Ref. Com. of the Whole - Feb. 28
Filed - March 5, 1957.

Senate Chamber

.....

WILLIAM S. RICHARDSON
Clerk of the Senate

Tue ida Feb 28/5 S. Pet. 1

Petition from John Kealoha Gelman of the people for the people & by the people of the Territory

Exhibit I

WE, THE UNDERSIGNEDS, hereby petition the Senate of the Territory of Hawaii to request the United States government take action calling for the halt of the H-bomb tests in the vicinity of Christmas Island scheduled between March and August 1957:

can of whole

John Kealoha Gelman.

Marcelo Santiago 98364 Kaamilo St. 4 children

Paul E O'Keep 212 S Hotel St

M. U. Broussard. 45-400 Kam Hy. Kaneohe

H Goda 180 S. Hotel St.

M. Sunsida 1610 Akaki St.

Thos Lum 1450 C Kaamoku St

T. Goda 1704 Young St

Robert M. Oji 1019 Poha Lane

Harold Hoh 172 So. Hotel St

Joan Moriki 1034-B 10th ave

Miriam Rene 1427 Kaleilani St. N.C.

Helen F. Uyehara & children 810 Laula Way

Gladys H. Yamakawa 3915 Pahoa Ave

Mei Lan Abreg & Children (3) 905 Belser St

Mrs. Jennie Kufferath & children (2) 3232 - Laula St.

Mrs. Philomena Lee & children (2) 5371 Kalaniwaole Hy.

Fong T. Mau, and Wife and Child. 2176 Hillcrest St.

S M Gelman Molokai

Mrs. L. Lam 325 A Waialae Ave

Mrs Maura Kong 1249 Amakoa Ave

Raymond Kong 1249 Amakoa Ave

Mrs. Olice Fong 3071 Waialani Road

Jean Momita	46 N. Hotel St.
Sharon Momita	46 N. Hotel St.
Beatrice Nagasawa	46 N. Hotel St.
Vika Mumura	46 N. Hotel St.
Shun Watson	56 N. Hotel St
H. R. Naif	58 N. Hotel St
Mr + Mrs Ping Sing Woo	124 N. Hotel St.
Mr. & Mrs. Koon Yee Kau	130 N. Hotel St.
Mrs. Ikemoto	146 N. Hotel St.
Tony Mendes	150 N. Hotel ST
Hatch Lynde	42-A N. HOTEL ST.
Louis Kepler	41 S Beretania St.
Mr & Mrs Kamada	1207 River St.
Minekichi Tamura	302 Loomis St.
Mr. + Mrs. S. Motooka	74 N Beretania ST
Mr. + Mrs. Y. Inouchi	1271 Kamanuwai Lane
Balbino E. Cajigal	1286 Kamanuwai Lane
Rufina Evangelista	101 N. Kukui St.
Serafina Padron	101 N. Kukui St
Agapito N. Guira	105 N. Kukui St.
J. M. Spallone	144 N. Kukui St.
Ray T. Yamashiro	3204 Marthur St
Mrs. George Okada	1208 College Walk, Honolulu
Jorge Kuwamura	1204 College Walk
Robert Isobe	202 N. Beretania St
	272 N. Beretania St.

Hanao Mobay Sr	250 N. Beretania St. Honolulu
Fred Henderson	1508 E[illegible] St
Marie Tahano	16 B G Lexington Dr. (2)
Robert J. Kaainoni	471 - North Vineyard St. Hon. T.H.
Victor Ohilo	Bld 27. 576. N. Kukui St 10
R. L. Kelloa	Hoolehua Molokai, T.H.
Joseph Kaleikini	641 Stand Route Waimanalo (5)
Gladys I. Lum	45-457 Puahuula Place Kaneohe
Paul H. D. Ng (Children)	753 Isenberg St. (1)
Mrs. Beatrice C. Ng	3263 Kaimuki Ave (3)
Ng Kemp Young	3270 Kaimuki Ave
K. Yasumiishi	2365 St. Louis Dr.
Janet Suzuki	1215 N. School St
Nora Hew	754 16th ave
Kaduina	1542 Pensacola St.
R. Hemano	19 B S. Judd St.
M. Almodova	1512 a Nuuipu Pl.
D. Muranaka	69 N. Pauahi St.
H. Kusuma	1021 Kapahulu Ave
F. Omori	1204 Lunalilo St.
L. K. Fabres	1917 Kahaani St
John K. C. Lane	1215 Kalama St, Hon, Oahu
T. Yoshikawa	1026 Kekauliki St.
Aynes Ike	125 N. King St.
Mrs Elizabeth Delovio	516 Kauhane St.
Jacob L. Kekahuna	Hoolehua Homestead

Alfred L. Gos — 1190 Maunakea St.
2 children

Mamerto Bunag 1187 Maunakea
3 Children.

Helen K. Kukahiko Waimanalo Slaughter House Rd.
4 Children

Senate Petition No. 2

THE SENATE

Petition

The Legislature
of the
Territory of Hawaii

Presented MARCH 7 , 1957 , by

~~Senator~~ CHILDREN FROM PALOLO SCHOOL.

Relating to

RE: CAFETORIUM FOR PALOLO SCHOOL.

MEMO:

Referred to the Select Committee of
Oahu Senators
March 7, 1957.

Senate Chamber

WILLIAM S. RICHARDSON
Clerk of the Senate

Feb. 19, 1957
Honolulu, Hawaii

Hon. Member
29th Territorial Legislature
Territory of Hawaii

S. Pet. 2

Dear Sir:

With the convening of the 1957-58 Territorial Legislature, we all out at PALOLO will be deeply aware and concerned with the many problems and Legislative demands that will come before you. It is with this in mind, that I ask that I be permitted to drop you this letter of concern on behalf of the people of Palolo Valley, and especially on behalf of the very deserving school children of PALOLO ELEMENTARY SCHOOL.

It is needless to say that all problems and all Legislative requests that come before you will merit your utmost consideration. During the session of the 1955-56 Legislature, the Territorial Legislators saw fit to include and make part of ACT. 273, section 2, under the Governors "pork barrel" bill, the sum of ninety-thousand dollars ($90,000.00) for the planning and construction of a much needed CAFETORIUM at PALOLO ELEMENTARY SCHOOL.

Since that time, favourable progress has been made in making the "dream" of a CAFETORIUM at PALOLO ELEMENTARY SCHOOL come true, to the extent and to the point where plans for this CAFETORIUM are already in the hands of architects Tyler Harr and Associates. However, today we out at PALOLO are deeply concerned with the latest report that "funds" for the actual construction of a CAFETORIUM will not be forthcoming as announced by the Governors Priorities Committee on January 31, 1957. It is not our desire to interfere or infringe upon policies or decisions of certain governmental departments, but we would like to point out to you that although we may be in concurrance that certain "projects" may be deemed of "High Priority", certainly the plight and immediate need of our school children out at PALOLO must be, and should be given the same high degree of consideration.

Children without a CAFETORIUM, children without the proper facilities to enjoy their simple everyday school lunches, children without a suitable meeting place to round out a normal school program. Children who have to everyday go through a juggling and balancing act to get their lunches back to their respective classrooms, very young children who must learn to become not only expert "jugglers", but who must also learn to be "fast runners" as well to beat the ever prevelant rains as they go to and from lunch. Masses of people vitally interested in community and civic problems without a suitable meeting place, the lack of such that tends to discourage active participation in community affairs. THESE coupled with many more make our plea and need for a CAFETORIUM at PALOLO ELEMENTARY SCHOOL a just and deserving one.

Ayr

Therefore, may I humbly ask that those of you, you who saw it only fitting and proper to allow ninety-thousand dollars ($90,000.00) on our behalf under ACT 273, section 2, included and made part of the Governors "pork barrel" bill, give us your utmost consideration, and do everything possible to make the CAFETORIUM at PALOLO ELEMENTARY SCHOOL a reality.

I know that you probe deeply into the goodness of your hearts, I am fully confident that with the help of God , you will find the right answers.

With our sincere best wishes, with god speed and lots of luck during your hours of service.

Very respectfully yours,

Harry K. Matsumura
President, Palolo School PTA

cc: File
Palolo Community Council
Governor of the Territory
Governors Priorities Committee
Members of the Terr. Senate
Members of the Terr. House of Rep.
Mayor, City & County of Honolulu
Bd. of Sup., City & County of Honolulu
Offices, DPI

Glenn Hamada
child's name

Grade 5

Thomas T. Hamada
parent's signature

Masako N. Hamada
parent's signature

Palolo School
2106 10th Ave.
Honolulu, Hawaii
Mar. 1, 1957

The Honorable William H. Heen
President of the Senate
Territory of Hawaii
Dear Sir:

We, the children of Palolo School, were very happy to hear a new cafetorium was to be built in Palolo School. Athough we, in the sixth grade will not be here to enjoy it we were hoping the others could enjoy it. We are now very much disappointed to hear that the money needed for this project must go to another cause.

We hope you will reconsider, for we are in great need of a cafetorium. Palolo School as of now has a cafeteria that can not accommodate the school.

When in use as an auditorium it is a tight squeeze. In a little while the air is quite humid. When the program is through everyone comes out perspiring.

When it is used as a movie room it is even hotter than when there is a play, because of the curtains which block off the circulation of air.

The growth of Palolo School is tremendous with more to come (an estimated 150) when the new housing is completed.

The present cafeteria is located in a far corner of the school grounds. The classrooms are so far away that when we

get back to our classrooms, our lunches are cold. You wouldn't want to eat cold lunches would you?

On rainy days the problem is worse. The cafeteria workers must transport the food to a building closer to the classrooms to prevent the children from getting wet. Now tell me, do you think that is proper?

Not only the children of Palolo School but the Palolo Community will benifit because meetings can be held there.

Now do you see why we need it? We would appreciate it very much if we had it.

A future taxpayer,
Alvin Fuse

Kindergarten - R 38	Kindergarten R 39
List on 4 sheets we sent out last week	
Warren Altona	Craig Matsuda
Wayne Barrineau	Dale Teramoto
Leslie Fukuya	David Hamada
Sherwyn Hew	Earl Toyama
Milton Kekiwi	Edward Young
Bert Matsuoka	Elton Egami
Lee Nakamura	Gaylen Kihano
Myles Tanaka	Henry Mokuau
Judy Amazaki	Jason Nunogawa
Linda Johnson	Kenneth Sogi
Penny Kuniyoshi	Kurt Nishimoto
Arlene Ohara	Lambert Yamashita
Joyce Shibata	Lloyd Ogawa
Fidelia Timbal	Morris Ho
Frank Alvares	Walter Nakamura
Anthony Cole	Agnes Inouye
Joseph Flaban	Dawn Torikawa
James Goedde	Debra Konno
Reuben Iao	Etta Mae Moses
Michael Mochizuki	Gwyneth Lancaster
Gregory Santiago	Helen Hara
Niel Tamayori	Jo-Ann Jose
Calvin Tamura	Joceyln Ching
Phyllis Beauchan	Kathryn Kumabe
Sandra Kono	Lois Yamauchi
Karen Matsumoto	Marsha Yonemori
Kathleen Otani	Merle Sasaki
Delta Tanimoto	Wanda Nishihara
Laureen Yamada	

Drade. Kindergarten Rm 36

1. Gerald Lee
2. Allan Miyashiro
3. Melvin Chang
4. Robert Tom
5. Michael Whaley
6. Patsy Higa
7. Kathleen Fujimoto
8. David Yoshitake
9. Samuel Tallefson
10. Daniel Melendez
11. Raymond Tamashiro
12. Yolanda Maquiling
13. Joanne Monisawa
14. Claudia Cowell
15. Suzan Yonamine
16. Pete Cabanilla
17. Yvonne Pereira
18. Marsha Jinnohara
19. Glenn Suzuki
20. John Heaukulani
21. John Hahn
22. Patricia Shibata
23. Ellen Endo
24. Lincoln Okita
25. Barbara Hayashi
26. Sarah Pavao
27. Raymond Guerrero
28. Jesse Moniz (Bd)
29. Mrs. Bettie Kahn

Kindergarten Room 37

1. Raymond Cipolani
2. Allan Dubaylinsod
3. Alvin Emperado
4. Charles Guerrero
5. Glenn Ige
6. Manuelita Kalama
7. [illegible]
8. Daniel Naught
9. Prisca Cacho
10. Robt. Davis
11. Jean Hanakawa
12. Ronald Miyahara
13. Martin Pea
14. Lionel Nelson
15. Carmelita Pagliaro
16. Stanford Peters
17. Antonette Sanchez
18. Diane Shimabukuro
19. Alex Seila
20. Geo. Soares
21. Ray Pellamus
22. Debra Thorson
23. Gary Villarreal
24. Kyle Yamamoto
25. Annalou Paik
26. Marie Nelson
27. Robin Pacheco
28. Denise Souza
29. Jordan Rosada
30. Mary-Rene Brooks

Kindergarten Room 1	Room 4
Batula, Dennis Wayne	Arakaki, Ray
Cabanilla, Tersita Medina	Augusto, Melvin Bruce
Ebalaroza, Michael Jordon	Carlile, Donald E.
Foster, Allison Ululani	Castillio, Gary
Fujimori, Ben Miyoshi	Imamura, Neal
Hernandes, Dennis Willington	Ioane, Keli'i Wm. Jr.
Higa, Sharon Sachie	Inamoto, Milton T.
Higashi, Steven Isamu	Kaya, Adrian
Hiyane, Gary Shigeo	Kuriki, Thomas
Hong, Annette Buck Wun	Lee, Chester
Kaai, Gary Wailani	Matsumura, Alan
Kadekaru, Beryl Aiko	Matsunaka, Derek
Kawelo, Sylvester Kanoho	Nakagaki, Joel A.
Keliinoi, Victoria Guada	Nakamura, Richard
Lono, Robert Michael	Nakasone, Bruce
Morimoto, Patricia Kikue	Simeona, Eugene
Nagasawa, Lindsey Tad	Teixeira, Anthony
Nakamura, Glenn Tadao	Yamaguchi, Wayne
Needham, Glenna Lee Nalani	Nekota, Gary
Ng, Debra Leialoha	Fasone, Ava
Oshiro, Patricia Setsuko	Lukela, Jo Anne
Paik, David Walter	Maruya, Judy
Shiraki, Marily Motoko	Miyamoto, Lois K.
Souza, David Arthur	Molina, Eleanor Debra
Tripp, John Bernard	Nishimoto, Sandra K.
Watanabe, Sharon Setsumi	Yadao, Francine J.
Wells, Charmaine Ann	Yoshimatsu, Charlene
Yano, Keith Hajime	Young, Tony
	Canete, Estrellita

Dennis Lew
Donald Lewis
Wellington Nishida
George DuBoit
Donald Scholtz
Robert Izuo
Carishiga
Gregory Fujita
Russell Matsumura
Clifford Kobashigawa
Joseph Kekipi
Roy Matsuura
James Sato
Alan Ogawa
Lance
Kenneth
Bernice Kaloulo
Valerie Say
Judith Tara
Donna Fasone
Vicky Watanabe
Faith Arakawa
Sandra Borge
Sharon Yoza
Patricia Toyama
Frances
Amine Nishina
Sharon C.
Lydia Gleason

Grade 1 Room 5

Room 1 Grade 1 Palolo School

Henry Yadao	Susan Koide
Lynn Takahashi	Myles Igarashi
Gwen Naguwa	Rodney Higashi
Miles Ishima	Derek Shiraki
Phyllis Higa	Phyllis Paik
Glenn Morihara	Ann Buckner
Kathleen Morimoto	Cynthia
Vincent Okumoto	Ernestine
Nathan Mahelona	Joseph Munos
William Kaai	
Kenneth Wachi	
Deborah Shimooka	
Arlene Tokishiro	
Karen NaKandakare	
Karen Saruwatari	
Sherrill Morichika	
Gerald Rutkouski	
Mary Alfapada	

Gr. 1 - R6

Milton Matsunaga	Cynthia
Klay Louise	Garrett
Gary Lee	Laurie
Joyce Watanabe	Karen
Lester Chang	Linda
Gayle Miyamoto	Barbara
Glenda Naito	
Judy Murata	
Harvey	
George	
Jennifer Fuwamoto	
Craig	
David Higa	
Gary Tomita	
Jeanne	
XLORRETHE	
Mark	
krinkle	
PhilipOkamoto	

1 Carol Chun
2 Bruce Mitsui
3 Iris Nitta
4 Faye Kidani
5 Joan Yamashino
6 Jo Ann Waiakeale
7 Karen Mirikidani
8 Pamela Murashige
9 Wayne Shiroma
10 Christine Nagasawa
11 Ronald Tanaka
12 Wendy Low
13 Robert Yamada
14 Theresa Chawell
15 Allen Jitchaku
16 Marsha Matsunaga
17 Samuel Chung-Hoon
18 Gayle Tanaka
19 Wayne Haraga
20 Jeannine Collins
21 Clifford Honda
22 Melvin Kapule
23 Sharlyne Hirata
24 Harvey Bixler
25 Lawrence
26 Eugene Tapang
27 Stephen Kokubun
28 David Wood
29 Glenn Rillamus
30 Steven Miyashiro

Grade I - 4 -

Grade 1 Room 3 Palolo School

1. Gwen Matsumura
2. Lynn Kajiwara
3. Faye Fujii
4. Carol Watanabe
5. Charlene Tokishiro
6. Danette Koa
7. Janice Ebisuya
8. Peter Fujikawa
9. Dennis Yamanaka
10. Ronald Hanatani
11. Sharon Tachino
12. Stuart Nakamura
13. Edean Kamiya
14. Stephanie Joan Miguel
15. Earl Masuda
16. Sidney Nakamoto
17. Melvin Ige
18. Gaylien Chai
19. Harrison
20. Paul Kaneshiro
21. Sandra Taomae
22. Rebecca Medd
23. John Correa
24. Cory Hamabata
25. Darrell
26. Lionel Kajiura
27. Wayne Ogata
28. Joan Abe
29. Clayton Kimura
30. Rodney Yuroyd
31. Martha

Grade 1 Room 2

1. Cecelia Higa
2. Sue Komenaga
3. Paul Imada.
4. Rendy Pacheco
5. Allan Nakama
6. Sandra Awaikuni
7. Annette Tokujo
8. Ronald Miyamoto
9. Karen Hamada
10. Patricia Ching
11. Wayne Liwai
12. Keith Nakano
13. Natalie Yamauchie
14. Linda Yamamoto
15. Roberta Delos Santos
16. Patricia Yoneyama
17. Joseph HeWLen
18. Russell Yamauchi
19. Timothy Foster
20. Herman Young
21. Nathan Napeahi
22. James Bird
23. Seth Umiamaka
24. Sherry
25. Rene
26. Shannan
27. Debbis

Grade 2 Room 8

Carol Yamamoto
Michael Yoshimura
Gayle Kanda
Cheryl Hamada
Ronald Bellman
Ann Marmata
Neal Nakamura
Karen Yamanaka
Charles Morris
Vanda May
Wayne Yoremori
Carol Hasegawa
Michael Oya
Ronald Pacheco
Evelyn O'connor
Russell Takuma
Ann Okuno
Jon Nakahara
Elaine Yuen
Boyd Nagatoshi
William Hamamoto
May Yamauchi
Lloyd Kanashiro
Alice Takahashi
Derek Yamashiro
Gloria Spragling

Grade 2 Rm 7

Julie Bugarin
Gabriel Malani
Robert Bixler
Cynthia Ng
Charles Miyamoto
Calvin Tachiki
Richard Higa
Patrick Haapili
Bianca Texeira
Jeraldine Pacheco
Wendy Hashimoto
Gail Saito
Patricia Hurley
Robert Noland
Dennis Lee
Marlene Vierra
Kenneth Furukawa
Lana Wessel
Aaron Yamamoto
Myra Cawell
Iwalani Mersberg
Albertha Mokuau
August Texeira
Alexander Aipolani
Manuel Macayanan
Ralph Hirao
Elizabeth Linton

Rm 9 — Grade 2 — Rm 17

Rm 9	Rm 17
Cheryl Matsunaga	Christine Lee
Raymond Mirikitani	Nancy Hamada
Elizabeth Sanchez	Janice Miyashiro
Daniel Hara	Raymond Tapapa
Robert Kidani	Naomi Okuda
Roy Uelima	Randall Furukawa
Sarah Goya	Georgette Kamakahi
Steven Ando	Royden Emoto
Billy William	Doreen Higa
Lynette Watanabe	Wesley Tomikoshi
Dennis Kumabe	Cynthia Cortez
Peggy Tominaga	Gilbert Carasia IIo
Patrick Buckley	Ronald Yamaguchi
Lois Chong	Arnold Medeiros
Dennis Arakaki	Nathan Perez
Keith Takahashi	Leland Wong
Lynette Sasaki	Trudy Tollefsen
Daniel Choy	Francis Nagahara
Bernadette Yadao	Allen Yamamoto
Eugene Endo	Anthony Dias
Lyn Torikawa	William Young
Wendell Tengan	Sandra Sniffen
Suzanne Yamada	Keith Isikuta
Linda Condron	Karen Lao
Gayle Higashi	Bertram Kono
Edwin Kuniyoshi	Ronald Hoopai
Charleen McCabe	Cynthia Arai
Judy Thrailkill	Julie Tamura
Amy Okamoto	Daniel Funasaki
Nelson Kawasaki	Randall Galeon

Grade II Rm. 15

Leslie Kitkowski	Nicholas DeLos Santo
Brian Wachi	Ronald O'Connor
JoAnn King	Robin Fujikawa
Joan Hahn	Horace Carter
Sharlene Tollefson	Gail Freeman
Richard Abe	Iris Matsushima
Sharon Jinnohara	Thomas Nitta
Donna Martin	Gary Watanabe
Norma Mascarinas	Daniel Nishimoto
Craig Suzuki	Dennis Jinnohara
Nolan Sakoki	Ruth Cacho
Carl Harada	Adrian Emperado
Alvin Kunishige	
Loretta Valentine	
Sharon Sue Yamanaka	
Genevieve Chai	
Gloria Dahilig	
Justin Ohara	

Grade II — Room 16

1. Colleen Shimabukuro
2. Jordon Ige
3. Francis Kaya
4. Carole Tsuchiya
5. Wayne Fujino
6. Sharon San Miguel
7. Dale Kamano
8. Sylvia Napuunoa
9. Wilma Chang
10. Suzanne Melendez
11. Iris Nasu
12. Karen Higa
13. Mary Petersen
14. Alvis McCann
15. Clifford Wong
16. Ralph Yasuhara
17. James Young
18. Gwen Osbire
19. Lynette Waipa
20. Leslie Honda
21. Sunday June Wells
22. Peter Sur
23. Glenn Fukuda
24. Janice Ebisu
25. Darrin Nikaido
26. Iris Ono
27. Blenda Lopes
28. Alvin Shiramizu
29. Priscilla Canete
30. Benny Cortez

Grade 3 — Room 11

1. Anthony Ayers
2. Larry Jitchaku
3. Calvin Miyamoto
4. Michael Shimooka
5. Jo-Ann Kajiwara
6. Adelle Morita
7. Wendell Staszkow
8. Kathleen Kaiura
9. Thomas Ho
10. Carol Frame
11. Charlotte Yamada
12. Kathleen Uchida
13. Glenn Yokomichi
14. Janice Robb
15. Sharon Funasaki
16. Sandra Yamasaki
17. Cornel Dobashi
18. Sheila Eskaran
19. Gary Kitabayashi
20. Nancy Tara
21. Elvira Kawelo
22. Leslie Kikuta
23. Stanley Hirata
24. Keith Matsumoto
25. Sandra Williams
26. Dennis Okazaki
27. Irislee Nishida
28. Alvin Yamashiro
29. Roger Honda
30. Susan Hamada
31. Gail Tachino
32. James Oshiro
33. David Yahiro
34. Carl Takahashi
35. Henry Kimura
36. Richard Ho
37.

37. Royce Fukuya

Room 12 - Gr 3

1. Lambert Kawana
2. Catherine Makekau
3. Lydia Shirai
4. Maydeen Machado
5. Stephene
6. John Wayne
7. Naomi Ono
8. Melvin Goya
9. Michelle Lewis
10. Beverly Kapowai
11. Carlos Hernandes
12. Elaine Hemmer
13. Verna Ogata
14. Joseph Faustina
15. Geraldine Chai
16. Yvonne Wessel
17. Gordon Yamamoto
18. Claire Nakashima
19. Robert Pacheco
20. Amy Olabe
21. Randall Matsumoto
22. Linda Uezo
23. Richard Kim
24. Thomas Fox
25. Arlene Hoe
26. Randall Molina
27. Doreen Sakoki
28. Barbara Agita
29. Jeffery Aperto
30. Carlotta Dias
31. Bruce Linton
32. Albert Malandish

Grade 3 (12) Room 14 - Gr 3

1. Mabel Makekau	Melvin Matsumoto
2. Franklin Souza	Philip Okada
3. Mitsue Okino	Keith Orai
4. David Choy	Carlene Cayete
5. Diane Borge	Emerick Yoshimoto
6. Leonard Maquiling	Eric Wakabayashi
7. Maydell Sonoda	Dawn Kinoshita
8. Manuel Dias	Sandra Yamaguchi
9. Flavianna Soares	Yvonne Perry
10. Lettie Tollefsen	Linda Kanoho
11. Evelyn Nakatani	Gloria Bell
12. Roland Tamaru	Lila Morioka
13. Ormalee Noa	Aldwin Naruse
14. Donald Souza	Michael Yoshida
15. Kenneth Ono	Baron Chang
16. Carl Spragling	Linda Lessary
17. Clyde Kobarhigawa	Sheila Teromoto
18. Nancy Kanemoto	Leslie Malani
19. Stephen Lew	William Fergerstrom
20. Jane Pasco	Carol Adarna
21. Douglas Gleason	Ada Kamano
22. Shirley Sakamoto	Georgia Soares
23. Marian De Luz	Alverna Malandish
Russell Tomita	Dwight Borje
Eileen Suzuki	Thomas Shiga
Ronald Ferreira	Junius Wong
Diana Shibata	Kenneth Chun
Gwendolyn Fujita	Steven Moray
Gretchen Goedde	Larry Morratte
Steven Medeiros	
Gerald Rowell	
Dwight Becker	

Rm 13 Grade 3 Room 25 - Gr. 5

Claire Miyamoto	Harold Choi
Wilfred Kawano	Stanley Fujino
Conrad Nishina	Gerald Esti
Diane Tokujo	Leonard Gibson
Annette Shiramizu	Duane Hong
Keith Carlisle	Fred Horie
Paul Shimada	David Ing
Sharon Fujii	Wayne Izutsu
Sharon Gau	Albert Kawasaki
Robert Fukao	Jerome Mattheus
Osamu Morgado	Dayton Miyamoto
Eugene Kidani	Jerome Muramoto
Richard Morimoto	Lilbert Ontai
Marilyn Toyama	Richard Tancka
Bertram Martin Barnes	Christian Wong
Linda Lou Valentine	Milton Johnson
Gayle Fukumoto	Jon Kaneta
Allen Chan	Geraldine Batula
Clifford Chang	Janice Chang
Dennis Wachi	Kathleen Fujinaga
Paul Mayeda	Charlene Gau
Gail Okita	Randymae Machado
Georgiana Emperado	Paula Needham
Earl Chang	Sarah Nitta
Darlene Stone	Carol Sawa
Antalin Salvador	Germaine Souza
Robert Kim	Kathleen Takemoto
Janet Maedo	Sharon Tanaka
Lloyd Noland	Alberta Toney
Lana Wong	Kathleen Wachi
Charlene Kinoshita	Terry Watanabe
Steven Koide	Judy Yap
Larry Rutkowski	Kay Yasuda
Eric Mitsui	Karin Nakashige

Gr. 4 R.20

Grade 4 - Room 20	Grade 4 - Room 21
Caroline Lee	Sylvia Jeanne Koo
Rene Kobashigawa	Janet Tagomori
Vernon Kadekaru	Sharon Toyama
Alwyn Yoshimura	Carol Yamauchi
Glenn Miri Bidaori	Paul Nakatani
Michael Kunselman	Walter Kinoshita
Inocencio Cacho	Karen Shiga
Thomas Mc-Cann	Dora Spragling
Betty Tanaka	Paul Needham
Charlene Takahara	Ruth Higa
Elton Dulce	Susan Kaneshiro
Sheila Low	Joyce Furukawa
Miles Maeshiro	Cheryl Ann Matsumoto
Lawrence Oshiro	Linda Kajioka
Craig Yonyama	Melvillee Correa
Jean Hori	Dennis Shiroma
Sheila Andrade	Carol Amazaki
Sandra Nakasone	Cynthia Leong
Jo-Ann Watanabe	Robert Morris
Juanita Apelu	Geraldine Marrotte
Florence Bugarin	Melvin Higa
Richard Okawa	Stanley Wachi
Jackie-Ann Toyama	Alan Imada
Frederick D. King	George Hofer
Ronald Nitta	Carol Nakamura
Philip Yasuhara	Beverly Nakandakari
Gregory Lee	Sandra Sakae Nasu
David Nagamine	Eloise Kyoko Kono
Gabriel Keaukekani	Norman Hong
Clyde Nagatoshi	Allen Arakaki
Norman Sakamoto	Gary Higashi
	Howard Hashida
	Wayne Miyamoto
	David Saito
	Dennis Miyamoto

3 -

Grade 4 Rms 18-19	Mrs Fusa Sakamoto
Lorraine Kidani	Gary Kai
Jerolyn Fujioka	Eveleen Ige
Ann Nakao	Earl Stone
Randall Saito	Karen Takahashi
Shirley Ann Higa	Patricia Hayashi
Rodney Sawada	Lloyd Sakaue
Grace Kaneshiro	Walter Kawasaki
Marie Wood	Joyce Nagamine
Irene Kunishige	James Souza
Raymond Yoshida	Gene Awakuni
Carolyn Taniguchi	Sharon Yamashita
Fredrick K. Hurley	Roy Manzoku
Sterna Sogi	Faye Morihara
Glen Nakahara	Penelope Paik
Patrick Miyamura	JoAnn Fukuya
Joseph Yadao	Charlene Batuld
Wayne B. Chikawa	Darryl Shar
Domingo Pagud	Milton Imada
Geraldine Adarna	Alicia Manlapit
Jerry Lopez	Dennis Cahio
Nemia Dara	Lorraine Kekipi
Beatrice Montensen	David Akana
Janis Okuno	Wayne Morishige
John Hamamoto	Stephanie Hong
Caroline Cefra	Wendall Kiaha
Howard Coils	Glenn Lee
Diane Ranoa	Vernon Decker
Estelle Macayananan	Pamela Keuma
Crispulo Fulgencio	Roger Kamaro
Richard Tamashiro	Harriet S. Goya
James Hoapili	Glenn Wayne Fujita
Darryl Warize	Dennis Hanatani
	Douglas R. Hernandez
	Barbara Dean Tapang

Room 23 — Grade 4 — Room 22

Room 23	Room 22
Jane Kuwaye	Sandra Morikawa
Marjorie Wessel	Corneen Takayesu
Loretta Naito	Bernadette Williams
Nancy Shimabukuro	Esteban Hewlen
Lorraine Ige	Robert Pila III
May Yamamoto	Thomas Mitsuka
Linda Maruya	JoAnn Hoomana
Kathleen Morichika	JoAnne Bell
Gwendolyn Matthews	Bradley Mahelona
Gwendolyn Salvador	Suzanne Watanabe
William Carpenter	Gwendolyn Kanoho
Alvin Bailey	Allan Hau
Bernard Frentini	Robson Okamoto
Russell Nakamura	Carl Ontai
Michael Kobuhun	Ronald Morisawa
Milton Kifano	Alan Goto
Lloyd Malani	Richard Kamiya
Daniel Morioka	Milton Osano
Clarence Higa	Morris Ogata
Samuel Nakamatsu	John Aperto III
Charles Rutkowski	Milton Abe
Matthew Paio	Rachae Pacheco
Gerald Hanaoka	David Soares III
George M. Lancaster	Manuel Dias III
James Jinnohara	Solomon Keoali
Joseph Toney	Neon Napeahi
Clifford Caravalla	Antoinette Ayers
Clarence Nishimoto	Elmer Rogers
Jerry Rivera	Pierce Killanas
Philip Tanabe	
Maxine Huber	
Sheryl Scholtz	

Grade V, Room 29	Grade V Room 28
	1. Frances Minami
1. Geraldine Nakamura	2. Caroline Mock
2. Wendell Chang	3. Frances Manlapit
3. Sheryann Tam	4. Kathleen Kamiya
4. Adam Yadao	5. Kenneth Sur
5. Joyce Lee	6. Glenn Takahashi
6. Richard Storaasli	7. Morris Fujimoto
7. Lorraine Saboki	8. Michael Tanaka
8. Dennis Yoshitake	9. Josephine Pasco
9. Janice Yagomori	10. Blossom Kapawai
10. Stanford Dobashi	11. Kathlyn Delon Santon
11. Donald Masuda	12. Gail Okata
12. Sandra Teramoto	13. Doris Moriyama
13. Gary Ginoza	14. Richard Alcantara
14. Felomina Pagud	15. Richard Cubero
15. Barbara Yamanaka	16. Roseline Sanchez
16. Margaret Tanabe	17. Dolores Negrones
17. Ronald Kiyota	18. Dorrine Hernandes
18. Sharon Ogawa	19. Leonard Pereira
19. Ann Matsushima	20. Lawrence Shinn
20. Charlene White	21. Dennis Marrotte
21. Glenn Kamada	22. Barbara Awaya
22. Delia Izutsu	23. George Ramos
23. Donald Groesbeck II	24. Lunelle Wong
24. Elaine Higashi	25. Chadwick Lee
25. Gary Hashizume	26. Jon Melim
26. Mary Ann Matsuura	27. Paul Kanagusuku
27. Kenneth Mark	28. Herman Caravallo
28. Gerald Correa	29. Kenneth Oya
29. David Fara	30. Ethyle Cowell
30. Penny Lou Fujioka	31. Leroy Pagan
31. Thomas Takemoto	
32. Caroline Asano	
33. Glenn Morimoto	
34. Trudy Miyamoto	
35. Dennis Sha	

Grade 5 Room No. 26	Room No. 27
1. Ruth Harada	Esther Pang
2. Sharon Takunaga	Alexanne Lewis
3. Lillian Arakaki	Catalina Cortez
4. Gail Suzuki	Warren Kizoshi
5. Carol Shimakura	Peter Taniguchi
6. Wade Kumuyoshi	Charlotte Tapang
7. Karen Tamashiro	Steven Rivera
8. Alan Matsuda	Robert Dias
9. Susan Hashimoto	Edele Sato
10. Howard Arakawa	Melvin Kaolulo
11. Cheryl Nagatori	Dennis Tomita
12. Rodney Haregawa	David Akana
13. Sharon Toda	Margaret Maguiling
14. Loretta Kidani	Patrick Santos
15. Sara Tamura	Corazell Nakapaahu
16. Nora Haraga	Pamela Shon
17. Suzanne Hayashi	Carol Ann Augusto
18. Kathleen Fukao	[illegible]
19. Edward Tomomitsu	Glenn Kuwaiwa
20. Carol Otani	David Makkau
21. John Kumabe	Leroy Kamano
22. Robert Okawa	Marjorie Jitchaku
23. Pamela Bazzineau	Dulston Spragling
24. Maggie Nakoa	Joan Lessary
25. Lawrence Afuso	Beatrice Park
26. Ronald Boye	Wayne Griep
27. Gary Jitchaku	Larry Nyssora
28. John Kauinana	Sharon Galeon
29. Russell Wong	Barbara Hanakawa
30. Ezekiel Wong	Isma Hapai
31. Roy Suzuki	
32. [illegible]	

Rm 33 6th Grade	Rm 32 - gr. 6.
	Carol Kajiwara
1. Barbara Ramos	Kathleen Okita
2. Elizabeth Alcantara	Alvin Koo
3. Robert Barrimell	Allan Miyamoto
4. Alvin Kaohule	Harold Yoshimura
5. Juliett Noa	Alvin Fuse
6. Sheila Aperto	Barbara Okamoto
7. Laurence Lagary	Robert Mitsuka
8. Clifford Perez	Aileen Maeshiro
9. Larry Fraticelli	Glenn Kizota
10. Richard Spargling	Calvin Ige
11. Jane Jone	Melvin Kinoshita
12. Delphine Wakinekona	Judith Yokomichi
13. Victoria Sanchez	Richard Kidani
14. Edmund Kamano	Michael Morisawa
15. Rodney Timbal	Sharon Oniski
16. Wallen Ellingson	Merle Yomen
17. Harold H. Nishida	Rodney Tunasaki
18. Perry Negroner	Wallace Miyamoto
19. Charles Billamor	Pauline Kekipi
20. Van Alan Paio	Diane Pila
21. Barbara Jean Soares	Gary Yonamine
22. Minnie Faustino	Geraldine Kawano
23. Kathleen Melim	Louise Hamamoto
24. Sandra Saito	Milton Nasu
25. Kenneth Buchan	Rogers Yoshikami
26. Robert Sakamoto	Beatrice Williams
27. Samuel Rasmussen	Judy Matsuoka
28. Gerald Ching	Kathleen Yamanaka
29. Eugene Sabile	Pamela Freeman
30.	Dennis Meguro
	Stanley Naguwa
	Harvey Yamasaki

Grade VI Room 3[illegible]	Grade VI - Room 30
Jamie M. Asada	Lorna Mae Tapang
Frederick H. Higa	Roddie Okazaki
Nancy Ono	Edward Pang
Winifred C. Caravallo	Carol Uyehara
Elaine Yamaguchi	Vincent Goto
Garrett Y. Kaelgawa	Margaret Hartsell
Vivian S. Fujimoto	Stephen Kawasaki
Ralph E. Cruz	Jeanie Kurosawa
Gwendolyn T. T. Keuma	Henry Kiaha
Glenn S. Furukawa	Vernon Santos
Ellen K. Fujioka	Hansen Kiaha
Gary G. Fujita	John Morris
Judy K. Nakamura	Raymond Andrade Jr.
Raymond Higa	Paul Yamamoto
Clementine M. Sagundimao	Pat Silva
Stephen Toshikawa	Barbara Seda
Eleanor Lo	Margaret Jean Varize
Edward S. Unten	Betty Avevio
Leonard S. Leroy	Peggy Salvador
Stephen Chang	Jean Izuo
Peter L. Bustamante Jr.	Marvalee Nakapaahu
Bernandina L. Noland	Leroy Ngai
Solomon Rogers	Colin Yamauchi
Frank K. Kanemoto	Dennis Stone
Alexander Makekau	Paul Kinoshita
Albert G. Uixeira	Walter Takahashi
Audrey L. Wittrock	Eleanor Perry
Miles Z. Nof	Jean Noa
William D. Kapuwai	Henry Pacheco
Richard Kinoshita	Sandra McCann
George Bailey	Calvin Katsutani

Grade 6 Rm. 35	Room 34
Karen Kadakaru	Janice Susuki
Jerrylyn Okamoto	Karen Saito
Lloyd Hoto	Myra Maedo
Charlotte Toda	Karen Miura
Barbara Ho	Fairlene Satterfield
Eileen Izutsu	Renee Delos Santos
Aileen Fukuda	Carol Arakaki
Karen Tengan	Gilbert Horde
Ethel Fujimoto	Calvin Yashida
Melvin Kanoho	David Kitabayashi
James Higa	Frederick Pasco
Dennis Ishimoto	John Genovia
Roy Okino	Allen Hanaoka
Gary Kaneshiro	Myron Staszkow
Gary Saruwatari	Michael Matsui
Warren Watanabe	Patrick Hurley
Duane Anderson	Solomon Espinos
Marjorie Ono	Harry Arakaki
Jane Kunishige	Dennis Ikeda
Grace Yamada	Rose Nakao
Jo Ann Yamashita	Ann Yoshioka
Sandra Robles	Karen Matsudo
Dwight Kikuta	Elaine Kuwaye
Stephen Otake	Bryan Oshi
Spencer Mukai	Charles Dudoit
Edmund Yasuda	Edwin Chan
Alan Moon	Brenda Akana
Roger Nakasu	George Fujimoto
Harry Manzoku	Georgina Gonzalez
Larry Nagatoshi	Eileen Nakandakare
Ruth Hew Len	Winifred Akana
	Michael Miyamura

Senate Petition No. 3

THE SENATE

Petition

The Legislature
of the
Territory of Hawaii

Presented MARCH 7 , 1957 , by

Senator PETITIONERS FOR

Relating to

A COMMUNITY AUDITORIUM AT KAIMUKI HIGH SCHOOL.

MEMO:

Referred to the Select Committee of
Oahu Senators.
March 7, 1957.

Senate Chamber

.....

WILLIAM S. RICHARDSON
Clerk of the Senate

March 7, 1957

S. Pet. #3

Hon. William H. Heen, President
The Senate
Twenty-Ninth Legislature
Territory of Hawaii
Iolani Palace, Honolulu, Hawaii

Dear Mr. President:

Submitted herewith is a PETITION for the appropriation of sufficient monies to construct an auditorium, having seating capacity for 2,000 persons, on the Kaimuki High School grounds. This petition has been signed by some 23, 500 citizens of the East Honolulu community.

East Honolulu, or the area between McCully Street and Koko Head, has long needed an adequate auditorium. Their need has been recognized by the following community associations which are supporting the program outlined in the petition:

Kaimuki High School
Kaimuki High School P.T.A.
Carlos Long Community Association
Aina Haina Business & Professional Association
Palolo Community Council
Kaimuki Business & Professional Association
Kaimuki Lions Club
Kapahulu Business & Professional Association
Kapahulu Community Council
Moiliili Community Association
Paki Improvement Association
Palolo Civic Improvement Association
Palolo Lions Club
St. Louis Heights Community Association
Waiomao Community Association
Kahala Community Association
Waialae Kahala Community Association.

We are confident that you, the other members of the Legislature and the Governor will also recognize the need for such an auditorium and that you will take affirmative action to implement the request contained in the Petition.

With appreciation for your serious and favorable consideration of this matter, I am

Masayuki Adachi

Masayuki Adachi, Chairman
Steering Committee
Auditorium and Gymnasium
Kaimuki High School

PETITION

WHEREAS, an auditorium is an integral part of a high school and of the community immediately surrounding such school; and

WHEREAS, Kaimuki High School is the only public high school in Honolulu without an auditorium; and

WHEREAS, Kaimuki High School is the focal point of the vast area and enormous population situated in east Honolulu; and

WHEREAS, an auditorium situated at said school will enhance the educational, cultural and recreational progress of its students and the surrounding community; and

WHEREAS, the school and the people in east Honolulu have been and are in dire need of an auditorium where concerts, programs, celebrations and meetings of all types and by all groups can be held; and

WHEREAS, it is a matter of common knowledge that an auditorium with a large seating capacity is always in great demand for school and community purposes; and

WHEREAS, the numerous civic, business and other community organizations representing the greater east Honolulu area have expressed the need and their desire for an auditorium at Kaimuki High School; and

WHEREAS, said school's master plan includes an auditorium with land already set aside for said use, thus eliminating any need for purchasing or acquiring additional land; and

WHEREAS, said auditorium would serve not only east Honolulu but all of Honolulu and would therefore be in the best interests of the general public;

NOW THEREFORE, we the undersigned, hereby respectfully petition the Honorable members of the Twenty-Ninth Legislature and the Honorable Samuel W. King, Governor of the Territory of Hawaii, for the appropriation and approval of sufficient monies for the erection of a 2,000 seating capacity auditorium to be located on the grounds of Kaimuki High School and that a copy of this petition be transmitted to all members of the House of Representatives and the Senate of the Twenty-Ninth Legislature and the Honorable Samuel W. King, Governor of the Territory of Hawaii.

Respectfully,

SIGNATURE	ADDRESS
Mrs. Emma Dixon Downey	3137 Campbell Ave. Hon. T.H.
Mr & Mrs D. K. Makuakane	3114 Francis St City
Mr & Mrs Daniel Naeha	3121 Francis St
Mr & Mrs T. Watanabe	3142 Francis St
Mr & Mrs I Iwamoto	3148 Francis St.

PETITIONERS
(Community Auditorium at Kaimuki High School)

SIGNATURE	ADDRESS
1. Mrs. Emily M. Souza	2833 Leialoha Ave.
2. Mr. C. S. Souza	" " " "
3. Mrs Esther L. Jackson	" " " B. "
4. Mrs F. Santos	858 Olokele Ave
5. Mrs. J. Barba	832 Olokele Ave.
6. Mr H. Kotoshiroko	85 Olokele ave
7. Thomas T. Jung	817 Olokele Ave.
8. John Jay	811 Olokele St.
9. Mrs. Manuel Gouveia	2823 Winam Ave.
10. Mrs. J. C. R. Hutaff	2831 Winam Ave.
11. Mr. Alfred S. Dias	2831 Winam ave Apt. 1
12. Mrs L. Davis	824 Lukepane, ave
13. Mrs. H. W. Lee	847 Lukepane, Ave.
14. Mrs. B. D. Arbuckle	909 B. Lukepane Ave.
15. Mrs. G. Nonaka	909-A Lukepane St.
16. Mrs. Leatrice Gonsalves	c/o Crane Playground
17. John P. Watkins	3060 Lakimau Street 619 Kapahulu
18. George G. Nomura	909 Lukepane ave
19. Sam Koy	854 A. Lukepane St.
20. Lawrence Y. Dang	2817 Leialoha Ave
21. Mrs. Alice Chong	2808 Leialoha Ave.
22. Mrs. May S. Nakoa	2734 Leialoha Ave.
23. Mrs. Peter Mitsumori	2738 Leialoha Ave.
24. Charley K. Hughes	3209 Winam Ave,
25. Mrs. Lucille L. Goldstein	926 A Kapahulu Rd.
26. Charles P. Kailihiwa	926 A Kapahulu Rd.
27. Esther Kailihiwa	926 A Kapahulu Rd.
28. Hideo Koike	2818 Leialoha Ave.
29. Mrs. Hideo Koike	" " "
30. Donald Matsui	854 Lukepane Ave

PETITIONERS
(Community Auditorium at Kaimuki High School)

	SIGNATURE	ADDRESS
1.	Leonard Lee	933 - Koʻolaulua Ave
2.	Frank Moke	723 Makaleka Ave.
3.	Mrs Sophie Gomes	730 Makaleka ave.
4.	Mr. + Mrs. Herbert Lee	712 Makaleka Ave.
5.	Mr. + Mrs. S.W. Mau	2924 Date St
6.	Mr + Mrs James Mau	702 Palani St.
7.	Mr & mrs Walton yee	703 Palani St
8.	Mr + Mrs Kwai Yee	703 Palani Ave.
9.	Mr. & Mrs. Hui Young	3016 Date St.
10.	Mr & Mrs. Richard Mau	703 Kamuela St
11.	Mr. & Mrs. W. H. Morris	411 Makaleka Ave.
12.	Mrs Muriany Kinney	735 Makaleka Ave.
13.	Mr. + Mrs. E. Bugita	2920 Winam Ave
14.	Mr + Mrs. James Kanatti	737 Makaleka Ave
15.	Mr. & Mrs James Magee	746 Makaleka Ave
16.	Mrs Phyllis Keal	742 Makaleka ave
17.	Mr. + Mrs Wm Pisaduro	735 Makaleka Ave.
18.		
19.		
20.		
21.		
22.		
23.		
24.		
25.		
26.		
27.		
28.		
29.		
30.		

PETITIONERS
(Community Auditorium at Kaimuki High School)

	SIGNATURE	ADDRESS
1.	Mrs. Rupert B. Hunt	737-A Palani Ave
2.	Mr. James A. Silva Jr.	737-A Palani ave
3.	Mr. & Mrs. Munk Flores	728-B Palani Ave
4.	Rupert B. Hunt	737-A Palani street
5.	Irene Torralba	612-9th Ave.
6.	Mrs. William Saito	2854-1 Date St.
7.	Wallace Y. Schuma	3219 Herbert St.
8.	Frederick M. Hong	45-634 Kam Hiway Kaneohe
9.	Anna Mae Kam	760 Kapahulu Ave
10.	Ron Hong	760 Kapahulu ave
11.	Philip Hong	760 Kapahulu ave
12.	Robert S. T. Kam	768 Kapahulu Ave
13.	Helen Miyazono	1630 Kalakaua Ave
14.	Ralph Miyazono	1630 Kalakaua Ave
15.	George G. Manala	2854 Vasily Cr
16.	Wallace Hong	768 Kapahulu ave
17.		
18.		
19.		
20.		
21.		
22.		
23.		
24.		
25.		
26.		
27.		
28.		
29.		
30.		

PETITIONERS
(Community Auditorium at Kaimuki High School)

SIGNATURE	ADDRESS
1. Ronnie Matsui	854 Lukepane Ave
2. James J Borges	3232 Mooheau Ave
3. Nora Y. Borges	3232 Mooheau Ave
4. Lorenza Cordova	2579-D Cartwright Rd.
5. Annabelle Nishihira	1230-A - Richard Ln.
6. Margaret L. Aikala	3110 Palili St.
7. Lilahlia C Vierra	2001-10th Ave
8. Ena Ho	2324-10th Ave
9. Shirley L. Ackee	2833 Leialoka Ave.
10. Frances M. Ackee	" " " "
11. Paul Hee	727 Makaleka Ave
12. Walter K Chock	938-F1 Kapahulu "
13.	
14.	
15.	
16.	
17.	
18.	
19.	
20.	
21.	
22.	
23.	
24.	
25.	
26.	
27.	
28.	
29.	
30.	

PETITIONERS
(Community Auditorium at Kaimuki High School)

SIGNATURE	ADDRESS
1. Rose Marie B Y. Song	738 Olokele ave. apt. B2
2. Mame Ito	738 Olokele Ave apt. B-2
3. Mrs. + Mrs. Barbara Nakajo	738-C Apt. 1 Olokele St.
4. Mr. + Mrs. Geo. Oshiro	738 D. Olokele St
5. Mrs. Dorothy Kop	738 E. Olokele St
6. Mr. + Mrs. Nobe Nakajo	738 C Olokele St
7. Norman Kop	738 E Olokele St
8. Thomas Kop	" " "
9. Nelson Kop	" " "
10. Bobby Kop	" " "
11. Ruth Masuda	721 Olokele St.
12. M. Masuda	" " "
13. Nelson A. Botello	721-B Olokele Ave
14. George Tyau	742 Olokele Ave
15. Elsie Tyau	" "
16. Epa Peck	744 Olokele Ave
17. Sam Peck	" " "
18. Buster Peck	" " "
19. Mr. + Mrs. Roy C. Cox	
20. Mr. + Mrs. Masaru Sunada	" C " "
21. Francis K. Kanemura	760 Olokele Ave
22. Rose Kanemura	760 Olokele Avenue
23. Mr. + Mrs. Leslie Nakanelua	808 Olokele ave.
24. Y. Hironaka	1011 C Kapahulu ave.
25. P. Tong	816 Olokele Ave
26. William H. Kapaale	822 Olokele Ave.
27. Mary J. Kapaale	822 Olokele Ave
28. Mary L. Tamanaha	826 Olokele ave.
29. Kiyoshi Tamanaha	826 Olokele ave.
30. Mr. John Colt Adams	830 Olokele Ave

963 ADDITIONAL PAGES OF SIGNATURES WEEDED
1995/6/29

Senate Petition No. 4

THE SENATE

Petition

The Legislature
of the
Territory of Hawaii

Presented MARCH 12 , 1957 , by

~~Senator~~ Signed by
MANAGERS OF GROVE FARM CO., LTD.,
HAWAIIAN CANNERIES CO., LTD. AND
Relating to THE LIHUE PLANTATION CO., LTD.

AND MORE THAN 1,200 PETITIONERS.

RE: RAT CONTROL ON KAUAI.

REQUESTING THAT A PUBLIC HEARING BE HELD ON KAUAI BY A COMMITTEE OF THE LEGISLATURE.

MEMO:

Referred to the Committee on Agriculture.

March 12, 1957

Senate Chamber

.....

WILLIAM S. RICHARDSON

Clerk of the Senate

1200 signatures from Kauai on Rat Control in Kauai

March 11, 1957

S. Pet. No. 4

The Honorable William H. Heen
President of The Senate
Iolani Palace
Honolulu, Hawaii

Dear President Heen:

The rat problem on Kauai is a serious one, especially in the Grove Farm, Lihue and Kapaa area. We have done everything possible to keep rats under control, but in spite of this the rat population has increased and we are discouraged over the outlook for the future unless some means can be found to bring them under control.

It is well known that rats carry plague, typhus and Weil's disease which is infectious jaundice. We are sincerely concerned over the health hazards if there is a further increase in the rat population. Over the years the plantations have suffered heavy rat damage. Last year alone the losses were more than $654,000 and the cost of the rat control program for twelve months was $169,000.

Attached are petitions with more than 1,200 signatures requesting that a public hearing be held on Kauai by a committee of the Legislature; also attached is a copy of the Garden Island paper of March 6 which includes a report and an editorial on the rat problem. We are also attaching a letter to the Honorable John B. Fernandes, Chairman of the Kauai Senate Select Committee.

WEEGEO 1995/6/29

Any help you can give us will be sincerely appreciated. Will you please refer this matter to the committee which will have jurisdiction to act and assist us.

Sincerely yours,

W. M. Moragne
William M. Moragne, Manager
GROVE FARM COMPANY, LTD.

Leslie E. Miller
Leslie E. Miller, Manager
HAWAIIAN CANNERIES CO., LTD.

Keith Tester
Keith B. Tester, Manager
THE LIHUE PLANTATION CO., LTD.

LIHUE, KAUAI
March 8, 1957

Senator John Fernandes
Chairman, Kauai Senate Select Committee
Iolani Palace
Honolulu, Hawaii

Dear Senator Fernandes:

As you know, the rat problem on the island of Kauai is a serious one especially in the Grove Farm, Lihue and Kapaa areas. Attached for your information is the March 6th edition of the Garden Island which includes a report and an editorial on the rat problem.

Since this is a critical community problem as well as a serious situation for the plantations, many of our residents have signed petitions requesting that a committee of the legislature come to Kauai and hold a public hearing. The petitions are attached to this letter.

We sincerely hope that a hearing can be held on either March 15, 16 or 17 on the island of Kauai; these dates have been selected for two reasons, (1) they fall on a weekend which would least interfere with your heavy load of the legislature, (2) Dr. Leonard Baver, Director of the H.S.P.A. Experiment Station, whose staff of scientists have been studying rodent control for many years, desires to be present at the hearing. Unfortunately, he is leaving for the mainland on March 19th and will be away until June. We, therefore, urge that the hearing be set before he leaves on the dates suggested if possible.

We sincerely hope that the urgency of this matter will be given your immediate consideration in order that after the hearing, there will be sufficient time to have appropriate action taken by the legislature.

Sincerely yours,

Wm Moragne
William Moragne, Manager
GROVE FARM COMPANY, LTD.

Leslie E. Miller
Leslie E. Miller, Manager
HAWAIIAN CANNERIES CO., LTD.

Keith Tester
Keith B. Tester, Manager
THE LIHUE PLANTATION CO., LTD.

LIHUE, KAUAI
March 7, 1957

TO THE
27th Legislature
Territory of Hawaii
Iolani Palace
Honolulu, Hawaii

The undersigned residents of the County of Kauai, Territory of Hawaii, hereby sincerely request your aid and assistance in helping the citizens rid Kauai of rats.

The rats have greatly increased in number and are now a definite hazard to the health of our people and are causing large crop damage. Your help is needed to find a way to bring rats under control.

So that all interested persons can be heard, it is requested that a committee of the Legislature hold a hearing at Lihue, Kauai in order that the Legislature can be fully informed about the rat problem.

It would be most helpful if the hearing could be scheduled on either March 15--16 or 17, 1957.

Your cooperation in helping us is appreciated.

NAME	ADDRESS
Norman J. Saxby	Koloa, Kauai
Masato Kiouye	Kalaheo, Kauai
Thomas Otani	Koloa, Kauai
Joseph Ahuriula	" "
Hideichi Oshima	Puhi
Kiyoshi Shintani	Koloa Kauai
Victor Vargas	Koloa, Kauai
Sybil Weber	Kukuiula, Kauai
Thomas T. Yamasaki	Koloa, Kauai
Paul Okamura	Kalaheo, Kauai
Mikiyo Tao	Lawai, Kauai
Takako Shintani	Kukuiula, Kauai
Junichi Sako	Koloa, Kauai
Sadashi Matsuoka	Koloa, Kauai
Mitsugi Muraoka	Koloa Kauai
Masami Fujimoto	Koloa Kauai
Lawrence Butoski	Omao Kauai

Lihue, Kauai
March 7, 1957

TO THE
27th Legislature,
Territory of Hawaii,
Iolani Palace
Honolulu, Hawaii

The undersigned residents of the County of Kauai, Territory of Hawaii, hereby sincerely request your aid and assistance in helping the citizens rid Kauai of rats.

The rats have greatly increased in number and are now a definite hazard to the health of our people and are causing large crop damage. Your help is needed to find a way to bring rats under control.

So that all interested persons can be heard, it is requested that a committee of the Legislature hold a hearing at Lihue, Kauai in order that the Legislature can be fully informed about the rat problem.

It would be most helpful if the hearing could be scheduled on either March 15--16 or 17, 1957.

Your cooperation in helping us is appreciated.

NAME	ADDRESS
Hisao Maeda	Moloaa, Kauai
Robert Hamamura	Anahola, Kauai
Shimayo Hamamura	" "
Yoshiko Nakamura	Anahola, Kauai
Kiyoko Nishisaka	" "
Harry Yamamoto	Kapaa, Kauai
Satoshi Shisaki	" "
William Villanueva	Moloaa Kauai
Takamatsu Takahashi	Kapaa, Kauai
Saburo Tengan	Moloaa, Kauai
Haruo Kakimoto	Anahola, Kauai
Stanley Funaki	Wailua, Kauai
Joseph Ito	Wailua Kauai
Seichi Funaki	Wailua Kauai

LIHUE, KAUAI
March 7, 1957

TO THE
27th Legislature
Territory of Hawaii
Iolani Palace
Honolulu, Hawaii

The undersigned residents of the County of Kauai, Territory of Hawaii, hereby sincerely request your aid and assistance in helping the citizens rid Kauai of rats.

The rats have greatly increased in number and are now a definite hazard to the health of our people and are causing large crop damage. Your help is needed to find a way to bring rats under control.

So that all interested persons can be heard, it is requested that a committee of the Legislature hold a hearing at Lihue, Kauai in order that the Legislature can be fully informed about the rat problem.

It would be most helpful if the hearing could be scheduled on either March 15--16 or 17, 1957.

Your cooperation in helping us is appreciated.

NAME	ADDRESS	
Tom Muraoka	Koloa	Kauai
Elpidio R. Gonsalves	"	"
James Stacko	"	"
Mitsuego Mo Pihara	"	"
Naoki Muronaka	"	"
Caesar Vasconcelles	"	"
Mrs. Almeida	"	"
Benny Alliani	"	"
B D Kilantang	"	"
Alexander D. Lima	"	"
Rosita H. Samana	"	"
Jose Dava	"	"
Yoshiko Muraoka	Lawaii	Kauai
Shizue Nakata	Koloa	"
Betty Suwka	"	"
Edith Hashiguchi	"	"
Tadao Kawamoto	"	"
Harumi Fag	"	"
Sam H Cato		
Bob Kuenimura	Koloa	"

LIHUE, KAUAI
March 7, 1957

TO THE
27th Legislature
Territory of Hawaii
Iolani Palace
Honolulu, Hawaii

The undersigned residents of the County of Kauai, Territory of Hawaii, hereby sincerely request your aid and assistance in helping the citizens rid Kauai of rats.

The rats have greatly increased in number and are now a definite hazard to the health of our people and are causing large crop damage. Your help is needed to find a way to bring rats under control.

So that all interested persons can be heard, it is requested that a committee of the Legislature hold a hearing at Lihue, Kauai in order that the Legislature can be fully informed about the rat problem.

It would be most helpful if the hearing could be scheduled on either March 15--16 or 17, 1957.

Your cooperation in helping us is appreciated.

NAME	ADDRESS
J. R. Ehrin	Poipu
Fred T. Hebert	Lihue
Yoneko Crater	Eleele
William Gittenden	Koloa
[illegible]	Kapaa
Dorothy L. Ferreira	Koloa
Fred W. Lawrence	Puhi
Kazuo Kunioka	Koloa
Isamu Sato	Puhi
George Fujiwara	Kapaa
Henry Arabe	Kapaa
Grace Fujinaka	Kapaa
Manuel P. Rosa	Hanamaulu
Roy A. Fujiwara	Puhi, Kauai

LIHUE, KAUAI
March 7, 1957

TO THE
27th Legislature
Territory of Hawaii
Iolani Palace
Honolulu, Hawaii

The undersigned residents of the County of Kauai, Territory of Hawaii, hereby sincerely request your aid and assistance in helping the citizens rid Kauai of rats.

The rats have greatly increased in number and are now a definite hazard to the health of our people and are causing large crop damage. Your help is needed to find a way to bring rats under control.

So that all interested persons can be heard, it is requested that a committee of the Legislature hold a hearing at Lihue, Kauai in order that the Legislature can be fully informed about the rat problem.

It would be most helpful if the hearing could be scheduled on either March 15--16 or 17, 1957.

Your cooperation in helping us is appreciated.

NAME	ADDRESS
Tenji Shibuya	Puhi Kauai
Fausto Chimaco	Puhi Kauai
Afong Au	Puhi Kauai
M B Fernandes Jr.	Puhi Kauai
Hubert T. Fujimoto	Puhi
Filomino Aldosa	Puhi
Albert Braun	Lihue
Victor Padilla	Kipu
Bebencio Tugadi	Puhi
Valentin Fernandez	Puhi
Gilbert Medeiros	Hanamaulu
Roger M Wernick	Puhi, Kauai
Lyle M. VanDiesen	Koloa, Kauai.

LIHUE, KAUAI
March 7, 1957

TO THE
27th Legislature
Territory of Hawaii
Iolani Palace
Honolulu, Hawaii

The undersigned residents of the County of Kauai, Territory of Hawaii, hereby sincerely request your aid and assistance in helping the citizens rid Kauai of rats.

The rats have greatly increased in number and are now a definite hazard to the health of our people and are causing large crop damage. Your help is needed to find a way to bring rats under control.

So that all interested persons can be heard, it is requested that a committee of the Legislature hold a hearing at Lihue, Kauai in order that the Legislature can be fully informed about the rat problem.

It would be most helpful if the hearing could be scheduled on either March 15--16 or 17, 1957.

Your cooperation in helping us is appreciated.

NAME	ADDRESS
Fernando Padilla	Lihue, Kauai
Frederick Bukoski	Lawai Kauai
Hiroki Tanaka	Koloa Kauai
Minoru Sadamitsu	Puhi, Kauai
Lily B. DeVeris	Wailua Kauai
Edith H. Wilcox	Lihue
Sam L. Sanji	" "
Eliza M. Maito	" "
Jiro Yakimura	" "
Yuriko Y. Nanbu	" "
Thomas Kuroyama	" "
Kenneth Yoshida	" "
Ann Okoshi	" "
Lillian Telles	" "
Dorothy Marcal	" "
Mary Nakaahiki	RR1 Lihue
Eleanor Sasaki	Lihue, Kauai
S. A. Shannon	Koloa, Kauai
Helen S. Saiki	Kapaa "
Norma T. Senda	Lihue, Kauai
Mrs Pta Braun	Lihue Kauai
Elora Chinn	Lihue Kauai
Lily S Bravat	Lawai Kauai

LIHUE, KAUAI
March 7, 1957

TO THE
27th Legislature
Territory of Hawaii
Iolani Palace
Honolulu, Hawaii

The undersigned residents of the County of Kauai, Territory of Hawaii, hereby sincerely request your aid and assistance in helping the citizens rid Kauai of rats.

The rats have greatly increased in number and are now a definite hazard to the health of our people and are causing large crop damage. Your help is needed to find a way to bring rats under control.

So that all interested persons can be heard, it is requested that a committee of the Legislature hold a hearing at Lihue, Kauai in order that the Legislature can be fully informed about the rat problem.

It would be most helpful if the hearing could be scheduled on either March 15--16 or 17, 1957.

Your cooperation in helping us is appreciated.

NAME	ADDRESS
Joe Teixeira Puhi	Kauai
Fermin S. Motilla	Puhi Kauai T.H.
Pedro Cabulagan	Puhi, Kauai, T.H.
Frank Rapoza	Puhi Kauai.
K S Cat	" "
Domingo Batoa	Kipu Kauai
Camilo Bangonan	Puhi, Kauai
Porfirio Camilo	Puhi Kauai
Arcadio Cachola	Puhi Kauai
Amiano Acoba	Puhi Kauai
Hary Chow	Lihue, Kauai
Junichi Buzurikawa	R.R. 1. Lihue, Kauai
Haruo Sato	R.R. #1. Pualoke, Lihue, Kauai
W M Moragne	Lihue Kauai

LIHUE, KAUAI
March 7, 1957

TO THE
27th Legislature
Territory of Hawaii
Iolani Palace
Honolulu, Hawaii

The undersigned residents of the County of Kauai, Territory of Hawaii, hereby sincerely request your aid and assistance in helping the citizens rid Kauai of rats.

The rats have greatly increased in number and are now a definite hazard to the health of our people and are causing large crop damage. Your help is needed to find a way to bring rats under control.

So that all interested persons can be heard, it is requested that a committee of the Legislature hold a hearing at Lihue, Kauai in order that the Legislature can be fully informed about the rat problem.

It would be most helpful if the hearing could be scheduled on either March 15--16 or 17, 1957.

Your cooperation in helping us is appreciated.

NAME	ADDRESS
Harold Yamamoto	Kalaa, Kauai
G. Horlogoito	" "
Sally Tatuibio	" "
[illegible]	" "
Paita Agan	" "
Dorothy Ishida	" "
George Sueoka	" "
[illegible]	" "
C. L. Shannon	" "
David F. Wong	" "
Pat Yamamoto	" "
H. Miyahara	" "
Soman Co	" "
[illegible]	" "
[illegible]	" "
M. Ono	" "
M. Rosenberger	" "
Harriet Farmer	" "

LIHUE, KAUAI
March 7, 1957

TO THE
27th Legislature,
Territory of Hawaii,
Iolani Palace
Honolulu, Hawaii

The undersigned residents of the County of Kauai, Territory of Hawaii, hereby sincerely request your aid and assistance in helping the citizens rid Kauai of rats.

Rats have greatly increased in number and are now a definite hazard to the health of our people and are causing large crop damage. Your help is needed to find a way to bring rats under control.

So that all interested persons can be heard, it is requested that a committee of the Legislature hold a hearing at Lihue, Kauai in order that the Legislature can be fully informed about the rat problem.

It would be most helpful if the hearing could be scheduled on either March 15--16 or 17, 1957.

Your cooperation in helping us is appreciated.

NAME	ADDRESS
Dorotea Jacinto	Lihue
Elena B. Gabatino	"
Francis H. Sasan	"
Fumio Muneno	Lihue
Thomas Domingo	Lihue
Alfonso Ventura	"
Hegenio Fagaze	"
Jose D. Valle	"
Liborio Valdez	"
Francisco Duyanen	"
Venancio Sabura	"
Kiyoto Nakamoto	Kanamaulu
Remeon Santos	Lihue
James Mizumoto	"
Melquiades Gandia	"

Lihue, Kauai
March 7, 1957

TO THE
27th Legislature,
Territory of Hawaii,
Iolani Palace
Honolulu, Hawaii

The undersigned residents of the County of Kauai, Territory of Hawaii, hereby sincerely request your aid and assistance in helping the citizens rid Kauai of rats.

The rats have greatly increased in number and are now a definite hazard to the health of our people and are causing large crop damage. Your help is needed to find a way to bring rats under control.

So that all interested persons can be heard, it is requested that a committee of the Legislature hold a hearing at Lihue, Kauai in order that the Legislature can be fully informed about the rat problem.

It would be most helpful if the hearing could be scheduled on either March 15--16 or 17, 1957.

Your cooperation in helping us is appreciated.

NAME	ADDRESS
Alipio Abranti	Moloaa, Kauai
Casimiro Gansan	Kapaa, "
Tsutomu Nomura	Anahola, "
Kazuki Shata	Kapaa Kauai
Kiyoshi Yoshii	Anahola, Kauai
Takeo Yoshii	" "
Matsuo Yoshii	" "
Florencio Feyzarino	" "
Nay Balasi	" "
Francisco Milliano	" "
Midori Morita	Kapaa Kauai
Henry T. Ebesu	" "
Albert Wada	" "

Lihue, Kauai
March 7, 1957

TO THE
27th Legislature,
Territory of Hawaii,
Iolani Palace
Honolulu, Hawaii

The undersigned residents of the County of Kauai, Territory of Hawaii, hereby sincerely request your aid and assistance in helping the citizens rid Kauai of rats.

The rats have greatly increased in number and are now a definite hazard to the health of our people and are causing large crop damage. Your help is needed to find a way to bring rats under control.

So that all interested persons can be heard, it is requested that a committee of the Legislature hold a hearing at Lihue, Kauai in order that the Legislature can be fully informed about the rat problem.

It would be most helpful if the hearing could be scheduled on either March 15--16 or 17, 1957.

Your cooperation in helping us is appreciated.

NAME	ADDRESS
Masahiro Machata	Moloaa Kauai
Domingo Aniceto	" "
Bernard C. Yadao	" "
Christian K. Lovell	" "
Philip Demerin	Kapaa
Ed. Shota	"
K. Uegawa	Anahola Kauai
Hikisei Awakuni	Kapaa, Kauai
C. Tamashiro	" "
Yoshi Ogata	~~Fusa Takmoto~~
Fusa Takmoto	Kapaa, Kauai
Fukuichi Yoshii	Anahola, Kauai
S Murata	Kapaa, Kauai
Yoshio Shinaki	Anahola, Kauai

LIHUE, KAUAI
March 7, 1957

TO THE
27th Legislature,
Territory of Hawaii,
Iolani Palace
Honolulu, Hawaii

The undersigned residents of the County of Kauai, Territory of Hawaii, hereby sincerely request your aid and assistance in helping the citizens rid Kauai of rats.

Rats have greatly increased in number and are now a definite hazard to the health of our people and are causing large crop damage. Your help is needed to find a way to bring rats under control.

So that all interested persons can be heard, it is requested that a committee of the Legislature hold a hearing at Lihue, Kauai in order that the Legislature can be fully informed about the rat problem.

It would be most helpful if the hearing could be scheduled on either March 15--16 or 17, 1957.

Your cooperation in helping us is appreciated.

NAME	ADDRESS
M Shinseki	RR1 Lihue
Marcelino Molina	Lihue
Pablo Corpuz	"
Norciso Canonigo	LIHUE
Esteban Gonzilde	Lihue
Masuo Hashimoto	Lihue
Toshikazu Ishida	Kapaa
Erenio Rinconayan	Kealia
Mariano Calidayan	Lihue
Pedro Baxa	Lihue
Agapito Balxiano	Hanamaula
Isayas Cardona	Lihue
Toyoki Urakawa	"

104 ADDITIONAL PAGES WEEDED 1995/6/29

Senate Petition No. 5

THE SENATE

Petition

The Legislature
of the
Territory of Hawaii

Presented MARCH 14 , 19 57 , by

~~Senator~~ GEORGE S. REINHARDT AND SEVERAL OTHER PETITIONERS.

Relating to

RE:

REQUESTING AID FOR THE VICTIMS OF TIDAL WAVES ON THE ISLAND OF HAWAII.

MEMO:

Referred to the Select Committee of Hawaii Senators.
March 14, 1957

Senate Chamber

.....

.....

Clerk of the Senate

(26)

Honorable William H. Heen, and
Members of the Senate of the
Territory of Hawaii;

Greetings:

Whereas, the Tidal Wave of Saturday, March 9th, 1957, struck the City of Hilo, on the Island of Hawaii, with such destructive force that Thousands of Dollars worth of personal and commercial property were partially or totally destroyed, thus causing disastrous hardships and heavy losses to numerous home owners, fishermen and business enterprises,

Therefore, we, the undersigned, victims of said tidal wave, citizens, home-owners, business persons and commercial fishermen, do hereby, urge, request and petition the Honorable members of the 1957 Legislature to give us your kind and human consideration, and to come to our aid with some Territorial finances to help us in repairing or replacing our homes, business establishments and fishing boats, damaged or destroyed by said tidal wave.

We have conservative itemized lists of our damages, but we hereby give you only the totals for your information, in hopes of substantiating our humble petition and request.

Hoping and praying that your Honorable Body will succeed in obtaining for us some financial relief, we beg to remain

Respectfully yours

Home Boat or Business	Total Damages	Names
Home	$20,000	277-Kalanianaole Ave George S. Reinhardt
Hukilau Restaurant	24,500	Richard M. O'Kimura
Boat Shop and Marine RR	18,500	Shigeki Iwashita
Isles Restaurant	21,800	[illegible]
Kaimana Boat	12,000	C. L. Chow
Oceanic Co. Ltd.	75,000	E. S. Capellas mgr

Home, Boat or Business	Total Damages	Names
Suisan Co Ltd	5000	Suisan Company By Hiro Nishimura
Hilo Fisheries	1,000	Hilo Fisheries By E Swenson
Hukilau Building	5,500	William J. Kimura for R. Nip
Home	10,650	Mrs Fujie Ikeda
Iwashita Boat Shop	4,000	Ladaki Iwashita
Hilo Candy Co	6,700	George Tanaguchi
Home	1,000	Ellen Morimoto
Home	6,880	Mrs. Asoncion Blasco
Boat-Kamaka	12,500	Julian R. Muir / Julian R. Gates
Home	1,200	Chiyoko Odani
Fish Pond	39,500	William P. Wong
I. Ueda store	57.00	Isamu Ueda
Jack Iwamoto Shop	500	Jack Iwamoto
Hilo Farmers Exchange	460	Noboru Ikeda
Fish Cake Factory	600	R. Suwida
Ebisuzaki store	185	G. Ebisuzaki
Fish Market (G. Kimura)	115	G. Kimura
Home	2,668	Kazuichi Okino
Fern Gardens	4,880	Chas. Tabaguchi
Home	$275,195	Mrs. Myra K. Ai
	826	
	$276,021	

Senate Petition No. 6

THE SENATE

Petition

The Legislature
of the
Territory of Hawaii

Presented MARCH 27 , 19 57 , by

~~Senator~~ BAIN REAMER AND OTHER PETITIONERS FROM WINDWARD OAHU

Relating to

RE:

FOR ADDITIONAL FUNDS TO BUILD AN ADEQUATE BRANCH LIBRARY IN KAILUA.

MEMO:

Referred to the Select Committee of Oahu Senators - March 27, 1957

Senate Chamber

.....

WILLIAM S. RICHARDSON
Clerk of the Senate

Kailua, Oahu
March 20, 1957

S.P. 6

OS

134 - sig

HB 679

Senator William H. Heen
Territorial Senate
Iolani Palace
Honolulu, Hawaii

Dear Senator Heen:

In 1955 the people of Kailua, Lanikai, Waimanalo and Kaneohe petitioned the Legislature for an appropriation to build an adequate branch library in Kailua. The legislature appropriated $225,000 for land and building; but two years have passed and the Kailua Branch Library is still operating in its disgracefully inadequate quarters in a rented room. The Department of Public Works has been unable to begin building because the owners of the only possible site for the new library refuse to sell at the appraised value of the land and are demanding a higher price through court action. Other sites that have been suggested have been ruled unsatisfactory by the City Planning Commission and the Library Board of Trustees. It appears that the Legislature will have to add to its original appropriation in order to cover the unexpected cost of the land; and we are requesting an additional $125,000 for the balance of the price of the land and for equipment for the new library. The need was urgent two years ago, and it becomes more urgent with every passing month, as the community expands and increases its demands for library service. We think a good public library is vitally important to the community, and we want it built soon. Please support the measure for additional funds for the Kailua Branch Library. Thank you.

RESIDENTS OF WINDWARD OAHU

Arline LePorte
Betty B. DeHay
Mr. & Mrs. X.L. Bennett
Mr & Mrs W B Mason
Mr. & Mrs. R. Tyndall
Mrs. Barbara Zimmerman
Mr & Mrs. B A Perham Jr.

Bain Reamer
Mrs. R. L. Perkins
Mrs. V. L. Moring
Elsie M. White
Mr & Mrs K W Sutton
Mr & Mrs W. K. Wathins Jr.
Mr & Mrs Campbell

Mr. + Mrs. Frank Jaburek
Mrs. + Mrs Lin Y. Farm

Margaret Bowman
Beatrice Tompkins
Margaret Niderost
Rosemary Shippard
Ruth E. Croft
Bette Owens
Ruth Kraft
Daisy H. McKeague
Thelma Allen
Margaret Paz
Antoinette Rockfort
Mildred Oxenius
John Colton
Mary Jaburek
Arthur Nash
Theda O. Chapman
Elizabeth D. Midkiff
Sue Takano
Faith C. Ai
M. H. Noda
E. Steele P. Young
Emily Donato
T. Nakano

Jane Marley
Joseph S. Santos
[illegible]
Mary C. Victorino
[illegible]
A. Katano
L. Hackbarth
G. Murayama
K. Dugite
A. Omori
Clara S. Gelmer
E. Nakano
J. Mizokami
K. Omori
A. Gokooji
Helen T. Branco
Betty C. Watanabe
Ophie L. Crossman
Thyra S. Hughes
M. E. Shideler

S. Gettman
I Burkslund
Mrs. Harold John
Mr. & Mrs. E. R. Billard
Mrs. R. G. Towill
Mrs Wm E. Werner
Eleanor Midkiff
Ruth H Smith
Ruth R Gould
Jane Newton
Esther Nowell
Dorothy Murray
Jane Heine
Margaret Gibson
Jim Gay
Esther Silverman
Mrs. L. M. Chilson
Mrs. W. A. Stanatt
Mrs C. W. Phifer
R. K. Burn
Mary Alice Clark
Lt. + Mrs. GeMueller
Mr & Mrs M. Springer
Alice B. Tuckerman
Barbara A. Feldman

J. Dunvin
Lynne Bowman
Mrs. J. P. Emett
Olga Ruth Sniffen
Mr. & Mrs. Don Bevers
Emma K. Hinrens
Rochelle Hee
Mrs Wm J Matthews

William Werum
Margaret Johnson
R.D. Johnson
Sylvia Banker
Lucille Shrimpline
Hal Thompson
Evalyn Chong
Frank Ponce
Robert Gandell
Virginia Saunders
Marion Kehale
George Harding
Sally Harding
Mary Gandell
Betty Freigham
Dick Freigham

Ann Temple
Ruth Frola
Mike Ashman
Doris Ashman
Marion Mau
Angie Lum
Mable Goo
Thelma Farmer

Margaret Courtney
Phoebe Won
F. Kawaka Miyamoto
Amy Farias
Louise Lataille

Senate Petition No. 7

THE SENATE

Petition

The Legislature
of the
Territory of Hawaii

Presented MARCH 27 , 19 57 , by

~~Senator~~ SADAMA TSUBOTA FOR THE PUNA COUNCIL EXECUTIVE COMMITTEE, AND 16 OTHER PETITIONERS.

Relating to

RE:

SUPPORTING ANY LEGISLATION THAT WILL EFFECT THE IMMEDIATE ACQUISITION OF ANY AND ALL LANDS NECESSARY FOR THE CONSTRUCTION OF A NATIONAL PARK ROAD FROM THE CHAIN OF CRATERS TO A POINT NEAR KALAPANA VILLAGE IN PUNA, HAWAII.

MEMO:

Referred to the Select Committee of Hawaii Senators - March 27, 1957.

Senate Chamber

.....

WILLIAM S. RICHARDSON
Clerk of the Senate

PAHOA, PUNA, HAWAII

March 20, 1957

SP. 7

HS (16) sig

The Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii
Iolani Palace
Honolulu, Hawaii

Dear Honorable Senator Heen:

RE: HJR 31

We, the undersigned members and officers of the Puna Council, support any legislation that will effect the immediate acquisition of any and all lands necessary for the construction of a National Park Road from the Chain of Craters to a point near Kalapana Village in Puna, Hawaii.

It is the understanding of this committee that such a road will cost the Federal Government in the neighborhood of $2,500,000.

It is believed that the cost to acquire remaining pieces of land will cost the Territory of Hawaii about $100,000.

It is also our belief that a $2,500,000 contract will return to the Territory of Hawaii approximately $300,000 in taxes. In view of this, the Puna Council sincerely and earnestly request that every consideration be given to acquire the lands effective immediately.

Very respectfully yours,

PUNA COUNCIL EXECUTIVE COMMITTEE

Genpei Miura
Pahoa planters assn
pres.

Koichi Soga
Kapoho Planters
Pres.

Hisashi Ogata
Sec. Kapoho Cane Planters

Sas Cam Jr 6 to Pres. Y.B.A.
Kongo Kimura, Adviser, Puna Young Farmers
Toru Oishi Pahoa PTA
Muraichi Iwata, Pres, County Ass.
Andy Hayashi Pres. Pahoa P.T.A.
Raymond Dean, Principal, Pahoa School
Tsuzuku Murayama Treas. Community Assn.
Hermogenes Villamil - Filipino Community Vice-Pres.
Filipino Community President
Remegio Salazar
Iwamu Iwata Pres. Puna Young Farmers
Hiroshi Kawazoe - Sec. Puna Young Farmers
Albert T. Kudo
vice president P.T.A.

cc: The Honorable Kazuhisa Abe, Senator
The Honorable Nelson K. Doi, Senator
The Honorable William H. Hill, Senator
The Honorable Tom T. Okino, Senator

Senate Petition No. 8

THE SENATE

Petition

The Legislature
of the
Territory of Hawaii

Presented MARCH 29, , 19 57 , by

Senator MR. & MRS. HENRY E. GOMEZ AND 23 OTHER PETITIONERS.

Relating to

RE:

RELOCATION OF TIDAL WAVE VICTIMS

OF WAINIHA, HAENA, KAUAI.

MEMO:

Referred to the Committee on Public Lands - March 29, 1957.

Senate Chamber

.....

WILLIAM S. RICHARDSON
Clerk of the Senate

Bill:
For presentation tomorrow 3/29
(refer to Lands Com)

Lands

Pet # 8

March 25, 1957

24 sig.

Hon. Samuel W. King, Governor,
Hon. William H. Heen, President of the Senate,
Hon. J. B. Fernandes, Chairman, Kauai Select Committee
Hon. Sakae Takahashi, Chairman, Land Committee
Hon. O. Vincent Esposito, Speaker of the House of Representatives,
Hon. Frank W. Hustace, Jr., Land Commissioner,
Hon. A. D. Castro, Chairman, Land Board,
Honolulu, T. H.

Re: Relocation of tidal wave victims of Wainiha, Kauai + Haena

Gentlemen:

The undersigned are property owners or residents of Wainiha, + Haena County of Kauai, whose homes were destroyed by the tidal waves of March 9, 1957. Most of us have lived in this area all our lives and have little desire to move from the community. However, the threat of future tidal waves dictates that we build our homes on higher ground.

Mr. Sinclair Robinson has property in Wainiha that is on higher elevation and is suitable for houselots. The parcel is designated as Parcel 3, Zone 5, Section 8, Plat 02 of the 4th Taxation Division, Kauai. Gay & Robinson, a partnership of which Mr. Sinclair Robinson is a partner, has a lease with the Territory of Hawaii, General Lease No. 6003, of 333 acres of land located in Moloaa, County of Kauai.

We respectfully request that homesites on high elevation in the Wainiha area be made available to us. To this end we suggest that negotiations be initiated with Sinclair Robinson to effectuate an exchange of approximately ten acres of the Robinson Wainiha land on equitable basis with territorial property at Moloaa now on lease to Gay & Robinson. In the event the Organic Act prohibits the proposed exchange, we request that appropriate congressional action be sought to permit the transaction. Furthermore, if exchange is deemed inadvisable, we would suggest an outright purchase by the Territory. Any subdivision opened by the Territory should be restricted to victims of the tidal waves on the basis of outright purchase or exchange of their present lots.

In this hour of need, we respectfully request that you give our petition your compassionate and thoughtful consideration.

Respectfully submitted,

Mr & Mrs Henry E. Gomez Mr. Mrs. Richard Lam Young
Mr. + Mrs Ah Wan Goo Mr. Mrs. Francis Chandler
Mr Walter Chung Benjamin V. Ortiz

Mrs Georgiana Haumea — John H. & Julia C. Pa

Mrs. Maryba Dubra — H. Sarotsuji

Mr. & Mrs. Henry Lin Hood — Mr. & Mrs. Harry Ho

J. L. Wyatt Egg — Mr. & Mrs. Susumu Harada

Mr. & Mrs. Joseph Hashimoto — Kimokeo Kanei

David K. Pa. — Mr. & Mrs. Fred B. Conant, Jr.

Mr. & Mrs. Thomas Hashimoto — Mr. & Mrs. L. T. Cannon (Property owners)

Mr & Mrs William J. Chandler Sr.

Myra & Jacob K. Maka

Hattie and Simeon Maka

The welfare of the residents of this community being of deep concern to me, I wish as a permanent resident of Haena, to add my name to this petition, although since my home site is already on high ground, I would not need nor wish to participate in said subdivision

Juliet Rice Wickman

Senate Petition No. 9

THE SENATE

Petition

The Legislature
of the
Territory of Hawaii

Presented APRIL 1 , 19 57 , by

~~Senator~~ DAVID K. PALI AND 111 OTHER PETITIONERS.

Relating to

URGING THE SENATE TO SUPPORT SENATE BILL 67.

MEMO:

Ref. to Comm. on Public Employment - April 1

Senate Chamber

WILLIAM S. RICHARDSON
Clerk of the Senate

March 7, 1957

112-819

Sen Pet 9

To the Honorable Members of the
Senate of the Twenty-Ninth
Legislature of Hawaii
Iolani Palace
Honolulu 13, Hawaii

Gentlemen:

We, the undersigned retired government employees of the Territory of Hawaii, and its subdivisions, respectfully urge you to give your every consideration and support to Senate Bill 67. The purpose of this bill is to provide retirement benefits and pensions which more adequately reflect the substantial increases in the cost of living which have occurred in the past several years as well as the increases which have occurred in the level of government salaries.

Respectfully yours,

David K. Pali Police	William V. Kanakanui Police
Joseph Hora Sr. Police	Ernest R. Kapuaala Fireman
Walter W. Larsen Police	Henry A. Yap Fireman
Kim Nui Zane Police	Antone C Tever Police
Christian Evensen	Mrs Christine F. Gonsalves Police
Howard Kaopiiki R.D.	Albert K. Solomon Police
David K. Nuuanu Police	John P. Andrade
George A. T. Spencer Fire	Walter Bahr Harbor Pilot retired (Police)
Chun Tat Labor Rd	Stephen Parker Waipa

F. K. Wilhelm County	Mura Kashiwabara H.P.D.
Anthony H. Cathcart	Elizabeth A. Cypher H.P.D.
A. K. Daaos	Loa Faiseng R.B.
Police J. S. DeArce	Frank J. Duggan Teacher
" Kong Wan T.H.	Domenico Moro Bandmaster
Percy C. Bond	Albert H. Gunderson Probation Officer
Abel Ah Yoe Sr.	Geo. M. Kange Sr. Rd Ins
John Pinnea (Band)	Rebecca Bridges
Simeon K. Nawaa Bld. Dept	James Amaka Kaio
Elizabeth Bayless Sch. Tea.	Solomon Kahawaii
Lucy Wong Tong Police	Hamana Kalili
Hilda H. Kawelo Police	Josephine Kanakanui
Josephine Kahonui Baker	Peter Kau
Helen S. Fuller F.D.	Sarah Kekua
	C. B. Wilson T.H. H.B.
	Joseph K. Alama (Police) 2311 Lime St Apt #1

Bandman Lab 3 Warmanaka
Samuel Kamanu
3737 Waialae Ave.
Annie Chang Apana
4887 KALANIANAOLE Hy-way
William Kamai
fireman
Mrs Julia Akan Kellett
4901-A Kalaniaole Hwy
Mrs. David Makaena
K. P. Ewali
Rudolph Belvens.
834. 17th Ave
John C. Luiz
833-17th Avenue
Minnie F. Luiz
833-17th Ave
Sarah F Silva
1034 16th ave
Peter Akimo
3326 Mooheau Ave.
Robert K. Nakea
3138 Mokihana St
George K. Kelai
3151 Mokihana St
Elizabeth Naone
3117 Francis St.
Josephine Kanakanui
Kaluanui Koolauloa

+ Mrs. Kam Kwai
1141 1st Ave
Michael G. Mahner
2452 Kapiolani Blvd.
Manuel Santa
4056 Keaau St.
Joseph Ikeole 2478 Clephorn St.
Kathleen McDuffie
Kaipo S. Kaiwi. 2314 S. Beretania 9 ave
San. Kaukani 1830
Leo K. Poaha
737 K. Olokele Ave.
Makue Makawei
233 Kalihi St.
Esther K. Awiau
47-746 Kaalaea
Alexander H Trippe
Thomas A. Steward
William A. Vierre
Joseph P. Gomes 2921 Booth Rd
Erminda M. Akiona
1509-B-Mokuna place.
Phone 749561
Daniel Ezera
Hamula, Oahu Laie 293087

S. K. Kaulili
Geo. M. Kanae Sr.
Mary Ann Wright
Manuel Ogen
Mary K. L. Kunane
Ana Ayau
Clarence Puahala
Josephine K Baker
Julia Mau Kekua
Luciano Machado
David K Nahuna
Robert M. Kaneshi
Andre M. Padakw
Mary Kalehua Kalikoa
William Kaahanui

Olaf Evenson
Louise G. Kakele
Mrs. Margaret Spencer
Mrs Jarlick Kakale
John K. Kaneshi
Joseph. K. Ilalaole
John P. Williams
Hamana Kalili
Eddie B Mokuahi-Shamboot
Rozelea Mokuahi
Samuel Kaiwi Sr.
Agaton Ledesma
(Libby - #226 -)
Gabriel Costa
Mike R. Harvey
(53-777 Kam Hwy Hauula

Joseph C De Costa 626 A Capp ave ST

Joaquin B. Freitas 719

Senate Petition No. 10

THE SENATE

Petition

The Legislature
of the
Territory of Hawaii

Presented APRIL 1 , 1957 , by

~~Senator~~ LAWRENCE KATSUYAMA AND 14 OTHER PETITIONERS.

Relating to

MEMBERS OF THE NURSING SERVICE EXECUTIVE COMMITTEE OF KUAKINI HOSPITAL SUPPORTING HOUSE BILL NO. 283.

MEMO:

Ref. to Comm. on Public Health - April 1

Senate Chamber

.....

WILLIAM S. RICHARDSON
Clerk of the Senate

Recd 4/1/57



KUAKINI HOSPITAL
AND HOME

TELEPHONE 62236 • 347 NORTH KUAKINI STREET • HONOLULU 17, HAWAII

OFFICERS
MASATOSHI KATAGIRI
PRESIDENT
TAKAO YAMAUCHI
VICE-PRESIDENT
ROBERT Y. SATO
SECRETARY
MOTOHIRO TANIMURA
TREASURER
SADAO ASATO
AUDITOR

DIRECTORS
MASAYUKI ADACHI
HOWARD H. HONDA, M. D.
TAKEO ISOSHIMA
SHIRO KASHIWA
KAZUO MIYAMOTO, M. D.
HARRY M. TAGAWA
MASAYUKI TOKIOKA
TASUKE YAMAGATA
EDWARD N. YAMASAKI
SHOYEI YAMAUCHI, M. D.

ADMINISTRATOR
KENJI GOTO

March 21, 1957

15 Sig Oct. 10

Health

The Honorable William H. Heen
Senate, 29th Legislative Session
Honolulu, Hawaii

Dear Senator Heen:

We, the members of the Nursing Service Executive Committee of Kuakini Hospital, urgently appeal to you for your undivided support to House Bill No. 283.

In the past several years, this hospital had to make tremendous adjustments and unbelievable sacrifices to accommodate the urgent medical needs of this community. Inspite of sacrifices to such a point as to even endanger the health and welfare of the patients, as placing patients in the hallways, treatment rooms, and adding extra beds to private and semi-private rooms, the hospital has not been able to accommodate all the patients who wanted to be admitted here. Consequently, the patients had to be turned away on numerous occasions.

Kuakini Hospital, being an eleemosynary hospital and serving this entire community of all races and religion, is most urgently in need of your utmost support to serve our people to the maximum.

Thank you for your kind consideration.

Respectfully yours,

Lawrence Katsuyama, R.N.
Harriet Tonaki, R.N.
Hatsune Araki, R.N.
Katherine Kanitaki, R.N.
Elsie R. Smith R.N.
Toshiko Date R.N.
Yukiko Kijiro R.N.
Hatsuyo Yamashita, R.N.
Molly Yamamoto, R.N.
Elsie H. Lee R.N.

Chiyoko Miyabara, R.N.
Nancy N. Horikawa R.N.
Sawayo Isesi R.N.
Myrna Muraoka, R.N.
Kimiye Tomoyasu R.N.

Formerly The Japanese Hospital, Founded by The Japanese Benevolent Society in 1900

Senate Petition No. 11

Refer S.C.A. #25

THE SENATE

Petition

The Legislature
of the
Territory of Hawaii

Presented APRIL 4, 19 57, by

Senator HENRY K. LINDSEY, President, Laie School P.T.A.,

Relating to ERNEST L. SKINNER AND 61 OTHER PETITIONERS.

RE:

PETITIONING THE LEGISLATORS TO ENACT LEGISLATION WHICH WILL PROVIDE FOR THE ESTABLISHMENT OF THE 7TH GRADE IN SEPTEMBER, 1957, AND THE 8TH GRADE IN SEPTEMBER, 1958 AT LAIE SCHOOL.

MEMO:

Referred to the Committee on Education - April 4, 1957.

Senate Chamber

WILLIAM S. RICHARDSON
Clerk of the Senate

Transmits a Petition to establish ? 7th grade Laie School

62 sig Sen. Pet. 11

Oahu Select Education

Laie Community

Laie, Oahu, T. H.

April 1, 1957

To the Speaker and
Honorable Members of the Senate
Iolani Palace
Honolulu, T. H.

Gentlemen:

The undersigned respectfully submits the accompanying petition for enactment.

This action will not involve any extra spending, but rather be a saving to the government and citizens of this community.

New classrooms are now under construction and will be completed by July of this year.

We sincerely trust that this essential step will be taken at this Legislature.

Very truly yours,

Henry K. Lindsey

Henry K. Lindsey
President, Laie School P.T.A.

HKL/11

LAIE COMMUNITY

LAIE, OAHU, T. H.

February 15, 1957

Honorable Members of the Legislature
Iolani Palace
Honolulu, T. H.

Gentlemen:

A PETITION

The town of Laie, Oahu, is at present served with elementary school facilities to and including the 6th grade. We would like, however, to have the 7th grade added this coming September, 1957, and the 8th grade the September following. Both grades are presently at Kahuku.

We feel that the 7th and 8th graders should be closer to home where they will receive from their parents more effective guidance and supervision at this crucial stage of their development.

This would also relieve many families, especially those in the low income brackets, of the expense of transportation to Kahuku.

During the past year approximately 60 new families have moved into the Laie area. Our population now is about 2,000. There are 270 pupils in the Laie School.

A little over a year ago The Church of Jesus Christ of Latter-day Saints strated a college here known as The Church College of Hawaii. The enrollment now is 204. New buildings eventually to accommodate about 1,000 students are now under construction. With a college in the community, it is only reasonable to suppose that a considerable influx of people will continue to stream into Laie.

All of these facts and circumstances indicate rather strongly that educational facilities at Laie School should be extended to include the 7th and 8th grades.

THEREFORE, we, the undersigned, do hereby respectfully petition your honorable body to enact legislation which will provide for the establishment of the 7th grade in September, 1957, and the 8th grade in September, 1958, at Laie School:

Ernest L Skinner
Irene B. Woodford
Hugh J Woodford
Glen Moore
Henry K. Lindsey
Patrick D Dalton
John K. Kinolau
Henry S. Mataalii
J R Smith
Almeda A. Forsythe
A. Charles Forsythe
Catherine K. Spurrier
Merren E. Au
Delores Loveland
Cecil Johnson
James K Bailey
Daniel A. Hopo
Vivian Bailey
Liva Suijanua
Charles K. C. Hoo
Samuel K. Kalama
Violet E. Kalama
Singalematie Ane Fiatoa
Aulelio Arag
Taimi Fonoimwana
Felita Ava
Lagalaga U Alo
George L Lake

Billie Hopkins [illegible]
J E Wilson
John Muiman
P. W. Enos
Mildred M Dillman
Ray E Dillman
Betty Condie
Frank A. Condie
Isabella K. Lin Kee
Ross F Sawyer
Flora K. Soren
Wilford H. Newland
Opapo L. Apuako
J. B. Hubbell
C. B. Hubbell
William Hubbell
Doris G. Skinner
Walter Hirschi
Cornelia V. Hirschi
Robert K Lin Kee
Arthur T Enos
Mildred Ah Kee
Tautua Tanoai
Aiulu Tufuga
P Fatutahe
Dan J Pierce
E Jappoeu
L. F. Galeai

Fiatau Pita
Lupe Savea
Faitele

Manaia Taral
Gapelu Tgualii
Volaga S. Moananu

Senate Petition No. 12

0 5

THE SENATE

Petition

The Legislature
of the
Territory of Hawaii

Presented APRIL 6 , 1957 , by

Senator MANUEL R. CABRAL, Committee Chairman and 2982 Petitioners also a Resolution requested by 13 organizations.

Relating to

FROM TAXPAYERS WHO WANT MALUHIA CHRONIC HOSPITAL MADE A GENERAL HOSPITAL.

MEMO:

Referred to the Select Committee of Oahu Senators - April 6, 1957.

Senate Chamber

.....

WILLIAM S. RICHARDSON
Clerk of the Senate

25 copies
for general distribution

OS

COMMITTEE TO HELP MALUHIA BECOME
A GENERAL HOSPITAL

April 5, 1957

2987 signatures - Pet
13 - ORGANIZATIONS - Rep

S.P. 17

Honorable Senator William H. Heen and
Members of the 29th Legislature
Iolani Palace
Honolulu, Hawaii

Gentlemen:

Transmitted herewith are copies of a petition and resolutions from taxpayers who want Maluhia Chronic Hospital made a general hospital.

Senate Bill 439 and House Bill 667 have been introduced asking for an appropriation of $1,500,000.00 to make this possible.

We would appreciate it very much if the Legislators could appropriate this money for this worthy cause.

Manuel R. Cabral

MANUEL R. CABRAL
Chairman

PETITION

TO: The Governor, Territory of Hawaii, Members of the 29th Legislature and The Mayor and Board of Supervisors, City and County of Honolulu, Honolulu, Hawaii.

GREETINGS:

We the undersigned Taxpayers of the Territory of Hawaii, hereby petition you good people for the establishment of a City and County General Hospital at the site where Maluhia Chronic Hospital is now to be under the management of the City and County Health Department, City and County of Honolulu, Honolulu, Hawaii.

We further petition that the amount of $1,500,000.00, be appropriated by the 29th Legislature for this purpose to the Mayor and Board of Supervisors, City and County of Honolulu.

We know that proper supervision is not being administered by private hospitals to the people who cannot afford private medical care and must go to government for help.

Rudolph Tabanera	Clarence M. Kimoto
Alex. L. Chang	Eugenio Balancio
Benjamin [illegible]	Eduardo Garlasu
[illegible]	Benjamin K. Mahoe
[illegible]	Teofelo M. Sabalos
Arthur K Reed Jr.	Inocentes C. Montecillo
Angel Quinaga	Emmicio Caballon
Wallace [illegible]	Eutiquio Gasilos
Joseph W. Chang	Pio O Lagran
Earl [illegible]	Sabas T. Jamito
Tomas [illegible]	Abdon Cardena
[illegible]	Hamien T. Evie
Albino Galapo	Silvino Bautista
Simforozo Castro	Enrique T. Paet
[illegible]	Gregorio Aslor
Seraphine Dias	Bartolome Toledo

PETITION

We the members of the Kaahumanu Society hereby petition the 29th Legislature of the Territory of Hawaii to provide money by a bond issue to make Maluhia Hospital a City and County General Hospital.

We believe the City and County of Honolulu should have their own general hospital to care for those who can not meet the high cost of hospitalization today.

Introduced by: Jennie K. Wilson

April 1, 1957
Honolulu, Hawaii

Adopted at Meeting of
Ahahui Kaahumanu on
Monday April 1, 1957
Margaret L. Fernandez.
Secretary

A

RESOLUTION

We, of the following organizations, go on record to request that Maluhia Chronic Hospital be made into a General Hospital and that money be appropriated by the legislature by bond issue to make this possible.

A County General Hospital is urgently needed now to care for those who cannot meet the high cost of hospitalization today and that it is the responsibility of the elected officials to provide a County Hospital for this purpose.

REQUESTED BY:

Organization Club Hawaii
Address 49 Kihua Rd.
Official Sophie Cordeiro - Treasurer.

Organization Candelaria L. Martinez
Address 1232 Kalihi St
Official President Puerto Rican Supt Ass'n

Organization Club Hawaii
Address 1617 Waikele St
Official Manuel Texidor

Organization PRAA
Address 1460B Sing Loy Lane
Official William Gutsman

Hawaiian Homesteader Improvement Club.
614 Waale St.
Helen K. Kanahele (President)

Organization [illegible] Hawaii
Address 499 Alua [illegible]
Official Raymond Cordero Entertainment Resident

Organization [illegible]
Address [illegible] 8 [illegible] Pearl City
Official [illegible]

Organization Civic [illegible] Present
Address 2224 [illegible] Hon [illegible]
Official Julio F. [illegible]

Organization Civic Ass. [illegible] Comm
Address 725 Guild ave. Hon 17 [illegible]
Official Miguel Vieira

Organization Seraphine M de Costa
Address 2455 Pacific Hts.
Official Chaucer Brother Hood of Holy Ghost

Organization Na [illegible] Kalihi
Address 1420 Linapuni St.
Official William K. Kelepale Sr.

Organization Irmandade Do Divino Espirito Santo [illegible] Brotherhood of Revalo Holy Ghost
Address 815 S [illegible] Street
Official Manuel Rita Gabriel [illegible]

Organization PR Independent Assn of Hawaii Inc
Address 1232 Kalihi St Honolulu TH
Official Louis F. Perez Executive Secretary

PETITION

TO: The Governor, Territory of Hawaii, Members of the 29th Legislature and The Mayor and Board of Supervisors, City and County of Honolulu, Honolulu, Hawaii.

GREETINGS:

We the undersigned Taxpayers of the Territory of Hawaii, hereby petition you good people for the establishment of a City and County General Hospital at the site where Maluhia Chronic Hospital is now to be under the management of the City and County Health Department, City and County of Honolulu, Honolulu, Hawaii.

We further petition that the amount of $1,500,000.00, be appropriated by the 29th Legislature for this purpose to the Mayor and Board of Supervisors, City and County of Honolulu.

We know that proper supervision is not being administered by private hospitals to the people who cannot afford private medical care and must go to government for help.

Joseph Kanezzuo
Samuel Lipman
Simeon Bayasol
Fidel Cabato
David Kaluhiwa
Julian K. Napuecinoa
Clarence Cheng
Philip R. Acosta
[illegible]
John Peter Wood
[illegible]
Enrique M. Garcia
Jose Pelaliso
Mariano Cuestas
Sam Chad Leong
[illegible]

Anthony Robello
Jeanne A. Williams

[illegible]
M. Layus
B. Karl
A. Amado
Roid Furukawa
Alex C. Damasco
F. Amado
G. [illegible]
G. Gabriel
A. Esperanza
N. Cagat
S. Cadamayan
F. Antonio
Damoso Vlep
[illegible]
[illegible]
[illegible]
[illegible]
Mateo Matias
[illegible]
M. Delfin
Gozell A. Mauratad
[illegible]
Charles Pa Jr
Samson S. Santos
Kenney Carvalho
Tatsuo Matsushima
Joseph Rodo
Joe Soares
Walter Brakaki
Henry K. Nance
Joe Kiyabita
Louis Lonosea
Elias Lada

M. Habos
T. Nakamoto
Y. Kosch
H. [illegible]
George Dantonka

PETITION

TO: The Governor, Territory of Hawaii, Members of the 29th Legislature and The Mayor and Board of Supervisors, City and County of Honolulu, Honolulu, Hawaii.

GREETINGS:

We the undersigned Taxpayers of the Territory of Hawaii, hereby petition you good people for the establishment of a City and County General Hospital at the site where Maluhia Chronic Hospital is now to be under the management of the City and County Health Department, City and County of Honolulu, Honolulu, Hawaii.

We further petition that the amount of $1,500,000.00, be appropriated by the 29th Legislature for this purpose to the Mayor and Board of Supervisors, City and County of Honolulu.

We know that proper supervision is not being administered by private hospitals to the people who cannot afford private medical care and must go to government for help.

Gary Kato	G. Sa Wahon
Mapao Sakata	A. Corpus
Calixto Damaso	R. Nakamura
Alfred Smythe	E. Arzaga
John K. Boyd	S. Kujiuji
George B. Damaso	R. Payawal
Mitsugi Shishido	[illegible]
[illegible]	[illegible]
M. Okanoto	Felix [illegible]
Robert Borges	Henry [illegible]
Antonio [illegible]	Gary [illegible]
Fanuker Yin	[illegible]
Marcelo Saupan	John E. Lakao
Silvino Alayorilla	Walter [illegible]
Eulpidio Rojas	[illegible]
Renzo Amario	[illegible]

NAME	ADDRESS
Samuel K. Waiwaiole	253 N. Beretania St.
Mr. & Mrs. K. Mujamoto	273 N. Beretania St.
Harvo Ikari	380 N. Kukui St.
Jachi Higa	1738 E Lua St
Henry K Kamaura	216 N. Beretania St.
James Y Nakamura	1253 E-1 Hall St.
Luella K. Kahalena	1028-A Aala St.
Emma L. Lohian	1028-A Aala St.
Leilani Pasigan	
Cecelia Kahalena	1028. Aala St
Sarah Marks	1028 Aala St
Lily Lima	327 N. Beretania St.
Lester Jury	327 N. Bere. St.
Elizabeth Jury	1028 Aala St
Vicente Barga	1028 Aala St
Mr. & Mrs. Wilfred Kaulukou	1028 Aala, Street.
Hannah Kalawaia	1028 Aala Street.
Henry K. Kahalena	1028 Aala St
Samuel J Birch	1028 Aala S.T.
Mrs. Mary Loni Birch	1028 Aala S.T.
Jorge Bambayan	1028 Aala S T
Mr. & Mrs. Adam K. Chang	1028 Aala St.
Mr. Joseph K. Helekali	1028 Aala St.
Daisy Paaaina	1028 Aala St.
Elizabeth Kanoho	1028 Aala St
Pio Funtanilla	1028 Aala St.
Mariano Pasigan	1028 Aala St.
Mrs Sally S. Waiwaiole	253 N. Beretania St.
Marian Young	472 C N. Kukui St.

Nattie Moriwaki	2136 Lilila St.
George J. Clean	1506 Kapiolani St.
Dick Mishima	2680 F East Manoa Rd
[illegible] Hamanoto	2199 E Ahe St.
Matt Shimabuku	679 [illegible]
I. Wakabayashi	930 Punahou St.
N. Sasaki	
C. Tanaka	939 Kaheka Lane
Reginald Correa	1114 11th Ave.
Charles S. Y. Lee	44-544 Kamoheo Bay Dr.
Luther J. D. Chang	152 Kealohilani Ave
Tom Takamore	1139 9th Ave
T. Tabasuge	1212 Aala Lane
K. Ishii	324 N. Kuakini St
J. Patricio	1212a Aala Lane
James Watada	291 N. Beretania St.
Harold Teramoto	275 N. Beretania
Leo Cheung	1321 Kakanu St
Roy Tanaka	2464 Myrtle St.
Hank Tatarka	1022 Akoko Lane
	1306 YOUNG ST.

Men	Women
Mr. Antone R. Fivella 1712 Merkle St.	Mrs. Cecilia Vence 1716 Merkle St.
F. C. Vence 1716 Merkle St.	Mrs. Olivia Fivella 1712 Merkle St.
Mr. Joseph Raphael Jr. 1724 Merkle St.	Mrs. Mary Rodrigues 1717 Merkle St.
1725 Charles Silva Kaoru Nishimoto 1713 Merkle St.	Mrs Lorraine Raphael 1724 Merkle St.
Martin C Rodrigues 1935 A Kalihi St.	Mrs. Evelyn Miyamoto 1713 Merkle St.
	Mrs Caroline Rodrigues 1935 A Kalihi St.
Mr. & Mrs. George W. Perry 2720 Kamanaiki St	Betty Higa 2730 Kamanaiki St.
Leonard de Carte 1726 Lehua St.	Helen G Benedicto 2742 Kamanaiki St
Chas M. Higa 2730 Kamanaiki	Mrs. Maria Baron 1721 Merkle St.
Henry G Benedicto 2742 Kamanaiki St	Ann Ogadomori 1639 Merkle St.
Gilbert Garcia 1706 Merkle St	Mrs. Jane C. Zulueta 1635 Merkle St.
Antonio Espinosa 1725 Merkle St	Helen C. Ayres 1636 Merkle St.
Eduardo G. Baron 1721 Merkle St.	Frank C. Ayres 1636 Merkle St.
Polo Rodrigues 1622 Merkle St	Mrs. Colleen K. Lopes. 2714 Kamanaiki St.

Men

1- Thomas L. Andrews
1120 D. Desha Lane

2- Charles F. Reinhardt
605 F. N. Vineyard St.

3- Benjamin Kamauna Jr
605 E N. Vineyard St

4- Joseph Bonilla
559 D N Vineyard St

5- Fred Schmidt Sr.
619 N. Vineyard St.

6- John Safranca
619 F N Vineyard St

7- Mr Antonio Gonzales

8- Mr Miguel Sayers Jr.
2164-B Kalena Drive

9- Mr. John Chatin
1012 N. Vineyard St.

10- Henry Kahanu Uaiwa
620 D Bldg. 28 N. Kukui St.

Women

1- Mary Andrews
1120 D. Desha Lane

2- Mrs Mipa Kamauna
605-E N Vineyard St

3- Mrs. Rosina Reinhardt
605 F. N. Vineyard St.

4- Julia Bonilla 559 D N Vineyard

5- Mary N. Nakela
559 L N. Vineyard St.

6- Mrs. Naomi Valencia
559 G. N. Vineyard St.

7- Mrs. Roselyn Schmidt Sr.
619 N. Vineyard St.

8- Mrs. Daniel Tavares Sr.
619 B. N. Vineyard

9- Mrs. Safranca
619 F N Vineyard St

10- Mrs Estelle Gonzales.

11- Mrs Geraldine W. Sayers.
2164-B Kalena Drive.

12- Clara Kahui
619 J N Vineyard St

13- Josephine Olivas
619 G. N. Vineyard St.

14- Christina San Miguel
619 H. N. Vineyard St.

E. K Bader 2150 Makanani Dr
Erbin R De Ponte 2615 - Peter St
Candelario E. Martinez 1232 Kalihi St. Honolulu T. H.
[illegible] — 98008 Kaluamoi Pl, Pearl City
N. C. Pagan — 1424 E. Ahonui St.
M. G. Conveia — 1424 E Ahonui St.
Dolores Pagan. — 2414 F. Notley St.
Eldore Charland - 2156 Hillcrest Dr.
Ambrose M. Costa Jr. 1613 Wailele St.
Albert P Figueroa 943 N School St
Salvador M Torres Kalihi Valley Homes.
Richard Baptiste 1646 B Puahala Housing
Herbert Baptiste 1646 B Puahala Place
Harry R. Abe 2216 F Kalena Dr.
Rufo Gadingon 809 A Manalula Pl.
Mr. Mrs. George Gutierrez PB 1399 Kaneohe
Mike Vicens 725 Gulick ave
Nancy Dias 98008 Kaluamoi Pl., Pearl City.
Sophie M. Cordeiro 499 Ahua Rd.
Cando Martinez 1072 F Kaksea Place
Wm R Rodrigues 499 Ahua Rd

Men

John Romos
1622 Merble St.
Harold Lopez
2714 Kamanaiki St.
Michael R. Schwengler
746 - Kamoku St
Hon T. H.

Mr. Ray K. A. Loo
1716 Merkle St.
Mrs Helen Mendez
1628 Merkle St
Raymond Mendez
1628 Merkle St
Dorothy A. Lopez
1629 Merkle St
John M. Lopez
1629 Merkle St.
Mrs. Katherine Harvey
1629 Merkle Street
Vincent Ortiz Sr.
2324 Kipona Place
Abraham P Mendez
2502 Kalihi ST

Women

Theresa H. Schwengler
746 - Kamoku St
Hon T. H. -
Mrs. Gladys M. Loo
1716 Merkle St.
Mrs VR Mendez
2502 Kalihi St
Sally C Mendez
2502 Kalihi St
Delia C. Richardson
Kaneohe Oahu
George R. Richardson
Kaneohe Oahu.
Manuel G Benedicto
Bella Benedicto
2808 Kamanaiki st
Joseph R. Richardson
1648 Kam Housing
Elizabeth Richardson
1648 Kam Housing

[redacted]

108 ADDITIONAL PAGES OF SIGNATURES NEEDED
1995/6/29

Senate Petition No. 13

THE SENATE

Petition

The Legislature
of the
Territory of Hawaii

Presented April 8 , 1957 , by

~~Senator~~ Harriet Tonake and 110 other Petitioners employees of Kuakini Hospital

Relating to Support of House Bill No. 283 regarding Kuakini Hospital

MEMO:

Referred to Select Committee of Oahu Senators - April 8, 1957

Senate Chamber

William S. Richardson
Clerk of the Senate

Oahu Select



KUAKINI HOSPITAL
AND HOME

TELEPHONE 62236 • 347 NORTH KUAKINI STREET • HONOLULU 17, HAWAII

OFFICERS
MASATOSHI KATAGIRI
PRESIDENT
TAKAO YAMAUCHI
VICE-PRESIDENT
ROBERT Y. SATO
SECRETARY
MOTOHIRO TANIMURA
TREASURER
SADAO ASATO
AUDITOR

DIRECTORS
MASAYUKI ADACHI
HOWARD H. HONDA, M. D.
TAKEO ISOSHIMA
SHIRO KASHIWA
KAZUO MIYAMOTO, M. D.
HARRY M. TAGAWA
MASAYUKI TOKIOKA
TASUKE YAMAGATA
EDWARD N. YAMASAKI
SHOYEI YAMAUCHI, M. D.

ADMINISTRATOR
KENJI GOTO

13

March 21, 1957

Pet
Asking support for Kuakini Hospital
~111 signatures

The Honorable William H. Heen
Senate, 29th Legislative Session
Honolulu, Hawaii

Dear Senator Heen:

We, the employees of Kuakini Hospital, urgently appeal to you for your undivided support to House Bill No. 283.

In the past several years, Kuakini Hospital had to make tremendous adjustments and unbelievable sacrifices to accommodate the urgent medical needs of our community. Inspite of sacrifices to such a point as to even endanger the health and welfare of the patients, as placing patients in the hallways and treatment rooms, the hospital has not been able to accommodate those who wanted to be admitted to this institution. Therefore, patients had to be turned away in numerous occasions.

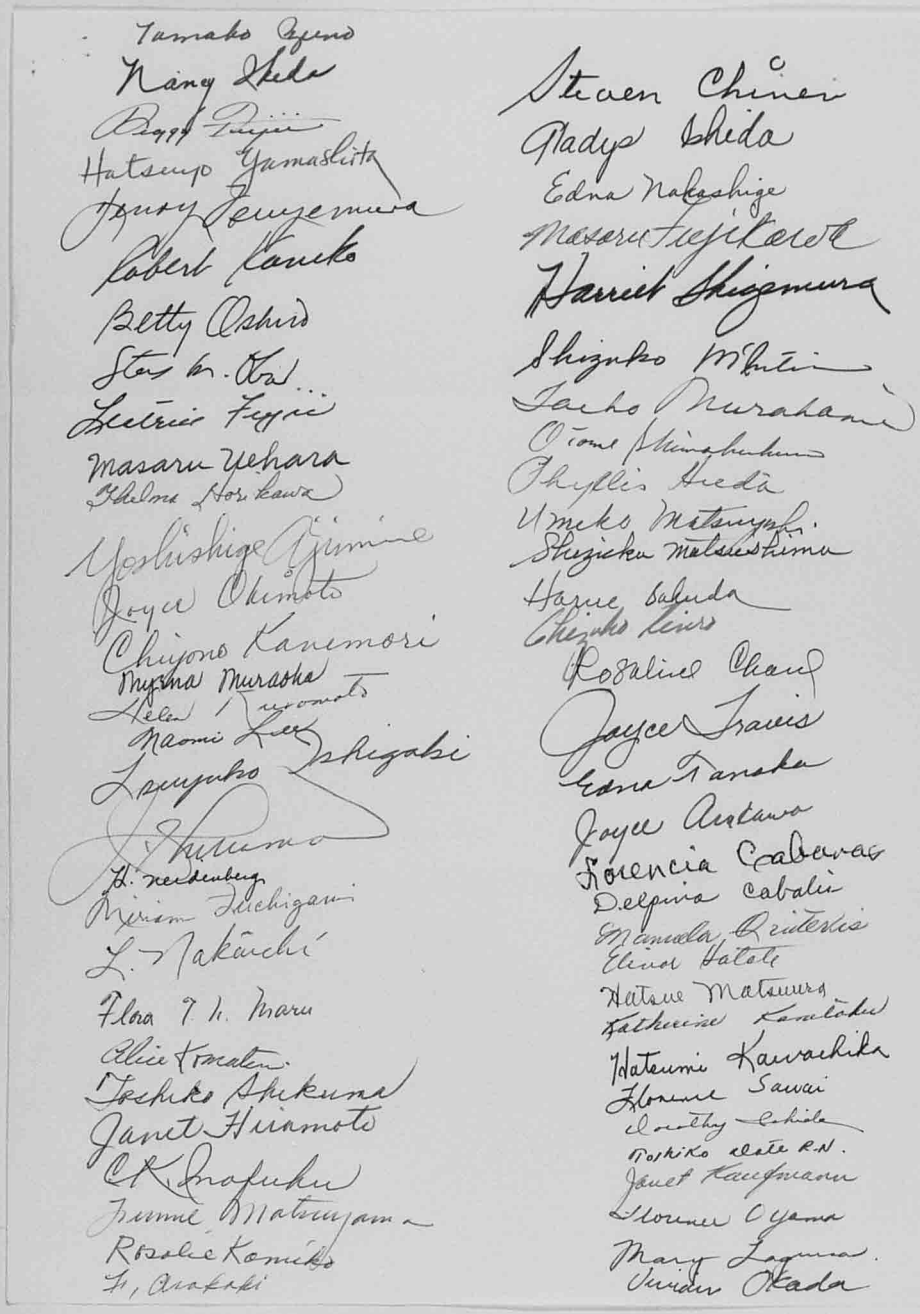
Kuakini Hospital, being an eleemosynary hospital and serving this entire community of all races and religion, is most urgently in need of your utmost support to render optimum service to our people. To Kuakini Hospital

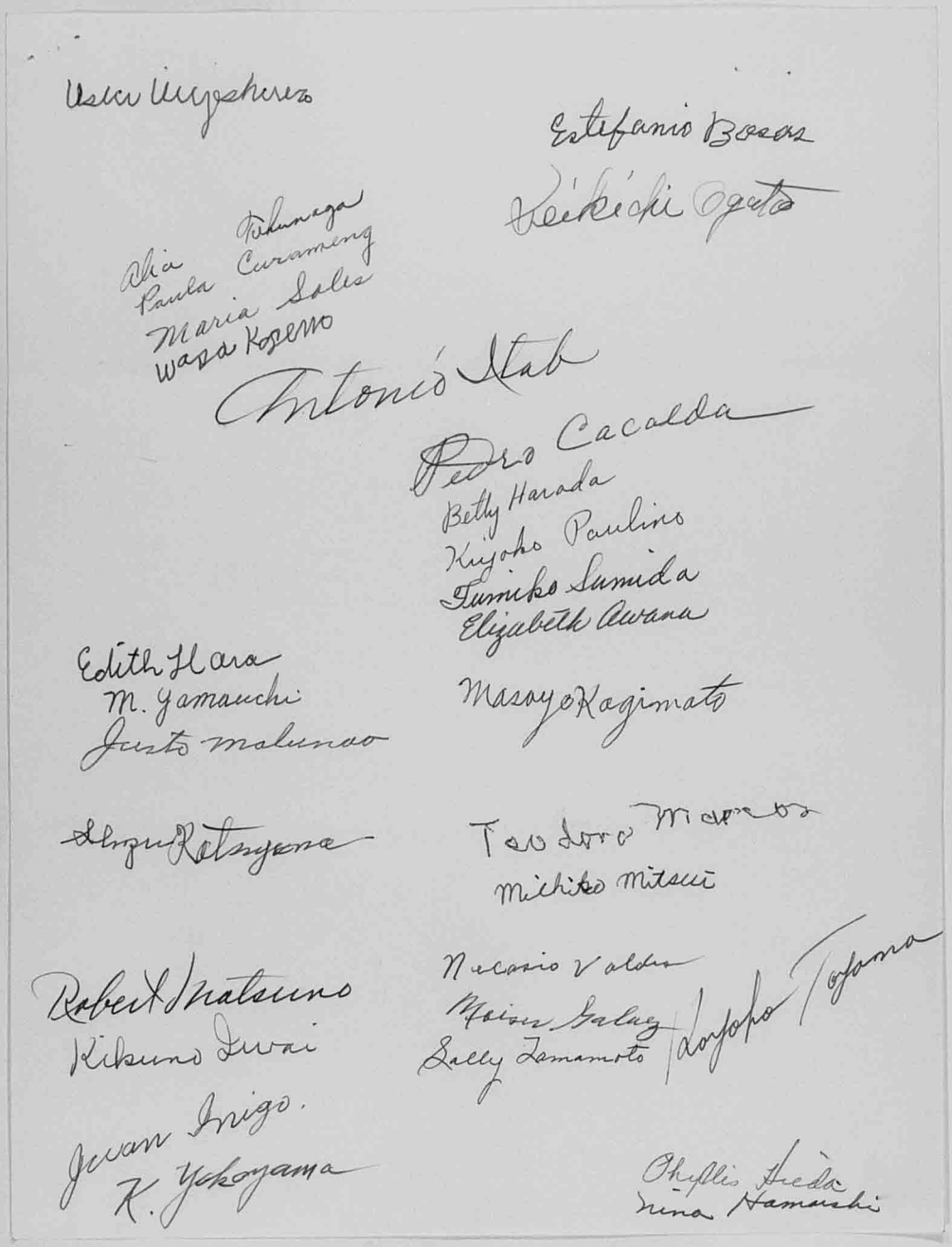
Thank you for your consideration.

Yours truly,
SIGNED BY HARRIET TONAKE AND 110 OTHERS

Masako Kubo
Harriet Tonake
William H. Heen
Fumiko Takayesu
Agnes Nakaichi
Leatrice Koike
Richard Rato
Gukiko Nagano
Betty Sato
M. Noji
Kay Nakamoto
Biagechi, R.N.
Robert Pancel
Jane Sato R.N.
Carol Wheeler
Kenneth Kubo
Susan Bahita
Hitoshi Igarashi
Frederick Lucille
Edward E. Hill

Formerly The Japanese Hospital, Founded by The Japanese Benevolent Society in 1900





Senate Petition No. 14

THE SENATE

Petition

The Legislature
of the
Territory of Hawaii

Presented April 8 , 1957 , by

~~Senator~~ Constance Ching and 44 other Petitioners
Teachers and staff of Wahiawa Elementary School

Relating to Favorable consideration of Senate Bill No. 112 providing for a 20% increase in existing salary schedule for all professional staff of University of Hawaii

MEMO:
Referred to Committee on Public Employment
April 8, 1957

Senate Chamber

William S. Richardson
Clerk of the Senate

Pub Emp

Pit 14

Wahiawa Elementary School
1402 Glen Avenue
Wahiawa, Oahu, T.H.

April 1, 1957

The Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii
Iolani Palace
Honolulu, Hawaii

University Salaries
45 signatures

Dear Senator Heen:

We, the teachers and staff of the Wahiawa Elementary School, urge you and the members of the Senate to consider favorably Senate Bill No. 112 which provides for a 20% increase in the existing salary schedule for all the professional staff of the University of Hawaii. We feel that this is necessary to attract good personnel to our university to maintain an institution to be proud of.

Thank you.

Very sincerely yours,
SIGNED BY CONSTANCE CHING AND 44 OTHERS

Violet O. Matsuoka
Sally Furuhawa
Ottillie Spillner
Elizabeth L. Smith
Marion E. Keenan
Jessie L. Young
Edith Longley
Ellen Yabusaki
Margaret H. Mitsuoka
Esther Y. Wong
Ave L. Chun
Vivian Branson
May Okubo
Joyce Shimokusu
Bertha Rivero
Amy Murohami
Hisame Fujimoto

Constance Yee Ching
Erythel Kimura
Elizabeth K. Goo
Gladys B. Mukai
Libbie A. Yong
Eunice Moy
J C Kang
Mary Olander
Janet Kamei
Jessie F. Koontz
Ellen T. Tyau
Dorothy Y. Sakamoto
Winifred H. Wong
Ruth Roberts
Frac Dawe
Georgia Ann Ito
Kiyoshi Nakashima
Tamoe Miyajima

(over)

Joyce Yamamuka
Florence Matsukawa
Ethel Kodama
Betty Hagar
Pong Soon Lee
Minnie Thompson
Yuri S Kuno
P Kirkpatrick
Aphra Anderson
Joseph Doctor

Senate Petition No. 15

THE SENATE

Petition

The Legislature
of the
Territory of Hawaii

Presented April 8 , 1957 , by

~~Senator~~ Constance Ching and 44 Other Petitioners teachers of Wahiawa Elementary School

Relating to

Favorable consideration of Senate Bill No. 113 relating to an equitable adjustment of teachers' salaries.

MEMO:

Referred to Committee on Education
April 8, 1957

Senate Chamber

William S. Richardson
Clerk of the Senate

~~Pub Comp~~ Ed

Pet 15

Wahiawa Elementary School
1402 Glen Avenue
Wahiawa, Oahu, T.H.
April 1, 1957

The Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii
Iolani Palace
Honolulu, Hawaii

Teachers salaries
45 signatures

Dear Senator Heen:

We, the teachers of Wahiawa Elementary School, request that you and the members of the Senate give favorable consideration to Senate Bill No. 113. This bill provides for an equitable adjustment of teachers' salaries which we strongly feel is necessary.

Thank you.

Very sincerely yours,
SIGNED BY CONSTANCE CHING AND 44 OTHERS

Violet O. Matsuoka
Sally Furuhaum
Ottillie Spillner
Elizabeth L. Smith
Marion E. Keenan
Jessie L. Young
Edith Longley
Ellen Yabusaki
Margaret H. Mitsuhu
Esther Y. Wong
Ave L. Chun
Vivian M. Branson
May Okubo
Joyce Shimokusa
Bertha Rivera
Hisame Fujimoto
Amy Murakami
Ethel Kodama
Florence Matsukawa
Yuri Kerio

Constance Yee Ching
Eythel Kimura
Elizabeth K. Goo
Gladys B. Mukai
Flora C. Kang
Beatrice McKirk Patrick
Libbie A. Yang
Eunice Choy
Mary Olander
Janet Kamei
Ellen T. Tyau
Dorothy Y. Sakamoto
Winifred H. Wong
Ruth Roberts
Georgia Ann Ito
Kiyoshi Nakashima
Tamae Miyajima
Joyce Yamanoshi
Mae Dawe

over

Minnie Thompson
Yeni S. Kuno
Pong Soon Lee
Betty Haga
Aphra Anderson
Joseph Dostal

Senate Petition No. 16

THE SENATE

Petition

The Legislature
of the
Territory of Hawaii

Presented April 8 , 19 57 , by

~~Senator~~ Constance Ching and 52 other Petitioners teachers and staff of Wahiawa Elementary School

Relating to

Favorable consideration of Senate Bill No. 604 providing for a minimum pension benefit of $100 per month

MEMO:
Referred to Committee on Public Employment
April 8, 1957

Senate Chamber

William S. Richardson
Clerk of the Senate

Pub Emp

Pet 16

Wahiawa Elementary School
1402 Glen Avenue
Wahiawa, Oahu, T.H.
April 1, 1957

retired employees retirement system

√3

The Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii
Iolani Palace
Honolulu, Hawaii

Dear Senator Heen:

We, the teachers and staff of the Wahiawa Elementary School, request that you and the members of the Senate consider favorably Senate Bill No. 604 which would provide for a minimum pension benefit of $100 per month and place benefits to retired employees on a graduated percentage basis, equivalent to the percentage salary increases given to members still in service.

Thank you.

Very sincerely yours,
SIGNED BY CONSTANCE CHING AND 52 OTHERS

Violet G. Matsuoka
Sally Furukawa
Ottilie Spillner
Elizabeth L. Smith
Marion C. Keenan
Jessie L. Young
Edith Longley
Ellen Yalkisaki
Margaret H. Matsuo
Esther Y. Woong
Ave L. Chun
Vivian M. Branson
May Okubo
Joyce Shimokawa
Bertha Rivera
Mary Kopp
Hisako Fujimoto
Amy Murakami
Ethel Kolama
Florence Matsukawa

Constance Yee Ching
Ethel Kimura
Elizabeth K. Goo
Gladys B. Mukai
Flora C. Kang
Beatrice M. Kirkpatrick
Libbie D. Yong
Eunice Choy
M. Olander
Janet Kamei
Jessie F. Koontz
Ellen T. Iyau
Dorothy Y. Takamoto
Winifred H. Wong
Ruth Roberts
Georgia Ann Ito
Kiyoshi Nakashima
Tamae Miyagawa
Joyce Yamauchi

(over)

Yuri S. Kurio
Pong Soon Lee
Betty Haga
M. Dawe
Minnie Thompson
Mabel Dulhal
Emily Caravalho
Lillian Mafuku
June E. Saito
Matsuko Muranaka
Aphra Anderson
Joseph Dostal
Helen O. Tanaka
Ruth H. Homma

Senate Petition No. 17

THE SENATE

Petition

The Legislature
of the
Territory of Hawaii

Presented April 8, 1957, by

~~Senators~~ Maurice Kong and 34 other Petitioners teachers of Leilehua High School

Relating to

Favorable consideration to Senate Bill No. 604 pertaining to benefits for retired government employees.

MEMO:
Referred to Committee on Public Employment

April 8, 1957

Senate Chamber

William S. Richardson
Clerk of the Senate

Pub Emp

Pet 17

Wahiawa, Oahu
April 2, 1957

The Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii
Iolani Palace
Honolulu, Hawaii

35 49

Dear Senator Heen:

We, the teachers of Leilehua High School, request that you and the members of the Senate give favorable consideration to Senate Bill No. 604, pertaining to benefits for retired government employees.

Thank you.

Sincerely yours,
SIGNED BY MAURICE KONG
AND 34 OTHERS

Maurice Kong
Marion D. Tolbert
Hinona E. Rubin
Roy Lee Roberts
Selma L. Schiller
John V. Lee
Ejit Moi Lau
E. C. Distel
M. Kraynik
Violet Hoshibata
K. Fitterman
A. Hofmann
Barbara Kim
Lois Inamine
Jane Sorayama
Marjorie H. Togawa

David Lanizon
Lammy Ching
Majie S. Akana
Jualene K. Whang
Fredrick M. Kajihara
Shirley Lombard
Olegrino
Shizue Ito
H. B. Ackermann
Paul K. Shimizu
Myrtle Tobey
Richard Betsui
Clarence S. Crum
Theo Nakugawa
Chong Fook Lee
G. M. Coleman
Sachi Taira
Sarah P. Kim
Jadus Matsukawa

Senate Petition No. 18

THE SENATE

Petition

The Legislature
of the
Territory of Hawaii

Presented April 8 , 1957 , by

~~Senator~~ Hoon Yee Kong and 33 other Petitioners teachers of Leilehua High School

Relating to

Favorable consideration to Senate Bill No. 113 providing for equitable adjustments of salaries for public school teachers and the professional staff of the DPI.

MEMO:
Referred to Committee on Education
April 8, 1957

Senate Chamber

William S. Richardson
Clerk of the Senate

~~Pub Emp~~ EL

Pet 18

Wahiawa, Oahu
April 3, 1957

The Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii

34 sig

Dear Sir:

We, the teachers of Leilehua High School, request that you and the members of the Senate give favorable consideration to Senate Bill No. 113. This bill provides for equitable adjustments of salaries for public school teachers and the professional staff of the Department of Public Instruction.

Thank you,

Sincerely yours,
SIGNED BY
HOON YEE KONG AND
33 OTHERS

Paul K. Shimizu
Lammy Chung
J Shiroma
Sachio Taira
Yvalune K. Wheang
Shizue Ito
Myrtle Tobey
H. B. Ackermann
Richard Betsui
M Tashiro
Chang Fook Lee
Shiro Nakagawa
G. M. Coleman
Violet Hoshibata
Hoon Yee Kong
Hanona E. Kubin
Mazie S. Akana
Hoon Yee Kong
Marion D. Tolbert
William S. Smithe
Sarah P. S. Kim
Jadas Matsukawa
R Ferrigno
Roy Lee Roberts
Helen L. Schiller
Yit Moi Lau
E. C. Dostal
A. Hofmann
Lois Mamine
Jane Soayama
Marjorie H. Togawa
Maurice King
David Lanzo
Frederick M. Kapham

Senate Petition No. 19

THE SENATE

Petition

The Legislature
of the
Territory of Hawaii

Presented April 8 , 1957 , by

~~Senator~~ G. J. Ekolein and 12 other Petitioners from Waialua High School

Relating to

Favorable consideration of Senate Bill No. 113 providing for equitable adjustments of salaries for public school teachers and the professional staff of the DPI.

MEMO:
Referred to Committee on Education
April 8, 1957

Senate Chamber

.....

William S. Richardson
Clerk of the Senate

~~Pub Comp~~

Edn

Ret 19

OEA Representative
Waialua High School
67-160 Farrington Highway
Waialua, Oahu
April 4, 1957

The Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii
Iolani Palace
Honolulu, Hawaii

13 Sen

Dear Senator Heen:

We solicit your support in guiding Senate Bill No. 113 through the chamber over which you so ably preside.

This appeal is made to you in the interest of our Hawaiian youth. It is hoped that this measure will increase, and attract, more capable teachers into the public school system. Therefore in the face of declining family life, broken homes and other disturbing factors of modern life, we teachers have, not only the burden of exerting a guiding influence, but also that responsibility of developing **their capabilities** so that ~~our~~ youth become useful, contributing members of our society.

pay

Respectfully yours,
SIGNED BY G. J. EKOLEIN AND 12 OTHERS

Eunice N. Holmes
Toshiyuki Nakasone
Shizuo Yamauchi
Lucile Grimes
Edward Forsythe
Nora Sullivan
Irene Hultin

G. J. Ekolein
A. S. Kong
Mildred R. Dawson
T. A. Hultin
Shirley Elento
Betty McKeen

Senate Petition No. 20

THE SENATE

Petition

The Legislature
of the
Territory of Hawaii

Presented April 8, 1957, by

~~Senator~~ Irma Soong and 53 other Petitioners
Faculty of Pearl Harbor Elementary School

Relating to

Favorable consideration of Senate Bill No. 604 relating to minimum pension benefits of $100 per month to retired teachers.

MEMO:
Referred to Committee on Public Employment - April 8, 1957

Senate Chamber

William S. Richardson
Clerk of the Senate

Pet 20

DEPARTMENT OF PUBLIC INSTRUCTION
TERRITORY OF HAWAII

Pub Emp

SCHOOL PEARL HARBOR ELEMENTARY SCHOOL
MOANALUA RIDGE
ADDRESS HONOLULU 18, T. H.

April 4, 1957

The Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii
Iolani Palace
Honolulu, Hawaii

5 + 5 g

Dear Senator Heen:

When S.B. No. 604 - which provides for a minimum pension benefit of $100 per month and places benefits to retired teachers on a graduated percentage basis - comes to your attention, we, the faculty of Pearl Harbor Elementary School, would be most grateful if you would give it your favorable consideration.

Thank you for your kokua.

Sincerely yours,
SIGNED BY IRMA SOONG AND 53 OTHERS
Irma T. Soong
H.E.A. Legislative Committee
Representative
Pearl Harbor Elementary School

Katie Gomes
Principal
Agnes G. Robertson
Vice principal
Myrtle W. Lessea
Health Coordinator
Therese Bredehoft
Counselor

Grace Mae Bacon
Librarian
Jeannette F. Okazaki
Deborah C. Chu
Genevieve R. Wakayama
Sybil M. H. Chock
Pasco Hanna
Setsuko Tajiwara
Harriet Chung
Beatrice Yan
Leslie K. Yoshioka

Millicent Arimizu
Janet C. Okuna
Eleanor H. McRoberts
Blanche Coates
Edith M. Arakawa
Patricia A. Wimberg
Laura B.Y. Ching
Florian Wong
Lanette Ching
Mitsue Nakagawa
Amy E. Sewake
Mildred C. N. Fong

Alberta Cherry
Margie Berra
Bess Krueger
Ruth F. Chow
Florence T. Long
Uhelani R. Collins
Edna Sumida
Amy T. Kajima
Glenn MacDougall
Helen Pontius
Roberta H. Gullett
Jenny S. Yamamoto
Dorothy Cranford

Hiromu Izumo
Carinthia Pecaa
Maude K. Kon
Peggy Y. Fuller
Bluebell Harper
Henrietta W. Taylor
Lucille Berlin
Edith Spencer
Marjorie C. Young
Mrs. M. Price
Doris A. Tsuha
Agnes T. Miriami.

Senate Petition No. 21

THE SENATE

Petition

The Legislature
of the
Territory of Hawaii

Presented April 8 , 1957 , by

Irma Soong and 55 other Petitioners - faculty of Pearl Harbor Elementary School - requesting favorable consideration of Senate Bill No. 113 providing for a 20% increase in teachers' salaries.

MEMO:

Referred to Committee on Education

April 8, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

Pet 21

~~Pub Emp~~

PA

DEPARTMENT OF PUBLIC INSTRUCTION
TERRITORY OF HAWAII

SCHOOL PEARL HARBOR ELEMENTARY SCHOOL
MOANALUA RIDGE
ADDRESS HONOLULU 18, T. H.

all teachers of PH Elem School

April 4, 1957

Increase in teachers Salaries

The Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii
Iolani Palace
Honolulu, Hawaii

Dear Senator Heen:

We, the faculty of the Pearl Harbor Elementary School, would deeply appreciate your giving favorable consideration to S.B. No. 113, which provides for a 20% increase in teachers' salaries of the DPI.

Thank you for your kind support.

Sincerely yours,
SIGNED BY IRMA SOONG AND 55 OTHERS
Irma T. Soong
H.E.A. Legislative Committee
Representative
Pearl Harbor Elementary School

Katie C. Gomes
Principal
Agnes G. Robertson
Vice principal
Myrtle W. Lexcen
Health Coordinator
Therese Bredehoft
Counselor
Grace Mae Bacon
Librarian
Jeannette F. Okazaki
Deborah C. Chu
Genevieve R. Wakayama
Sybil M. H. Chock
Setsuko Fujiwara
Harriet Chung
Beatrice Yin
Leslie K. Yoshioka
Pasco Hanna

Millicent Arimizu
Janet C. Okuna
Eleanor H. McRoberts
Blanche Coates
Edith M. Acakawa
Patricia A. Wimberg
Laura D. J. Ching
Florian Wong
Lanette Ching
Mitsue Nakagawa
Amy E. Sewake
Mildred C. N. Long

Alberta Cherry
Marge Berra
Bess Krueger
Ruth F. Chow
Florence I. Lang
Wilani R. Collins
Edna Sumida
Amy T. Kojima
Glenn MacDougall
Helen Lawrence
Roberta H. Gullett
Jenny S. Yamamoto
Dorothy Crawford

Hiromu Izumo
Carinthia Puaa
Maude K. Kon
Peggy Y. Fuller
Bluebell Harper
Henrietta W. Taylor
Lucille Berlin
Edith Spencer
Marjorie C. Young
Mrs. M. Price
Doris A. Tsuha
Agnes T. Minami.

Senate Petition No. 22

THE SENATE

Petition

The Legislature
of the
Territory of Hawaii

Presented April 8 , 1957 , by

Helen Wiebke and 27 other Petitioners - teachers of Molokai High & Elementary School - asking for favorable consideration of Senate Bill No. 113, providing for 20% increase in teachers' salaries, Senate Bill No. 112, providing for 20% increase in salary schedule for professional staff of the University of Hawaii, and Senate Bill No. 604 providing for a minimum pension benefit of $100 per month to retired employees.

MEMO:

Referred to Committee on Education

April 8, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

Pub Empl

22

Hoolehua, Molokai
April 4, 1957

The Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii
Iolani Palace
Honolulu, Hawaii

Dear Senator Heen:

We, the teachers of Molokai High & Elementary School are asking you to give favorable consideration to the following Hawaii Education Association sponsored major bills.

Senate Bill No. 113, providing for a 20% increase in all brackets of the existing teacher's salary schedule and will affect the salaries of all of the professional staff of the Department of Public Instruction, except the Superintendent.

Senate Bill No. 112, providing for a 20% increase in all brackets of the existing salary schedule for the professional staff of the University of Hawaii.

Senate Bill No. 604, providing for a minimum pension benefit of $100 per month and place benefits to retired employees on a graduated percentage basis, equivalent to the percentage salary increases given to members still in service.

Thank you for your cooperation.

Sincerely yours,
SIGNED BY HELEN WIEBKE AND
27 OTHERS

George Tamura
Edith Nakai
Lawrence Shoda
Earle H Parker
Ralph Cuevas
Alvin Inaba

Cyril Chung
Carol Takamuya
Evangeline Inaba
Roy Oshiro
Gladys Otsuji
Gladys Arakawa
Betty Mae Cabral
Sadao Hamada
Kazuto Nogami
Agnes Yamada

Helen Wiebke
Sakaye Chinen
Lillian Katsura
Joyce Nakagawa
Mary Afuso
Donna Doi
Sally Sakaida
Ruth Meyer
Ethel G. Parker
Margaret Yamashita
Richard T. Yano
Kathleen Alupchoy

Senate Petition No. 23

THE SENATE

Petition

The Legislature
of the
Territory of Hawaii

Presented April 8 , 19 57 , by

Archie Jackson and 7 other Petitioners - faculty and staff of Kilohana School, Molokai - urging support of Senate Bill No. 604, providing a minimum pension benefit of $100 per month, and Senate Bills Nos. 112 and 113 regarding salary raises, and House Bills Nos. 763 and 765.

MEMO:

Referred to Committee on Education

April 8, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

KILOHANA ELEMENTARY & INTERMEDIATE SCHOOL

PUKOO, MOLOKAI, T. H.

April 5, 1957

The Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii
Iolani Palace
Honolulu, Hawaii

Dear Senator Heen:

The faculty and staff of Kilohana School have been following with considerable interest the progress of certain bills in which we are interested. As intelligent citizens, we are concerned, in the first place, lest those persons who have long and ably served their government, now old, unorganized, and ignored, may be forced to live out their lives on pensions whose inflated dollars will no longer buy a respectable old age. We believe Senate Bill #604 provides a needed correction.

A number of us have recently been students at the University of Hawaii, and all of us are now working for the Department of Public Instruction. We are concerned about the low salary ranges of the instructional workers at the University, who suffer from the same inadequate pay that public school personnel do. As we support a just and equitable pay raise for ourselves, we support one also for the University instructional staff. We urge your support of S.B. 113 and S.B. 112.

Just as all of us are interested in seeing that the Territory's teachers are paid a salary in keeping with what they might earn in private business, so are we interested in getting the best retirement break the money we contribute toward retirement can get for us. We feel House Bills #763 and #765 are in our interest, and when they come before you, we urge your support of them.

Thank you for this chance to express ourselves.

Very sincerely yours,

SIGNED BY ARCHIE JACKSON AND 7 OTHERS

Archie C. Jackson
Agnes F.K. Yuen
Avon Duvauchelle
Thomas H. Hatabeyama
Kenneth Hip
Jean S. Gomez
Kermit C. Brown
Ellen S. Jackson

Senate Petition No. 24

THE SENATE

Petition

The Legislature
of the
Territory of Hawaii

Presented April 8, 1957, by Miyo Tanaka and 46 other Petitioners, Palolo School, requesting support of House Bills Nos. 763 and 765 providing for integration of Territorial Employees Retirement System and Federal Social Security System.

MEMO:

Referred to Committee on Public Employment
April 8, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

Pub Emp

Pet 24

Retirement System

Palolo School
Honolulu, Hawaii
April 5, 1957

478

The Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii
Iolani Palace
Honolulu, Hawaii

Dear Sir:

We, the undersigned, request your kind consideration and favorable support of House Bill No. 763 and House Bill No. 765 which provide for an integrated Territorial Employees' Retirement and Federal Social Security (Old Age and Survivors' Insurance) System, membership in which will be optional, for all teachers and Territorial and County employees.

The Territorial Employees' Retirement System established in 1926 was long recognized as a sound and liberal system of retirement; however, what was adequate thirty years ago has become inadequate in the light of the tremendous rate of inflation of our present economy. We believe that an integrated Retirement and OASI System as provided for in House Bill No. 763 and House Bill No. 765 will help to substantially improve our retirement benefits. Under the provisions of House Bill No. 765, employees will have the choice of remaining in the present Retirement System or joining the integrated system. This optional coverage does protect the rights of those not wishing Social Security Insurance.

At present, OASI Retroactive Agreements (as provided by Federal Law) are permitted between states, territories, and the federal government, so that persons reaching age 65 soon could be covered back to 1955. These retroactive features in the law expire at the end of 1957, hence it is essential that coverage be agreed to in this session of the legislature.

We now respectfully urge you to favorably support House Bill No. 763 and House Bill No. 765 at such time when it is presented to the Senate.

Very truly yours,
SIGNED BY MIYO TANAKA AND 46 OTHERS
Miyo Y. Tanaka

Miyo Y. Tanaka, Principal
Palolo School

PALOLO SCHOOL

Gladys Y. Koo
Shirley J. Cheung
Helen K. Tam
Pok He Moon
Julia T. Hiro
Ruth C. Luke
Helen T. Au
Dorothy Aimoto
Mary F. DePonte
Nani A. Lee
Mary Muranaka
Maria Tirry

Mabel K. Wong
Masumi Kato
Annie L. Ching
Margaret L. Silva
Fusa H. Sakamoto
Mary Luando
Beatrice K. Ing.
Patricia Leile
Edna Lee Leile
Dorotha Kelly

Fannie G. Costa
Ellen Paik
Violet T. Wien
Mildred K. Okimoto
Katherine Matsuno
Esther L. Pang
Callie Soong
Naomi Kahookelle
Verna Turner
Kayuto Netta
Bettie S. Kahn
Mary-Rene Brooks
Ruby S. Tanimura
Vivienne Romanchak
Aileen Y. Matsumoto
Amy Y. Murakami
Mitsuko Shibata
Dolores Young
Doris Swayze
Irma C. Kaeck
Beverly D. Lee
Mina Kalerhou
Diane Sueyoshi
Evelyn U. Hamakawa

Senate Petition No. 25

THE SENATE

Petition

The Legislature
of the
Territory of Hawaii

Presented April 8 , 19 57 , by

Miyo Tanaka and 47 other Petitioners, Palolo School, requesting support of Senate Bill No. 113 providing a 20% increase in teachers' salary schedule.

MEMO:

Referred to Committee on Education

April 8, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

Rec Comm
Feb

Pet 25

Palolo School
Honolulu, Hawaii
April 5, 1957

Relates to teachers salaries
48 sign

The Honorable William H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii
Iolani Palace
Honolulu, Hawaii

Dear Sir:

We, the undersigned, request your kind consideration and favorable support of Senate Bill No. 113, which provides a 20% increase in all brackets of the existing teachers' salary schedule.

As tax payers, voters and teachers, we feel that Senate Bill No. 113 if enacted, will to a great extent influence our graduates of Teachers' College, University of Hawaii, who were trained at the expense of Hawaii's tax payers, to accept positions in Hawaii. A recent survey by Dr. Robert W. Clopton of Teachers College, University of Hawaii, found that over 100 of our recent University graduates have left the Territory to accept higher paying positions on the mainland. The 20% increase in the salary schedule provided for in Senate Bill No. 113 is urgently needed to correct this problem.

Senate Bill No. 113 will give Hawaii's teachers a salary schedule comparable to the Federal Schedule for teachers in the District of Columbia. It is noted that these Federal Schedules are established by action of the United States Congress after careful studies on the cost of living as well as salaries paid to those holding positions demanding comparable qualifications and training throughout the United States.

May we call your attention to some pertinent information that may be helpful in guiding you to a favorable support of Senate Bill No. 113.

1. The National Board of Examiners of the Parent and Teacher Association advocates a minimum beginning salary of $3,600 with a maximum salary of $7,500 to $8,500 for experienced and efficient teachers.
2. The Teachers National Association recommends a beginning salary of at least $4,500 for teachers with a Bachelor's degree and a maximum salary of at least $10,000 for a teacher with a Master's degree and 15 years of teaching experience.
3. The average salary of teachers in the Territory of Alaska for this school year is $5,300.
4. The average salary of teachers in the Canal Zone is $6,130.
5. Hawaii's average teacher's salary is $4,325.
6. The proposed increase of 20%, if approved, would give Hawaii's teachers a salary schedule that is approximately the median schedule of those existing in 87 mainland urban school districts of comparable size.

We hope that these facts will help to substantiate your support of Senate Bill No. 113.

Very truly yours,
SIGNED BY MIYO TANAKA AND 47 OTHERS
Miyo T. Tanaka
Miyo T. Tanaka
Principal, Palolo School

PALOLO SCHOOL

Gladys Y. Koo
Shirley J. Chung
Pok He Moon
Julia T. Hino
Ruth C. Luke
Helen T. Au
Dorothy Aemoto
Mildred Hauguchi
Mary F. DePonte
Lani A. Lee
Mary Muranaka
Maria Terry
Mabel K. Wong
Masumi Kato
Annie L. Ching
Helen K. Tam
Katherine Matsuno
Beatrice K. Ing.
Margaret L. Silva
Fusa H. Sakamoto
Mary Luando
Patricia Reile
Dorotha Riley

Fannie G. Costa
Esther L. Pang
Ellen Paik
Violet T. Wun
Mildred K. Okimoto
Callie Soong
Naomi Kahookele
Aileen Y. Matsumoto
Vivienne Romanchak
Irma Kauck
~~Kazuto Netta~~
Beverly D Lee
Bettie L. Kahn
Amy Y. Murakami
Mitsuko Shibata
Dolores Young
Doris Mouz
Verna Turner
Ruby S. Tanimura
Mina Kalerbau
Peter K. Muranaka
Edna Lee Leib
Diane Sueyoshi
Evelyn U. Hamakawa

Senate Petition No. 26

THE SENATE

Petition

The Legislature
of the
Territory of Hawaii

Presented APRIL 11 , 19 57 , by

SIGNED
BY STEPHEN S. KANDA AND 68 OTHERS.

RE: ASKING FAVORABLE CONSIDERATION OF S. B. 113 AND 112 WHICH PROVIDES FOR A 20 PERCENT INCREASE IN ALL BRACKETS OF THE EXISTING TEACHERS' SALARY SCHEDULE.

MEMO:

Referred to the Committee on
Ways and Means.

WILLIAM S. RICHARDSON
Clerk of the Senate

Kalakaua Intermediate School
821 Kalihi Street
Honolulu, T. H.

April 8, 1957

S. Pet. 26
68 sig.

The Honorable William H. Heen
President of the Senate
and Members of the Senate
Twenty-ninth Legislature
Territory of Hawaii
Iolani Palace
Honolulu, Hawaii

Dear Honorable Senators:

We, the teachers of Kalakaua Intermediate School ask your favorable consideration of SB 113 and SB 112 which provides for a 20 per cent increase in all brackets of the existing teachers' salary schedule and will affect the salaries of all the professional staff of the Department of Public Instruction, except the Superintendent.

This increase in existing teachers' salary will insure the people of Hawaii better education for their children. It will discourage locally trained young teachers from migrating to the mainland where the pay, in many cases, is higher. This exodus thins out our crop of young qualified teachers.

Even in the ranks of the experienced teachers, some are leaving their chosen profession for jobs that bring in better pay. This further complicates the problem of the lack of qualified teachers in the territory.

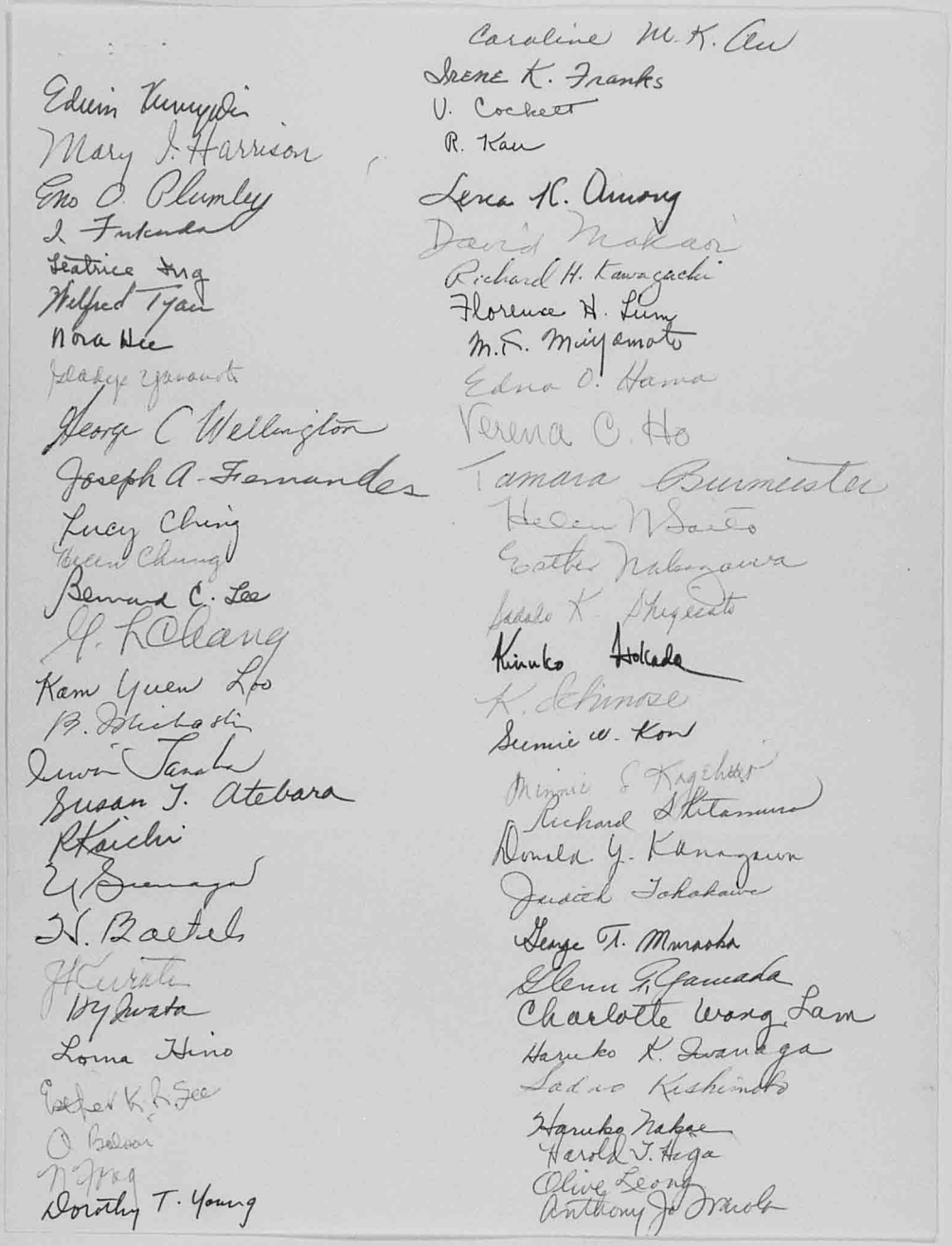
The 20 per cent increase in pay will encourage more men to become teachers, especially to teach in the fields of science and mathematics in which youth must be trained to meet the problems of the aviation and atomic age.

We again ask your favorable consideration of SB 113 and SB 112. We humbly solicit your support and vote for the passage of these bills in this session of the legislature.

Very truly yours,

SIGNED BY STEPHEN S. KANDA
AND 68 OTHERS.

Stephen S. Kanda
Mildred K. Shigeyoshi
Anthony K. C. Young
Elsie C. Nishiyama
Hiroshi [illegible]



Jane T. F. Hong
Katherine C. Fong
Dale Sechtel
Akeno Higa

Senate Petition No. 27

THE SENATE

Petition

The Legislature
of the
Territory of Hawaii

Presented APRIL 11, 1957, by
SIGNED BY STEPHEN S. KANDA AND 68 OTHERS.

RE: S. B. NO. 604
ASKING FAVORABLE CONSIDERATION OF SAID BILL WHICH PROVIDES FOR A MINIMUM PENSION BENEFIT OF $100 PER MONTH AND PLACE BENEFITS TO RETIRED EMPLOYEES ON A GRADUATED PERCENTAGE BASIS.

MEMO:

Referred to the Committee on
Public Employment.

WILLIAM S. RICHARDSON
Clerk of the Senate

Kalakaua Intermediate School
821 Kalihi Street
Honolulu, T. H.

April 8, 1957

Pub Emp

S. Oct. 27
68 sig.

The Honorable William H. Heen
President of the Senate
and Members of the Senate
Twenty-ninth Legislature
Territory of Hawaii
Iolani Palace
Honolulu, Hawaii

Dear Honorable Senators:

We, the teachers of Kalakaua Intermediate School ask your favorable consideration of SB 604 which provides for a minimum pension benefit of $100 per month and place benefits to retired employees on a graduated percentage basis, equivalent to the percentage salary increases given to members still in service.

The passage of this bill will give teachers better prospects of a more secure financial future. Those retiring have spent 30 to 40 years of their lives educating Hawaii's youths. These lowly paid professionally trained public servants need a minimum pension benefit that will give them a comfortable retirement in these inflationary times.

The Hawaii Education Association, Retired Teachers Association and all other government-employee organizations are supporting this bill.

Again, we humbly request your favorable consideration and subsequent passage of this bill in this session.

Very truly yours,

SIGNED BY STEPHEN S. KANDA
AND 68 OTHERS.

Stephen S. Kanda
Mildred K. Miyamoto
Anthony K. C. Young
Elsie C. Motoyama
Hiroshi Goto

Edwin Kuneyoshi
Mary I. Harrison
Eno O. Plumley
I. Fukuda
Beatrice Ing
Wilfred Tyau
Nora Hee
Gladys Yamamoto
George C Wellington
Joseph A. Fernandes
Lucy Ching
H Ching
Bernard C. Lee
G. R. Chang
Kam Yuen Loo
B. Mitsuda
Irwin Tanaka
Susan T. Atebara
Richard Kaichi
U Sunagawa
H. Bartels
J Kurata
M Iwata
Esther K.R. Lee
Lorna Hino
A Balsai
N Fong
Richard Kitamura

Irene K. Franks
T. Cockett
R. Kau
Lena K. Among
David Makaori
Richard H. Kawaguchi
Florence H. Lum
M.K. Miyamoto
Edna O. Hamon
T. Burmeister
Verena C. Ho
Helen N Saito
Esther Nakayama
Sadako K Shigeisto
Kinuko Hokada
K. Ichinose
Sumie W. Kon
Minnie S Kagehiro
Donald Y. Kanagawa
George R. Minaoka
Judith Takakawa
Glenn T. Yamada
Charlotte W. Lam
Haruko K. Iwanaga
Sadae Kishimoto
Haruko Nakae
Harold T. Higa
Olive Leong
Anthony Jo Harola
Dorothy T. Young

Caroline M. K. Au
Jane T. F. Hong
Katherine O. Fong
Dale Bechtel
Akino Higa

Senate Petition No. 28

THE SENATE

Petition

The Legislature
of the
Territory of Hawaii

Presented APRIL 22 , 19 57 , by

C.J. CAVANAGH, LEGISLATIVE COMMITTEE CHAIRMAN,
RETAIL BOARD,
CHAMBER OF COMMERCE OF HONOLULU,
AND 500 OTHER MERCHANT SIGNATURES.

REGARDING THE MATTER OF REPRICING OF MERCHANDISE BY HAWAII'S RETAILERS SHOULD THEY PASS ON TO THEIR CUSTOMERS A VISIBLE TAX UNDER THE PROVISIONS OF ANY PROPOSED LAW.

MEMO:

Referred to the Committee on Ways and Means - April 22, 1957.

WILLIAM S. RICHARDSON
Clerk of the Senate

RETAIL BOARD
OF THE
CHAMBER OF COMMERCE OF HONOLULU

WM

EXECUTIVE COMMITTEE
DOYLE C. ALEXANDER
C. J. CAVANAGH
FREDERIC K. T. CHUN
CHARLES J. CUMMINGS
CHARLES H. DAVIS
DOROTHY O. SUMIDA
ROSS F. SUTHERLAND
ALBERT T. TERUYA
ROBERT C. WO
KAZUO E. YAMANE

TELEPHONE 6-6183
DILLINGHAM BLDG.
HONOLULU 13, HAWAII

SPENCER F. WEAVER, JR.
PRESIDENT
JOHN S. KERR
VICE-PRESIDENT
THOMAS R. SHIELDS
EXECUTIVE SECRETARY

April 8, 1957

SEN. PET. 28

500 - MERCHANTS S/G.

The Honorable Wm. H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sir:

At the suggestion of the Honorable Senator Abe, Chairman, and members of the Ways and Means Committee of the Senate, we are writing to you regarding the matter of repricing of merchandise by Hawaii's retailers should they pass on to their customers a visible tax under the provisions of any proposed law.

As evidence of the intent of the retail industry to adjust its prices downward, we have, in a very short time, obtained approximately 500 signatures of merchants guaranteeing such an adjustment. Photostatic copies of the signed statements are enclosed.

Because of time limitation, this list is not complete and there has not been time for replies from neighbor Islands, but you will please note that the vast majority of Honolulu's leading retailers are represented. If time permitted, we would be able to get hundreds more of such signatures.

As the signed statements indicate, the committed adjustments in price would vary from item to item, but the over-all reduction would approximate $2\frac{1}{2}\%$, the amount of the present General Excise Tax.

We are enclosing typed copies, one for the Chairman of the Senate Ways and Means Committee and six additional copies.

Should you or the members of the Senate care to discuss the matter or wish further evidence of this nature, please do not hesitate to call the undersigned at any time.

Respectfully submitted,

C. J. Cavanagh,
Legislative Committee Chairman,
Retail Board, Chamber of Commerce of Hon.

CJC:ij
Enc.

[illegible] 1, 1957

The Honorable Members
Twenty-ninth Legislature
Territory of Hawaii

Gentlemen:

A bill proposing a form of vi[illegible]le tax at the retail level is under consideration by the Legislatu[illegible] of the Territory of Hawaii currently in session.

The purpose of this letter is to pledge that if we, the undersigned merchants, pass a visible tax on to the consumers through provisions of any new law, we will adjust our prices downward. This adjustment may vary from item to item. The overall reduction, however, will be approximately 2½%, the amount of the present General Excise Tax.

Respectfully submitted,

FIRM	BY	FIRM	BY
American Tire Recapping Co.	[illegible]		
Cooper Center Ltd.	J. Gallagher		
Martin Chaney Co.	[illegible]		
Smith Center	[illegible]		
Q.C. Law	for Kupahulu Dry Goods		
Arthur K. Harbinger Co.			
[illegible]	Flowerland		

April 1, 1957

The Honorable Members
Twenty-ninth Legislature
Territory of Hawaii

Gentlemen:

A bill proposing a form of visible tax at the retail level is under consideration by the Legislature of the Territory of Hawaii currently in session.

The purpose of this letter is to pledge that if we, the undersigned merchants, pass a visible tax on to the consumers through provisions of any new law, we will adjust our prices downward. This adjustment may vary from item to item. The overall reduction, however, will be approximately 2½%, the amount of the present General Excise Tax.

Respectfully submitted,

FIRM	BY	FIRM	BY
THE LIBERTY HOUSE	[illegible]		
The Pocket Book	[illegible]		
Mayo's Jewelers			
China Silk House	[illegible]		
Walkers	[illegible]		
Lambert and Sons Jewelers	[illegible]		
Kramer's Sub-Deb-Bit Lotyers			
Margaret Natada			
Thrifty Drugs of Hawaii	Shosam		
Kramer's	[illegible]		

April 1, 1957

The Honorable Members
Twenty-ninth Legislature
Territory of Hawaii

Gentlemen:

A bill proposing a form of visible tax at the retail level is under consideration by the Legislature of the Territory of Hawaii currently in session.

The purpose of this letter is to pledge that if we, the undersigned merchants, pass a visible tax on to the consumers through provisions of any new law, we will adjust our prices downward. This adjustment may vary from item to item. The overall reduction, however, will be approximately 2½%, the amount of the present General Excise Tax.

Respectfully submitted,

FIRM	BY	FIRM	BY
Kapahulu Drug	J. Machida		
Akita store	M. Akita		
Tradewind Flowers	P. Higa		
Namu Barber Shop	F. Tamaru		
Naka's Tailor Shop	J. Nakamura		
Shikara Store	M. Shikara		
Lau Lee Store	Nancy Tay Lau		
Dick's Barber Shop	M. Nakasone		
Marumi Tei	Helen M. Takaoka		
Home Bakery Ltd.	by William [illegible]		

April 1, 1957

The Honorable Members
Twenty-ninth Legislature
Territory of Hawaii

Gentlemen:

A bill proposing a form of visible tax at the retail level is under consideration by the Legislature of the Territory of Hawaii currently in session.

The purpose of this letter is to pledge that if we, the undersigned merchants, pass a visible tax on to the consumers through provisions of any new law, we will adjust our prices downward. This adjustment may vary from item to item. The overall reduction, however, will be approximately 2½%, the amount of the present General Excise Tax.

Respectfully submitted,

FIRM	BY	FIRM	BY
ALA WAI SER	[illegible]		
PROGRESSIVE FOOD MKT	Richard Yan		
ALAWAI TAXI	Gilbert Chun		
Ala Wai	Phyllis S. Montalvo		
Aquarium + Pet Center	Yoshimura		
Eva Pool Room	Tsuthe Joe Osaki		
Pee Chop Suey Center	Peggy Wong		
Wilbur Takeda			
Hungs Service Station			
Pelahio Magbanua			
Tony's Auto Service, Ltd			
Ala Wai Saimin	Jeo Natai		
Tani Market	H. Nicholaus		
Dingo's Appliance	K. Dingo		
Frank Yamane			
KAPAhulu Saimin	Tamato Kabo		

RETAIL BOARD
OF THE
CHAMBER OF COMMERCE OF HONOLULU

EXECUTIVE COMMITTEE
DOYLE C. ALEXANDER
C. J. CAVANAGH
FREDERIC K. T. CHUN
CHARLES J. CUMMINGS
CHARLES H. DAVIS
DOROTHY O. SUMIDA
ROSS F. SUTHERLAND
ALBERT T. TERUYA
ROBERT C. WO
KAZUO E. YAMANE

TELEPHONE 6-6183
DILLINGHAM BLDG.
HONOLULU 13, HAWAII

SPENCER F. WEAVER, JR.
PRESIDENT
JOHN S. KERR
VICE-PRESIDENT
THOMAS R. SHIELDS
EXECUTIVE SECRETARY

(Part of S. P. #28)
SEN. PET.

April 17, 1957

KAUAI - 79
HAWAII - 110
MOLOKAI - 11
OAHU - 12
212

The Honorable Wm. H. Heen
President of the Senate
Twenty-Ninth Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sir:

In addition to the approximately 500 signatures of Oahu merchants forwarded to you previously, as evidence of the intent of the retail industry to adjust its prices downward should merchants pass on to their customers a visible tax under the provisions of any proposed law, we are enclosing photostatic copies of signatures of Kauai merchants, Hawaii merchants and Molokai merchants, as well as another list of Oahu merchants.

We are also enclosing typed copies of these signatures, one for the Chairman of the Senate Ways and Means Committee and six additional copies.

Respectfully submitted,

C. J. Cavanagh,
Legislative Committee Chairman,
Retail Board, Chamber of Commerce of Hono.

CJC:ij
Enc.

April 1, 1957

The Honorable Members
Twenty-ninth Legislature
Territory of Hawaii

KAUAI

Gentlemen:

A bill proposing a form of visible tax at the retail level is under consideration by the Legislature of the Territory of Hawaii currently in session.

The purpose of this letter is to pledge that if we, the undersigned merchants, pass a visible tax on to the consumers through provisions of any new law, we will adjust our prices downward. This adjustment may vary from item to item. The overall reduction, however, will be approximately 2½%, the amount of the present General Excise Tax.

Respectfully submitted,

FIRM	BY	FIRM	BY
Style Mart	K. Kuloyama		
Dr. H B Herino			
Lois Hashimoto			
Tom's Appliance Service	Tom Ohura		
Uno Store	Nobu Uno		
Kate Repair & Service	J.U. Kurokawa		
Katsuyoshi Kurokawa			
Tsunemi Nakata			
Natsumi Shimonishi			
George K. Natase			
E Matapita			

Hawaii Isle C of C

April 1, 1957

The Honorable Members
Twenty-ninth Legislature
Territory of Hawaii

HAWAII ISLAND CHAMBER OF COMMERCE

Gentlemen:

A bill proposing a form of visible tax at the retail level is under consideration by the Legislature of the Territory of Hawaii currently in session.

The purpose of this letter is to pledge that if we, the undersigned merchants, pass a visible tax on to the consumers through provisions of any new law, we will adjust our prices downward. This adjustment may vary from item to item. The overall reduction, however, will be approximately 2½%, the amount of the present General Excise Tax.

Respectfully submitted,

FIRM	BY	FIRM	BY
Minna Tailor Shop	H. Minna		
T. Kaneshiro Store	T. Kaneshiro		
B. Mendes Store	H. Mendes		
Shizuko Kusumoto (Barber)			
Radio Electronic Service & Supply	Kagno Matsuda		
Country Firm by Margaret Machida			

3

Hawaii Isle C of C

April 1, 1957

The Honorable Members
Twenty-ninth Legislature
Territory of Hawaii

HAWAII ISLAND CHAMBER OF COMMERCE

Gentlemen:

A bill proposing a form of visible tax at the retail level is under consideration by the Legislature of the Territory of Hawaii currently in session.

The purpose of this letter is to pledge that if we, the undersigned merchants, pass a visible tax on to the consumers through provisions of any new law, we will adjust our prices downward. This adjustment may vary from item to item. The overall reduction, however, will be approximately 2½%, the amount of the present General Excise Tax.

Respectfully submitted,

FIRM	BY	FIRM	BY
Western Stores	L R Dunst		
The Moses Co, Ltd	H Hamamoto		
Sacretwear	[illegible]		
Richard Zaniquely			
Terno Togashi	Brewery Industries Ltd.		
Yoshio Matsuno,	Insurance Company		
Food Fair Super Market	E. Kanashiro		
American Factors, Ltd	[illegible]		
Hilo Dry Goods	[illegible]		
Theo H Davies & Co Ltd	D Quaintance		
S. H. Kress & Co.	[illegible]		
Sears Roebuck & Co	B Rhang		

The Honorable Members
Twenty-ninth Legislature
Territory of Hawaii

KAUAI

Gentlemen:

A bill proposing a form of visible tax at the retail level is under consideration by the Legislature of the Territory of Hawaii currently in session.

The purpose of this letter is to pledge that if we, the undersigned merchants, pass a visible tax on to the consumers through provisions of any new law, we will adjust our prices downward. This adjustment may vary from item to item. The overall reduction, however, will be approximately 2½%, the amount of the present General Excise Tax.

Respectfully submitted,

FIRM	BY	FIRM	BY
V.H.T. Hoe Brand	C.P. Cherry		
Hawn Aulines	A.H. Engel		
Lip Up Cafe & Bakery	M. Yoa		
Sonda Photo Supply	Geo. Sonda		
Pat Shannon Ltd.	G.L. Shannon		
Kauai Stores Ltd.	D. Aalbao		

CORRECTION

THE PRECEDING DOCUMENT(S) HAS
BEEN REPHOTOGRAPHED TO ASSURE
LEGIBILITY
SEE FRAME(S)
IMMEDIATELY FOLLOWING

RECEIVED AS FOLLOWS

The Honorable Members
Twenty-ninth Legislature
Territory of Hawaii

KAUAI

Gentlemen:

A bill proposing a form of visible tax at the retail level is under consideration by the Legislature of the Territory of Hawaii currently in session.

The purpose of this letter is to pledge that if we, the undersigned merchants, pass a visible tax on to the consumers through provisions of any new law, we will adjust our prices downward. This adjustment may vary from item to item. The overall reduction, however, will be approximately 2½%, the amount of the present General Excise Tax.

Respectfully submitted,

FIRM	BY	FIRM	BY
VHY Hoe Brand	C.C. Perry		
Hawn Aloes	A.H. Engel		
Tip Top Cafe & Bakery	M. Ana		
Senda Photo Supply	Geo. Senda		
Pat Shannon Ltd.	J. L. Shannon		
Kauai Stores Ltd.	W. Aalbao		

April [illegible], 1957

KAUAI

The Honorable Members
Twenty-ninth Legislature
Territory of Hawaii

Gentlemen:

A bill proposing a form of visible tax at the retail level is under consideration by the Legislature of the Territory of Hawaii currently in session.

The purpose of this letter is to pledge that if we, the undersigned merchants, pass a visible tax on to the consumers through provisions of any new law, we will adjust our prices downward. This adjustment may vary from item to item. The overall reduction, however, will be approximately 2½%, the amount of the present General Excise Tax.

Respectfully submitted,

FIRM	BY	FIRM	BY
Hawaiian Crafts & Flowers	F. Basoki		
Vol Supahoro	Hay Ohana		
Lee Drive Fan	J. Lee		
~~Paul Murooka~~			
Sharon Sue	Paul Murooka		

ISLAND OF OAHU

April 1, 1957

The Honorable Members
Twenty-ninth Legislature
Territory of Hawaii

Gentlemen:

A bill proposing a form of visible tax at the retail level is under consideration by the Legislature of the Territory of Hawaii currently in session.

The purpose of this letter is to pledge that if we, the undersigned merchants, pass a visible tax on to the consumers through provisions of any new law, we will adjust our prices downward. This adjustment may vary from item to item. The overall reduction, however, will be approximately 2½%, the amount of the present General Excise Tax.

Respectfully submitted,

FIRM	BY	FIRM	BY
Budget Center	Vincent Nong		
Tommy's Grocery	Kuyer		
Marigold Mkt	[illegible]		
McCully Superette	[illegible]		
Country Mkt	Henry [illegible]		
Lehua Market	[illegible]		
Foo's Superette	[illegible]		
K. Okada Store	Kazu Okada		
Haliwa Super Mkt	[illegible]		
Chong's Market	[illegible]		
[illegible] Super Market	[illegible]		
M. S. Tanabe Superette			
Kani's Market	Albert Kani		
Moilili Store	Makoto [illegible]		
Sunshine Market	[illegible]		
[illegible]	[illegible] Market		

49 ADDITIONAL PAGES OF SIGNATURES WEEDED
1995/6/29

Senate Petition No. 29

THE SENATE

Petition

The Legislature
of the
Territory of Hawaii

Presented APRIL 22 , 1957 , by

MRS. WINIFRED CHANG, CHAIRMAN, OPPOSITION GROUP,
PROPOSE MASTER PLAN,
KAHALUU-WAIHEE-KAALAEA DISTRICTS,
AND UNSIGNED PETITION

PRELIMINARY PETITION BY 223 LAND-OWNERS OR RESIDENTS OF KAHALUU VALLEY REPRESENTING AN AREA OF LAND OWNED OF ABOUT 608 ACRES IN PROTEST AGAINST USING A LARGE LAND AREA BORDERING ON THE KAHALUU VALLEY FOR INDUSTRY DESIGNATED AS NOXIOUS.

MEMO:

Referred to the Select Committee of Oahu Senators - April 22, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

05

P. O. Box 379
Kaneohe Post Office
Kaneohe, Oahu, T. H.
April 8, 1957

Sen. Pet. 29
223 - 516

Senator William H. Heen
Speaker of the Senate
Iolani Palace
Honolulu, T. H.

Dear Mr. Heen:

Enclosed please find for your kind attention a copy of a preliminary petition by 223 landowners or residents of Kahaluu Valley representing an area of land owned of about 608 acres in protest against using a large land area bordering on the Kahaluu Valley for industry designated as noxious.

There is a widespread feeling that the proposed master plan featuring the area of noxious industry is being steamrollered to adoption in view of the urgency with which the plan is being promoted:-

1. The first intimation of a noxious industry appeared in the local papers on January 25, but then under the name of "heavy" industry and described in such a sketchy manner that definite conclusions then could not be drawn.

2. A general map stating noxious industry for the first time was presented at a meeting at Waiahole School on February 26, and a public hearing in Honolulu followed on February 28. There thus remained only two days between the presentation of the map outlining the noxious industry proposed in the master plan and the public hearing.

3. No definite mention of what kind of noxious industry which would be permitted in the proposed area has been made and the lack of that information makes it impossible to judge if the proposed noxious industry would be beneficial or blighting to an area of 2,580 acres potentially designated for rural homes.

4. No indication has been made in regard to the cost of the eleborate road net in the proposed master plan and the land owners thus cannot even guess at the burden of assessments they eventually would have to carry.

These are matters which seriously influence the lives and future of all land owners and residents of Kahaluu Valley and cannot be expected to be considered fully within the short space of 60 days during which the present public hearing is being held open. There is thus a feeling of confusion and helplessness owing to the short period of time allowed for considering the far-reaching consequences of the proposed master plan to the population of Kahaluu Valley.

Although realizing and appreciating that progress and development will inevitably follow the new arterial road from the Pali tunnel through Kahaluu and that the proposed master plan by far is not without merits, the petitioners feel that not sufficient time has been allotted and altogether insufficient information regarding the proposed noxious (i.e. harmful and unhealthy) industry and final cost of road net has not been made accessible to them.

This problem is far-reaching and does not concern the Kahaluu residents alone but is a Territory wide problem.

It is in the hope of obtaining that vitally important information that your active assistance is being solicited, and further that the present public hearing be held open for an extended period of twelve months after which date such information has been made available publicly.

Very truly yours,

Mrs. Winifred Chang.

(Mrs.) Winifred Chang, Chairman
Opposition Group, Propose Master Plan,
Kahaluu-Waihee-Kaalaea Districts

Encl. 1

P E T I T I O N

We, the undersigned landholders in Kahaluu - Waihee - Kaalaea on the island of Oahu, hereby petition the PLANNING COMMISSION of the CITY & COUNTY OF HONOLULU, A. J. Gignoux, Chairman,

to disapprove

the proposed master plan for Kahaluu - Waihee - Kaalaea districts, as it was presented by the Commission's Director, George K. Houghtailing, at a duly authorized public hearing on 28 February 1957 at the City Hall in Honolulu.

We want it well understood that although we are personally prejudiced against this master plan in that it will affect the peace and quiet of our lives and will interfere with the pursuits in which we are variously engaged as residents or farmers, that we realize full well that we are a small group within the large population of OAHU, and the even larger whole of the TERRITORY of HAWAII. We do not presume to demand satisfaction of our self-interests at the expense of the best interests of OAHU or the TERRITORY, but we do feel that our petition against the master plan should be presented to, and be heard by the public in order that their Commission may make their decision in the best interest of all for the future of Hawaii nei.

We present our brief respectfully, as follows:

1. The development and future of Hawaii must be planned, but the Master Plan should take in all of Hawaii and not only Oahu.
   a. The outside islands need industrial development more than Oahu does. Outside island industries would attract populations, relieve the congestion on Oahu, and reverse the local migration to Oahu. It is not practical to plan for a completely industrial-urban Oahu and relegate farming and residents to the other islands.
   b. Industrial Honolulu needs adjacent residential sanctuaries more than it needs new industrial areas at an awkward distance away from town. A new port at Kahaluu would be neither close enough to Honolulu

port to be a part of it nor far enough away in time over new highways to be important.

c. The National Dispersal of Industry Policy would favor industrial development of outside islands rather than Oahu.

2. The growing population of Hawaii must be served in the future, but that problem will never be solved once and for all by a single development.

a. This problem will always be with us.

b. The problem could be met better by planning for dispersal of population to the other islands.

c. Industrial development in Kahaluu would bring about even greater problems in population increase by causing an influx of Mainland specialists and technicians with their dependents, into an area already becoming congested.

3. One of the brightest stars in Hawaii's firmament is Tourism.

a. The tourist "industry" promotes the development of many associated non-noxious light industries.

b. The fuel and raw materials for Tourism are already here; the costs are low and the revenue great. Hawaii's scenic beauty, its peace and quiet, are something we can export. The development of the Tourist "industry" will benefit not only Hawaii, but will give pleasure to people from many parts of the world.

c. To industrialize Kaneohe Bay and congest its shores with people, traffic, noise, smog and pollute its waters would be to spoil a major tourist attraction.

d. Tourism is now our third largest business. In time it may well become the first, ahead of sugar and pineapple.

4. Oahu needs a residential sanctuary for its people.

a. Kaneohe Bay area is the ideal sanctuary with its cool, fresh ocean breezes, its scenic beauty and moderate year round rainfall.

b. It is readily accessible from industrial and business areas on the lee side of the Koolau range through the Pali and Kalihi tunnels.

c. It can become equally accessible from future industrial

sites on the lee side of the Koolau range at Pearl City, Aiea, and Waipahu.

d. It is protected by prevailing winds and by the mountains from sea and air contamination of industries located on the lee side of Oahu.

e. It is protected in large measure from possible bombing of industrial Honolulu.

f. It is a natural playground for the aqua-lung sportsman, the boatman, the fisherman, the beachcomber or in other words, the working man of Hawaii who has weekends and vacations free for pleasant living.

g. The speed with which Windward Oahu has developed as a residential and rural area is an indication of the desire of the working man of Honolulu to get away as far as he can from Iwilei. He wants his home to be out in the country, even if it does mean a long ride to and from work.

5. Industrial development of Kahaluu Valley and its port will blight the area.

No matter how carefully planned in construction and landscaping, heavy industry is still "noxious."

a. We seriously doubt that a "pocket" at the foot of the Koolau Range with its diurnal ceiling of heavy clouds, can be free of smoke and smog that is bound to spread laterally from a zone of heavy industry and that may even be seen and smelled on the lee side of the range in Pearl City or even in Honolulu.

b. We seriously doubt that the disposal of waste and waste water onto a windward shore can be accomplished without ill effects on the area.

c. We seriously doubt that ships stirring up a muddy bottom will not adversely affect the whole bay by dirtying the shore and killing off fish and coral.

d. We seriously doubt the adequacy of water supply to the industrial zone, the 120,000 expected population resident in the area, and the other parts of Oahu now dependent

on Waihee.

e. We seriously doubt that both the Kalihi and the Pali tunnels together will be adequate to cope with the heavy traffic that will inevitably develop between two ports. We also doubt the adequacy of these systems to handle industrial vehicles.

f. We seriously question whether any heavy industry other than the most noxious of them all, a refinery, would be tempted to a site lacking in fuel, in raw materials, and even in sunshine.

g. We seriously doubt that existing laws and regulations are adequate to restrict the emanations of noxious industries or to control pollution of water, air, or sea. Until such time as adequate protective regulations are in force for us, noxious industries should be kept out of residential areas.

h. In the event of industrialization, we foresee accessory expansion and development by future changes in the Master Plan such that an even larger area surrounding Kahaluu will become as congested as Iwilei and as obnoxious in odor, noise, and appearance.

i. We foresee a peaceful, quiet residential Kaneohe Bay Area becoming a prime target for an A-bomb.

j. We foresee a serious setback to the tuna fishing industry as the Nehu grounds in Kaneohe Bay are destroyed.

6. <u>The proposed Master Plan will nourish the cancer of land speculation: In fact, it has already begun.</u>

We feel that the people who have bought lots in the area, or who have been thinking of doing so for future homes and farms for "country living," are not being fairly treated by the City Planning Commission, because of its consideration of a new Master Plan that will so drastically change the nature of the districts involved. The normal development of the area in small farms, rural homesites, and residential subdivisions is to be expected. With that will come a gradual rise in land values and the need for assessments for

improvements. Some speculation is bound to occur anyway, but that which is already going on is inflationary and unhealthy. It is harmful to many small landholders.

We feel that a proposal that offers such drastic change should sit in public view for at least one year before the City Planning Commission makes a decision. This will vitiate pressure by large subdividers and will allow the smaller landholders to arrange their affairs.

For example: The small homesite holder whose property may be included in a proposed school, park, or road area at present cannot use it for building a home or otherwise improve it because the threat of condemnation may hang over the land for from 5 to 20 years. Tax assessments on the land may well rise in the interim. Assessments for improvements may also be levied above and beyond the landholder's capacity to pay. If the proposed Master Plan does not come up for final decision for one year, this small landholder may have a better opportunity to escape his doom.

7. To present our personal specific problems in protest to the proposed plan is only fair. The Territory as a whole should be greatly concerned if even one individual should suffer a wrong because he was not able to present his problems intelligently in public. We feel that without more definite and concrete information many of us cannot analyze our problems satisfactorily. Therefore

   a. We feel that copies of maps drawn to scale, showing proposed roads, parks, and similar improvements, with specifications giving details of width of roads, construction, sidewalks, bridges, and drainage should be prepared similar to tax key maps to enable each landowner to visualize where and how the proposed roads and other developments would affect his property;

   b. We feel that a formula should be worked out to enable each landowner to estimate, on the basis of today's construction costs, the resulting assessments with which he would be burdened, both on a basis of road frontage

and on a basis of square footage of land owned.

c. We feel that a clear statement should be made as to the basis upon which, in relation to present tax assessment values, compensation will be made to landowners whose land will be condemned wholly or in part to provide for proposed roads, parks, and similar improvements.

d. We feel that from the date that the above-mentioned information is made available in a clear and comprehensible form, a period of one year should be granted for the purpose of assimilating and appraising the information, after which time the City Planning Commission should hold another public hearing and then make a final decision on the proposed Master Plan.

Conclusion:

WE PETITION the City Planning Commission to consider seriously that the immediate acceptance of the proposed Master Plan

1. will have a harmful effect upon a considerable number small landowners in the Kahaluu - Waihee - Kaalaea districts,
2. will allow a Roman holiday for land speculators which only the large landowners, the developers, and the subdividers can withstand,
3. will allow public opinion to assume correctly that the Commission is railroading the plan through before the general public can be made aware of all the details, the benefits and the consequences,
4. may result in grievous hurt to many who, not fully understanding all the complexities of tax and improvement assessments, might now be in favor of the proposal but who might later regret their support of it,

and that, therefore, the Commission announce postponement of decision for one year to allow

1. study of problems of pollution of shore, sea, and air and of possible hazards to health,
2. study of problems affecting the tuna fisheries,
3. study of possible effects on pleasure fishing, boating, etc.,
4. study of the effect on the tourist industry of Hawaii,
5. study of the problems of adequate water supply on Oahu,
6. study of the proposal in relation to civil defense,
7. consideration of development of industry in the Territory of Hawaii as a whole, rather than on Oahu alone,
8. study of the plight of the small farmer.

SIGNATURE	TAX KEY	ACREAGE

SIGNATURE	TAX KEY	ACREAGE

Senate Petition No. 30

THE SENATE

Petition

The Legislature
of the
Territory of Hawaii

Presented APRIL 22 , 19 57, by

JAMES A. GOMES AND 49 OTHER PETITIONERS.

SEEKING SUPPORT ON SENATE BILL NO. 57 (TO PROVIDE FOR THE CONSTRUCTION OF A GYMNATORIUM FOR KAILUA HIGH SCHOOL, OAHU) BY MEMBERS AND THEIR WIVES OF THE LIONS CLUB OF KOOLAUPOKO.

MEMO:

Select
Referred to the/Committee of Oahu
Senators - April 22, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate

Rec'd 4/10/57

Lions Club of Koolaupoko
Lanikai, Hawaii

OS

March 19, 1957

Sen Pet 30
50 sig.

Honorable William H. Heen, President
and Members of the Senate
The Twenty-Ninth Legislature
Territory of Hawaii

Gentlemen:

We the undersigned members and their wives of the Lions Club of Koolaupoko earnestly seek your support on Senate Bill 57 (TO PROVIDE FOR THE CONSTRUCTION OF A GYMNATORIUM FOR KAILUA HIGH SCHOOL, OAHU). For such is needed in this Windward Community.

1. No facilities (private or public) are available to the school or the Community.
2. The present population and the steady growth of the Community justifies such a structure.
3. Needed as an aid to curb juvenile delinquincy.
4. Needed so that the school and the Community may have the benefits gained from the participation of high school sports within its own area.

We most anxiously urge your cooperation and consideration of this Senate Bill and any action you may institute to expedite the passage of this measure would be most appreciated.

Respectfully yours,

James A Gomes 705 Oneawa St
Lawrence L. Moore 425-C Hualani St.
Mrs. Elsie C. Moore 425C Hualani St.
Masami Iwamura 213 Uilama St.
Florence Iwamura 213 Uilama St.
Peggy Sakaguchi 1134 Lehua St.
Emma Rose Murphy 437 Waluniu St.
Bill H. Sakaguchi 1134 Lehua St.
Alex Beckley 141 Haokea Dr. Lanikai
Andrew A Buta Jr 711 Oneawa St
Duetta T. Buta 711 Oneawa St
Annie V. Murray 1430 Mokolea Dr.
Robert B Murray " "
D R Harton 134 Kainalu Dr.
Hugh E. Dwerie 606 Kaulani Way
Golding Gomes 251 Mookua St.
Harold E. Fitchett 538 Nowela Pl.

Peter Chao	318 Kuulei Rd.
Michiko Date	345. Kawainui St.
Yoshino Asada	346 Hualani St. Kailua
Isabel R. Santos	554A No Kalaheo - Lanikai
Rudolph W. Duncan.	45-535 Kam Highway -
Manuel N. Santos	554A-N. Kalaheo, Kailua
Thomas K. Date	345 Kawainui St. Lanikai
W. M. Bosworth	307 Wanaao Rd Kailua
Ah Kan Young	231 Kainalu Dr.
Adelino Carto	166A Makaroo St. Lanikai
Green W George	528 Halolina Lanikai
A J Marcallino	Jr. Counsellor West Kauai
Grace L. Bosworth	307 Wanaao Rd., Lanikai
Marcel	150 Laripo St. "
Earl F Frandsen	86 Kaikaina St. "
Kazoo Fukunaga	577-B Kawailoa Rd. "
Frances Fukunaga	577B Kawailoa Rd. "
Palmyra H. Driver	606 Kaulani Way
R. F. McDean	
Esther Wilson	360 Wanaao Rd.
Solomon Kalama	433 Kaipiha St.
Chas R Kramer	361 B Kalama St.

Vic Ferreira 516 Hoouley, St
Joseph R. Santos.
Thelma Santos
Frank P. Almeida
James T Canavero
Leonard Rose Koko Head
Alice Rose
Ethel Riley
M. K. Riley - Kaneohe
Mrs. Helen Marciel - Lanikai
Dr. Simeon Akaka

Senate Petition No. 31

THE SENATE

Petition

The Legislature
of the
Territory of Hawaii

Presented APRIL 22 , 19 57 , by

LAWRENCE KATSUYAMA, R.N., AND 52 OTHER PETITIONERS.

URGENTLY APPEALING FOR UNDIVIDED SUPPORT
TO HOUSE BILL NO. 283.

MEMO:

Referred to the Select Committee of
Oahu Senators - April 22, 1957

WILLIAM S. RICHARDSON
Clerk of the Senate



KUAKINI HOSPITAL
AND HOME

TELEPHONE 62236 • 347 NORTH KUAKINI STREET • HONOLULU 17, HAWAII

OFFICERS
MASATOSHI KATAGIRI
PRESIDENT
TAKAO YAMAUCHI
VICE-PRESIDENT
ROBERT Y. SATO
SECRETARY
MOTOHIRO TANIMURA
TREASURER
SADAO ASATO
AUDITOR

DIRECTORS
MASAYUKI ADACHI
HOWARD H. HONDA, M. D.
TAKEO ISOSHIMA
SHIRO KASHIWA
KAZUO MIYAMOTO, M. D.
HARRY M. TAGAWA
MASAYUKI TOKIOKA
TASUKE YAMAGATA
EDWARD N. YAMASAKI
SHOYEI YAMAUCHI, M. D.

ADMINISTRATOR
KENJI GOTO

April 2, 1957

31

Sen. Pet.
53 S19

OS

The Honorable William H. Heen
Senate, 29th Legislative Session
Honolulu, Hawaii

Dear Senator Heen:

We, the members of the Registered Nurses' Staff Section of Kuakini Hospital, urgently appeal to you for your undivided support to House Bill No. 283.

In the past several years, this hospital had to make tremendous adjustments and unbelievable sacrifices to accommodate the urgent medical needs of this community. Inspite of sacrifices to such a point as to even endanger the health and welfare of the patients, such as placing patients in the hallways, treatment rooms, the hospital has not been able to accommodate all the patients who wanted to be admitted here. Consequently, patients had to be turned away on numerous occasions.

Kuakini Hospital, being an eleemosynary hospital and serving this entire community of all races and religion, is most urgently in need of your utmost support to render optimum service to our people.

Thank you for your kind consideration.

Respectfully yours,

Lawrence Katsuyama, R.N.
Harriet Tonaki, R.N.
Elsie R. Smith R.N.
Elinor Natale R.N.
Hatsumi Kawashika, R.N.
Blanche Taguchi, R.N.
Yakido [illegible] R.N.
Hisae Neidenberg R.N.
Edsie H. Lee

Formerly The Japanese Hospital, Founded by The Japanese Benevolent Society in 1900

Harue Sakuda RN
Rosaline Chang RN
Hatsuyo Yamashita, R.N.
Joyce Travis, R.N.
Flora Matsumoto
Betty Miyamoto
Chizuko Ueno
Jeanie Ward
Myrna Murakoka, R.N.
Tamako Izuno R.N.
Hatsue Matsumura
Jane Sato R.N.
Sawayo Iseri RN.
Yukie Morinchi RN
Claire Matsumoto, R.N.
Natsue Nagai RN.
Katherine Kamtaku, R.N.
Carol Wheeler R.N.
Kimiye Tomoyasu, RN.
Lily Zanabe RN
S. Uchama RN.
Itsuko Tokumaru, RN.
Holeyoin RN
C. Miyeshiro R.N.
M. Naji R.N.
N. Peterson RN.
Kanae Hirohama

Alethea Cauchu R.N
Hatsune Uraki, R.N.
M. Elvin RN
Tsuneko Uehara R.N.
Marie Watta, R.N.
Chiyoko Uriyabara, R.N.
Jane I. Fujinaka, R.N.
Sally S. Okamura, R.N.
Esther K. Yokoyama, R.N.
Jane Kiuchi R.N.
Jean Hijumi R.N.
Jane Yoshimura R.N
Judith Harada R.N.
Alexia Yamamoto RN
Ruby Narita, R.N.
Dorothy Oishi, R.N.
N. Horikawa, RN.

Senate Petition No. 32

THE SENATE

Petition

The Legislature
of the
Territory of Hawaii

Presented APRIL 29 , 19 57, by

~~Senator~~ SIGNED BY FRANK N. DOLE AND OTHER PETITIONERS. FROM MAUI.

Relating to

PETITIONING THE TWENTY-NINTH LEGISLATURE TO ENACT INTO LAW A VISIBLE SALES TAX THAT CAN BE CLAIMED AS A DEDUCTIBLE ITEM FROM FEDERAL TAXABLE INCOME.

MEMO:

Referred to the Committee on Ways and Means.

Senate Chamber

WILLIAM S. RICHARDSON
Clerk of the Senate

WM

Pet. 32/161 Pet.

TO THE HONORABLE WILLIAM H. HEEN,
PRESIDENT OF THE SENATE
TWENTY-NINTH LEGISLATURE
TERRITORY OF HAWAII
HONOLULU, HAWAII:

We, the undersigned taxpayers of Maui, do hereby respectfully present and petition the Twenty-Ninth Legislature of the Territory of Hawaii to enact into law a VISIBLE SALES TAX that can be claimed as a deductible item from our Federal taxable income for the following reasons:

1. The present 2½% sales tax imposed by the Territory on all retail sales of goods and services is hidden;

2. We, as taxpayers, are already paying this tax variously referred to as the "General Excise Tax", "Gross Income Tax" or "Sales Tax."

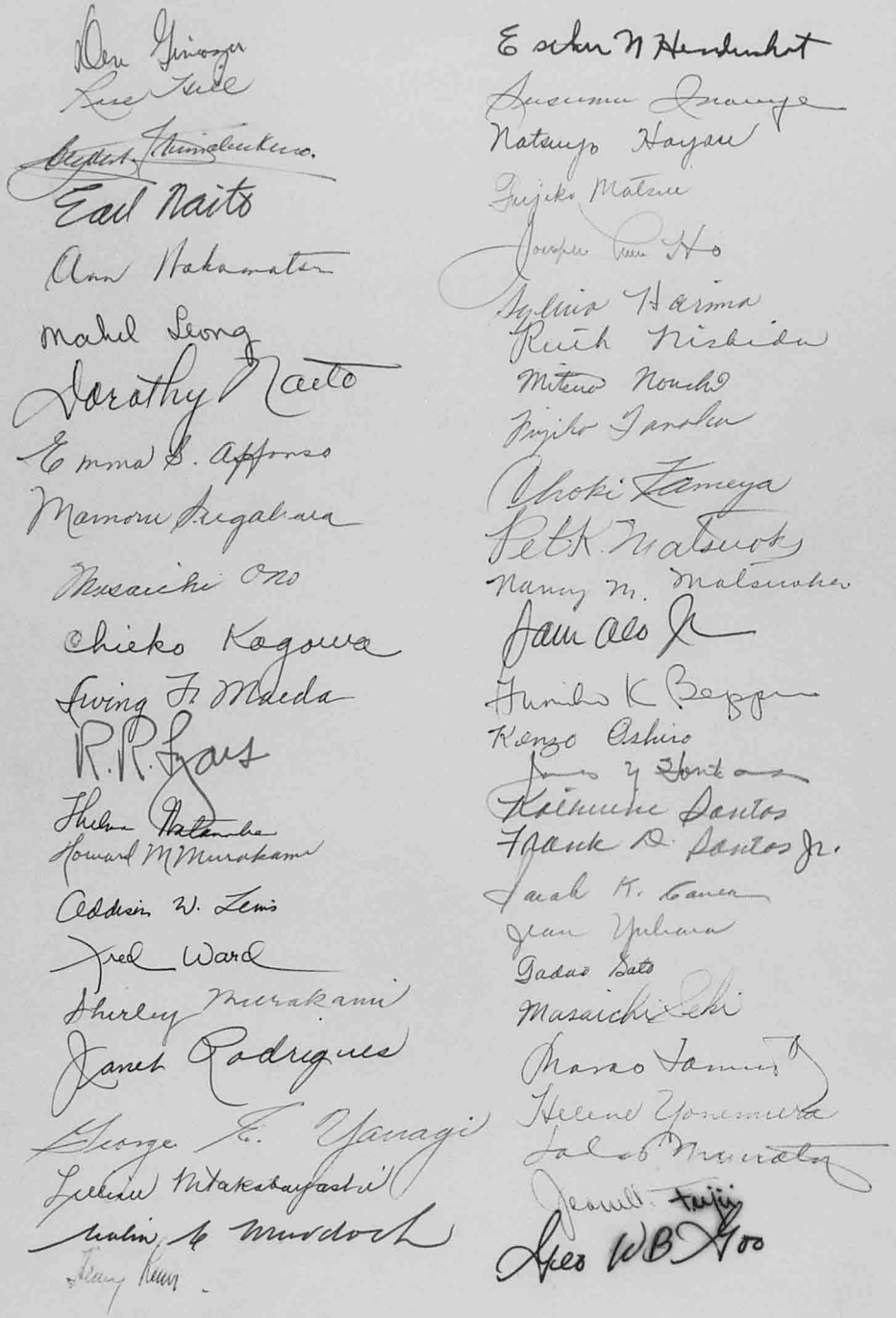
3. Under the present tax system, we are denied the privilege and right to claim deduction for sales taxes paid from our Federal taxable income.

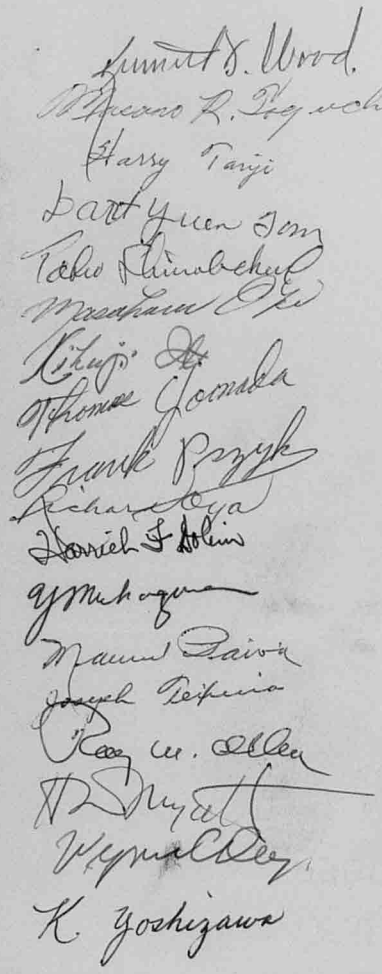
DATED on the Island of Maui this 25th day of April, 1957.

SIGNED BY FRANK N. DOLE AND 160 OTHER PETITIONERS.

Frank N Dole
Martha M Comadt
Rose Tagami
Howard Matsuda
H. Eiji
Utaho Goo
Edwin Andrade
Alfred G. Santos Jr.
Theodore Rodrigues
Melvin A. Andrade
Alfred R. Souza

Joachintho
Joachintho
[illegible]
Joan Rosario
[illegible]
Jane Tabayama
[illegible]
June M. Ono
Yuki Fukumoto
Peter M. Nabazawa
Harold T. Lent





Blossom Tanaka
Helen H. Murray
[illegible]
R.R. Kishaba
[illegible]
Fujii T. Sugimoto
Mapuana B. Choy
Sakae Kato
Doris Kawashima
Koyoshi Kato
Elaine Muroki
Shigue Heeda
Ann Shimada
D.H. Tokunaga
Stella Kawa
Mamaru Ota

Mrs. Sally Bagui
Mrs Eunicia Bisquera
Wm H Balthis
Doris Hotta
Florence Ipp
Amy Fukuchi
R Kadoyama
D.R. Okinawa
M. Mizoguchi
K. Kapinlak
Takashi Toda
J.Y. Mizoguchi
George N. J Tom
John M. Oda
Alta D Craft
K Ishibashi
George W. Craft
~~[illegible]~~
Gladys Ono
Milton Wend
Katsuko Higa
Eddie Nakamura
Rose Zane
Kay Katahara
Aileen Higa
Elizabeth A. Dickson

Masao T. Koyanagi
H. Banno
Wm J Belknap Sr.
Fannie Shimazu

S.C. Yokoyama
Wallace R. Miyahira
Mike M. Endo
Alice H. Endo
Edwin Yoneyama
Thomas Tanooka
Toshiharu Yoneyama
Jane Nakagawa
Shirley Ann Wong
Damien L. Bissen
Ronald W. Cartwell
Harvo Sachi

Sodamu Miyamoto
Hiroshi Kaku
Ernest Fernandez
Richard Agena
Jose Guerrero
Virginia Moskow
Rose Shimoda
Betty Kishimoto
Atsushi Murai
Mitzi Kunitaki
Thelma Kasahara
Alma Tokuhisa
Roland L. Zoltowski
Yaichi Noda.
William K. Hong

1957

REGULAR SESSION

SENATE

GOVERNOR'S MESSAGES

Senate
1957

GOV. MESS. NO. 1

ADDRESS
BY
SAMUEL WILDER KING
GOVERNOR OF HAWAII
DELIVERED AT IOLANI PALACE, HONOLULU, HAWAII
AT 2:30 P.M. WEDNESDAY, FEBRUARY 20, 1957
BEFORE THE
29TH LEGISLATURE OF HAWAII IN JOINT SESSION

Mr. President, Mr. Speaker, and Members of the 29th Legislature in regular session assembled:

In accordance with custom, the Governor as head of the executive branch of government outlines at the beginning of the regular session what he believes are matters of special importance for the consideration of the Legislature.

It would take up too much time to attempt to discuss all the subjects that will be brought before the Legislature during this session.

Therefore, in this message I shall confine my remarks only to matters that I consider of major scope and general significance to the people of Hawaii.

You have already in pre-session activities established the foundations for the further consideration of legislation that will meet the needs of this community.

May I express my sincere congratulations to you for this evidence of devotion to duty.

The spirit you have shown gives promise of a successful session.

In accordance with our statutes, I have already transmitted to you the Budget for the ensuing biennium, together with a tax program to balance that Budget; and in the message of transmittal I gave the breakdown of both the Budget and the tax program.

We have grown tremendously in every aspect of living since our annexation to the United States in 1898 and our organization as an incorporated territory in 1900.

During the past 57 years, our population has more than trebled and our economy has increased many times.

This record of growth and expansion has been emphasized in the past ten years since the termination of World War II.

During the four years of my administration, tremendous advances have been made in public improvements, in development of public lands for homes and farms, and in governmental reformation.

The details of these advances will be submitted to you through the reports of the various departments concerned.

At this time I desire only to mention with reference to governmental organization the long delayed reapportionment of our Legislature and the extension of the terms of the members of the territorial judiciary, both in accordance with the provisions of the State Constitution.

Every department of the Territorial Government has shared in the progress and achievement recorded during this administration.

It is with sincere appreciation that I call public attention to the service and cooperation rendered by the public officials and the staffs of the Territorial administration, and by the numerous members of the Territorial boards and commissions, who serve without compensation and often at financial cost to themselves.

The United States as a whole, including this small unit of the great American commonwealth, has experienced during this period "the greatest peaceful and social revolution in recorded history", in the words of the noted writer, Paul Gallico.

All over the country there has been a "revolution by prosperity", again quoting the same writer.

The distribution of wealth and through wealth of the facilities for comfortable living in accordance with modern standards has been greater in the past decade than in any similar period in our history.

This progress has by no means reached an end.

With the development of jet transportation and the use of atomic power, we can look forward to greater advances.

Hawaii has kept step with the mainland.

Our people are being welded together into one common citizenship, by nativity and through more equitable naturalization laws.

Our schools, public and private, are training over 150,000 boys and girls for active participation in our community life, as they become adults.

Our labor force, despite reductions in agricultural employment through mechanization, has increased steadily until now it comprises approximately 200,000 persons.

In wealth the total value of all real property in the Territory has gone up from slightly over $58,500,000 in 1901, to more than $1,906,000,000 in 1956, an increase of more than thirty-fold.

Our total annual personal income exceeds $730,000,000.

Our production of goods in established industries and in new enterprises now supports a gross total product in goods and services of $1,250,000,000.

This growth has not by any means reached the limit of our capacity for further development.

Just as we established in the early 1900's the pineapple industry as a second support of our economy, which had previously depended solely on the sugar industry, so can we develop the tourist industry, growing now by leaps and bounds, to become a third support, at least equal in importance to these other two.

Because we are a great strategic base the Armed Forces of the United States maintain large military units here, which add to our economy through their expenditures in these islands to the extent of nearly 50% of our total dollar income.

Industries as yet unrealized can and will be developed to further broaden our economic base.

It might well be a mining industry, by the development of the deposits of bauxite in our soils and possibly of other minerals.

Thousands of acres of our lands have yet to be put to their best economic use.

Many of our smaller crops can produce several times their present volume.

Our people are optimistic of the future.

Mainland capital and business enterprises have shown their confidence in this future through their investments in these islands.

Because of this rapid expansion and the increase in population, and particularly in the numbers of our youth enrolled in our schools and soon to be applying for admission

to our university, and thereafter adding to the sum total of our labor force, we face serious physical and economic problems.

To use a well-worn phrase, "we are bursting at the seams".

We need more school buildings, especially on the Island of Oahu; more buildings and equipment for the University of Hawaii; new harbors and improvements to existing harbors; more roads and highways; more irrigation projects and water works; and new and better public buildings, especially those that care for our fellow-citizens with mental or physical illness.

The responsibility of government is to provide laws that will permit our citizens full opportunity to exercise their talent and ingenuity for the development of new sources of employment and for the production of additional wealth.

Our American democracy has required of government many services that were not previously considered government's proper function.

This has made government more costly.

The wider distribution of wealth through increases in salaries and wages, the higher standards of living which are made possible through that increase in purchasing power, must include persons in government employ as well as those in private enterprise.

This has increased the cost of government just as all other costs have gone up.

FISCAL PROBLEM

For this reason, one of the most difficult problems facing the Territory is the adjustment of the cost of government to the capacity of the people to pay that cost.

It has been said that Hawaii has one of the highest per capita tax burdens of our country, exceeded only by fifteen states of the Union.

However, I have yet to hear of any group of our citizens advocating the elimination of any government service.

Even when objecting to the levying of new taxes, no group of citizens has publicly advocated eliminating any agency of the government now rendering a service in greater or lesser degree to our citizens.

Therefore the first problem awaiting your decision is how to maintain government services at their present level, meet the increased cost due to a growing population, and yet at the same time limit the increase in taxes to the minimum.

STATEHOOD

Statehood continues to be the first objective of this administration.

The people of Hawaii deeply appreciate the wholehearted support President Eisenhower and his administration have consistently given us.

While the fiscal problem is the first in local importance within your jurisdiction, nevertheless in its long range effect on us all the matter of greatest concern is the achievement of statehood.

The first congressional committee that visited Hawaii to study the question of statehood came here through my efforts in 1935, in my first term as Delegate to Congress.

We have continued to press for this goal in the intervening years, although during the war most of our efforts had to be suspended.

We have made great progress.

The sentiment of the people of the United States is overwhelmingly in favor of statehood for Hawaii.

However, we have yet to obtain a favorable vote in Congress.

Therefore, we must intensify our efforts and employ every possible means to achieve our objective.

LABOR

Another major problem we face is suitable employment of our youth as they leave school to enter the labor force.

Our present economy does not provide sufficient jobs for the large annual increase in our labor force.

The problem becomes one of expanding our economy to create additional employment opportunities.

Our employer-employee relationship has been steadily improving in recent years.

However, the continued allegiance of many union members to leadership that has been identified with the Communist Party does not help create confidence in the labor organizations concerned.

Regardless of our local labor relationships, we must demonstrate to the people of the United States that no vestige of Communist influence exists in these islands.

While this should be demanded of any American community, it is particularly important here because of our position as a strategic base and our importance to the national defense.

The evidence is beyond question that there is a Communist conspiracy in the United States aimed at the destruction of the American system of government, by force and violence if necessary.

Even the privilege of refusing to answer questions which might tend to incriminate--a privilege intended to protect a man from being required to testify against himself--can only be invoked by members of a union with regard to their Communist affiliation at the risk of arousing a very definite doubt as to their complete loyalty to the United States.

The disrespect shown the United States Senate Subcommittee on Internal Security at its recent hearings in

Honolulu cannot help but be a detriment to our statehood aspirations.

The contumacious conduct of witnesses called before this agency of the United States Congress arms our enemies, the opponents of statehood, and handicaps our friends.

Until we purge ourselves of the Communist taint that still persists in two of our union organizations, we cannot expect to have the full confidence of Congress or the American people.

GOVERNMENTAL ORGANIZATION

The better organization of our government for greater efficiency and economy is a matter of particular importance at this time.

By separate communications, I am referring various measures to the Legislature designed to accomplish this purpose.

Short of the ultimate goal of statehood, these measures will grant the Territory a larger degree of self-rule.

Included in this list are measures that will improve the organization of our Territorial Government and clarify the very confused relationship between the Territory and the several county governments.

As the bills speak for themselves, I will not attempt to detail them in this message.

PUBLIC LANDS

Another problem facing us is the disposition of our public lands to meet the needs of our growing population.

This administration has consistently promoted the opening up of the remaining areas of government lands for home sites and homesteads.

In this regard, because there is not a great area of suitable public lands, we need to use the sovereign power

of eminent domain to acquire, where and when necessary, private lands for development for re-sale to our citizens.

GENERAL

Many other subjects need not be enumerated at this time.

They are either matters that have already been thoroughly discussed, or can be the subject of specific communications.

I feel that the subject of statehood, our fiscal situation, our employment problem, and the question of land use are the most important matters that require your consideration and discussion.

CONCLUSION

Those of us who by election or by appointment fill public office have an obligation to the people to serve them conscientiously and to the utmost of our ability.

Otherwise we should neither have sought nor accepted public office.

This obligation rises above party loyalty or allegiance to any particular group of our community.

Each of us has some special interest or partiality or prejudice with regard to different features of our community life.

Nevertheless to press these partisan or group loyalties against the common interest of the whole is to fail to meet the responsibilities of our respective offices.

Every public office is a trust--a trust held for the whole body of our population and not for any special group.

This is the spirit in which I shall continue to carry out my duties.

In that spirit I offer you my fullest cooperation in the accomplishment of your duties, in the hope that together

we can find fair and reasonable answers to our problems and thereby assure the destiny of Hawaii as a community of prosperous, happy and loyal citizens of the United States.

KE PULE NEI AU E KAU MAI KA POMAIKA'I O KA MAKUA LANI MALUNA KAKOU A PAU.

3/8

GOV. MESS. NO. 21

THE TERRITORY OF HAWAII
GOVERNOR'S OFFICE
IOLANI PALACE
HONOLULU

February 20, 1957

The Honorable President and
Members of the Senate
Twenty-ninth Legislature
Territory of Hawaii

Sirs:

In accordance with Section 80 of the Organic Act, I have the honor to submit the names of the following persons for board appointments, which require your consent. All of these names were sent to your honorable body at the Special Session of the Twenty-eighth Legislature for consideration, and failed of confirmation at that time.

The names follow:

Board of Harbor Commissioners

Carl Christiansen 2- -57 to 6-30-59

Commission on Labor & Industrial Relations

Peter L. Tupas 2- -57 to 1-1-61

Board of Private Detectives and Investigators

Louis B. Race, Jr. 2- -57 to 7-24-59

The gentlemen named above are eminently fitted for the positions to which I have appointed them, and I therefore request that the Senate reconsider its former action and confirm them in these appointments.

Sincerely,

Samuel Wilder King.

SAMUEL WILDER KING
GOVERNOR OF HAWAII

full

GOV. MESS. NO. 3

THE TERRITORY OF HAWAII
GOVERNOR'S OFFICE
IOLANI PALACE
HONOLULU

February 21, 1957

The Honorable William H. Heen
President of the Senate
29th Legislature, Territory of Hawaii
Iolani Palace
Honolulu, Hawaii

Dear Sir:

Due to illness, the Secretary of the Interior, the Honorable Fred A. Seaton, will be unable to address the Legislature in joint session at 10:00 a.m. today.

It is hoped at a later date, if convenient, he may be able to do so.

Sincerely,

Samuel Wilder King.

SAMUEL WILDER KING
GOVERNOR OF HAWAII

GOV. MESS. NO. 4

THE TERRITORY OF HAWAII
EXECUTIVE CHAMBERS
IOLANI PALACE
HONOLULU

February 20, 1957

From Gov King
transmitting the budget of the Territory
Ways & Means

The Honorable President
and Members of the Senate
29th Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sirs:

In compliance with the provisions of Section 1629, Revised Laws of Hawaii 1945, I transmit herewith the Budget of the Territory of Hawaii for the fiscal biennium July 1, 1957 to June 30, 1959.

The Budget was distributed to all members of the Twenty-Ninth Legislature on January 30, 1957, twenty days before convening of the Legislature.

Sincerely,

Samuel Wilder King

SAMUEL WILDER KING
GOVERNOR OF HAWAII

attachment

AH-6 (1/1991)

Appendix D

HAWAII STATE ARCHIVES

Separation Sheet

Collection Name: Records of the Legislature of the Territory of Hawaii
Series 228 - Records of the Clerks

Accession No. HSA No.

Type of Material: Publication

Dates: 1957

Description: Title: "The Budget of the Territory of Hawaii for the Biennium 1957-1959"

Originally filed ~~in container~~ as part of ~~(filing system or series)~~ Governor's Message No, 4, 1957 Regular Session, Senate

Now located in: N/A
~~specific location~~ Weeded

Separation date: June 29, 1995

Separated by: A. Hoof

Remarks: Weeded during microfilm preparation. A copy is available in the Archives' holdings of government publications.

Note: file one copy in original location, one copy with materials in new location, and one copy in collection file.

Exhibit C

Gov mess # 5

THE TERRITORY OF HAWAII
GOVERNOR'S OFFICE
IOLANI PALACE
HONOLULU

February 27, 1957

The Honorable President
and Members of the Senate
Twenty-ninth Legislature
Territory of Hawaii
Iolani Palace
Honolulu, Hawaii

Dear Sirs:

This will acknowledge receipt by mail this morning of a certified copy of Senate Resolution No. 6 relating to the nuclear weapons tests planned by Great Britain.

As long ago as July 2 of last year, nearly eight months ago, soon after press reports announced that the British government contemplated experiments with nuclear explosives in the Christmas Island area, I wrote to Admiral Felix B. Stump, United States Navy, asking whether Hawaii could be assured that adequate precautions would be taken for the protection of the people of Hawaii.

The request was made in anticipation of the concern the people of Hawaii would have, a concern which I shared, for the safety of our community.

This assurance has since been conveyed to me by Admiral Stump.

I am attaching herewith copies of my correspondence on this subject in order that the Senate may have the data for its information. This is all the official information I have available for release.

Mr. Francis H. Woo, Chief of the Bureau of Industrial Hygiene, Territorial Department of Health, is maintaining a radiological monitoring service for the United States Public Health Service for the purpose of collecting samples to determine the level of radioactivity in the air in the Hawaiian Islands area. This work is being done in conjunction with the Atomic Energy Commission.

The assurances received from those in authority locally, and the fact that the national government is fully cognizant of the proposed experiments, should reassure the people of Hawaii that no ill effects will result from these tests.

Sincerely,

Samuel Wilder King

SAMUEL WILDER KING
GOVERNOR OF HAWAII

Attachments

C
O
P
Y

THE TERRITORY OF HAWAII
GOVERNOR'S OFFICE
IOLANI PALACE
HONOLULU

February 8, 1957

CONFIDENTIAL

Vice Admiral M. E. Curts, U. S. Navy
Deputy Commander in Chief
Pacific and U. S. Pacific Fleet
Pearl Harbor, Oahu, Hawaii

Dear Admiral Curts:

Under date of July 2, 1956, I asked Admiral Stump if Hawaii were safe from any detrimental effects from the forthcoming atomic test at Christmas Island.

Under date of July 10, 1956, Admiral Kivette replied that the dangerous effects of the British test would not extend beyond the Christmas Island area.

Later, under date of December 29, 1956, Admiral Stump reaffirmed these assurances in more detail.

I have considered this correspondence classified, and have not released any of it. If there is no objection, I would like to make a public statement that in correspondence between myself and Admiral Stump, dating back to last July, I did receive these assurances.

Would this be satisfactory to the Navy Command?

With best regards, I am,

Sincerely,

SAMUEL WILDER KING
GOVERNOR OF HAWAII

34

C
O
P
Y

COMMANDER IN CHIEF PACIFIC
AND
UNITED STATES PACIFIC FLEET
C/O FLEET POST OFFICE
SAN FRANCISCO, CALIFORNIA

19 February 1957

Honorable Samuel Wilder King
Governor of Hawaii
Honolulu, T. H.

Dear Governor King:

This is in reply to your letter of 8 February to Vice Admiral Curts advising him that you wished to make a public statement that in correspondence with me since July 1956 you have received assurances that Hawaii is safe from detrimental effects from the forthcoming atomic tests of the British.

I have no objection to you making such a general statement of my reassurances to you; however, I must request that you not now make public the detailed information given to you in my letter of 29 December 1956, on a classified basis.

I fully understand the seriousness the people of Hawaii place upon any possible injury to their persons or property and therefore hope my views will help you allay their fears.

With best regards, I am,

Very sincerely yours,

/s/ F. B. Stump

FELIX B. STUMP
Admiral, U. S. Navy

424

C
O
P
Y

British Consulate
Honolulu, T. H.

9 January 1957

Ref. 366

Dear Governor King:

You may remember that when Air Marshal Oulton of the Royal Air Force, in command of our operations at Christmas Island, called to see you some months ago you discussed the possibility of radio active fall-out affecting the Hawaiian Islands. He then told you that there was no danger of this and I have now been asked by the British Government to give you this assurance again. They state as follows:

> When announcing last June H.M. Government's intention to hold trials of megaton weapons in 1957 Sir Anthony Eden said that explosions would take place far from any inhabited islands and that tests would be so arranged as to avoid danger to persons or property. The tests would be high air bursts which would not involve heavy fall-out. All safety precautions would be taken in the light of the Government's knowledge and of experience gained from tests of other countries. Since then detailed plans for the operation have been made with this as their basis and these assurances can be categorically reaffirmed. There is no question of Hawaii being in slightest danger. Firing will not take place under any conditions in which inhabited islands might be affected by radioactive material.

2. The British government have thought it wise to renew this assurance as a public notice to airmen dated January 7 (with a similar notice to mariners) has just been issued, the text of which is as follows:

> Temporary notice to airmen central Pacific ocean Line Islands danger area owing to atomic weapons tests. The area bounded by the following points is declared dangerous to aircraft and personnel from March 1 1957 to August 1 1957
>
> (A) Ø8 3Ø degrees south 161 3Ø degrees west
> (B) Ø8 3Ø degrees south 148 3Ø degrees west
> (C) ØØ ØØ degrees equator 148 3Ø degrees west
> (D) ØØ ØØ degrees equator 15Ø 3Ø degrees west
> (E) Ø7 ØØ degrees north 15Ø 3Ø degrees west
> (F) Ø7 ØØ degrees north 158 ØØ degrees west
> (G) Ø3 3Ø degrees north 158 ØØ degrees west

His Excellency Samuel Wilder King, /(H)
Governor,
Territory of Hawaii,
Iolani Palace,
Honolulu, T. H.

2 4

(H) Ø3 3Ø degrees north 164 ØØ degrees west
(J) ØØ ØØ degrees equator 164 ØØ degrees west
(K) ØØ ØØ degrees equator 159 ØØ degrees west
(L) Ø2 3Ø degrees south 159 ØØ degrees west
(M) Ø2 3Ø degrees south 161 3Ø degrees west

Should it be necessary to extend the limits of the area or the period during which it is dangerous early warning will be given.

3. There would seem no need to draw attention unduly to these atomic tests as they cannot possibly affect the Hawaiian Islands. I would suggest that you only use the above if questioned and do not publish it in the press, though there would of course be no objection to passing it on to other persons to whom you think it might be useful. If there is anyone else to whom you would like me to write, or to whom you think I should pass on the above information, I shall be grateful if you will let me know.

Yours sincerely,

/s/ J. W. S. Corbett

(J. W. S. Corbett)
H. M. Consul.

C
O
P
Y

THE TERRITORY OF HAWAII
GOVERNOR'S OFFICE
IOLANI PALACE
HONOLULU

February 25, 1957

Editor, The Honolulu Advertiser
Honolulu, Hawaii

Editor The Honolulu Advertiser:

The Sunday Advertiser, February 24, 1957, under the headline "Democratic Legislators Still Seek H-Test Ban" states:

"Democratic legislators intend to press for a ban against the Christmas Island H-bomb tests despite opposition from Governor King, it was indicated yesterday."

This is entirely in error, as I have made no statement in opposition to the House resolution adopted last week. As a matter of parliamentary procedure, resolutions are not referred to me for action.

When asked by an Advertiser reporter to comment on the resolution, I stated that I had no comment to make, but that I did wish to inform the public that as long ago as July 2 last year, I wrote to the Commander in Chief, Pacific and United States Pacific Fleet, Admiral Felix B. Stump, United States Navy, asking whether Hawaii could be assured it would suffer no detrimental effects from the British nuclear tests to be held in the Christmas Island area, as I shared the concern we all feel with regard to the possibility of any danger to our community.

I was assured that every precaution had been and would be taken to insure the safety of Hawaii and its people.

The British Consul to Hawaii has repeated these assurances in some detail in a public statement.

Following up this correspondence, I have received later assurances that reaffirm our entire security from any ill effects due to the forthcoming tests.

I have complete confidence in the commander of our military forces in the Pacific, and feel that if any harm might result from these tests, he would have made representations through formal channels.

Also, there is no doubt in my mind that President Eisenhower and the appropriate officials under him are thoroughly familiar with the planned tests by Great Britain, and would be equally sure to protect our interests if there were any danger to Hawaii.

Sincerely,

SAMUEL WILDER KING
GOVERNOR OF HAWAII

C
O
P
Y

THE TERRITORY OF HAWAII
GOVERNOR'S OFFICE
IOLANI PALACE
HONOLULU

January 25, 1957

Honorable J. W. S. Corbett
H. M. Consul
British Consulate
Alexander Young Hotel Building
Honolulu, Hawaii

Dear Consul Corbett:

Thank you for your letter of January 9th with reference to the experiment which is to be conducted by the British Government in Christmas Island.

I have followed the development of this experiment through the newspapers and also have discussed the matter with the Commander in Chief, Pacific, with reference to the safety measures being taken by your Government.

From all indications, every precaution has been taken to insure the safety of the Territory of Hawaii.

I will appreciate any further information you can give me as the time draws closer.

Sincerely,

SAMUEL WILDER KING
GOVERNOR OF HAWAII

On December 29, 1956, a letter addressed to Governor King by Admiral Felix B. Stump, United States Navy, confirmed the assurances that no danger to Hawaii would be involved in the British nuclear tests.

The letter was and is classified as secret and detailed information contained therein may not be released.

The Chief of Naval Operations has by radiogram authorized the release of the following information:

QUOTE THE BRITISH GOVERNMENT HAS INFORMALLY NOTIFIED THE US GOVERNMENT THAT NO DANGER TO PERSONS OR PROPERTY WILL ARISE FROM THE TESTS X

QUOTE THE US GOVERNMENT IS NOW NEGOTIATING WITH UK GOVERNMENT FOR OFFICIAL ASSURANCES REGARDING SAFETY MEASURES UNQUOTE

C
O
P
Y

CHIEF OF STAFF
COMMANDER IN CHIEF PACIFIC
C/O FLEET POST OFFICE
SAN FRANCISCO, CALIFORNIA

10 July 1956

The Honorable Samuel Wilder King
Territory of Hawaii
Executive Chambers
Honolulu

Dear Governor King:

Admiral Stump has asked me to reply, in his absence, to your letter of July 2nd in regard to the forthcoming atomic tests at Christmas Island.

I do not yet have the complete information for a positive reply to your questions, but that which has reached me indicates that the dangerous effects of the British tests will not extend beyond the Christmas Island area.

I expect to receive further specific information on these tests which will enable me to give you a more positive reply. In the meantime, I feel we can rest assured that the British tests will be conducted with as great care, for the safety of the public, as has been the case with our own tests.

You may be certain that this matter will continue to receive the closest attention by the military authorities here and in Washington, and that complete measures for the safety of our people, ships and aircraft will be ensured.

With best personal regards, I am,

Sincerely,

/s/ F. N. Kivette

F. N. KIVETTE
Rear Admiral, U. S. Navy

C
O
P
Y

THE TERRITORY OF HAWAII
GOVERNOR'S OFFICE
IOLANI PALACE
HONOLULU

July 2, 1956

Admiral Felix B. Stump, U. S. Navy
Commander in Chief
Pacific and U. S. Pacific Fleet
Pearl Harbor, Oahu, Hawaii

Dear Admiral Stump:

News accounts concerning the development of Christmas Island as an air base by the British Government, together with the announcement of their contemplated experiments there with nuclear explosives, have aroused some apprehension in the Territory.

Other news accounts indicate the fall-out from both the A and H bomb explosions have been known to cover a very large area, and since the Territory of Hawaii is relatively close to these proposed operations, I am concerned that the experiments might have a detrimental effect here in Hawaii.

Oahu itself is, as you know, only 1400 miles from Christmas Island, with Palmyra Island, a part of the Territory of Hawaii, much closer.

I feel sure representatives of the United States Government are acquainted with the British proposal and are also aware of our proximity to the experimental area. I realize that this is primarily a matter of military significance, but do want to call your attention to the civilian concern in the purported plans.

It would be most helpful if I could have some assurance that the appropriate agencies of the United States are fully informed as to the British program, and will require adequate safety precautions for the protection of the health of the people of Hawaii.

With highest personal regards, I am,

Sincerely,

SAMUEL WILDER KING
GOVERNOR OF HAWAII

GOV. MESS. NO. 6

THE TERRITORY OF HAWAII
EXECUTIVE CHAMBERS
IOLANI PALACE
HONOLULU
February 20, 1957

The Honorable President
and Members of the Senate
29th Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sirs:

Transmitted herewith for your information are eight copies of each of the following appropriation bills which incorporate the recommendations contained in the Budget for the biennium 1957-1959. Copies of these bills have been sent to the House of Representatives for introduction.

1. A general appropriation bill in the amount of $138,694,821 for the operations of the Territorial Government.

2. An appropriation bill from the general revenues for permanent improvements in the amount of $1,340,205.

3. An appropriation bill for permanent improvements in the amount of $33,857,060 to be financed by the issuance of general obligation bonds.

Sincerely,

Samuel Wilder King

SAMUEL WILDER KING
GOVERNOR OF HAWAII

attachments

_. B. NO.___

AN ACT

MAKING APPROPRIATIONS OUT OF THE GENERAL REVENUES FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1959.

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

SECTION 1. That the following sums, or so much thereof as shall be sufficient to accomplish the purpose designated by the appropriations, are hereby appropriated for the biennial period beginning July 1, 1957 and ending June 30, 1959, out of moneys in the treasury received from general revenues:

1.	BOARD OF AGRICULTURE AND FORESTRY		2,511,924
	Division of Administration	208,703	
	Division of Animal Industry	689,435	
	Division of Entomology and Marketing	564,181	
	Division of Fish and Game	397,598	
	Division of Forestry	514,503	
	Division of Territorial Parks	137,504	
2.	ATTORNEY GENERAL		458,710
	Attorney General's Office	408,808	
	Bureau of Crime Statistics and Identification	41,252	
	Office of the High Sheriff	8,650	
3.	AUDITING DEPARTMENT		487,593
	Auditor's Office Proper	359,577	
	Electrical Accounting Machines	128,016	
4.	BOXING COMMISSION		32,188
5.	BUREAU OF THE BUDGET		824,377
	Bureau of the Budget Proper	289,377	
	Supplies Revolving Fund	25,000	
	Insurance Management	510,000	
6.	TERRITORIAL COMMISSION ON CHILDREN AND YOUTH		23,144

7.	CIVIL DEFENSE AGENCY		243,928
	Administration	92,339	
	Health Services	60,656	
	Matching Federal funds		
	for Health Services	46,673	
	for Special Programs	44,260	
8.	DEPARTMENT OF CIVIL SERVICE		411,779
	Civil Service Commission	30,548	
	Civil Service Proper	381,231	
9.	EMPLOYEES' RETIREMENT SYSTEM		6,819,623
	Administration	285,714	
	Contributions and Pensions	6,533,909	
10.	EXECUTIVE DEPARTMENT		500,000
	Governor's Office and Washington Place	250,000	
	This appropriation shall be expended at the discretion of the governor.		
	Governor's Contingent Fund	250,000	
	Expenditures from this fund may be made with the approval of the governor for urgent needs for which no specific appropriation or an insufficient appropriation is made herein or otherwise; a detailed account of all of which expenditures shall be submitted to the next legislature.		

11. HAWAII EMPLOYMENT RELATIONS BOARD 36,742

12. HAWAII HISTORICAL SITES COMMISSION 25,000

13. HAWAII SOIL CONSERVATION COMMITTEE 2,950

14. HAWAII VISITORS BUREAU 1,250,000

This appropriation shall be subject to the following terms and conditions:

(a) The Hawaii Visitors Bureau shall include on its executive board or committee five members appointed by the governor, each to serve for a term of one year and until his successor is appointed. One member shall be appointed to represent the Territory at large, the others to represent each of the counties of Hawaii, Maui and Kauai and the city and county of Honolulu.

(b) This appropriation shall become available from time to time, upon warrants issued by the auditor of the Territory, in amounts equal to double the private contributions then received by the bureau in cash and deposited to its credit in a bank. The moneys thus made available, hereinafter referred to as "matching funds", shall be expendable only as provided in sub-paragraphs (c), (d), (e), (f) and (g).

(c) Not less than $180,000 of all matching funds shall be spent for advertising and promotional work for the benefit of the counties of Hawaii, Maui and Kauai. This promotional program may include any and all of the activities engaged in by the Hawaii Visitors Bureau and any other activities that are relative to tourist promotion and will include any and all expenses involved in this promotional program.

(d) Not less than $95,000 of all matching funds shall be used for promotion of group movements and conventions. This promotional program may include any and all of the activities engaged in by the Hawaii Visitors Bureau and any other activities that are relative to tourist promotion and will include any and all expenses involved in this promotional program.

(e) Not less than $235,000 of all matching funds remaining after allowance for the amounts to be spent under subparagraph (c) above shall be spent for promotional work in media other than paid advertisements and purchased radio and television time. This promotion may include (1) the production and distribution of motion pictures for television or other exhibition, (2) the production and distribution of posters, brochures, and other informational matter, or of photographs, news items, or articles for publication in suitable newspapers or periodicals, (3) the sponsoring of lecture or entertainment tours designed to publicize the advantages of the

Territory as a tourist area, and (4) carrying on necessary greeting and entertaining functions. This list shall not be deemed exclusive.

(f) Not less than $40,000 of all matching funds remaining after allowance for the amounts to be spent under subparagraphs (c) and (d) above shall be spent for Aloha Week, such sum to be apportioned among the several counties, including the city and county of Honolulu, as follows:

City and County of Honolulu	32,000
County of Hawaii	3,200
County of Maui	3,200
County of Kauai	1,600
	40,000

(g) Except as to the amounts expendable in the manner provided in subparagraphs (c), (d) and (e) above, all matching funds shall be expended in promoting the Territory of Hawaii as a tourist area through paid advertising, radio and television on the mainland United States and in the Dominion of Canada and, on a matching basis with contributions made by persons or organizations doing business therein, in any foreign country other than Canada.

All advertisements in newspapers or periodicals shall give the address of the Hawaii Visitors Bureau and contain the notation that the reader may obtain further information by writing thereto. No contract for advertising shall be entered into with any agency or concern until

such contract shall have been approved by the governor. The governor shall satisfy himself, prior to approval, that the contract is the most advantageous available for the promotion of the tourist industry. If, in the determination of the governor, tourist travel from the mainland United States to the Territory shall have been seriously curtailed as a result of war or otherwise, the executive board or committee of the bureau, within thirty days after receipt of notice of such determination, shall abandon its program of mainland and foreign advertising, displays and broadcasts, except for such as it may be then firmly committed and shall submit to the governor a detailed plan of its proposed activities on a reduced basis for the period of such curtailment and, during such period, matching funds shall be expendable only for such purposes and in such amounts as the governor may approve, and any unneeded matching funds at the end of the biennium shall revert to the Territory and be paid back to the general fund.

A detailed accounting of all expenditures of matching funds and receipts and expenditures of matching funds and receipts and expenditures of private contributions shall be made to the governor as required, and to the legislature.

15. HAWAIIAN HOMES COMMISSION

Hawaiian Homes Administration Account		433,275

This authorization constitutes the approval by the legislature of the Hawaiian Homes Commission budget for salaries and other administration expenses required by Section 213(f), Hawaiian Homes Commission Act of 1920, as amended. This appropriation is financed from receipts derived from any leasing of the available lands, defined in Section 204, estimated at $547,752.

16. DEPARTMENT OF HEALTH 8,247,019

Public Health Services

Administration		438,231
Dental Health		36,287
Hospitals and Medical Care		243,464
Local Health Services		1,286,189
Mental Health		432,895
Preventive Medicine		1,034,142
Sanitation		1,793,770
Total		5,264,978
Division of Hansen's Disease		323,313
Administration	166,497	
Hale Mohalu	718,184	
Kalaupapa	1,438,632	
Total Requirements	2,323,313	
Less such federal funds as may be made available for Hansen's Disease under		

PL 411, 84th Congress, 2nd Session, estimated at 2,000,000

Provided, that in the event an amount less than $2,000,000 is provided by congress for Hansen's Disease, then the difference between $2,000,000 and the amount of the federal funds provided is hereby appropriated; and provided further that, in the event an amount greater than $2,000,000 is provided, then this appropriation shall be reduced to the extent that the actual realization shall exceed the estimated sum of $2,000,000 for the biennium 1957-1959.

Medical Care of Indigents and Medically Indigent 2,658,728

Total Requirements 2,958,000

Less such federal public assistance funds as may be made available, estimated at 300,000

Provided, that in the event an amount less than $300,000 is realized from federal funds, then the difference between $300,000 and the amount of the federal funds provided is hereby appropriated; and provided further that, in the event an amount greater than $300,000 is provided,

	then this appropriation shall be reduced to the extent that the actual realization shall exceed the estimated sum of $300,000 for the biennium 1957-1959.		
17.	DEPARTMENT OF INSTITUTIONS		11,150,145
	Office of the Director	194,749	
	Territorial Hospital	4,940,881	
	Waimano Home	2,645,458	
	Hawaii Prison System	2,164,718	
	Division of Training Schools	891,392	
	Board of Paroles and Pardons	156,180	
	Division of Parole and Home Placement	156,767	
18.	INSTITUTIONS, QUASI-PUBLIC		7,875,603
	Kula Sanatorium - Tuberculosis Division	1,103,999	
	Total requirements 1,189,999		
	Less such receipts as may be made available, estimated at 86,000		
	Kula Sanatorium - General Hospital Division	34,846	
	Total requirements 74,846		
	Less such receipts as may be made available estimated at 40,000		

To supplement the estimated receipts to provide for the operation and maintenance of the hospital for the biennium 1957-1959; provided, however, that this appropriation shall be reduced to the extent that the actual receipts shall exceed the estimated sum of $126,000 for the biennium 1957-1959.

Leahi Hospital		3,702,181
Total requirements	3,725,614	
Less such receipts as may be made available, estimated at	23,433	

To supplement the estimated receipts to provide for the operation and maintenance of the hospital for the biennium 1957-1959; provided, however, that this appropriation shall be reduced to the extent that the actual receipts shall exceed the estimated sum of $23,433 for the biennium 1957-1959.

Molokai Community Hospital		113,100
Total requirements	296,151	
Less such receipts as may be made available, estimated at	183,051	

To supplement the estimated receipts to provide for the operation and maintenance of the hospital for the biennium 1957-1959; provided, however, that this appropriation shall be reduced to the extent that the actual receipts shall exceed the estimated sum of $183,051 for the biennium 1957-1959.

Puumaile and Hilo Memorial Hospital - Tuberculosis Division 1,189,939

Total requirements 1,259,070

Less such receipts as may be made available, estimated at 69,131

To supplement the estimated receipts to provide for the operations and maintenance of the division for the biennium 1957-1959; provided, however, that this appropriation shall be reduced to the extent that the actual receipts shall exceed the estimated sum of $69,131 for the biennium 1957-1959.

Samuel Mahelona Memorial Hospital 848,351

Total requirements 885,851

Less such receipts as may be made available, estimated at 37,500

To supplement the estimated receipts to provide for the operation and maintenance of the hospital for the biennium 1957-1959; provided, however, that this appropriation shall be reduced to the extent that the actual receipts shall exceed the estimated sum of $37,500 for the biennium 1957-1959.

Lunalilo Home		80,000
Ward Bed Subsidy		803,187
Oahu:		
Private Hospitals:		
Kapiolani Maternity Hospital	29,565	
Kauikeolani Children's Hospital	60,773	
Kuakini Hospital	35,588	
St. Francis Hospital	81,578	
Queen's Hospital	139,065	
Wahiawa General Hospital	43,253	
Southshore Hospital	21,353	
Kahuku Hospital	16,425	
Maunalani Hospital	21,900	
Maui:		
County Hospitals:		
Central Maui Memorial Hospital	68,985	
Hana Hospital	11,498	

Hawaii:	
Private Hospitals:	
Pahala Hospital	18,615
County Hospitals:	
Puumaile & Hilo Memorial Hospital - General	122,640
Honokaa Hospital	21,900
Kohala Hospital	24,638
Kona Hospital	24,638
Kauai:	
Private Hospitals:	
Wilcox Memorial Hospital	43,253
Waimea Hospital	17,520

The above appropriation for private and county hospitals shall be paid in quarterly installments at the rate of $.75 per ward bed per day, whether occupied or not, but not exceeding said appropriations for the biennium; provided, however, that said installments shall not be paid unless and until (1) the auditor finds that the recipient has installed and is maintaining a uniform accounting system in conformity with accepted standards of the American Hospital Association; (2) the recipient has filed with the auditor a statement of receipts and disbursements, in accordance with the system prescribed for the quarter for which the payment is made; (3) the president of the Board of Health defines, determines, certifies, and approves the term "ward bed" and the number thereof; and

(4) all licensed physicians admitted to practice medicine in the Territory are allowed the use of the facilities of the recipient hospitals without discrimination except for misconduct or abuse of such facilities.

19.	INTERNATIONAL COOPERATION CENTER		9,675
	To supplement federal funds estimated at $77,225 for non-international cooperation agency sponsored participants.		
20.	JUDICIAL BRANCH		2,720,456
	Supreme Court	165,582	
	District Court of Kalawao	4,560	
	Land Court	37,930	
	First Circuit Court	915,958	
	Juvenile Court	847,068	
	Second Circuit Court	247,921	
	Third Circuit Court	335,631	
	Fifth Circuit Court	165,806	
21.	DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS		637,684
22.	LIBRARIES		1,683,577
	Library of Hawaii	1,082,317	
	Hawaii County Library	200,675	
	Maui County Free Library	216,341	
	Kauai Public Library Association, Ltd.	184,244	
23.	MILITARY DEPARTMENTS		947,357
	Total requirements	1,114,357	
	Less such federal funds as may be made available on service contracts, estimated at	167,000	

In the event that the Hawaii National Guard and the Hawaii Air National Guard shall be called or ordered into the service of the United States, the foregoing appropriation or any part thereof remaining unexpended shall be available for expenditure for the Hawaii Territorial Guard. In the event that only a portion of the Hawaii National Guard or the Hawaii Air National Guard should be called or ordered into the service of the United States, the adjutant general with the approval of the director of the budget shall allocate the foregoing appropriation or any part thereof remaining unexpended between the Hawaii Territorial Guard and the Hawaii National Guard. All moneys received by the military department as reimbursement under service contracts with the federal government shall be deposited to the account of the military department and expended by it for personal services and other current expenses in maintaining the facilities covered by such service contracts.

24.	PUBLIC ARCHIVES		106,548
25.	PUBLIC INSTRUCTION		51,643,721
	Total requirements	55,697,194	
	Less such federal funds as may be made available for vocational education estimated at	345,000	

Less such federal funds as may be made available for Central Veterans School under PL 550, estimated at	38,760
Less such federal funds as may be made available under PL 874, estimated at	3,378,199
Less such special funds as may be made available for adult education, estimated at	241,514
Less such special funds as may be made available for Lahainaluna Boarding School, estimated at	50,000

Provided that in the event an amount less than $3,378,199 is provided by congress under P.L. 874, then the difference between $3,378,199 and the amount of the federal funds provided is hereby appropriated; provided, further, that in the event an amount greater than $3,378,199 is provided then this appropriation shall be reduced to the extent that the actual realization shall exceed the estimated sum of $3,378,199 for the biennium 1957-1959.

The department shall maintain as closely as possible a pupil-teacher ratio of not less than 32 pupils per teacher, except that these ratios shall not apply to preschools or kindergartens.

26.	DEPARTMENT OF PUBLIC LANDS		978,327
	Land Office	320,001	
	Bureau of Conveyances	435,393	
	Division of Hydrography	222,933	
27.	DEPARTMENT OF PUBLIC WELFARE		11,173,932
	Administration	1,351,374	
	General Assistance	2,471,448	
	Aid to Disabled	938,843	
	Old Age Assistance	713,490	
	Aid to Dependent Children	4,611,816	
	Aid to Blind	73,117	
	Child Welfare Services	1,013,844	
28.	DEPARTMENT OF PUBLIC WORKS		1,804,686
	Office of Superintendent	112,636	
	Maintenance, Repairs, Additions and Improvements to Buildings, Grounds and Government Property	1,688,570	
	Maintenance of Government Cemeteries	3,480	
29.	SECRETARY OF HAWAII		243,432
	Secretary's Office	80,432	
	Expenses of Elections	138,000	
	Publication of Session Laws of Hawaii	25,000	
30.	BUREAU OF SIGHT CONSERVATION AND WORK WITH THE BLIND		373,263
	Sight Conservation and Work With the Blind	353,400	
	Total requirements	432,888	

Less such federal funds as may be made available for Vocational Rehabilitation under PL 565, 83rd Congress 2nd Session, estimated at	64,488	
Less such donations as may be made available, estimated at	15,000	
To supplement estimated federal funds and donations for the program of the bureau for the biennium 1957-1959.		
Shop for the Adult Blind		19,863
Total requirements	172,863	
Less receipts from the sale of products, estimated at	153,000	
To supplement the estimated receipts to provide for the operation and maintenance of the shop for the biennium 1957-1959		
31. STATEHOOD COMMISSION		165,121
32. COMMISSION ON SUBVERSIVE ACTIVITIES		54,504
33. OFFICE OF SURVEYOR		441,203
34. DEPARTMENT OF THE TAX COMMISSIONER		2,940,384

35.	TREASURY DEPARTMENT		13,266,429
	Treasurer's Office	149,305	
	Deputy Bank Examiner	175,146	
	Fire Marshal	57,507	
	Insurance Bureau	145,434	
	Public Debt Service	48,422	
	Bonded Debt	12,690,615	
36.	UNIVERSITY OF HAWAII		7,855,244
	Administration and General	1,067,245	
	Less estimated special funds	258,967	
	Net appropriated	808,278	
	Resident Instruction and Departmental Research	4,679,229	
	Less estimated special funds	2,007,474	
	Net appropriated	2,671,755	
	Hilo Branch	266,485	
	Less estimated special funds	133,968	
	Net appropriated	132,517	
	General Studies Division	338,943	
	Less estimated special funds	260,000	
	Net appropriated	78,943	
	Organized Activities Related to Educational Departments	645,512	
	Less estimated special funds	145,300	
	Net appropriated	500,212	
	Hawaii Agricultural Experiment Station	1,781,245	
	Less estimated special funds	621,804	
	Net appropriated	1,159,441	

Miscellaneous Organized Research	356,737
Less estimated special funds	250,000
Net appropriated	106,737
Agricultural Extension Service	1,446,759
Less estimated special funds	493,472
Net appropriated	953,287
Various Extension and Public Services	457,356
Less estimated special funds	231,129
Net appropriated	226,227
Library	500,420
Less estimated special funds	187,115
Net appropriated	313,305
Operation and Maintenance of Physical Plant	1,072,667
Less estimated special funds	168,125
Net appropriated	904,542

The amount of the appropriation necessary to match allotments made by the federal government for extension work and agricultural experiment station operations shall be payable to the University of Hawaii in total, by single warrant, or by several warrants, representing periodical allotments. Provided, however, that disbursements matching federal allotments may be regularly audited by the federal auditor and shall be subject to the same limitations as respects the character of expenditures of the federal funds which it offsets.

Any other law to the contrary notwithstanding, no portion of the funds appropriated by this Act for the University of Hawaii, or collected or received by the University from its students or from the United States, or of any other funds under the control of its board of regents, shall be expendable for the reimbursements of the Territory for the amount payable by the Territory to cover the liability of the Territory to the various funds of the employees' retirement system on account of the employees of the University, nor shall any law providing for such reimbursement be deemed applicable to the University, provided that this exemption shall not apply to Auxiliary Enterprises funds and other funds which have not been netted in deriving the net appropriation of the University.

37.	COUNCIL OF VETERANS AFFAIRS		102,370
38.	DIVISION OF VOCATIONAL REHABILITATION		212,908
	Total requirements	564,642	
	Less such federal funds as may be made available under PL 565, 83rd Congress, 2nd Session, estimated at	311,000	
	Less Old Age and Survivors Insurance Grants	20,680	
	Less Donations and Contributions	20,054	
	To supplement estimated federal funds and other receipts for the programs of the division for the biennium 1957-1959		

TOTAL OF OPERATING BUDGET $138,694,821

SECTION 2. Within ninety days after this Act takes effect, the head of each department, with the approval of the director of the bureau of the budget, shall make the initial allocation of funds herein appropriated for such department for each of the two fiscal years of the biennium. In the event of a disagreement between the department head and the director, the governor shall make the initial allocation. Changes and transfers in allocation of appropriations as to programs, organizational units and characters of expenditures within each fiscal year may be made by the head of the department with the approval of the director of the bureau of the budget. The head of the department may, with the approval of the governor or the director of the bureau of the budget, if so delegated by the governor, transfer funds allocated to the second fiscal year to the first fiscal year to meet emergencies. Any unexpended balance of funds allocated for expenditure during the first fiscal year of the biennium shall be transferred into the governor's contingent fund at the end of the said fiscal year and shall then be expendable for any of the purposes of said fund.

For the purposes of this Act, the term "department" shall include any department, board, bureau, commission, agency, office or institution for which an appropriation is made herein.

SECTION 3. Whenever the governor shall find it necessary, he shall be authorized to transfer funds appropriated herein for any department to any other department.

SECTION 4. The governor is authorized to reduce expenditures under appropriations to the extent the revenues to be realized during the biennium 1957-59 is less than the total expenditures authorized by the legislature.

SECTION 5. The legislature hereby declares that, except as hereinafter stated, moneys appropriated for expenditures for which federal matching funds heretofore have have been available are to be expended only if such federal matching funds continue to be available, and in the event of any decrease in the anticipated federal matching funds (whether as a result of a change in the federal law, regulations, administrative determinations, fiscal policies, or otherwise) the corresponding territorial appropriation shall be decreased in such amount as, but for such federal decrease, would have been used as territorial matching funds.

Nothing in this Section shall be deemed to apply in the event the governor, upon the recommendation of the director of the bureau of the budget, shall waive the provisions of this Section.

SECTION 6. This Act shall take effect from and after July 1, 1957.

INTRODUCED BY:

Honolulu, T. H.

_. B. No.____

AN ACT

MAKING APPROPRIATIONS OUT OF THE GENERAL REVENUES FOR PUBLIC IMPROVEMENTS FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1959.

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

SECTION 1. That the following sums, or so much thereof as shall be sufficient to accomplish the purpose designated by the appropriations, are hereby appropriated, to be expended by the Department of Public Works for the biennial period beginning July 1, 1957 and ending June 30, 1959 out of moneys in the treasury received from general revenues:

PROJECTS TO BE EXPENDED BY THE DEPARTMENT OF PUBLIC WORKS

1.	Forestry projects and fences	$ 6,975
2.	Hale Mohalu Theatre, Cinemascope	7,000

INSTITUTIONAL IMPROVEMENTS

3.	Territorial Hospital, fire hydrants	15,000
4.	Waimano Home, physician's residence	21,400
5.	Waimano Home, realignment and repairs to main roads	25,000
6.	Koolau Boys' Home, improving air circulation in dormitories	32,000
7.	Kawailoa Girls' Home, renovation of refrigeration plant	30,000
	Total	123,400
	Less reductions to be made in items 3 to 7 as per Section 4	30,850
	Net appropriated for Institutional Improvements	92,550

GENERAL IMPROVEMENTS

BOARD OF AGRICULTURE AND FORESTRY

8.	Animal Quarantine Station, kennels and improvements	86,000
9.	Plant quarantine house, Kahului, Maui	6,700
10.	Docks, pavilion, restrooms and other forestry improvements on Kauai	40,780

DEPARTMENT OF HEALTH

11.	Waipahu Health Center	31,500
12.	Hale Mohalu, cottage for medical director	15,000
13.	Laboratory building, Wailuku, Maui	23,000
14.	Kalaupapa Settlement, paving of existing dirt roads	20,000

JUDICIARY

15.	Supreme Court, automatic passenger elevator	45,000
16.	Supreme Court Library, reinforcement of floors and improvement of lighting	27,500
17.	Supreme Court, airconditioning in courtroom	8,000
18.	First Circuit Court Proper, airconditioning courtroom	53,000
19.	First Circuit Court Proper, improvements and additions to building	13,600
20.	Juvenile Court, airconditioning courtroom, Judge's chamber and court clerks' office	8,400
21.	Juvenile Court, improvements to building and grounds	19,230
22.	Detention Home, construction of administration office	28,152
23.	Detention Home, completion of construction of boys' wing	22,890
24.	Detention Home, improvements and additions to building and grounds	9,584

LIBRARY OF HAWAII

25.	Main Library building, renovations and repairs	47,500
26.	Main Library building, plans for extension	18,000

HAWAII COUNTY LIBRARY

27.	Kona Branch Library, Kealakekua, additions to building	7,990

MILITARY DEPARTMENT		
28.	Lihue Armory, addition	16,890
29.	Keaukaha Armory, Hilo, addition	29,500
DEPARTMENT OF PUBLIC INSTRUCTION		
30.	Diamond Head School for the Deaf and Blind, addition to principal's cottage	4,275
31.	Lahainaluna High School, 10-acre land acquisition and improvements to land	8,000
32.	Lahainaluna High School, painting of dormitories	12,000
33.	Lahainaluna High School, shower and lavatory facilities	15,000
DEPARTMENT OF PUBLIC WORKS		
34.	Keelikolani Building, partitioning and strengthening of windows	40,000
35.	Department of Public Lands, steel shelving	1,500
36.	Territorial Office Building, Honolulu, rehabilitation	15,000
TAX COMMISSIONER		
37.	Hale Auhau, Honolulu, building improvements	14,232
38.	Hilo Tax Office, additions	5,500
UNIVERSITY OF HAWAII		
39.	University High School, lockers and showers	42,000
40.	Athletic and drill field	40,000
41.	University Campus, improvements	25,000
42.	Garage	35,000
43.	Off-street parking	24,000
44.	Electrical distribution system	15,000
	Total	874,723
	Less reductions to be made in items 8 to 44 as per Section 4	218,678
	Net appropriated for items 8 to 44	656,045

EQUIPMENT

45.	Equipment for new buildings completed during the biennium ending June 30, 1959	577,635
	TOTAL OF PUBLIC IMPROVEMENTS AND EQUIPMENT	$ 1,340,205

SECTION 2. The amount appropriated for equipment under Section 1, item 45, for new buildings completed during the biennium ending June 30, 1959, shall be allocated and expended as necessary by the Department of Public Works with the approval of the governor, or the director of the bureau of the budget if so delegated by the governor.

SECTION 3. The superintendent of public works is authorized to delegate to departments the planning and construction of projects under Section 1 when it is determined by him that it is more advantageous to do so.

SECTION 4. The superintendent of public works, with the approval of the governor or the director of the bureau of the budget if so delegated by the governor, shall determine the priority of the improvements and eliminate or reduce the amounts of the items considered to be of lesser essentiality in order to effect the reductions specified in Section 1.

SECTION 5. In case the amount specified in any item of Section 1 shall not be wholly required to complete the work of such item the unrequired balance may, after completion of said work or after it is definitely found by the superintendent of public works that not more than a specified amount, less than the net amount appropriated by said item after deducting the reductions specified in Section 1, will be required to complete said work, be expended for the work specified in any of the other items with the approval of the governor, or the director of the bureau of the budget if so delegated by the governor.

SECTION 6. This Act shall take effect from and after July 1, 1957.

INTRODUCED BY:

Honolulu, T. H.

_. B. No.___

AN ACT

RELATING TO PUBLIC IMPROVEMENTS AND THE FINANCING THEREOF, MAKING APPROPRIATIONS FOR PUBLIC IMPROVEMENTS AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII.

SECTION 1.

(a) The following sums, or so much thereof as shall be sufficient to accomplish the purpose designated by the appropriations, are hereby appropriated for the following purposes out of any moneys hereafter received by the treasurer of the Territory of Hawaii for or on account of bond funds, and general obligation bonds may be issued as provided by law to the extent necessary to yield the amounts herein appropriated or so much thereof as may be necessary:

TERRITORIAL IMPROVEMENTS

PROJECTS TO BE EXPENDED BY THE BOARD OF HARBOR COMMISSIONERS:

1.	Completion of Ala Wai Boat Harbor, Honolulu	$ 750,000
2.	Mooring Facilities, Pokai Bay	50,000
3.	Mooring Facilities, Haleiwa Bay	50,000
4.	Small Boat Harbor, Kona District	250,000
5.	Maalaea Wharf Improvements	150,000
6.	Small Boat Harbor at Kaunakakai or Vicinity	75,000
7.	Small Boat Harbor, Nawiliwili	200,000
8.	Completion of Small Boat Harbor, Port Allen	100,000
	Total-Board of Harbor Commissioners	1,625,000

PROJECTS TO BE EXPENDED BY THE HAWAII AERONAUTICS COMMISSION:

9.	New Airport Terminal Facilities and Land Acquisition, Honolulu	14,750,000

PROJECTS TO BE EXPENDED BY THE HAWAII IRRIGATION AUTHORITY:

10.	Waianae Irrigation Project	2,000,000
11.	Waimea Irrigation Project, Extension of Service to Lalamilo area	370,000
12.	Kula Irrigation Project	2,000,000
13.	Kokee Irrigation Project	250,000
	Total-Hawaii Irrigation Authority	4,620,000

PROJECTS TO BE EXPENDED BY THE DEPARTMENT OF INSTITUTIONS:

14.	Territorial Hospital Medical-Surgical Building	505,000
15.	Territorial Hospital two Ward Buildings	140,000
16.	Territorial Hospital New Maintenance Shops	110,000
17.	Territorial Hospital Sewer System, Extension to City Sewer System	50,000
18.	Territorial Hospital Quarters for Medical Staff	45,000
19.	Territorial Hospital Staff Dormitory	82,000
20.	Waimano Home Dormitory with Dining Hall and Service Kitchen	125,000
21.	Waimano Home Alteration and Addition to Building No. 3, Kitchen and Dining Hall	102,000
22.	Waimano Home Two New Dormitories, and Additions and Alterations to Main Dining Hall and Kitchen	218,000
23.	Waimano Home Maintenance and Repair Shop Building	60,000
	Total-Department of Institutions	1,437,000

PROJECTS TO BE EXPENDED BY SUPERINTENDENT OF PUBLIC WORKS:

	Health Department:	
24.	Hale Mohalu Flood Control	65,000
25.	Kalaupapa Settlement Patient Cottages	110,000
26.	Health Department Building, Lihue	165,000
	Total-Health Department	340,000
	Judiciary, Second Circuit Court:	
27.	Addition to Building on Maui	61,880
	Library of Hawaii:	
28.	Kaimuki Branch Extension and Alterations	60,000
29.	Waikiki-Kapahulu Branch Extension	150,000
	Total-Library of Hawaii	210,000
	Hawaii County Library:	
30.	Pahala Branch Library Building	63,760
	Maui County Free Library:	
31.	Kahului Branch Library Building	91,000
	Military Department:	
32.	Five-unit Armory, Keaukaha Military Reservation, Hawaii	115,150
33.	Five-unit Armory, Fort Ruger, Oahu	113,050
34.	One-unit Armory, Paukukalo, Maui	51,600
35.	Two-unit Armory, Kealakekua, Hawaii	71,700
36.	One-unit Armory, Fort Ruger, Oahu	51,600
	Total-Military Department	403,100

	Department of Public Instruction:	
37.	Diamond Head School for the Deaf and Blind Dormitory Building	110,000
38.	Lahainaluna High School Dormitory Building	250,000
39.	Honolulu Technical School	1,000,000
40.	Kapiolani Technical School	500,000
41.	Maui Technical School	100,000
	Total-Department of Public Instruction	1,960,000
	Department of Public Works:	
42.	Central Motor Pool Garage, Storage and Servicing Facilities	300,000
43.	New Shop Building	145,000
44.	Kapuiwa Building, Rehabilitation	150,000
45.	Iolani Palace, Rehabilitation	100,000
46.	Two Golf Courses, Honolulu	2,000,000

Provided, however, that this appropriation shall not be expended unless the governor issues an Executive Order proclaiming that the Ala Wai Golf Course land will be disposed of and a portion of the proceeds will be used as provided in Section 8, and provided further that one golf course will be located in the fourth district and one golf course in the fifth district.

47.	Civic Auditorium	1,000,000

Provided, however, that this appropriation shall not be expended unless the governor issues an Executive Order proclaiming that the Ala Wai Golf Course land will be

disposed of and a portion of the proceeds will be used as provided in Section 8.

48.	Waikiki Beach Improvements, between Kapahulu Culvert Groin and Queen's Surf	200,000

Provided, however, that Item 48 shall not be used for the condemnation or acquisition of private property and provided further that Item 48 shall not be expended until boundaries of private property along Waikiki Beach shall be so affixed that no addition or accretion to private land along said beach shall result through widening of said beach.

49.	Board of Health Building, Land Acquisition	600,000
50.	Territorial Office Building, Maui	420,000
	Total-Department of Public Works	4,915,000
	Tax Commissioner:	
51.	Hale Auhau Building, Basement Excavation	150,000
	University of Hawaii:	
52.	Campus Roads and Drainage, Improvements	100,000
53.	Engineering-Physics Building	632,000
54.	Classrooms Building	1,500,000
55.	Military Science Building	420,000
56.	Animal and Poultry Science Building	293,320
57.	Music Building	185,000
58.	Dispensary Building	100,000
	Total-University of Hawaii	3,230,320

TOTAL - TERRITORIAL IMPROVEMENTS $33,857,060

(b) The foregoing appropriation shall be deemed to include the preparation of necessary plans.

SECTION 2. In the event it is found possible to secure federal funds in connection with or for the construction of any of the projects or works authorized in this Act, the provisions of Chapter 10, R.L.H. 1945, shall apply.

SECTION 3. The governor shall determine when the authorized projects shall be initiated, taking into consideration the factors of public need, current bond market conditions, general financial condition of the Territory and general economic conditions, and shall have the authority to defer projects for reconsideration by the ensuing Legislature whenever it is determined (1) that the amount appropriated is insufficient to accomplish the purpose for which the appropriation is made, and (2) that the bonds authorized and unissued are in excess of the debt margin of the Territory prescribed in the Hawaii Organic Act, as amended.

SECTION 4. The purchase of lands and the construction of buildings shall be subject to the approval of the governor, or of the superintendent of public works if so delegated by the governor, as to what lands should be utilized or purchased, and as to the type, size, arrangement, dimensions, lighting and sanitary facilities of the buildings.

SECTION 5. The Hawaii Aeronautics Commission shall pay to the Territory on the interest dates of general obligations bonds issued by the Territory under this Act for item 9 in section 1, the interest then due thereon, and in addition thereto, shall pay to the Territory on or before the twentieth day of November of each year, the amount of the principal of such serial bonds maturing the following year. The auditor of the Territory is authorized to effect the transfer of such amounts when due as are required by this section to be paid by the Hawaii Aeronautics Commission, and proper receipts shall thereupon be exchanged by the treasurer of the Territory and the commission.

SECTION 6. The Board of Harbor Commissioners shall pay to the Territory on the interest dates of general obligations bonds issued by the Territory under this

Act for item 1 in section 1, the interest then due thereon, and in addition thereto, shall pay to the Territory on or before the twentieth day of November of each year, the amount of the principal of such serial bonds maturing the following year. The auditor of the Territory is authorized to effect the transfer of such amounts when due as are required by this section to be paid by the Board of Harbor Commissioners, and proper receipts shall thereupon be exchanged by the treasurer of the Territory and the board.

SECTION 7. The Hawaii Irrigation Authority shall pay to the Territory on the interest dates of general obligations bonds issued by the territory under this Act for items 10, 11, 12 and 13 in section 1, the interest then due thereon, and in addition thereto, shall pay to the Territory on or before the twentieth day of November of each year, the amount of the principal of such serial bonds maturing the following year. The auditor of the Territory is authorized to effect the transfer of such amounts when due as are required by this section to be paid by the Hawaii Irrigation Authority, and proper receipts shall thereupon be exchanged by the treasurer of the Territory and the authority.

SECTION 8. Upon the sale of Ala Wai Golf Course lands, the commissioner of public lands shall pay to the auditor $3,000,000 of the proceeds realized, for the reimbursement of items 46 and 47, or if general obligations have been issued prior to the reimbursement of the sum of $3,000,000, the commissioner of public lands shall pay to the treasurer from the proceeds of the sale of said lands, the interest then due thereon and in addition thereto shall pay to the Territory on or before the twentieth day of November of each year, the amount of the principal of such serial bonds maturing the following year. The auditor of the Territory is authorized to effect the transfer of such amounts when due as are required by this section to be paid by the commissioner of public lands, and proper receipts shall thereupon be exchanged by the treasurer of the Territory and the commissioner.

SECTION 9. The unrequired balance of appropriation remaining after the completion of any project may be transferred to another project authorized in this Act for the same department with the approval of the governor or the budget director if so delegated by the governor.

SECTION 10. Upon certification of the spending agency and approval by the governor that the purpose of the approrpriation has been accomplished and all financial obligations incurred have been met, the appropriation shall be reduced by the amount of the unrequired balance of the appropriation.

SECTION 11. The unexpended balances of all appropriations authorized by this Act and by Act 227, SLH 1943; Act 205, SLH 1947; Act 401, SLH 1949; Act 18, SLH 1949; Act 55, SLH 1949; Act 321, SLH 1951; Act 135, SLH 1953; Act 211, SLH 1953; Act 254, SLH 1953; Act 280, SLH 1953; and Act 273, SLH 1955, shall lapse at the close of the biennium ending June 30, 1959, after allowing for obligations incurred and encumbered by the auditor.

SECTION 12. This act shall take effect from and after July 1, 1957.

INTRODUCED BY:

Honolulu, T. H.

9

GOV. MESS. NO. 7

THE TERRITORY OF HAWAII
EXECUTIVE CHAMBERS
IOLANI PALACE
HONOLULU

February 20, 1957

The Honorable President
and Members of the Senate
29th Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sirs:

Attached herewith are drafts of several measures for your consideration and appropriate action. They relate to proposals concerning health, labor and industrial relations, civil service and education.

As to health, the most important suggestion deals with air pollution. I urge strongly the enactment of this legislation. Other suggestions in the field of health cover Hansen's disease, alcoholism and burial of veterans.

As to labor and industrial relations, there is proposed legislation on unemployment relief, the minimum wage law, incentive awards, and loyalty oaths for public employee representatives.

As to civil service, the most important recommendation is to make the director more of an orthodox department head and the commission more of an advisory body. This recommendation was contained in the group covered by a previous transmittal letter. The present group contains a suggestion to exempt from civil service positions where the qualifications do not fit into the customary mold.

As to education, the suggestions relate to protection of DPI officials against liability and a western interstate compact for higher education.

In addition to these recommendations, the several departments of the Territory will submit specific recommendations amending existing laws to perfect the administration of their specific departments.

Sincerely,

Samuel Wilder King

SAMUEL WILDER KING
GOVERNOR OF HAWAII

HEALTH

D-2	Bill	An act relating to the control and abatement of air pollution by the Board of Health, prescribing penalties, and making an appropriation.
D-3	Bill	An act relating to the employment of Doctor Max Levine.
D-4	Bill	An act relating to aliens and non-aliens who become public charges by reason of hospitalization for Hansen's disease, tuberculosis or other chronic diseases; and authorizing the Board of Health to adopt rules and regulations with respect thereto.
D-5	Bill	An act relating to the funeral expenses of veterans and repealing Sections 13106 and 13107 of the Revised Laws of Hawaii 1945.
D-6	Bill	An act relating to fees for certified copies and searches, by the Board of Health and amending Section 3100.18 of the Revised Laws of Hawaii 1945, as enacted by Act 327, Session Laws of Hawaii 1949, as amended.
D-7	Bill	An act relating to the causes for annulment and divorce, and amending Sections 12201 and 12210 of the Revised Laws of Hawaii 1945, as amended.
D-8	Bill	An act relating to copies of records and their use as evidence, and amending Section 3100.23 of the Revised Laws of Hawaii 1945.
D-9	Bill	An act relating to the presentation of claims against the estate of deceased Hansen's diseased patients and kokuas, and amending Section 12033, Revised Laws of Hawaii 1945.
D-10	Bill	An act relating to kokuas and voluntary helpers living with patients afflicted with Hansen's disease and repealing Sections 2431, 2432, 2433 and 2434 of the Revised Laws of Hawaii 1945.
D-11	Bill	An act relating to the clinic for the treatment of alcoholism and amending Act 215, Session Laws of Hawaii 1955.
D-12	Bill	An act relating to the pensions of patient employees or patient laborers at hospitals, settlements and places maintained for the treatment and care of Hansen's disease.
D-13	Bill	An act relating to the development and administration of a hospital and medical facilities construction program, with methods of administration and control, and amending Act 129 of the Session Laws of Hawaii 1951.

EDUCATION

E-3	Bill	An act relating to liability for damages or criminal prosecution of certain government officers and employees.
E-4	Bill	An act authorizing the governor to enter into the compact of the western interstate commission for higher education, providing for the appointment of commissioners, and making an appropriation.

EMPLOYMENT, LABOR AND CIVIL SERVICE

F-3	Bill	An act to provide for the relief of unemployment, and making provision for financing thereof.
F-4	Bill	An act establishing an awards system in the territorial government.
F-5	Bill	An act relating to the representation of public officers and employees.
F-6	Bill	An act relating to wages and hours of employment, and amending Chapter 175 of the Revised Laws of Hawaii 1945.
F-7	Bill	An act relating to civil service and classification and amending Chapters 2 and 3 of the Revised Laws of Hawaii 1945.

GOV. MES... 7

THE TERRITORY OF HAWAII
EXECUTIVE CHAMBERS
IOLANI PALACE
HONOLULU

February 20, 1957

The Honorable President
and Members of the Senate
29th Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sirs:

Attached herewith are drafts of several measures for your consideration and appropriate action. They relate to proposals concerning health, labor and industrial relations, civil service and education.

As to health, the most important suggestion deals with air pollution. I urge strongly the enactment of this legislation. Other suggestions in the field of health cover Hansen's disease, alcoholism and burial of veterans.

As to labor and industrial relations, there is proposed legislation on unemployment relief, the minimum wage law, incentive awards, and loyalty oaths for public employee representatives.

As to civil service, the most important recommendation is to make the director more of an orthodox department head and the commission more of an advisory body. This recommendation was contained in the group covered by a previous transmittal letter. The present group contains a suggestion to exempt from civil service positions where the qualifications do not fit into the customary mold.

As to education, the suggestions relate to protection of DPI officials against liability and a western interstate compact for higher education.

In addition to these recommendations, the several departments of the Territory will submit specific recommendations amending existing laws to perfect the administration of their specific departments.

Sincerely,

Samuel Wilder King

SAMUEL WILDER KING
GOVERNOR OF HAWAII

D-2

_____B. NO. _____

AN ACT

RELATING TO THE CONTROL AND ABATEMENT OF AIR POLLUTION BY THE BOARD OF HEALTH, PRESCRIBING PENALTIES, AND MAKING AN APPROPRIATION.

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

SECTION 1. This act shall be known and may be cited as the "Air Pollution Control Act".

SECTION 2. The legislature finds and declares that the people of the Territory of Hawaii have a primary interest in atmospheric purity and freedom of the air from any air contaminants; and that there is pollution of the atmosphere in portions of the Territory and a threat of greater pollution which is and may become increasingly detrimental to the public peace, health, safety and welfare of the people of the Territory.

SECTION 3. In interpreting this act, the following words shall have the following meanings:

"Section" means the air pollution control section established under this act.

"Board" means the board of health of the Territory of Hawaii.

"Complaint" means any charge, however informal, to or by the board that any person or agency, private or public, is polluting the air, or is violating the provisions of this act or any rule or regulation of the board in respect thereof.

"Control" and "controlling" includes prohibition and prohibiting as related to air pollution.

"Rules or regulations" means any rule or regulation of the board in respect of air pollution, its prohibition or control.

"Air pollution" as used in this act shall mean the presence in the outdoor atmosphere of substances in quantities which are injurious to human, plant or animal life or to property or which unreasonably interfere with the comfortable enjoyment of life and property throughout the Territory and in such areas of the Territory as shall be affected thereby and excludes all aspects of employer-employee relationship as to health and safety hazards.

Such substances include, but are not limited to, smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gases, odors, particulate matter or any combination thereof.

"President" means the president of the board of health.

SECTION 4. The board shall have power, subject to the provisions hereinafter contained, to formulate and promulgate, amend and repeal rules and regulations having the force and effect of law controlling and prohibiting air pollution whether by private persons or agencies, or by governmental agencies throughout the Territory or in such areas of the Territory as shall be affected thereby. Notwithstanding the terms of section 466 of the Revised Laws of Hawaii 1945, or any other law applying to the adoption of rules and regulations, no such rule or regulation, amendment or repeal shall be adopted except after public hearing to be held after 30 days' prior notice thereof by public advertisement of the date, time and place of such hearing, at which opportunity to be heard by the board in respect thereof shall be given to the public. No such rule or regulation, amendment or repeal shall be or become effective until 60 days after the adoption thereof. Any person heard at such public hearing shall be given written notice of the action taken by the board in respect of such rule or regulation.

SECTION 5. Inasmuch as air pollution and the damage arising therefrom is not uniform throughout the Territory, the rules and regulations of the board may designate specific areas for control of air pollution.

SECTION 6. The board shall control air pollution in accordance with any rule or regulation promulgated by it and for this purpose shall have, but shall not be limited to, the following powers:

a. To set up a section of air pollution control to be administered by a full-time salaried section chief, and to delegate and assign to such section and the officers and employees therein any duties or powers granted to the board hereunder, except the power to promulgate rules and regulations, the power to make a determination or finding under sections 12 and 16 hereof of the violation of the terms of this act or of any rule or regulation promulgated in accordance with its provisions, and the power to institute or conduct legal proceedings;

b. To conduct and supervise research programs for the purpose of determining the causes, effects and hazards of air pollution;

c. To conduct and supervise territory-wide programs of air pollution control education including the preparation and distribution of information relating to air pollution control;

d. To require private persons or agencies or governmental agencies engaged or desiring to engage in operations which result or may result in air pollution to secure a permit prior to installation or operation or continued operation, where such operations were being conducted prior to or on the effective date of this act; to refuse to issue such permit unless it appears that such operations would be in compliance with the rules or regulations of the board; to require such persons or agencies to submit plans and the filing of reports by such persons or agencies containing such information relating to location, size of outlet, height of outlet, rate and period of emission and composition of effluent, and such other matters relative to air pollution as the board shall prescribe to be filed. The requirement for filing of reports shall be conditional upon either the consent of the person engaged or desiring to engage in operations which may result in air pollution or the direction of the board, which direction may issue only after a hearing upon notice to the person engaged in such operations;

e. To enter and inspect, during reasonable hours, any building or place, except a building designed for and used exclusively for a private residence, for the purpose of investigating an actual or suspected source of air pollution and ascertaining compliance or non-compliance with any rules and regulations of the board and to make reasonable tests in connection therewith. No confidential information secured pursuant to this section by any official or employee of the board of health within the scope and course of his employment in the control of air pollution shall be disclosed by such official or employee except as it relates directly to air pollution and then only in connection with his official duties and within the scope and course of his employment;

f. To receive or initiate complaints of air pollution, hold hearings in connection with air pollution and institute legal proceedings in the name of the Territory for the control or prevention of air pollution and for the recovery of penalties, in accordance with this act;

g. To appoint a master or masters to conduct investigations and hearings under the provisions of Act 329 of the Session Laws of Hawaii 1949;

h. With the approval of the governor, to cooperate with, and receive money from, the federal government, or any political subdivision of the Territory, or from private sources for the study and control of air pollution.

SECTION 7. The board may provide, and, from time to time, change, by rule or regulation a schedule of fees not exceeding the estimated cost of issuing permits and inspection pertaining to such issuance to be paid for the issuance of permits. Every person or agency applying for a permit shall pay the fee required by such schedule. Such fees are appropriated to the use of the board for the expenses of the air pollution control section.

SECTION 8. Any officer, employe or agent of the board of health acquiring confidential information from the inspection permitted by subsection e of section 4 who divulges the same except as authorized in this act shall be guilty of a misdemeanor and upon conviction shall be fined not more than one thousand dollars, and shall be subject to an action for damages by any person injured by such disclosure.

SECTION 9. The board may organize a county advisory air pollution control association in any county in which it shall determine that the establishment of such association is advisable to assist it in carrying out the purposes of this act. A county air pollution control association shall consist of such number of resident members as shall be determined by the board, who shall be appointed by the board and shall serve at the pleasure of the board without compensation but shall be entitled to the necessary expenses incurred in the discharge of their duties. A section officer or employee shall act as secretary of any such association.

SECTION 10. It shall be the duty of county air pollution control associations to study air pollution problems of the county, and advise the board relative thereto.

SECTION 11. All rules or regulations of strictly local application, before they are adopted by the board, shall be submitted to the county air pollution control association (if one shall have been appointed) of the county affected, for discussion and report thereon.

SECTION 12. In case any written complaint is filed with the board, or the board has cause to believe, that any person is violating any rule or regulation promulgated by the board, the board shall cause a prompt investigation to be made in connection therewith and if the board shall find, after such investigation, that a violation of any rule or regulation of the board exists, it shall immediately endeavor to eliminate any source or cause of air pollution resulting from such violation by conference, conciliation and persuasion.

SECTION 13. In case of the failure to correct or remedy a violation of any rule or regulation of the board, within a reasonable time, by conference, conciliation and persuasion, the board shall cause to be issued and served a written notice, together with the copy of a complaint made by it, or a copy of the complaint made to it, requiring the person so complained against to

answer the charges of such complaint at a hearing before the board, or before a master or masters appointed by it, at a time and place to be specified in such notice.

SECTION 14. The respondent to such complaint may file a written answer thereto and may appear at such hearing in person or by representative, with or without counsel, and submit testimony. The testimony taken at the hearing shall be under oath and recorded stenographically, but the parties shall not be bound by technical rules of evidence. True copies of any transcript and of any other record made of at such hearing shall be furnished to the respondent upon request and at his expense.

SECTION 15. Any hearing required by this act to be held before the board, or before a master or masters appointed by it, shall be held before any three or more members of the board designated by the president, or before such master or masters. Any information as to secret processes or methods of manufacture or production shall not be disclosed in public hearing before the board, in so far as practicable, and shall be kept confidential. The board, at the request of any respondent to a complaint made by it, or to it, pursuant to this act, shall subpoena and compel the attendance of such witnesses as the respondent may designate and require the production for examination of any books or papers relating to any matter under investigation in any such hearing.

SECTION 16. If, consequent to said hearing, the board shall determine that the person against whom the complaint is made is violating any rule or regulation promulgated by the board, it shall enter its order to that effect and shall fix a reasonable time during which said person shall be required to take such measures as may be necessary to correct such violation and to give periodic progress reports. Any information as to secret processes or methods of manufacture or production revealed by such periodic progress reports shall be kept confidential.

SECTION 17. If such preventive or corrective measures are not taken in accordance with the order of the board, the board may institute a civil action in any court of competent jurisdiction for injunctive relief to prevent any further violation of such code, rule or regulation. Said court shall have power to grant such injunctive relief upon notice and hearing.

SECTION 18. Any private person or agency who shall violate any of the rules or regulations promulgated by the board shall be liable for a penalty of $_____ for each seven day period or fraction thereof if the time shall fall short of seven days or any multiplication thereof, following the ninth day after the expiration of the time fixed for the taking of preventive or corrective measures in the board's order. The board may institute legal proceedings in the name of the Territory to recover the penalty, which shall be a government realization.

SECTION 19. If any person is aggrieved by the decision of the board, he may, within twenty days after the decision of the board is rendered, appeal to the circuit judge of the circuit in which he resides or has his principal place of business, and the hearing before such judge shall be de novo. Appeals to the circuit judge shall be perfected by filing a notice of appeal with the board which shall be forwarded forthwith to the clerk of the circuit court of the circuit to which such appeals may be taken. Within five days of the filing of such notice of appeal, or such further time as the judge may allow, the board shall file with the clerk of the court a certified copy of the hearings had before it in regard to the matter in which the appeal was taken, together with the original notice of appeal.

SECTION 20. No rule or regulation of the board shall be declared to be invalid because of any technical defect. Any action for the enforcement or prosecution for violation thereof shall, if so ordered by the judge having jurisdiction, be stayed pending the final determination of such appeal. The decree of the circuit judge may be appealed to the supreme court. Except as provided in section 19 hereof, no court shall have jurisdiction to review any rule or regulation of the board or to restrain or interfere with its enforcement.

SECTION 21. Notwithstanding any other provision of law to the contrary, no member, officer or employee of the board shall be criminally liable or responsible under the provisions of this act for any acts done by such member, officer or employee in the performance of his duties.

SECTION 22. No existing civil or criminal remedy for any wrongful action which is a violation of any rule or regulation of the board or of an ordinance of any county shall be excluded or impaired by this act.

SECTION 23. No ordinance or regulation of any governing body of a county, or any rule or regulation promulgated pursuant thereto not inconsistent with this act shall be superseded by this act. Nothing in this act or in any rule or regulation promulgated pursuant thereto shall preclude the right of any governing body of a county to adopt ordinances or any rule or regulation promulgated pursuant thereto not inconsistent with this act. All ordinances and any rule or regulation promulgated pursuant thereto inconsistent with this act shall be invalid and of no effect.

SECTION 24. The powers, duties and functions vested in the board of health under the provisions of this act shall not be construed to affect in any manner the powers, duties and functions vested in the board of health under any other provision of law.

SECTION 25. Every person who denies, obstructs or hampers the entrance and inspection by any member or duly authorized officer or employee of the board, of any building or place which he is authorized to enter and inspect under the provisions of subsection e of section 6 hereof is guilty of a misdemeanor and upon conviction shall be fined not more than $_____.

SECTION 26. The provisions of this act are declared to be severable, and if any portion of this act, or if the application of this act or any portion thereof to any person, circumstance or property, is held invalid for any reason, the validity of the remainder of this act, or the application of this act or such portion thereof to other persons, circumstances or property, shall not be affected.

SECTION 27. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

D-3

___ B. NO. ___

AN ACT

RELATING TO THE EMPLOYMENT OF DOCTOR MAX LEVINE.

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

SECTION 1. The board of health is authorized to continue Dr. Max Levine in his employment as public health laboratory director for a period of not more than two years after he reaches the age of seventy years. He shall be employed under contract, and at the rate of pay which, added to any retirement benefits that he might receive or might be receiving, will equal the rate of pay being received by him immediately prior to age seventy.

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

D-4

___ B. NO. ____

AN ACT

RELATING TO ALIENS AND NON-ALIENS WHO BECOME PUBLIC CHARGES BY REASON OF HOSPITALIZATION FOR HANSEN'S DISEASE, TUBERCULOSIS OR OTHER CHRONIC DISEASES; AND AUTHORIZING THE BOARD OF HEALTH TO ADOPT RULES AND REGULATIONS WITH RESPECT THERETO.

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

SECTION 1. The president of the board of health may in his discretion authorize the payment of the cost of transportation of aliens and other non-resident persons who have become public charges by reason of their hospitalization for Hansen's disease, tuberculosis or other chronic diseases requiring prolonged hospitalization, from the Territory to the place where such persons have their legal residence. For the purpose of facilitating the return of such persons to the place of their residence or to facilitate the return to the Territory of any person similarly situated, the board may enter into agreements with any state of the United States or any foreign country. The board may also enter into any agreement to provide for the continued care of such aliens or non-residents by the Territory, at the expense of such s tate or foreign country or to provide for reciprocal treatment of residents of the Territory by such state or foreign country.

The board may receive funds by way of grant, gift or otherwise from any state, the United States or any foreign country or any person for the purpose of paying all or a part of the cost of such transportation or care.

SECTION 2. A person shall not be deemed to be an alien or a non-resident of the Territory within the meaning of this Act if he meets the following requirements:

(1) Is a citizen of the United States or is a resident alien as defined by the United States bureau of immigration, and (2) has lived continuously in the Territory for a period of one year, and has not acquired a residence in another state by living continuously therein for at least one year subsequent to his residence in the Territory, provided, that for a person who is not a resident of the Territory by birth, then the one year of continuous residence in the Territory shall have been immediately prior to his admittance to a hospital of the Territory for treatment. Any time spent in state or other government hospitals for the isolation and treatment of Hansen's disease, tuberculosis, or other chronic diseases shall not be counted in determining the residence of a minor patient of hospitals of the Territory, due consideration shall be given to the residence of the parents of the patients, and if either one or both parents of the minor patients is a resident of the Territory, the minor patient shall also be deemed a resident of the Territory.

SECTION 3. All expenses incurred in returning such aliens or non-resident persons to the place where they have legal residence, shall be paid by the Territory out of any appropriations made to the board of health for the hospital in which any such person is a petient.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

_____

DATE: _____

Honolulu, Hawaii

D-5

___ B. NO. ____

AN ACT

RELATING TO THE FUNERAL EXPENSES OF VETERANS AND REPEALING SECTIONS 13106 AND 13107 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Sections 13106 and 13107 of the Revised Laws of Hawaii 1945 are hereby repealed.

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

D-6

___ B. NO. ____

AN ACT

RELATING TO FEES FOR CERTIFIED COPIES AND SEARCHES, BY THE BOARD OF HEALTH AND AMENDING SECTION 3100.18 OF THE REVISED LAWS OF HAWAII 1945, AS ENACTED BY ACT 327, SESSION LAWS OF HAWAII 1949, AS AMENDED.

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

SECTION 1. Section 3100.18 of the Revised Laws of Hawaii 1945, as enacted by Act 327, Session Laws of Hawaii 1949, as amended, is hereby further amended by substituting for the words and figures "one dollar ($1.00)", in the sixth line thereof, the words and figures "one and one-half dollars ($1.50)".

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

D-7

____B. NO. _____

AN ACT

RELATING TO THE CAUSES FOR ANNULMENT AND DIVORCE, AND AMENDING SECTIONS 12201 AND 12210 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED.

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

SECTION 1. Section 12201 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by deleting the words "Hansen's disease" in the first line of sub-section 7.

SECTION 2. Section 12210 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by deleting therefrom the fifth numbered cause of divorce and renumbering the subsequent numbered causes to conform to such deletion.

SECTION 3. This Act shall take effect upon approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

D-8

_____B. NO. _____

AN ACT

RELATING TO COPIES OF RECORDS AND THEIR USE AS EVIDENCE, AND AMENDING SECTION 3100.23 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Section 3100.23 of the Revised Laws of Hawaii 1945 is hereby amended by substituting for the words "typewritten or photostatic copies" in the third, and in the seventh and eighth lines thereof, the words and punctuation "typewritten, photostatic or microphotographic copies".

SECTION 2. This Act shall effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

D-9

____ B. NO. ____

AN ACT

RELATING TO THE PRESENTATION OF CLAIMS AGAINST THE ESTATE OF DECEASED HANSEN'S DISEASED PATIENTS AND KOKUAS, AND AMENDING SECTION 12033, REVISED LAWS OF HAWAII 1945

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

SECTION 1. Section 12033, Revised Laws of Hawaii 1945, is hereby amended by substituting for the words "six months", in the second line thereof, the words "sixty days".

SECTION 2. This Act shall take effect upon approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

D-10

____B. NO. _____

AN ACT

RELATING TO KOKUAS AND VOLUNTARY HELPERS LIVING WITH PATIENTS AFFLICTED WITH HANSEN'S DISEASE AND REPEALING SECTIONS 2431, 2432, 2433 AND 2434 OF THE REVISED LAWS OF HAWAII 1945

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

SECTION 1. Sections 2431, 2432, 2433 and 2434 are hereby repealed.

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

D-11

____ B. NO. ____

AN ACT

RELATING TO THE CLINIC FOR THE TREATMENT OF ALCOHOLISM AND AMENDING ACT 215, SESSION LAWS OF HAWAII 1955.

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

SECTION 1. Act 215, Session Laws of Hawaii 1955, is hereby amended by substituting for the words "five per centum", in the third line of section 3 thereof, the words "ten per centum".

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

D-12

_____B. NO. _____

AN ACT

RELATING TO THE PENSIONS OF PATIENT EMPLOYEES OR PATIENT LABORERS AT HOSPITALS, SETTLEMENTS AND PLACES MAINTAINED FOR THE TREATMENT AND CARE OF HANSEN'S DISEASE.

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

SECTION 1. Section 2424.01 of the Revised Laws of Hawaii 1945 is hereby amended by substituting for the words "in an amount which shall be equal to sixty-six and two-thirds per cent of the wage or salary which the patient was receiving at the time of retirement", at the end of section 1 thereof, the words "in an amount which shall be equal to sixty-six and two-thirds per cent of the average wages or salary which the patient was receiving during his last twelve months of employment at such hospital, settlement or place".

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

____ B. NO. ____

AN ACT

RELATING TO THE DEVELOPMENT AND ADMINISTRATION OF A HOSPITAL AND MEDICAL FACILITIES CONSTRUCTION PROGRAM, WITH METHODS OF ADMINISTRATION AND CONTROL, AND AMENDING ACT 129 OF THE SESSION LAWS OF HAWAII 1951.

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

SECTION 1. Title. This act may be cited as the "Territorial Hospital and Medical Facilities Survey and Construction Act".

SECTION 2. Definitions. As used in this act:

a. "Board" means the board of health of the Territory.

b. "The federal act" means Title VI of the Public Health Service Act (42 U.S.C. 291 et seq.) as now and hereafter amended.

c. "The surgeon general" means the surgeon general of the United States Public Health Service.

d. "Hospital" includes public health centers and general, tuberculosis, mental, chronic disease, and other types of hospitals, and related facilities, such as laboratories, out-patient departments, nurses' home and training facilities, and central service facilities operated in connection with hospitals, but does not include any hospital furnishing primarily domiciliary care.

e. "Public health center" means a publicly-owned facility for the provision of public health services, including related facilities such as laboratories, clinics, and administrative offices operated in connection with public health centers.

f. "Non-profit hospital" and "non-profit medical facility" means any hospital or medical facility owned and operated by one or more non-profit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

g. "Medical facilities" means diagnostic or diagnostic and treatment centers, rehabilitation facilities and nursing homes as those terms are defined in the federal act, and such other medical facilities for which federal aid may be authorized under the federal act.

h. "Division" means the division of hospitals and medical care of the board of health.

i. "Fund" means the hospital and medical facilities fund established by this act.

j. "Commission" means the territorial advisory commission for hospitals and medical care.

SECTION 3. Administration: division of hospitals and medical care. The division of hospitals and medical care, created by Act 129 of the Session Laws of Hawaii 1951, shall be administered by a full-time salaried director under the supervision and direction of the board. The board through such division and commission shall constitute the sole agency of the Territory for the purpose of:

a. Making an inventory of existing hospitals and medical facilities, surveying the need for construction of hospitals and medical facilities, and developing a program of construction as provided in this act; and

b. Developing and administering a territorial plan for the construction of public and other non-profit hospitals and medical facilities as provided in this act.

SECTION 4. General powers and duties. In carrying out the purposes of the act, the board is authorized and directed:

a. To require such reports, make such inspections and investigations and prescribe such rules and regulations as are deemed necessary; administrative rules and regulations shall be excepted from the operation of section 466 of the Revised Laws of Hawaii 1945.

b. To provide such methods of administration, appoint a director and other personel of the division and take such other action as may be necessary to comply with the requirements of the federal act and the regulations thereunder;

c. To procure in its discretion the temporary or intermittent services of experts or consultants or organizations thereof, by contract, when such services are to be performed on a part-time or fee-for-service basis and do not involve the performance of administrative duties;

d. To the extent that it considers desirable to effectuate the purposes of this act, to enter into agreements for the utilization of the facilities and services of other departments, agencies, institutions, public or private;

e. To accept on behalf of the Territory and to deposit with the territorial treasurer any grant, gift or contribution made to assist in meeting the cost of carrying out the purposes of this act, and upon warrants of the auditor, based on vouchers of the board, to expend the same for such purposes;

f. To make an annual report to the governor on activities and expenditures pursuant to this act, including recommendations for such additional legislation as the board considers appropriate to furnish adequate hospital and medical facilities to the people of this Territory.

g. To do all other things on behalf of the Territory necessary to obtain full benefits under the federal act.

SECTION 5. Advice and assistance. The board shall receive the advice and assistance of the territorial commission for hospitals and medical care (created by Act 129 of the Session Laws of Hawaii 1951, herein amended), in discharging its duties and exercising its powers under this act. Such advisory commission shall meet as often as the board deems necessary, but not less than once each year.

SECTION 6. Survey and planning activities. The commission is authorized and directed to make an inventory of existing hospitals and medical facilities, including public, non-profit and proprietary hospitals and medical facilities, to survey the need for construction of hospitals and medical facilities and, on the basis of such inventory and survey, to develop a program for the construction of such public and other non-profit hospitals and medical facilities as will, in conjunction with existing facilities, afford the necessary physical facilities for furnishing adequate hospital and medical facility services to all the people of the Territory.

SECTION 7. Construction program. The construction program shall provide, in accordance with regulations prescribed under the federal act, for adequate hospital and medical facilities for the people residing in the Territory and in so far as possible shall provide for their distribution throughout the Territory in such manner as to make all types of hospital and medical facility services reasonably accessible to all persons in the Territory.

SECTION 8. Application for federal funds for survey and planning; expenditure. The board is authorized to make application to the surgeon general for federal funds to assist in carrying out the survey and planning activities herein provided. Such funds shall

be deposited in the territorial treasury and shall be available to the board upon warrants issued by the auditor based on vouchers of the board for expenditure for the survey and planning program. Any such funds received and not expended for such purposes shall be repaid to the treasury of the United States.

SECTION 9. Territorial plan. The board shall prepare and submit to the surgeon general a territorial plan which shall include the hospital and medical facilities construction program developed under this act and which shall provide for the establishment, administration and operation of hospital and medical facilities construction activities in accordance with the requirements of the federal act and regulations thereunder. The board shall, prior to the submission of such plan to the surgeon general, give adequate publicity to a general description of all the provisions proposed to be included therein. After approval of the plan by the surgeon general, the board shall make the plan, or a copy thereof, available upon request to all interested persons or organizations. The board shall from time to time review the construction program and submit to the surgeon general any modifications thereof which it may find necessary and may submit to the surgeon general such modifications of the territorial plan, not inconsistent with the requirements of the federal act, as it may deem advisable.

SECTION 10. Minimum standards for hospital and medical facilities maintenance and operation. The commission shall by regulation prescribe minimum standards for the maintenance and operation of hospitals and medical facilities.

SECTION 11. Priority of projects. The territorial plan as established by the commission shall set forth the relative need for the several projects included in the construction program determined in accordance with regulations prescribed pursuant to the federal act, and provide for the construction, in so far as financial resources available therefor and for maintenance and operation make possible, in the order of such relative need.

SECTION 12. Construction projects; applications. Applications for hospital and medical facilities construction projects for which federal funds are requested shall be submitted to the board and may be submitted by the Territory or any political subdivision thereof or by any public or other non-profit agency authorized to construct and operate a hospital or a medical facility, provided that no application for a diagnostic or treatment center shall be approved unless the applicant is (1) the Territory, a political subdivision, or public agency, or (2) a corporation or

association which owns and operates a non-profit hospital. Each application for a construction project shall conform to federal and territorial requirements.

SECTION 13. Consideration and forwarding of applications. The board shall afford to every applicant for a construction project an opportunity for a fair hearing. If the board, after affording reasonable opportunity for development and presentation of applications in the order of relative need, finds that a project application complies with the requirements of section 12 of this act and is otherwise in conformity with the territorial plan, it shall approve such application and shall recommend and forward it to the surgeon general.

SECTION 14. Inspection of projects. From time to time the board shall inspect each construction project approved by the surgeon general, and, if the inspection so warrants, the board shall certify to the surgeon general that work has been performed upon the project, or purchases have been made, in accordance with the approved plans and specifications, and that payment of an installment of federal funds is due to the applicant.

SECTION 15. Hospital and medical facilities construction fund. The board is hereby authorized to receive federal funds in behalf of, and transmit them to, such applicants. There is hereby established, separate and apart from all other public moneys and funds of this Territory, a hospital and medical facilities construction fund. Money received from the federal government for a construction project approved by the surgeon general shall be deposited to the credit of this fund and shall be used solely for payments due applicants for work performed, or purchases made, in carrying out approved projects. Vouchers for all payments from the fund shall bear the signature of the president of the board of health or his duly authorized agent for such purpose.

SECTION 16. Amendment of Act 129, Session Laws of Hawaii 1951. Section 3 of Act 129 of the Session Laws of Hawaii 1951 is hereby amended to read as follows:

"Sec. 3. Territorial advisory commission for hospitals and medical care. There is hereby created a territorial advisory commission for hospitals and medical care to consist of ten members who shall be appointed by the governor in the manner provided by section 80 of the Organic Act, and an eleventh member who shall be the person then holding the position of director of public welfare of the territory.

"The majority of the membership of the commission shall consist of doctors of medicine, hospital administrators, and representatives from allied professions. There shall be at least one representative of a non-governmental organization or territorial agency concerned with physical rehabilitation. At least four of the total membership of the eleven members of the commission shall be doctors of medicine licensed to practice in the Territory of Hawaii. Each of the counties, except the county of Kalawao, shall be represented upon said commission by the appointment of a member who is a resident of such county.

"The term of office of the appointive members of the commission shall be four (4) years from and after the date of their respective appointments. Any person appointed to fill a vacancy on said commission occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term."

SECTION 17. Severability clause. If this act or any portion thereof, or the application thereof to any person or circumstances, shall be adjudged by any court of competent jurisdiction to be invalid, the remainder of this act, or the application of this act or such portion to other persons and circumstances, shall not be affected, and to this end the provisions of this act are declared to be severable.

SECTION 18. Repeal. All acts or parts of acts or executive orders which are inconsistent with the provisions of this act are hereby repealed.

SECTION 19. Continuance in office of members of territorial advisory commission for hospitals and medical care. Notwithstanding the amendment of section 3 of Act 129, Session Laws of Hawaii 1951, the present members of the territorial advisory commission for hospitals and medical care shall continue in office until the expiration of their respective terms, unless vacancies in their respective offices occur sooner by reason of resignation, death, or other cause.

SECTION 20. Effective date. This Act shall take effect upon its approval.

INTRODUCED BY:

Date _____
Honolulu, Hawaii

____ B. NO. ____

AN ACT

RELATING TO LIABILITY FOR DAMAGES OR CRIMINAL PROSECUTION OF CERTAIN GOVERNMENT OFFICERS AND EMPLOYEES.

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

SECTION 1. No board, commission, officer or employee of the Territory or any county shall be liable for any damage or injury to any person resulting from the publication of any report, record, print or photograph of or concerning a person convicted of violation of any law relating to the use, sale or possession of narcotics, to school authorities for use in instruction on the subject of narcotics or to any person when used for the purpose of general education, but the name of any person concerning whom any such report, record, print or photograph is used shall be kept confidential and every reasonable effort shall be made to maintain as confidential any information which might tend to identify such person.

SECTION 2. No officer or employee of the department of public instruction shall be held personally liable for accidents to children going to or returning from school, or on the playgrounds, or in connection with school work, unless negligence of such officer or employee is the proximate cause of the accident.

SECTION 3. No officer or employee of the department of public instruction shall be held personally liable for the death of, or injury to, any pupil enrolled in a public school resulting from such pupil's participation in any classroom or other activity to which he has been lawfully assigned as a pupil in the school unless negligence of such officer or employee is the proximate cause of death or injury.

SECTION 4. Whenever any officer or employee of the department of public instruction shall be prosecuted for any crime or sued in any civil cause for acts done in the course and scope of his duty or employment, he shall be represented and defended (a) in such criminal proceeding by an attorney to be employed and paid by the board of public instruction from any funds appropriated to the department of public instruction which may be available for that purpose, and (b) in such civil cause by the attorney general.

The determination of whether the acts of such officer or employee for which he is being prosecuted or sued, were done within the course and scope of his duty or employment, so as to entitle him to be represented by counsel provided by the Territory, shall be made by the board of public instruction after consultation with the attorney general, and such determination shall be conclusive for such purpose only.

SECTION 5. Upon the report of a principal of a school that a pupil shows evidence of impaired mental health and that a mental examination is desirable, the superintendent of public instruction, with the written consent of the pupil's parent or guardian, may provide for the mental examination of such pupil. The principal shall not be liable for damages or for any civil or criminal penalty for any report made in good faith under the provisions of this section.

SECTION 6. No officer of the Territory or of any political subdivision thereof is liable for any damage or injury to any person or property resulting from the defective or dangerous condition of any public property, unless all of the following first appear:

(a) The injury sustained was the proximate result of such defective or dangerous condition.

(b) The officer had notice of such defective or dangerous condition or such defective or dangerous condition was directly attributable to work done by him, or under his direction, in a negligent, careless or unworkmanlike manner.

(c) He had authority, and it was his duty, to remedy such condition at the expense of the Territory or of a political subdivision thereof and that funds for that purpose were immediately available to him.

(d) Within a reasonable time after receiving such notice and being able to remedy such condition, he failed so to do, or failed to take reasonable steps to give adequate warning of such condition.

(e) The damage or injury was sustained while such public property was being carefully used, and due care was being exercised to avoid the danger due to such condition.

SECTION 7. A cause of action against an employee of the Territory or any of its political subdivisions for damages resulting from any negligence upon the part of such employee while acting within the course and scope of such employment shall be barred unless a written claim for such damages has been presented to the employing government entity in the manner and within the period of six months from the accident for which damages are claimed.

SECTION 8. This Act shall take effect upon its approval.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

E-4

____ B. NO. ____

AN ACT

AUTHORIZING THE GOVERNOR TO ENTER INTO THE COMPACT OF THE WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION, PROVIDING FOR THE APPOINTMENT OF COMMISSIONERS, AND MAKING AN APPROPRIATION.

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

SECTION 1. Execution of compact authorized. The governor is hereby authorized and directed to execute a compact on behalf of this Territory with each or all of the eleven western states and the Territory of Alaska for the purpose of cooperating with such states in the formation of a western interstate commission for higher education. Notice of intention to withdraw from such compact shall be executed and transmitted by the governor.

SECTION 2. Form and contents. The form and contents of such compact shall be substantially as provided in this section and the effect of its provisions shall be interpreted and administered in conformity with the provisions of this Act:

"Western Regional Higher Education Compact

The contracting states do hereby agree as follows:

WHEREAS, the future of this nation and of the western states is dependent upon the quality of the education of its youth; and

WHEREAS, many of the western states individually do not have sufficient numbers of potential students to warrant the establishment and maintenance within their borders of adequate facilities in all of the essential fields of technical, professional and graduate training, nor do all of the states have the financial ability to furnish within their borders institutions capable of providing acceptable standards of training in all of the fields mentioned above; and

WHEREAS, it is believed that the western states, or groups of such states within the region, cooperatively can provide acceptable and efficient educational facilities to meet the needs of the region and of the students thereof; now, therefore,

The states of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, and the territories of Alaska and Hawaii do hereby covenant and agree as follows:

Article 1

Each of the compacting states and territories pledges to each of the other compacting states and territories faithful cooperation in carrying out all of the purposes of this compact.

Article 2

The compacting states and territories hereby create the western interstate commission for higher education, hereinafter called the commission. Said commission shall be a body corporate of each compacting state and territory and an agency thereof. The commission shall have all the powers and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states and territories.

Article 3

The commission shall consist of three resident members from each compacting state or territory. At all times one commissioner from each compacting state or territory shall be an educator engaged in the field of higher education in the state or territory from which he is appointed.

The commissioners from each state and territory shall be appointed by the governor thereof as provided by law in such state or territory. Any commissioner may be removed or suspended from office as provided by the law of the state or territory from which he shall have been appointed.

The terms of each commissioner shall be four years; provided, however, that the first three commissioners shall be appointed as follows: one for two years, one for three years, and one for four years. Each commissioner shall hold office until his successor shall be appointed and qualified. If any office becomes vacant for any reason, the governor shall appoint a commissioner to fill the office for the remainder of the unexpired term.

Article 4

Any business transacted at any meeting of the commission must be by affirmative vote of a majority of the whole number of compacting states and territories.

One or more commissioners from a majority of the compacting states and territories shall constitute a quorum for the transacting of business.

Each compacting state and territory represented at any meeting of the commission is entitled to one vote.

Article 5

The commission shall elect from its number a chairman and a vice chairman, and may appoint, and at its pleasure dismiss or remove, such officers, agents and employees as may be required to carry out the purpose of this compact; and shall fix and determine their duties, qualifications and compensation, having due regard for the importance of the responsibilities involved.

The commissioners shall serve without compensation, but shall be reimbursed fortheir actual and necessary expenses from the funds of the commission.

Article 6

The commission shall adopt a seal and by-laws and shall adopt and promulgate rules and regulations for its management and control.

The commission may elect such committees as it deems necessary for the carrying out of its functions.

The commission shall establish and maintain an office within one of the compacting states for the transaction of its business and may meet at any time, but in any event must meet at least once a year. The chairman may call such additional meetings and upon the request of a majority of the commissioners of three or more compacting states or territories shall call additional meetings.

The commission shall submit a budget to the governor of each compacting state and territory at such time and for such period as may be required.

The commission shall, after negotiations with interested institutions, determine the cost of providing the facilities for graduate and professional education for use in its contractual agreements throughout the region.

On or before the fifteenth day of January of each year, the commission shall submit to the governors and legislatures of the compacting states and territories a report of its activities for the preceding calendar year.

The commission shall keep accurate books of account, showing in full its receipts and disbursements, and said books of account shall be open at any reasonable time for inspection by the governor of any compacting state or territory or his designated representative. The commission shall not be subject to the audit and accounting procedure of any of the compacting states or territories. The commission shall provide for an independent annual audit.

Article 7

It shall be the duty of the commission to enter into such contractual agreements with any institutions in the region offering graduate or professional education and with any of the compacting states or territories as may be required in the judgment of the commission to provide adequate services and facilities of graduate and professional education for the citizens of the respective compacting states or territories. The commission shall first endeavor to provide adequate services and facilities in the fields of dentistry, medicine, public health and veterinary medicine, and may undertake similar activities in other professional and graduate fields.

For this purpose the commission may enter into contractual agreements (a) with the governing authority of any educational institution in the region, or with any compacting state or territory, to provide such graduate or professional educational services upon terms and conditions to be agreed upon between contracting parties and (b) with the governing authority of any educational institution in the region or with any compacting state or territory to assist in the placement of graduate or professional students in educational institutions in the region providing the desired services and facilities, upon such terms and conditions as the commission may prescribe.

It shall be the duty of the commission to undertake studies of needs for professional and graduate educational facilities in the region, the resources for meeting such needs, and the long-range effects of the compact on higher education; and from time to time to the western governors' conference and to the legislatures of the compacting states and territories. In conducting such studies, the commission may confer with any national or regional planning body which may be established. The commission shall draft and recommend to the governors of the various compacting states and territories, uniform legislation dealing with problems of higher education in the region.

For the purposes of this compact the word "region" shall be construed to mean the geographical limits of the several compacting states and territories.

Article 8

The operating costs of the commission shall be apportioned equally among the compacting states and territories.

Article 9

This compact shall become operative and binding immediately as to those states and territories adopting it whenever five or more of the states or territories of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, Alaska, and Hawaii have duly adopted it. This compact shall become effective as to any additional states or territories adopting thereafter at the time of such adoption.

Article 10

This compact may be terminated at any time by consent of a majority of the compacting states or territories. Consent shall be manifested by passage and signature in the usual manner of legislation expressing such consent by the legislature and governor of such terminating state. Any state or territory may at any time withdraw from this compact by means of appropriate legislation to that end. Such withdrawal shall not become effective until two years after written notice thereof by the governor of the withdrawing state or territory accompanied by a certified copy of the requisite legislative action is received by the commission. Such withdrawal shall not relieve the withdrawing state or territory from its obligations hereunder accruing prior to the effective date of withdrawal. The withdrawing state or territory may rescind its action of withdrawal at any time wityin the two-year period. Thereafter, the withdrawing state or territory may be reinstated by application to and the approval by a majority vote of the commission.

Article 11

If any compacting state or territory shall at any time default in the performance of any of its obligations assumed or imposed in accordance with the provisions of this compact, all rights, privileges and benefits conferred by this compact or agreements hereunder, shall be suspended from the effective date of such default as fixed by the commission.

Unless such default shall be remedied within a period of two years following the effective date of such default, this compact may be terminated with respect to such defaulting state or territory by affirmative vote of three-fourths of the other member states or territories.

Any such defaulting state may be reinstated by (a) performing all acts and obligations upon which it has heretofore defaulted, and (b) application to and the approval by a majority vote of the commission."

SECTION 3. The three commissioners from Hawaii shall be appointed as required by the compact by the governor with advice and consent of the senate.

SECTION 4. There is hereby appropriated from the general revenues of the Territory not otherwise appropriated, the amount fixed annually as the equal contribution of each of the member states and territories for the western interstate commission for higher education, which shall be contributed by warrant of the auditor based on voucher approved by any one of the commissioners.

SECTION 5. There is further appropriated the sum of _____ or so much thereof as may be necessary for the expenses of the commissioners.

SECTION 6. There is further appropriated the sum of _____, or so much thereof as may be necessary, for the contributions or payments that may be required of the Territory in respect of the higher education of students from Hawaii attending schools of other members of the compact, under the compact.

SECTION 7. This Act shall take effect upon its approval.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

F-3 ____ B. No. ____

AN ACT

TO PROVIDE FOR THE RELIEF OF UNEMPLOYMENT, AND MAKING PROVISION FOR FINANCING THEREOF.

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

SECTION 1. Whenever the labor force estimates of the department of labor and industrial relations show that in the Territory, or in any county, or in any distinct portion of a county, the percentage of the labor force that is unemployed exceeds six per cent, the Governor is authorized to declare said area an area of critical unemployment, and to institute for said area an emergency employment program, as hereinafter provided.

SECTION 2. An emergency employment program shall consist in one or more public projects within the area affected, each of which: (a) has not been provided for, or has been inadequately provided for, by existing appropriations; (b) shall be of such character as to afford work for the unemployed at low cost for other items of expenditure; (c) shall be so designed and executed as not necessarily to extend beyond the estimated period of critical unemployment in the area affected; and (d) except for necessary supervision, planning and the like, shall employ only persons who have been referred for such employment by the territorial employment service upon the basis of one or more of the following factors, the weight to be given to such factors and the preference in employment to result therefrom to be established by or with the approval of the governor in such manner that, so far as practicable, preference shall be given to those in need, the factors to be consider being the following: the grant of public assistance by the

department of public we;fare, exclusion from or otherwise not being entitled to unemployment compensation benefits, fitness for the work, proximity to the work.

SECTION 3. Whenever, as to any area that has been declared an area of critical unemployment, the labor force estimates of the department of labor and industrial relations show that the percentage of the labor force that is unemployed no longer exceeds six per cent, and such alleviation of unemployment (a) exists irrespective of the emergency employment program, and (b) can reasonably be expected to continue, thereupon the governor shall cancel and terminate the declaration theretofore made as to said area being an area of critical unemployment, shall not institute any new emergency program in said area, and shall terminate the existing program as rapidly as prudence permits.

SECTION 4. Persons referred for employment by the territorial employment service in the manner set forth in section 2, clause (d), shall be exempt from the requirements of, and shall not come within the scope of chapters 2, 3, 15 and section 451, Revised Laws of Hawaii 1945, as to their service in the emergency employment program, and such service shall be deemed excluded service within the meaning of chapter 74 of the Revised Laws of Hawaii 1945.

SECTION 5. (a) There shall be available for allotment by the governor under this Act:

(1) the governor's contingent fund; and

(2) ten per cent of the then total of the remaining unencumbered appropriations made by the biennial appropriation act last preceding the declaration of an area of critical unemployment, but not to exceed $5,000,000

in total amount of all allotments made from time to time under the authority of this paragraph, each allotment so made to constitute a reduction of the appropriation, or item thereof, from which such allotment is made.

(b) Such allotments may be made to any government agency, officer, or employee, territorial or county, selected by the governor and placed in charge of a project constituting a part of an emergency employment program.

SECTION 6. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

___ B. NO. ___

AN ACT

ESTABLISHING AN AWARDS SYSTEM IN THE TERRITORIAL GOVERNMENT.

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

SECTION 1. To increase efficiency and economy and to encourage improvements in the government service, there is established an awards system in the territorial government.

SECTION 2. The department awards program set forth in this Act shall be carried out under such regulations and instructions as may be issued by the territorial civil service commission which shall annually report the results of the program, with related recommendations, to the governor for transmittal to the legislature.

SECTION 3. As used in this Act, the term "department" means an executive department or independent agency in the executive branch of the territorial government, including a Territory-owned or controlled corporation.

"Government" means the executive branch of the territorial government.

"Commission" means the territorial civil service commission.

SECTION 4. The head of each department is authorized to pay cash awards to, and to incur necessary expenses for the honorary recognition of, officers and employees of the Territory who by their suggestions, inventions, superior accomplishments, or other personal efforts contribute to the efficiency, economy, or other improvement of operations of the government or who perform special acts or services in the public interest in connection with or related to their official employment.

SECTION 5. In instances determined by the governor to warrant such action, he is authorized to pay cash awards to, and to incur necessary expenses for the honorary recognition of, civilian officers and employees of the government who by their suggestions, inventions, superior accomplishments, or other personal efforts contribute to the efficiency, economy, or other improvement of government operations, or who perform exceptionally meritorious special acts or services in the public interest in connection with or related to their official employment: Any such gubernatorial awards may be in addition to the department awards authorized in section 4 of this Act.

SECTION 6. Awards under this Act may be paid notwithstanding the death or separation from the service of the officer or employee concerned; provided, that the suggestions, inventions, superior accomplishments, other personal efforts, or special acts or services in the public interest forming the basis for the awards are made or rendered while the officer or employee is in the employ of the government.

SECTION 7. A cash award under this Act shall be in addition to the regular compensation of the recipient and the acceptance of such cash award shall constitute an agreement that the use by the government or by any of the Territory's political subdivisions of any idea, method or device for which the award is made shall not form the basis of a further claim of any nature upon the government or any of said political subdivisions by the employee, his heirs, or assigns.

SECTION 8. Awards to employees and expenses for the honorary recognition of employees may be paid from the funds or appropriations available to the activity primarily benefiting or

may be paid from the several funds or appropriations of the various activities benefiting as may be determined by the governor for awards under section 5 of this Act, and by the head of the department concerned for awards under section 4 of this Act.

SECTION 9. An award under this Act shall be given due weight in qualifying and selecting employees for promotion.

SECTION 10. A monetary award granted under this Act shall not exceed $1,000, except that an award in excess of such amount but not in excess of $5,000 may be granted, with the approval of the commission and of the governor, in special cases in which the head of a department certifies to the commission and to the governor that the suggestion, invention, superior accomplishment, or other meritorious effort for which such award is proposed to be made is highly exceptional and unusually outstanding.

SECTION 11. This Act shall take effect upon its approval.

INTRODUCED BY:

_____ _____

Date: _____

Honolulu, Hawaii

F#5 ____ B. NO. ____

AN ACT

RELATING TO THE REPRESENTATION OF PUBLIC OFFICERS AND EMPLOYEES.

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

SECTION 1. No public employee, officer, board or commission shall hear any person who represents a public officer or employee required to take the oath provided for by section 600, Revised Laws of Hawaii 1945, unless the person representing the said officer or employee takes and files with the department of civil service of the Territory of Hawaii the oath set forth in section 600, Revised Laws of Hawaii 1945.

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

_____ B. NO. _____

AN ACT

RELATING TO WAGES AND HOURS OF EMPLOYMENT, AND AMENDING CHAPTER 175 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Chapter 75 of the Revised Laws of Hawaii 1945 is hereby amended in the following particulars:

(a) By amending section 4353 to read as follows:

"Sec. 4353. Minimum wages. Every employer, except as the director may provide pursuant to section 4359, shall pay to each employee employed by him wages at the rate of not less than one dollar an hour."

(b) By substituting for the first paragraph of section 4354 the following:

"Sec. 4354. Maximum hours. (a) Except as otherwise provided in this section, no employer shall employ any employee in excess of forty hours a week, unless such employee receives compensation for employment in excess of such weekly hours, at a rate not less than one and one-half times the regular rate at which he is employed.

"(b) No employer shall be deemed to have violated subsection (a) of this section by employing any employee for a work week in excess of that specified in such subsection without paying the compensation for overtime employment prescribed therein if such employee is so employed in pursuance of an agreement made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board or the Hawaii Employment Relations Board, if such agreement

provides that no employee shall be employed more than 48 hours in any work week without paying said compensation for overtime."

SECTION 2. This Act shall take effect on July 1, 1957.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

F-7

___ B. NO. ____

AN ACT

RELATING TO CIVIL SERVICE AND CLASSIFICATION AND AMENDING CHAPTERS 2 AND 3 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Chapter 2 of the Revised Laws of Hawaii 1945 is amended by amending Section 77 thereof by inserting therein two new exceptions which shall be appropriately lettered and read as follows:

"Employees engaged in research projects approved by the governor, for which projects federal funds are available in whole or in part;"

"Custodians and guides of historic structures and sites;"

SECTION 2. Chapter 3 of the Revised Laws of Hawaii 1945 is amended by amending Section 110 thereof by adding to the salary schedule contained therein four new salary ranges as follows:

Salary Range No.	A	B	C	D	E
32	1023	1043	1064	1085	1106
33	1073	1093	1114	1135	1156
34	1123	1143	1164	1185	1206
35	1173	1193	1214	1235	1256

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

GOV. MESS. NO. 38

THE TERRITORY OF HAWAII
EXECUTIVE CHAMBERS
IOLANI PALACE
HONOLULU

February 20, 1957

The Honorable President
and Members of the Senate
29th Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sirs:

With this letter I am transmitting for your consideration a group of seven bills, all relating to taxes and designed to carry out the recommendations contained in my budget message.

The measures are enumerated as follows:

T-1	Bill	An act relating to taxation, amending Chapters 96, 99 and 101, and repealing Chapter 98.01, Revised Laws of Hawaii 1945.
T-2	Bill	An act relating to taxation, amending Chapters 98 and 102, Revised Laws of Hawaii 1945, as amended.
T-3	Bill	An act relating to taxation, amending Chapter 103 of the Revised Laws of Hawaii 1945, as amended.
T-4	Bill	An act amending Chapter 104 of the Revised Laws of Hawaii 1945, as amended, relating to the liquor tax.
T-5	Bill	An act amending Chapter 109 of the Revised Laws of Hawaii 1945, as amended, relating to the tobacco tax.
T-6	Bill	An act relating to the taxation of banks and other financial corporations not taxable under Chapters 101 and 102, their franchises, privileges, activities, property, income, shares, and dividends, and amending Chapters 97, 101, 152 and 161 of the Revised Laws of Hawaii 1945, and all other laws in conflict herewith.

T-7 Bill An act amending Chapter 161 of the Revised Laws of Hawaii 1945, as amended, relating to taxes on insurers.

Sincerely,

Samuel Wilder King.

SAMUEL WILDER KING
GOVERNOR OF HAWAII

T-1

____ B. NO. ____

AN ACT

RELATING TO TAXATION, AMENDING CHAPTERS 96, 99 AND 101, AND REPEALING CHAPTER 98.01, REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Chapter 98.01 of the Revised Laws of Hawaii 1945, added by Act 113 of the Session Laws of 1947 and amended by Act 273 of the Session Laws of 1953, is hereby repealed.

SECTION 2. Chapter 99 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by deleting from section 5374 the words "two and one-half per centum" and inserting in lieu thereof the following:

"three and one-half per centum".

SECTION 3. Chapter 101 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respects:

(a) By amending section 5451 by deleting therefrom the words "one dollar" and inserting in lieu thereof the following:

"three dollars (except when a one dollar fee is prescribed by section 5451.01)".

(b) By amending section 5451.01, added by Act 165 of the Session Laws of 1951, by adding to the first paragraph of the proviso, numbered (1), the following sentence:

"All persons who are entitled to the protection of this paragraph further shall be entitled to a license under section 5451, and an annual renewal under this section, upon payment of the sum of one dollar for each license or renewal."

(c) By amending section 5455, subsection A(1) as follows:

(1) By deleting from the second paragraph the word "canneries" and inserting in lieu thereof the following:

"pineapple canneries (including canning of pineapple juice)".

(2) By deleting from the second paragraph the words "one and one-half per cent" and inserting in lieu thereof the following:

"one per cent".

(d) By amending section 5455 B(1) as follows:

(1) By deleting the words "two and one-half per cent" and inserting in lieu thereof the following:

"three and one-half per cent".

(2) By deleting the words "one per cent" and inserting in lieu thereof the following:

"three-quarters of one per cent".

(3) By deleting the words "one and one-half per cent" and inserting in lieu thereof the following:

"one per cent".

(e) By amending section 5455 C(1) by deleting therefrom the words "two and one-half per cent" and inserting in lieu thereof the words:

"three and one-half per cent".

(f) By amending section 5455 D by deleting therefrom the words "two and one-half per cent" and inserting in lieu thereof the following:

"three per cent".

(g) By amending section 5455, subsection D-1, to read as follows:

"D-1. Tax upon sales representatives etc. Upon every person who is a commission agent, manufacturer's representative, broker, or other sales representative of a resident or non-resident seller (unless deemed the seller of the goods as provided by section 5442), or who is a purchasing agent, engaging or continuing within this Territory in the business of performing services for another, other than as an employee, there is likewise hereby levied and shall be assessed and collected a tax as provided by subsection E."

(h) By amending section 5455 E by deleting therefrom the words "two and one-half per cent" and inserting in lieu thereof the following:

"three per cent".

(i) By amending section 5455 F by deleting therefrom the words "two and one-half per cent" and inserting in lieu thereof the following:

"three per cent".

(j) By amending section 5455 G by deleting therefrom the words "two and one-half per cent" and inserting in lieu thereof the following:

"three per cent".

(k) By amending section 5459 in the following respects:

(1) By deleting from the first paragraph after the colon the words and punctuation: "(k) building and loan associations, with respect only to interest received by them on loans to members;".

(2) By relettering the remaining items in said first paragraph.

SECTION 4. Chapter 96 of the Revised Laws of Hawaii 1945, as amended, is hereby amended by deleting from the second paragraph of section 5254 the words and punctuation: "at the rate of two and one-half per centum." and inserting in lieu thereof the following:

"at the rate of two and one-half per centum or more."

SECTION 5. This Act shall not be construed as affecting in any manner, to the detriment of the Territory, any taxes, interest, fines, penalties, forfeitures or other liabilities, or obligations, existing, due or incurred prior to the effective dates of the sections of this Act, nor as affecting the liability of any person to prosecution for any misdemeanor or other criminal offenses committed prior to said effective dates under any statutes hereby amended, repealed or superseded; and all such taxes, interest, fines, penalties, forfeitures, liabilities, obligations, misdemeanors and other offenses may be assessed, enforced, collected, prosecuted or punished, as the case may be, in the same manner, to the same extent and subject to the same conditions, as if this Act had not been enacted.

SECTION 6. If any section, sentence, clause or phrase of this Act, or its application to any person or circumstances, is for any reason held to be unconstitutional or invalid, the remaining portions of this Act, or the application of this Act to other persons or circumstances,

shall not be affected. The legislature hereby declares that it would have passed this Act and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 7. This Act shall take effect July 1, 1957 and shall apply to fees and taxes accruing on and after said date; provided, however, that the rate of tax levied upon any person engaging or continuing within this Territory in the business of contracting, measured by gross income received on account of uncompleted contracts entered into prior to the date of approval of this Act shall be two and one-half per cent.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

____ B. NO. _____

AN ACT

RELATING TO TAXATION, AMENDING CHAPTERS 98 AND 102, REVISED LAWS OF HAWAII 1945, AS AMENDED.

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

SECTION 1. Chapter 98 of the Revised Laws of Hawaii 1945, as amended, is hereby amended to read as follows:

"CHAPTER 98. DIVIDENDS TAX LAW

Sec. 5361. Definitions. Wherever used in this chapter, unless the subject matter, context or sense otherwise require:

'Month' shall mean calendar month.

References to chapter 102, or to any section of said chapter, shall be deemed to mean said chapter or section as the same exists, or may be amended from time to time in the future.

Sec. 5362. Same; 'dividend', 'local company', 'foreign company'. Wherever used in this chapter, unless the subject matter, context or sense otherwise require:

'Dividend' means the same as in chapter 102, except that national bank dividends, and interest or dividends paid or credited by building and loan associations or savings and loan associations on or apportioned to withdrawable shares and investment certificates (but in no event exceeding six per centum per annum), shall not be included.

'Local company' shall mean and include every corporation, insurance company, association or joint stock company organized in or under the laws of the Territory.

'Foreign company' shall mean and include every

corporation, insurance company, association or joint stock company organized in or under the laws of any jurisdiction other than the Territory.

Sec. 5363. Tax on dividends. There shall be assessed, levied, collected and paid for each month a tax of two per cent upon the amount of all dividends paid during the month by any local company, or received during the month from any company, local or foreign; provided, that the tax shall be paid only once with respect to the same dividend.

Dividends paid to a blind person in an amount which shall not exceed $2,000 per annum shall be exempted from the tax imposed by this section. Within the meaning of this paragraph a person shall be deemed to be blind if he has vision in the better eye, with corrective glasses, of less than twenty two-hundredths or a disqualifying field defect sufficient to incapacitate him or her for self-support, so long as his sight is so impaired. The impairment of sight shall be certified to by the territorial board of health or by any territorial, county or city and county medical officer duly authorized by the territorial board of health for this purpose.

Sec. 5364. Returns and withholding and payment of tax; violation a misdemeanor. (a) Every local company, before making any payment or distribution of dividends to its shareholders, shall deduct and withhold therefrom the amount of the tax imposed by this chapter in reference to such dividends and shall pay the amount so withheld to the collector of the taxation division in which the company has its principal place of business in the Territory or to the commissioner at Honolulu, as may be prescribed by regulations of the commissioner. Such

company, on or before the twentieth day of each month following the month in which there has been any payment of such dividends and withholding of the tax thereon, shall make a full, true and correct return showing all such dividends paid and the amounts withheld on account thereof during the preceding month, which return shall be filed at the place in this section prescribed for payment of the tax and shall include such other information as shall be required or prescribed by the commissioner.

(b) Every local company shall be liable for the payment of the tax required to be deducted and withheld by it, whether or not such tax is so withheld.

(c) Every local company, when required by the commissioner, shall furnish him a statement covering the period prescribed by him, showing its payments of dividends, the name and address of each shareholder during such period, the number of shares owned by him, amount of dividends paid to him, and the tax deducted and withheld in respect of such dividends. The commissioner shall prescribe the form of the statement required by this subsection and may adopt any federal form appropriate for the purpose.

(d) Any person who is in receipt of any dividends from a foreign company shall file a return thereof for each month and pay the tax due thereon under this chapter, within twenty days after the close of the month. The returns shall be filed and payments made at the place prescribed by chapter 102 for the filing of income tax returns. Each such return shall state the name of the person filing the same, the name of the foreign company paying the dividends, the total of all dividends received for the preceding month, and the tax due on such dividends,

and shall include such other and further information and be upon such form as the commissioner shall prescribe. The commissioner, for good cause, may extend the time for making returns and payments of taxes with respect to dividends received from foreign companies, but not beyond the twentieth day of the second month succeeding the regular due date thereof. The commissioner also may permit and provide for quarterly, semi-annual, or annual returns and payments of such taxes. In granting any such permission the commissioner shall fix the date or dates for filing of the returns and payment of the taxes.

(e) Any person or company violating any of the provisions of this section as to the filing of returns shall be guilty of a misdemeanor.

Sec. 5365. Commissioner to prescribe forms, etc. The commissioner shall prescribe the forms of all returns required to be furnished under the provisions of this chapter and may provide in such forms for the giving of such information as he may deem necessary or advisable. All information required by the form of any return must be included in the return by the person responsible for making the same.

Every return shall be signed by the person liable to make the return, or by someone authorized to do so in behalf of such person, as provided in section 5123, all in compliance with rules prescribed by the commissioner and subject to the penalties provided by section 5134.

Sec. 5366. Rules. The commissioner shall prescribe and have printed all needful rules for the enforcement of this chapter and such rules so made shall have the force and effect of law if they be not in conflict with the express provisions of this chapter. Such rules shall

also provide for the making of returns concerning, and the payment of, any taxes imposed by this chapter, in any situation not specifically covered by this chapter.

Sec. 5367. Other provisions applicable. All of the provisions of chapter 102 not inconsistent with the provisions of this chapter and which may appropriately be applied to the taxes, persons, circumstances and situations covered or affected by this chapter, including provisions granting administrative powers to the tax commissioner and providing for the assessment, levy and collection of income taxes, shall be applicable to the assessment, levy and collection of taxes under this chapter.

The provisions of section 5138.01 and any amendments thereof, with respect to penalties and interest, shall apply to the taxes imposed by this chapter.

Sec. 5368. Misdemeanors. Any person convicted of any misdemeanor under the provisions of this chapter for which no other punishment is prescribed shall be punished by fine of not more than one thousand dollars, or (if a natural person) by imprisonment for not more than one year, or by both such fine and imprisonment.

Sec. 5369. Assessments. If (a) any person liable under the provisions of this chapter to make and file a return of dividends received by such person, or (b) any company liable, under the provisions of this chapter, to withhold any tax on dividends and make a return thereof and pay the same to the commissioner, shall fail, neglect or refuse to make and file such return within the time or in the manner and form prescribed, or shall decline to authenticate such return, if made, as provided in section 5123, the commissioner may make a return for such person

or company from the best information obtainable and may levy and assess a tax upon the amount of dividends shown by such return against such person or against such company, with additions to the tax when and as provided by section 5138.01; such assessment shall be presumed to be correct until and unless, upon an appeal duly taken as provided in this chapter, the contrary shall be clearly proved by such person or company, and the burden of proof upon such appeal shall be on such person or company to disprove such assessment. Notice of assessment shall be given, and an appeal therefrom may be taken, in the manner and within the time provided in sections 5543(b) and 5547.

Said sections 5543(b) and 5547 shall apply in the same manner and to the same extent, as nearly as may be, to assessments and returns made, dividends taxable and persons assessed or taxed, under this chapter, as in cases of income taxes under chapter 102. The commissioner by rules shall provide for the adaptation, as nearly as may be, of the procedure set forth in said sections to persons and situations affected by or arising under the provisions of this chapter.

Sec. 5369.01. Refunds. If it shall be shown, upon application of a shareholder, that there has been withheld from his dividends any tax not due thereon or more than the amount of tax due thereon, the amount found to have been overpaid or otherwise not due shall be refunded out of current collections of the tax; provided the commissioner shall be satisfied: (1) that the amount so overpaid or otherwise not due has been paid to the Territory; (2) that the amount of refund claimed has not been used as a credit against income tax under chapter 102 and

(3) that application for such refund was filed within five years after the amount to be refunded was paid to the Territory.

Sec. 5369.02. Lien on land. The provisions of section 5475, as amended, are hereby made applicable to this chapter.

Sec. 5369.03. Constitutionality; construction. The tax imposed by this chapter shall not apply to any dividends which, under the Constitution or laws of the United States, cannot legally be so taxed.

Sec. 5369.04. Taxes territorial realizations. The net tax collections remaining after the refunds authorized by law shall be paid into the general fund of the Territory."

SECTION 2. Chapter 102 of the Revised Laws of Hawaii 1945, as amended, is hereby amended in the following respects:

(a) By amending section 5501 in the following respects:

(1) By inserting therein, at the commencement of the section, a new paragraph to read as follows:

"'Adjusted gross income' means the amount remaining after subtracting from gross income computed under sections 5505-5507 the deductions allowed by section 5503 (b)."

(2) By adding to the definition of "dividend" a new sentence to read as follows:

"Commencing with taxable years which begin on or after January 1, 1959, this paragraph shall be subject to the provisions of section 5505.01."

(b) By inserting therein a new section 5501.01 to read as follows:

"Sec. 5501.01. 'Dependent' defined. (a) For the purposes of this chapter the term 'dependent' means any

of the following individuals over half of whose support, for the calendar year in which the taxable year of the taxpayer begins, was received from the taxpayer (or is treated under subsection (c) as received from the taxpayer):

(1) A son or daughter of the taxpayer, or a descendant of either,

(2) A stepson or stepdaughter of the taxpayer,

(3) A brother, sister, stepbrother, or stepsister of the taxpayer,

(4) The father or mother of the taxpayer, or an ancestor of either,

(5) A stepfather or stepmother of the taxpayer,

(6) A son or daughter of a brother or sister of the taxpayer,

(7) A brother or sister of the father or mother of the taxpayer,

(8) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the taxpayer,

(9) An individual who, for the taxable year of the taxpayer, has as his principal place of abode the home of the taxpayer and is a member of the taxpayer's household, or

(10) An individual who--

(A) is a descendant of a brother or sister of the father or mother of the taxpayer,

(B) for the taxable year of the taxpayer receives institutional care required by reason of a physical or mental disability, and

(C) before receiving such institutional care, was a member of the same household as the taxpayer.

(b) For purposes of this section:

(1) The terms 'brother' and 'sister' include a brother or sister by the halfblood.

(2) In determining whether any of the relationships specified in subsection (a) or paragraph (1) of this subsection exists, a legally adopted child of an individual shall be treated as a child of such individual by blood.

(3) The term 'dependent' does not include any individual who is not a citizen of the United States unless such individual is a resident of the United States, of a country contiguous to the United States, of the Canal Zone, or of the Republic of Panama. The preceding sentence shall not exclude from the definition of 'dependent' any child of the taxpayer born to him, or legally adopted by him, in the Philippine Islands before July 5, 1946, if the child is a resident of the Republic of the Philippines.

(c) For purposes of subsection (a), over half of the support of an individual for a calendar year shall be treated as received from the taxpayer if:

(1) no one person contributed over half of such support;

(2) over half of such support was received from persons each of whom, but for the fact that he did not contribute over half of such support, would have been entitled to claim such individual as a dependent for a taxable year beginning in such calendar year;

(3) the taxpayer contributed over 10 per cent of such support; and

(4) each person described in paragraph (2) (other

than the taxpayer) who contributed over 10 percent of such support files a written declaration (in such manner and form as the commissioner may by regulations prescribe) that he will not claim such individual as a dependent for any taxable year beginning in such calendar year.

(d) For purposes of subsection (a), in the case of any individual who is:

(1) a son, stepson, daughter, or stepdaughter of the taxpayer (within the meaning of this section), and

(2) a full-time student at an educational institution,

amounts received as scholarships for study at an educational institution shall not be taken into account in determining whether such individual received more than half of his support from the taxpayer."

(c) By amending section 5502 by deleting therefrom the words "ten per centum" and inserting in lieu thereof the following:

"five per centum".

(d) By amending section 5503 to read as follows:

"Sec. 5503. Tax on individuals. (a) There shall be assessed, levied, collected, and paid for each taxable year upon the adjusted gross income and net income of every individual doing business in or receiving or deriving income from sources within the Territory, or income included in gross income by sections 5505-5507, inclusive, a tax equal to the sum of the following:

(1) Normal tax. On the amounts of adjusted gross income a tax of two per centum; and in addition thereto:

(2) Surtax. On the amount of net income not in excess of $5,000, a tax of two per centum; on the amount of net income in excess of $5,000 but not in excess of $10,000, a tax of three per centum; on the amount of net

income in excess of $10,000 but not in excess of $15,000, a tax of four per centum; on the amount of net income in excess of $15,000 but not in excess of $20,000, a tax of five per centum; on the amount of net income in excess of $20,000 but not in excess of $25,000, a tax of six per centum; on the amount of net income in excess of $25,000 a tax of seven per centum.

(b) In computing the adjusted gross income there shall be allowed as deductions from gross income:

(1) The deductions allowed by section 5508 which:

A. Are attributable to a trade or business carried on by the taxpayer if such trade or business does not consist of the performance of services by the taxpayer as an employee, and consisting in (I) bad debts deductible under paragraph (a) of section 5508; (II) depreciation and obsolescence deductible under paragraph (c) of section 5508; (III) contributions to an employees' pension or benefit fund, deductible under paragraph (d) of section 5508; (IV) operating and business expenses deductible under paragraph (e) of section 5508, but not the other expenses deductible thereunder; (V) losses deductible under paragraph (g) of section 5508; (VI) taxes, license fees and other governmental impositions levied or assessed by the Territory or a political subdivision thereof or the United States and deductible under paragraph (j) of section 5508 if levied or assessed on property used in a trade or business or producing income which is included in gross income, or incurred in carrying on a trade or business or in producing income which is included in gross income (including all taxes imposed by chapter 101); or

B. Are attributable to property held for the

production of rents or royalties; or

C. Consist of interest incurred or continued in order to produce income included in adjusted gross income.

(2) Interest, or building and loan association or savings and loan association dividends. In the case of a partnership, estate or trust the return thereof shall show the total amount of interest or dividends mentioned in this paragraph, and the proportionate share thereof of each partner or beneficiary, and each such partner or beneficiary shall be entitled to deduct his proportion of such amount for the taxable year ending coincidental with or within his own taxable year in computing his adjusted gross income. The amount of deduction so allowed to a beneficiary shall not be enjoyed by an estate or trust.

(3) Dividends subject to the tax imposed by chapter 98. In the case of a partnership, estate, or trust, the return thereof shall show the total dividends subject to the tax imposed by chapter 98 and the proportionate share of such dividends of each partner or beneficiary. Each such partner or beneficiary shall be entitled to deduct his proportion of such dividends of the partnership, estate, or trust for the taxable year ending coincidental with or within his own taxable year in computing his adjusted gross income, and the amount of deduction so allowed to a beneficiary shall not be enjoyed by an estate or trust.

(4) Capital gains, or net capital gains, included in gross income by section 5505.01. In the case of a partnership, estate or trust the return thereof shall show the amount of capital gains or net capital gains included in gross income by section 5505.01, and the

proportionate share of such amount of each partner or beneficiary. Each such partner or beneficiary shall be entitled to deduct his proportion of such amount for the taxable year ending coincidental with or within his own taxable year in computing his adjusted gross income, and the amount of deduction so allowed to a beneficiary shall not be enjoyed by an estate or trust.

(5) Compensation (1) paid out of funds appropriated by or furnished pursuant to the provisions of any statute of the Territory or of the United States solely for the relief of unemployment; or (2) paid out of any fund created by chapter 84 or 85 in the form of public assistance or compensation paid by the department of public welfare to blind persons and other persons for work performed in their homes or in work shops.

(6) Adjusted gross income of a blind person from sources other than (2), (3) or (4), up to but not exceeding an amount computed as follows: $2,000 less such amount of dividends, if any, as is exempted from the tax imposed by section 5363 of chapter 98. Within the meaning of this paragraph, a person shall be deemed to be blind if he has vision in the better eye, with corrective glasses, of less than twenty two-hundredths or a disqualifying field defect sufficient to incapacitate him or her for self-support, so long as his sight is so impaired. The impairment of sight shall be certified to by the territorial board of health or by any territorial, county, or city and county medical officer duly authorized by the territorial board of health for this purpose.

(7) In the case of an estate or trust such amount, allowed as a deduction in computing the net income of the estate or trust and includible in the gross income of the beneficiaries as, under this chapter, is subject to the

requirement of collection of the tax on adjusted gross income from the beneficiaries by withholding or otherwise, or is excluded from the adjusted gross income of the beneficiaries by paragraphs (2), (3) and (4) of this subsection."

(e) By inserting after section 5503 a new section 5503.02 to read as follows:

"Sec. 5503.02. Alternative 'short-form' tax; tables. If a taxpayer's adjusted gross income for the taxable year is less than $5,000 and he so elects, there shall be assessed, levied, collected and paid for that year a tax determined on the basis of tables to be prepared and furnished by the commissioner, which tax shall be substantially equivalent to the tax provided in section 5503 and shall be in lieu thereof. For the purposes of this section the adjusted gross income shall include the amounts excluded by paragraphs (2) to (6) inclusive of section 5503(b).

(f) By deleting section 5504.

(g) By inserting a new section 5505.01 to read as follows:

"Sec. 5505.01. Capital gains and losses. Commencing with taxable years which begin on or after January 1, 1959 there shall be included in gross income net capital gains of the taxable year. Net capital gains shall mean the recognized capital gains of an individual or corporation resulting from the sale, exchange or other disposition of property, real or personal, tangible or intangible, less the recognized capital losses of the same taxable year resulting from the sale, exchange or other disposition of property, real or personal, tangible or intangible. Where any individual or corporation has property which constitutes his stock in trade, or which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, or which is held primarily for sale or other disposition to

customers in the ordinary course of trade or business, the gains or losses resulting from the sale, exchange or other disposition of such property shall not be deemed capital gains or capital losses. The provisions of the Internal Revenue Code of 1954 as to what constitutes a capital gain or capital loss shall not be determinative, but there shall not be recognized under this section any amount of gain or loss, nor shall a dividend be effected, if and to the extent that there is a nonrecognition of gain or loss pursuant to sections 351-373, 1031-1036, of the Internal Revenue Code of 1954; provided, that the application of the aforesaid sections of the Internal Revenue Code of 1954 and the application of this section, shall be subject to the following requirements: That double taxation shall not be effected (i.e., double taxation of the same taxpayer, or taxation of both a corporation and its shareholders, when the taxation of both or taxation in both years would not have occurred had the provisions of this section governed prior taxable years); and the basis of property for computation of capital gain or loss or for computation of depreciation shall not be affected by gains or losses not recognized under this section or not recognized under the provisions of this chapter as they read prior to the taking effect of this section. The basis of property acquired by gift or inheritance shall be that of the donor or decedent, unless the acquisition of the property from the decedent was a taxable transfer under the provisions of chapter 103, in which event the basis shall be the fair market value of the property at the date of the decedent's death. As used in this section the term 'Internal Revenue Code of 1954' means said code as amended as of January 1, 1957."

(h) By amending section 5506 by adding to subsection (b) the following sentence:

"Commencing with taxable years which begin on or after January 1, 1959, this subsection shall be subject to the provisions of section 5505.01."

(i) By amending section 5508 in the following respects:

(1) By amending subsection (g) by adding thereto the following sentence:

"Commencing with taxable years which begin on or after January 1, 1959, this subsection shall be subject to the provisions of section 5505.01."

(2) By amending subsection (j) to read as follows:

"(j) Taxes, etc. Taxes, license fees, and other governmental impositions levied or assessed by the Territory or any political subdivision thereof or by the United States and paid or accrued by the taxpayer (whether or not such taxpayer be owner, tenant, occupant or mortgagor, or otherwise liable for the same) within the taxable year, if attributable to a trade or business carried on by the taxpayer or to property held for the production of rents or royalties, but not otherwise, provided that no deduction under paragraph (e) or this paragraph shall be allowed for: (1) federal income, war-profits, or excess-profits taxes, territorial income taxes, or taxes imposed by chapter 98; (2) estate, inheritance or gift taxes; (3) taxes assessed against local benefits of a kind tending to increase the value of the property assessed, but this clause shall not exclude the allowance as a deduction of so much of such improvement taxes as is properly allocable to maintenance or interest charges."

(3) By adding to section 5508 new subsections (m)

and (n) to read as follows:

"(m) Expenses for care of certain dependents. There shall be allowed as a deduction expenses paid during the taxable year by a taxpayer who is a woman or a widower for the care of one or more dependents as defined in this paragraph, but only if such care is for the purpose of enabling the taxpayer to be gainfully employed. The deduction shall not exceed $600 for any taxable year. In the case of a woman who is married the deduction shall not be allowed unless she files a joint return with her husband for the taxable year, and shall be reduced by the amount by which the adjusted gross income of the taxpayer and her spouse exceeds $4,500; provided, however, that this provision shall not apply if the taxpayer's husband is incapable of self-support because mentally or physically defective. The term dependent as used in this paragraph means a person other than a spouse with respect to whom the taxpayer is entitled to an exemption under section 5509(b) who (1) has not attained the age of 12 years and is a son or daughter of the taxpayer, or a descendent of either, or a stepson or stepdaughter of the taxpayer; or (2) is physically or mentally incapable of caring for himself. The term widower includes an unmarried individual who is legally separated from his spouse under a decree of divorce or of separate maintenance. A woman shall not be considered as married if she is legally separated from her spouse under a decree of divorce or of separate maintenance at the close of the taxable year. For the purposes of this paragraph the adjusted gross income shall include the amounts excluded by paragraphs (2) to (6) inclusive of section 5503(b).

(n) There shall be allowed as a deduction the expenses paid during the taxable year not compensated for by insurance or otherwise for medical care of the taxpayer, his spouse, or a dependent as defined in section 5501, to the extent that such expenses exceed three per cent of the adjusted gross income, which for the purposes of this section shall include the amounts excluded by paragraphs (2) to (6) inclusive of section 5503(b). The deduction under this section shall not exceed $2,500 for each $1,000 of exemption allowed to such taxpayer under the provisions of section 5509. For the purpose of this paragraph, expenses for the medical care of the taxpayer which are paid out of his estate during the one year period beginning with the day after the date of his death shall be treated as paid by the taxpayer at the time occurred. The term medical care means amounts paid (1) for the diagnosis, cure, mitigation, treatment, or prevention of disease or for the purpose of affecting any structure or function of the body (including amounts paid for accident or health insurance); or (2) for transportation primarily for and essential to medical care referred to in (1) above. The term medical care does not include amounts paid for medicine and drugs. The determination of whether an individual is married at any time during the taxable year shall be made in accordance with the provisions of section 5508.02(c). Any expense allowed as a deduction under paragraph (m) shall not be treated as an expense paid for medical care."

(j) By inserting a new section to be numbered 5508.02, to read as follows:

"Sec. 5508.02. Optional standard deduction for individuals.

(a) Allowance. In computing net income there shall be allowed in the case of an individual, at his election, a standard deduction of (1) $1,000; or (2) an amount equal to ten per cent of his adjusted gross income, whichever is lesser, except that in the case of a separate return by a married individual the standard deduction shall not exceed $500. For the purposes of this paragraph the adjusted gross income shall include the amounts excluded by paragraphs (2) to (6) inclusive of section 5503(b).

(b) Standard deduction in lieu of other deductions. The standard deduction shall be in lieu of the deduction allowed by section 5508; provided, however, that in addition to the standard deduction a taxpayer may deduct (1) the deductions allowed by section 5503(b)(1); and (2) traveling expense paid or incurred by the taxpayer in connection with the performance by him of services as an employee to the extent permitted by section 5508(e).

(c) Husband and wife. In the case of husband and wife filing separate returns, the standard deduction shall not be allowed to either if the net income of one of the spouses is determined without regard to the standard deduction. For the purposes of this paragraph, (1) the determination of whether an individual is married shall be made as of the close of his taxable year unless his spouse died during his taxable year, in which case such determination shall be made as of the time of such death; and (2) an individual legally separated from his spouse under a decree of divorce or separate maintenance shall not be considered as married."

(k) By amending section 5509 by amending subsection (b) to read as follows:

"(b) (1) If married and living with husband and wife, or the head of a family with dependents, an exemption of $2,000, but in no event shall this larger exemption be deducted by both husband and wife.

(2) For each dependent (other than husband or wife) whose gross income for the calendar year in which the taxable year of the taxpayer begins is less than $600, or who is a child of the taxpayer and has not attained the age of nineteen at the close of the calendar year in which the taxable year of the taxpayer begins, or who is a child of the taxpayer and is a full-time student at an educational institution, an exemption of $1,000, but in no event shall the exemption for the same dependent be deducted by both husband and wife.

(3) If the taxpayer has attained the age of 65 before the close of his taxable year, an additional exemption of $1,000, and if a separate return is made by the taxpayer and the husband or wife of the taxpayer has attained the age of 65 before the close of his taxable year and (for the calendar year in which the taxable year of the taxpayer begins) has no gross income and is not the dependent of another taxpayer, an additional exemption of $1,000 for the spouse."

(1) By further amending section 5509 by amending subsection (f) to read as follows:

"(f) The exemptions allowed by subsection (b) shall be allowed only to such persons as shall make and file a return to and with the collector in conformity with the requirements of this chapter, setting forth the facts upon which such exemptions depend, in the form prescribed by the commissioner. In the case of a nonresident, in order to obtain the exemptions allowed by this section he

shall file a return showing, in addition to all other required information, his gross income wherever received or from whatever source derived, so that his deductions may be apportioned as is provided in paragraph (e) above."

(m) By amending section 5510 by amending subsection (a) to read as follows:

"(a) Amounts expended as dues to private or social clubs or fraternal organizations."

(n) By amending sections 5513, 5514, 5515, 5521, 5523, 5525 and 5528 by inserting therein, preceding the words "net income", wherever the same appear, the words "adjusted gross income and".

(o) By further amending section 5513 by adding at the end of paragraph (3) and at the end of paragraph (4), in each such paragraph, the following sentence: "As to adjusted gross income, this paragraph is subject to the provisions of sections 5503(b)(7) and 5518.08."

(p) By further amending section 5514 in the following respects:

(1) By designating the present section as subsection (a).

(2) By adding thereto the following paragraphs:

"(b) The taxable year of a partnership shall be determined as though the partnership were a taxpayer. A partnership may not change to, or adopt, a taxable year other than that of all its principal partners unless it establishes, to the satisfaction of the commissioner, a business purpose therefor.

(c) A partner may not change to a taxable year other than that of a partnership in which he is a principal partner unless he establishes, to the satisfaction of the commissioner, a business purpose therefor.

(d) For the purpose of this section a principal partner is a partner having an interest of 5 per cent or more in partnership profits or capital."

(q) By adding after section 5518 a subtitle and thirteen new sections to read as follows:

"WITHHOLDING AND COLLECTION OF TAX AT SOURCE

"Sec. 5518.01. Withholding of tax on wages. (a) As used in this section (1) 'wages' means wages, commissions, fees, salaries, bonuses and every and all other kinds of compensation paid for or attributable to personal services performed by an employee for his employer, excepting perquisites and payments in lieu of perquisites; (2) 'employee' includes an officer or elected official, or any other employee; (3) 'employer' means (i) the person or government for whom an individual performs or performed any service, of whatever nature, as the employee of such person or government, including the United States and instrumentalities of the United States, and (ii) the person having control of the payment of the wages if the 'employer' as heretofore defined does not have control thereof, and (iii) any person subject to the jurisdiction of the Territory and paying wages on behalf of an 'employer' as heretofore defined if said employer is not subject to the jurisdiction of the Territory; provided, the term 'employer' shall not include any government that is not subject to the laws of the Territory except as, and to the extent that, it consents to the application of sections 5518.01-5518.07 to it; (4) 'person' includes any individual, person, trust estate, decedent's estate, business trust, corporation, association, joint stock company, national bank, insurance company, partnership or other entity or group.

(b) Every employer, as defined herein, making payment of wages, as herein defined, to employees, shall deduct and withhold from such wages an amount of tax determined as provided in this section.

(c) For each withholding period (whether weekly, biweekly, monthly or otherwise, or in the case of wages paid without respect to any period, as determined by the tax commissioner by regulations) the amount of tax to be withheld under this section shall be at a rate which, for the taxable year, will yield the tax imposed by section 5503 upon each employee's annual wage, as estimated from his current wage in any withholding period, but (for the purposes of this subsection) of the rates provided by section 5503(a) the maximum to be taken into consideration shall be six per cent. Such tax for the taxable year shall be calculated upon the following assumptions: (1) that the employee's annual wage, as estimated from his current wage in the withholding period will be his sole income for the taxable year; (2) that there will be no deductions therefrom in determining adjusted gross income; (3) that in determining net income there will be deductions in the amount of ten per cent of the estimated annual wage; (4) that in determining net income there also will be deducted the amount of exemptions granted to such employee in the computation of net income, as shown by a certificate to be filed with the employer as provided by subsection (f); and (5) if it appears from the certificate filed pursuant to subsection (f) that such employee is, under section 5524 entitled to make a joint return, that he and his spouse will so elect.

(d) Alternatively, at the election of the employer, he may deduct and withhold from each employee an amount

of tax determined on the basis of tables to be prepared and furnished by the commissioner, which amount of tax shall be substantially equivalent to the amount of tax provided by subsection (c) hereof.

(e) The commissioner, by regulation, may require the deduction and withholding of tax from any remuneration paid for or attributable to services that are not subject to the general excise tax imposed by chapter 101, whether or not such withholding is provided for hereinabove. Every person so required to deduct and withhold tax, or from whom tax is required to be deducted and withheld, shall be subject to all of the provisions of sections 5518.01-5518.07, and every person so required to deduct and withhold tax shall be deemed an employer for the purposes of this chapter.

The commissioner, by regulation, may exempt any employer from the requirement of deduction and withholding of taxes, even though such requirement is imposed by this section, if and to the extent that the commissioner shall find such requirement unduly onerous or impracticable of enforcement.

(f) On or before the date of the commencement of employment with an employer, the employee shall furnish the employer with a signed certificate relating to the amount of exemptions which he claims, which shall in no event exceed the amount to which he is entitled on the basis of the existing facts, and also showing whether he is married and is, under section 5524, entitled to make a joint return. The certificate shall be in such form and contain such information as may be prescribed by the commissioner.

If, on any day during the calendar year, there is a

change in the employee's marital status and he no longer is entitled to make a joint return, or the amount of exemptions to which the employee is entitled is less than the amount of exemptions claimed by the employee on the certificate then in effect with respect to him, the employee shall within ten days thereafter furnish the employer with a new certificate showing his present marital status, or relating to the amount of exemptions which the employee then claims, which shall in no event exceed the amount to which he is entitled on the basis of the existing facts. If, on any day during the calendar year, there is a change in the employee's marital status and though previously not entitled to make a joint return he now is so entitled, or the amount of exemptions to which he is entitled is greater than the amount of exemptions claimed, the employee may furnish the employer with a new certificate showing his present marital status, or relating to the amount of exemptions which the employee then claims, which shall in no event exceed the amount to which he is entitled on the basis of the existing facts.

Such certificate shall take effect as of the beginning of the first withholding period ending on or after the date on which such certificate is so furnished, or the first payment of wages made without regard to a period on or after the date on which such certificate is so furnished.

Any individual required to supply information to his employer under this section who willfully supplies false or fraudulent information, or who willfully fails to supply information under this section which would require an increase in the tax to be withheld, shall be guilty of a misdemeanor and upon conviction thereof be fined not more

than $500, or imprisoned not more than six months, or both.

Sec. 5518.02. Return and payment of withheld taxes. Every employer required by this chapter to withhold taxes on wages paid in any month shall make return of such wages and taxes to the commissioner within twenty days after the close of the month for which the taxes have been withheld. The return shall be in such form and contain such information as may be prescribed by the commissioner. The return shall be filed with the collector of the taxation division in which the employer has his principal place of business, or with the commissioner at Honolulu if the employer has no place of business in the Territory. Every return under this section shall be accompanied by a remission of the complete amount of tax withheld, as reported in the return; provided, that the commissioner may, if he believes such action necessary where collection of the tax may be in jeopardy, require any person required to make a return under this section to make such return and pay such tax at any time; provided, further, that the commissioner may grant permission to employers having a payroll of not more than one thousand five hundred dollars per month, to make returns and payments on a quarterly basis, such returns and payments to be made within twenty days after the close of each quarter, to wit, on or before April 20, July 20, October 20, and January 20; or the commissioner, for good cause, may extend the time for making returns and payments, but not beyond the twentieth day of the second month next succeeding the regular due date thereof. With respect to wages paid out of public moneys, the commissioner in his discretion may prescribe special forms for, and

different procedure and times for the filing of, such returns by employers paying such wages, or may, upon such conditions and subject to such rules as he may prescribe from time to time, waive the filing of any such returns.

Sec. 5518.03. Statements to employees. Every employer required to deduct and withhold any tax on the wages of any employee shall furnish to each such employee in respect of his employment during the calendar year, on or before January 31 of the succeeding year, or if his employment is terminated before the close of such calendar year, on the day on which the last payment of wages is made, a written statement, showing the period covered by the statement, the wages paid by the employer to such employee during such period, and the amount of the tax deducted and withheld or paid in respect of such wages. Each such employer shall include with his final return for the calendar year, or shall file on or before January 31, a duplicate copy of each such statement. The commissioner may grant to any employer a reasonable extension of time, not in excess of sixty days, with respect to any statement required by this section to be furnished to an employee or filed, and may by regulation provide for the furnishing or filing of statements at such other times and containing such other information as may be required for the administration of this chapter. The commissioner shall prescribe the form of the statement required by this section and may adopt any federal form appropriate for the purpose.

Sec. 5518.04. Taxes withheld by employer held in trust; employer's liability. All taxes withheld by any employer under section 5518.01 shall be held in trust by

him for the Territory and for the payment of the same to the collector in the manner and at the time required by this chapter. If any employer shall fail, neglect, or refuse to deduct and withhold from the wages paid to an employee, or to pay over, the amount of the tax required by this chapter, such employer shall, moreover, be liable to pay to the Territory the amount of said tax, which amount shall, whether or not tax withholdings constituting trust funds have been commingled with said employer's assets, form a lien on said employer's entire assets, having priority over all other claims of any person. An employer may recover from an employee any amount which he should have withheld but did not withhold from such employee's wages, if he has been required to pay and has paid said amount to the Territory out of his own funds pursuant to this section.

The lien provided for by this section may be foreclosed in a court proceeding or by distraint under section 5131.

In addition to the liability imposed by the preceding provisions of this section, if any employer which is a corporation fails, neglects or refuses to deduct and withhold from the wages paid to any employee, or to pay over, the amount of tax required by this chapter, any officer of such corporation who as such officer is under duty to deduct and withhold or to pay over, tax as required by this chapter, shall be liable to the Territory for the amount of tax required to be deducted, withheld and paid over. Said liability may be assessed and collected in the same manner as the liability imposed by the preceding portions of this section; provided, further, that two or more officers may be assessed under

this section jointly or in the alternative, but the tax shall be collected only once with respect to the same wages. The issuance or allowance of any certificate issued or allowed under the provisions of section 8357 shall not discharge the liability herein imposed.

Sec. 5521.05. Misdemeanors, employers etc. (a) Any person required under sections 5518.01-5518.04 to collect, account for, and pay over any tax, who willfully fails to collect or truthfully account for and pay over such tax shall, in addition to other penalties provided by law, be guilty of a misdemeanor.

(b) Any person required under the provisions of section 5518.03 to furnish a statement to an employee who willfully furnishes a false or fraudulent statement or who willfully fails to furnish a statement in the manner, at the time, and showing the information required under section 5518.03, or regulations prescribed thereunder, shall be guilty of a misdemeanor.

The penalty for any misdemeanor under subsection (a) shall be a fine of not more than $1,000 or imprisonment for not more than one year, or both such fine and imprisonment. The penalty for any misdemeanor under subsection (b) shall be a fine of not more than $500 or imprisonment for not more than six months, or both such fine and imprisonment.

Sec. 5518.06. Crediting of withheld taxes. Income upon which any tax has been withheld at the source under sections 5518.01-5518.04 shall be included in the return of the recipient of such income, but any amount of tax so withheld shall be credited against the amount of income tax as computed in such return, and if in excess of the tax due for the taxable year shall be refunded as provided

in section 5533.

Sec. 5518.07. Indemnity of withholder. Every person required to withhold a tax under sections 5518.01-5518.04 is hereby made liable for such tax and is hereby indemnified against any claim or demand of any other person for the amount of any payments to the commissioner made in accordance with the provisions of said sections.

Sec. 5518.08. Collection of taxes on adjusted gross income by fiduciaries. Every fiduciary of an estate or trust entitled to any deduction under section 5513 (3) or (4) in computing the net income of the estate or trust, shall, if the amounts so deductible are, under this chapter, includible in the gross income of the beneficiaries, collect from said beneficiaries, by withholding or otherwise, a tax of two per cent on such amounts as are not derived from the sources enumerated in paragraphs (2), (3), and (4) of section 5503(b).

Sec. 5518.09. Return and payment of taxes collected by fiduciary. Every fiduciary required by this chapter to collect taxes from beneficiaries, shall make returns of such taxes to the commissioner within twenty days after the close of the month in which the taxes have been collected. The return shall be in such form and contain such information as may be prescribed by the commissioner. The return shall be filed with the collector of the taxation division in which the fiduciary has his principal place of business, or with the commissioner at Honolulu if the fiduciary has no place of business in the Territory. Every return under this section shall be accompanied by a remission of the complete amount of tax collected, as reported in the return; provided, that the commissioner may, if he believes such action necessary where collection

of the tax may be in jeopardy, require any person required to make a return under this section, to make such return and pay such tax at any time; provided, further, that the commissioner may grant permission to fiduciaries to make returns and payments on a quarterly basis, such returns and payments to be made within twenty days after the close of each quarter, to wit, on or before April 20, July 20, October 20 and January 20, or the commissioner for good cause, may extend the time for making returns and payments, but not beyond the twentieth day of the second month next succeeding the regular due date thereof.

Sec. 5518.10. Statements to beneficiaries. Every fiduciary required to collect any tax from beneficiaries, shall furnish to each such beneficiary in respect of the taxable year on or before January 31 of the succeeding year, a written statement showing the period covered by the statement, the amount of adjusted gross income involved, and the amount of tax collected by the fiduciary in respect thereto. Each such fiduciary shall include with his return for the taxable year, or shall file on or before the end of the month following the close of the taxable year, a duplicate copy of each such statement. The commissioner may grant to any fiduciary a reasonable extension of time, not in excess of sixty days, with respect to any statement required by this section to be furnished to a beneficiary or filed, and may by regulation provide for the furnishing or filing of statements at such other times and containing such other information as may be required for the administration of this chapter. The commissioner shall prescribe the form of statement required by this section and may adopt any federal form appropriate for the purpose.

Sec. 5518.11. Taxes withheld by fiduciary held in trust; fiduciary's liability. All taxes withheld by any fiduciary under section 5518.08, shall be held in trust by him for the Territory and for the payment of the same to the collector in the manner and at the time required by this chapter. If any fiduciary shall fail, neglect or refuse to collect or to pay over the amount of the tax imposed by this chapter, required to be collected and paid over, such fiduciary shall, moreover, be liable to pay to the Territory the amount of said tax, in the same manner as the tax on the adjusted gross income of the estate or trust. A fiduciary may recover from a beneficiary any amount which he should have collected but did not collect from said beneficiary, if he has been required to pay and has paid said amount to the Territory.

Sec. 5518.12. Crediting of taxes collected from beneficiaries. Income upon which any tax has been collected at the source under sections 5518.08-5518.11 shall be included in the return of the beneficiary, but any amount of tax so collected shall be credited against the tax imposed upon the beneficiary, and if in excess of such tax shall be refunded to the beneficiary as provided in section 5533.

Sec. 5518.13. Assessments. Where a person required under sections 5518.01 to 5518.12 to withhold, collect or pay over taxes, is by said provisions made liable for tax by reason of non-compliance with such provisions, the commissioner may make a return for such person from the best information obtainable and may levy and assess a tax upon the amount shown by the return with additions to the tax when and as provided by section 5138.01; such assessment shall be presumed to be correct until and unless, upon an appeal duly taken as provided in this chapter, the contrary shall be clearly proved by such person, and the burden of proof upon such appeal shall be on such person to disprove such assessment. Notice of assessment shall be given, and an appeal therefrom may be taken, in the manner and within the time provided in sections 5530(2) and 5535."

(r) By inserting at the beginning of the subtitle which precedes section 5519, the following:

"ESTIMATES AND CURRENT PAYMENTS,"

(s) By inserting in the bill a new section 5519.01 to read as follows:

"Sec. 5519.01. Estimates; tax payments; further provisions as to returns. (a) (1) Individuals, but not estates or trusts, shall annually furnish the commissioner with a declaration of estimated tax for the current taxable year. Declarations of estimated tax shall, except as otherwise provided by regulation, be governed by the provisions as to returns. The declaration shall be filed, in the case of individuals on the calendar year basis, on or before April 20. In the case of a husband and wife who are entitled to make a joint return, a single declaration may be made by them jointly, in which case the liability with respect to the estimated tax shall be joint and several; if a joint declaration is made but a joint return is not made for the taxable year, the estimated tax for such year may be treated as the estimated tax of either the husband or wife or may be divided between them.

(2) Each individual shall transmit, with his declaration, payment of one-quarter of the estimated tax for the current taxable year. In determining this quarterly payment and all other installments, there first shall be deducted from the total estimated tax the amount of estimated tax withholding or collection at source for the taxable year. Thereafter, on the twentieth day of June and September, the individual shall pay one-quarter of the estimated tax. The fourth quarter of the estimated tax shall be paid by January 20 of the year following the taxable year for which the estimate was made.

(3) Individuals operating on a fiscal year basis shall make similar estimates and tax payments, on or before the twentieth day of the fourth month of the fiscal year, and periodically thereafter so as to conform to the payments and returns required in the case of those on a calendar year basis.

(4) The commissioner may by regulation excuse individuals from filing an estimate in those cases where

the gross income and exemptions are such that no tax is expected to accrue under this chapter, or are such that substantially all the tax will be collected through tax withholdings or at the source.

(b) Returns for the taxable year, additional to declarations of estimated tax made pursuant to this section, and the returns of corporations, estates, trusts, and others not required to make declarations of estimated tax, shall be filed with the commissioner on or before the twentieth day of the fourth month following the close of the taxable year, and shall be accompanied by payment of the balance of the tax for the taxable year, or the entire tax for the taxable year, as the case may be.

(c) At the election of the taxpayer, any installment of the estimated tax may be paid prior to the date prescribed for its payment.

(d) A person who, under the regulations of the commissioner adopted pursuant to subsection (a)(4), is relieved of filing an estimate, shall if the regulations cease to apply by reason of a change of circumstances during the taxable year, file the required estimate on the first quarterly payment date prescribed for payment of estimated taxes, following such change of circumstances, and pay the estimated tax in equal installments computed by allocating the entire amount shown by the estimate for the current taxable year to the remaining quarterly payment dates.

(e) An amendment of an estimate may be filed, under regulations prescribed by the commissioner. If an amendment is filed, the remaining installments, if any, shall be ratably increased or decreased to reflect the increase or decrease in the estimate. The amended estimate may be

accompanied by payment of the amount of underpayment, if any, and if so this shall be considered in determining the period of the underpayment as provided in subsection (g).

(f) If neither an estimate nor return is filed, or if one or both are filed but neither is filed until after the twentieth day of the month following the close of the taxable year, the penalties and interest provided by section 5138.01 shall apply, and shall be computed in respect of all taxes, shown by the returns made under subsection (b) of this section and sections 5522-5526, or determined by the commissioner, with the interest beginning the first day of the first month following the date prescribed for filing the estimate.

(g) If an estimate or return is filed on or before the twentieth day of the month following the close of the taxable year, the penalties and interest provided by section 5138.01 shall not apply in respect of the required payments of estimated tax but shall apply nevertheless for any delinquency, negligence or other fault in respect of the return and payment required by subsection (b) of this section or sections 5522-5524. In respect of the required payments of estimated tax, there shall be added to and become a part of the tax imposed by this chapter, and collected as such in lieu of the penalties and interest provided by section 5138.01, an amount determined at the rate of eight per centum per annum upon any amount of underpayment (determined under paragraphs (1) and (3)) for the period of the underpayment (determined under paragraph (2)). That is:

(1) For purposes of this subsection, the amount of the underpayment shall be the excess of--

(i) The amount of the installment which would be required to be paid if the estimated tax were equal to 70 per cent of the tax shown on the return for the taxable year or, if no return is filed, 70 per cent of the tax for such year, over

(ii) The amount, if any, of the installment paid on or before the last date prescribed for such payment.

(2) The period of the underpayment shall run from the date the installment was required to be paid to whichever of the following dates is the earlier--

(i) The 20th day of the fourth month following the close of the taxable year.

(ii) With respect of any portion of the underpayment, the date on which such portion is paid. For purposes of this paragraph, a payment of estimated tax on any installment date shall be considered a payment of any previous underpayment only to the extent such payment exceeds the amount of the installment determined under paragraph (1)(i) for such installment date.

(3) Notwithstanding the provisions of the preceding paragraphs, the addition to the tax with respect to any underpayment of any installment shall not be imposed if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of such installment equals or exceeds whichever of the following is the lesser--

(i) The amount which would have been required to be paid on or before such date if the estimated tax were whichever of the following is the least--

(A) The tax shown on the return of the

taxpayer for the preceding taxable year, if a return showing a liability for tax was filed by the taxpayer, under this chapter as amended in 1957, for the preceding taxable year and such preceding year was a taxable year of twelve months, or

(B) An amount equal to the tax computed on the basis of the facts shown on the taxpayer's return for, and the law applicable to, the preceding taxable year, if a return for such preceding year was filed by the taxpayer under this chapter as amended in 1957, but at the rates applicable to the taxable year and on the basis of an individual taxpayer's status with respect to personal exemptions under section 5509 for the taxable year, or

(C) An amount equal to seventy per cent of the tax for the taxable year computed by placing on an annualized basis the adjusted gross income and net income for the months in the taxable year ending before the month in which the installment is required to be paid. For purposes of this subparagraph, the adjusted gross income and net income shall be placed on an annualized basis by--

First, multiplying by 12 (or, in the case of a taxable year of less than twelve months, the number of months in the taxable year) the adjusted gross income, or the net income (computed without deduction of personal exemptions), for the months in the taxable year ending before the months

in which the installment is required to be paid,

Second, dividing the resulting amount by the number of months in the taxable year ending before the month in which such installment date falls, and

Third, deducting from such amount, in the case of computation of taxable income of individuals, the deductions for personal exemptions allowable for the taxable year (such personal exemptions being determined as of the last date prescribed for payment of the installment); or

(ii) An amount equal to 90 per cent of the tax computed, at the rates applicable to the taxable year, on the basis of the actual adjusted gross income and net income for the months in the taxable year ending before the month in which the installment is required to be paid.

(h) The amount of taxes withheld from wages, or collected at source by a fiduciary, shall be deemed payments of estimated tax, and an equal part of any such amount shall be deemed paid on each installment date for the taxable year, unless the taxpayer establishes the dates on which all amounts were actually withheld or collected, in which case the amounts so withheld or collected shall be deemed payments of estimated tax on the dates on which such amounts were actually withheld or collected."

(t) By amending section 5521 in the following respects:

(1) By changing the caption of the section to read

as follows:

"Commissioner to prescribe forms; information as to federal returns."

(2) By deleting the second sentence of the section.

(3) By designating the present section as subsection (a).

(4) By adding thereto three new subsections to read as follows:

"(b) In prescribing the form of return the commissioner may require that a person who is required to file a federal income tax return include in his return a reconciliation of the return with the person's federal return, or that he furnish with the return and as a part thereof a copy of the federal return.

(c) It shall be the duty of every person who is required to make a return, to report to the commissioner, if (1) the amount of taxable income as returned to the United States is changed, corrected or adjusted by an officer of the United States or other competent authority, or (2) a change in taxable income results from a renegotiation of a contract with the United States or a subcontract thereunder, or (3) a recomputation of the income tax imposed by the United States under the Internal Revenue Code results from any cause, or (4) an amended income tax return is made to the United States. The report shall be made within ninety days after the change, correction, adjustment or recomputation is finally determined or the amended return is filed, as the case may be, but in any event, even if such change, correction, adjustment or recomputation has not been finally determined or the ninety days has not elapsed, such person shall make a report thereof to the commissioner at the time of filing

CORRECTION

THE PRECEDING DOCUMENT(S) HAS
BEEN REPHOTOGRAPHED TO ASSURE
LEGIBILITY
SEE FRAME(S)
IMMEDIATELY FOLLOWING

in which the installment is required to be paid,

Second, dividing the resulting amount by the number of months in the taxable year ending before the month in which such installment date falls, and

Third, deducting from such amount, in the case of computation of taxable income of individuals, the deductions for personal exemptions allowable for the taxable year (such personal exemptions being determined as of the last date prescribed for payment of the installment); or

(ii) An amount equal to 90 per cent of the tax computed, at the rates applicable to the taxable year, on the basis of the actual adjusted gross income and net income for the months in the taxable year ending before the month in which the installment is required to be paid.

(h) The amount of taxes withheld from wages, or collected at source by a fiduciary, shall be deemed payments of estimated tax, and an equal part of any such amount shall be deemed paid on each installment date for the taxable year, unless the taxpayer establishes the dates on which all amounts were actually withheld or collected, in which case the amounts so withheld or collected shall be deemed payments of estimated tax on the dates on which such amounts were actually withheld or collected."

(t) By amending section 5521 in the following respects:

(1) By changing the caption of the section to read

as follows:

"Commissioner to prescribe forms; information as to federal returns."

(2) By deleting the second sentence of the section.

(3) By designating the present section as subsection (a).

(4) By adding thereto three new subsections to read as follows:

"(b) In prescribing the form of return the commissioner may require that a person who is required to file a federal income tax return include in his return a reconciliation of the return with the person's federal return, or that he furnish with the return and as a part thereof a copy of the federal return.

(c) It shall be the duty of every person who is required to make a return, to report to the commissioner, if (1) the amount of taxable income as returned to the United States is changed, corrected or adjusted by an officer of the United States or other competent authority, or (2) a change in taxable income results from a renegotiation of a contract with the United States or a subcontract thereunder, or (3) a recomputation of the income tax imposed by the United States under the Internal Revenue Code results from any cause, or (4) an amended income tax return is made to the United States. The report shall be made within ninety days after the change, correction, adjustment or recomputation is finally determined or the amended return is filed, as the case may be, but in any event, even if such change, correction, adjustment or recomputation has not been finally determined or the ninety days has not elapsed, such person shall make a report thereof to the commissioner at the time of filing

his next return under this chapter.

(d) Whenever, in the opinion of the commissioner it is necessary to examine any federal income tax return of any taxpayer or any determination, assessment, or report related thereto, the commissioner may compel the taxpayer to produce for inspection a copy of any federal return, copies of all statements and schedules in support thereof, and copies of all determinations, assessments and reports related thereto."

(u) By amending section 5526 by deleting the last paragraph thereof.

SECTION 3. The commissioner, prior to January 1, 1959, shall adopt regulations for carrying out the provisions of subsection (g) of section 2. The commissioner shall report the same to the Thirtieth Legislature. Unless disapproved or superseded by enactments of the Thirtieth Legislature said regulations shall be deemed to have been approved by the legislature.

SECTION 4. This Act shall not be construed as affecting in any manner, to the detriment of the Territory, any taxes, interest, fines, penalties, forfeitures or other liabilities, or obligations, existing, due or incurred prior to the taking effect of this Act, nor as affecting the liability of any person to prosecution for any offense committed prior to the taking effect of this Act under any statutes hereby amended, repealed or superseded; all such taxes, interest, fines, penalties, forfeitures, liabilities, obligations, misdemeanors and other offenses may be assessed, enforced, collected, prosecuted or punished, as the case may be, in the same manner, to the same extent and subject to the same conditions as if this Act had not been enacted.

SECTION 5. Severability. If any provision of this Act, or the application thereof to any person or circumstances,

is held invalid, the remainder of this Act, and the application of such provisions to other persons or circumstances shall not be affected thereby.

SECTION 6. (a) Chapter 98 of the Revised Laws of Hawaii 1945, as amended by this Act, shall apply to all dividends paid or received on or after January 1, 1958, and said chapter 98 as it read prior to the amendments made by this Act shall apply to all dividends paid or received prior to January 1, 1958, as more fully provided in section 4 of this Act.

(b) Chapter 98 of the Revised Laws of Hawaii 1945, pursuant to the amendments made by this Act shall cease to apply to any compensation paid for or attributable to personal services performed on or after January 1, 1958, or which is subject to withholding as provided in section 10, but said chapter 98 as it read prior to the amendments made by this Act nevertheless shall apply to all compensation, except when subject to withholding as provided in section 10, paid for or attributable to personal services performed prior to January 1, 1958, as more fully provided in section 4 of this Act.

SECTION 7. The amendments of chapter 102 of the Revised Laws of Hawaii 1945, made by this Act, shall apply with respect to taxable years beginning on or after January 1, 1958, except as otherwise provided, and with respect to such taxable years chapter 102 shall stand amended as amended by this Act. In the case of any taxpayer making a return for a fiscal or other taxable year which includes part of the calendar year 1957 and part of the calendar year 1958, there shall be two returns made, the same as in a case of change in accounting period. The return made for the fractional part of the calendar year 1957 shall be governed by the provisions of chapter 102 as it read prior to the amendments made by this

Act, and the return made for the fractional part of the calendar year 1958 shall be governed by the provisions of chapter 102 as amended by this Act, to be known as the income tax law of 1957. Provided, that any taxpayer subject to the provisions of the foregoing sentence may elect in lieu thereof to file one return for the fiscal or other taxable year which includes part of the calendar year 1957 and part of the calendar year 1958, which return shall be governed by the income tax law of 1957. Provided, further: whenever, pursuant to the amendments made by this Act, income is required to be returned in a taxable year other than that prescribed by the income tax law as it read prior to the amendments made by this Act, and there is income which has not been taxed and which, by reason of such amendments, would escape taxation, such income notwithstanding such amendments shall be returned for taxation and taxed in the first taxable year to which the income tax law of 1957 applies.

SECTION 8. Notwithstanding the preceding section the return of the taxpayer for the taxable year or years including the period July 1, 1957 to December 31, 1957, inclusive, shall include all information required by the tax commissioner as to the amount of adjusted gross income for said period, as defined and determined by chapter 102 of the Revised Laws of Hawaii 1945, as amended by this Act, and there shall be assessed, levied, collected and paid by every individual (including an estate or trust) a tax of two per centum upon the amount of the adjusted gross income of said period so determined.

SECTION 9. (a) For all taxable years beginning in the calendar year 1957 and theretofore, the tax levied under chapter 102 of the Revised Laws of Hawaii 1945 for the taxable year shall be returned and paid at the times provided by

chapter 102 as it read prior to the amendments made by this Act, except as otherwise provided by subsection (b).

(b) As to any return made for, and including only, a fractional part of the calendar year 1958, such return shall be filed and the taxes paid thereon as provided in subsection (a), or on April 20, 1959, whichever is the later.

SECTION 10. The provisions of chapter 102 of the Revised Laws of Hawaii 1945, as amended by this Act, concerning the withholding of income taxes, and the provisions as to the return thereof and all other provisions related thereto, shall become effective January 1, 1958, as to compensation paid for or attributable to services performed on or after that date, or services performed in a withholding period ending January 1, 1958, or thereafter.

SECTION 11. All taxes withheld or paid under chapter 98 with respect to compensation shall, for the appropriate taxable year, be credited, to the extent of 75% thereof, against income taxes incurred under chapter 102 of the Revised Laws of Hawaii 1945, insofar as such compensation is returnable and returned under chapter 102 as gross income subject to tax; the amount of any excess credit shall not be refunded.

SECTION 12. Refunds of taxes allowable under chapter 98 of the Revised Laws of Hawaii 1945, as it read prior to its amendment by this Act, may be made out of the income tax reserve fund as heretofore or hereafter constituted if the application for such refund is filed within five years after the amount to be refunded was paid to the Territory.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

T-3

____ B. NO. ____

AN ACT

RELATING TO TAXATION, AMENDING CHAPTER 103 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED.

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

SECTION 1. Section 5554 of chapter 103 of the Revised Laws of Hawaii 1945 is amended by amending paragraph (c) to read as follows:

"(c) In any case of an allowance made pursuant to section 12020, to the extent of any payments made out of principal; provided, that for the purposes of the tax imposed by sections 5552-5556, payments of such allowance shall be deemed to have been made out of principal only if and to the extent that the income of the estate accruing after death is insufficient to pay the same."

SECTION 2. Section 5555 of chapter 103 of the Revised Laws of Hawaii 1945 is amended to read as follows:

"Sec. 5555. Rates; exempt amount. When the beneficial interest to any property or income therefrom passes above provided to or for the use of decedent's surviving spouse, the rate of the tax shall be at the following percentage rate of the market value of such property received by such person in excess of $20,000, viz.:

2 per cent on amounts between...$20,000 and $ 35,000.
3 per cent on amounts between... 35,000 and 65,000.
4 per cent on amounts between... 65,000 and 115,000.
5 per cent on amounts between...115,000 and 265,000.
6 per cent on amounts over.....265,000.

When the beneficial interest to any property or income therefrom passes as above provided to or for the use of decedent's father, mother, child, grandchild, or any child adopted as such in conformity with the laws of the Territory, the rate of the tax shall be at the following percentage rate of the market value of such property received by each person in excess of $5,000, viz.:

1½ per cent on amounts between..$ 5,000 and $ 20,000.
3 per cent on amounts between.. 20,000 and 50,000.
4½ per cent on amounts between.. 50,000 and 100,000.
6 per cent on amounts between.. 100,000 and 250,000.
7½ per cent on amounts over..... 250,000.

In all other cases, the rate of tax on the market value of such property in excess of $500 shall be as follows, viz.:

3½	per cent on amounts between...	$ 500 and	$ 5,000.
6	per cent on amounts between...	5,000 and	20,000.
7	per cent on amounts between...	20,000 and	50,000.
8	per cent on amounts between...	50,000 and	100,000.
9	per cent on amounts over.....	100,000."	

SECTION 3. Section 5567 of chapter 103 of the Revised Laws of Hawaii 1945 is amended by deleting from the first sentence thereof the following words and punctuation:

"if the tax is paid within twelve months from the date of death, a discount of five per centum shall be allowed and deducted from the tax, and".

SECTION 4. This Act shall apply only in cases of decedents dying on or after July 1, 1957, and sections 5554, 5555 and 5567 of the Revised Laws of Hawaii 1945, as they stood prior to the amendments made by this Act, shall apply in cases of decedents dying prior to July 1, 1957.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

T-4

____ B. NO. ____

AN ACT

AMENDING CHAPTER 104 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO THE LIQUOR TAX.

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

SECTION 1. Section 5602 of chapter 104 of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(a) By deleting from subsection (b) the words and figure "one dollar ($1.00)" and inserting in lieu thereof the following:

"three dollars ($3.00)".

(b) By deleting from subsection (c) the words "one dollar" and inserting in lieu thereof the words:

"three dollars".

SECTION 2. Section 5604 of chapter 104 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by deleting therefrom the words "twelve per cent of the wholesale price" and inserting in lieu thereof the following:

"fifteen per cent of the wholesale price".

SECTION 3. This Act shall take effect on July 1, 1957 and shall apply to taxes and fees accruing on and after said date.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

T-5

____ B. NO. ____

AN ACT

AMENDING CHAPTER 109 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO THE TOBACCO TAX.

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

SECTION 1. Section 5752 of chapter 109 of the Revised Laws of Hawaii 1945 is hereby amended by deleting from the second paragraph the words "one dollar" and inserting in lieu thereof the following:

"three dollars".

SECTION 2. Section 5753 of chapter 109 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respects:

(a) By deleting therefrom, wherever the same appear, the words "fifteen per centum" and by inserting in lieu thereof in each such place the words:

"twenty per centum"

(b) By deleting therefrom the words "eleven and one-quarter per centum" and inserting in lieu thereof the following:

"fifteen per centum".

SECTION 3. This Act shall take effect on July 1, 1957 and shall apply to taxes and fees accruing on and after said date.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

T-6

____ B. NO. ____

AN ACT

RELATING TO THE TAXATION OF BANKS AND OTHER FINANCIAL CORPORATIONS NOT TAXABLE UNDER CHAPTERS 101 AND 102, THEIR FRANCHISES, PRIVILEGES, ACTIVITIES, PROPERTY, INCOME, SHARES, AND DIVIDENDS, AND AMENDING CHAPTERS 97, 101, 152 AND 161 OF THE REVISED LAWS OF HAWAII 1945, AND ALL OTHER LAWS IN CONFLICT HEREWITH.

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

SECTION 1. Title 14 of the Revised Laws of Hawaii 1945 is hereby amended by amending chapter 97 thereof to read as follows:

"Chapter 97. Taxation of Banks and other Financial Corporations.

Sec. 5301. Definitions. As used in this chapter unless a different meaning appears from the context:

The term 'bank' means and includes any national banking association, any bank organized under the laws of the Territory, and any other corporation doing a banking business within the Territory.

The term 'financial corporation' means any corporation other than a bank, domestic or foreign, which is a financial corporation within the meaning of section 5219 of the Revised Statutes of the United States as amended (12 U.S.C. 548) doing business in the Territory and not subject to the taxes imposed by chapters 101 and 102, or not subject to one of said taxes.

Sec. 5302. Imposition of tax on national banking associations; construction; exemption from other taxes, except real property tax. Every national banking association located or doing business in the Territory shall annually, as of January 1, pay a franchise tax according to, or measured by, its net income, to be computed as hereinafter provided at the rate hereinafter prescribed. The Territory is hereby adopting method numbered (4), authorized by section 5219, Revised Statutes of the United States, as amended (12 U.S.C. 548).

The tax imposed by this chapter shall be in lieu of all other taxes imposed by the Territory or any political subdivision thereof on national banking associations, or on their privileges, activities, property, income, shares or dividends; provided, that nothing in

this chapter shall be construed to exempt the real property of national banking associations from taxation to the same extent, according to its value, as other real property is taxed.

Sec. 5303. Measure of the tax on national banking associations. The measure of the tax on national banking associations shall be the entire net income from all sources for the calendar year preceding January 1, or, in the case of a national banking association operating on a fiscal year basis, for the fiscal year in which January 1 occurs. Said 'entire net income from all sources' shall be determined as follows:

(a) The entire gross income from all sources shall be determined by including all gains, profits and income derived or received from property owned and business carried on in the Territory and all other receipts derived or received from any and every source in the Territory, including interest received upon the obligations of the United States or its possessions, or upon securities issued under the authority of an Act of Congress, or upon state, territorial, municipal, county, or other bonds or securities, whether or not the income from such obligations, bonds, or securities is tax free.

(b) From such gross income there shall be excluded such capital gains, dividends, gifts, bequests, devises and life insurance, as are excluded from the tax imposed on corporations by chapter 102, by paragraphs (b), (e), (f) and (g) of section 5506, or provisions supplementary thereof.

(c) There shall be subtracted from the gross income so computed the deductions which, in the computation of the tax imposed by chapter 102, are allowed to corporations, and in addition thereto federal income taxes upon income derived or received from the sources stated in subsection (a).

Sec. 5304. Rate of tax on national banking associations. The tax imposed by this chapter on national banking associations is hereby fixed at fifteen per cent of the entire net income from all sources, determined as provided in section 5303; provided, that if, for any year, the amount of tax which would be produced by applying the rate of fifteen per cent to the entire net income from all sources shall exceed, in the case of

any national banking association, the amount of tax which would be produced in such case by the sum of (a) three per cent of such gross receipts and proceeds as constitute the measure of the tax imposed by chapter 101, and (b) five per cent of such net income as constitutes the basis of the tax imposed on corporations by chapter 102, then in such event the rate of the tax imposed by this chapter shall, for all national banking associations for such year, be reduced to such per cent (to be computed to the nearest one hundredth of one per cent) as will cause the amount of the tax produced under this chapter not to exceed, in any case, the sum of (a) and (b) above.

Sec. 5305. Imposition of tax on other banks and financial corporations; measure and rate of tax; in lieu of what other taxes. Every bank and financial corporation, other than a national banking association, located or doing business in the Territory, shall annually, as of January 1, pay a franchise tax measured as hereinafter provided, at the tax rates hereinafter prescribed. As to banks, the tax shall be in lieu of all other taxes imposed by the Territory or any political subdivision thereof upon such banks, or their privileges, activities, property, or income, but shall not be in lieu of any taxes imposed on their shares, measured by their dividends, or imposed on their dividends; provided, that nothing in this chapter shall be construed to exempt the real property of banks from taxation to the same extent, according to its value, as other real property is taxed. As to other financial corporations, the tax imposed by this chapter shall not be in lieu of other taxes, but there shall be deducted from the tax imposed by this chapter the amount of all other taxes imposed by the Territory or any political subdivision thereof upon the business or income of the year in which were derived or received the gross receipts, proceeds and net income which constitute the measure of this tax; such deduction shall not exceed the amount of the tax imposed by this chapter. Nothing herein shall be deemed to authorize the deduction of any tax imposed on the shares of such financial corporations, measured by their dividends, or imposed on their dividends, or any tax on real property.

The measure of the tax imposed by this section shall be the gross receipts, proceeds and net income hereinafter designated for the year preceding January 1, or in the case of a bank or financial corporation operating on a fiscal year basis, for the year in which January 1 occurs.

The amount of the tax on banks other than national banking associations, hereby imposed, shall be the sum of (a) three per cent of such gross receipts and proceeds as constitute the measure of the tax imposed by chapter 101, and (b) five per cent of such net income as constitutes the basis of the tax imposed on corporations by chapter 102.

The amount of the tax on financial corporations, hereby imposed, shall be the sum of (a) three per cent of such gross receipts and proceeds from interest and rents as constitute the measure of the tax imposed by chapter 101, and (b) five per cent of such net income from interest, dividends, rents and capital gains as constitutes, or would constitute, the basis of the tax imposed on corporations by chapter 102 in the case of a corporation deriving or receiving its income from those sources. In determining net income there shall be deducted only such amounts as are properly allocable to included gross income."

Sec. 5306. Returns; payment of tax. Returns made on the basis of the calendar year shall be made and filed, and the tax imposed by this chapter shall be paid, on or before April 20 following the close of the calendar year. Returns made on the basis of a fiscal year shall be made and filed, and in such case the tax imposed by this chapter shall be paid, on or before the twentieth day of the fourth month following the close of the fiscal year.

A bank may elect to pay the tax in four equal installments, in which case the first installment shall be paid on the date prescribed for the payment of the tax, the second installment shall be paid on the twentieth day of the second month, the third installment on the twentieth day of the fifth month and the fourth installment on the twentieth day of the eighth month after such date.

Sec. 5307. Chapter 102, applicable. All of the provisions of chapter 102 not inconsistent with the provisions of this chapter, and which may be appropriately applied to the taxes, persons, circumstances and situations involved in this chapter, including without prejudice to the generality of the foregoing, sections 5511, 5512, 5515, 5517, 5519, 5520, 5521, 5522, and 5526-5540 inclusive, shall be applicable to the taxes imposed by this chapter, and to the assessment and

collection thereof. Any tax refund payable under section 5533, hereby made applicable to the taxes imposed by this chapter, shall be made out of current tax collections under this chapter or chapter 102, whichever are available therefor.

Sec. 5508. Disposition of funds. All taxes collected under the provisions of this chapter shall be territorial realizations."

SECTION 2. Chapter 101 of the Revised Laws of Hawaii 1945 is hereby amended by amending section 5459 in the following respects:

(1) By amending clause or item (b) thereof to read as follows:

"(b) banks exclusively taxable under the provisions of other laws;".

(2) By deleting from the first paragraph after the colon the words and punctuation: "(k) building and loan associations, with respect only to interest received by them on loans to members;".

(3) By relettering the remaining items in said first paragraph.

SECTION 3. Chapter 152 of the Revised Laws of Hawaii 1945 is hereby amended by deleting from section 8037 the first sentence thereof.

SECTION 4. Chapter 161 of the Revised Laws of Hawaii 1945 is hereby amended by amending section 8488.02, as enacted by Act 226 of the Session Laws of 1953, as said section may have been or shall be renumbered, by changing the period at the end of the section to a comma and adding after the comma the following:

"and also excepting the tax imposed by chapter 97 if and to the extent applicable."

SECTION 5. All references herein to chapters 101 and 102 of the Revised Laws of Hawaii 1945 signify the provisions thereof as amended and applicable to the taxes imposed by said chapters in respect of income derived or received on and after the January 1 franchise tax date prescribed by this Act, for example, for the computation of the franchise tax imposed by this Act as of January 1, 1958, references to chapters 101 and 102 signify the provisions

thereof as amended and applicable to income derived or received on or after January 1, 1958.

SECTION 6. This Act shall not be construed as affecting in any manner, to the detriment of the Territory, any taxes, interest, fines, penalties, forfeitures or other liabilities, or obligations, existing, due or incurred prior to the effective date of section 1 of this Act, nor as affecting the liability of any person to prosecution for any misdemeanor or other criminal offenses committed prior to said effective date under the laws hereby amended, and all such taxes, interest, fines, penalties, forfeitures, liabilities, obligations, misdemeanors and other offenses may be assessed, enforced, collected, prosecuted or punished, as the case may be, in the same manner, to the same extent and subject to the same conditions, as if this Act had not been enacted.

SECTION 7. If any section, sentence, clause or phrase of this Act, or its application to any person or circumstances, is for any reason held to be unconstitutional or invalid, the remaining portions of this Act, or the application of this Act to other persons or circumstances shall not be affected. The legislature hereby declares that it would have passed this Act and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 8. The first franchise tax date governed by this Act shall be January 1, 1958. Chapter 97 of the Revised Laws of Hawaii 1945 as it read prior to the amendments made by this Act shall apply to taxes due as of January 1, 1957 and theretofore. Except as otherwise provided, this Act shall take effect upon its approval.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

T-7

____ B. NO. ____

AN ACT

AMENDING CHAPTER 161 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO TAXES ON INSURERS.

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

SECTION 1. Section 8487.01 of chapter 161 of the Revised Laws of Hawaii 1945, as enacted by Act 226 of the Session Laws of 1953, as said section may have been or shall be renumbered, is hereby amended in the following respects:

(a) By changing the period at the end of the first sentence to a comma and adding the following after the comma:

"together with such other information as may be required by the commissioner in order to determine the taxability of premiums."

(b) By adding at the end of the section the following:

"No return premium shall be deductible unless the original gross premium, as adjusted, in an amount equal to or in excess of the return premium, shall have been concurrently or previously reported under this section or a prior similar law of the Territory."

SECTION 2. Section 8487.02 of chapter 161 of the Revised Laws of Hawaii 1945, as enacted by Act 226 of the Session Laws of 1953, as said section may have been or shall be renumbered, is hereby amended in the following respects:

(a) By amending subsection 1 by adding thereto the following paragraph:

"All premiums written, procured or received in this Territory shall be presumed to have been from risks or property resident, situated, or located within this Territory. This presumption may be rebutted as to any premium: (a) by showing that it has been properly allocated or apportioned and reported as a taxable premium of another state or other appropriate taxing authority; (b) by facts as to the residence situation or location of the risk or property, conclusively showing the non-taxability of the premium."

(b) By amending subsection 2 in the following respects:

(1) By deleting therefrom the words and punctuation: "cash surrender values paid,".

(2) By adding thereto the following paragraph:

"The tax also shall apply to premiums for insurance written on individuals residing outside this Territory unless the direct writing company shall show the payment of a comparable tax to another appropriate taxing authority. Such showing may be required as to any premium written, procured or received in the Territory."

SECTION 3. This Act shall take effect in respect of all taxes measured by gross premiums of the last six months of 1957 and thereafter. The insurer, in respect of the calendar year 1957, shall make two statements, one covering the first six months of the calendar year and showing the tax on the gross premiums during such period, determined under chapter 161 as it read prior to the amendments made by this Act, and the other covering the last six months of the calendar year and showing the tax on the gross premiums during such period, determined under chapter 161 as amended by this Act.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

GOV. MESS. NO. 9

THE TERRITORY OF HAWAII
EXECUTIVE CHAMBERS
IOLANI PALACE
HONOLULU

February 20, 1957

The Honorable President
and Members of the Senate
29th Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sirs:

With this letter I am sending for your consideration three tax measures relating to real property taxes.

The first bill proposes to turn over to the respective counties the appraisal, assessment and collection functions relating to the real property tax which are presently done by the Territory.

In the alternative, the second bill proposes to charge a service fee of 5% against all real property taxes collected, if the Territory continues to do the appraisal, assessment and collection for the counties.

The third bill proposes to raise the real property tax ceilings by 25% over the present statutory limit.

It is my feeling that if the Legislature desires to remove all controls on the real property tax ceiling then the respective counties should assume the burdens of administering and collecting those taxes.

It should be noted that the Territory has not charged the counties for the costs of appraisal, assessment and collection of the real property tax up to now, although the Territory has deducted from those collections such sums as have been advanced to the counties by way of cash loans or loan fund advancements.

The measures are listed herewith.

R-6 Bill An act relating to taxation, amending Chapters 94, 95, 96 and 102 of the Revised Laws of Hawaii 1945 as amended, adding a new Chapter 94.01 of the Revised Laws of Hawaii 1945, amending Sections 320, 6214 and 6541 of the Revised Laws of Hawaii 1945 and repealing Joint Resolution 44 of

the Session Laws of 1953, all to provide for the administration of the real property tax by the several counties, and to that end to transfer certain functions, and make conforming amendments.

R-6-a Bill An act relating to property taxes, amending Section 5254 of the Revised Laws of Hawaii 1945, as amended, as to the disposition of the proceeds thereof.

R-6-b Bill An act amending Section 5252, Revised Laws of Hawaii 1945, as amended, relating to the amounts that may be raised from real property taxes.

Sincerely,

Samuel Wilder King

SAMUEL WILDER KING
GOVERNOR OF HAWAII

____ B. NO. ____

AN ACT

RELATING TO TAXATION, AMENDING CHAPTERS 94, 95, 96 AND 102 OF THE REVISED LAWS OF HAWAII 1945 AS AMENDED, ADDING A NEW CHAPTER 94.01 OF THE REVISED LAWS OF HAWAII 1945, AMENDING SECTIONS 320, 6214 AND 6541 OF THE REVISED LAWS OF HAWAII 1945 AND REPEALING JOINT RESOLUTION 44 OF THE SESSION LAWS OF 1953, A L L TO PROVIDE FOR THE ADMINISTRATION OF THE REAL PROPERTY TAX BY THE SEVERAL COUNTIES, AND TO THAT END TO TRANSFER CERTAIN FUNCTIONS, AND MAKE CONFORMING AMENDMENTS.

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

SECTION 1. Sections 5139-5170 inclusive of the Revised Laws of Hawaii 1945 as amended are hereby designated as chapter 94.01 of said Revised Laws and said chapter is further amended as follows:

(a) By inserting at the beginning of the chapter eight new sections to read as follows:

"Sec. 5138.03. Definitions. Wherever used in this chapter:

'Assessor', 'tax assessor', and 'assistant assessor', shall mean the treasurer of the county concerned and such assistants to the treasurer as are appointed for the performance of the duties of the assessor under this chapter.

'Collector', 'tax collector', and 'assistant collector' shall mean the treasurer of the county concerned and such assistants to the treasurer as are appointed for the performance of the duties of the collector under this chapter.

'Property', or 'real property' shall mean and include all land and appurtenances thereof and the buildings, structures, fences and improvements erected on or affixed to the same, excluding, however, any growing crops, all machinery and other mechanical or allied equipment and the foundations thereof, telephone, telegraph and electric poles, lines, conduits and appurtenant equipment, pipelines, gas and water mains and appurtenant equipment, penstocks and forebays, railroads (including rails, ties, switches and appurtenant equipment, but not including roadbeds, cuts, fills, bridges, trestles, culverts and the land itself, which latter items shall be deemed real property), and any other fixtures expressly required by law to be assessed and taxed as personal property.

'County' includes the city and county of Honolulu.

Sec. 5138.04. Taxation divisions, counties concerned. The tax on real property in the city and county of Honolulu, the first taxation division, shall be administered by the city and county of Honolulu; the tax on real property in the counties of Maui and Kalawao, the second taxation division, shall be administered by the county of Maui; the tax on real property in the county of Hawaii, the third taxation division, shall be administered by the county of Hawaii; and the tax on real property in the county of Kauai, the fourth taxation division, shall be administered by the county of Kauai.

Sec. 5138.05. Forms, rules and regulations.

(a) The treasurer of the county concerned is hereby authorized, in carrying out the provisions of this

chapter, to prescribe forms to be used in or in connection with assessments and collections, including forms to be used in making of returns by taxpayers, and to change the same from time to time as he shall deem necessary.

(b) The treasurer of the county concerned is hereby authorized to make rules and regulations for the enforcement and administration of this chapter, which rules and regulations when made and promulgated in the manner provided by law shall have the force and effect of law.

Sec. 5138.06. Abstracts of registered conveyances, copies of corporation exhibits, etc. For the purpose of assisting the assessor in arriving at a correct valuation of the property within each division, the registrar of conveyances or any other agency so requested by the assessor, is directed to furnish to the assessor, monthly, quarterly, or as otherwise required by him, an abstract of the conveyances of, or other documents affecting title to, or assessment of, real property in each division, which shall have been entered for record at the bureau of conveyances, executed, or filed, as the case may be, during the period covered by such abstract. The territorial treasurer shall each year furnish to the assessor as requested, copies of the annual corporation exhibits of any or all corporations owning real property in any division or any information contained in such exhibits.

Sec. 5138.07. Hearings and subpoenas. The county treasurer, and any representative of the treasurer duly authorized by him, shall have power to conduct any

inquiry, investigation, or hearing, relating to any assessment, or the amount of any tax, or the collection of any delinquent tax, including any inquiry or investigation into the financial resources of any delinquent taxpayer or the collectibility of any delinquent tax. The treasurer or other person conducting such hearing shall have power to administer oaths and take testimony under oath relating to the matter of inquiry or investigation, and to subpoena witnesses and require the production of books, papers, documents and records pertinent to such inquiry. If any person shall disobey such process, or, having appeared in obedience thereto, shall refuse to answer pertinent questions put to him by the treasurer or other person conducting such hearing, or to produce any books, papers, documents or records pursuant thereto, the treasurer or other person conducting such hearing may apply to the circuit court of the circuit wherein the inquiry or investigation is being conducted, or to any judge of said court, setting forth such disobedience to process or refusal to answer, and said court or such judge shall cite such person to appear before said court or such judge to answer such questions or to produce such books, papers, documents or records, and upon his refusal so to do commit such person to jail until he shall testify, but not for a longer period than sixty days. Notwithstanding the serving of the term of commitment by any person, the treasurer may proceed in all respects as if the witness had not previously been called upon to testify. Witnesses (other than the taxpayer or his or its officers, directors, agents, and employees) shall be allowed their

fees and mileage as in cases in the circuit courts, to be paid on vouchers of the treasurer, from any moneys available for expenses of the treasurer.

Sec. 5138.08. Notices, how given; evidence, tax records as; records open to public.

(a) Unless otherwise provided, every notice, the giving of which by the assessor or collector is required or authorized, shall be deemed to have been given on the date when said notice was mailed, properly addressed to the addressee at his last known address or place of business.

(b) The notices of assessments, records of assessments, and lists or other records of payments and amounts unpaid, prepared by or under the authority of the county treasurer, or copies thereof, shall be prima facie proof of the assessment of the property or person assessed, the amount due and unpaid and the delinquency in payment, and that all requirements of law in relation thereto have been complied with.

(c) All maps and records compiled, made, obtained or received by the county treasurer or any of his subordinates, shall be public records, and in case of the death, removal or resignation of any such officers, shall immediately pass to the care and custody of their respective successors. Such information and all maps and records connected with the assessment and collection of taxes shall, during business hours, be open to the inspection of the public.

Sec. 5138.09. Returns, how to be signed; penalty for false returns etc.

(a) Every return required to be made for taxation

purposes shall be signed by the person required to make such return or by some duly authorized person in his behalf.

The county treasurer may require that, if any person or persons actually prepare or sign a return for another person, such form of statement of such facts and of authority to sign such return as may be prescribed by the treasurer shall be signed by such person so preparing or signing the return, and the treasurer may by regulation define the classes of persons to whom this provision shall apply.

Any other provision of law to the contrary notwithstanding, no oath shall be required upon any tax return.

(b) Any person who shall make any false or fraudulent return or false statement in any return, with intent to defraud the county or to evade the payment of any tax or any part thereof, or who shall, in any manner, intentionally deceive or attempt to deceive the county treasurer or his authorized agent in relation to any such tax, shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not more than $1,000.00 or to imprisonment for a term not exceeding one year, or both, in the discretion of the court.

Sec. 5138.10. Informalities not to invalidate assessments, mistakes in names or notices, etc. No assessment or act relating to the assessment or collection of taxes, under this chapter or chapter 96, shall be illegal or invalidate such assessment, levy or collection on account of mere informality, nor because the same was not completed within the time required by law, nor, if

the notice by publication provided for by section 5158 has been given, on account of a mistake in the name of the owner or supposed owner of the property assessed, or failure to name the owner, or failure to give the notice of assessment by personal delivery or mail provided for by said section 5158."

(b) By inserting, immediately preceding section 5139, a subtitle to read as follows:

"REAL PROPERTY TAX RATE: LEVY."

(c) By amending section 5145 as amended, in the following respects:

(1) By deleting the words: "The commissioner shall provide for each taxation division" and inserting in lieu thereof the following:

"Each assessor shall provide for his taxation division".

(2) By adding at the end of the section the following:

"The territorial surveyor shall, from time to time as requested by the assessors, prepare and furnish such maps for the use of the assessors. For such services the territorial surveyor shall charge, and shall be paid by the respective assessors, the sum of $_____ for each such map furnished."

(d) By deleting from sections 5146, 5147, 5149.01, 5149.05, 5154, 5155 (except in the first sentence), 5155.01, 5159, 5167 and 5168 the words "commissioner" and "tax commissioner", wherever the same appear, and inserting in lieu thereof the words "county treasurer".

(e) By amending section 5155 as follows:

(1) By deleting from the second line the words

"whenever the tax commissioner shall so order, the assessor shall give," and by inserting in lieu thereof the words:

"the assessor may give,"

(2) By placing a comma after the word "December" in the third line and deleting from the third and fourth lines the words: "of the year such order is made,".

(f) By amending section 5159 in the following respects:

(1) By deleting the word "triplicate", wherever the same appears, and inserting in lieu thereof "duplicate".

(2) By deleting the figures "5128" and inserting in lieu thereof "5172".

(3) By deleting from the last sentence all that follows the word "treasurer" and inserting in lieu thereof:

"of the Territory".

(g) By amending section 5161 by deleting therefrom the words "auditor and treasurer" and inserting in lieu thereof the words "county auditor".

(h) By amending section 5166 in the following respects:

(1) By deleting from the second sentence of the last paragraph the words "tax commissioner, or to the".

(2) By deleting from the last sentence the comma which follows the words "tax assessor" and further deleting the words "collector or commissioner," and by inserting in lieu thereof the words "or collector,".

(i) By adding to said chapter five new sections to read as follows:

"Sec. 5171. Assumpsit actions. If any tax be unpaid when due, the tax collector may proceed to enforce the payment of the same, with all penalties, by action in

assumpsit, in the name of the county treasurer on behalf of the county, for the amount of taxes and costs, or if the tax is delinquent, for the amount of taxes, costs, penalties and interest. Such action may be brought either in a district court or in the circuit court, irrespective of the amount claimed. Execution may issue upon any judgment rendered in any such action which may be satisfied out of any property of the defendant, real or personal.

Sec. 5172. Changes, etc., in assessment lists. Except as specifically provided in this chapter or chapter 95, no changes in, additions to, or deductions from, the assessments on the assessment lists prepared as provided in section 5159 shall thereafter be made except to add thereto property or taxes which may have been omitted therefrom, or to deduct therefrom adjustments on account of duplicate assessments and clerical errors, such as transposition in figures, typographical errors and errors in calculation.

Sec. 5173. Adjustment of tax rolls. The tax rolls prepared as provided in section 5161 shall be the foundation of the taxes receivable account on the books of the county; and no adjustment of the amount reported to the auditor on the tax rolls, tending to reduce the amount of taxes billed, shall be entered upon the records until the same shall have been properly audited and the legality of the transaction determined by the auditor acting in conjunction with the county attorney in each case.

Sec. 5174. Refunds. In the event of adjustments of the tax rolls or assessment lists on account of duplicate assessments and clerical errors, such as

transposition in figures, typographical errors and errors in calculation, which adjustments shall have been properly audited and the legality of the transactions determined by the auditor acting in conjunction with the county attorney in each case, the same may be entered upon the records although the full amount appearing upon the records prior to such adjustment has been paid, subject to the time limitation hereinafter provided.

There may be refunded in the manner and subject to the time limitation hereinafter provided: (1) any amount collected in excess of the amount appearing upon the records as adjusted, or (2) any amount constituting a duplication of payment in whole or in part.

All refunds shall be paid only upon a form to be known as a 'Refund Voucher,' prepared by the tax collector. Such refund vouchers shall set forth all the details of each transaction, shall be approved by the tax collector, and shall be forwarded to the auditor from time to time. The auditor shall issue his warrant for the payment of any such refund out of the tax clearance fund, which is hereby created; provided, however, that if the person entitled to the refund is delinquent in the payment of any tax, the auditor, upon demand of the collector and after notice to such delinquent taxpayer, shall withhold the amount of such delinquent tax, together with penalties and interest thereon, from the amount of such refund and pay the same to the collector.

No such adjustment shall be entered on the records or refund authorized except within one year after the end of the calendar year in which the amount to be refunded was paid, unless a written application for such adjustment

or refund shall be filed within such period, or the proposed adjustment shall have been submitted for auditing during such period.

Sec. 5175. Partial payment of taxes. Whenever a taxpayer makes a partial payment of a particular assessment of taxes, the amount received by the collector shall first be credited to interest, then to penalties, and then to principal."

SECTION 2. Chapter 95 of the Revised Laws of Hawaii 1945, as amended, is hereby amended as follows:

(a) By inserting a new section 5201.01 to read as follows:

"Sec. 5201.01. Assessor. As used in this chapter the word 'assessor' means such county or territorial officer, or his subordinate, as is the assessor for the particular tax concerned."

(a-1) By amending section 5202 in the following respects:

(1) By deleting from the second sentence the words "by the governor as provided in section 80 of the Organic Act." and inserting in lieu thereof the following:

"in the manner provided by law as to appointive county officers."

(2) By deleting from the third sentence the words "The governor" and inserting in lieu thereof the following:

"The mayor or chairman and executive officer as the case may be,".

(3) By deleting the fourth sentence and inserting in lieu thereof the following:

"The members of each board shall be appointed, one for a term expiring December 31, 1958, one for a term expiring December 31, 1959, and the third for a term expiring December 31, 1960; thereafter each member shall be appointed for a term of three years from January 1, immediately following the expiration of the preceding term."

(b) By amending section 5203 by inserting therein a new paragraph, following the first paragraph, to read as follows:

"The jurisdiction of the board shall be limited to property tax appeals."

(c) By amending section 5211 by deleting therefrom the second sentence of the section.

(d) By inserting in said chapter 95 a new section to read as follows:

"Sec. 5211.01. Appeals not within jurisdiction of board of review. Whenever by law an appeal is allowed in respect of a tax other than a property tax, the appeal shall lie directly to the tax appeal court. Such appeal may be taken in all respects as provided in the second paragraph of section 5211, or if the appellant prefers he may designate his appeal as an appeal taken under this section.

In the event of an appeal being taken under this section the requirements for taking the appeal shall be the same as are provided by section 5211, save as to filing of the notice of appeal and payment of costs to the tax appeal court. Whenever an appeal is designated as having been taken under this section the appellant shall have ten days after mailing of a notice by the tax commissioner or assessor requiring the perfecting of the appeal, in which to file his notice of appeal in the tax appeal court and pay the costs to the tax appeal court; provided, however, that notwithstanding the appeal is designated as having been taken under this section a copy of the notice of appeal shall be furnished to the tax commissioner or assessor within the time provided by law for taking the appeal, and within such time the taxes shall have been paid if required by law for taking of the appeal and all other requirements met, except as herein

otherwise specifically provided.

If an appeal taken under this section is not perfected within the required time the same shall be dismissed by the tax appeal court, for which purpose only the appeal shall be docketed under a special number as provided by the rules of the tax appeal court, and no notice shall be required in order for the tax commissioner or assessor to obtain a dismissal of the appeal, other than the notice hereinabove provided for requiring the perfecting of the appeal, provided, further, that such notice shall have stated that if the appeal is not perfected within ten days after mailing of said notice the same will be dismissed.

Taxes paid pending an appeal taken under this section shall be held in a special deposit and in the event the appeal is dismissed shall become a realization under the tax law concerned. In the event the appeal is perfected, the taxes paid pending appeal shall be paid into the litigated claims fund as of the date of perfecting of the appeal and the disposition thereof thereafter shall be as provided by section 5219."

(e) By amending section 5219 in the following respects:

(1) By deleting from the first sentence the words "by the treasurer into the 'litigated claims fund.'" and inserting in lieu thereof the following:

"by the treasurer of the Territory or the county concerned into the appropriate litigated claims fund."

(2) By inserting in the second sentence, after the word "Territory" and preceding the comma the following:

"or county, as the case may be"

(3) By inserting in the second sentence after the word "Territory" and preceding the period the following:

"or county, as the case may be".

SECTION 3. Chapter 96 of the Revised Laws of Hawaii 1945, as amended, is hereby amended as follows:

(a) By amending section 5251 by deleting from the second paragraph the figures "5101" and inserting in lieu thereof "5138.03".

(b) By amending section 5252 to read as follows:

"The rate at which real property shall be taxed for each calendar year under section 5139 shall be fixed on or before May 15 of each year by resolution of the board of supervisors adopted in the manner provided by law relating to resolutions involving the expenditure of public money. No such resolution shall be adopted until the board of supervisors shall conduct a public hearing on the rate of tax proposed; notice of such hearing shall be published in a newspaper of general circulation within the county at least twice within a period of thirty days (fifteen days in years in which the legislature meets in regular session) immediately preceding the date of hearing. The provisions of this paragraph as to the date for fixing, and holding of public hearing on, said tax rate shall be deemed directory and failure to adopt such resolution on or before the date hereinabove prescribed, or to hold such hearing, shall not invalidate the tax rate. The rate so determined by the board shall forthwith be communicated to the county treasurer and shall be the rate at which real property shall be taxed for such calendar year under section 5139 in the county concerned."

(c) By inserting therein a new section 5252.01 to read as follows:

"Sec. 5252.01. Prescribed dates during years legislature meets. The requirements of sections 5162 and 5252 to the contrary notwithstanding, in any year in which the legislature meets in regular session:

(a) Any tax rate may be fixed, and other acts required by section 5252 may be performed, on or before that date which is fifteen days after the adjournment

sine die of said session.

(b) The date for payment of the first installment of real property taxes shall be, instead of June 20, that date which is fifty days after the adjournment sine die of said session."

(d) Section 5253 as amended is further amended by deleting therefrom the first paragraph.

(e) Section 5254 is amended in the following respects:

(1) By deleting therefrom the first paragraph and inserting in lieu thereof a new subsection (a) to read as follows:

"(a) All real property taxes collected during any calendar year by any county shall (except as otherwise provided by law) be applied on account of the requirements of such county for such year; provided, the county treasurer shall, from time to time, allot from the real property tax collections sufficient amounts for the purposes hereinafter specified and shall pay the same over, or keep the amounts allotted in special accounts for use for such purposes only, as the case may be, and shall under no circumstances allow any part thereof to be used for any purpose other than that provided by law.

(1) The treasurer of the Territory, on or before January 31 of each year, shall compute and submit to the board of supervisors of each county the amounts which are payable to the Territory for such county for that calendar year to meet interest charges for serial bonds, and the principal for all serial bonds maturing the following calendar year, which bonds have been issued by the Territory for county purposes (except bonds issued

prior to January 1, 1945 for highway purposes). Said statement of the territorial treasurer further shall specify the date or dates when such payments are to be made by the respective counties. The county treasurer of each county shall, from the real property tax collections, set aside the amounts required and not later than the specified date or dates pay the same over to the treasurer of the Territory whose duty it shall be to apply the same for the purposes herein specified, and the treasurer of the Territory shall under no circumstances allow any moneys so paid over by the county to be used for any other purpose.

(2) On or before March 31 of each year the board of supervisors of each county shall compute the amounts payable by such county for such calendar year to meet interest charges for term and serial bonds, sinking fund charges for term bonds, and the principal for all serial bonds maturing the following calendar year, which bonds have been issued by such county (except bonds issued prior to January 1, 1945, for highway purposes). The amounts so computed shall be set forth in a resolution of the board of supervisors adopted in the manner provided by law. The county treasurer shall, from time to time, allot from the real property tax collections the amounts so computed and shall keep such allotments in special accounts for use only for the purposes herein specified.

(3) The board of trustees of the employees' retirement system of the Territory shall, on or before January 31 of each calendar year, estimate and submit to the board of supervisors of each county the amount which,

pursuant to chapter 15, will be due from the county for such calendar year on account of the employees thereof who are members of the employees' retirement system. The board of supervisors of each county by resolution adopted in the manner provided by law shall determine the amounts payable by such county for such calendar year for contributions to the employees' retirement system on account of the employees of the county who are members of the employees' retirement system, which amount shall not be less than the amount estimated by the trustees. The county treasurer from time to time shall allot from the real property tax collections for the purposes specified the amounts so determined and from the amounts so allotted, or if there is a deficiency from other funds of the county as well, shall pay to the board of trustees of the employees' retirement system of the Territory, pursuant to chapter 15, the amounts due from such county for such calendar year on account of the employees thereof who are members of the employees' retirement system.

(4) On or before March 31 of each year the board of supervisors in each county, by resolution adopted as provided by law, shall determine the amounts payable, or required to be appropriated or contributed, by such county for such calendar year, which by law the county is required to pay, appropriate, or contribute, as the case may be, as specified or required by acts of the legislature relating to the county. Any information or estimates necessary to be given to the board of supervisors by any officers, either county or territorial, or by any other persons in order to enable the board to make the foregoing determinations, shall be submitted by such officers or persons to the board not later than January 31 of each year. The county treasurer shall from time to time allot

from the real property tax collections the amounts so determined and shall pay over or keep such allotments in special accounts for the purposes provided by law.

In so far as the validity of any tax rate shall be concerned, the provisions of this subsection (including provisions as to dates) shall be deemed directory, and no informality and no other defect whatsoever in carrying out the provisions of this subsection, whether in form or in substance, shall invalidate or be deemed to invalidate any tax rate. However, compliance with the provisions of this subsection may be compelled by mandamus or otherwise. In addition to any other remedies available, the territorial treasurer is hereby authorized to withhold, from the county's share of the general excise tax, moneys due from a county for the payment of principal or interest for territorial bonds, or for the county's contributions to the employees' retirement system of the Territory, or for any other charges for which, by law, provision is made for withholding by the Territory from moneys belonging to the county or for payment by the county to the Territory.

If at any time there shall be insufficient moneys for the purpose of any special account, moneys in the general account of the Territory or county, as the case may be, may be used for such purposes, in which case the general account shall be reimbursed by transfers from the special account as soon as the insufficiency of moneys therein has been rectified."

(2) By designating as subsection (b) the present second paragraph including the schedule and by further amending said subsection by adding thereto the following:

"This subsection shall not apply to the general excise taxes collected from public utility air lines."

(3) By deleting from said section the last two paragraphs thereof.

SECTION 4. Chapter 102 of the Revised Laws of Hawaii 1945 is hereby amended by amending section 5535 thereof in the following respects:

(1) By deleting from the first paragraph the words "either to the divisional board of review or".

(2) By deleting from the second paragraph all of the first sentence thereof.

(3) By further amending the second paragraph by deleting therefrom the words "upon the basis of the decisions of the board of review and tax appeal court, if any" and by inserting in lieu thereof the following:

"upon the basis of the decision of the tax appeal court".

(4) By further amending the second paragraph by deleting therefrom the words "or transferred to".

SECTION 5. Section 320 of the Revised Laws of Hawaii 1945 is hereby amended as follows:

(1) By deleting from the ninth line on page 152 of the Revised Laws of Hawaii 1945 the word "or" and inserting in lieu thereof "and".

(2) By deleting from the seventeenth and eighteenth lines on said page 152 the words "tax commissioner or".

(3) By deleting from the twenty-third line on said page 152 the words "tax commissioner or".

(4) By deleting from the thirtieth line on said page 152 the words "tax commissioner,".

(5) By deleting from the thirty-seventh line on page 152 the words "tax commissioner or".

(6) By deleting from the forty-first line on page 152 the words "tax commissioner or".

(7) By deleting from lines fifty and fifty-one on page 152 the words "tax commissioner or".

(8) By deleting from lines fifty-one and fifty-two on page 152 the words "tax commissioner,".

SECTION 6. Section 6214 of the Revised Laws of Hawaii 1945 is hereby amended by deleting from the paragraph which prescribes the amount of bond of the treasurer the figures there set forth for each county, and by inserting in lieu thereof, for each of the counties, the following:

"$100,000.00"

SECTION 7. Section 6541 of the Revised Laws of Hawaii 1945 is hereby amended by deleting from the first sentence the words "and treasurer" and by inserting between the first and second sentences a new sentence to read as follows:

"The amount of bond of the treasurer shall be $100,000.00."

SECTION 8. The chairmen and members of the boards of review in the respective taxation divisions shall cease to hold office on December 31, 1957.

SECTION 9. Each county shall maintain a "litigated claims fund" into which taxes paid pending the final determination of real property tax appeals shall be paid as provided by section 5219 of the Revised Laws of Hawaii 1945, as amended.

SECTION 10. Joint Resolution 44 of the Session Laws of 1953 is hereby repealed.

SECTION 11. All personal property taxes for any year, whether before or after 1933, shall be paid into the territorial treasury and become a general fund realization.

SECTION 12. Upon the taking effect of this Act all appeals pending before a board of review, save appeals in real property tax cases, shall be deemed appeals to the tax appeal court specifically taken under section 5211.01, and shall be dismissed or perfected as appeals to the tax appeal court as therein provided. All real property tax appeals pending before a board of review shall be transferred to the newly constituted board of review of the appropriate county.

SECTION 13. This Act shall not be construed as affecting in any manner, to the detriment of the Territory, or any county, any taxes, interest, penalties, or other liabilities, or obligations, existing, due or incurred prior to the effective date of this Act, nor as affecting the liability of any person to prosecution for any misdemeanor or other criminal offenses committed prior to said effective date under any laws hereby amended; and all such taxes, interest, penalties, liabilities, obligations, misdemeanors and other offenses may be assessed, enforced, collected, prosecuted or punished, as the case may be, in the same manner, to the same extent and subject to the same conditions (except as to the substitution, in proper cases, of the county treasurer and his subordinates in place of the tax commissioner and his subordinates), as if this Act had not been enacted.

SECTION 14. On the effective date of this Act, all records of the Tax Commissioner or any of his subordinates, necessary to enable the county treasurers to administer the real property tax, shall by the Tax Commissioner and his subordinates be transferred to the appropriate county treasurer, together with all forms, supplies, reference books and equipment directly related to or chiefly for use in connection with the functions transferred by this Act; provided, however, that all records, equipment and the like of the taxation maps bureau shall be transferred from the office of the Tax Commissioner to the office of the Territorial Surveyor.

SECTION 15. Upon the effective date of this Act all subordinates and employees of the Tax Commissioner whose duties are directly related to or chiefly concern the administration of the real property tax, shall be transferred

to the offices of the respective county treasurers, without loss of vacation allowance, sick leave, service credit, or other rights or privileges; provided that the personnel of the taxation maps bureau shall be transferred to the office of the Territorial Surveyor.

The respective Civil Service Commissions shall by rule or otherwise make appropriate provisions whereby the personnel hereby transferred may be accorded as nearly as practicable the same treatment as if they had, prior to the effective date of this Act, been in the department or office to which transferred by this Act, and had been receiving the rates of compensation actually received by them immediately prior to the effective date of this Act. No such employee shall suffer a reduction of the rate of compensation by reason of this Act. The office of the Tax Commissioner shall pay into the treasury of the appropriate county, or shall transfer to the credit of the Territorial Surveyor as the case may be, the amounts of the credits for vacations (but not sick leave) earned or accumulated at the rates of compensation as of the effective date of this Act. Contributions to the Employees' Retirement System shall be prorated as of the effective date of this Act.

SECTION 16. All laws inconsistent with this Act are hereby amended to conform thereto.

SECTION 17. This Act shall take effect on January 1, 1958. Provided, that prior to the effective date of this Act the several county treasurers may adopt and cause to be printed suitable forms and make other provisions preparatory to the assumption of the functions transferred by this Act.

INTRODUCED BY:

_____

DATE: _____

Honolulu, Hawaii

R-6a

____ B. NO. ____

AN ACT

RELATING TO PROPERTY TAXES, AMENDING SECTION 5254 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, AS TO THE DISPOSITION OF THE PROCEEDS THEREOF.

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

SECTION 1. Section 5254 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by deleting the second sentence of the first paragraph and inserting in place thereof the following two sentences:

"Out of such taxes paid into the territorial treasury from each county, the treasurer shall retain from time to time five per cent of the gross amount of such taxes to cover the costs to the Territory of administering, assessing and collecting such taxes, and the treasurer shall transfer said sum to the territorial general fund as a general fund realization. From the balance of such taxes paid into the territorial treasury from each county, the treasurer shall retain from time to time in special accounts sufficient amounts for the purposes specified in items (1) and (5), under column III, respectively, of the budget provided for in section 5252, and shall pay the balance thereof to the treasurer of such county, as soon as possible after the same have been paid into the territorial treasury, or after the disposition of any tax appeal, as the case may be, for the purposes specified in items (2), (3), (4) and (6) under column III of the budget, and for the purposes of meeting the other requirements of the county for the year; provided, however, that so much of item (6) as relates to the Territory's costs in connection with such taxes shall be handled by retention of the percentage above specified and not by allotment by the county treasurer."

SECTION 2. The five per cent of the gross amount of property taxes, which by the amendments of section 5254 of the Revised Laws of Hawaii 1945 is to be retained by the Territory to cover the costs of administering, assessing and collecting such taxes, shall be deemed an amount specified by special act of the legislature, and the estimated amount to be so retained shall be included in item (6) of the form of county budget prescribed by subsection (a) of section 5252, Revised Laws of Hawaii 1945, as amended, for the counties of Hawaii and Kauai, and also in the budget submitted to the treasurer pursuant to the requirements of subsection (b) of section 5252, Revised Laws of Hawaii 1945, as amended, for the city and county of Honolulu and the county of Maui.

SECTION 3. This Act shall take effect as of January 1, 1957.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

R-6b

___ B. NO. ____

AN ACT

AMENDING SECTION 5252, REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO THE AMOUNTS THAT MAY BE RAISED FROM REAL PROPERTY TAXES.

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

SECTION 1. Section 5252 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respects:

(a) By deleting from subsection (a) the schedule which now reads:

"The county of Hawaii, the sum of...$1,200,000
The county of Kauai, the sum of..... 600,000"

and by inserting in lieu thereof the following:

"The county of Hawaii, the sum of...$1,500,000
The county of Kauai, the sum of..... 750,000"

(b) By amending subsection (b) by deleting therefrom the schedule which now reads:

"For 1947

In the city and county of Honolulu...$6,000,000
In the county of Maui..... 850,000

For 1948 and later years

In the city and county of Honolulu...$8,000,000
In the county of Maui..... 1,000,000"

and by inserting in lieu thereof the following:

"In the city and county of Honolulu...$10,000,000
In the county of Maui..... 1,250,000"

SECTION 2. This Act shall take effect as of January 1, 1957.

INTRODUCED BY:

Date: _____ _____

Honolulu, Hawaii

GOV. MESS. NO. ~~5~~ 10

THE TERRITORY OF HAWAII
EXECUTIVE CHAMBERS
IOLANI PALACE
HONOLULU

February 20, 1957

The Honorable President
and Members of the Senate
29th Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sirs:

For your consideration and appropriate action I attach herewith the drafts of several measures which I strongly urge be adopted by the Legislature.

In general, the attached proposals deal with either the relationship between the government of the United States of America and the government of what is now the Territory of Hawaii, or the organization of the latter.

The proposed legislation directed to the federal-territorial relationship is composed of three alternatives: statehood; or our Constitution in place of our Organic Act; or parts of our Constitution in place of the comparable Organic Act provisions; specifically, the parts concerned with the governor and lieutenant-governor, the legislature, the judiciary, public lands, and school commissioners.

The legislation intended to improve the organization of the territorial government either consolidates existing functions or clarifies existing relationships or creates new powers. Thus, the financial functions, except for the bureau of the budget, are centralized in a department of finance; the functions relating to natural resources are consolidated in a department of natural resources; the functions concerned with trade and commerce are merged in a department of trade and commerce; and library and allied functions are collected in a department of libraries. If the department of natural resources is not created, then new divisions in the existing board of agriculture and forestry are recommended, the new divisions being a bureau of agriculture and a bureau of parks.

In the area of clarification of present relationships, there are proposals dealing with the director of labor and industrial relations and the director of personnel, civil service, proposals designed to make these directorships more like the orthodox department head. Also, there is a suggestion relating to the accountability of the Hawaii Housing Authority.

One bill would establish the office of post auditor, which in turn would necessitate changing the auditor's title and powers. The other two new-power suggestions are intended to help potential home owners -- one would increase the loan possibilities of Hawaiian Homes Commission homesteaders, and the other would create a home development authority, charged with the duty of increasing the supply of residential lots.

The passage of all of the above measures is recommended, even though the enactment of the broader legislation might make the narrower suggestions unnecessary. I feel that the alternative measures should be submitted to Congress, which might in some cases be willing to approve the more restrictive legislation but not the broader proposals.

Naturally the admission of Hawaii as a state is the primary objective, but if that should not be achieved in this present Congress, then these alternative measures, in appropriate order, should be considered.

Sincerely,

Samuel Wilder King

SAMUEL WILDER KING
GOVERNOR OF HAWAII

GOVERNMENT, GENERAL

A-1	JR	Joint Resolution requesting Congress to enact legislation providing for the admission of Hawaii to statehood.
A-2	Act 191 SLH 1955	In view of the enactment of Act 191 of the Session Laws of 1955, no bill has been prepared covering this matter. (state elections-contingent)
A-3	JR	Joint Resolution requesting the Congress of the United States to amend the Hawaiian Organic Act and enact new provisions whereby the territorial government will be constituted as provided for the state government by the constitution of the proposed state of Hawaii, and amending territorial laws to conform therewith in that event.
A-4	JR	Joint Resolution requesting the Congress of the United States to amend the Hawaiian Organic Act in conformity with the provisions of the constitution of the proposed state of Hawaii as to the election of a governor and lieutenant governor, and making amendments of the election laws to take effect in such event.
A-5	SCR and HCR	Concurrent resolution requesting the Congress of the United States to amend the Hawaiian Organic Act so as to provide for annual regular sessions of the legislature and increase the compensation of members of the legislature.
A-6	JR	Joint Resolution requesting the Congress of the United States to amend the Hawaiian Organic Act relating to the judiciary to conform to the provisions of the constitution of the proposed state of Hawaii, provisionally making an appropriation for the salaries of judges and amending Section 9610 of the Revised Laws of Hawaii 1945.
A-7	SCR and HCR	Concurrent resolution requesting the Congress of the United States to transfer to the Territory of Hawaii the remaining public lands and the authority to legislate in respect thereto, as set forth in Joint Resolution 4 of the Session Laws of Hawaii 1955.
A-8	Bill	An act creating a department of finance, defining its powers and duties, abolishing certain agencies, transferring certain powers and duties, and making an appropriation therefor.
A-9	Bill	An act creating a department of natural resources, providing for divisions therein, and transferring functions, records, property, monies, powers and appropriations, terminating certain offices and agencies and repealing section 1002 of the Revised Laws of Hawaii 1945, and laws in conflict with this act.

A-10	Bill	An act creating a department of trade and commerce, designating its powers and functions, transferring to it the property, powers and functions of the economic planning and coordination authority and making an appropriation.
A-10-A	Bill	An act creating a department of libraries and making an appropriation therefor.
A-11	Bill	An act creating the Hawaii Home Development Authority, providing for acquisition by purchase or condemnation of private property or the utilization of public lands, or both, for subdivision, improvement, development and sale for dwellings, for subsistence of the occupiers of such dwellings and for other facilities in connection therewith, and making an appropriation therefor.
A-12	Bill	An act to amend chapter 71 of the Revised Laws of Hawaii 1945, relating to the department of labor.
A-13	Bill	An act relating to the public service in the territory and the several counties including civil service, classification and compensation of public officers and employees and amending chapters 2 and 3 of the Revised Laws of Hawaii 1945.
A-14	Bill	An act prescribing the powers and duties of the post-auditor, transferring equipment, powers and funds, and providing penalties.
A-15	Bill	An act relating to the auditor and deputy-auditor of the territory, changing their titles to comptroller and deputy comptroller respectively, and defining their powers and duties.
A-16	JR	Joint Resolution requesting the Congress of the United States of America to enact legislation amending the Hawaiian Homes Commission Act, 1920, to authorize the Hawaiian Homes Commission to approve and guarantee loans to Hawaiian Homes homesteaders by private financing institutions.
A-17	Bill	An act to amend Chapter 27 of the Revised Laws of Hawaii 1945 relating to the Department of Public Instruction.
A-18	Bill	An act to create a Bureau of Agriculture under the Board of Agriculture and Forestry.

A-19	Bill	An act relating to the Division of Territorial Parks under the Board of Commissioners of Agriculture and Forestry; enlarging the powers and duties thereof to maintain and develop historical sites, and making an appropriation.
A-20	Bill	An act relating to the Hawaii Housing Authority and its expenditures and the disposition of its reserves and income and amending section 7 of Act 338 of the Session Laws of Hawaii 1949 and section 20 of Joint Resolution 4 of the Session Laws of Hawaii 1947.
A-20-B	Bill	An act relating to legal services for the Territory and departments and agencies thereof: amending section 3505, as amended, of the Revised Laws of Hawaii 1945, and section 367.01 as enacted by Act 105, Session Laws of Hawaii 1953.

A

____ J. R. NO. ____

JOINT RESOLUTION

REQUESTING THE CONGRESS TO ENACT LEGISLATION PROVIDING FOR THE ADMISSION OF HAWAII TO STATEHOOD.

WHEREAS, Hawaii was annexed to the United States by agreement between the government of the people of Hawaii, which then was an independent republic, and the government of the United States; and

WHEREAS, under said agreement Hawaii was to become, and did become, an integral part of the United States; and

WHEREAS, by virtue of historical background and precedent Hawaii is destined for statehood; and

WHEREAS, the attainment of that goal has been urgently sought by the people of Hawaii and has been endorsed by all the people of the United States as shown by the platforms of the major political parties; and

WHEREAS, Hawaii is fully qualified for statehood, as has been found repeatedly by congressional committees holding hearings thereon; and

WHEREAS, Hawaii has adopted a constitution formed by a convention of duly elected delegates and ratified by the people, which constitution is republican in form, in conformity with the Constitution of the United States and the principles of the Declaration of Independence, and in every other respect meets the requirements for admission of the state; and

WHEREAS, the people of Hawaii are ready to elect state officers, and senators and representatives in Congress, as shown by the adoption of suitable legislation therefor to take effect immediately upon authorization of such elections

by the Congress; now, therefore,

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

SECTION 1. The Congress of the United States is hereby respectfully requested to enact legislation providing for the admission of the state of Hawaii into the Union, substantially in the form of H. R. 49 of the 85th Congress.

SECTION 2. This legislature does hereby reaffirm the desire and will of the people of Hawaii that statehood be granted them, and does hereby reassert that fulfillment of the rights of the people of Hawaii calls for enactment of statehood legislation without further delay.

SECTION 3. Duly certified copies of this Joint Resolution shall be forwarded to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, the Chairman of the Committee on Interior and Insular Affairs of the said Senate, the Chairman of the Committee on Interior and Insular Affairs of said House of Representatives, the Delegate to Congress from Hawaii, and the Secretary of the Interior.

SECTION 4. This Joint Resolution shall take effect upon its approval.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

J. R. NO.

JOINT RESOLUTION

REQUESTING THE CONGRESS OF THE UNITED STATES TO AMEND THE HAWAIIAN ORGANIC ACT AND ENACT NEW PROVISIONS WHEREBY THE TERRITORIAL GOVERNMENT WILL BE CONSTITUTED AS PROVIDED FOR THE STATE GOVERNMENT BY THE CONSTITUTION OF THE PROPOSED STATE OF HAWAII, AND AMENDING TERRITORIAL LAWS TO CONFORM THEREWITH IN THAT EVENT.

WHEREAS, the people of Hawaii are desirous of attaining statehood at the earliest possible date and deem it desirable that the provisions of the constitution of the proposed State of Hawaii as to the organization and functioning of the Hawaiian government be given effect without further delay; now, therefore,

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

SECTION 1. The Congress of the United States is hereby requested to amend the Hawaiian Organic Act and enact new provisions substantially as set forth in the following form of bill:

"A BILL

TO AMEND THE HAWAIIAN ORGANIC ACT AND ENACT NEW PROVISIONS IN RESPECT OF THE ORGANIZATION AND FUNCTIONING OF THE TERRITORIAL GOVERNMENT.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Hawaiian Organic Act is hereby altered, amended and supplemented as follows:

"TITLE I

REVISION OF THE ACT OF

APRIL 30, 1900, AS AMENDED

"SEC. 101. Sections 12-29, 31, 34, 37, and 40 to 54 inclusive of the Act of April 30, 1900, as amended, are hereby repealed.

"SEC. 102. The following sections or portions of sections of the Act of April 30, 1900, as amended, are hereby renumbered and continued in effect as renumbered: Section 30 as section 302; Section 32 as section 303; Section 33 as section 304; Sections 35 and 36 as section 305; Section 38 as section 306; Section 39 as section 307; and the three paragraphs added to Section 55 by the Act of August 1, 1956 as section 308.

"SEC. 103. The remainder of Section 55 of the Act of April 30, 1900, as amended, is hereby amended so that the same consists in four subsections as follows: Subsection (a) shall consist of the first sentence thereof. Subsection (b) shall consist of the second sentence thereof as amended. Subsection (c) shall consist in a provision reading as follows: 'No divorce shall be granted by the legislature.' Subsection (d) shall consist in the provision that: 'The legislature may by general act provide for the condemnation or property for public uses, including the condemnation of rights-of-way for the transmission of water for irrigation and other purposes.'

The provision of said section 55 which reads: 'nor shall any divorce be granted by the courts of the Territory unless the applicant therefor shall have resided in the Territory for two years next preceding the application,' shall, until and otherwise provided by the Legislature of the Territory of Hawaii, remain in effect as a law of said Territory, subject to amendment or repeal by the Legislature of the Territory of Hawaii without any requirement that the consent of the Congress be obtained in order to make effective such amendment or repeal.

The provision of said section 55 which reads: 'nor shall the government of the Territory of Hawaii, or any political or municipal corporation or subdivision of the Territory, make any subscription to the capital stock of any incorporated company, or in any manner lend its credit for the use thereof;' shall, until and unless otherwise provided by the Legislature of the Territory of Hawaii, remain in effect as a law of said Territory, subject to amendment or repeal by the Legislature of the Territory of Hawaii without any requirement that the consent of the Congress be obtained in order to make effective such amendment or repeal.

"SEC. 104. Sections 56-63 inclusive of the Act of April 30, 1900, as amended, are hereby repealed.

"SEC. 105. Section 65 of the Act of April 30, 1900, as amended, is further amended to read as follows: 'The boundaries of voting precincts shall be fixed by proclamation of the Governor or as otherwise provided by law.'

"SEC. 106. Section 66 of the Act of April 30, 1900, as amended, is further amended to read as follows: 'The Governor may grant reprieves for offenses against the laws of the United States until the decision of the President is made known thereon.'

"SEC. 107. Section 69 of the Act of April 30, 1900, as amended, is repealed, except that the portions thereof hereinafter designated shall, until and unless otherwise provided by the Legislature of the Territory of Hawaii, remain in effect as laws of said Territory, subject to amendment or repeal by the Legislature of the Territory of Hawaii without any requirement that the consent of the Congress be obtained in order to make effective such amendment or repeal, to wit: The second and third sentences thereof; that portion of the fourth sentence ending with the words 'a copy of the executive proceedings'; and all of the second paragraph, save that the reference therein to section 70 of the Act of April 30, 1900, as amended is hereby amended so as to refer to section 404 of this Act.

"SEC. 108. Section 70 of the Act of April 30, 1900, as amended, is hereby repealed.

"SEC. 109. Sections 71-77 inclusive, 78 and 79 of the Act of April 30, 1900, as amended, until and unless otherwise provided by the Legislature of the Territory of Hawaii, shall remain in effect as a law of said Territory, subject to amendment or repeal by the Legislature of the Territory of Hawaii without any requirement that the consent of the Congress be obtained in order to make effective such amendment or repeal. Section 77A, added by the Act of August 1, 1956, is hereby renumbered section 608 and continued in effect as renumbered.

"SEC. 110. Section 80 of the Act of April 30, 1900, as amended, is repealed except that the portion hereinafter designated shall, until and unless otherwise provided by the Legislature of the Territory of Hawaii, remain in effect as a law of said Territory, subject to amendment or repeal by the Legislature of the Territory of Hawaii without any requirement that the consent of the Congress be obtained in order to make effective such amendment or repeal, to wit: That portion of the first paragraph which follows the word 'and' ~~after~~ the semicolon.

"SEC. 111. Sections 81 and 82 of the Act of April 30, 1900, as amended, are hereby repealed.

"SEC. 112. Sections 83 and 84 of the Act of April 30, 1900, as amended, shall, until and unless otherwise provided by the Legislature of the Territory of Hawaii, remain in effect as laws of said Territory, subject to amendment or repeal by the Legislature of the Territory of Hawaii without any requirement that the consent of the Congress be obtained in order to make effective such amendment or repeal.

"SEC. 113. Sections 91 and 92 of the Act of April 30, 1900, as amended, are hereby repealed.

"SEC. 114. Section 106 of the Act of April 30, 1900, as amended, until and unless otherwise provided by the Legislature of the Territory of Hawaii, shall remain in effect as a law of said Territory that has been ratified by the Congress, subject to amendment or repeal by the Legislature of the Territory of Hawaii without any requirement that the consent of the Congress be obtained in order to make effective such amendment or repeal.

"SEC. 115. The provisions of this Title shall take effect in the manner and at the times set forth in Title XIV of this Act. Notwithstanding provisions of this Title omitting or repealing

provisions of the Act of April 30, 1900, wherever said provisions are, in this Act, reenacted or incorporated by reference such provisions shall be so construed as to be given continuing effect.

"TITLE II

SUFFRAGE AND ELECTIONS

"SEC. 201. Qualifications. Every citizen of the United States, who shall have attained the age of twenty years, have been a resident of this Territory not less than one year next preceding the election and be a voter registered in accordance with law, shall be qualified to vote in any territorial or local election. No person shall be qualified to vote unless he is also able, except for physical disability, to speak, read and write the English or Hawaiian language.

"SEC. 202. Disqualifications. No person who is non compos mentis and no person convicted of felony, unless pardoned and restored to his civil rights, shall be qualified to vote.

"SEC. 203. Residence. No person shall be deemed to have gained or lost residence simply because of his presence or absence while employed in the service of the United States, or while engaged in navigation or while a student at any institution of learning.

"SEC. 204. Registration, voting. The Legislature shall provide for the registration of voters and for absentee voting; and shall prescribe the method of voting at all elections. Secrecy of voting shall be preserved.

"SEC. 205. Elections. General elections shall be held on the first Tuesday after the first Monday in November in all even-numbered years. Special elections may be held in accordance with law. Contested elections shall be determined by a court of competent jurisdiction in such manner as shall be provided by law.

"TITLE III

THE LEGISLATURE

"SEC. 301. Legislative power. The legislative power of the Territory shall be vested in a Legislature, which shall consist of

two houses, a senate and a house of representatives. Such power shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States locally applicable.

"Sections 302 to 308 shall consist in renumbered provisions, as provided by section 102.

"SEC. 309. Election of Members; term. The members of the Legislature shall be elected at general elections.

"SEC. 310. Vacancies. Any vacancy in the Legislature shall be filled for the unexpired term in such manner as may be prescribed by law, or, if no provision be made by law, by appointment by the governor for the unexpired term.

"SEC. 311. Qualifications of Members. No person shall be eligible to serve as a member of the senate unless he shall have attained the age of thirty years, have been a resident of the Territory for not less than three years and be a qualified voter of the senatorial district from which he seeks to be elected. No person shall be eligible to serve as a member of the house of representatives unless he shall have attained the age of twenty-five years, have been a resident of the Territory for not less than three years and be a qualified voter of the representative district from which he seeks to be elected.

"SEC. 312. Privileges of Members. No member of the legislature shall be held to answer before any other tribunal for any statement made or action taken in the exercise of his legislative functions; and members of the legislature shall, in all cases except felony or breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from the same.

"SEC. 313. Disqualifications of Members. No member of the Legislature shall hold any other public office under the Territory, not shall he, during the term for which he is elected or appointed,

to any public office or employment which shall have been created, or the emoluments whereof shall have been increased, by legislative act during such term. The term 'public office', for the purposes of this section, shall not include notaries public, reserve police officers or officers of emergency organizations for civilian defense or disaster relief. The Legislature may prescribe further disqualifications.

"SEC. 314. Salary and Allowances. The members of the Legislature shall receive such salary and allowances as may be prescribed by territorial law and shall be paid by the Territory, but any increase or decrease in the amount thereof shall not apply to the Legislature which enacted the same. No salary shall be payable when the senate alone is convened in special session, or when the Legislature convenes in special session pursuant to Section 321 of this Title.

"SEC. 315. Sessions. Regular sessions of the Legislature shall be held annually. The governor may convene the Legislature, or the senate alone, in special session. All sessions shall be held at the capital of the Territory. In case the capital shall be unsafe, the governor may direct that any session shall be held at some other place. Regular sessions in odd numbered years shall be known as 'general sessions' and regular sessions in even numbered years shall be known as 'budget sessions'.

Budget Sessions. At budget sessions the Legislature shall be limited to the consideration and enactment of the general appropriations bill for the succeeding fiscal year and bills to authorize proposed capital expenditures, revenue bills necessary therefor, urgency measures deemed necessary in the public interest, bills calling elections, proposed Congressional legislation, and bills to provide for the expenses of such session and the special session to be convened thereafter in accordance with the provisions of Section 321 of this Title. The Legislature may also consider and act upon matters relating to the impeachment or removal of officers. No urgency measure shall be considered unless a

statement of facts constituting such urgency shall be set forth in one section thereof and until such section shall have been first approved by each house. The approval of such section and the final passage of such measure in each house shall require a two-thirds vote of all the members to which such house is entitled, taken by ayes and noes and entered upon its journal.

Sessions; Commencement; Duration. Regular sessions shall commence at 10:00 o'clock a.m., on the third Wednesday in February. General sessions shall be limited to a period of sixty days and budget sessions and special sessions to a period of thirty days, but the governor may extend any session for not more than thirty days. Sundays and holidays shall be excluded in computing the number of days of any session.

"SEC. 316. Adjournment. Neither house shall adjourn during any session of the Legislature for more than three days, or sine die, without the consent of the other.

"SEC. 317. Organization; Discipline; Rules; Procedure. Each house shall be the judge of the elections, returns and qualifications of its own members and shall have, for misconduct, disorderly behavior or neglect of duty of any member, power to punish such member by censure or, upon a two-thirds vote of all the members to which such house is entitled, by suspension or expulsion of such member. Each house shall choose its own officers, determine the rules of its proceedings and keep a journal. The ayes and noes of the members on any question shall, at the desire of one-fifth of the members present, be entered upon the journal.

Twenty days after a bill has been referred to a committee in either house, the same may be recalled from such committee by the affirmative vote of one-third of the members to which such house is entitled.

"SEC. 318. Quorum; Compulsory attendance. A majority of the number of members to which each house is entitled shall constitute a

quorum of such house for the conduct of ordinary business, of which quorum a majority vote shall suffice; but the final passage of a bill in each house shall require the vote of a majority of all the members to which such house is entitled, taken by ayes and noes and entered upon its journal. A smaller number than a quorum may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

"SEC. 319. Bills; Enactment. No law shall be passed except by bill. Each law shall embrace but one subject, which shall be expressed in its title. The enacting clause of each law shall be, 'Be it enacted by the legislature of the Territory of Hawaii.'

"SEC. 320. Passage of bills. No bill shall become law unless it shall pass three readings in each house, on separate days. Every bill when passed by the house in which it originated, or in which amendments thereto shall have originated, shall immediately be certified by the presiding officer and clerk and sent to the other house for consideration.

"SEC. 321. Approval or veto. Every bill which shall have passed the Legislature shall be certified by the presiding officers and clerks of both houses and shall thereupon be presented to the governor. If he approves it, he shall sign it and it shall become law. If the governor does not approve such bill, he may return it, with his objections to the legislature. He may veto any specific item or items in any bill which appropriates money for specific purposes by striking out or reducing the same; but he shall veto other bills, if at all, only as a whole.

The governor shall have ten days to consider bills presented to him ten or more days before the adjournment of the legislature sine die, and if any such bill is neither signed nor returned by the governor within that time, it shall become law in like manner as if he had signed it.

Reconsideration after adjournment. The governor shall have forty-five days, after the adjournment of the legislature sine die, to consider bills presented to him less than ten days before such adjournment, or presented after adjournment, and any such bill shall become law on the forty-fifth day unless the governor by proclamation shall have given ten days' notice to the legislature that he plans to return such bill with his objections on that day. The legislature may convene at or before noon on the forty-fifth day in special session, without call, for the sole purpose of acting upon any such bill returned by the governor. In case the Legislature shall fail to so convene, such bill shall not become law. Any such bill may be amended to meet the governor's objections and, if so amended and passed, only one reading being required in each house for such passage, it shall be presented again to the governor, but shall become law only if he shall sign it within ten days after presentation.

Sundays and holidays shall be excluded in computing the number of days designated in this section.

"SEC. 322. Procedures upon veto. Upon the receipt of a veto message from the governor, each house shall enter the same at large upon its journal and proceed to reconsider the vetoed bill, or the item or items vetoed, and again vote upon such bill, or such item or items, by ayes and noes, which shall be entered upon its journal. If after such reconsideration such bill, or such item or items, shall be approved by a two-thirds vote of all members to which each house is entitled, the same shall become law.

"SEC. 323. Punishment of non-members. Each house may punish by fine, or by imprisonment not exceeding thirty days, any person not a member of either house who shall be guilty of disrespect of such house by any disorderly or contemptuous behavior in its presence or that of any committee thereof; or who shall, on account of the exercise of any legislative function, threaten harm to the body or estate of any of the

members of such house; or who shall assault, arrest or detain any witness or other person ordered to attend such house, on his way going to or returning therefrom; or who shall rescue any person arrested by order of such house.

Any person charged with such an offense shall be informed in writing of the charge made against him, and have an opportunity to present evidence and be heard in his own defense.

"SEC. 324. Impeachment. The governor and lieutenant governor, and any appointive officer for whose removal the consent of the senate is required, may be removed from office upon conviction of impeachment for such causes as may be provided by law.

The house of representatives shall have the sole power of impeachment of the governor and lieutenant governor and the senate the sole power to try such impeachments, and no such officer shall be convicted without the concurrence of two-thirds of the members of the senate. When sitting for that purpose, the members of the senate shall be on oath or affirmation and the chief justice shall preside. Subject to the provisions of this paragraph, the legislature may provide for the manner and procedure of removal by impeachment of such officers.

The legislature shall by law provide for the manner and procedure of removal by impeachment of the appointive officers.

Judgments in cases of impeachment shall not extend beyond removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the Territory; but the person convicted may nevertheless be liable and subject to indictment, trial, judgment and punishment according to law.

"TITLE IV

THE EXECUTIVE

"SEC. 401. Establishment of the executive. The executive power of the Territory shall be vested in a governor.

The governor shall be elected by the qualified voters of the Territory at a general election. The person receiving the highest

number of votes shall be the governor. In case of a tie vote, the selection of the governor shall be determined in accordance with law.

The term of office of the governor shall begin at noon on the first Monday in December next following his election and end at noon on the first Monday in December, four years thereafter.

No person shall be eligible to the office of governor unless he shall be a qualified voter, have attained the age of thirty-five years and have been a citizen of the United States for twenty years and a resident of the Territory for five years next preceding his election.

The Governor shall not hold any other office or employment of profit under the Territory or the United States during his term of office.

"SEC. 402. Lieutenant Governor. There shall be a lieutenant governor, who shall have the same qualifications as the governor. He shall be elected at the same time, for the same term, and in the same manner, as the governor. He shall perform such duties as may be prescribed by law.

Unless otherwise provided by law, the lieutenant governor shall exercise and discharge the powers and duties of the secretary of the Territory.

"SEC. 403. Compensation, governor, lieutenant governor. The compensation of the governor and of the lieutenant governor shall be prescribed by territorial law and paid by the Territory, but shall not be less than eighteen thousand dollars, and twelve thousand dollars, respectively, per annum. Such compensation shall not be increased or diminished for their respective terms, unless by general law applying to all salaried officers of the Territory. When the lieutenant governor succeeds to the office of governor, he shall receive the compensation for that office.

"SEC. 404. Succession to governorship; Absence or disability of governor. When the office of governor is vacant, the lieutenant

governor shall become governor. In the event of the absence of the governor from the Territory, or his inability to exercise and discharge the powers and duties of his office, such powers and duties shall devolve upon the lieutenant governor during such absence or disability.

When the office of lieutenant governor is vacant, or in the event of the absence of the lieutenant governor from the Territory or his inability to exercise and discharge the powers and duties of his office, such powers and duties shall devolve upon such officers in such order of succession as may be provided by law.

In the event of the impeachment of the governor or of the lieutenant governor, he shall not exercise the powers of his office until acquitted.

"SEC. 405. Executive powers. The governor shall, at the beginning of each session, and may, at other times, give to the Legislature information concerning the affairs of the Territory and recommend to its consideration such measures as he shall deem expedient.

The governor may grant reprieves, commutations and pardons, after conviction, for all offenses, subject to regulation by law as to the manner of applying for the same. The Legislature may, by general law, authorize the governor to grant pardons before conviction, to grant pardons for impeachment and to restore civil rights denied by reason of conviction of offenses by tribunals other than those of this Territory.

The governor shall appoint an administrative director to serve at his pleasure.

"SEC. 406. Executive and administrative offices and departments. All executive and administrative offices, departments and instrumentalities of the Territorial government and their respective functions, powers and duties shall be allocated by law among and within not more than twenty principal departments in such manner as to group the same according to major purposes so far as practicable. Temporary commissions or agencies for special purposes may be established by law and

need not be allocated within a principal department.

Each principal department shall be under the supervision of the governor and, unless otherwise provided in this Act or by law, shall be headed by a single executive. Such single executive shall be nominated and, by and with the advice and consent of the senate, appointed by the governor and he shall hold office for a term to expire at the end of the term for which the governor was elected. The governor may, by and with the advice and consent of the senate, remove such single executive.

Whenever a board, commission or other body shall be the head of a principal department of the Territorial government, the members thereof shall be nominated and, by and with the advice and consent of the senate, appointed by the governor. The term of office and removal of such members shall be as prescribed by law. Such board, commission or other body may appoint a principal executive officer, who, when authorized by law, may be ex officio a voting member thereof, and who may be removed by a majority vote of the members appointed by the governor.

The governor shall nominate and, by and with the advice and consent of the senate, appoint all officers for whose election or appointment provision is not otherwise made by this Act or by law. The Legislature may provide for the suspension or removal for cause, by the governor, of any officer for whose removal the consent of the senate is required by this Act.

When the senate is not in session and a vacancy occurs in any office, appointment to which requires the confirmation of the senate, the governor may fill the office by granting a commission which shall, unless such appointment is confirmed, expire at the end of the next session of the senate; but the person so appointed shall not be eligible for another interim appointment to such office if the appointment shall have failed of confirmation by the senate.

No person who has been nominated for appointment to any office and whose appointment has not received the consent of the senate shall be

eligible to an interim appointment thereafter to such office.

All officers appointed under the provisions of this section shall be citizens of the Territory and shall have been residents of the Territory for at least three years next preceding their appointment.

"TITLE V

THE JUDICIARY

"SEC. 501. Judicial power. The judicial power of the Territory shall be vested in one supreme court, circuit courts, and in such inferior courts as the Legislature may from time to time establish. The several courts shall have original and appellate jurisdiction as provided by law.

"SEC. 502. Supreme court. The supreme court shall consist of a chief justice and four associate justices. When necessary, the chief justice shall assign a judge or judges of a circuit court to serve temporarily on the supreme court. In case of a vacancy in the office of chief justice, or if he is ill, absent or otherwise unable to serve, an associate justice designated in accordance with the rules of the supreme court shall serve temporarily in his stead.

"SEC. 503. Appointment of judges. The governor shall nominate and, by and with the advice and consent of the senate, appoint the justices of the supreme court and the judges of the circuit courts. No nomination shall be sent to the senate, and no interim appointment shall be made when the senate is not in session, until after ten days' public notice by the governor.

Qualifications. No justice or judge shall hold any other office or position of profit under the Territory or the United States. No person shall be eligible to such office who shall not have been admitted to practice law before the supreme court of the Territory for at least ten years. Any justice or judge who shall become a candidate for an elective office shall thereby forfeit his office.

Tenure; Compensation; Retirement; Removal. The term of office of a justice of the supreme court shall be seven years and that of a judge of a circuit court shall be six years. They shall receive from the Territory for their services such compensation as may be prescribed by Territorial law, which shall not be diminished during their respective terms of office, unless by general law applying to all salaried officers of the Territory. They shall be retired upon attaining the age of seventy years. They shall be included in any retirement law of the Territory. They shall be subject to removal from office upon the concurrence of two-thirds of the membership of each house of the Legislature, sitting in joint session, for such causes and in such manner as may be provided by law.

"SEC. 504. Retirement for incapacity. Whenever a commission or agency, authorized by law for such purpose, shall certify to the governor that any justice of the supreme court or judge of a circuit court appears to be so incapacitated as substantially to prevent him from performing his judicial duties, the governor shall appoint a board of three persons to inquire into the circumstances and on their recommendation the governor may retire the justice or judge from office.

"SEC. 505. Administration. The chief justice of the supreme court shall be the administrative head of the courts. He may assign judges from one circuit court to another for temporary service. With the approval of the supreme court he shall appoint an administrative director to serve at his pleasure.

"SEC. 506. Rules. The supreme court shall have power to promulgate rules and regulations in all civil and criminal cases for all courts relating to process, practice, procedure and appeals, which shall have the force and effect of law.

"TITLE VI

TAXATION AND FINANCE

"SEC. 601. Taxing power inalienable. The power of taxation shall never be surrendered, suspended or contracted away.

"SEC. 602. Taxation of non-resident citizens. The land and other property belonging to citizens of the United States residing without the Territory shall never be taxed at a higher rate than the lands and other property belonging to residents thereof.

"SEC. 603. Debt limitations. All bonds and other instruments of indebtedness issued by or on behalf of the Territory or a political subdivision thereof must be authorized by the Legislature, and bonds and other instruments of indebtedness of a political subdivision must also be authorized by its governing body.

Except as heretofore or hereafter authorized by the Congress, sixty million dollars is established as the limit of the funded debt of the Territory at any time outstanding and unpaid. Bonds and other instruments of indebtedness in excess of such limit may be issued when authorized by a two-thirds vote of all the members to which each house of the Legislature is entitled, provided such excess debt, at the time of authorization, would not cause the total of Territorial indebtedness to exceed a sum equal to fifteen per cent of the total of assessed values for tax rate purposes of real property in the Territory, as determined by the last tax assessment rolls pursuant to law.

Instruments of indebtedness to meet appropriations for any fiscal period in anticipation of the collection of revenues for such period or to meet casual deficits or failures of revenue, which shall be payable within one year, and bonds or other instruments of indebtedness to suppress insurrection, to repel invasion, to defend the Territory in war or to meet emergencies caused by disaster or act of God, may be issued by the Territory under legislative authorization without regard to any debt limit.

Except as heretofore or hereafter authorized by the Congress, a sum equal to ten per cent of the total of the assessed values for tax rate purposes of real property in any political subdivision, as determined by the last tax assessment rolls pursuant to law, is established as the limit of the funded debt of such political subdivision at any time outstanding and unpaid. The aggregate, however, of such debts contracted by any political subdivision during a fiscal year shall not exceed two per cent of the total of such assessed values in such political subdivision, except as heretofore or hereafter authorized by the Congress.

Instruments of indebtedness to meet appropriations for any fiscal period in anticipation of the collection of revenues for such period or to meet casual deficits or failures of revenue, which shall be payable within one year, may be issued by any political subdivision under authorization of law and of its governing body, without regard to the limits of debt hereinabove provided.

Nothing herein shall be deemed to supersede any provision of law as to the computation of the indebtedness of the Territory or a political subdivision in applying the respective debt limits, and without prejudice to the generality of the foregoing this Act shall not supersede the provisions of section 2 of Public Law 643 of the Eighty-Third Congress, approved August 24, 1954, as amended by Public Law 720 of the Eighty-Fourth Congress, approved July 14, 1956 (70 Stat. 552, c. 606), or the provisions of section 2 of Public Law 694, approved July 11, 1956 (70 Stat. 526, c. 567), or the provisions of Public Law 716, approved July 14, 1956 (70 Stat. 545, c. 602).

All bonds or other instruments of indebtedness for a term exceeding one year shall be in serial form maturing in substantially equal annual installments, the first installment to mature not later than five years from the date of the issue of such series, and the last installment not later than thirty-five years from the date of such issue. Interest and principal payments shall be a first charge on the general revenues of the Territory or political subdivision, as the

case may be.

The provisions of this section shall not be applicable to indebtedness incurred under revenue bond statutes by a public enterprise of the Territory or political subdivision, or by a public corporation, when the only security for such indebtedness is the revenues of such enterprise or public corporation, or to indebtedness incurred under special improvement statutes when the only security for such indebtedness is the properties benefited or improved or the assessments thereon.

Nothing in this section shall prevent the refunding of any indebtedness at any time.

"SEC. 604. The budget. Within such time prior to the opening of each regular session as may be prescribed by law, the governor shall submit to the Legislature a budget setting forth a complete plan of proposed general fund expenditures and anticipated receipts of the Territory for the ensuing fiscal period, together with such other information as the legislature may require. The budget shall be compiled in two parts, one setting forth all proposed operating expenditures for the ensuing fiscal period and the other, all capital improvements expenditures proposed to be undertaken during such period. The governor shall also, upon the opening of the session, submit bills to provide for such proposed expenditures and for any recommended additional revenues or borrowings by which the proposed expenditures are to be met. Such bills shall be introduced in the Legislature upon the opening of each regular session.

"SEC. 605. Legislative appropriations; Procedure. No appropriation bill, except bills recommended by the governor for immediate passage, or to cover the expenses of the Legislature, shall be passed on final reading until the bill authorizing operating expenditures for the ensuing fiscal period, to be known as the general appropriations bill, shall have been transmitted to the governor.

"SEC. 606. Appropriations for private purposes prohibited. No tax shall be levied or appropriation of public money or property made, nor shall the public credit be used, directly or indirectly, except for a public purpose.

"SEC. 607. Expenditure controls. Provision for the control of the rate of expenditures of appropriated Territorial moneys, and for the reduction of such expenditures under prescribed conditions, shall be made by law.

Section 608 shall consist in a renumbered provision, as provided by section 109.

"TITLE VII

LOCAL GOVERNMENT

"SEC. 701. Political subdivisions; Creation, powers. The Legislature shall create counties and may create other political subdivisions within the Territory, and provide for the government thereof. Each political subdivision shall have and exercise such powers as shall be conferred under general laws.

"SEC. 702. Local self-government; Charter. Each political subdivision shall have power to frame and adopt a charter for its own self-government within such limits and under such procedures as may be prescribed by law.

"SEC. 703. Taxation and finance. The taxing power shall be reserved to the Territory except so much thereof as may be delegated by the Legislature to the political subdivisions, and the Legislature shall have the power to apportion Territorial revenues among the several political subdivisions.

"SEC. 704. Mandates; Accrued claims. No law shall be passed mandating any political subdivision to pay any previously accrued claim.

"SEC. 705. Territorywide laws. This Title shall not limit the power of the Legislature to enact laws of Territorywide concern.

"TITLE VIII

PUBLIC HEALTH AND WELFARE

"SEC. 801. Public health. The Territory shall provide for the protection and promotion of the public health.

"SEC. 802. Care of handicapped. The Territory shall have power to provide for treatment and rehabilitation, as well as domiciliary care, of mentally or physically handicapped persons.

"SEC. 803. Public assistance. The Territory shall have power to provide for, or assist in, slum clearance and the development or rehabilitation of sub-standard areas, including housing for persons of low income.

"SEC. 805. Public sightliness and good order. The Territory shall have power to conserve and develop its natural beauty, objects and places of historic or cultural interest, sightliness and physical good order, and for that purpose private property shall be subject to reasonable regulation.

"TITLE IX

EDUCATION

"SEC. 901. Public education. The Territory shall provide for the establishment, support and control of a Territorywide system of public schools free from sectarian control, a Territorial university, public libraries and such other educational institutions as may be deemed desirable, including physical facilities therefor. There shall be no segregation in public educational institutions because of race, religion or ancestry; nor shall public funds be appropriated for the support or benefit of any sectarian or private educational institution.

"SEC. 902. Board of education. There shall be a board of education, the members of which shall be nominated and, by and with the advice and consent of the senate, appointed by the governor from panels submitted by local school advisory councils to be established by law. At least part of the membership of the board shall represent geographic subdivisions of the Territory.

SEC. 903. Powers of the board of education. The board of education shall have power, in accordance with law, to formulate policy, and to exercise control over the public school system through its executive officer, the superintendent of public instruction, who shall be appointed by the board and shall be ex officio a voting member thereof.

"SEC. 904. University of Hawaii. The University of Hawaii is hereby established as the Territorial university and constituted a body corporate. It shall have title to all the real and personal property now or hereafter set aside or conveyed to it, which shall be held in public trust for its purposes, to be administered and disposed of according to law.

"SEC. 905. Board of regents; Powers. There shall be a board of regents of the University of Hawaii, the members of which shall be nominated and, by and with the advice and consent of the senate, appointed by the governor. At least part of the membership of the board shall represent geographic subdivisions of the Territory. The president of the university and the superintendent of public instruction shall be ex officio voting members of the board. The board shall have power, in accordance with law, to formulate policy, and to exercise control over the university through its executive officer, the president of the university, who shall be appointed by the board.

"TITLE X

CONSERVATION AND DEVELOPMENT OF RESOURCES

"SEC. 1001. Resources; Conservation, development and use. The Legislature shall promote the conservation, development and utilization of agricultural resources, and fish, mineral, forest, water, land, game and other natural resources.

"SEC. 1002. Natural resources; Management and disposition. The Legislature shall vest in one or more executive boards or commissions powers for the management of natural resources owned or controlled by the Territory, and such powers of disposition thereof as may be

authorized by law; but land set aside for public use, other than for a reserve for conservation purposes, need not be placed under the jurisdiction of such a board or commission.

The mandatory provisions of this section shall not apply to the natural resources owned by or under the control of a political subdivision or a department or agency thereof.

"TITLE XI

PUBLIC LANDS AND OTHER PUBLIC PROPERTY:

HAWAIIAN HOME LANDS

"SEC. 1101. Recession of title. The United States hereby grants to the Territory of Hawaii the absolute title to all the public lands and other public property in Hawaii title to which is in the United States upon the taking effect of this Act, except as otherwise provided in this Act: Provided, however, that as to any such lands or other property heretofore set aside by Act of Congress or by Executive Order or proclamation of the President or the Governor of Hawaii, pursuant to law, for the use of the United States, whether absolutely or subject to limitations, and remaining so set aside upon the taking effect of this Act, the United States shall retain title thereto, or an interest therein conformable to such limitations, as the case may be, subject, however, to the power of the President to restore such lands or other property to the Territory of Hawaii in the manner heretofore provided by section 91 of the Hawaiian Organic Act as amended (48 U.S.C. 511) in which event title to such property shall vest in the Territory of Hawaii: Provided, further, that when any such public property so taken for the uses and purposes of the United States, instead of being used for public purposes is by the United States leased, rented, or granted upon revokable permits to private parties, the rentals or consideration shall be covered into the treasury of the Territory of Hawaii.

As used in this section, the term 'public lands and other public property' means, and is limited to, the lands and other properties that were ceded to the United States by the Republic of Hawaii under

the joint resolution of annexation approved July 7, 1898 (30 Stat. 750) or that have been acquired in exchange for lands or other properties so ceded.

"SEC. 1102. Hawaiian home lands. The Hawaiian Homes Commission Act, 1920, as amended, shall be subject to amendment or repeal only with the consent of the Congress, and in no other manner.

"SEC. 1103. Transfers of title. The Legislature of the Territory is hereby authorized to transfer, or provide for the transfer of, the lands title to which is in the Territory of Hawaii purusant to existing law or vested in the Territory of Hawaii by section 1101 of this Act, to any city, county or other political subdivision thereof, or to any public corporate body constituted by law.

"SEC. 1104. General laws. The legislative power of the Territory over the lands owned by or under the control of the Territory and its political subdivisions shall be exercised only by general laws, except in respect to transfers to or for the use of the Territory, a political subdivision, or any department or agency thereof.

"SEC. 1105. Submerged lands. The Submerged Lands Act of 1953 (Public Law 31, Eighty-third Congress, first session; 67 Stat. 29) shall be applicable to the Territory of Hawaii, and the said Territory shall have the same rights as do the states thereunder.

"SEC. 1106. Repeal of United States laws. All laws of the United States reserving to the United States the free use or enjoyment of property vested in the Territory of Hawaii pursuant to section 1101, or reserving (except as provided in section 1102) the right to alter, amend, or repeal laws relating thereto, are hereby repealed.

"TITLE XII

ORGANIZATION, COLLECTIVE BARGAINING

"SEC. 1201. Private employees. Persons in private employment shall have the right to organize for the purpose of collective bargaining.

"SEC. 1202. Public employees. Persons in public employment shall have the right to organize and to present and make known their grievances and proposals to the Territory, or any political subdivision or any department or agency thereof.

"TITLE XIII

GENERAL AND MISCELLANEOUS PROVISIONS

"SEC. 1301. Civil service. The employment of persons in the civil service, as defined by law, of or under the Territory, shall be governed by the merit principle.

"SEC. 1302. Employees' retirement system. Membership in any employees' retirement system of the Territory or any political subdivision thereof shall be a contractual relationship, the accrued benefits of which shall not be diminished or impaired.

"SEC. 1303. Disqualification for disloyalty. No person who advocates, or who aids or belongs to any party, organization or association which advocates, the overthrow by force or violence of the government of the Territory or of the United States shall be qualified to hold any public office or employment.

"SEC. 1304. Oath of office. All public officers, before entering upon the duties of their respective offices, shall take and subscribe to the following oath or affirmation: 'I do solemnly swear (or affirm) that I will support the Constitution and laws of the United States, and that I will faithfully discharge my duties as ---------- to the best of my ability.' The Legislature may prescribe further oaths or affirmations.

"SEC. 1305. Intergovernmental relations. The Legislature may provide for cooperation on the part of the Territory and its political subdivisions, in matters affecting the public health, safety and general welfare, and funds may be appropriated to effect such cooperation.

"SEC. 1306. Titles, subtitles, personal pronouns; Construction. Titles and subtitles shall not be used for purposes of construing this Act.

Whenever any personal pronoun appears in this Act, it shall be construed to mean either sex.

"SEC. 1307. Provisions self-executing. The provisions of this Act shall be self-executing to the fullest extent that their respective natures permit.

"TITLE XIV

TRANSITIONAL PROVISIONS

"SEC. 1401. Allocation of departments. The provisions of sections 406 and 1002 of this Act shall not be mandatory until four years from the approval of this Act. The legislature shall within three years from said date allocate and group the executive and administrative offices, departments and instrumentalities of the Territorial government and their respective functions, powers and duties among and within the principal departments pursuant to said sections.

If such allocation and grouping shall not have been completed within such period, the Governor, within one year thereafter, by executive order, shall make such allocation and grouping.

"SEC. 1402. Elections. This Act shall apply to the primary and general elections of 1958, and to the registration and qualification or disqualification of voters for said elections, and thereafter.

"SEC. 1403. Legislature and legislation. The Thirtieth Legislature shall be the first legislature elected under this Act. The proceedings of, legislation by, and all matters having to do with the Thirtieth Legislature shall be governed by this Act and said Legislature shall be the first legislature so governed.

"SEC. 1404. The executive. The provisions of this Act as to the executive department shall take effect at noon on the first Monday in December, 1958, save that in respect to elections this Act shall apply to the primary and general elections of 1958, and thereafter.

"SEC. 1405. Amendment of Title 28. The first paragraph of section

373 of Title 28, United States Code, is amended by striking out the words 'and any justice of the Supreme Court of the Territory of Hawaii': Provided, that the amendments made by this section shall not affect the rights of any justice who may have retired before the effective date of this section.

"SEC. 1406. The judiciary. (a) When three full calendar months have elapsed after the approval of this Act the provisions of this Act as to there being a chief justice and four associate justices of the Supreme Court shall take effect.

(b) The provisions of this Act as to the appointment of judges, and their qualifications, terms of office, removal and retirement for incapacity shall apply (1) to the new offices of associate justices of the Supreme Court, created by this Act, and (2) to each other office as the same becomes vacant on or after the date of approval of this Act.

(c) The provisions of this Act requiring the retirement of judges upon attaining the age of seventy years shall not be so applied as to decrease the term of office of any person who is an incumbent upon the date of approval of this Act, but subject to the foregoing shall take effect upon the approval of this Act.

(d) The salaries of the chief justice, justices of the Supreme Court, and judges of the Circuit Courts, who are in office on the date of approval of this Act, shall not be diminished during their term of office. Subject to the foregoing, the provisions of this Act as to the compensation of judges by the Territory as prescribed by Territorial law shall take effect upon the first day of the first full calendar month following the date of approval of this Act.

(e) Section 1405, and the provision of section 503 as enacted by Title V of this Act, requiring the inclusion of the judges in the retirement system of the Territory shall take effect on July 1, 1959 and shall apply to every judge who is in office upon that date and to all those who take office thereafter.

"SEC. 1407. General. Subject to the foregoing, this Act shall take effect upon its approval."

SECTION 2. If Congress shall provide for the inclusion of judges in the retirement system of the Territory, the Board of Trustees of the Employees' Retirement System of the Territory shall prepare and submit to the Thirtieth Legislature a report showing the payments into the retirement system funds and the legislation necessary in order that every judge in office on July 1, 1959 or thereafter shall enjoy all of the rights and benefits to which he would have been entitled had he been a member of the Employees' Retirement System of the Territory throughout his then term of office and during any holding of a territorial judicial office prior thereto.

SECTION 3. If Congress shall provide for the compensation by the Territory as prescribed by territorial law of the judges and other officials below designated, the amounts of such compensation shall be as follows (which shall supersede all provisions heretofore enacted as to payments to said persons by the Territory) and there are hereby appropriated sufficient moneys to make the payments hereinafter provided for:

Member of the legislature, for each general session	$ 2,500
Member of the legislature, for each budget session	1,500
Member of the legislature, for each special session	750
Governor	18,000 p.a.
Lieutenant Governor	12,000 p.a.
Chief Justice of the Supreme Court	17,500 p.a.
Associate justice of the Supreme Court	17,000 p.a.
Judge of the Circuit Court	15,000 p.a.

In all other cases in which salaries, or portions thereof, have been paid by the United States, there shall be paid as compensation to each such officer or employee the total amount which would have been paid but for the enactment of any provisions by Congress as requested by this joint resolution, and there are hereby appropriated sufficient monies to pay such compensation.

SECTION 4. If Congress shall provide for a Supreme Court of five justices

(including the chief justice), then upon the taking effect of such provision section 9610 of the Revised Laws of Hawaii 1945 shall stand amended as follows:

(a) By inserting in the sixth line thereof after the word "reason" and the comma, the words:

"less than the full number (but not less than three) may sit, or"

(b) By deleting from the seventh line thereof the word "shall" and inserting in lieu thereof the word "may".

(c) By inserting in the eleventh line thereof after the words "authorized by the" the following:

"chief justice, or by the"

SECTION 5. If Congress shall provide for the amendment of the Hawaiian Organic Act as provided by this joint resolution then upon the taking effect of such amendments Part I (sections 1 to 4 inclusive) of Act 191 of the Session Laws of Hawaii 1955, except subsections (i), (j), (k), (l), (m), (n), (p), (w), and (y) of section 1, shall take effect any provision of section 8 of said Act 191 to the contrary notwithstanding; provided that nothing herein shall be deemed to give effect to any amendment changing the words "territorial" or "Territory" or "Territory of Hawaii" to "State" or "State of Hawaii"; any amendment inserting in the laws the words "State" or "State of Hawaii" or references thereto shall be deemed to signify the Territory of Hawaii; any amendment inserting in the laws the words "senator or representative in Congress" or references thereto shall be deemed to refer to the Delegate to Congress from Hawaii and, in lieu of the amendments provided by subsections (j), (k), (l), (m), (p), (w) and (y) of section 1, the following amendments of the Revised Laws of Hawaii 1945, as amended, shall take effect pending the taking effect of said Act 191 as set forth in section 8 thereof:

(a) Section 206 shall be amended by inserting in the title and in the second and in the sixth lines of section 206, after the comma following the words "delegate to congress", the words and punctuation "governor and lieutenant governor,";

(b) Section 208 shall be amended by inserting in the second and in the seventh lines of section 208, following the words "delegate to congress",

the words and punctuation, ", governor or lieutenant governor,";

(c) Section 209 shall be amended by inserting in the fourth line of section 209 following the words "delegate to congress", the words and punctuation, ", governor or lieutenant governor,";

(d) Section 219 shall be amended by deleting the third line from section 219;

(e) Section 235 shall be amended by inserting at the end of the first line of the sixth paragraph of section 235 following the comma after the words "delegate to congress" the words and punctuation, "governor, lieutenant governor,";

(f) Section 265 shall be amended by inserting in the penultimate paragraph of section 265 following the words "delegate to congress", in the first line of said paragraph, the words and punctuation, ", governor and lieutenant governor";

(g) Section 268 shall be amended by inserting in section 268 following the words "delegate to congress" in the second line, a comma and the words and punctuation, "governor, lieutenant governor,".

SECTION 6. Certified copies of this joint resolution shall, upon its approval, be forwarded to the President of the United States, the Secretary of the Interior, the Delegate to Congress from Hawaii, the President of the Senate of the United States, and the Speaker of the House of Representatives of the United States.

SECTION 7. This joint resolution shall take effect upon its approval.

INTRODUCED BY:

A 4

____ J. R. NO. ____

JOINT RESOLUTION

REQUESTING THE CONGRESS OF THE UNITED STATES TO AMEND THE HAWAIIAN ORGANIC ACT IN CONFORMITY WITH THE PROVISIONS OF THE CONSTITUTION OF THE PROPOSED STATE OF HAWAII AS TO THE ELECTION OF A GOVERNOR AND LIEUTENANT GOVERNOR, AND MAKING AMENDMENTS OF THE ELECTION LAWS TO TAKE EFFECT IN SUCH EVENT.

WHEREAS, the people of Hawaii are desirous of attaining statehood at the earliest possible date and deem it desirable that the provisions of the Constitution of the proposed state of Hawaii as to the organization and functioning of the Hawaiian government be given effect without further delay; and

WHEREAS, should the Congress of the United States not view with favor a complete reorganization of the territorial government pending the attainment of statehood, then it is the desire of the people of Hawaii, as expressed through their legislature, that meanwhile they be enabled to elect their governor and lieutenant governor; now, therefore, BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

SECTION 1. The Congress of the United States is hereby requested to amend the Hawaiian Organic Act substantially as set forth in the following form of bill:

"A BILL

TO AMEND THE HAWAIIAN ORGANIC ACT TO PROVIDE FOR AN ELECTIVE GOVERNOR AND LIEUTENANT GOVERNOR.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 66 of the Hawaiian Organic Act

(the Act of April 30, 1900, as amended) is hereby amended by deleting therefrom the words and punctuation: 'shall be appointed by the President, by and with the advice and consent of the Senate of the United States, and shall hold office for four years and until his successor shall be appointed and qualified, unless sooner removed by the President. He shall be not less than thirty-five years of age; shall be a citizen of the Territory of Hawaii; shall have resided therein for at least three years next preceding his appointment;'

SEC. 2. The Hawaiian Organic Act is further amended by inserting therein a new section to be numbered 66 A and to read as follows:

'Sec. 66 A. Election, term of office and qualifications of the governor. The governor shall be elected at a general election by the voters of the Territory qualified to vote for members of the house of representatives of the legislature. The person receiving the highest number of votes shall be the governor. In case of a tie vote, the selection of the governor shall be determined in accordance with law.

The term of office of the governor shall begin at noon on the first Monday in December next following his election and end at noon on the first Monday in December, four years thereafter.

No person shall be eligible to the office of governor unless he shall be a qualified voter, have attained the age of thirty-five years and have been a citizen of the United States for twenty years and a resident of the Territory for five years next preceding his election.

The governor shall not hold any other office or employment of profit under the Territory or the United States during his term of office.'

SEC. 3. The Hawaiian Organic Act is further amended by inserting therein a new section to be numbered 68 A and to read as follows:

'Sec. 68 A. Lieutenant governor, term of office, qualifications. There shall be a lieutenant governor, who shall have the same qualifications as the governor. He shall be elected at the same time, for the same term, and in the same manner, as the governor. He shall perform such duties as may be prescribed by law.

Unless otherwise provided by law, the lieutenant governor shall exercise and discharge the powers and duties of the secretary of the Territory.'

SEC. 4. Section 69 of the Hawaiian Organic Act is hereby amended by deleting therefrom the following: 'shall be appointed by the President, by and with the advice and consent of the Senate of the United States, and who shall be a citizen of the Territory of Hawaii and hold his office for four years and until his successor shall be appointed and qualified, unless sooner removed by the President. He'

SEC. 5. Section 70 of the Hawaiian Organic Act is hereby amended by deleting therefrom the word 'secretary' and inserting in lieu thereof the words 'lieutenant governor'.

SEC. 6. Section 92 of the Hawaiian Organic Act is hereby amended by deleting therefrom the words 'secretary of the Territory' and inserting in lieu thereof the words 'lieutenant governor'.

SEC. 7. This Act shall take effect at noon on the first Monday in December, 1958, save that in respect to elections this Act shall apply to the primary and general elections in 1958, and thereafter."

SECTION 2. In the event that the Congress shall authorize the election of the governor and lieutenant govenor, notwithstanding that the Territory is not admitted as a state of the Union, the following amendments to the Revised Laws of Hawaii 1945 thereupon shall take effect:

1. By substituting for the words "the legislature", in the last line of the paragraph numbered "2" of section 162, the word "office";

2. By inserting in the title and in the second and in the sixth lines of section 206, after the comma following the words "delegate to congress", the words and punctuation "governor and lieutenant governor,";

3. By inserting in the second and in the seventh lines of section 208, following the words "delegate to congress", the words and punctuation", governor or lieutenant governor,";

4. By inserting in the fourth line of section 209 following the words "delegate to congress", the words and punctuation", governor or lieutenant governor,".

5. By deleting the third line from section 219.

6. By inserting at the end of the first line of the sixth paragraph of section 235 following the comma after the words "delegate to congress" the words and punctuation "governor, lieutenant governor,";

7. By adding a new paragraph, at the end of section 243, which shall read as follows:

"The certificate of election of the governor and

lieutenant governor shall be in the same form but there shall be no reference to an election district."

8. By inserting in the penultimate paragraph of section 265 following the words "delegate to congress", in the first line of said paragraph, the words and punctuation ", governor and lieutenant governor";

9. By inserting in section 268 following the words "delegate to congress" in the second line, a comma and the words and punctuation "governor, lieutenant governor,".

SECTION 3. The method of determining and certifying the names of candidates to be placed upon the ballot for, and the qualification of voters at, and all the conduct of the election of the governor and lieutenant governor shall be in conformity to the laws applicable to the election of the delegate to congress, even though some specific amendment to the election laws for such purpose may have been omitted herein.

SECTION 4. Certified copies of this Joint Resolution, upon its approval, shall be forwarded to the President of the United States, the Secretary of the Interior, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, and the Delegate to Congress from Hawaii.

SECTION 5. This Joint Resolution shall take effect upon its approval.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

A5

S. C. R. NO. ____

CONCURRENT RESOLUTION

REQUESTING THE CONGRESS OF THE UNITED STATES TO AMEND THE HAWAIIAN ORGANIC ACT SO AS TO PROVIDE FOR ANNUAL REGULAR SESSIONS OF THE LEGISLATURE AND INCREASE THE COMPENSATION OF MEMBERS OF THE LEGISLATURE.

WHEREAS, section 41 of the Hawaiian Organic Act provides for biennial sessions of the legislature of the Territory of Hawaii, such section having been in effect since April 30, 1900; and

WHEREAS, subsequent to the enactment of the Hawaiian Organic Act the population of the Territory has more than tripled and it is now necessary for the legislature to meet annually for the proper and adequate consideration of governmental problems and determination of policy for the Territory; and

WHEREAS, "The Constitution of the State of Hawaii" as agreed upon by the delegates of the people of Hawaii in convention on July 22, 1950, made provision for annual regular sessions of the legislature; and

WHEREAS, the compensation of members of the legislature has not been adjusted by the Congress since 1921; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-ninth Legislature, the House of Representatives concurring, that the Congress of the United States is hereby respectfully requested to amend the Hawaiian Organic Act to provide for annual regular sessions of the legislature as set forth in the Constitution of the proposed state of Hawaii, and to increase the compensation of the members of the legislature as

contemplated by section 17 of Article XVI of said Constitution, all as set forth in the form of bill for the enactment of which the legislature petitioned by Joint Resolution 3 of the Session Laws of Hawaii 1955; and

BE IT FURTHER RESOLVED that certified copies of this resolution upon its adoption shall be forwarded to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, the Secretary of the Interior and the Delegate to Congress from Hawaii.

OFFERED BY:

_____

Date: _____

Honolulu, Hawaii

Gov. Mess. #10

A6

____ J. R. NO. ____

JOINT RESOLUTION

REQUESTING THE CONGRESS OF THE UNITED STATES TO AMEND THE HAWAIIAN ORGANIC ACT RELATING TO THE JUDICIARY TO CONFORM TO THE PROVISIONS OF THE CONSTITUTION OF THE PROPOSED STATE OF HAWAII, PROVISIONALLY MAKING AN APPROPRIATION FOR THE SALARIES OF JUDGES AND AMENDING SECTION 9610 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. The Congress of the United States is requested to amend the Hawaiian Organic Act relative to the judiciary to conform to the provisions of the constitution of the proposed state of Hawaii by enacting a bill in substantially the following form:

"A BILL

TO AMEND THE HAWAIIAN ORGANIC ACT IN RESPECT OF THE COMPOSITION OF THE SUPREME COURT, THE APPOINTMENT OF SUPREME AND CIRCUIT COURT JUDGES, AND THEIR TERMS OF OFFICE, COMPENSATION AND RETIREMENT.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Hawaiian Organic Act is hereby amended as follows:

(a) Section 80 is amended by deleting therefrom the words 'the President shall nominate and, by and with the advice and consent of the Senate, appoint the chief justice and justices of the supreme court, who shall hold office for the term of seven years unless sooner removed by the President, and the judges of the

circuit courts, who shall hold office for the term of six years, unless sooner removed by the President; and'

(b) Section 80 is further amended by amending the third paragraph thereof by changing the comma after the word 'legislature' to a period and by deleting the remainder of said paragraph.

(c) Sections 81 and 82 are hereby amended to read as follows:

'Sec. 81. Judicial power. The judicial power of the Territory shall be vested in one supreme court, circuit courts, and in such inferior courts as the legislature may from time to time establish. The several courts shall have original and appellate jurisdiction as provided by law.

'Sec. 82. Supreme Court. The supreme court shall consist of a chief justice and four associate justices. When necessary, the chief justice shall assign a judge or judges of a circuit court to serve temporarily on the supreme court. In case of a vacancy in the office of chief justice, or if he is ill, absent or otherwise unable to serve, an associate justice designated in accordance with the rules of the supreme court shall serve temporarily in his stead.'

(d) There are hereby enacted five new sections to be numbered 82a, 82b, 82c, 82d and 82e and to read as follows:

'Sec. 82a. Appointment of judges; qualifications. The governor shall nominate and, by and with the advice and consent of the senate, appoint the justices of the supreme court and the judges of the circuit courts. No nomination shall be sent to the senate, and no interim

appointments shall be made when the senate is not in session, until after ten days' public notice by the governor.

No justice or judge shall hold any other office or position of profit under the Territory or the United States. No person shall be eligible to such office who shall not have been admitted to practice law before the supreme court of the Territory for at least ten years. Any justice or judge who shall become a candidate for an elective office shall thereby forfeit his office.

Sec. 82b. Tenure; compensation; retirement; removal. The term of office of a justice of the supreme court shall be seven years and that of a judge of a circuit court shall be six years. They shall receive from the Territory for their services such compensation as may be prescribed by territorial law, which shall not be diminished during their respective terms of office, unless by general law applying to all salaried officers of the Territory. They shall be retired upon attaining the age of seventy years. They shall be included in any retirement law of the Territory. They shall be subject to removal from office upon the concurrence of two-thirds of the membership of each house of the legislature, sitting in joint session, for such causes and in such manner as may be provided by law.

Sec. 82c. Retirement for incapacity. Whenever a commission or agency, authorized by law for such purpose, shall certify to the governor that any justice of the supreme court or judge of a circuit court appears to be so incapacitated as substantially to prevent him for performing his judicial duties, the governor shall

appoint a board of three persons to inquire into the circumstances and on their recommendation the governor may retire the justice or judge from office.

Sec. 82d. Administration. The chief justice of the supreme court shall be the administrative head of the courts. He may assign judges from one circuit court to another for temporary service. With the approval of the supreme court he shall appoint an administrative director to serve at his pleasure.

Sec. 82e. Rules. The supreme court shall have power to promulgate rules and regulations in all civil and criminal cases for all courts relating to process, practice, procedure and appeals, which shall have the force and effect of law.'

(e) Section 92 is amended by deleting therefrom the following: '; the chief justice of the supreme court of the Territory, $12,250; the associate judges of the supreme court, $11,900 each; the judges of the circuit courts of the Territory of Hawaii the sum of $9,375'

SEC. 2. The first paragraph of section 373 of Title 28, United States Code, is amended by striking out the words 'and any justice of the Supreme Court of the Territory of Hawaii': Provided, that the amendments made by this section shall not affect the rights of any justice who may have retired before the effective date of this section.

SEC. 3. When three full calendar months have elapsed after the approval of this Act the provisions of this Act as to there being a chief justice and four associate justices of the Supreme Court shall take effect.

SEC. 4. The provisions of this Act as to the appointment of judges, and their qualifications, terms of office, removal and retirement for incapacity shall apply (1) to the new offices of associate justices of the supreme court, created by this Act, and (2) to each other office as the same becomes vacant on or after the date of approval of this Act.

SEC. 5. The provisions of this Act requiring the retirement of judges upon attaining the age of seventy years shall not be so applied as to decrease the term of office of any person who is an incumbent upon the date of approval of this Act, but subject to the foregoing shall take effect upon the approval of this Act.

SEC. 6. The salaries of the chief justice, justices of the supreme court, and judges of the circuit courts, who are in office on the date of approval of this Act, shall not be diminished during their term of office. Subject to the foregoing, the provisions of this Act as to the compensation of judges by the Territory as prescribed by territorial law shall take effect upon the first day of the first full calendar month following the date of approval of this Act.

SEC. 7. Section 2, and the provision of section 82(b) of the Hawaiian Organic Act as enacted by section 1(d) requiring the inclusion of the judges in the retirement system of the Territory, shall take effect on July 1, 1959 and shall apply to every judge who is in office upon that date and to all those who take office thereafter.

SEC. 8. Subject to the foregoing, this Act shall take effect upon its approval."

SECTION 2. If Congress shall provide for the inclusion of judges in the retirement system of the Territory, the Board of Trustees of the Employees' Retirement System of the Territory shall prepare and submit to the Thirtieth Legislature a report showing the payments into the retirement system funds and the legislation necessary in order that every judge in office on July 1, 1959 or thereafter shall enjoy all of the rights and benefits to which he would have been entitled had he been a member of the Employees' Retirement System of the Territory throughout his then term of office and during any holding of a territorial judicial office prior thereto.

SECTION 3. If Congress shall provide for the compensation of the chief justice of the Supreme Court, associate justices of the Supreme Court and Circuit Court judges by the Territory as prescribed by territorial law, the amounts of such compensation shall be as follows (which shall supersede all provisions heretofore enacted as to payments to said judges by the Territory), and there are hereby appropriated sufficient monies to make the payments hereinafter provided for.

Chief justice of the Supreme Court .. $17,500 per annm
Associate justice of the Supreme Court ..... $17,000 " "
Judge of the Circuit Courts ..... $15,000 " "

SECTION 4. If Congress shall provide for a Supreme Court of five justices (including the chief justice), then upon the taking effect of such provision section 9610 of the Revised Laws of Hawaii 1945 shall stand amended as follows:

(a) By inserting in the sixth line thereof after the word "reason" and the comma, the words:

"less than the full number (but not less than three) may sit, or"

(b) By deleting from the seventh line thereof the

word "shall" and inserting in lieu thereof the word "may".

(c) By inserting in the eleventh line thereof after the words "authorized by the" the following:

"chief justice, or by the"

SECTION 5. Certified copies of this joint resolution shall, upon its approval, be forwarded to the Secretary of the Interior, the Delegate to Congress from Hawaii, the President of the Senate of the United States, and the Speaker of the House of Representatives of the United States.

SECTION 6. This Joint Resolution shall take effect upon its approval.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

A7

S. C. R. NO. ____

CONCURRENT RESOLUTION

REQUESTING THE CONGRESS OF THE UNITED STATES TO TRANSFER TO THE TERRITORY OF HAWAII THE REMAINING PUBLIC LANDS AND THE AUTHORITY TO LEGISLATE IN RESPECT THERETO, AS SET FORTH IN JOINT RESOLUTION 4 OF THE SESSION LAWS OF HAWAII 1955.

WHEREAS, by Joint Resolution 4 of the Session Laws of Hawaii 1955 the legislature requested the Congress of the United States to enact a bill transferring to the Territory of Hawaii the remaining public lands and the authority to legislate in respect thereto, substantially as set forth in the form of bill for the enactment of which the legislature petitioned by said Joint Resolution 4 of the 1955 session; and

WHEREAS, the recitals contained in said joint resolution show that the period of retention by the United States of the title to and authority over the public domain of Hawaii already has been unduly protracted; and

WHEREAS, the laws governing the public lands of Hawaii require amendment and revision, and it repeatedly has been necessary to resort to the Congress of the United States for legislation as to matters with which the Congress should not be burdened, and which the legislature of Hawaii is capable of handling as demonstrated by the fact that the Congress has approved the measures submitted to it by the legislature; and

WHEREAS, the delays incident to the necessity of obtaining congressional legislation whenever amendment or revision of the laws relating to the public domain is required,

are detrimental to the economic welfare of the people of Hawaii; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-ninth Legislature, the House of Representatives concurring, that the Congress of the United States is hereby requested to enact legislation substantially in the form set forth in Joint Resolution 4 of the Session Laws of Hawaii 1955 entitled "Joint Resolution Requesting the Congress of the United States to Transfer to the Territory of Hawaii the Title to the Remaining Public Lands and other Public Property in Hawaii, and to Enact New Provisions as to the Authority of the Legislature of the Territory of Hawaii in Respect of Such Property and Other Lands under the Jurisdiction and Control of the Territory of Hawaii."

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution, upon its adoption, shall be forwarded to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, the Chairman of the Committee on Interior and Insular Affairs of the said Senate, the Chairman of the Committee on Interior and Insular Affairs of said House of Representatives, the Delegate to Congress from Hawaii, and the Secretary of the Interior.

OFFERED BY:

_____

Date: _____

Honolulu, Hawaii

47

H. C. R. NO. ____

CONCURRENT RESOLUTION

REQUESTING THE CONGRESS OF THE UNITED STATES TO TRANSFER TO THE TERRITORY OF HAWAII THE REMAINING PUBLIC LANDS AND THE AUTHORITY TO LEGISLATE IN RESPECT THERETO, AS SET FORTH IN JOINT RESOLUTION 4 OF THE SESSION LAWS OF HAWAII 1955.

WHEREAS, by Joint Resolution 4 of the Session Laws of Hawaii 1955 the legislature requested the Congress of the United States to enact a bill transferring to the Territory of Hawaii the remaining public lands and the authority to legislate in respect thereto, substantially as set forth in the form of bill for the enactment of which the legislature petitioned by said Joint Resolution 4 of the 1955 session; and

WHEREAS, the recitals contained in said joint resolution show that the period of retention by the United States of the title to and authority over the public domain of Hawaii already has been unduly protracted; and

WHEREAS, the laws governing the public lands of Hawaii require amendment and revision, and it repeatedly has been necessary to resort to the Congress of the United States for legislation as to matters with which the Congress should not be burdened, and which the legislature of Hawaii is capable of handling as demonstrated by the fact that the Congress has approved the measures submitted to it by the legislature; and

WHEREAS, the delays incident to the necessity of obtaining congressional legislation whenever amendment or revision of the laws relating to the public domain is required,

are detrimental to the economic welfare of the people of Hawaii; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-ninth Legislature, the Senate concurring, that the Congress of the United States is hereby requested to enact legislation substantially in the form set forth in Joint Resolution 4 of the Session Laws of Hawaii 1955 entitled "Joint Resolution Requesting the Congress of the United States to Transfer to the Territory of Hawaii the Title to the Remaining Public Lands and other Public Property in Hawaii, and to Enact New Provisions as to the Authority of the Legislature of the Territory of Hawaii in Respect of Such Property and Other Lands under the Jurisdiction and Control of the Territory of Hawaii."

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution, upon its adoption, shall be forwarded to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, the Chairman of the Committee on Interior and Insular Affairs of the said Senate, the Chairman of the Committee on Interior and Insular Affairs of said House of Representatives, the Delegate to Congress from Hawaii, and the Secretary of the Interior.

OFFERED BY:

_____

Date: _____

Honolulu, Hawaii

_____B. NO. _____

AN ACT

CREATING A DEPARTMENT OF FINANCE, DEFINING ITS POWERS AND DUTIES, ABOLISHING CERTAIN AGENCIES, TRANSFERRING CERTAIN POWERS AND DUTIES, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. Department of finance; director. There is hereby created a Department of Finance the head of which department shall be the commissioner of finance who shall be nominated, and by and with the advice and consent of the senate, appointed by the governor for a term for which the appointing governor was appointed or elected, or until his successor is appointed and qualified. He may be removed from office by the governor for cause.

SECTION 2. Definitions. As used herein, "commissioner" means commissioner of finance, "department" means department of finance, "director" means the subordinate officer in supervision and control, under the commissioner, of a division of the department.

SECTION 3. Divisions of department. The department shall consist of the following divisions, all of which shall be under the supervision and control of the commissioner:

a. The division of taxation;

b. The division of the treasury;

c. The division of accounts and reports;

d. The division of purchasing and disposal of property.

SECTION 4. Functions of commissioner. The commissioner is specifically charged with the performance and coordination of the following functions:

a. Pre-auditing, accounting and reporting, accounting system control, inventory control and disbursing.

b. Purchasing, insurance management, acquisition and distribution of federal surplus property, and disposition of territorial surplus property.

c. Tax assessment and collection and conduct of tax studies.

d. Financial functions of debt administration and safe-guarding of funds.

SECTION 5. Departments and agencies abolished; functions transferred; general powers, duties of commissioner. The department and office of the tax commissioner, the treasury department, the department and office of the auditor (or comptroller), (except as to those functions which have been or may be vested in the post-auditor), the purchasing division of the bureau of the budget and all other territorial departments or agencies, and the territorial board of disposal are hereby abolished as such and reconstituted as divisions of the department of finance, the department of the auditor as the division of accounts and reports, subject to the supervision and control of the commissioner.

The commissioner, with the advice and consent of the governor, may appoint a director for, and to be in immediate supervision and control of, each division hereinabove enumerated, together with such other assistants, and such clerical, stenographic and other help as may be necessary for the proper performance of the duties of the department. The employees, other than the directors, shall be subject to the provisions of chapters 2 and 3 of the Revised Laws of Hawaii 1945; the directors shall not be so subject.

The director of the division of accounts and reports shall be the comptroller, established by Public Law 906, 84th Congress, Chapter 862, 2d Session.

Compensation of all said appointees of the commissioner shall be as fixed by law. The commissioner shall require such of the aforesaid appointees as he deems necessary to furnish bond in such amounts as he may prescribe.

Except as otherwise provided by this act all rights, powers, functions, duties and liabilities of, or held, possessed or exercised by law, or imposed upon, and all property, records, and unexpended appropriations of any of the predecessor departments or agencies hereinabove enumerated, or the administrative head of such department or agency with relation to such department or agencies, and any matters, under their jurisdiction, are hereby transferred to the commissioner, who shall, except as otherwise provided by law, have, exercise and be subject to the same rights, powers, functions, duties and liabilities with respect to the said respective departments, agencies and matters, as were, prior to July 1, 1957, held, possessed or exercised by, or imposed upon, the said respective departments or agencies with respect to said department or agencies and the persons and matters under their respective jurisdictions.

SECTION 6. Post auditor; tax boards of review; tax appeal court. The duties, powers and functions which have been or may be imposed upon or granted to the post-auditor, the boards of review of the several taxation divisions and the tax appeal court shall not be impaired by this act.

SECTION 7. Rules and forms. The commissioner is hereby authorized to promulgate rules, with the consent of the governor, and to prescribe forms necessary to carry out the duties of his office. Until such time as they may be superseded or set aside by action of the commissioner, with the approval of the governor, all rules, regulations and forms heretofore promulgated or prescribed within the jurisdiction of the several

departments and agencies established by this act as divisions of the department of finance shall continue in full force and effect.

SECTION 8. Reports. The commissioner shall file with the governor a written report or reports at such time, at least once in each year, and in such form, as shall be requested by the governor, and a biennial report to the legislature, covering the condition and activities of his department and of each division thereof.

SECTION 9. On the effective date of this act all officers and employees then in the employ of the several departments and agencies established by this act as divisions of the department of finance, except the officers appointed by the governor, shall continue in their respective offices or employments under the jurisdiction and control of the commissioner of finance, for a period of not more than three months after such effective date. The employment of any such officer or employee who is not reappointed by the commissioner within said period shall cease, and shall receive for each day following the termination of his services termination pay, payable on a monthly basis, in an amount equal to one day's base pay for the position he held at the time of severance, provided, however, (1) that said termination pay shall not exceed a total amount equal to eighteen days base pay, and, in addition, six days base pay for each credited year of service with the Territorial government; (2) that such termination pay shall not accrue on or after any day on which he is re-employed by any Territorial agency, or in any public or private service, and (3) that such termination pay shall not accrue following the date on which he refuses to accept an appointment to a position of equivalent classification in the Territorial civil service. Any such officer or employee shall

have top priority in transfer or re-employment to any position in any other Territorial agency for which he qualifies and he shall be first employed by such agency in the event of any opening or vacancy in such agency.

Claims for such termination pay shall be made to and approved by the commissioner on such forms and with such supporting information as he may prescribe. Warrants in payment of such approved claims shall be drawn by the comptroller and shall be paid out of the general revenues of the Territory from which there is appropriated hereby sufficient moneys for such purpose.

SECTION 10. If any portion of this act, or of any other law as amended by this act, or its application to any persons or circumstances, shall be held unconstitutional or invalid, the validity of the remainder of this act or of said other law, or the application of said portion to other persons and circumstances shall not be affected.

SECTION 11. All territorial laws or parts of laws inconsistent with the provisions of this act or of any other law as amended by this act, are hereby amended to conform to this act and to said other law as amended by this act.

SECTION 12. Appropriation. There is hereby appropriated from the general revenues of the Territory, not otherwise appropriated, such an amount that is necessary to carry out the purpose of this act.

SECTION 13. This Act shall take effect upon the enactment of legislation by the Congress of the United States of America ratifying this Act, notwithstanding the limitations of sections 72, 77 and 80 of the Organic Act of the Territory of Hawaii or any other law to the contrary.

INTRODUCED BY:

Date:_____

Honolulu, Hawaii

____B. NO. ____

AN ACT

CREATING A DEPARTMENT OF NATURAL RESOURCES, PROVIDING FOR DIVISIONS THEREIN, AND TRANSFERRING FUNCTIONS, RECORDS, PROPERTY, MONIES, POWERS AND APPROPRIATIONS, TERMINATING CERTAIN OFFICES AND AGENCIES AND REPEALING SECTION 1002 OF THE REVISED LAWS OF HAWAII 1945, AND LAWS IN CONFLICT WITH THIS ACT.

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

SECTION 1. As used in this act, "department" means the department of natural resources, "commissioner" means the commissioner of said department, "director" means the director of a division within the department, "agency" means the various governmental subdivisions, bureaus and offices which become the enumerated divisions of the department of natural resources upon the effective date of this act.

SECTION 2. There is created hereby a department of natural resources which shall be administered by a full-time paid commissioner and shall consist of the following divisions which are created hereby:

a. The division of public lands;
b. The division of agriculture;
c. The division of forestry;
d. The division of fish and wild life;
e. The division of animal husbandry;
f. The division of entomology;
g. The division of territorial parks;
h. The division of home development corporation;
i. The division of conveyances;
j. The division of survey;
k. The division of hydrography.

The commissioner may assign and reassign work and duties between the several divisions, notwithstanding any statutory provisions as to such duties, unless such assignment or reassignment shall affect unfavorably federal aid in respect of such division or its work and duties.

SECTION 3. The commissioner shall be nominated, and, with the advice and consent of the senate, be appointed by the governor, for a term of office to expire at the end of the term for which the governor was appointed or elected. He may be removed by the governor for cause. He shall be at the time of his appointment, and shall have been for at least three years prior thereto, an elector of the Territory. During his term of office he shall not hold any office in any political party or be a candidate for an elective office; and if he shall become such his office as commissioner, shall ipso facto, be vacant. He shall not be subject to chapters 2 and 3 of the Revised Laws of Hawaii 1945, but his salary shall be as fixed by the governor within the limit of the available appropriation.

He shall administer and control the several divisions in the department, and may make rules and regulations, which shall not be subject to section 466 of the Revised Laws of Hawaii 1945 when they deal solely with the administration of said divisions and the properties and assets under their respective subordinate jurisdictions, but which otherwise shall be subject to the provisions of said section 466.

The commissioner shall appoint such assistants and employees, other than the directors, as may be necessary for the proper performance of his duties under this act and for which appropriations shall have been made by the legislature. Such assistants and employees shall be members of the civil service system. The compensation of all persons engaged by the commissioner shall be paid at such rates as the commissioner shall

approve, in accordance with such classification and compensation schedules as may be then in effect pursuant to law and for which appropriation has been made.

SECTION 4. All powers (including the power to conclude any unfinished business), functions, records, properties, and monies, whether in hand, or appropriated, possessed or enjoyed by, and all debts due to the territory through or by the agency of, the commissioner of public lands (including the bureau of hydrography and the bureau of conveyances), the board of commissioners of agriculture and forestry (including its bureaus and agencies), the survey office and the home development agency hereby are transferred to and vested in the department of natural resources. The several divisions created by this act, subject to the provisions of section 2 hereof, shall enjoy the powers and be subject to the duties and responsibilities which exist at the time immediately prior to the effective date of this act, subject, however, to the supervision and control of the commissioner, and with the further restriction that the powers, duties, responsibilities and functions of any division which were subject to the supervision and control of any superior officer or agency shall become subject directly to the supervision and control of the commissioner, and such superior office or agency shall terminate.

SECTION 5. Each of the divisions hereinabove named shall be under the charge, direction and control of a director, subject to the supervision and control of the commissioner. The directors of the several divisions of the department shall be appointed by the commissioner with the advice and consent of the governor and shall be subject to the provisions of chapter 3, but not of chapter 2, of the Revised Laws of Hawaii 1945.

SECTION 6. If any portion of this act, or of any other law as amended by this act, or its application to any persons or

circumstances, shall be held unconstitutional or invalid, the validity of the remainder of this act or of said other law, or the application of said portion to other persons and circumstances, shall not be affected.

SECTION 7. Section 1002 of the Revised Laws of Hawaii 1945, and all other laws in conflict with this act are repealed.

SECTION 8. This Act shall take effect upon the enactment of legislation by the Congress of the United States of America ratifying this Act, notwithstanding the limitations of sections 73, 74, 78 and 80 of the Organic Act of the Territory of Hawaii or any other law to the contrary.

INTRODUCED BY:

Date:_____

Honolulu, Hawaii

A 10

___ B. NO. ___

AN ACT

CREATING A DEPARTMENT OF TRADE AND COMMERCE, DESIGNATING ITS POWERS AND FUNCTIONS, TRANSFERRING TO IT THE PROPERTY, POWERS AND FUNCTIONS OF THE ECONOMIC PLANNING AND COORDINATION AUTHORITY AND MAKING AN APPROPRIATION.

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

SECTION 1. As used in this act "department" means the department of trade and commerce created by this act; "commissioner" means the commissioner of said department; "agency" means the various departments, agencies or bureaus heretofore existing which are incorporated by this act into said department of trade and commerce; "division" means a division of the department.

SECTION 2. There is created a department of trade and commerce which shall be administered by a full time paid commissioner who shall be nominated and with the advice and consent of the senate appointed by the governor for a term of office to expire at the end of the term for which the governor was appointed or elected, and may be removed by the governor. He shall be at the time of his appointment, and shall have been for at least three years prior thereto, an elector of the Territory. During his term of office, he shall not hold any office in any political party or be a candidate for any elective office; and if he shall become such, his office as commissioner shall, ipso facto, become vacant. He shall not be subject to the provisions of chapters 2 and 3 of the Revised Laws of Hawaii 1945, but his salary shall be as fixed by the governor within the limit of the available appropriation.

The commissioner with the approval of the governor shall appoint such subordinates, within the limits of any

available appropriation, who except for directors of divisions shall be subject to the provisions of chapters 2 and 3 of the Revised Laws of Hawaii 1945, to perform such duties as he shall prescribe. The directors of divisions shall not be subject to the provisions of chapters 2 and 3, Revised Laws of Hawaii 1945.

SECTION 3. The purpose of the department and the functions of the commissioner are declared to be:

a. to stimulate productive employment for Hawaii workers;

b. to develop and promote the industrial, agricultural, commercial and recreational resources of Hawaii;

c. to assist in the strengthening and expansion of existing enterprises in Hawaii;

d. to assist in the creation of new enterprises within Hawaii;

e. to attract new enterprises to Hawaii from other areas;

f. to promote a strong, progressive, diversified economy.

SECTION 4. The department shall have no regulatory or police powers but shall be devoted to the expansion of markets, counselling, research, planning and developing business and recreational opportunities, coordination of the activities of groups and agencies both public and private, and to promotion of Hawaii by demonstration of accomplishment as well as dissemination of information through all publicity media.

SECTION 5. The commissioner shall organize a division of research, a division of planning and a division of development and, with the approval of the governor, such other divisions as he may deem necessary. The work of each division, under the supervision and control of the commissioner shall be in charge of a director who shall have special qualifications for

the work of his division and who shall be appointed and may be removed by the commissioner with the approval of the governor.

SECTION 6. The division of research shall:

a. Compile and maintain information useful to the development of industry and commerce concerning sites, space, equipment, adequate housing, contracts, materials, transportation, markets and other economic considerations.

b. Assist in the preparation of reports upon request from the governor or any territorial department.

c. Compile such other data and make such other studies on manufacturing, agriculture, mining, fishing, trade, recreation and other economic activities in the territory as are necessary to aid the division of development and the division of planning in carrying out their duties.

d. Employ or engage, with the approval of the governor, such outside technical or professional consultants as may be necessary or appropriate to assist the division in carrying out its functions. Such consultants shall not be subject to the provisions of chapters 2 and 3, Revised Laws of Hawaii 1945.

e. Initiate basic studies of population trends, economic conditions, and resulting problems as a service not only to the divisions of planning and development, but also to the legislature, the administrative departments of the Territory, and any political subdivision thereof.

f. Study specific problems peculiar to Hawaii, including transportation rates for both passengers and freight, which studies shall be advanced by coordination of research with existing private and governmental agencies and educational institutions, and may be advanced by contractual relations with persons or organizations familiar

with the problems and equipped to conduct the needed research.

g. Prepare evidence and supporting data whenever the viewpoint of the Territory is to be presented before any state, territorial or federal agency with respect to matters affecting the economic interests of the Territory.

SECTION 7. The division of planning shall:

a. Prepare and from time to time revise and perfect a master plan for the physical development of the Territory, such master plan, with any accompanying maps, plats, charts and descriptive matter, shall be designed with the general purpose of guiding and carrying forward such coordinated, effective and economic development of the Territory, with due respect to its topography, resources, and its present needs and future possibilities, as will best promote the health, safety, morals, order, convenience, welfare and prosperity of the people. Among other things such master plan shall tend to bring into suitable relation the use of land, soil, water and natural resources; the location and distribution of population and habitation; agriculture, forestry and mining; trade and industry; recreation; ports, highways, railways, airways and every form of transportation, travel and communication; public institutions of every description, whether publicly or privately supported; water supply and disposal of sewage; and all such other developments and uses as will tend to avoid waste of the human, financial and physical resources of the Territory and to promote the above purposes.

b. Assist in planning any public or private project as to which federal appropriations, grants or loans may pay any part of the cost.

c. Make such maps, plans and estimates of cost as may be needed for its investigations and reports.

d. Act as the coordinating agency between the several officers, boards, commissions, departments and divisions of the Territory, in matters relative to the physical development of the Territory, and review the proposals of said agencies in the light of their relationship to the master plan and incorporate the results of such reviews in the reports of the department; provided, that nothing in this section shall be construed as limiting the powers or duties of any officer, board, commission, department, agency or division of the Territory.

e. Initiate, encourage and carry on regional planning and advise and assist local planning boards and other municipal agencies in cooperative efforts intended for the mutual benefits of the counties.

f. Advise, confer and cooperate with municipal or county planning boards, boards of appeal and other local officials, civic and other groups and citizens in matters relating to planning and zoning and furnish any pertinent information in its possession.

g. Study problems of recreation, schools, housing, health, land use controls, assessment and taxation.

h. Assist in preparing and executing long-range capital budgeting and programming of public works projects.

i. Accept from the federal government such grants and from municipalities such funds as may be necessary for the purpose of carrying out any of the provisions of clauses b, e, and f.

SECTION 8. The division of development shall;

a. Further the development and the expansion of industry, with particular attention to small business, and

attract new business to the Territory by (1) promoting the welfare of existing industry and the location of new business and coordinating these activities of public, private and other agencies; (2) negotiating directly with industry seeking suitable locations within the Territory in cooperation with public, private and other agencies; (3) disseminating information setting forth the commercial, recreational, transportation, industrial and other facilities and advantages of the Territory; and (4) promoting the industrial development efforts of local communities by assisting in the formation of industrial foundations in cooperation with local agencies.

SECTION 9. Chapter 93 of the Revised Laws of Hawaii 1945 is repealed and the economic planning and coordination authority is abolished. All monies and property of that authority, including, but not limited to, unexpended appropriations, equipment, supplies and records are transferred to the department of trade and commerce.

SECTION 10. The sum of $_____ is appropriated for the expenses of the department, which shall be expended upon warrants issued by the auditor (or comptroller) based upon vouchers signed by the commissioner or his duly authorized subordinate.

SECTION 11. This Act shall take effect upon its approval.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

~~R. NO. 1~~
lil
A-10-A

___ B. NO. ___

AN ACT

CREATING A DEPARTMENT OF LIBRARIES AND MAKING AN APPROPRIACTION THEREFOR.

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

SECTION 1. As used herein "department" shall mean the territorial department of libraries, "commission" shall mean the library commission, "board" shall mean advisory board, and "director" shall mean the director of the department.

SECTION 2. There shall be a territorial department of libraries which shall be administered by a library commission with the advice of advisory boards in the counties of Hawaii, Maui, Honolulu and Kauai.

SECTION 3. The commission shall consist of five members, to be appointed by the governor in the manner prescribed by the first paragraph of section 80 of the Organic Act. Of said members, one shall be a resident of the county of Hawaii, one shall be a resident of the county of Maui, one shall be a resident of the county of Kauai, and two shall be residents of the city and county of Honolulu, one of which two shall be designated in his appointment as chairman of the commission. The initial appointments to said commission shall be for terms designated in the appointments of the commissioners, expiring as follows: one on the last day of the calendar year 1958, one on the last day of the calendar year 1959, one on the last day of the calendar year 1960, one on the last day of the calendar year 1961, and one, who shall be the chairman, on the last day of the calendar year 1962. The successors of the members initially appointed shall be appointed for a term of five years, commencing with the expiration of the preceding term, in the same manner as the members

originally appointed except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Each member shall serve until the appointment and qualification of his successor. No member shall receive any remuneration for his services, but shall be entitled to his reasonable traveling and other expenses incurred in the performance of his duty as such member.

The members of the commission shall be selected from the membership of the several advisory boards. A majority of the members shall constitute a quorum, but a lesser number may adjourn from time to time. The commission shall meet at the call of the chairman, who shall designate the time and place of the meeting, but not less often than once every three months. A meeting shall be held on each of the several counties hereinabove named not less frequently than once in each calendar year.

SECTION 4. There shall be four advisory boards of five members each, one in each of the counties except the county of Kalawao, which shall advise with the commission. Contingent upon the making of the respective agreements hereafter described, the Hawaii board shall be elected by the membership of the Hilo Library and Reading Room Association, the Maui board shall be elected by the membership of the Friends of the Library of Maui County, two members of the Honolulu board shall be elected by the membership of the Friends of the Library of Hawaii, one member shall be appointed by the superintendent of Public Instruction, one by the president of the Bar Association of Hawaii, and one by the president of the Honolulu Junior Chamber of Commerce, and the Kauai board shall be elected by the membership of the Kauai Public Library Association. The board of trustees of the Public Library

Association of Kauai, and that of the Hilo Library and Reading Room Association shall be eligible to be so elected.

The governor shall appoint the members of any advisory board of a county in which the agreement hereinafter described is not executed. Members so appointed by the governor shall be residents of the county of said board, and shall have demonstrated their interest in the maintenance and expansion of libraries open to the public.

SECTION 5. The commission may enter into an agreement with the Kauai Public Library Association which shall provide that for so long as such agreement is in effect (a) the members of the Kauai Public Library Association shall elect the members of the Kauai board; (b) the library building, furniture, furnishings, fixtures, equipment and library books of the Albert S. Wilcox Memorial Library, situated at Lihue of which the Association is the owner, without charge for rent for the property, shall be dedicated for the term of the agreement to the purposes of, and the memorial library shall function as an integral part of the Kauai County Public Library.

The commission may enter into an agreement with the Hilo Library and Reading Room Association which shall provide that for so long as such agreement is in effect (a) such association shall elect members of the advisory board for Hawaii; (b) the books and property of said association shall be dedicated to the use of the Hawaii County Library.

The commission may enter into an agreement with the Friends of the Library of Hawaii which shall provide that for so long as such agreement shall be in effect (a) such Friends shall elect members of the advisory board for the city and county of Honolulu; (b) books and property of said Friends shall be dedicated for the time of the agreement to the use of the Library of Hawaii.

The commission may enter into an agreement with the Friends of the Library of Maui county which shall provide that for so long as such agreement shall be in effect (a) such Friends shall elect members of the advisory board for the county of Maui; (b) the books and property of such Friends shall be dedicated to the use of the Maui County Library.

SECTION 6. The commission shall have full authority and responsibility for the administration of the department and all matters pertaining thereto. It shall prescribe the duties of the director who shall be the administrative officer of the department.

SECTION 7. The commission shall have, but is not limited to the following powers and duties:

1. Establish and operate a library system for the territory incorporating therein the various county libraries and the Library of Hawaii.

2. Appoint the director subject to the provisions of chapters 2 and 3, Revised Laws of Hawaii 1945, which director shall be a graduate of an accredited library school and have had at least eight years of library experience of which four shall have been in an administrative capacity. Appoint other employees, subject to the provisions of said chapters of said Revised Laws within the limit of appropriations available for such purpose.

3. Make rules and regulations for its own guidance, for the management and use of the various branches and for the control of the property under its management.

4. Prepare and transmit a biennial budget to the governor.

5. Receive and administer grants of funds and materials made by the Federal government for library purposes.

6. Deposit with the treasurer of the Territory in a special fund to be known as the Library Special Fund all moneys donated to the department or accruing to the department from fees and fines; unless otherwise provided for by the terms and conditions of the donation, convert at such time as the commission may at its sole discretion determine, any or all donations of property, real, personal, into money to be deposited in the special fund in accordance with the terms and conditions of each donation. All moneys in the special fund shall be deemed to have been appropriated for the use and purposes of the department and shall be expended on vo chers approved by the chairman or such other officer as shall be designated by the commission.

7. Collect and disseminate statistics and other data relating to libraries and library services.

8. Annually during the month of July but as of June 30 preceding, prepare and transmit a report to the governor of all moneys received from all sources and expended for all purposes during the preceding year and any other matters pertaining to the library which are deemed important.

9. Encourage and assist in the development of library services in territorial institutions.

10. Cooperate with the Department of Public Instruction in furthering the establishment of standards for an effective territory-wide school library service.

11. Promote bookmobile service.

12. Publish lists and circulars of information.

13. Promote library development in the Territory, improve public library standards and further the knowledge and understanding of the value of library service.

14. Enter into agreements with any other agency or authority of the Territory or outside the jurisdiction of the Territory for the establishment and maintenance of library service.

SECTION 8. All properties and assets, which terms shall be construed to be all inclusive, of public libraries of the Territory or any of its political subdivisions with the exception of libraries of specific government agencies (including but not limited to, libraries of public schools) or the law libraries of the Territory or of the city and county of Honolulu and the counties of Hawaii, Maui and Kauai, or the library of the University of Hawaii, are transferred to the department.

SECTION 9. The commission may contract for the exchange of librarians with any state, county or territory. Local librarians so exchanged shall be paid their regular salaries out of funds appropriated for the department.

SECTION 10. The commission may grant a year's leave of absence to any trained librarian who has served eight years in the government supported libraries in Hawaii, with the right to return to his or her position at the expiration of leave.

SECTION 11. All employees in the libraries or functions transferred by this act to the department are transferred to the department. No such employee shall suffer any loss of salary, increment and longevity accumulations, seniority, prior service credit, vacation, sick leave or other employee benefits or privileges by reason of such transfer, and with the same employment status whether contractual, temporary, probationary, provisional or regular.

SECTION 12. There is appropriated from the general revenues of the Territory to the uses and purposes of the department the sum of $_____ or so much

as is necessary to carry out the purposes of this Act, which shall be expended upon warrants drawn by the territorial auditor (or comptroller) based upon vouchers signed by the chairman of the commission, or by such officer or employee of the department as may be thereunto authorized by the commission.

SECTION 13. This Act shall take effect upon its approval.

INTRODUCED BY:

Date: _____

Honolulu, Hawaii

_____

Gov. Mess. #10

A-11

___ B. NO. ____

AN ACT

CREATING THE HAWAII HOME DEVELOPMENT AUTHORITY, PROVIDING FOR ACQUISITION BY PURCHASE OR CONDEMNATION OF PRIVATE PROPERTY, OR THE UTILIZATION OF PUBLIC LANDS, OR BOTH, FOR SUBDIVISION, IMPROVEMENT, DEVELOPMENT AND SALE FOR DWELLINGS, FOR SUBSISTENCE OF THE OCCUPIERS OF SUCH DWELLINGS AND FOR OTHER FACILITIES IN CONNECTION THEREWITH, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. Definitions. The following terms, wherever used in this Act, shall have the following respective meanings, unless a different meaning clearly appears from the context:

1. "Authority" shall mean the Hawaii Home Development Authority created by this Act.

2. "Commissioner" shall mean one of the members of the authority appointed in accordance with the provisions of this Act.

3. "Territory", "governor", "secretary", "government" and "federal government" shall have the respective meanings defined in section 3502 of the Revised Laws of Hawaii 1945.

4. "County" shall include the city and county of Honolulu.

5. "Revised Laws" shall mean the Revised Laws of Hawaii 1945.

6. "Development project" shall mean any home development project authorized by this Act.

7. "Development area" shall mean areas so designated pursuant to section 6.

8. "Lands" shall mean land together with improvements and appurtenances.

9. "Veteran" shall mean a person who has served as a member of the armed forces of the United States in any war in which the United States is or has been engaged, including the Philippine insurrection and the Korean hostilities.

10. "Residence lot" shall mean a lot not exceeding _____ acres in size, obtained by subdivision of lands acquired pursuant to this Act and used for residential use only, except as may otherwise be provided for herein.

11. "Residential use" or "residential purpose" shall mean the devotion of a residence lot to use as a dwelling only or to use as a dwelling in conjunction with the raising or growing thereon of farm products primarily for the subsistence of the occupier of such dwelling and his immediate family.

SECTION 2. Authority created; commissioners. 1. An authority to be known as the Hawaii Home Development Authority is hereby created. Such authority shall be a public body and a body corporate and politic with perpetual existence, and shall consist of five commissioners who shall be appointed by the governor, with the approval of the senate of the Territory. The governor shall also designate the first chairman. Not more than three of the commissioners shall be members of the same political party.

2. The commissioners who are first appointed shall be designated by the governor to serve for terms of one, two, three, four and five years respectively from the date of

their appointment. Thereafter the term of office shall be five years. A commissioner shall hold office until his successor has been appointed and has qualified. Vacancies shall be filled for the unexpired term. Three commissioners shall constitute a quorum. The governor shall file with the secretary of the Territory a certificate of the appointment or reappointment of any commissioner and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner. A commissioner shall receive no compensation for his services but he shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties.

3. When the office of the first chairman of the authority becomes vacant, the authority shall select a chairman from among its members. The authority shall select from among its members a vice-chairman, and it may employ an executive secretary, technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. The attorney general is authorized to appoint and employ deputy attorneys general, additional to those covered by the appropriation for the attorney general's department, to provide legal services for the authority, and the compensation for such services shall be paid out of the funds of the authority. The authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.

SECTION 3. Duty of the authority and of the commissioners. The authority and its commissioners shall be under a statutory duty to comply or to cause compliance

strictly with all provisions of this Act and the laws of the Territory and in addition thereto, with each and every term, provision and covenant in any lawful contract of the authority on its part to be kept or performed.

SECTION 4. Interested commissioners or employees. No commissioner or employee of the authority shall acquire any interest, direct or indirect, in any development project or in any property included or planned to be included in any development project, nor shall he have any interest, direct or indirect, in any contract or proposed contract, for materials or services to be furnished or used in connection with any development project. If any commissioner or employee of the authority owns or controls an interest, direct or indirect, in any property included or planned to be included in any development project, he shall immediately disclose the same in writing to the authority and such disclosure shall be entered upon the minutes of the authority. Failure to so disclose such interest shall constitute misconduct in office.

SECTION 5. Removal of commissioners. 1. The governor may remove a commissioner for inefficiency or neglect of duty or misconduct in office, but only after the commissioner shall have been given a copy of the charges against him (which may be made by the governor) at least ten days prior to the hearing thereon and had an opportunity to be heard in person or by counsel. Any obligee of the authority may file with the governor written charges that the authority is violating wilfully any law of the Territory or any term, provision or covenant in any contract to which the authority is a party. The governor shall give each of the commissioners a copy of such charges at least ten days prior to the hearing thereon

and an opportunity to be heard in person or by counsel and shall within fifteen days after receipt of such charges remove any commissioner of the authority who shall have been found to have acquiesced in any such wilful violation.

2. A commissioner shall be deemed to have acquiesced in a wilful violation by the authority of a law of this Territory or of any term, provision or covenant contained in a contract to which the authority is a party, if, before a hearing is held on the charges against him he shall not have filed a written statement with the authority and the governor of his objections to, or lack of participation in, such violation.

3. In the event of the removal of any commissioner, the governor shall file in the office of the secretary a record of the proceedings together with the charges made against the commissioners and the finding thereon.

SECTION 6. General powers; designation of other development areas. 1. The authority shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this Act, including the following powers in addition to others herein granted:

(a) To sue and be sued; to have a seal and to alter the same at pleasure; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority; to make and from time to time amend and repeal by-laws; rules and regulations not inconsistent with this Act, to carry in effect the powers and purposes of the authority; and

(b) To prepare, carry out and operate development projects in any development area; to provide for the

construction, reconstruction, improvement, alteration or repair of any development project or any part thereof.

2. Whenever the authority, after a public hearing the time and place of which shall have been duly advertised in a newspaper of general circulation in the county concerned on at least three different days, the last such publication to be not less than five days before the date of the hearing, shall find:

(a) That in any locality on a particular island an acute shortage of housing exists, or an acute shortage of areas to be used for dwelling purposes in conjunction with the raising or growing thereon of farm products primarily for the subsistence of the occupiers of such dwellings and their immediate families;

(b) That such shortage is attributable in whole or to a major degree to a scarcity of land available for purchase for residential purposes or to exorbitant prices or unreasonable terms and conditions demanded for or imposed upon land in such locality; and

(c) That such shortage of housing and land can not practicably be alleviated within the reasonably near future by means other than those provided under this Act;

the authority may designate a suitable area on the same island, reasonably accessible to persons in the locality in which such shortages exist and in which there exists land suitable for a development project, as a development area.

3. In addition to all of the other powers conferred upon it, the authority may do all things necessary and convenient to carry out the powers expressly given in this chapter.

SECTION 7. Acquisition of lands for development projects. The authority shall have power to acquire lands for development projects within any development area. In the event said lands cannot be acquired by voluntary transactions with the persons concerned, the authority is authorized to institute eminent domain proceedings to acquire such lands and improvements; provided, that negotiations for such acquisition by voluntary transaction shall not be required before the institution of eminent domain proceedings.

SECTION 8. Property which may be acquired for development projects. 1. The authority may acquire for development projects any lands suitable for residential use, or suitable for residential use upon subdivision and development, together with roads, sidewalks, parks, schools, utilities, playground and recreational facilities, or lands necessary for the same, and also lands for business areas to serve the residential areas of such development projects, and any water rights necessary for use of such lands.

2. The authority shall not acquire for development projects:

(a) Lands already developed and improved as business or industrial areas where use of such lands for residential purposes or as part of a development project would be economically unsound or where an undue hardship would be suffered by the community through loss of service because of such acquisition; provided, however, that portions of such lands or interests therein may be taken where reasonably necessary to provide roads, utilities and other facilities for a development project.

(b) Lands already in use for residential purposes, except where the acquisition of such lands is reasonably necessary for proper development of such a project.

SECTION 9. Development of lands for residential use. Upon the acquisition of lands pursuant to this Act, the authority shall subdivide the same into residential lots in a manner best designed to carry out the purposes of this Act, setting aside sufficient land for such parks, playgrounds, recreational facilities, schools, roads, sidewalks and utilities as are appropriate. The size of the lots within the limitations imposed by section 1, subsection 10, shall be discretionary with the authority and such authority may designate whether any one lot shall be used exclusively as a dwelling or as a dwelling in conjunction with the raising or growing thereon of farm products primarily for the subsistence of the occupiers of such dwelling and his immediate family; provided, however, the exercise of discretion herein granted shall be subject to the provisions of section 26 hereof. The authority shall construct necessary roads and sidewalks and utilities and otherwise develop such lands by filling, grading, planting, and other appropriate improvements, so that they are suitable for disposition as hereinafter provided.

SALE OF LANDS

SECTION 10. Persons eligible to purchase lands. To be eligible to purchase a residence lot from the authority, the buyer must furnish satisfactory evidence to the authority under oath and otherwise as required by the authority that he

(a) Is a citizen of the United States;

(b) Is at least twenty years of age; and

(c) Is a bona fide resident of the Territory and has a bona fide intent to reside in the development area concerned if successful in purchasing a lot in such area under this Act.

Any person whom the authority finds to be within one of the following classes, shall not be eligible to become an original purchaser of a residence lot, to wit:

(a) A person who himself or whose husband or wife or both (when husband and wife are living together) owns or own in fee simple lands suitable for residential purposes within the Territory and in or reasonably near the place of residence or place of business of such person;

(b) A person who himself or whose husband or wife (when husband and wife are living together) has pending an unrefused application to purchase a lot from the authority.

Any person, firm, association or corporation may purchase business lots.

The authority shall require all applicants for the purchase of residence lots to make application therefor under oath, and may require additional testimony or evidence under oath in connection with any application. The determination of any applicant's eligibility under this Act by the authority shall be conclusive as to all persons thereafter dealing with the property; but the making of any false statement knowingly by any applicant or other person to the authority in connection with any application shall constitute perjury and be punishable as such.

SECTION 11. Sales of residence lots; notice. When a development project or projects has or have been sufficiently

completed to be suitable for disposition to individual purchasers, the authority shall sell the lots therein to eligible purchasers and shall give notice of such sale by publication in at least two newspapers of general circulation in the county in which such project or projects are located. Such notice shall state in general terms the size, location and prices of the lots to be sold, the terms of sale, the use to which such lots may be put, and the last date on which application will be received by the authority, which date shall not be less than thirty days after the first publication of such notice. Such notice shall also state the times and places at which more detailed information with respect to the sale may be secured by interested persons. Not more than one such lot shall be sold to each purchaser.

SECTION 12. Selection of purchasers; designation of lots. If the number of eligible individuals applying for purchase of residence lots in a particular development project is greater than the number of lots to be sold, then applicants shall be divided into two groups--one group for all applicants who are veterans, hereinafter called group A, the other group for all other applicants, hereinafter called group B. The applicants in group A shall have priority in the selection, as hereinafter provided, of such number of lots which equals the number of such applicants, or one-half of the total number of lots available after the exhaustion of other preferential rights of selection hereinafter described, whichever is smaller. The names of all applicants in group A shall be placed in a receptacle and the number of names equal to the number of lots assigned to group A shall be drawn. The applicant whose name is first drawn shall have first choice, and the applicant

whose name is next drawn shall have second choice, and so on. The names of all remaining applicants, including veterans not selected as purchasers for the lots assigned to group A, shall then be placed in a receptacle, and purchasers for all remaining lots shall be selected in a similar manner. It is provided, however, that any person whose land has been acquired by the authority for a development project or by the government for roads, sites of government buildings or other government purposes, and who is otherwise eligible under this Act, shall have first preference over any other individual to apply for and select any lot in the development project concerned, or, at his option he shall be placed in group A, notwithstanding any other provision of this Act to the contrary. Names of applicants in this category shall likewise be placed in a receptacle and drawn in the manner prescribed above. The drawing of names shall be done by the chairman of the authority. In the event an applicant whose name is drawn refuses to exercise his right of purchase, the name of another applicant of the same class shall be drawn and substituted for the person refusing. The authority shall have the power to make rules and regulations with respect to the selection of purchasers and the selection of lots to carry out the full intent and purpose of this Act.

SECTION 13. Prices of residential lots. The prices at which residential lots shall be sold shall be the pro rata share of the cost of the development project as determined by the authority, or the current market price of similar property in the vicinity as determined by appraisers appointed by the authority, whichever is the lower.

SECTION 14. Terms of sale of residential lots. The purchaser at his option may pay the purchase price in full on delivery of a deed or pay not less than 10% of the purchase price and execute with the authority an agreement of sale under the terms of which the unpaid balance shall be paid in such monthly installments and over such period as the authority shall determine, with interest on unpaid balances at a rate not to exceed 5%, payable monthly, deed to be delivered on final payment; provided, that not less than 1% on account of principal shall be required by such agreement to be paid each month. Taxes shall be prorated as of the date of delivery of deed in the case of a cash sale and as of the date of execution of agreement of sale in other cases. Each such agreement of sale shall provide that the whole or any part of the unpaid balance of the purchase price plus accrued interest may be paid at any time.

SECTION 15. Restrictions on sale and use of residence lots by purchasers. 1. For a period of five years after the date of purchase of any lot under this Act (which date shall be deemed to be the date of the agreement of sale or deed under which the lot was originally purchased or agreed to be purchased) such lot shall not be sold by the owner thereof unless the same, together with the improvements thereon shall have first been offered in writing to the authority under the option reserved by this Act and the authority shall either have refused or have failed within the time required by this section to exercise such option.

2. Any such owner intending to sell such lot and improvements within such five-year period shall first notify the authority in writing of such intention, which notice shall

specify the owner's address and shall expressly offer to sell such property to the authority at a price equal to the sum of (a) the original cost of the land plus 15% thereof, and (b) the replacement value less depreciation at the rates used for real property tax purposes of all buildings and improvements thereon, to be determined by three appraisers, one appointed by the authority, one appointed by the owner, and the third by said two appraisers so appointed. Within ten days after the receipt of such notice, the authority shall in writing notify the owner at the address so specified whether it eledts to exercise such option. If the authority refuses, or fails within said ten-day period, to reply to said offer, the owner may sell such property to any other person free from any price restrictions.

3. The authority may re-sell any lot and improvements so purchased at a price not to exceed the actual cost thereof to the authority, with the addition of a reasonable amount to cover overhead and estimated and actual expenses.

4. Any original deed or agreement of sale from the authority to any purchaser of a residence lot shall contain a covenant running with the land (and shall, whether or not such condition is contained in such instrument be subject to the requirement) that the purchaser shall erect on such lot within five years following such date of purchase a suitable residence building to conform to the terms set forth in such instrument, with a proviso that the authority may on application of the owner extend the period from time to time for good cause shown. Other reasonable restrictions designed to prevent such lots from becoming slum areas, such as requirements

against building more than one residence upon any lot, minimum floor area of houses, observance of reasonable set-back line, etc., may be established by the authority for any development project and included in such agreements of sale or deeds as covenants running with the land for a term of twenty one years.

5. No residence lot shall be used for any purpose other than residence purposes for a period of twenty-one years following the date of the first sale of such lots by the authority; provided, however, the authority may specify that the same be used for a dwelling only; and further, that in the event that any such lot shall be zoned or rezoned by governmental authority for non-residence purposes, such restriction shall be relaxed to the extent permitted by such zoning laws or regulations.

6. The provisions of paragraphs 1 and 2 of this section shall not be applicable to sale under foreclosure by a mortgagee of any such lot or the transfer of title by a mortgagee after foreclosure or otherwise to any agency of the United States government pursuant to the terms of any insurance or guarantee of mortgage loan by such agency.

SECTION 16. Effect of breach of restriction. Any sale or attempted sale, contract or conveyance contrary to the provisions of section 15 hereof shall be void. Any use contrary to the provisions of section 15 may be enjoined by the Territory, the authority, or an owner or owners of the residence lots within the same development project. In the event that a sale, contract or conveyance contrary to the provisions of section 15 is attempted, or a use contrary to the provisions of section 15 is not voluntarily remedied or is not or cannot be remedied by injunction, or a building

is not erected in accordance with section 15, subsection 4, the lot affected shall be forfeited and title revested in the authority upon suit by the Territory establishing any of the foregoing, subject, however, to any valid liens existing against such property, incurred with the consent of the authority, which liens shall not be affected by such forfeiture and revesting. Upon forfeiture, the authority shall sell such lot at public auction, or at private sale, for the current market value, to a purchaser eligible to purchase from the authority in the first instance. It is provided, however, that in the event that title to any such lot shall have passed to any agency of the United States government pursuant to the terms of any insurance or guarantee of mortgage loss by such agency, no such forfeiture or revesting in the authority shall be enforced.

SECTION 17. Mortgage of residence lots. Nothing herein contained shall prevent the conveyance of the residence lot by way of mortgage to any person or corporation with the consent of the authority, and such consent shall not be unreasonably withheld.

SECTION 18. Sale of business lots. Business lots shall be sold to the highest bidders at public auction for cash. Any person or corporation authorized to do business in the Territory of Hawaii shall be eligible to purchase and hold such lots.

SECTION 19. Power to lease, pledge or mortgage. The authority shall also have power to lease or rent any of the dwellings or other accommodations or any of the lands, buildings, structures or facilities embraced in any development project until such time as it is practicable to sell

the same in accordance with this Act and to establish and revise the rents or charges therefor; to mortgage or pledge any property, real or personal, or any interest therein to any person, firm, corporation or government; to enter upon any building or property in order to conduct investigations or to make surveys or sounding; to purchase, obtain options upon, acquire by gift, grant, bequest, devise or otherwise, any property, real or personal or any interest therein from any person, firm, corporation or government, to own, hold, clear and improve property; to insure or provide for the insurance of the property or operations of the authority against such risks as the authority may deem advisable; to procure insurance or guarantees from the federal government of the payment of any debts or parts thereof secured by mortgages made or held by the authority on any property included in any development project.

SECTION 20. Cooperative agreements with other governmental agencies. The authority shall also have power to obtain the aid and cooperation of governments in the planning, construction and operation of development projects and to enter into such agreements and arrangements as it deems advisable to obtain such aid and cooperation; to arrange or enter into agreements with any government for the acquisition by such government of property, options or property rights or for the furnishing, installing, opening or closing of streets, roads, alleys, sidewalks or other places, or for the furnishing of property services, parks, sewage, water and other facilities in connection with development projects, or for the planning, replanning, zoning or rezoning of any part of the land included in a development project.

SECTION 21. Agents, including corporations. The authority may exercise any or all of the powers conferred upon it, either generally or with respect to any specific development project or projects, through or by an agent or agents which it may designate.

SECTION 22. Investment of reserves, etc. The authority may invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control. No provisions with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to the authority unless the legislature shall specifically so state.

SECTION 23. Additional powers. The authority, in addition to its other powers, shall have power, notwithstanding anything to the contrary contained in this Act or in any other provision of law:

1. To include in any construction contract let in connection with a project, stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum wages and maximum hours of labor, and comply with any conditions which the federal government may have attached to its financial aid of the project;

2. To procure or agree to the procurement of insurance or guarantees from a government of the payment of any debts or parts thereof incurred by the authority, including the power to pay premiums on any such insurance;

3. To purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be cancelled.

SECTION 24. Security for funds deposited by authority. The authority may by resolution provide that all moneys deposited by it shall be secured: (1) by any securities by which funds deposited by the treasurer of the Territory may be legally secured as provided in section 5853 of the Revised Laws, or (2) by the undertaking with such sureties as shall be approved by the authority faithfully to keep and pay over upon the order of the authority any such deposits and agreed interest thereon, and all banks and trust companies are authorized to give any such security for such deposits.

SECTION 25. Eminent domain. The authority shall have the right to acquire by the exercise of the power of eminent domain any real property, including fixtures and improvements, which it may deem necessary to carry out the purposes of this Act after the adoption by it of a resolution declaring that the acquisition of the property described therein is in the public interest and necessary for public use. The authority may exercise the power of eminent domain granted by this section in the same manner and with the same procedure as is provided by chapter 8 of the Revised Laws, and otherwise in accordance with all applicable provisions of the general laws of the Territory.

The authority may acquire by the exercise of the power of eminent domain property already devoted to a public use, provided that no property belonging to any government may be acquired without its consent, and that no property belonging to a public utility corporation may be acquired without the approval of the public utilities commission.

SECTION 26. Zoning and building laws to be observed. All development projects of the authority shall be subject to the planning, zoning, sanitary and building laws, ordinances and regulations applicable to the locality in which the development project is situated.

SECTION 27. Contracts with governments. In addition to the powers conferred upon the authority by other provisions of this Act, the authority is empowered to borrow money or accept grants from any government for or in aid of any development project which such authority is authorized to undertake, to take over any land acquired by such government for a development project, and to these ends, to enter into such contracts, mortgages, or other agreements as such government may require including agreements that such government shall have the right to supervise and approve the construction and operation of such development project. It is the purpose and intent of this Act to authorize the authority to do any and all things necessary to secure the financial aid and the cooperation of the federal and any other government in the undertaking, construction and operation of any development project which the authority is empowered to undertake.

SECTION 28. Taxation and exemptions. All property of the authority set aside for roads, parks and other public facilities shall be exempt from taxation; all other property shall be subject to taxes, and in so far as practicable shall be valued for such purpose at the same amount as was the case prior to its acquisition by the authority. Bonds, notes, debentures and other evidences of indebtedness of an authority are declared to be issued for a public purpose and to be public instrumentalities and, together with interest thereon, shall be exempt from taxes.

SECTION 29. Exemption of property from execution sale. All real property of the authority shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same, nor shall any judgment against the authority be a charge of lien upon its real property; provided, however, that the provisions of this section shall not apply to or limit the right of obligees to foreclose or otherwise enforce any mortgage of the authority or the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by or with the consent of the authority.

SECTION 30. Duty to make report. The authority shall at least once a year file with the governor a report of its activities for the preceding year, and shall make any recommendations with reference to any additional legislation or other action that may be necessary in order to carry out the purpose of this Act.

SECTION 31. Bonds. The authority may issue bonds (including refunding bonds for the purpose of paying or retiring bonds previously issued by the authority) from time to time in such amounts as it may deem advisable for any of its corporate purposes. They may include bonds on which the principal and interest are payable:

(a) exclusively from the income, revenues and realizations of the development project financed with the proceeds of such bonds, or with such proceeds together with a grant from a government in aid of such project; or

(b) exclusively from the income, revenues and realizations of certain designated development projects whether or not they were financed in whole or in part with the proceeds of such bonds; or

(c) from its income, revenues and realizations generally. Any of such bonds may be additionally secured by a pledge of any revenues or realizations or a mortgage of any development project, projects or other property of the authority.

Neither the commissioners of the authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof.

SECTION 32. Territory and political subdivisions not liable on bonds. The bonds and other obligations of the authority (and such bonds and obligations shall so state on their face) shall not be a debt of the Territory or of any political subdivision; neither the Territory nor political subdivisions shall be liable thereon, nor in any event shall they be payable out of any funds or properties other than those of the authority. The bonds shall not be considered public indebtedness within the meaning of section 55 of the Organic Act, nor shall such bonds constitute an indebtedness within the meaning of any other debt limitation or restriction. Bonds may be issued under this Act notwithstanding any debt or other limitation prescribed by any statute.

SECTION 33. Form and sale of bonds. The bonds of the authority shall be authorized by its resolution and may be issued in one or more series and shall bear such date or dates, mature at such time or times, not exceeding sixty years from the date thereof, bear interest at such rate or rates, not exceeding 6% per annum, be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such

medium of payment, at such place or places, and be subject to such terms or redemption (with or without premium) as such resolution, its trust indenture or mortgage may provide.

The bonds may be sold at not less than par at public sale held after notice published once at least five days prior to such sale in a newspaper having a general circulation in the Territory; provided, however, that such bonds may be sold at not less than par to the federal government at private sale without any public advertisement.

In case of any of the commissioners or officers of the authority whose signatures appear on any bonds or coupons shall cease to be such commissioners or officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such commissioners or officers had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to the Act shall be fully negotiable.

In any suit, action or proceedings involving the validity or enforcement of any bond of the authority or the security therefor, any such bond reciting in substance that it has been issued by the authority to aid in financing a development project to provide residence lands for substantial numbers of persons shall be conclusively deemed to have been issued for a development project of such character and said project shall be conclusively deemed to have been planned, located and constructed in accordance with the purposes and provisions of this Act.

SECTION 34. Provisions of bonds and mortgages. In connection with the issuance of bonds or the incurring of any

obligation under a lease, and to secure the payment of such bonds or obligations, the authority in addition to its other powers may:

1. Pledge all or any part of its rents, fees, revenues or realizations to which its right then exists or may thereafter come into existence;

2. Mortgage all or any part of its property, real or personal, then owned or thereafter acquired, including any of the public domain owned or acquired by it;

3. Covenant against mortgaging all or any part of its property, real or personal, then owned or thereafter acquired, or against permitting or suffering any lien thereon;

4. Covenant with respect to limitations on its right to sell, lease or otherwise dispose of any project or any part thereof;

5. Covenant against pledging all or any part of its rents, fees, revenues and realizations to which its right then exists or may thereafter come into existence, or against permitting or suffering any lien thereon;

6. Covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the proceeds thereof;

7. Covenant as to what other, or additional debt may be incurred by it;

8. Provide for the replacement of lost, destroyed or mutilated bonds;

9. Covenant that the authority warrants the title to the premises;

10. Covenant as to the rents and fees to be charged, against the amount to be raised each year or other period of

time by rents, fees and other revenues, and so to the use and disposition to be made thereof;

11. Covenant as to the use of any or all of its property, real or personal;

12. Create or authorize the creation of special funds segregating the proceeds of any loans or grants, the revenues or realizations of any project or projects, reserves for principal and interest on its bonds and for operating contingencies, and other reserves; and covenant as to the use and disposal of the moneys held in such funds;

13. Redeem the bonds, and covenant for their redemption, and provide the terms and conditions thereof;

14. Covenant against extending the time for the payment of its bonds or interest thereon;

15. Prescribe the procedure, if any, by which the terms of any contract with bond holders may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given;

16. Covenant as to the maintenance of its property, the replacement thereof, the insurance to be carried thereon, and the use and disposition of insurance moneys;

17. Vest in an obligee, in the event of a default by the authority, the right to cure any such default and to advance any moneys necessary for such purpose, and covenant that the moneys so advanced be an additional obligation of such authority with such interest, security and priority as may be provided in any mortgage, lease or contract;

18. Covenant and prescribe as to the events of default and terms and conditions upon which any or

all of its bonds shall be come or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived;

19. Covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition, or obligation;

20. Covenant to surrender possession of a project or projects or parts thereof upon the happening of an event of default; and vest in an obligee the right, upon such default and without judicial proceedings, to take possession and use, operate, manage and control such projects or any parts thereof, and to collect and receive rents, fees, revenues and realizations arising therefrom in the same manner as such authority itself might do, and to dispose of the moneys collected in accordance with the agreement of such obligee with the authority;

21. Vest in a trustee or trustees the right to enforce any covenant to secure, or pay the bonds, or otherwise relating to such bonds; provided for the powers and duties of such trustee or trustees, limit the liabilities thereof, and provide the terms and conditions upon which the trustee or trustees, or the holders of bonds, or any proportion of them may enforce any such covenant;

22. Vest in a government or in a trustee the right, upon the happening of an event of default, to foreclose the mortgage securing any bonds held by such government, through judicial proceedings or through the exercise of a power of sale without judicial proceedings;

23. Vest in other obligees the right, upon the happening of an event of default, to foreclose any mortgage through judicial proceedings;

24. Vest in any obligee, the right to foreclose any such mortgage as to all or such part or parts of the property covered thereby as such obligee shall elect; the institution, prosecution and conclusion of any such foreclosure proceedings or the sale of any such parts of the mortgaged property shall not affect in any manner or to any extent the lien of the mortgage on the parts of the mortgaged property not included in such proceedings or not sold as aforesaid.

25. Make covenants other than, and in addition to, the covenants herein expressly authorized, of like or different character; and execute all instruments necessary or convenient in the exercise of the powers herein granted, or in the performance of its covenants or duties, which may contain such covenants and provisions, in addition to those above specified, as the government or any purchaser of the bonds of an authority may require;

26. Make such covenants and do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds, or in the absolute discretion of an authority tend to make the bonds more marketable; notwithstanding that such covenants, acts or things may not be enumerated herein.

SECTION 35. Remedies of an obligee; mandamus; injunction; possessory action; receiver; accounting, etc. An obligee of the authority shall have the right in addition to all other rights which may be conferred on such obligee subject only to any contractual restrictions binding upon such obligee, and subject to the prior and superior rights of others;

1. By mandamus, suit, action or proceeding in law or equity to compel the authority, and the commissioners,

officers, agents or employees thereof to perform each and every term, provision and covenant contained in any contract of the authority, and to require the carrying out of any or all covenants and agreements of the authority and the fulfillment of all duties imposed upon the authority by this Act;

2. By suit, action or proceeding in equity to enjoin any acts or things which may be unlawful, or the violation of any of the rights of such obligee of the authority;

3. By suit, action or proceeding in any court of competent jurisdiction to cause possession of any development project or any part thereof to be surrendered to any obligee having the right to such possession pursuant to any contract of the authority;

4. By suit, action or proceeding in any court of competent jurisdiction, upon the happening of an event of default (as defined in a contract of the authority), to obtain the appointment of a receiver of any development project of the authority or any part or parts thereof. If such receiver be appointed, he may enter and take possession of such development project or any part or parts thereof and operate same, and collect and receive all fees, rents, revenues, or other realizations thereafter arising therefrom in the same manner as the authority itself might do and shall keep such moneys in a separate account or accounts and apply the same in accordance with the obligations of the authority as the court shall direct;

5. By suit, action or proceeding in any court of competent jurisdiction to require the authority and the commissioners thereof to account as if it and they were the trustees of an express trust.

SECTION 36. Subordination of mortgage to agreements with government. The authority may agree in any mortgage made by it that such mortgage shall be subordinate to a contract for the supervision by a government of the operation and maintenance of the mortgaged property and the construction of improvements thereon; in such event, any purchaser or purchasers at a sale of the property of the authority pursuant to a foreclosure of such mortgage or any other remedy in connection therewith shall obtain title subject to such contract.

SECTION 37. Bonds of the authority as legal investments. All public officers and bodies of the Territory, all political subdivisions, all insurance companies and associations, all savings banks and savings institutions, including savings and loan associations, all executors, administrators, guardians, trustees, and all other persons and fiduciaries in the Territory may legally invest funds within their control and available for investment under other provisions of law, in bonds of the authority, it being the purpose of this section to authorize any persons, firms, corporations, associations, political subdivisions, bodies and officers, public or private, to use any such funds owned or controlled by them, including (without prejudice to the generality of the foregoing), sinking, insurance, investment, retirement, compensation, and trust funds, and funds, held on deposit by savings banks and savings institutions, for the purchase of any bonds of the authority.

SECTION 38. Conveyance, lease, or agreement by government in aid of development projects; purchase of bonds. 1. For the purpose of aiding and cooperating in the planning, construction and operation of development projects located within their respective territorial boundaries, the Territory,

its political subdivisions and agencies, may, to the extent not prohibited by the laws of the United States, upon such terms, with or without consideration, as it may determine:

(a) dedicate, grant, sell, convey or lease any of its property, or grant easements, licenses or any other rights or privileges therein to the authority or to the United States, or any agency thereof;

(b) to the extent that it is within the scope of each of their respective functions: (1) cause the services customarily provided by each of them to be rendered for the benefit of development projects and the occupants thereof; (2) provide and maintain parks and sewage, water, lights and other facilities adjacent to or in connection with development projects; (3) open, close, pave, install, or change the grade of streets, roads, roadways, alleys, sidewalks, or other such facilities; and (4) change the map of a political subdivision or plan, replan, zone or rezone any part of a political subdivision;

(c) employ (notwithstanding the provisions of any other law as to what constitute legal investments) any available funds belonging to them or within their control, including funds derived from the sale or furnishing of property or facilities to the authority, in the purchase of the bonds or other obligations of the authority to the extent provided by section 3520 of the Revised Laws; and exercise all the rights of any holder of such bonds or other obligations;

(d) do any and all things necessary or convenient to aid and cooperate in the planning, undertaking, and construction of such development projects; and

(e) enter into contracts with the authority or the United States for any period agreeing to exercise any of the powers conferred hereby or to take any other action in aid of such development projects.

2. In connection with the exercise of this power, any political subdivision may incur the entire expense of any such public improvements located within its territorial boundaries without assessment against abutting property owners.

3. For the purpose of aiding and cooperating in the planning, construction and operation of development projects, the commissioner of public lands, the Hawaiian Homes Commission and any other officers of the Territory having power to manage or dispose of its public lands, may, to the extent not prohibited by federal laws, with the approval of the governor and with or without consideration, grant, sell, or convey any parts of such public lands (without limit as to area) to the authority or to the United States or any agency thereof.

4. Any law or statute to the contrary notwithstanding, except federal laws not subject to change by the legislature of the Territory, any gift, grant, sale, conveyance, lease or agreement provided for in this section may be made by the Territory, its political subdivisions and agencies, without appraisal, public notice, advertisement or public bidding.

5. It is the purpose and intent of this section that the Territory and its political subdivisions and agencies, shall be authorized, and are hereby authorized, to do any and all things necessary to aid and cooperate in the planning, construction and operation of development projects by the authority or the United States, to the extent not prohibited by

federal laws. The powers hereby conferred shall be in addition and supplemental to the powers conferred by any other law.

6. In so far as the provisions of this section are inconsistent with the provisions of any other law subject to amendment by the legislature of the Territory, the provisions of this section shall be controlling.

SECTION 39. Appropriation and advances. There is hereby appropriated from the general funds of the Territory not otherwise appropriated, the sum of $2,000,000.00 as an advance to the authority for use by it for all its corporate purposes except the payment of its bonds. The authority shall reimburse the Territory for such advance from time to time as it has moneys available therefor. All sums hereby appropriated shall be expended upon warrants issued by the auditor upon vouchers approved by chairman of the authority acting on behalf of the authority.

SECTION 40. Severability. Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of this Act and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SECTION 41. Effective date. This Act shall take effect upon approval, subject however to approval or ratification by the Congress of the United States.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

A, 2

___ B. NO. ___

AN ACT

TO AMEND CHAPTER 71 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE DEPARTMENT OF LABOR.

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

SECTION 1. Chapter 71 of the Revised Laws of Hawaii 1945, is hereby amended in the following respects:

(1) By amending sections 4103 and 4104 to read:

"Sec. 4103. Department of labor and industrial relations; director. There shall be in the territorial government a department of labor and industrial relations to be under the direction and control of a director of labor and industrial relations, who shall be appointed in the manner provided by section 80 of the Organic Act, shall hold office for a term of four years and until his successor is appointed and qualified, unless sooner removed, and who may be removed by the governor for cause. The director shall be the chief administrative officer of the department with supervision and control of all bureaus created under the provisions of this chapter, and shall have such other powers and duties as are provided for by law.

Sec. 4104. Commission of labor and industrial relations; powers and duties. There shall be a commission of labor and industrial relations consisting of seven members to be appointed and be removable by the governor in the manner provided by section 80 of the Organic Act, not more than four of whom shall belong to the same political party, and one of whom shall be designated in the appointment as chairman. The commissioners shall hold office for four years and until their successors are appointed and qualified, and any appointment to

fill a vacancy shall be for the remainder of the unexpired term. Appointments to the commission shall be so made that the term of office of each member shall expire on January first and the terms of not more than two members shall expire in the same year, and shall be so made that there shall be at all times at least one member from each of the counties. The commission shall annually elect from its membership a vice chairman and a secretary. Any four members shall constitute a quorum, but no rule or regulation of the commission shall be adopted, repealed, or amended without the concurring vote of four members.

The commissioners shall serve without pay but each shall be paid his necessary traveling expenses incurred in the discharge of his duties as commissioner. The commission shall advise the director on all matters relating to the administration of the department, and shall have such other powers and duties as are provided for by law. All hearings before the commission shall be open to the public."

(2) By making subsection (a) of section 4112 a separate section, to be appropriately numbered, and amending the same to read:

"Sec. ____. The director shall file with the governor a written report or reports at such times, at least once in each year, and in such form as shall be requested by the governor covering the condition and activities of the department and each bureau thereof."

(3) By deleting from the third line in section 4114, as amended, the words and punctuation ",subject to the supervision and control of the commission," and by deleting from the first line in subsection (e) of section 4114 the words and punctuation ", subject to the approval of the com-

mission,".

(4) By substituting for the word "commission" in the first line of section 4120 the word "director".

SECTION 2. The present members of the commission of labor and industrial relations shall continue for the remainder of their unexpired terms. Two new commissioners shall be appointed when this Act becomes effective, one each from the counties of Maui and Hawaii, whose respective terms of office shall expire on January 1, 1961 and January 1, 1962.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

CORRECTION

THE PRECEDING DOCUMENT(S) HAS
BEEN REPHOTOGRAPHED TO ASSURE
LEGIBILITY
SEE FRAME(S)
IMMEDIATELY FOLLOWING

fill a vacancy shall be for the remainder of the unexpired term. Appointments to the commission shall be so made that the term of office of each member shall expire on January first and the terms of not more than two members shall expire in the same year, and shall be so made that there shall be at all times at least one member from each of the counties. The commission shall annually elect from its membership a vice chairman and a secretary. Any four members shall constitute a quorum, but no rule or regulation of the commission shall be adopted, repealed, or amended without the concurring vote of four members.

The commissioners shall serve without pay but each shall be paid his necessary traveling expenses incurred in the discharge of his duties as commissioner. The commission shall advise the director on all matters relating to the administration of the department, and shall have such other powers and duties as are provided for by law. All hearings before the commission shall be open to the public."

(2) By making subsection (a) of section 4112 a separate section, to be appropriately numbered, and amending the same to read:

"Sec. ____. The director shall file with the governor a written report or reports at such times, at least once in each year, and in such form as shall be requested by the governor covering the condition and activities of the department and each bureau thereof."

(3) By deleting from the third line in section 4114, as amended, the words and punctuation ",subject to the supervision and control of the commission," and by deleting from the first line in subsection (e) of section 4114 the words and punctuation ", subject to the approval of the com-

mission,".

(4) By substituting for the word "commission" in the first line of section 4120 the word "director".

SECTION 2. The present members of the commission of labor and industrial relations shall continue for the remainder of their unexpired terms. Two new commissioners shall be appointed when this Act becomes effective, one each from the counties of Maui and Hawaii, whose respective terms of office shall expire on January 1, 1961 and January 1, 1962.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

A-13

___ B. NO. ___

AN ACT

RELATING TO THE PUBLIC SERVICE IN THE TERRITORY AND THE SEVERAL COUNTIES INCLUDING CIVIL SERVICE, CLASSIFICATION AND COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES AND AMENDING CHAPTERS 2 AND 3 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Chapter 2 of the Revised Laws of Hawaii 1945 as most recently amended by Act 274, Session Laws of Hawaii 1955, is hereby amended in the following respects:

a. By amending section 71 thereof to read as follows:

"Sec. 71. Meetings, quorum. The commission shall meet at least once each month at such places as shall be made available for such purposes by the director. The commission may meet at such other times as may be designated in advance by it, its chairman, the director or the governor. No business of the commission shall be conducted, except in meetings open to the public. Three members shall constitute a quorum."

b. By amending section 72 thereof by substituting for the word "commission" wherever the same shall appear the word "director".

c. By amending section 74 to read as follows:

"Sec. 74. General powers and duties of commission. The commission shall:

(a) Represent the public interest in the improvement of personnel administration in the civil service;

(b) Assist the director in fostering the interest of institutions of learning and civic, professional and employee organizations in the improvement of personnel standards in civil service;

(c) Advise the governor and director on policies and problems concerning personnel administration;

(d) Hear and decide appeals from any action of the director under the provisions of this chapter, as well as from dismissals, demotions, and suspensions as hereinafter provided."

d. By amending section 75 to read as follows:

"Sec. 75. Director. The director shall be a person who believes in applying merit principles to public employment, and shall be a person of good repute, competent, trained and with actual experience in personnel administration. He shall be appointed by the governor in the manner prescribed in paragraph 1 of section 80 of the Hawaiian Organic Act and shall hold office for a term to expire with the expiration of the term of the appointing governor. The director may be removed by the governor in the manner prescribed by paragraph 1 of section 80 of the Hawaiian Organic Act, or, without the advice and consent of the Senate, upon conviction of any felony or misdemeanor involving moral turpitude. He shall hold office upon the expiration of his term until his successor is appointed.

The director, during his term of office, shall not serve as an officer or committee member of any political party organization, including a precinct organization, or present himself as a candidate or be a candidate for nomination or election to any public office at any election. Upon violation of this provision, or any of the provisions of Part IV of this chapter, the office of the director shall be conclusively presumed to be vacant and abandoned by reason thereof and the governor shall thereupon appoint a qualified person to fill such vacancy. As an alternative remedy, proceedings in the nature of quo warranto may be

brought by any person to oust any director who violates any provision of this section or of Part IV of this chapter."

e. By amending section 76 by substituting for the word "commission", in the third line of paragraph (g), as the same appears in the Session Laws of Hawaii 1955, the word "governor".

f. By amending section 77 in the following respects:

(1) delete from paragraph (b) thereof the following words "and where such certification has received the approval of the commission", in lines two and three as the same appear in the Session Laws of Hawaii 1955;

(2) delete from paragraph (c) in the last line thereof, as the same appears in the Session Laws of Hawaii 1955, the comma, and the following words "approved by the commission"; and replace the comma with a semi-colon.

g. By amending section 78 in the following respects:

(1) by amending the first unnumbered paragraph thereof to read as follows:

"Sec. 78. Rules and regulations; policies and standards. The director, after consultation with the commission, shall prescribe rules and regulations to carry out the provisions of this chapter which, after public notice and public hearing before the director and upon approval by the governor, shall have the force and effect of law. Such rules and regulations may be amended or repealed in like manner as the same were adopted. Such rules and regulations shall, among other things, be in conformity to principles of good public administration and shall be in conformity to the following provisions:"

(2) by substituting for the words "civil service commission" in the first sentence of the lettered paragraph (q), appearing in the Session Laws of Hawaii 1955, the word "director";

(3) by substituting for the word "commission" in the

first line of the paragraph lettered (v) as it appears in the Session Laws of Hawaii 1955, the word "director".

h. By amending section 82 in the following respects:

(1) by deleting from lines thirteen and fourteen thereof, as they appear in the Session Laws of Hawaii 1955, the following words: "and the special appeal board shall, whenever such action is taken against the director,";

(2) by deleting the fourth paragraph thereof; and

(3) by deleting from the first and second lines of the last paragraph thereof, as it appears in the Session Laws of Hawaii 1955, the following words: "and, with respect to a director, of the special appeal board".

i. By amending section 87 by substituting for the word "commission" in the fourth line thereof, as it appears in the Session Laws of Hawaii 1955, the word "director".

j. By amending section 89, Part II thereof, to read as follows:

"There is hereby created a department of civil service for the city and county of Honolulu which shall include a director and a commission consisting of five members all of whom shall be appointed by the mayor with the approval of the board of supervisors."

k. By amending section 90, Part II thereof, by deleting from paragraph (g) the words "and where such certification has received the approval of the commission" in lines two and three of said paragraph, as they appear in the Session Laws of Hawaii 1955.

l. By amending section 92, Part III thereof, to read as follows:

"There is hereby created a department of civil service for each of the counties of Hawaii, Maui and Kauai, which shall include a director and a commission consisting of five members all of whom shall be appointed by the chairman of the board of supervisors with the approval of the

of the board of supervisors of the respective county."

m. By amending section 93, Part III thereof, by deleting from paragraph (g) the words "and where such certification has received the approval of the commission" in lines two and three of said paragraph, as the same appear in the Session Laws of Hawaii 1955.

SECTION 2. Chapter 3 of the Revised Laws of Hawaii 1945, as amended by Act 274, Session Laws of Hawaii 1955, is hereby further amended in the following particulars:

a. By inserting at the end of section 104 the following paragraphs:

"He shall prescribe rules to carry out the provisions of this chapter. Upon the approval of the governor such rules shall have the force and effect of law.

He shall submit to the governor and to the legislature a biennial report on the administration of this chapter not later than February 1st of every odd numbered year, together with recommendations relating thereto. Any such report which contains recommendations relating to the salary schedule shall also contain a computation of the cost to the Territory should such recommendations be enacted into law."

b. By amending section 105 to read as follows:

"Sec. 105. Functions of the commission. The commission shall hear and decide appeals by employees and department heads from actions taken by the director under the provisions of this chapter."

c. By substituting, in section 106 thereof, for the word "commission" in the ninth line as the same appears in the Session Laws of Hawaii 1955, the word "director".

d. By substituting, in section 107, for the word

"commission" in the second and tenth lines thereof, as the same appear in the Session Laws of Hawaii 1955, the word "director".

e. By deleting from section 108, in the second line thereof, as the same appears in the Session Laws of Hawaii 1955, the following words and punctuation: ", with the approval of the commission,".

SECTION 3. Sec. 130, chapter 3.01, as enacted by Act 278, Session Laws of Hawaii 1953, is hereby amended by adding to the enumeration of officers and their respective salaries in the first paragraph thereof, in its appropriate alphabetical order, the following:

"Director of personnel and classification..... 15,000".

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

A 1 4

___.B.NO. ___

AN ACT

PRESCRIBING THE POWERS AND DUTIES OF THE POST-AUDITOR, TRANSFERRING EQUIPMENT, POWERS AND FUNDS, AND PROVIDING PENALTIES.

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

SECTION 1. Post-auditor. There is hereby established in accordance with section 77-A of the Hawaiian Organic Act enacted by Public Law 906, 84th Congress, chapter 862, 2d session, the office of post-auditor.

SECTION 2. Deputy post-auditor. There shall be a deputy post-auditor who shall be appointed by the post-auditor and who shall not be subject to the provisions of chapters 2 and 3, Revised Laws of Hawaii 1945, as amended.

SECTION 3. Deputy to act when. In case of illness or absence of the post-auditor, the deputy post-auditor shall exercise the powers and perform the duties of the post-auditor.

SECTION 4. Audit of accounts. The post-auditor, or his duly authorized deputy or assistants, shall examine and audit all accounts, reports and statements, and make independent verification of all assets, liabilities, inventories, revenues and expenditures of all territorial agencies (including schools), of all counties and of all appropriations made by the territorial legislature at least once each year and at any other time if deemed advisable or if so directed by the legislature or the governor. Such examinations and audits shall include all accounts or funds held directly or in trust by the Territory, any county, or any agency, officer or employee thereof.

SECTION 5. Reports. The post-auditor shall make an annual report to the governor and the board of supervisors

of each county, and a report to each regular session of the legislature. Such reports shall be in such detail as may be necessary to report fully his findings and shall include any recommendations that he may deem advisable, including any changes in organization, administration, methods, procedures or techniques for the purpose of improving the effectiveness and economy in the conduct of any agency or body whose accounts he audits. He shall report to the governor, the legislature, the attorney general, or the respective board of supervisors forthwith, any and all instances of misfeasance, malfeasance or non-feasance or other irregularity which may be disclosed by any audit conducted by him. He shall make any additional reports upon request by the governor, the legislature or any committee thereof, or any board of supervisors.

SECTION 6. Executive budget; examination. The post-auditor shall examine the executive budget before it is printed and the requests of the several agencies upon which it is based.

SECTION 7. Duties when violations are discovered. If the post-auditor shall disclose any instance of misfeasance, malfeasance or non-feasance, or any other irregularity on the part of any officer or employee of any county or any territorial agency, it shall be the duty of the attorney general or the respective county attorneys forthwith to institute and prosecute such civil proceedings against such delinquent officer or employee, or upon his official bond, or both, as may be appropriate to secure to the Territory or county the recovery of any funds or other assets unlawfully expended or disposed of.

SECTION 8. Examining persons, books. The post-auditor shall cause to be made such investigations or examinations as he believes necessary in carrying out the provisions

of this chapter, and he or his duly authorized deputy or assistants shall have power to administer oaths in connection therewith. Officers and employees of all agencies shall assist him, when and as he may require, in such investigations and examinations. He may cause search to be made and extracts to be taken from every book, paper or record in the custody of any public officer without paying any fee for the same and it shall be the duty of every officer having the custody of any such book, paper or record to make such search and furnish such extracts as requested.

SECTION 9. No privilege to witnesses; immunity from prosecution. No witness before the post-auditor or his duly authorized deputy or assistant shall be privileged to refuse to testify to any fact or to produce any paper, respecting which he shall be examined, upon the ground that his testimony to such fact or his production of such paper might incriminate himself, but no prosecution shall afterwards be had against him for any offense concerning which he has testified. Any official paper or record produced by such witness is not within such privilege.

SECTION 10. Penalties. Any officer, employee, or person who shall fail or neglect to conform to any of the provisions of this act, or shall fail or neglect to attend the post-auditor or his duly authorized deputy or assistants for the purpose of being examined or to produce any accounts, books, vouchers or other documents or to answer any other lawful question when required to do so by the post-auditor or his duly authorized deputy or assistants, shall be liable to a penalty of not less than $25.00, nor more than $500.00, on conviction, and shall be ineligible to further employment

by the Territory or any of its agencies or political subdivisions.

SECTION 11. Accounting system. The post-auditor shall advise the comptroller and boards of supervisors of each county concerning the system of accounts, records and books to be used by all territorial and county agencies. Accounts, records and books shall be kept only by such systems as have been approved by the post-auditor.

SECTION 12. Count of money and securities; statements of count. The post-auditor shall, on the last day of December and of June of each year, and at such other times as he or the governor may deem proper, count the money and securities in the territorial treasury and prepare, in quadruplicate, statements showing:

1. The amount of money that ought to be in the treasury;

2. The amount and kind of money actually therein;

3. The amount of securities owned by the Territory that ought to be in the treasury;

4. The amount of securities owned by the Territory actually in the treasury;

5. The amount of depository securities that ought to be in the treasury; and

6. The amount of depository securities actually in the treasury.

The post-auditor shall file the original of the statements of count with the governor and copies with the treasurer and the commissioner of finance, and shall post and maintain one copy in his office for at least one month thereafter.

SECTION 13. Appointments by post-auditor; transfer of personnel; attorney. The post-auditor shall appoint such professional, clerical or other personnel as shall be necessary to carry out the provisions of this chapter. All such appointments, except for the deputy post-auditor and an attorney, should one be appointed, shall be made in accordance with the provisions of chapters 2 and 3, Revised Laws of Hawaii 1945, as amended. The post-auditor is hereby authorized to transfer from the agency by which they are now employed, to the post-audit department, such employees whose employment is covered by chapters 2 and 3, Revised Laws of Hawaii 1945, as he may deem necessary whose principal duties have been the performance of any function which has been, or may at any time be, assigned to the post-audit office in accordance with this act and similarly to transfer any funds appropriated for such employees. No such employee shall suffer any loss of salary, seniroity, prior service credit, vacation, sick leave or other employee benefits or privileges by reason of such transfer, subject, however, thereafter to any changes in status made pursuant to chapter 2. Any permanent employee whose principal duties have been transferred to the post-audit office under this act, who has not himself been transferred to the post-audit office or has not been retained by the agency from which that function has been transferred, because of the passage of this act, shall for each day following the termination of his services, receive termination pay, payable on a monthly basis, in an amount equal to one day's base pay for the position he held at the time of severance, provided, however, (1) that said termination pay shall not exceed a total amount equal to eighteen days' base pay and, in addition, six days' base pay for each credited year of service with the territorial govern-

ment; (2) that such termination pay shall not accrue on or after any day on which such employee is reemployed by any territorial agency or in any public or private service; and (3) that such termination pay shall not accrue following the date on which such employee refuses to accept an appointment to a position of equivalent classification in the territorial civil service. Any such employee shall have top priority in transfer or reemployment to any position in any other territorial agency for which he qualifies and he shall be first employed by such agency in the event of any such opening or vacancy in that agency.

Claims for such termination pay shall be made to and approved by the territorial director of civil service on such forms and with such supporting information as he may prescribe. Warrants in payment of such approved claims shall be drawn by the commissioner of finance and shall be paid out of the general revenues of the Territory and there is hereby appropriated out of such general revenues sufficient moneys for this purpose.

The post-auditor may appoint an attorney to advise and represent him, or engage an attorney by contract on specific occasions for specific advice and recommendations. No such attorney shall be subject to the jurisdiction and control of the attorney general or be subject to chapters 2 and 3 of the Revised Laws of Hawaii 1945, as amended.

SECTION 14. All duties and powers of the post-auditor, with which the auditor (or comptroller) was charged prior to the enactment of this act are terminated in respect of said auditor (or comptroller).

SECTION 15. Any and all office equipment, including but not limited to records, desks, chairs, typewriters, and office machines which has been used primarily in the performance of the functions with which the post-auditor is charged by this act are transferred to the post-auditor from any other department of the Territory.

SECTION 16. The annual salary of the post-auditor shall be $_____.

SECTION 17. There is appropriated to the uses of this act from the general revenues of the Territory the sum of $_____ which shall be expended upon warrants of the auditor (or comptroller) upon vouchers signed by the post-auditor or his duly authorized subordinate.

SECTION 18. All laws in conflict with the provisions of this act are repealed or amended to conform hereto.

SECTION 19. This act shall take effect upon its approval.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

A 15

___ B. NO. _____

AN ACT

RELATING TO THE AUDITOR AND DEPUTY AUDITOR OF THE TERRITORY, CHANGING THEIR TITLES TO COMPTROLLER AND DEPUTY COMPTROLLER RESPECTIVELY, AND DEFINING THEIR POWERS AND DUTIES.

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

SECTION 1. The auditor and deputy auditor of the Territory shall hereafter be known and entitled respectively as the comptroller and deputy comptroller of the Territory. Wherever the words auditor and deputy auditor occur in the Revised Laws of Hawaii 1945, they are hereby amended to read comptroller and deputy comptroller, as the context requires.

SECTION 2. The powers, duties and functions of the auditor and deputy auditor shall continue without interruption, and shall be exercised by the comptroller and deputy comptroller, except to the extent they may be conferred or imposed upon the post auditor of the Territory, should such an office be created, and to that extent, in respect of the comptroller and deputy comptroller, they shall terminate.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

A-16

_____ J. RES. NO. _____

JOINT RESOLUTION

REQUESTING THE CONGRESS OF THE UNITED STATES OF AMERICA TO ENACT LEGISLATION AMENDING THE HAWAIIAN HOMES COMMISSION ACT, 1920, TO AUTHORIZE THE HAWAIIAN HOMES COMMISSION TO APPROVE AND GUARANTEE LOANS TO HAWAIIAN HOMES HOMESTEADERS BY PRIVATE FINANCING INSTITUTIONS.

WHEREAS, the Hawaiian Homes Commission has been unable to carry out its program of making loans to Hawaiian Homes homesteaders for home construction because of the limited funds available for loan purposes; and

WHEREAS, local banks, building and loan associations, and other financial institutions have expressed willingness to make loans to Hawaiian Homes homesteaders for home construction if the Hawaiian Homes Commission would guarantee such loans; and

WHEREAS, such loans would make funds available and would be desirable since they would permit the Hawaiian Homes Commission to adequately carry out its program of assisting Hawaiian Homes homesteaders in home construction; now, therefore,

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

SECTION 1. The Congress of the United States of America is hereby respectfully requested to enact legislation amending the Hawaiian Homes Commission Act, 1920, to authorize the Hawaiian Homes Commission to approve and guarantee loans made by private financing institutions to those Hawaiian Homes homesteaders who need capital for home construction.

SECTION 2. Certified copies of this Joint Resolution shall be transmitted to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, the Secretary of the Interior and the Delegate to Congress from Hawaii.

SECTION 3. This Joint Resolution shall take effect upon its approval.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

A17

AN ACT

TO AMEND CHAPTER 27 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE DEPARTMENT OF PUBLIC INSTRUCTION.

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

SECTION 1. Chapter 27 of the Revised Laws of Hawaii 1945 is hereby amended in the following particulars:

a. By amending section 1701 to read as follows:

"Sec. 1701. Board of education; authority; superintendent of public instruction; appointment. There shall be an executive department to be known as the department of education. The board of education, the appointment of which is hereafter provided, shall have power, in accordance with law, to formulate policy, and to exercise control over the public school system through its executive officer, the superintendent of public instruction, who shall be appointed and may be removed by the board and shall be ex officio a voting member thereof."

b. By amending section 1702 to read as follows:

"Sec. 1702. Appointment; tenure. There shall be seven members of the board of education who shall be nominated and, by and with the consent of the senate, appointed by the governor from panels submitted by school advisory boards of each of the counties, as hereinafter provided for a term of four years. One of the members shall be designated in his appointment as chairman. Of said members, not less than one shall be an elector of the county of Hawaii, not less than one an elector of

the county of Maui, not less than one an elector of the city and county of Honolulu, and not less than one an elector of the county of Kauai. All of said members shall have been electors of the Territory for not less than three years prior to their appointment. Four of said members shall constitute a quorum."

c. By enacting a new section which shall be designated section 1702.01, to read as follows:

"Sec. 1702.01. Local school advisory councils; appointment; panels. There are constituted four local school advisory councils, one in each of the counties of Hawaii, Maui, Kauai and the City and County of Honolulu. Said councils shall be appointed by the governor to serve until such time as the governor shall appoint successors to the members thereof and shall consist of three members all of whom shall be electors of the county represented, one of whom shall be selected from the board of supervisors, one from a service organization, and one from an organization of business and professional or of university women. A council, whenever requested by the governor, shall submit a panel of not less than five names for selection for membership upon the board of education.

SECTION 2. Chapters 27 to 32, all inclusive, of the Revised Laws of Hawaii 1945, are hereby amended by substituting for the word "commissioner" or "commissioners" wherever the same appears, the word or words "member" or "members of the board of education" respectively.

SECTION 3. It is intended that the department of education shall have unbroken continuity with the department of

public instruction; to that end the commissioners, and superintendent, of public instruction in office on the date of the approval of this act notwithstanding the amendments of sections 1701 and 1702, respectively, shall continue to hold office until the members of the board of education have been appointed and a superintendent of public instruction has been appointed by said board. All policies, curricula, rules and regulations established by said commission shall remain operative until altered or repealed by said board.

SECTION 4. All employees of the department of public instruction, except the superintendent, are continued in their positions, and as to such employees, their rights, privileges and duties, and as to all property and funds of said department, the department of education shall be construed as the department of public instruction to maintain an unbroken continuity of employing and operating agency.

SECTION 5. This Act shall take effect upon its approval subject, however, to approval or ratification by the Congress of the United States.

INTRODUCED BY:

Date:_____

Honolulu, T. H.

R-16
A-18

___ B. NO. ___

AN ACT

CREATING A DIVISION OF AGRICULTURE UNDER THE BOARD OF COMMISSIONERS OF AGRICULTURE AND FORESTRY AND MAKING AN APPROPRIATION.

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

SECTION 1. There is hereby added to chapter 16 of the Revised Laws of Hawaii 1945, a new subtitle to be designated "Division of Agriculture", consisting of three sections to be appropriately numbered and to read as follows:

"SECTION _____. There is created under the board of commissioners of agriculture and forestry a division of agriculture.

SECTION _____. The division of agriculture shall be under the direction of an officer to be known as the director of agriculture, and who shall be appointed by the board of commissioners of agriculture and forestry subject to the provisions of chapters 2 and 3, Revised Laws of Hawaii 1945. The position of director shall be classified at a rating of not less than SR-27. The director shall appoint, subject to the provisions of chapters 2 and 3 and also subject to the approval of the board, an agriculturist, a chemist, an administrative secretary and a clerk and such other assistants and employees as are needed to carry out the functions, and duties of the division of agriculture. The agriculturist shall be classified at a rating of not less than SR-17; the chemist shall be classified at a rating of not less than SR-17; the administrative secretary shall be classified at a rating of not less than SR-11; and the clerk shall be classified at a rating of not less than SR-7. The director shall be qualified for such position on the basis of professional training and experience.

SECTION _____. The functions and duties of the division of agriculture shall be:

1. To direct a territory-wide agricultural program and render practical aid and assistance to small farmers, hog and poultry raisers, ranchers, independent pineapple and sugar cane growers, commercial fishermen, and Hawaiian homestead farmers, and to assist in relocating

those who are forced out of production by reason of expiration of leases or other loss of land.

2. To coordinate all programs of aid and assistance furnished by federal, territorial, county and other governmental agencies concerned with conservation, production, credit and marketing functions in all phases of agriculture and commercial fishing, and to inform and advise all persons who may be interested of the nature and scope of such programs of aid and assistance and the manner in which they may obtain such aid and assistance.

3. To conduct a territory-wide program of research and study of land use as it affects all phases of agriculture, and to develop a territory-wide plan for the classification of land for agricultural purposes in order to determine the types of crops best suited to all areas of the Territory.

4. To conduct a territory-wide program of research and study to develop commercial fishing and fishery resources, both marine and fresh-water."

SECTION 2. There is hereby appropriated from the general funds of the Territory not otherwise appropriated, the sum of _____dollars to be expended by the board of commissioners of agriculture and forestry upon vouchers issued by the board upon warrants issued by the auditor, for the purposes of the division of agriculture.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

Date: _____

Honolulu, Hawaii

A-19

____B. NO. ____

AN ACT

RELATING TO THE DIVISION OF TERRITORIAL PARKS UNDER THE BOARD OF COMMISSIONERS OF AGRICULTURE AND FORESTRY, ENLARGING THE POWERS AND DUTIES THEREOF TO PRESERVE, MAINTAIN AND DEVELOP HISTORICAL SITES, AMENDING SECTIONS 1040, 1042, 1043 AND 1044, REVISED LAWS OF HAWAII 1945, AND MAKING AN APPROPRIATION.

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

SECTION 1. Section 1040 of the Revised Laws of Hawaii 1945 is hereby amended by adding the following language thereto:

"Historical Site" means any heiau, ancient burial place or site of ancient or historical interest, including land and buildings, designated as such by the Territorial Commission on Historical Sites."

SECTION 2. Section 1042 of the Revised Laws of Hawaii 1945 is hereby amended by adding the following language thereto:

"Such employees and assistants shall be subject to chapters 2 and 3, Revised Laws of Hawaii 1945, except persons who are appointed as guides and custodians of historical sites. The director may appoint persons who are specially qualified as guides and custodians of historical sites without regard to chapters 2 and 3, Revised Laws of Hawaii 1945."

SECTION 3. Section 1043 of the Revised Laws of Hawaii 1945 is hereby amended as follows:

a. By amending the first paragraph thereof to read as follows:

"Sec. 1043. Territorial park system. The board may designate and bring under its control and management as parts of the territorial park system, parks, parkways and historical sites as follows:"

b. By adding the following language thereto:

"(d) Historical sites designated as such by the Territorial Commission on Historical Sites."

SECTION 4. Section 1044 of the Revised Laws of Hawaii 1945 is hereby amended by adding the following language thereto:

"(i) To preserve, maintain and develop historical sites designated as such by the Territorial Commission on Historical Sites, and to acquire any estate, right, or interest therein or appurtenant thereto, by agreement, gift, devise, lease or condemnation in accordance with chapter 8, and to construct and operate suitable public services, facilities and conveniences thereon, and to charge and collect reasonable fees for admission thereto or for the use of such services, facilities and conveniences, or in its discretion to enter into contracts, leases, or licenses for the construction or operation of any such services, facilities or conveniences upon such terms and conditions as are deemed by it to be in the public interest, including in the area covered by such contract, lease or license the amount of such historical site deemed by it to be reasonably necessary to the success of such undertaking."

SECTION 5. There is hereby appropriated from the general revenues of the Territory not otherwise appropriated, the sum of _____ Dollars ($_____) to be placed in the territorial park fund and to be expended by the Board of Commissioners of Agriculture and Forestry for the purposes set forth in sections 1043 and 1044, Revised Laws of Hawaii 1945, as amended by sections 3 and 4 of this act.

SECTION 6. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

___ B. NO. _____

AN ACT

RELATING TO THE HAWAII HOUSING AUTHORITY AND ITS EXPENDITURES AND THE DISPOSITION OF ITS RESERVES AND INCOME AND AMENDING SECTION 7 OF ACT 338 OF THE SESSION LAWS OF HAWAII 1949 AND SECTION 20 OF JOINT RESOLUTION 4 OF THE SESSION LAWS OF HAWAII 1947.

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

SECTION 1. The Hawaii Housing Authority by its proper and duly authorized officers, is hereby mandated to pay over into the general fund of the Territory as a government realization, all sums of money held by the Authority on the effective date of this act as reserves or unexpended balances for the construction, improvement, furnishing, repair and maintenance of any and all housing projects, except insofar as such moneys may be encumbered by existing contracts or may be subject to federal laws or regulations which prohibit such payment into the general fund.

SECTION 2. From and after the effective date of this act, all sums of money expended by the Hawaii Housing Authority for the construction, improvement, furnishing, repair and maintenance of any and all housing projects shall be subject to the prior approval of the legislature and shall be expended upon warrants issued by the territorial auditor on vouchers signed by the Authority by its proper and duly authorized officers, except as to such sums of money as may be payable pursuant to existing contracts or are subject to federal laws or regulations which prohibit the expenditure of such sums in the manner set forth in this section.

SECTION 3. Section 7 (Sec. 3541.07) of Act 338 of the Session Laws of Hawaii 1949 is hereby amended by deleting

therefrom the last sentence thereof.

SECTION 4. Section 20 of Joint Resolution 4 of the Session Laws of Hawaii 1947 is hereby amended to read as follows:

"Section 20. All of the revenues (after payment by the Hawaii Housing Authority of all salaries of employees and administrative expenses) shall, notwithstanding the provisions of Part I and any other territorial law, be deposited in the general fund of the territory as a government realization to the extent permitted by the terms of any contract now existing or hereafter made between the federal government and the territory or the Hawaii Housing Authority. The provisions of this section shall be subject to federal law or regulation, when applicable; to any contracts now existing or hereafter made between the federal government and the territory or the Hawaii Housing Authority; and to the terms and conditions of contributions and other assistance from the federal government."

SECTION 5. From and after the effective date of this act, the Hawaii Housing Authority shall not raise or lower the rates of any rents in any housing project or projects without the prior approval of the Governor.

SECTION 6. It shall be unlawful for the Hawaii Housing Authority or any member, officer or employee thereof to make gifts from any funds or from any income of the Authority.

SECTION 7. All laws or parts of laws in conflict with this act are hereby amended or repealed to the extent of such conflict.

SECTION 8. This act shall take effect upon its approval.

INTRODUCED BY:

DATE: _____

Honolulu, Hawaii

A 208

___ B. NO. ___

AN ACT

RELATING TO LEGAL SERVICES FOR THE TERRITORY AND DEPARTMENTS AND AGENCIES THEREOF: AMENDING SECTION 3505, AS AMENDED, OF THE REVISED LAWS OF HAWAII 1945, AND SECTION 367.01 AS ENACTED BY ACT 105, SESSION LAWS OF HAWAII 1953.

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

SECTION 1. Section 3505 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by amending the last paragraph thereof to read as follows:

"When the office of the first chairman of the authority becomes vacant, the authority shall select a chairman from among its members. The authority shall select from among its members a vice-chairman, and it may employ an executive secretary, technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. The authority shall call upon the attorney general for such legal services as it may require. The authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper."

SECTION 2. Section 367.01 as enacted by Act 105, Session Laws of Hawaii 1953, is hereby amended as follows:

a. By deleting in its entirety the first numbered subparagraph thereof which reads as follows: "(1) Hawaii Housing Authority;".

b. By appropriately renumbering the remaining subparagraphs with the numbers (1) through (3).

SECTION 3. This Act shall take effect on July 1, 1957.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

4

GOV. MESS. NO. ~~6~~ 11

THE TERRITORY OF HAWAII
EXECUTIVE CHAMBERS
IOLANI PALACE
HONOLULU

February 20, 1957

The Honorable President
and Members of the Senate
29th Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sirs:

Attached herewith are the drafts of several measures which I submit for your consideration and appropriate action. They are concerned with the relationship between the Territory and County governments and to the organization of the City and County of Honolulu. They are designed to clarify the responsibilities of the respective counties and intended to transfer to the counties the financing of functions properly within the jurisdiction of the respective counties.

A major exception would be school lands and buildings. School sites and school buildings, their construction, care and maintenance, would be the sole responsibility of the Territory. Cost is part of that responsibility, so the Territory should bear it. However, this is a large cost item in any budget. Thus, if the Legislature should decide to allow school sites and school buildings to continue to be a county responsibility, then the counties should issue their own bonds therefor, instead of borrowing on the credit of the Territory for school construction as is done at the present time.

Each function has a price tag, and, if additional functions are transferred to the counties, additional revenues will be needed by the counties. An obvious source of additional revenue is the tax on real property. Thus, one suggestion is to raise the maximum amount of real property tax allowed each county by 25%. Another suggestion is to take off the ceiling; in this event, all phases of real property taxation; that is, appraisal, assessment and collection, would reside with the counties. A second possible source of additional revenue is a tax on the privilege of business activity. One suggestion would enable such taxation by the counties.

Home rule includes financial as well as political home rule. Accordingly, there are proposals that the counties do all of their own borrowing, both short term, and long term; that is, by issuance of bonds.

All of these measures have been discussed pro and con; and been under consideration, in some cases for several years. I feel that all of them should have your favorable consideration.

Sincerely,

Samuel Wilder King

SAMUEL WILDER KING
GOVERNOR OF HAWAII

HOME RULE AND COUNTY GOVERNMENT

B-1	Bill	An act relating to county taxes in respect of sales, services, and uses of tangible personal property.
B-2	Bill	An act authorizing and mandating the respective counties to sell their own general obligation bonds to finance county projects, amending sections 6041, 6043 and 6051, Revised Laws of Hawaii 1945, and repealing certain portions of Act 273, Session Laws of Hawaii 1955, with saving provisions.
B-3	Bill	An act relating to the power of counties to incur, authorize and contract liabilities and obligations in excess of moneys available during a fiscal year, and amending section 5812.01 (enacted by Act 342 of the Session Laws of Hawaii 1949), and Section 5812 of the Revised Laws of Hawaii 1945, and repealing Section 6238 of the Revised Laws of Hawaii 1945.
B-4	Bill	An act relating to the department of education (or public instruction), transferring functions, powers, duties, property and appropriations from the several counties to the Territory, repealing sections 1802, 1803 and 1804 of the Revised Laws of Hawaii 1945, and subsection (b) of Section 1, and Section 2 of Act 250, Session Laws of Hawaii 1951, and amending Section 5252 of the Revised Laws of Hawaii 1945, and making an appropriation.
B-5	Bill	An act relating to the medical care of the indigent, the medically indigent, medically indigent government pensioners, amending Act 129 of the Session Laws of Hawaii 1951 and repealing Section 634 of the Revised Laws of Hawaii 1945, and making an appropriation.
B-5-A	Bill	An act relating to hospitals and medical care and amending Sections 1 to 8 of Act 129, Session Laws of Hawaii 1951, and repealing Sections 9, 10, 11, 13, 14 and 16 of Act 129, Session Laws of Hawaii 1951.
B-6-A	Bill	An act to amend Sections 6381, 6457 and Chapter 125 of the Revised Laws of Hawaii 1945, as amended, relating to appropriations by the respective counties for the support of Puumaile and Hilo Memorial Hospitals, Samuel Mahelona Memorial Hospital and Kula Sanatorium.

B-6-B	Bill	An act transferring to the city and county of Honolulu the responsibility for financial aid to Leahi Hospital.
B-7	Bill	An act transferring to the respective counties the responsibility for financial aid to general hospitals.
B-8	Bill	An act to transfer the cost of operating and maintaining fireboats to the city and county of Honolulu.
B-15	Bill	An act to provide for the incorporation of cities, the election of charter commissions and the drafting of city charters.
B-16	Bill	An act relating to the city and county of Honolulu, and amending Sections 6505, 6506, 6519, 6591, 6637, 6639.01, 6641, 6643, 6644, 6528, 6563, 6508, 6572, 6573, 6521, 6527.01, 6596, 6605, 6611, 6618, 6631, 6816, 6766, 6769, 6620, 6542, 6544, 6546, 6555.01, 6004, 6008.01, 6008.02, 6009.01, 6016, 6019, 6072, 6074, 6076, 6113, 6121, 6124, 6125, 6131, 6517, 6586, 6137, 6147, 6152, 6158, 6163, 6164, 6166 and 6195.36, and enacting a new section in Chapter 127, of the Revised Laws of Hawaii 1945.
B-17	Bill	An act relating to the board of supervisors of the city and county of Honolulu, providing for the election of one supervisor from each of the ten representative districts on the island of Oahu, and amending Sections 6506 and 6528 of the Revised Laws of Hawaii 1945.
B-18	Bill	An act relating to the board of supervisors of the county of Maui and amending Section 6452 of the Revised Laws of Hawaii 1945.

____ B. NO. ____

AN ACT

RELATING TO COUNTY TAXES IN RESPECT OF SALES, SERVICES, AND USES OF TANGIBLE PERSONAL PROPERTY.

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

SECTION 1. Each county hereby is authorized to adopt and amend an ordinance or ordinances imposing in and for the county a tax on the sale of tangible personal property at retail, not exceeding 1% of the sales price; provided, further, that to the extent necessary to prevent tax avoidance by means such as rental agreements, or by a customer furnishing his own materials, or the like, the tax base may include services or other transactions which ordinarily would not be deemed sales of tangible personal property. Sales of food and drink for consumption on the premises shall be deemed sales of tangible personal property.

Nothing herein shall be deemed to authorize a tax on contracting or contractors subject to the provisions of subsection C of section 5455 of chapter 101, Revised Laws of Hawaii 1945, or upon the customers of such contractors or the proceeds of the contracts.

The incidence of the tax may be upon the seller or the purchaser, as provided by the ordinance, and the tax may be required to be collected from the purchaser by the seller or passed on to the purchaser by the seller.

SECTION 2. The jurisdiction to levy the tax authorized by this Act (other than the compensating use tax provided for by section 3) shall be in the county where title or possession passes to the purchaser, whichever last occurs in the Territory, but nothing herein shall be deemed to require that both shall occur in the Territory. No county shall tax personal property sold in one county for use in another county.

SECTION 3. The ordinance of the county may impose a compensating use tax, but in that event shall exempt from the use tax any tangible personal property which has been subjected to a retail sales tax or a compensating use tax of another county.

SECTION 4. Any such ordinance shall exempt or exclude, as the case may be:

(a) All sales to or purchases by the Territory of Hawaii or the United States, or an agency or instrumentality of either that is wholly owned or otherwise so constituted as to be immune from the levy of a tax not expressly authorized;

(b) All sales to or purchases by public utilities and insurance companies subject to the taxes imposed by chapters 106 and 161, Revised Laws of Hawaii 1945.

SECTION 5. The ordinance shall provide for the assessment and collection of the taxes thereby imposed, by county officers and their subordinates. In providing for the collection of taxes the ordinance may impose a lien, but the same shall not be superior to any lien of the Territory, whether antecedent or subsequent.

SECTION 6. The ordinance may provide for redetermination or review of the applicability, amount or rate of any tax by an administrative tribunal of the county (which may be constituted by the ordinance), or by an administrative tribunal or court of the Territory upon payment of the costs provided by law in like cases arising under the laws of the Territory, but shall not provide for an appeal to the Supreme Court unless the case previously has been heard by the Tax Appeal Court or a circuit court of the Territory.

SECTION 7. Nothing herein shall be deemed to preclude the Territory from imposing taxes upon the same subject

matter as the counties, and all such territorial taxes, present or future, shall be deemed additional to the county taxes.

SECTION 8. No ordinance authorized by this Act shall take effect before July 1, 1957.

SECTION 9. This Act shall take effect on its approval.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

___ B. NO. _____

AN ACT

AUTHORIZING AND MANDATING THE RESPECTIVE COUNTIES TO SELL THEIR OWN GENERAL OBLIGATION BONDS TO FINANCE COUNTY PROJECTS, AMENDING SECTIONS 6041, 6043 AND 6051, REVISED LAWS OF HAWAII 1945, AND REPEALING CERTAIN PORTIONS OF ACT 273, SESSION LAWS OF HAWAII 1955, WITH SAVING PROVISIONS.

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

SECTION 1. The second paragraph of Section 6041, Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"No such bonds shall be issued, excepting in conformity with this chapter, nor until approved by the president. Such approval on the part of the president shall be conclusive proof that all requirements of law have been duly complied with, and that the bonds are in all respects valid and incontestable."

SECTION 2. Section 6043, Revised Laws of Hawaii 1945 is hereby amended by deleting from the first and second lines thereof the following words and punctuation:

"Except when otherwise specially authorized by the legislature,".

SECTION 3. Section 6051, Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"The proceeds of the bonds so issued shall be exclusively devoted to the purposes for which the same are issued, as expressed in the proclamation calling the election. Any unexpended balances shall be transferred to the credit of the sinking fund for any bonds so issued."

SECTION 4. Except to the extent that bonds have been issued for, or moneys received by the treasurer of the Territory for or on account of loan funds have been committed by the treasurer to, a specific county project, sections 2, 5 and 6 of Act 273, Session Laws of Hawaii 1955 are hereby repealed.

SECTION 5. From and after the effective date of this Act, the respective counties are hereby mandated to sell their own bonds in accordance with Chapter 117, Revised Laws of Hawaii 1945, to finance county projects.

SECTION 6. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

B-3 ____ B. NO. ____

AN ACT

RELATING TO THE POWER OF COUNTIES TO INCUR, AUTHORIZE AND CONTRACT LIABILITIES AND OBLIGATIONS IN EXCESS OF MONEYS AVAILABLE DURING A FISCAL YEAR, AND AMENDING SECTION 5812.01 (ENACTED BY ACT 342 OF THE SESSION LAWS OF HAWAII 1949), AND SECTION 5812 OF THE REVISED LAWS OF HAWAII 1945, AND REPEALING SECTION 6238 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Section 5812 of the Revised Laws of Hawaii 1945 is hereby amended by amending the second paragraph thereof to read as follows:

"When there are moneys in the general or special funds of the Territory which in the treasurer's judgment are in excess of the amounts necessary for the immediate requirements of such funds, the treasurer is authorized to make temporary transfers of the same to the loan fund for the temporary uses thereof. The total of such transfers to the loan fund shall not exceed the sum of unissued general obligation bonds of the Territory as authorized by the legislature. The general or special funds shall be reimbursed from the proceeds of bond sales upon the eventual issuance and sale of such bonds."

SECTION 2. Section 5812.01 of the Revised Laws of Hawaii 1945, being section 2 of Act 342 of the Session Laws of Hawaii 1949, is hereby amended to read as follows:

"Sec. 5812.01. Power of counties to incur excess liabilities. The board of supervisors of any county is authorized and empowered to borrow money from any source and to incur, authorize and contract, during any fiscal year, liabilities and obligations for any and all purposes in excess of the moneys available for such purposes for such county during the fiscal year in which such liabilities and obligations are incurred, authorized or contracted.

The total of moneys borrowed and of liabilities and obligations incurred, authorized and contracted during any fiscal year in excess of the moneys available to such county during such year shall not exceed one hundred thousand dollars ($100,000.00) for any of the counties of Hawaii, Maui or Kauai, and two hundred and fifty thousand dollars ($250,000.00) for the city and county of Honolulu.

The moneys borrowed and the liabilities and obligations incurred, authorized or contracted shall be paid and discharged by the county concerned from the moneys received and available in the fiscal year next following the year when the moneys were borrowed or the liabilities and obligations were incurred, authorized or contracted."

SECTION 3. Section 6238 of the Revised Laws of Hawaii 1945 is hereby repealed.

SECTION 4. This Act shall take effect as to sections 1, 3 and 4 upon its approval and also as to section 2 unless approval of section 2 by the Congress is necessary and in the event said section 2 shall take effect upon its approval by the Congress, or upon the enactment by the Congress of legislation which would enable the legislature to enact such legislation without the approval of the Congress in the future.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

B-4

____B. NO. ____

AN ACT

RELATING TO THE DEPARTMENT OF EDUCATION (OR PUBLIC INSTRUCTION), TRANSFERRING FUNCTIONS, POWERS, DUTIES, PROPERTY AND APPROPRIATIONS FROM THE SEVERAL COUNTIES TO THE TERRITORY, REPEALING SECTIONS 1802, 1803 AND 1804 OF THE REVISED LAWS OF HAWAII 1945, AND SUBSECTION (b) OF SECTION 1, AND SECTION 2 OF ACT 250, SESSION LAWS OF HAWAII 1951, AND AMENDING SECTION 5252 OF THE REVISED LAWS OF HAWAII 1945, AND MAKING AN APPROPRIATION.

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

SECTION 1. The functions, powers, (including the power to complete any unfinished business) and duties and the property, records, and all unexpended appropriations heretofore vested in, enjoyed by, or imposed upon the several counties in respect of the public schools, the land, buildings, equipment, and facilities for school children (excluding their transportation) hereby are transferred from the several counties to the territory.

SECTION 2. Any other law to the contrary notwithstanding the superintendent of public works shall have custody of all public school buildings, land dedicated to the use of public schools, and other school facilities of a permanent or semi-permanent nature. He shall have and be charged with jurisdiction of the acquisition of land for public schools, the construction, maintenance and repair of all buildings with their necessary equipment, and other school facilities of a permanent or semi-permanent nature. All other school equipment shall be in the custody of the board of education (or the commissioners of public instruction) who shall be responsible for its maintenance and repair. The superintendent of public works shall cooperate with and seek the advice of the department of education (or public instruction) in the discharge of his duties hereunder.

SECTION 3. Sections 1802, 1803 and 1804 of the Revised Laws of Hawaii 1945, are hereby repealed.

SECTION 4. Section 5252 of said Revised Laws is amended (a) by deleting item number (3) from the budget and renumbering the subsequent items, whenever they appear in the statutes, to conform, (b) by deleting the paragraph in said section 5252 headed "School Funds.", and (c) by repealing the amendment to said section made by Act 250, Session Laws of Hawaii 1951.

SECTION 5. Section 5254 of said Revised Laws is amended (a) by amending the numbered items therein to conform to the deletion of item (3) in the budget and renumbering of subsequent items and by repealing the proviso enacted by the amendment to said section made by Act 250, Session Laws of Hawaii 1951.

SECTION 6. The sum of $_____ is appropriated from the general revenues of the territory for the purposes of this act. Said sum shall be expended upon warrants drawn by the auditor (or comptroller) based on vouchers signed by the superintendent of public works.

SECTION 7. This Act shall take effect on January 1, 1958.

INTRODUCED BY:

Date:_____

Honolulu, Hawaii

~~D-1~~
B-5

____B. NO. ____

AN ACT

RELATING TO THE MEDICAL CARE OF THE INDIGENT, THE MEDICALLY INDIGENT, MEDICALLY INDIGENT GOVERNMENT PENSIONERS, AMENDING ACT 129 OF THE SESSION LAWS OF HAWAII 1951 AND REPEALING SECTION 634 OF THE REVISED LAWS OF HAWAII 1945, AND MAKING AN APPROPRIATION.

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

SECTION 1. Act 129 of the Session Laws of Hawaii 1951 is hereby amended in the following particulars:

(1) By amending sections 1 and 3 to read as follows:

"Sec. 1. Definitions. Wherever in this chapter the following words and equivalent expressions occur, they shall have the following meanings respectively:

a. 'Board' means the board of health of the Territory of Hawaii;

b. 'Commission' means the territorial advisory commission for hospitals and medical care;

c. 'Indigent' means a person without adequate and proper means of subsistence for the support of whom the department of public welfare is liable or responsible;

d. 'Medically indigent' means a person otherwise able to subsist himself or herself, but who in the emergency of sickness is not able to care for the extra expenses necessary to maintain or restore health;

e. 'Medical care' means all kinds of medical care; dental care and maternity care, including surgical and medical care, physical rehabilitation, eye care (which includes optical appliances), materials, supplies and all other appliances used in the care, treatment and rehabilitation of patients and hospitalization.

"Sec. 3. Territorial advisory commission for hospitals and medical care. There is hereby created a territorial advisory commission for hospitals and medical care to consist of ten members who shall be appointed by the governor in the manner provided by section 80 of the Organic Act, and an eleventh member who shall be the person then holding the position of director of public welfare of the Territory.

The majority of the membership of the commission shall consist of doctors of medicine, hospital administrators and representatives from allied professions. There shall be at least one representative of a non-governmental organization or territorial agency concerned with physical rehabilitation. At least four of the total membership of eleven members of the commission shall be doctors of medicine licensed to practice in the Territory of Hawaii. Each of the counties, except the county of Kalawao, shall be represented upon said commission by the appointment of a member who is a resident of such county.

The term of office of the appointive members of the commission shall be four (4) years from and after the date of their respective appointments. Any person appointed to fill a vacancy on said commission occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term."

(2) By deleting section 4 thereof.

(3) By amending sections 5, 6, 8, 9, and 11 thereof to read as follows:

"Sec. 5. Division of hospitals and medical care; powers and duties. The division of hospitals and medical care in the department of health shall perform all of the duties heretofore performed by such other bureaus or officers or em-

ployees within the board of health, who have had charge of the administration of rules and regulations for the operation and maintenance of hospitals in the Territory. The division shall be charged with all responsibility, under the board, for the administration of the program for medical care of the indigent and the medically indigent in the Territory. The division of hospitals and medical care shall include among its functions and duties the supervision of government physicians in the Territory.

The division of hospitals and medical care shall determine what persons are medically indigent, and shall be entitled to call upon and receive aid and assistance in such determination from the department of public welfare. All persons so determined to be medically indigent shall be eligible for all types of medical care.

"Sec. 6. Advisory commission for hospitals and medical care; powers and duties. The commission shall study conditions and the program and the procedure existing in the Territory for medical care of the indigent and medically indigent. The commission shall study and consider problems relating to hospital construction in the Territory, hospital subsidies, inspections and licensing of hospitals and such medical facilities as may be covered by the rules or regulations of the board. The commission shall act as advisors to the board of health in regard to all matters concerning hospitals and medical facilities and the medical care of the indigent and the medically indigent.

"Sec. 8. Personnel. Subject to the provisions of chapters 2 and 3, Revised Laws of Hawaii 1945, the board of health, within the limit of available appropriations, shall emply for services with the division of hospitals and medical

care, qualified personnel in each of the counties to aid in the determination of who are medically indigent persons. Provided, the personnel initially so employed shall be selected without examination from those employed for such purpose by the boards of supervisors of the several counties at the time of passage of this act, and such persons shall be transferred to the division of hospitals and medical care without loss of pay (including increment and longevity accumulations), vacation or sick leave credits, and with the same employment status whether contractual, temporary, probationary, provisional or regular. If upon transfer the position of any such person is assigned to a lower salary range than his position was assigned to by the county, he shall continue to receive compensation at the same salary range and step and shall continue to earn all increment and longevity step increases as provided by law at the same salary range to which his position was assigned by the county so long as he shall remain in said position or until such time as his position shall be reclassified or otherwise be upgraded to a salary range and step in excess of his compensation at that time.

"Sec. 9. Costs of medical care of indigent and medically indigent. The costs of medical care for the indigent and medically indigent persons in the Territory of Hawaii shall be paid by the Territory, to the extent of any appropriation therefor upon vouchers approved by the appropriate officer of the board of health.

"Sec. 11. Board to make rules and regulations. The board of health shall make and publish rules and regulations to carry into effect and administer the provisions of this act. In the event of insufficient appropriation to carry out the provisions of the act, the board may adopt rules to govern priority of cases."

SECTION 2. Section 634 of the Revised Laws of Hawaii 1945 is hereby repealed and medically indigent government pensioners shall fall within the provisions of this act.

SECTION 3. Notwithstanding the amendment of Section 3 of Act 129, Session Laws of Hawaii 1951, the present members of the territorial advisory commission for hospitals and medical care shall continue in office until the expiration of their respective terms, unless vacancies in their respective offices occur sooner by reason of resignation, death or other cause.

SECTION 4. There is appropriated to the board of health from the general revenues of the territory for the administration of the medical care program provided by this act the sum of $232,516.00 for the biennium. Said sum shall be expended on warrants issued by the territorial auditor (or comptroller) based upon vouchers signed by the president of said board or his duly authorized subordinate.

SECTION 5. All other laws to the contrary or inconsistent herewith are hereby repealed or amended to conform hereto.

SECTION 6. This Act shall take effect on July 1, 1957.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

B-5-A

_____ B. NO. _____

AN ACT

RELATING TO HOSPITALS AND MEDICAL CARE AND AMENDING SECTIONS 1 TO 8 OF ACT 129, SESSION LAWS OF HAWAII 1951, AND REPEALING SECTIONS 9, 10, 11, 13, 14 AND 16 OF ACT 129, SESSION LAWS OF HAWAII 1951.

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

SECTION 1. Sections 9, 10, 11, 13, 14 and 16 of Act 129, Session Laws of Hawaii 1951 are hereby repealed.

SECTION 2. Sections 1 to 8 of Act 129, Session Laws of Hawaii 1951 are hereby amended to read as follows:

"Sec. 1. Definitions. Wherever in this chapter the following words and equivalent expressions occur, they shall have the following meanings respectively:

a. 'Board' means the board of supervisors of each respective county.

b. 'Commission' means the county advisory commission for hospitals and medical care;

c. 'Indigent' means a person without adequate and proper means of subsistence for the support of whom the department of public welfare is liable or responsible;

d. 'Medically indigent' means a person otherwise able to subsist himself or herself, but who in the emergency of sickness is not able to care for the extra expense necessary to maintain or restore health;

e. 'Medical care' means all kinds of medical care; dental care and maternity care, including surgical and medical care, physical rehabilitation, eye care (which includes optical appliances), materials, supplies and all other appliances used in the care, treatment and rehabilitation of patients and hospitalization.

Sec. 2. Division of hospitals and medical care, establishment. There shall be in and under the health department of each of the counties a division of hospital and medical care.

Sec. 3. County advisory commission for hospital and medical care. Each county commission shall be composed of nine members. A majority of the membership shall consist of doctors of medicine, hospital administrators, and

representatives of allied professions. The chairman and members of the commission shall be appointed by the mayor of the city and county of Honolulu and in each of the other counties by the chairman of the board.

The term of office of the members of the commission shall be two years from and after the date of their respective appointments; provided, however, upon the first four appointments their term of office shall terminate one year from the date of their appointments and the appointment of the other five members shall terminate two years from the date of their appointments. Any vacancy occurring on the commission shall be filled by appointment. The person appointed to fill such vacancy shall serve only for the unexpired term of the person whom he succeeds.

Sec. 4. Powers and duties. The commission shall study conditions and the program and procedure existing in the Territory for medical care of the indigent and medically indigent, and shall study and consider problems relating to hospital construction in the Territory, hospital subsidies, inspections of hospitals and medical care of the indigent and medically indigent.

Sec. 5. Medical care of indigent persons. All persons classed as indigents and receiving assistance from the department of public welfare shall be eligible for all types of medical care. The department of public welfare shall maintain current eligible lists of such persons.

Sec. 6. Division of hospitals and medical care. The determination of persons as medically indigent shall be the responsibility of the division of hospital and medical care. Each of the county health department shall employ qualified personnel to aid in the determination of who are medically indigent persons, and may receive assistance and advice concerning such determination from the department of public welfare.

Sec. 7. Costs of medical care of indigent and medically indigent. The costs of medical care for indigent and medically indigent persons including hospital charges shall be paid by the respective boards to the respective hospitals, without respect to whether such hospitals are privately or publicly owned or operated; payments to hospitals under this paragraph are to be based on a flexible cost formula to be established by the commission.

Sec. 8. Rules and regulations. The commission of the respective counties shall make and publish rules and regulations to carry into effect and administer the provisions of this chapter."

SECTION 3. Sections 12 and 15 of said Act 129 are renumbered to read sections 9 and 10 respectively.

SECTION 4. This Act shall take effect upon its

INTRODUCED BY:

Date _____

Honolulu, Hawaii

B-6-A

_____B. NO. _____

AN ACT

TO AMEND SECTIONS 6381, 6457 AND CHAPTER 125 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO APPROPRIATIONS BY THE RESPECTIVE COUNTIES FOR THE SUPPORT OF PUUMAILE AND HILO MEMORAIL HOSPITALS, SAMUEL MAHELONA MEMORIAL HOSPITAL AND KULA SANATORIUM.

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

SECTION 1. Section 6381 of the Revised Laws of Hawaii 1945, as amended by Act 29, Session Laws of Hawaii 1951, is hereby further amended by adding a new section to read as follows:

"Sec. 6381.04. Appropriations. All expenses for the operation and maintenance, including salaries of the officers and employees of Puumaile and Hilo Memorial Hospitals, shall be borne by the County of Hawaii."

SECTION 2. Chapter 125 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding a new section to read as follows:

"Sec. 6417. Appropriation. All expenses for the operation and maintenance, including salaries of the officers and employees of Samuel Mahelona Memorial Hospital, shall be borne by the County of Kauai."

SECTION 3. Section 6457 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended to read as follows:

"Kula Sanatorium; appropriation. All expenses for the operation and maintenance, including salaries of the officers and employees of Kula Sanatorium, shall be borne by the County of Maui."

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____
Honolulu, Hawaii

B-6-B

_____ B. NO. _____

AN ACT

TRANSFERRING TO THE CITY AND COUNTY OF HONOLULU THE RESPONSIBILITY FOR FINANCIAL AID TO LEAHI HOSPITAL

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

SECTION 1. From and after the date of this act the City and County of Honolulu shall be responsible for all financial aid for the operation and maintenance of Leahi Hospital.

SECTION 2. All appropriations of the territorial legislature heretofore made out of the general fund or the loan fund for financial aid for the operation and maintenance of Leahi Hospital, which have not been expended are hereby repealed.

SECTION 3. All laws in conflict herewith are repealed or amended to conform herewith as necessary.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

DATE_____

Honolulu, Hawaii

B-7

____B. NO. ____

AN ACT

TRANSFERRING TO THE RESPECTIVE COUNTIES THE RESPONSIBILITY FOR FINANCIAL AID TO GENERAL HOSPITALS

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

SECTION 1. From and after the date of this act the counties of Kauai, Maui and Hawaii and the City and County of Honolulu shall be responsible for all financial aid for the operation and maintenance of general hospitals situated within the respective counties or the City and County of Honolulu.

SECTION 2. All appropriations of the territorial legislature heretofore made out of the general fund or the loan fund for financial aid for the operation and maintenance of general hospitals, which have not been expended are hereby repealed.

SECTION 3. All laws in conflict herewith are repealed or amended to conform herewith as necessary.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

B-8

_____B. NO. ____

AN ACT

TO TRANSFER THE COST OF OPERATING AND MAINTAINING FIREBOATS TO THE CITY AND COUNTY OF HONOLULU

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

SECTION 1. Section 2 of Act 175, Session Laws of Hawaii 1951, is hereby amended by adding the following sentence to the end of the paragraph thereof, to read as follows: "The cost of operating and maintaining said fireboat shall be borne by the City and County of Honolulu."

SECTION 2. Section 3 of said Act 175 is hereby repealed.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

Date:_____

Honolulu, Hawaii

B-15

_____B. NO. _____

AN ACT

TO PROVIDE FOR THE INCORPORATION OF CITIES, THE ELECTION OF CHARTER COMMISSIONS AND THE DRAFTING OF CITY CHARTERS.

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

SECTION 1. (a) Any contiguous geographical area hving more than 3,500 inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States, may incorporate as a municipality under the terms of this Act.

(b) Incorporation proceedings shall provide for: election of a charter commission composed of fifteen (15) persons who are property or general excise taxpayers and who are residents of the community; the drafting of a charter by such committee; submission of such charter to the voters of the area proposed for incorporation; and amendment of charters adopted pursuant to this act.

SECTION 2. Election of charter commission. (a) An election for the purpose of choosing a charter commission shall be called by the Secretary of Hawaii upon receipt of a petition signed by at least fifteen (15) per cent of the number of qualified voters living within the area defined for incorporation. An unambiguous description of the area proposed for incorporation shall be part of such petition.

(b) Upon verification of the petition, in the usual manner provided for in the nomination of persons to public office, the Secretary of Hawaii shall direct that an election be held within the area described in the petition.

(c) In the election to be held under this act the voters shall be asked first to vote on the question: "Shall a Charter Commission be elected to Frame a Charter for the City of (here describe area by its common designation)." The second proposition offered the voters shall be a slate of candidates for the charter commission. If a majority of the votes cast in favor of the first proposition, the fifteen (15) candidates for the office of charter commissioner receiving the greatest number of votes will forthwith organize to draft a charter. Candidates for the office of charter commissioner shall be nominated in the same manner as other candidates for public office under existing territorial statutes. The person receiving the highest number of votes shall be designated as chairman. If the first proposition receives less than a majority of votes cast, no charter commission shall be deemed to have been elected.

SECTION 3. Municipal powers. (a) The charter commission shall have the authority to prepare a charter which permits the legislative body of the city to make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions of this act and the Organic Act of the Territory of Hawaii. With respect to other matters the general laws of the territory will control. To the extent that general laws affecting county and city and county governments are inconsistent with this act they are hereby amended to apply only to those county areas not within the limits of a city incorporated pursuant to this act.

(b) Incorporated cities may provide for the performance of municipal functions under contract with any other private or public agency.

(c) City charters may not provide for the jurisdiction over the following:

1. School maintenance and construction;

2. Maintenance of regional park and recreational facilities;

3. Magistrate courts.

(d) All property taxes levied and collected within an incorporated city, by whatever agency, shall be paid into the city treasury and shall serve as the basic source of municipal revenue. The county may not levy property taxes or license taxes within an incorporated city. The city shall be paid its proportionate share of all fuel, public utilities franchise and vehicle weight taxes as determined by its relative share of the federal census. The city government may, if its charter so provides, establish other taxes and fees not inconsistent with territorial law.

SECTION 4. Preparation of charter. (a) The charter commission shall meet within thirty (3) days after the result of a charter election is declared and shall, within 180 days from the date of such initial meeting, prepare and propose a charter. The charter shall be signed by a majority of members and submitted to the Secretary of Hawaii for publication.

(b) Within fifteen (15) days of preparation of such charter the Secretary of Hawaii shall cause a summary of such charter to be published in a newspaper of general circulation in the county where the municipal incorporation is proposed. A complete copy of such charter shall also be mailed to each qualified voter affected by the proposed incorporation.

SECTION 5. Election on the charter. (a) The proposed charter shall be submitted to the voters at a special or general election held not less than sixty (60) days from the completion of publication required by section 4(b) of this act. The Secretary of Hawaii shall direct and make arrangements for the holding of such election.

(b) If a majority of the qualified voters voting on the charter shall vote in favor of such charter, it shall be deemed to have been ratified and shall become the organic law of the municipality and will supersede any county ordinance of other county enactment inconsistent therewith. The Secretary of Hawaii shall advise the county clerk and the board of supervisors of the results of such election and shall file a certified copy of the charter with the charter commission and the territorial archives. The courts shall take judicial notice of the provisions of such charter.

(c) Failure of a charter to receive a majority vote shall invalidate all previous proceedings and the charter commission shall be dissolved.

SECTION 6. Installation of the new government. (a) The members of the charter commission shall become the first city council in any municipal corporation formed pursuant to this act. The commission will hold office until the new members of the city council are elected and qualified for such terms and in such numbers as provided by the charter at the next general election.

(b) The chairman of the charter commission shall serve as chief executive of the city, and shall exercise such powers as the chief executive may have under the new charter, until such time as a chief executive is duly elected.

SECTION 7. Amendment of the charter. (a) The charter of cities created under this act shall be subject to amendment by proposals submitted by the city council, upon a majority vote of its members, or by petition of fifteen (15) per cent of the qualified voters in the city, or both.

(b) Such petitions for amendment to the charter shall be submitted to the Secretary of Hawaii not less than sixty (60) days prior to the next general election to qualify for a place on the ballot. Amendments to the charter shall be advertised in the same manner as provided for adoption of the original charter.

(c) Proposals for amendment shall be submitted to the voters at the next general election and if a majority of the qualified voters voting on such amendment vote in favor of such amendment it shall be deemed ratified and certification will be made to the Secretary of Hawaii and to the county clerk, or city and county clerk of the county.

(d) If conflicting or alternate propositions are submitted at the same time, or if one proposition is included within the other, if more than one receives a majority of the votes cast the proposition receiving the greatest number of votes shall control as to all matters in conflict.

SECTION 8. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

___ B. NO. ___

AN ACT

RELATING TO THE CITY AND COUNTY OF HONOLULU, AND AMENDING SECTIONS 6505, 6506, 6519, 6591, 6637, 6639.01, 6641, 6643, 6644, 6528, 6563, 6508, 6572, 6573, 6521, 6527.01, 6596, 6605, 6611, 6618, 6631, 6816, 6766, 6769, 6620, 6542, 6544, 6546, 6555.01, 6004, 6008.01, 6008.02, 6009.01, 6016, 6019, 6072, 6074, 6076, 6113, 6121, 6124, 6125, 6131, 6517, 6586, 6137, 6146, 6147, 6152, 6158, 6163, 6164, 6166 AND 6195.36, AND ENACTING A NEW SECTION IN CHAPTER 127, OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Where sections are referred to in this act, sections of the Revised Laws of Hawaii 1945 are meant, unless the reference is specifically or by necessary implication otherwise.

SECTION 2. Section 6505 is amended to read as follows:

"Sec. 6505. Board of supervisors, legislative power. The legislative power of the city and county shall be vested in a legislative body which shall be designated the board of supervisors, or the supervisors.

The powers of the board of supervisors shall be restricted to legislative functions and to action upon appointments or the removal of an officer, when so provided by statute, made by the mayor."

SECTION 3. Section 6506 is amended by substituting for the first full sentence the following:

"The board of supervisors shall consist of ten members."

SECTION 4. Wherever in statutes relating to the city and county of Honolulu, action is required by not less than five members of the board of supervisors, the word "seven" shall be substituted for the word "five". In conformity with such change but without limitation by reason of specification, the following specific amendments are made:

a. Section 6519 is amended by substituting for the word "five", in the twelfth and sixteenth lines the word "seven";

b. Section 6591 is amended by substituting for the word "five" in the fourteenth line, the word "seven";

c. Section 6637 is amended by substituting for the word "five", in the last line of the second paragraph and in the sixth line of the third paragraph thereof, the word "seven";

d. Section 6639.01 is amended by substituting for the word "five", in the last line of the second paragraph, the word "seven";

e. Section 6641 is amended by substituting for the word "five" in the fifteenth line, the word "seven";

f. Section 6643 is amended by substituting for the word "five" in the eighth line, the word "seven";

g. Section 6644 is amended by substituting for the word "five", in the seventh line of the second paragraph and in the penultimate line of the third paragraph, the word "seven".

SECTION 5. Section 6528 is amended to read as follows:

"Sec. 6528. Officers; elective, appointive. The elective officers of the city and county shall be a mayor, board of supervisors, sheriff, who shall be ex-officio coroner, city and county clerk, who shall be ex-officio clerk of the board of supervisors, auditor and a treasurer, all of whom, except the board of supervisors, shall be elected at large by the duly qualified electors of the city and county, and all of whom shall have their offices at the county seat. One member of the board of supervisors shall be elected from each of the ten representative districts in the city and county, eighth to seventeenth, so that each supervisor shall be elected by the voters of a single representative district. The appointive officers shall be a public prosecutor, city and county attorney, chief engineer of the department of public works, controller, and adminis-

trative secretary to the mayor, all of whom shall have their offices at the county seat, and such other officers as may from time to time be provided for by law.

All appointive officers shall be appointed, by and with the consent of the board of supervisors, and may be removed, except as hereinafter provided, by the mayor. The public prosecutor and the city and county attorney, or either of them, may be removed at any time by the attorney general with the approval of the governor for reasons which appear to be sufficient in their discretion, and no person so removed by the attorney general shall be reappointed without the approval of the attorney general. The public prosecutor may be appointed city and county attorney, in which event he shall be entitled to receive the salary for one office only. The public prosecutor and his deputies or assistants and the city and county attorney and his deputies or assistants shall become deputies of the attorney general, and the public prosecutor and the city and county attorney shall report to the attorney general from time to time as may be required by him.

The controller may be removed from office by the mayor, only for cause, and with the consent of the board of supervisors."

SECTION 6. Section 6563 is amended by inserting in the last paragraph thereof just prior to the words "at such election" at the end of said paragraph the words "from the district in which the incapacitated or disqualified person was elected".

SECTION 7. A new section in chapter 127 of the Revised Laws of Hawaii 1945, to be appropriately numbered, is enacted to read as follows:

"Sec. . Supervisors not to deal directly with officers, agents or employees of administrative branch. Unless for the purpose of inquiry or information, neither the board of supervisors nor any member thereof shall deal directly with any officer, agent or employee of the administrative branch of the city and county government other than the mayor. Except through legislation duly enacted, neither the board of supervisors nor any member thereof shall, either directly or indirectly, give orders to any officer, agent or employee of the administrative branch of

the city and county government nor shall they, or any of them, in any manner attempt to influence or coerce any such officer, agent or employee in the performance of his duties."

SECTION 8. Transfers of appropriations. At the request of the mayor, and within the last three months of the budget year, but not otherwise, the board of supervisors may by resolution transfer any unencumbered appropriation balance or portion thereof from one office, department or agency to another.

SECTION 9. Section 6508 is amended to read as follows:

"Sec. 6508. Presiding officer. At the first meeting of the board of supervisors after its election, it shall elect one member as president who shall preside over meetings of the board, and one other member as vice-president, both of whom shall serve at the pleasure of the board. The presiding officer shall have the right to vote at all times with other members of the board."

SECTION 10. Sections 6572 and 6573 are amended to read as follows:

"Sec. 6572. Mayor; qualifications; assistants. The mayor shall be the chief executive officer and head of the administrative branch of the city and county government. He shall be an elector of the city and county at the time of his election, and must have been such for at least three years next preceding such election. He may appoint and remove at pleasure a secretary at such salary as he shall designate and may appoint such other assistants as may be necessary for the proper performance of the duties of his office and for which appropriations have been made by the board of supervisors.

"Sec. 6573. Powers and duties. The mayor shall have the supervision and control of all city and county administrative officers and employees, and of the property of the city and county, except in cases where it is expressly provided by law that a board or commission shall have such supervision and control.

He shall have the right to attend any meeting of the board of supervisors or any of its committees and may express his views on matters pending before the

board, but he shall have no right to introduce any motion, resolution, or ordinance or amendments thereof, or to vote thereon.

He may at any time transfer any unencumbered appropriation balances or portion thereof between general classifications of expenditure within an office, department or agency.

The books, records and official papers of all departments, officers and persons in the employ of the city and county shall at all times be open to the inspection and examination of the mayor. He shall take special care that the books and records of all departments, boards, officers and persons are kept in legal and proper form.

The mayor shall appoint, subject to the provisions of section 6528, and, when necessary for the good of the service, remove all non-elective officers and employees of the city and county except as otherwise specifically provided by law and except as he may authorize the head of a department or office to appoint and remove subordinates in such department or office.

On the city and county's behalf, he shall sign all deeds, contracts or other like instruments, and shall require the clerk to affix the city and county seal thereto.

The mayor shall from time to time require of the proper officers of the different departments such measures as he may deem beneficial to public interest. He shall see that the laws of the territory and ordinances of the city and county are observed and enforced. He shall see that all departments and institutions of the city and county are honestly, economically and lawfully conducted. He shall take all proper measures for the preservation of public order and the suppression of all riots and tumults, for which purpose he may use and command the police force. If such police force is insufficient, he shall call upon the governor for military aid in the manner provided by law, so that public order may be restored or riots or tumults may be promptly and effectually suppressed."

SECTION 11. In clarification of the separation of legislative and administrative powers between the supervisors and the mayor, whenever the language of the statutes

relating to the functions of the board of supervisors, uses such words as "enforce", "control", "maintain", "conduct", "supervise", or, without limitation by reason of specification, other words indicating the right or duty of the board of supervisors to discharge administrative functions, such words shall be construed to mean the right or duty to authorize or to make provision for the exercise of such functions by the mayor.

In conformity with such restriction, but without limitation by reason of specifications, the following specific amendments are made:

1. Section 6521 is amended in the following particulars:

a. By amending paragraph numbered "17" thereof by substituting for the words "To build, rebuild, equip, maintain and regulate", in the second line thereof, the words "To authorize and provide for the building, rebuilding, equipment, maintenance and regulation of";

b. By amending paragraph numbered "19" thereof by substituting for the words "To enter into", in the first line of said paragraph, the words "To authorize";

c. By amending paragraph numbered "20" thereof by substituting for the word "board", in the third and last lines thereof, the word "mayor";

d. By amending paragraph numbered "24" thereof (1) by substituting for the words "To regulate and control" in the first line thereof, the words "To provide for the regulation and control of"; (2) by substituting for the words "construct, purchase, take on lease or otherwise acquire" in the third and fourth lines, and in the fifth line thereof, the words "authorize and provide for the construction, purchase, lease or other acquisition of"; (3) by substituting for the words "to manage, regulate and control the same, and to acquire, regulate and control", in the sixth and seventh lines thereof, the words "provide for the management, regulation and control of the same and the acquisition, regulation and control of";

e. By amending paragraph numbered "33" thereof by substituting for the words "To sell", in the first line, the words "To authorize the sale of";

f. By amending paragraph numbered "34" by substituting for the words "to exchange", in the first and second lines, the words "to authorize the exchange of";

g. By amending paragraph numbered and lettered "35A" by substituting for the words "to reconvey", in the first and second lines thereof, the words "to authorize the reconveyance of";

h. By amending paragraph numbered "36" to read as follows:

"36. Contracts; general powers. To authorize the contracts and all things necessary and proper to carry into execution the foregoing powers and all other powers vested in the city and county or in any officer thereof."

i. By amending that portion of paragraph numbered "43" prior to the proviso, to read as follows:

"43. Flood control; drainage of storm waters and removal of debris. To authorize the construction, acquisition by gift, purchase or the exercise of eminent domain, the reconstruction, improvement, betterment, extension and maintenance of projects or undertakings for the control of and protection against floods and flood waters, including the power to authorize the drainage and rehabilitation of lands already flooded. To authorize the maintenance of channels, whether natural or artificial, including their exits to the ocean, in suitable condition to carry off storm waters; and to authorize the removal from such channels and from the shores and beaches, of any debris which is likely to create an unsanitary condition or otherwise to become a public nuisance";

j. By amending paragraph numbered "44"

thereof substituting for the words "To enter into a contract", in the first line, the words "To authorize a contract"; and

k. By deleting paragraph numbered "47".

2. Section 6527.01 is amended in the following particulars:

a. By substituting for the words and punctuation "acquire, improve, construct, maintain, repair and operate," in the third and fourth lines, the words and punctuation "authorize the acquisition, improvement, construction, maintenance, repair and operation of";

b. By substituting for the words and punctuation "acquire, improve and/or construct" in the twenty-third line, the words and punctuation "authorize the acquisition, improvement and construction of"; and

c. By substituting for the words and punctuation "collect and enforce all assessments levied, and issue, sell and pay bonds," in the twenty-eighth and twenty-ninth lines, the words and punctuation "authorize and provide for the collection and enforcement of all assessments levied, and the issuance, sale and payments of bonds".

SECTION 12. For the further purpose of clarifying the separation of legislative powers and duties of the board of supervisors and administrative powers and duties of mayor, but without limitation by reason of specification, the following specific amendments are made:

a. Section 6596 is amended by inserting after the word "granted", in the fourth line thereof, the words "by the mayor";

b. Section 6605 is amended (1) by inserting in the title heading after the word "Report" the words "to mayor and," and (2) by inserting after the word "report", in the second line thereof, the words "to the mayor and ";

c. Section 6611 is amended by substituting for the word "board", in the fifth line of the second paragraph thereof, the word "mayor";

d. Section 6618 is amended by inserting (1) in the heading to said section after the word "accounts", the words "to mayor and"; and (2) after the word "report" in the third line thereof, the words "to the mayor and";

e. Section 6631 is amended by substituting for the words "prescribed from time to time by the board of supervisors", at the end of said section, the words "directed from time to time by the mayor";

f. Section 6816 is amended to read as follows:

"Sec. 6816. Quarters. The mayor shall make available to the police department sufficient and proper quarters in the police station in Honolulu and in each district in the city and county for the use of the police department and, within the limit of appropriations available, shall maintain and keep the same in repair."

g. Section 6766 is amended by inserting after the word "submit", in the first line thereof, the words "to the mayor and";

h. Section 6769 is amended by amending the first full sentence thereof to read as follows:

"The board of supervisors may authorize the purchase, sale, exchange or other disposition of park or recreational property, whether real or personal, with the prior written approval of the board of public parks and recreation, provided, however, that the board of supervisors may authorize the purchase, sale, exchange or other disposition of park or recreational property in the absence of such approval, by the affirmative vote of at least seven of its members."

i. Paragraph lettered (i) of section 6620 is amended to read as follows:

"(i) Perform all other duties required by law, or by the mayor."

j. Section 6542 is amended by deleting therefrom the words "with the approval of the board of

supervisors" and the commas preceding and succeeding such words, in the first and second lines of said section.

k. Section 6544 is amended by substituting for the words "board of supervisors" the word "mayor" in the eighth line thereof.

l. Section 6546 is amended by substituting for the words "board of supervisors", in the third line thereof, the word "mayor".

m. Section 6555.01 is amended by substituting for the words "board of supervisors", the word "mayor" in the last line thereof.

n. Section 6004 is amended by inserting after the comma following the words "board of supervisors" in the third line, the words and punctuation "and, in the case of the controller, to the mayor,".

o. Sections 6008.01, 6008.02 and 6009.01 are amended by substituting, in the case of the city and county of Honolulu, for "the approval of the board of supervisors", "the approval of the mayor".

p. Section 6016 is amended by substituting, in the case of the city and county of Honolulu, for "employed and paid by the board of supervisors", "employed and paid by the mayor".

q. Section 6019 is amended by substituting for the board of supervisors, in the case of the city and county of Honolulu, the mayor.

r. Sections 6072, 6074 and 6076 are amended by substituting in the case of the city and county of Honolulu, for the board of supervisors, the mayor.

s. Sections 6113, 6121, 6122 and 6124 are amended by substituting, in the case of the city and county of Honolulu, for the boards, or the board of supervisors, or the board, the mayor.

t. Section 6125 is amended by inserting after the comma following the words "board of supervisors" the words and punctuation "or by the mayor,".

u. Section 6131 is amended by inserting after

the word "board" in the fifth and seventh lines, the words "or mayor, as the case may be".

v. Section 6137 is amended by substituting in the title and in the second line for the words "board of supervisors", the word "mayor", and in the last line for the word "board", the word "mayor".

w. Sections 6146, 6147, 6152, 6158, 6163, 6164 and 6166 are amended by substituting, in the case of the city and county of Honolulu, for the board of supervisors or the board, the mayor.

x. Section 6517 is amended by inserting after the word "passed", in the ninth line, the words "by an affirmative vote of not less than seven members of the board";

y. Section 6586 is amended by adding at the end thereof the following sentence:

"No increase or decrease in the number of positions allowed for any department or office shall be made except upon recommendation of the mayor."

z. Section 6195.36 is amended (1) by amending paragraph numbered 1 under subsection (b) to read as follows:

"(1) That provision be made for a public officer, to be appointed by the mayor with the advice and consent of the board of supervisors, to exercise, under the supervision and control of the mayor, the powers prescribed by the ordinances."

and (2) by inserting in subsection (f) thereof after the word "exercise" the words "under the supervision and control of the mayor" set off by commas.

SECTION 13. Nothing contained in this act shall be construed as an impairment of any obligation of an improvement district or of the city and county of Honolulu under any outstanding improvement district or general obligation bonds.

SECTION 14. Notwithstanding the provisions of Act 225 of the Session Laws of Hawaii 1955 or any other law, no charter provision shall be submitted to the electors which does not restrict the powers of the board of supervisors to legislative matters and to acting upon appointments or the removal of an officer by the mayor, or which does not vest in the mayor the administrative control and supervision of

city and county affairs.

SECTION 15. All laws or portions of laws in conflict with the provisions of this act are repealed or amended to conform hereto.

SECTION 16. This act shall take effect as to the election of the increased number and the district election of the board of supervisors provided by Sections 3 and 4 on the first of September 1958, and as to all other portions hereof upon the first day of January 1959.

INTRODUCED BY:

Date: _____

Honolulu, Hawaii

B-17

___ B. NO. ___

AN ACT

RELATING TO THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU, PROVIDING FOR THE ELECTION OF ONE SUPERVISOR FROM EACH OF THE TEN REPRESENTATIVE DISTRICTS ON THE ISLAND OF OAHU, AND AMENDING SECTIONS 6506 AND 6528 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Section 6506 of the Revised Laws of Hawaii 1945 is amended by amending the first full sentence to read as follows:

"The board of supervisors shall consist of ten members."

SECTION 2. Section 6528 of said Revised Laws is amended by substituting for the first full sentence the following:

"The elective officers of the city and county shall be a mayor, board of supervisors, sheriff, who shall be ex-officio coroner, city and county clerk, who shall be ex-officio clerk of the board of supervisors, auditor and a treasurer, all of whom, except the board of supervisors shall be elected at large by the duly qualified electors of the city and county, and all of whom shall have their offices at the county seat. One member of the board of supervisors shall be elected from each of the ten representative districts in the city and county, eighth to seventeenth, so that each supervisor shall be elected by the voters of a single representative district."

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

B-18 ____ B. NO. ____

AN ACT

RELATING TO THE BOARD OF SUPERVISORS OF THE COUNTY OF MAUI AND AMENDING SECTION 6452 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Section 6452 of the Revised Laws of Hawaii 1945, is amended to read as follows:

"Sec. 6452. Maui supervisors, number, election, representation, tenure, chairman. The board of supervisors of the county of Maui shall consist of nine members, eight of whom shall be elected as members only, while the ninth shall be elected as chairman and executive officer of the board, and all shall hold office for a term of two years and until their successors are elected and qualified. The chairman shall have been a qualified elector of the county and a resident of the island of Maui, Lanai or Molokai (except that portion either defined as Kalawao) for at least one year prior to his election, and he shall be elected at large from among those who have been qualified electors of the county for at least one year prior to his election. Of the eight supervisors, six shall have been qualified electors of the county and residents of the island of Maui for at least one year prior to their election, and they shall be elected from among those who have been qualified electors of the county and residents of the island of Maui for at least one year prior to their election; one shall have been a qualified elector of the county and a resident of the island of Lanai for at least one year prior to his election, and he shall be elected from among those who have been qualified electors of the county and residents of the island of Lanai for at least one year prior to his election; and one shall have been a qualified elector of the county and a resident of the island of Molokai (except that portion defined as Kalawao) for at least one year prior to his election, and he shall be elected from among those who have been qualified electors of the county and residents of the island of Molokai for at least one year prior to his election. The clerk of the county of Maui shall prescribe such modification of the form of the ballots, for both the primary and general elections, as shall secure such representation for the islands of Lanai and Molokai. All such elections shall otherwise be conducted in the manner prescribed by law for the election of county officers."

SECTION 2. The tenure of office of the present chairman and members of the board of supervisors of the county of Maui shall not be reduced by reason of this Act, but the next regular election for the board of supervisors shall be held in conformity herewith, and the persons thereupon elected shall qualify and take office as otherwise provided by law for the county officers. Vacancies on the board of supervisors occurring prior to the time when the officers elected hereunder shall take office shall be filled in accordance with the provisions of law prior to the passage of this Act.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

GOV. MESS. NO. 12

THE TERRITORY OF HAWAII
EXECUTIVE CHAMBERS
IOLANI PALACE
HONOLULU

February 20, 1957

The Honorable President
and Members of the Senate
29th Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sirs:

Attached hereto are drafts of several measures which I submit for your consideration and appropriate action.

The most important proposals stem from the fact that our land laws are not up-to-date in some respects, and actually hinder rather than help some transactions which sound business and economic principles indicate should be consummated. For example, under existing law the land commissioner handles all public lands transactions, and cannot lease for longer than 21 years. Thus, there are suggestions to lengthen the permissible term of lease and to allow the territorial agencies which are engaged in business-type operations to handle their own lease transactions.

One suggestion is based upon the scarcity of land. It would authorize the land commissioner to acquire private land for homesteads, as the home development authority would acquire land for residential lots.

Several suggestions are in the field of regulation. For example, there are suggestions to enable the board of agriculture and forestry to control weeds and rabbits. Several proposals are simply appropriations -- money for the acquisition of fishing rights, watershed lands, irrigation works. One seeks to cut the strings on the transfer of Puunene airport land from the United States to the Territory, to enable it to be used more productively.

There are a few other proposals in this group but the foregoing remarks indicate sufficiently the areas covered.

I strongly urge the enactment of all of the above measures.

Sincerely,

Samuel Wilder King

SAMUEL WILDER KING
GOVERNOR OF HAWAII

LAND AND AGRICULTURE

C-1	Bill	An act relating to homesteads, amending Section 4555, Revised Laws of Hawaii 1945, and making appropriations.
C-2	Bill	An act relating to the acquisition of vested fishing rights and making an appropriation therefor.
C-3	Bill	An act relating to the Hawaii Irrigation Authority, amending Act 245, as amended, of the Session Laws of Hawaii 1953, and making provisions for amortization of advances from the Territory from the proceeds of general obligation bonds.
C-4	Bill	An act extending the term for which the land commissioner may lease public lands.
C-5	Bill	An act providing for extension of the term of leases of public lands.
C-9	Bill	An act authorizing the commissioner of public lands to make expenditures for the conservation of the public lands and waters from the land development revolving fund and amending Chapter 78 of the Revised Laws of Hawaii 1945.
C-10	Bill	An act relating to the use of public lands which have been sold for house lots.
C-11	Bill	An act relating to the sale of the territorial fairgrounds land, making appropriations from the proceeds of any sale thereof, and making an appropriation by way of advancement from the general fund of the Territory.
C-12	JR	Joint Resolution requesting the Congress of the United States to release and discharge the Territory of Hawaii from reservations, restrictions, conditions and covenants in the quit-claim deed (No. 8663) from the United States to the Territory of Hawaii of a portion of the Puunene airport dated December 31, 1948, and to confirm the title of the Territory in said land including the properties excepted or reserved from said conveyance.

C-13	Bill	An act relating to mortgages to a corporation of public land for which a certificate of occupation, right of purchase lease, cash freehold agreement or special homestead agreement has been issued.
C-14	Bill	An act assenting to the provisions of the acts of Congress to provide that the United States shall aid the states in wildlife and fish restoration and management projects.
C-15	JR	Joint Resolution relating to the conditions and terms of right of purchase leases, and amending Section 4597 of the Revised Laws of Hawaii 1945, subject to approval of the Congress, and requesting such approval.
C-16	Bill	An act amending Act 274 of the Session Laws of Hawaii 1949, by increasing the annual appropriation for the acquisition of land and easements for the conservation, development and protection of water resources.
C-17	Bill	An act relating to noxious weed control and eradication and amending Chapter 21 of the Revised Laws of Hawaii 1945 by adding a new subtitle and four sections, numbered 1376.01 to 1376.04, both inclusive.
C-18	Bill	An act relating to the territorial commission on historical sites and the preservation of historical sites and amending sections 12942 and 12943, Revised Laws of Hawaii 1945.
C-19	Bill	An act prohibiting the keeping and breeding of rabbits and Belgian hares except under rules and regulations of the Board of Commissioners of Agriculture and Forestry, authorizing the Board of Commissioners of Agriculture and Forestry to promulgate rules and regulations in respect thereof, and providing penalties.
C-20	Bill	An act relating to the sale of surplus foodstuffs produced by tax supported institutions or agencies.
C-21	Bill	An act making an appropriation for the Hawaii Irrigation Authority revolving fund.

C-1

____ B. NO. _____

AN ACT

RELATING TO HOMESTEADS, AMENDING SECTION 4555, REVISED LAWS OF HAWAII ~~1955~~ 1957, AND MAKING APPROPRIATIONS.

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

SECTION 1. The acquisition and development of lands for homesteading as in this act provided are hereby declared to be public and governmental functions, exercised for a public purpose, and necessary to the development of the social and economic well-being of the community.

SECTION 2. Section 4555 of the Revised Laws of Hawaii 1945 is hereby amended by (1) inserting the words "or condemnation" following the word "purchase" in the subtitle; and (2) inserting the words "or condemn" following the word "purchase" in the second line of said section.

SECTION 3. The sum of Five Hundred Thousand Dollars is hereby appropriated from the general revenues of the Territory, not otherwise appropriated, to implement section 4555 of the Revised Laws of Hawaii 1945, and enable the commissioner of public lands with approval of the governor to purchase or condemn land for homestead purposes.

SECTION 4. All sums received during the period July 1, 1957 to June 30, 1967 by the Territory from the sale of homesteads of lands acquired through the foregoing appropriation hereby are re-appropriated for the purpose of said section 4555 during said period.

SECTION 5. The moneys appropriated by this act shall be expended upon warrants issued by the auditor based on vouchers signed by the commissioner of public lands.

SECTION 6. "Farmer" within the meaning of this act shall mean an elector of the Territory who, for a period of at least two years prior to application for and at the time of assignment of a homestead, has earned and is earning more than one-half of his income from the cultivation of land.

"Commissioner" means commissioner of public lands.

"Director" means the commissioner of public lands acting in his capacity of director of homesteading under provisions of this act.

SECTION 7. There is hereby created a homesteading bureau the director of which shall be the commissioner of public lands.

SECTION 8. Whenever the commissioner shall have acquired, with the consent of the governor, any land by purchase or condemnation for the purpose of homesteading the same under the provisions of section 4555, Revised Laws of Hawaii 1945, or this act, he shall have the following powers in respect thereof:

a. To clear, level, subdivide (including the construction of roads and the furnishing of water) and fence said land;

b. To plant said land in such crops as he may deem suitable;

c. To purchase and use for such purpose such seeds, rootstock, trees, fertilizer, poisons and sprays as may seem to him to be necessary or desirable;

d. To bring the crops to fruition, including such care, cultivation, irrigation and the like as may be necessary or desirable;

e. To employ such personnel, including an executive director, as may be necessary or desirable to execute the projects; the executive director shall not be subject to the provisions of chapter 2, Revised Laws of Hawaii 1945; and all other employees shall be subject to said chapter, and all employees shall be subject to chapter 3, Revised Laws of Hawaii 1945.

f. To sell developed homesteads to farmers at such price as represents the current market rate of said land on such terms as to payment of purchase price (which shall not be over a period longer than 20 years) as will be fair to the homesteader and give him a reasonable assurance of being able to earn a livelihood from the land in addition to paying for the same, and to include such terms relative to maintenance and further improvement of the land as he may deem best in any deed or agreement of sale, with adequate provisions for forfeiture in the event of non-compliance.

g. To require the filing of sworn applications by persons desiring to homestead such lands upon forms to be furnished by him and in such detail as he may determine.

h. To do, with the consent of the governor, any other thing reasonably necessary or appropriate for the development and homesteading of such lands.

SECTION 11. Allotment and sale of the homesteads, in the event that there are more applicants than there are available homesteads in any project, shall be by drawing of lots among the farmer applicants.

SECTION 12. There is hereby appropriated from the general revenues of the Territory not otherwise appropriated for the development of homesteads under the provisions of this act the sum of $_____ or so much thereof as may be necessary, which shall be expended upon warrants drawn by the auditor based on vouchers signed by the director.

SECTION 13. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

C-2

_____B. NO. ____

AN ACT

RELATING TO THE ACQUISITION OF VESTED FISHING RIGHTS AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. The sum of One Hundred Twenty-Five Thousand Dollars ($125,000.00) or so much thereof as may be necessary, is hereby appropriated from the general revenues for the purpose of acquiring by purchase or condemnation vested fishing rights in the sea waters of the Territory.

SECTION 2. Said appropriation also may be used for surveys, appraisals, special legal services and other expenses as authorized or deemed necessary by the attorney general in connection with such acquisitions.

SECTION 3. Said sum shall be disbursed on warrants drawn by the auditor based upon vouchers approved by the attorney general.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

C-3

____ B. NO. ____

AN ACT

RELATING TO THE HAWAII IRRIGATION AUTHORITY, AMENDING ACT 245, AS AMENDED, OF THE SESSION LAWS OF HAWAII 1953, AND MAKING PROVISIONS FOR AMORTIZATION OF ADVANCES FROM THE TERRITORY FROM THE PROCEEDS OF GENERAL OBLIGATION BONDS.

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

SECTION 1. Act 245, as amended, of the Session Laws of Hawaii 1953, is hereby further amended in the following particulars:

a. by inserting in section 9 thereof after the semicolon following the words "at pleasure" in the second paragraph thereof, the following:

"to exercise the power of eminent domain;"

b. By renumbering sections 27 to 33 as sections 28 to 34, respectively.

c. By enacting a new section therein to be numbered 27, to read as follows:

"SECTION 27. Repayment of certain territorial advances. Whenever under legislative authorization, past, present or future, general obligation bonds of the Territory are issued or the proceeds of general obligation bonds of the Territory are used, by way of advancement, for the establishment and construction of any specific irrigation project under the jurisdiction of the authority, the authority shall repay the same to the territorial treasury in the following manner:

Upon the expiration of ten years from the time of initial irrigation service to the project, which ten-year term shall be the development period, the authority shall pay into the treasury from its tolls and assessments on said project, as repayment on account of said advancement, equal annual payments over the period of the next succeeding forty years after the termination of the development period, the total of which payments shall be sufficient to reimburse the Territory for redemption of said bonds together with interest paid by the Territory in respect of the same.

The foregoing method of repayment of advances shall be effective for each phase of any multiphase project, the amortization period for the advancement commencing ten years from the time that facilities to provide irrigation service for each new project phase are put into operation.

In the event that changing use of the land in a project substantially increases revenues, or other circumstances make it reasonably possible or desirable for the authority to accelerate the amortization of advances, it shall be permitted to do so.

d. (1) By inserting in renumbered section 32 thereof, after the comma following the word "project" in the third full sentence, the following:

"or for the establishment of any irrigation project," and (2) by deleting the last sentence of said section.

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____
Honolulu, Hawaii

C-4

___ B. NO. ___

AN ACT

EXTENDING THE TERM FOR WHICH THE LAND COMMISSIONER MAY LEASE PUBLIC LANDS.

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

SECTION 1. Notwithstanding the provisions of subdivision (d) of section 73 of the Hawaiian Organic Act, or of section 4544 of the Revised Laws of Hawaii 1945, or any other law, the commissioner of public lands, with the approval of two-thirds of the members of the board of public lands may make general leases of public lands for any term which does not exceed sixty-five years.

SECTION 2. This act shall take effect upon its approval by the Congress of the United States, or, in the event that the Congress shall enact legislation which shall make such approval unnecessary as to this or subsequent like legislation, then upon the enactment of such legislation by the Congress.

INTRODUCED BY:

_____

DATE: _____

Honolulu, Hawaii

C-5

____ B. NO. ____

AN ACT

PROVIDING FOR EXTENSION OF THE TERM OF LEASES OF PUBLIC LANDS.

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

SECTION 1. Notwithstanding the provisions of subsection (d) of section 73 of the Hawaiian Organic Act and of section 4544 of the Revised Laws of Hawaii 1945, leases of public lands may contain a provision for an option to extend the term of the lease for a time not to exceed the term of the original lease, with the following limitations:

a. The provision in respect of the option shall be incorporated in the published notice of terms under which the lease is sold;

b. The option is exercised not less than ten years prior to the expiration of the original term, and is approved by the commissioner and two-thirds of the members of the board of public lands at the time of exercise of the option;

c. The period of the extension is not greater than is reasonably necessary, added to the portion of the original term unexpired at the time of making the improvements hereinafter referred to, to amortize the cost of said improvements;

d. That improvements, in excess of those required by the terms of the lease, are made requiring a time additional to the original term for amortization, and that said improvements have been authorized and approved by the commissioner and two-thirds of the members of the board of public lands;

e. That said extension shall be subject to such an additional rental and conditions as may be fixed by the commissioner with the approval of two-thirds of the members of the board of public lands.

SECTION 2. The provisions of this Act shall apply to existing leases, except for the provision for inclusion of the option in the notice of sale of the lease.

SECTION 3. This Act shall take effect upon its approval by the Congress or upon the enactment by the Congress of legislation which would make such legislation as is contained in this Act effective without the approval of Congress.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

C-9 ____ B. NO. _____

AN ACT

AUTHORIZING THE COMMISSIONER OF PUBLIC LANDS TO MAKE EXPENDITURES FOR THE CONSERVATION OF THE PUBLIC LANDS AND WATERS FROM THE LAND DEVELOPMENT REVOLVING FUND AND AMENDING CHAPTER 78 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Chapter 78 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto a new section to be numbered 4524.04, which shall read as follows:

"Sec. 4524.04. Conservation. The commissioner of public lands may expend from time to time from the land development revolving fund such moneys as may be reasonably necessary for the conservation of public lands and waters, as, for example, the casing or sealing of wells which are leaking or otherwise in a state of disrepair."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

C-10 _____ B. NO. _____

AN ACT

RELATING TO THE USE OF PUBLIC LANDS WHICH HAVE BEEN SOLD FOR HOUSE LOTS.

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

SECTION 1. The sale of an area of public lands as a house lot shall not be construed as limiting its use for agricultural purposes, if the owner or his agent shall maintain his residence thereon.

SECTION 2. This Act shall be retroactive.

SECTION 3. This Act shall take effect upon its approval by the Congress or upon the enactment by Congress of legislation which would make such future legislation as is contained in this Act effective without the approval of the Congress.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

C-11

____ B. NO. ____

AN ACT

RELATING TO THE SALE OF THE TERRITORIAL FAIRGROUNDS LAND, MAKING APPROPRIATIONS FROM THE PROCEEDS OF ANY SALE THEREOF, AND MAKING AN APPROPRIATION BY WAY OF ADVANCEMENT FROM THE GENERAL FUND OF THE TERRITORY.

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

SECTION 1. The commissioner of public lands of the Territory of Hawaii is hereby requested to sell the territorial fairgrounds land, for such uses, at such times, and on such terms, as are lawful and designed to produce the best price.

SECTION 2. There is hereby appropriated from the general fund of the Territory, by way of advancement to be repaid from the proceeds of the sale of the territorial fairgrounds land, the sum of one million dollars ($1,000,000.00) for the acquisition and development of a public golf links in lieu of the links now operated on said fairgrounds land.

SECTION 3. There is hereby appropriated from the proceeds of any sale of said territorial fairgrounds land, the sum of one million dollars ($1,000,000.00), or so much thereof as may be necessary, for the acquisition and development of a public golf links, and, if such golf links shall be acquired, or acquired and developed, by the Territory prior to the time when such sum becomes available, the expenditure for such acquisition, or acquisition and development, shall be considered an advancement against such proceeds and said sum, or so much thereof as may be necessary to repay such advancement, shall be covered into the general fund of the Territory.

SECTION 4. There is hereby appropriated the further sum of one million dollars ($1,000,000.00), towards the construction of a civic auditorium by the city and county of Honolulu, upon the fulfillment of two conditions, viz: the receipt of such sum, after repayment of the advancement provided by section 1 hereof, from the sale of said territorial fairgrounds land; and the firm commitment of said city and county to the construction of said auditorium.

SECTION 5. The moneys herein appropriated shall be expended on warrants issued by the auditor based on vouchers signed by the superintendent of public works.

SECTION 6. This Act shall take effect upon its approval, except for section 2 which shall take effect upon the date of the first advertisement for sale of the territorial fairgrounds land.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

____ J. R. NO. ____

JOINT RESOLUTION

REQUESTING THE CONGRESS OF THE UNITED STATES TO RELEASE AND DISCHARGE THE TERRITORY OF HAWAII FROM RESERVATIONS, RESTRICTIONS, CONDITIONS AND COVENANTS IN THE QUIT-CLAIM DEED (NO. 8663) FROM THE UNITED STATES TO THE TERRITORY OF HAWAII OF A PORTION OF THE PUUNENE AIRPORT DATED DECEMBER 31, 1948, AND TO CONFIRM THE TITLE OF THE TERRITORY IN SAID LAND INCLUDING THE PROPERTIES EXCEPTED OR RESERVED FROM SAID CONVEYANCE.

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

SECTION 1. The Congress of the United States is respectfully requested to release and discharge the Territory of Hawaii from the reservations, restrictions, conditions and covenants contained in the quitclaim deed (No. 8663), from the United States of America to the Territory, executed on December 31, 1948 in conformity with the Surplus Property Act of 1944, of a portion of the Puunene Airport, Maui, conveyed as surplus property, but excepting from such release and discharge the provisions relating to all uranium, thorium and other materials determined pursuant to section 5(b)(1) of the Atomic Energy Act of 1946 (60 Stat. 761) to be peculiarly essential to the production of fissionable material, and to confirm in the Territory title to the property, including the properties excepted or reserved, described in said deed, free from restrictions, conditions and covenants, save and except those relating to minerals and materials peculiarly essential to the production of fissionable material, to the end that the area, which is not needed or used for airport purposes may be developed and sold for homesteads, houselots, and business purposes. The

Congress, in conformity with the above request, is further requested to enact legislation in substantially the following form:

"A BILL

Releasing and discharging the Territory of Hawaii from the reservations, restrictions, conditions and covenants, with the exception of those relating to fissionable materials, of the quitclaim deed (No. 8663) from the United States of America to the Territory of Hawaii of a portion of the Puunene Airport, Maui, Hawaii, and conforming the title of the Territory to such land including the properties excepted and reserved from said conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Territory of Hawaii is released and discharged from the reservations, restrictions, conditions and covenants and from the compliance therewith, with the exception of those relating to minerals and materials peculiarly essential to the production of fissionable material, of that certain quitclaim deed (No. 8663) of a portion of the Puunene Airport, Maui, Hawaii, from the United States of America to the Territory of Hawaii, dated December 31, 1948, and title to the property described therein, including the property excepted or reserved, is confirmed in the Territory of Hawaii, without reservations, restrictions, conditions and covenants, saving and excepting those relating to minerals and materials peculiarly essential to the production of fissionable material.

SEC. 2. This Act shall take effect upon its approval."

SECTION 2. Certified copies of this joint resolution shall be sent to the President of the United States, to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States, to the Secretary of the Interior, and to the Delegate to the Congress from Hawaii.

SECTION 3. This joint resolution shall take effect upon its approval.

OFFERED BY:

Date _____

Honolulu, Hawaii

C-13 _____ B. NO. _____

AN ACT

RELATING TO MORTGAGES TO A CORPORATION OF PUBLIC LAND FOR WHICH A CERTIFICATE OF OCCUPATION, RIGHT OF PURCHASE LEASE, CASH FREEHOLD AGREEMENT OR SPECIAL HOMESTEAD AGREEMENT HAS BEEN ISSUED.

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

SECTION 1. Notwithstanding the provisions of subsection (g) of section 73 of the Hawaiian Organic Act, public land for which a certificate of occupation, right of purchase lease, cash freehold agreement or special homestead agreement has been issued after May 27, 1910 may be mortgaged to a corporation with the written consent of the commissioner of public lands, without necessity of such consent by the governor.

SECTION 2. This Act shall take effect upon its approval by the Congress or upon enactment by the Congress of legislation which would make legislation such as this Act valid without approval by the Congress.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

C-14 _____ B. NO. _____

AN ACT

ASSENTING TO THE PROVISIONS OF THE ACTS OF CONGRESS TO PROVIDE THAT THE UNITED STATES SHALL AID THE STATES IN WILDLIFE AND FISH RESTORATION AND MANAGEMENT PROJECTS.

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

SECTION 1. The Territory of Hawaii hereby assents to the provisions of the Pittman-Robertson Federal Aid in Wildlife Restoration Act (50 Stat. 917, 16 U.S.C. 6991) as amended, and the Dingell-Johnson Federal Aid in Fish Restoration Act (64 Stat. 430, 16 U.S.C. 777) and the division of fish and game of the board of commissioners of agriculture and forestry is hereby authorized, empowered, and directed to perform such acts as may be necessary to the conduct and establishment of cooperative fish and wildlife restoration and management projects, as defined in said Acts of Congress in compliance with said Acts and rules and regulations promulgated by the secretary of the interior thereunder; and no funds accruing to the Territory of Hawaii from license fees paid by sport fishermen and hunters shall be diverted for any other purpose than the administration of the division of fish and game and for the protection, propagation, preservation and investigation of fish and game.

SECTION 2. All laws and parts of laws in conflict herewith are repealed.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

C-15 ____ J. RES. NO. ____

JOINT RESOLUTION

RELATING TO THE CONDITIONS AND TERMS OF RIGHT OF PURCHASE LEASES, AND AMENDING SECTION 4597 OF THE REVISED LAWS OF HAWAII 1945, SUBJECT TO APPROVAL OF THE CONGRESS, AND REQUESTING SUCH APPROVAL.

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

SECTION 1. Section 4597 of the Revised Laws of Hawaii 1945 is hereby amended by substituting the word "four" for the word "eight" in the provision for yearly rental in the first numbered paragraph of said section.

SECTION 2. The Congress of the United States is respectfully requested to approve the amendment contained in section 1 of this Act.

SECTION 3. Certified copies of this Joint Resolution shall be forwarded to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress, the Secretary of the Interior, and the Delegate to the Congress from Hawaii.

SECTION 4. Sections 2, 3 and 4 of this Joint Resolution shall take effect on its approval by the governor and section 1 shall take effect either upon its approval by the Congress, or upon the restoration to Hawaii, whether as a territory or a state, of such power, control and disposition of the public lands as would render unnecessary the approval of Congress to section 1 hereof.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

C-16

___ B. NO. ____

AN ACT

AMENDING ACT 274 OF THE SESSION LAWS OF HAWAII 1949, BY INCREASING THE ANNUAL APPROPRIATION FOR THE ACQUISITION OF LAND AND EASEMENTS FOR THE CONSERVATION, DEVELOPMENT AND PROTECTION OF WATER RESOURCES.

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

SECTION 1. Act 274 of the Session Laws of Hawaii 1949 hereby is amended by substituting for the words and figures "fifty thousand dollars ($50,000.00) in the sixth line of section 4 thereof, the words and figures "one hundred and fifty thousand dollars ($150,000.00)".

SECTION 2. This Act shall take effect upon July 1, 1957.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

C-17

_____ B. NO. _____

AN ACT

RELATING TO NOXIOUS WEED CONTROL AND ERADICATION AND AMENDING CHAPTER 21 OF THE REVISED LAWS OF HAWAII 1945 BY ADDING A NEW SUBTITLE AND FOUR SECTIONS, NUMBERED 1376.01 TO 1376.04, BOTH INCLUSIVE.

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

SECTION 1. Chapter 21 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto a new subtitle and the new sections as follows:

"Noxious Weed Control and Eradication.

"Sec. 1376.01. Findings and declaration of policy. The legislature of the Territory of Hawaii hereby finds and declares that the farms and grazing lands of the Territory are basic assets; that portions of these lands are infested with some one or more plant species which are considered noxious weeds; that such infestations of noxious weeds are likely to increase and spread to new localities and islands unless controlled; that certain species of noxious weeds present on certain islands are not present or comprise relatively small infestations on other islands, that the spread of infestations of noxious weeds has an injurious and harmful effect upon the agricultural, horticultural and livestock industries of the Territory; that the control and eradication of noxious weeds is hereby declared to be affected with a public interest. It is declared to be the policy of the Territory to control and eradicate noxious weeds when discovered on islands other than those on which they are now present, or

on which they comprise relatively small infestations, when such control and eradication has been determined to be practicable and feasible in accordance with the provisions of this Act.

"Sec. 1376.02. Definitions. For the purpose of this Act, unless a different construction shall be required by the context:

'Board' means the board of commissioners of agriculture and forestry.

'Director' means the director of the division of entomology and marketing.

'Noxious weed' means any plant species which is, or may be likely to be injurious, harmful or deleterious to the agricultural, horticultural and livestock industries of the Territory, as determined and so designated by the board from time to time, by rules and regulations as hereinafter provided.

'Landowner' means the possessor of a fee simple absolute title and includes the Territory of Hawaii as well as its political subdivisions in their capacities as owners of public lands.

'Person' means any individual, firm, corporation, association or partnership.

'Reasonably free' shall mean having relatively small infestations.

'Island' means any island of the Territory of Hawaii.

'Landowner' means the person or persons shown by the most recent tax maps of the district to be the owner or owners of the land in question.

"Sec. 1376.03. Rules and regulations. The board shall have all powers necessary to carry out and to effectuate the purposes of this Act, by rules and regulations including but not limited to the following:

(a) to designate which plant species are to be considered noxious weeds under this Act.

(b) to designate certain islands as being reasonably free of specified species of noxious weeds.

(c) to prevent the transportation of noxious weeds or parts thereof to those islands declared reasonably free from such noxious weeds.

(d) to make all necessary rules and regulations reasonably necessary to control and eradicate noxious weeds when infestations appear on islands designated as being reasonably free of such specified noxious weeds.

All such rules and regulations made as aforesaid shall comply with the requirements of section 466, Revised Laws of Hawaii 1945, and other general laws concerning the making of rules and regulations having the force of law. When made, all such rules and regulations shall have the force and effect of law.

"Sec. 1376.04. Duties of the board; noxious weed control and eradication. (a) It shall be the duty of the board through its division of entomology and marketing to maintain a constant vigilance for incipient infestations of specific noxious weeds on islands declared reasonably free from such weeds as provided herein, and to use such procedures and methods to control and eradicate such infestations of noxious weeds as are determined to be feasible and practicable, as provided herein.

(b) When the board determines that an infestation of a certain noxious weed exists on an island declared reasonably free from said weed, the board through its division of entomology and marketing, shall immediately conduct such investigations and surveys as are necessary to determine the feasibility and practicability of control and eradication adopted by the board for any noxious weed infestation shall cause as little damage to crops and property as possible.

(c) Upon determining that control and eradication of such an infestation is practicable and feasible, the board shall immediately serve notice in writing on both the landowner of the property as such appears on the most recent tax maps of the district and the occupant of the property on which said infestations exist. Written notice sent to the landowner's address last known by reasonable investigation to the board by registered mail, postage prepaid, return receipt requested, shall be deemed written notice. Said notice shall set forth in brief the pertinent information with respect to such infestation and notify the landowner and the land occupant of the procedure and methods of control and eradication it proposes to take.

(d) TTo take such measures as it determines reasonably necessary to control and eradicate said incipient infestations

(e) The expenses and costs involved in such control and eradication shall be paid for by the board from the weed control fund hereinafter established.

SECTION 2. Appropriation for noxious weed control fund of board. There is hereby appropriated from the general revenues of the Territory not otherwise appropriated, the sum of $25,000 which shall constitute a special fund in the treasury to be known as the noxious weed control fund. The moneys in said fund shall be expended for the purposes of this subtitle including the expenses and costs authorized by section 1376.04, upon vouchers approved by the president of the board, or gy such representative as the president may authorize in writing. The board shall hereafter include a biennial estimate for the noxious weed control fund when submitting biennial budgetary estimates.

SECTION 3. This Act shall take effect July 1, 1957.

C-18 _____ B. NO. _____

AN ACT

RELATING TO THE TERRITORIAL COMMISSION ON HISTORICAL SITES AND THE PRESERVATION OF HISTORICAL SITES AND AMENDING SECTIONS 12942 AND 12943, REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Section 12942, Revised Laws of Hawaii 1945, is amended by substituting for the words "executive secretary of the Hawaii Visitors' Bureau", in the perultimate line thereof, the words "territorial archivist".

SECTION 2. Section 12943 of said Revised Laws is amended by substituting for the third sentence thereof the following:

> "No public construction or improvement of any nature whatsoever shall be undertaken by any public agency, without first examining the current tax map of the area to be affected to determine whether any historical site is marked in such map of such area, and, if it be so marked, the commission shall be advised of the proposed construction or improvement and such construction or improvement shall not be undertaken or prosecuted without the concurrence of the commission or, as hereinafter provided, with the written approval of the governor."

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

C-19

_____ B. NO. _____

AN ACT

PROHIBITING THE KEEPING AND BREEDING OF RABBITS AND BELGIAN HARES EXCEPT UNDER RULES AND REGULATIONS OF THE BOARD OF COMMISSIONERS OF AGRICULTURE AND FORESTRY, AUTHORIZING THE BOARD OF COMMISSIONERS OF AGRICULTURE AND FORESTRY TO PROMULGATE RULES AND REGULATIONS IN RESPECT THEREOF, AND PROVIDING PENALTIES.

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

SECTION 1. The board of commissioners of agriculture and forestry is hereby authorized to promulgate rules and regulations, under which rabbits and belgian hares may be kept and bred.

SECTION 2. The keeping and breeding of rabbits and belgian hares is prohibited except in compliance with the rules and regulations of the board of commissioners of agriculture and forestry.

SECTION 3. Any person who shall violate the provisions of this Act shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than _____ dollars ($_____) or by imprisonment for not more than _____months, or by both such fine and imprisonment.

SECTION 4. This Act shall take effect upon its approval, except for sections 2 and 3 which shall take effect upon the effective date of any rule or regulation promulgated by the board of commissioners of agriculture and forestry relating to the keeping and breeding of rabbits and belgian hares.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

C-20

___ B. NO. ____

AN ACT

RELATING TO THE SALE OF SURPLUS FOODSTUFFS PRODUCED BY TAX SUPPORTED INSTITUTIONS OR AGENCIES.

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

SECTION 1. "Institution" or "agency" as used herein means an institution or agency supported in whole or in part from the proceeds of taxes; "foodstuffs" includes both animal and vegetable products.

SECTION 2. No sales or exchanges by tax supported institutions or agencies of foodstuffs produced by them shall be made except as follows:

a. To staff members, for the personal use of such members, of the producing institution or agency.

b. To other institutions or agencies.

c. To, or through by consignment, established wholesale dealers or cooperatives.

d. As an exception, in isolated areas where there are no established wholesale dealers or cooperatives, to retail dealers.

SECTION 3. The production of foodstuffs by any institution or agency shall be limited as closely as reasonably foreseeable to the actual needs of the institution or agency, or, when such production is used for agricultural training programs or research, to the area and amount and to the time necessary and desirable for such training program or research.

SECTION 4. Proceeds of sales made in accordance with section 2 hereof shall be available and hereby are appropriated to defray the cost of operation of the producing area, and the production of the foodstuffs, including, without restricting by use of examples, the purchase of seed, fertilizer, livestock feed, farm machinery and payment of wages to resident workers in the agency or institution for work in the production of such foodstuffs.

SECTION 5. If any agency or institution not under government management and control shall make sales, in violation of the provisions herein contained, of foodstuffs produced by it, support from the public funds shall be withdrawn forthwith.

SECTION 6. This act shall take effect upon its approval.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

C-21 ____ B. NO. ____

AN ACT

MAKING AN APPROPRIATION FOR THE HAWAII IRRIGATION AUTHORITY REVOLVING FUND.

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

SECTION 1. The sum of two hundred and fifty thousand dollars ($250,000.00) is hereby appropriated from the general revenues of the Territory for the purposes of the Hawaii Irrigation Authority, such amount to be deposited in the Authority Revolving Fund created by Act 245, of the Session Laws of Hawaii 1953.

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

Gov. Msg. No. 13

February 20, 1957

The Honorable President
and Members of the Senate
29th Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sirs:

Attached hereto are drafts of several measures which I submit for your consideration and appropriate action.

The most important proposals stem from the fact that our land laws are not up-to-date in some respects, and actually hinder rather than help some transactions which sound business and economic principles indicate should be consummated. For example, under existing law the land commissioner handles all public lands transactions, and cannot lease for longer than 21 years. Thus, there are suggestions to lengthen the permissible term of lease and to allow the territorial agencies which are engaged in business-type operations to handle their own lease transactions.

One suggestions is based upon the scarcity of land. It would authorize the land commissioner to acquire private land for homesteads, as the home development authority would acquire land for residential lots.

Several suggestions are in the field of regulation. For example, there are suggestions to enable the board of agriculture and forestry to control weeds and rabbits. Several proposals are simply appropriations -- money for the acquisition of fishing rights, watershed lands, irrigation works. One seeks to cut the strings on the transfer of Puunene airport land from the United States to the Territory, to enable it to be used more productively.

There are a few other proposals in this group but the foregoing remarks indicate sufficiently the areas covered.

I strongly urge the enactment of all of the above measures.

Sincerely,

Samuel Wilder King

SAMUEL WILDER KING
GOVERNOR OF HAWAII

LAND AND AGRICULTURE

C-1	Bill	An act relating to homesteads, amending Section 4555, Revised Laws of Hawaii 1955, and making appropriations.
C-2	Bill	An act relating to the acquisition of vested fishing rights and making an appropriation therefor.
C-3	Bill	An act relating to the Hawaii Irrigation Authority, amending Act 245, as amended, of the Session Laws of Hawaii 1953, and making provisions for amortization of advances from the Territory from the proceeds of general obligation bonds.
C-4	Bill	An act extending the term for which the land commissioner may lease public lands.
C-5	Bill	An act providing for extension of the term of leases of public lands.
C-9	Bill	An act authorizing the commissioner of public lands to make expenditures for the conservation of the public lands and waters from the land development revolving fund and amending Chapter 78 of the Revised Laws of Hawaii 1945.
C-10	Bill	An act relating to the use of public lands which have been sold for house lots.
C-11	Bill	An act relating to the sale of the territorial fairgrounds land, making appropriations from the proceeds of any sale thereof, and making an appropriation by way of advancement from the general fund of the Territory.
C-12	JR	Joint Resolution requesting the Congress of the United States to release and discharge the Territory of Hawaii from reservations, restrictions, conditions and covenants in the quit-claim deed (No. 8663) from the United States to the Territory of Hawaii of a portion of the Puunene airport dated December 31, 1948, and to confirm the title of the Territory in said land including the properties excepted or reserved from said conveyance.

C-13	Bill	An act relating to mortgages to a corporation of public land for which a certificate of occupation, right of purchase lease, cash freehold agreement or special homestead agreement has been issued.
C-14	Bill	An act assenting to the provisions of the acts of Congress to provide that the United States shall aid the states in wildlife and fish restoration and management projects.
C-15	JR	Joint Resolution relating to the conditions and terms of right of purchase leases, and amending Section 4597 of the Revised Laws of Hawaii 1945, subject to approval of the Congress, and requesting such approval.
C-16	Bill	An act amending Act 274 of the Session Laws of Hawaii 1949, by increasing the annual appropriation for the acquisition of land and easements for the conservation, development and protection of water resources.
C-17	Bill	An act relating to noxious weed control and eradication and amending Chapter 21 of the Revised Laws of Hawaii 1945 by adding a new subtitle and four sections, numbered 1376.01 to 1376.04, both inclusive.
C-18	Bill	An act relating to the territorial commission on historical sites and the preservation of historical sites and amending sections 12942 and 12943, Revised Laws of Hawaii 1945.
C-19	Bill	An act prohibiting the keeping and breeding of rabbits and Belgian hares except under rules and regulations of the Board of Commissioners of Agriculture and Forestry, authorizing the Board of Commissioners of Agriculture and Forestry to promulgate rules and regulations in respect thereof, and providing penalties.
C-20	Bill	An act relating to the sale of surplus foodstuffs produced by tax supported institutions or agencies.
C-21	Bill	An act making an appropriation for the Hawaii Irrigation Authority revolving fund.

C-1

____ B. NO. _____

AN ACT

RELATING TO HOMESTEADS, AMENDING SECTION 4555, REVISED LAWS OF HAWAII ~~1955~~ 1945, AND MAKING APPROPRIATIONS.

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

SECTION 1. The acquisition and development of lands for homesteading as in this act provided are hereby declared to be public and governmental functions, exercised for a public purpose, and necessary to the development of the social and economic well-being of the community.

SECTION 2. Section 4555 of the Revised Laws of Hawaii 1945 is hereby amended by (1) inserting the words "or condemnation" following the word "purchase" in the subtitle; and (2) inserting the words "or condemn" following the word "purchase" in the second line of said section.

SECTION 3. The sum of Five Hundred Thousand Dollars is hereby appropriated from the general revenues of the Territory, not otherwise appropriated, to implement section 4555 of the Revised Laws of Hawaii 1945, and enable the commissioner of public lands with approval of the governor to purchase or condemn land for homestead purposes.

SECTION 4. All sums received during the period July 1, 1957 to June 30, 1967 by the Territory from the sale of homesteads of lands acquired through the foregoing appropriation hereby are re-appropriated for the purpose of said section 4555 during said period.

SECTION 5. The moneys appropriated by this act shall be expended upon warrants issued by the auditor based on vouchers signed by the commissioner of public lands.

SECTION 6. "Farmer" within the meaning of this act shall mean an elector of the Territory who, for a period of at least two years prior to application for and at the time of assignment of a homestead, has earned and is earning more than one-half of his income from the cultivation of land.

"Commissioner" means commissioner of public lands.

"Director" means the commissioner of public lands acting in his capacity of director of homesteading under provisions of this act.

SECTION 7. There is hereby created a homesteading bureau the director of which shall be the commissioner of public lands.

SECTION 8. Whenever the commissioner shall have acquired, with the consent of the governor, any land by purchase or condemnation for the purpose of homesteading the same under the provisions of section 4555, Revised Laws of Hawaii 1945, or this act, he shall have the following powers in respect thereof:

a. To clear, level, subdivide (including the construction of roads and the furnishing of water) and fence said land;

b. To plant said land in such crops as he may deem suitable;

c. To purchase and use for such purpose such seeds, rootstock, trees, fertilizer, poisons and sprays as may seem to him to be necessary or desirable;

d. To bring the crops to fruition, including such care, cultivation, irrigation and the like as may be necessary or desirable;

e. To employ such personnel, including an executive director, as may be necessary or desirable to execute the projects; the executive director shall not be subject to the provisions of chapter 2, Revised Laws of Hawaii 1945; and all other employees shall be subject to said chapter, and all employees shall be subject to chapter 3, Revised Laws of Hawaii 1945.

f. To sell developed homesteads to farmers at such price as represents the current market rate of said land on such terms as to payment of purchase price (which shall not be over a period longer than 20 years) as will be fair to the homesteader and give him a reasonable assurance of being able to earn a livelihood from the land in addition to paying for the same, and to include such terms relative to maintenance and further improvement of the land as he may deem best in any deed or agreement of sale, with adequate provisions for forfeiture in the event of non-compliance.

g. To require the filing of sworn applications by persons desiring to homestead such lands upon forms to be furnished by him and in such detail as he may determine.

h. To do, with the consent of the governor, any other thing reasonably necessary or appropriate for the development and homesteading of such lands.

SECTION 11. Allotment and sale of the homesteads, in the event that there are more applicants than there are available homesteads in any project, shall be by drawing of lots among the farmer applicants.

SECTION 12. There is hereby appropriated from the general revenues of the Territory not otherwise appropriated for the development of homesteads under the provisions of this act the sum of $_____ or so much thereof as may be necessary, which shall be expended upon warrants drawn by the auditor based on vouchers signed by the director.

SECTION 13. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

C-2

_____B. NO. ____

AN ACT

RELATING TO THE ACQUISITION OF VESTED FISHING RIGHTS AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. The sum of One Hundred Twenty-Five Thousand Dollars ($125,000.00) or so much thereof as may be necessary, is hereby appropriated from the general revenues for the purpose of acquiring by purchase or condemnation vested fishing rights in the sea waters of the Territory.

SECTION 2. Said appropriation also may be used for surveys, appraisals, special legal services and other expenses as authorized or deemed necessary by the attorney general in connection with such acquisitions.

SECTION 3. Said sum shall be disbursed on warrants drawn by the auditor based upon vouchers approved by the attorney general.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

C-3

_____ B. NO. _____

AN ACT

RELATING TO THE HAWAII IRRIGATION AUTHORITY, AMENDING ACT 245, AS AMENDED, OF THE SESSION LAWS OF HAWAII 1953, AND MAKING PROVISIONS FOR AMORTIZATION OF ADVANCES FROM THE TERRITORY FROM THE PROCEEDS OF GENERAL OBLIGATION BONDS.

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

SECTION 1. Act 245, as amended, of the Session Laws of Hawaii 1953, is hereby further amended in the following particulars:

a. by inserting in section 9 thereof after the semicolon following the words "at pleasure" in the second paragraph thereof, the following:

"to exercise the power of eminent domain;"

b. By renumbering sections 27 to 33 as sections 28 to 34, respectively.

c. By enacting a new section therein to be numbered 27, to read as follows:

"SECTION 27. Repayment of certain territorial advances. Whenever under legislative authorization, past, present or future, general obligation bonds of the Territory are issued or the proceeds of general obligation bonds of the Territory are used, by way of advancement, for the establishment and construction of any specific irrigation project under the jurisdiction of the authority, the authority shall repay the same to the territorial treasury in the following manner:

Upon the expiration of ten years from the time of initial irrigation service to the project, which ten-year term shall be the development period, the authority shall pay into the treasury from its tolls and assessments on said project, as repayment on account of said advancement, equal annual payments over the period of the next succeeding forty years after the termination of the development period, the total of which payments shall be sufficient to reimburse the Territory for redemption of said bonds together with interest paid by the Territory in respect of the same.

The foregoing method of repayment of advances shall be effective for each phase of any multiphase project, the amortization period for the advancement commencing ten years from the time that facilities to provide irrigation service for each new project phase are put into operation.

In the event that changing use of the land in a project substantially increases revenues, or other circumstances make it reasonably possible or desirable for the authority to accelerate the amortization of advances, it shall be permitted to do so.

d. (1) By inserting in renumbered section 32 thereof, after the comma following the word "project" in the third full sentence, the following:

"or for the establishment of any irrigation project," and (2) by deleting the last sentence of said section.

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____
Honolulu, Hawaii

C-4

___ B. NO. ___

AN ACT

EXTENDING THE TERM FOR WHICH THE LAND COMMISSIONER MAY LEASE PUBLIC LANDS.

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

SECTION 1. Notwithstanding the provisions of subdivision (d) of section 73 of the Hawaiian Organic Act, or of section 4544 of the Revised Laws of Hawaii 1945, or any other law, the commissioner of public lands, with the approval of two-thirds of the members of the board of public lands may make general leases of public lands for any term which does not exceed sixty-five years.

SECTION 2. This act shall take effect upon its approval by the Congress of the United States, or, in the event that the Congress shall enact legislation which shall make such approval unnecessary as to this or subsequent like legislation, then upon the enactment of such legislation by the Congress.

INTRODUCED BY:

_____

DATE: _____

Honolulu, Hawaii

C-5

_____ B. NO. _____

AN ACT

PROVIDING FOR EXTENSION OF THE TERM OF LEASES OF PUBLIC LANDS.

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

SECTION 1. Notwithstanding the provisions of subsection (d) of section 73 of the Hawaiian Organic Act and of section 4544 of the Revised Laws of Hawaii 1945, leases of public lands may contain a provision for an option to extend the term of the lease for a time not to exceed the term of the original lease, with the following limitations:

a. The provision in respect of the option shall be incorporated in the published notice of terms under which the lease is sold;

b. The option is exercised not less than ten years prior to the expiration of the original term, and is approved by the commissioner and two-thirds of the members of the board of public lands at the time of exercise of the option;

c. The period of the extension is not greater than is reasonably necessary, added to the portion of the original term unexpired at the time of making the improvements hereinafter referred to, to amortize the cost of said improvements;

d. That improvements, in excess of those required by the terms of the lease, are made requiring a time additional to the original term for amortization, and that said improvements have been authorized and approved by the commissioner and two-thirds of the members of the board of public lands;

e. That said extension shall be subject to such an additional rental and conditions as may be fixed by the commissioner with the approval of two-thirds of the members of the board of public lands.

SECTION 2. The provisions of this Act shall apply to existing leases, except for the provision for inclusion of the option in the notice of sale of the lease.

SECTION 3. This Act shall take effect upon its approval by the Congress or upon the enactment by the Congress of legislation which would make such legislation as is contained in this Act effective without the approval of Congress.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

C-9 _____ B. NO. _____

AN ACT

AUTHORIZING THE COMMISSIONER OF PUBLIC LANDS TO MAKE EXPENDITURES FOR THE CONSERVATION OF THE PUBLIC LANDS AND WATERS FROM THE LAND DEVELOPMENT REVOLVING FUND AND AMENDING CHAPTER 78 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Chapter 78 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto a new section to be numbered 4524.04, which shall read as follows:

"Sec. 4524.04. Conservation. The commissioner of public lands may expend from time to time from the land development revolving fund such moneys as may be reasonably necessary for the conservation of public lands and waters, as, for example, the casing or sealing of wells which are leaking or otherwise in a state of disrepair."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

C-10

____ B. NO. ____

AN ACT

RELATING TO THE USE OF PUBLIC LANDS WHICH HAVE BEEN SOLD FOR HOUSE LOTS.

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

SECTION 1. The sale of an area of public lands as a house lot shall not be construed as limiting its use for agricultural purposes, if the owner or his agent shall maintain his residence thereon.

SECTION 2. This Act shall be retroactive.

SECTION 3. This Act shall take effect upon its approval by the Congress or upon the enactment by Congress of legislation which would make such future legislation as is contained in this Act effective without the approval of the Congress.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

C-11 ____ B. NO. ____

AN ACT

RELATING TO THE SALE OF THE TERRITORIAL FAIRGROUNDS LAND, MAKING APPROPRIATIONS FROM THE PROCEEDS OF ANY SALE THEREOF, AND MAKING AN APPROPRIATION BY WAY OF ADVANCEMENT FROM THE GENERAL FUND OF THE TERRITORY.

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

SECTION 1. The commissioner of public lands of the Territory of Hawaii is hereby requested to sell the territorial fairgrounds land, for such uses, at such times, and on such terms, as are lawful and designed to produce the best price.

SECTION 2. There is hereby appropriated from the general fund of the Territory, by way of advancement to be repaid from the proceeds of the sale of the territorial fairgrounds land, the sum of one million dollars ($1,000,000.00) for the acquisition and development of a public golf links in lieu of the links now operated on said fairgrounds land.

SECTION 3. There is hereby appropriated from the proceeds of any sale of said territorial fairgrounds land, the sum of one million dollars ($1,000,000.00), or so much thereof as may be necessary, for the acquisition and development of a public golf links, and, if such golf links shall be acquired, or acquired and developed, by the Territory prior to the time when such sum becomes available, the expenditure for such acquisition, or acquisition and development, shall be considered an advancement against such proceeds and said sum, or so much thereof as may be necessary to repay such advancement, shall be covered into the general fund of the Territory.

SECTION 4. There is hereby appropriated the further sum of one million dollars ($1,000,000.00), towards the construction of a civic auditorium by the city and county of Honolulu, upon the fulfillment of two conditions, viz: the receipt of such sum, after repayment of the advancement provided by section 1 hereof, from the sale of said territorial fairgrounds land; and the firm commitment of said city and county to the construction of said auditorium.

SECTION 5. The moneys herein appropriated shall be expended on warrants issued by the auditor based on vouchers signed by the superintendent of public works.

SECTION 6. This Act shall take effect upon its approval, except for section 2 which shall take effect upon the date of the first advertisement for sale of the territorial fairgrounds land.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

____ J. R. NO. ____

JOINT RESOLUTION

REQUESTING THE CONGRESS OF THE UNITED STATES TO RELEASE AND DISCHARGE THE TERRITORY OF HAWAII FROM RESERVATIONS, RESTRICTIONS, CONDITIONS AND COVENANTS IN THE QUIT-CLAIM DEED (NO. 8663) FROM THE UNITED STATES TO THE TERRITORY OF HAWAII OF A PORTION OF THE PUUNENE AIRPORT DATED DECEMBER 31, 1948, AND TO CONFIRM THE TITLE OF THE TERRITORY IN SAID LAND INCLUDING THE PROPERTIES EXCEPTED OR RESERVED FROM SAID CONVEYANCE.

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

SECTION 1. The Congress of the United States is respectfully requested to release and discharge the Territory of Hawaii from the reservations, restrictions, conditions and covenants contained in the quitclaim deed (No. 8663), from the United States of America to the Territory, executed on December 31, 1948 in conformity with the Surplus Property Act of 1944, of a portion of the Puunene Airport, Maui, conveyed as surplus property, but excepting from such release and discharge the provisions relating to all uranium, thorium and other materials determined pursuant to section 5(b)(1) of the Atomic Energy Act of 1946 (60 Stat. 761) to be peculiarly essential to the production of fissionable material, and to confirm in the Territory title to the property, including the properties excepted or reserved, described in said deed, free from restrictions, conditions and covenants, save and except those relating to minerals and materials peculiarly essential to the production of fissionable material, to the end that the area, which is not needed or used for airport purposes may be developed and sold for homesteads, houselots, and business purposes. The

Congress, in conformity with the above request, is further requested to enact legislation in substantially the following form:

"A BILL

Releasing and discharging the Territory of Hawaii from the reservations, restrictions, conditions and covenants, with the exception of those relating to fissionable materials, of the quitclaim deed (No. 8663) from the United States of America to the Territory of Hawaii of a portion of the Puunene Airport, Maui, Hawaii, and conforming the title of the Territory to such land including the properties excepted and reserved from said conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Territory of Hawaii is released and discharged from the reservations, restrictions, conditions and covenants and from the compliance therewith, with the exception of those relating to minerals and materials peculiarly essential to the production of fissionable material, of that certain quitclaim deed (No. 8663) of a portion of the Puunene Airport, Maui, Hawaii, from the United States of America to the Territory of Hawaii, dated December 31, 1948, and title to the property described therein, including the property excepted or reserved, is confirmed in the Territory of Hawaii, without reservations, restrictions, conditions and covenants, saving and excepting those relating to minerals and materials peculiarly essential to the production of fissionable material.

SEC. 2. This Act shall take effect upon its approval."

SECTION 2. Certified copies of this joint resolution shall be sent to the President of the United States, to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States, to the Secretary of the Interior, and to the Delegate to the Congress from Hawaii.

SECTION 3. This joint resolution shall take effect upon its approval.

OFFERED BY:

Date _____

Honolulu, Hawaii

C-13 _____ B. NO. _____

AN ACT

RELATING TO MORTGAGES TO A CORPORATION OF PUBLIC LAND FOR WHICH A CERTIFICATE OF OCCUPATION, RIGHT OF PURCHASE LEASE, CASH FREEHOLD AGREEMENT OR SPECIAL HOMESTEAD AGREEMENT HAS BEEN ISSUED.

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

SECTION 1. Notwithstanding the provisions of subsection (g) of section 73 of the Hawaiian Organic Act, public land for which a certificate of occupation, right of purchase lease, cash freehold agreement or special homestead agreement has been issued after May 27, 1910 may be mortgaged to a corporation with the written consent of the commissioner of public lands, without necessity of such consent by the governor.

SECTION 2. This Act shall take effect upon its approval by the Congress or upon enactment by the Congress of legislation which would make legislation such as this Act valid without approval by the Congress.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

C-14 _____ B. NO. _____

AN ACT

ASSENTING TO THE PROVISIONS OF THE ACTS OF CONGRESS TO PROVIDE THAT THE UNITED STATES SHALL AID THE STATES IN WILDLIFE AND FISH RESTORATION AND MANAGEMENT PROJECTS.

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

SECTION 1. The Territory of Hawaii heregy assents to the provisions of the Pittman-Robertson Federal Aid in Wildlife Restoration Act (50 Stat. 917, 16 U.S.C. 6991) as amended, and the Dingell-Johnson Federal Aid in Fish Restoration Act (64 Stat. 430, 16 U.S.C. 777) and the division of fish and game of the board of commissioners of agriculture and forestry is hereby authorized, empowered, and directed to perform such acts as may be necessary to the conduct and establishment of cooperative fish and wildlife restoration and management projects, as defined in said Acts of Congress in compliance with said Acts and rules and regulations promulgated by the secretary of the interior thereunder; and no funds accruing to the Territory of Hawaii from license fees paid by sport fishermen and hunters shall be diverted for any other purpose than the administration of the division of fish and game and for the protection, propagation, preservation and investigation of fish and game.

SECTION 2. All laws and parts of laws in conflict herewith are repealed.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

C-15 ____ J. RES. NO. ____

JOINT RESOLUTION

RELATING TO THE CONDITIONS AND TERMS OF RIGHT OF PURCHASE LEASES, AND AMENDING SECTION 4597 OF THE REVISED LAWS OF HAWAII 1945, SUBJECT TO APPROVAL OF THE CONGRESS, AND REQUESTING SUCH APPROVAL.

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

SECTION 1. Section 4597 of the Revised Laws of Hawaii 1945 is hereby amended by substituting the word "four" for the word "eight" in the provision for yearly rental in the first numbered paragraph of said section.

SECTION 2. The Congress of the United States is respectfully requested to approve the amendment contained in section 1 of this Act.

SECTION 3. Certified copies of this Joint Resolution shall be forwarded to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress, the Secretary of the Interior, and the Delegate to the Congress from Hawaii.

SECTION 4. Sections 2, 3 and 4 of this Joint Resolution shall take effect on its approval by the governor and section 1 shall take effect either upon its approval by the Congress, or upon the restoration to Hawaii, whether as a territory or a state, of such power, control and disposition of the public lands as would render unnecessary the approval of Congress to section 1 hereof.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

C-16

___ B. NO. ___

AN ACT

AMENDING ACT 274 OF THE SESSION LAWS OF HAWAII 1949, BY INCREASING THE ANNUAL APPROPRIATION FOR THE ACQUISITION OF LAND AND EASEMENTS FOR THE CONSERVATION, DEVELOPMENT AND PROTECTION OF WATER RESOURCES.

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

SECTION 1. Act 274 of the Session Laws of Hawaii 1949 hereby is amended by substituting for the words and figures "fifty thousand dollars ($50,000.00) in the sixth line of section 4 thereof, the words and figures "one hundred and fifty thousand dollars ($150,000.00)".

SECTION 2. This Act shall take effect upon July 1, 1957.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

C-17

_____ B. NO. _____

AN ACT

RELATING TO NOXIOUS WEED CONTROL AND ERADICATION AND AMENDING CHAPTER 21 OF THE REVISED LAWS OF HAWAII 1945 BY ADDING A NEW SUBTITLE AND FOUR SECTIONS, NUMBERED 1376.01 TO 1376.04, BOTH INCLUSIVE.

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

SECTION 1. Chapter 21 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto a new subtitle and the new sections as follows:

"Noxious Weed Control and Eradication.

"Sec. 1376.01. Findings and declaration of policy. The legislature of the Territory of Hawaii hereby finds and declares that the farms and grazing lands of the Territory are basic assets; that portions of these lands are infested with some one or more plant species which are considered noxious weeds; that such infestations of noxious weeds are likely to increase and spread to new localities and islands unless controlled; that certain species of noxious weeds present on certain islands are not present or comprise relatively small infestations on other islands, that the spread of infestations of noxious weeds has an injurious and harmful effect upon the agricultural, horticultural and livestock industries of the Territory; that the control and eradication of noxious weeds is hereby declared to be affected with a public interest. It is declared to be the policy of the Territory to control and eradicate noxious weeds when discovered on islands other than those on which they are now present, or

on which they comprise relatively small infestations, when such control and eradication has been determined to be practicable and feasible in accordance with the provisions of this Act.

"Sec. 1376.02. Definitions. For the purpose of this Act, unless a different construction shall be required by the context:

'Board' means the board of commissioners of agriculture and forestry.

'Director' means the director of the division of entomology and marketing.

'Noxious weed' means any plant species which is, or may be likely to be injurious, harmful or deleterious to the agricultural, horticultural and livestock industries of the Territory, as determined and so designated by the board from time to time, by rules and regulations as hereinafter provided.

'Landowner' means the possessor of a fee simple absolute title and includes the Territory of Hawaii as well as its political subdivisions in their capacities as owners of public lands.

'Person' means any individual, firm, corporation, association or partnership.

'Reasonably free' shall mean having relatively small infestations.

'Island' means any island of the Territory of Hawaii.

'Landowner' means the person or persons shown by the most recent tax maps of the district to be the owner or owners of the land in question.

"Sec. 1376.03. Rules and regulations. The board shall have all powers necessary to carry out and to effectuate the purposes of this Act, by rules and regulations including but not limited to the following:

(a) to designate which plant species are to be considered noxious weeds under this Act.

(b) to designate certain islands as being reasonably free of specified species of noxious weeds.

(c) to prevent the transportation of noxious weeds or parts thereof to those islands declared reasonably free from such noxious weeds.

(d) to make all necessary rules and regulations reasonably necessary to control and eradicate noxious weeds when infestations appear on islands designated as being reasonably free of such specified noxious weeds.

All such rules and regulations made as aforesaid shall comply with the requirements of section 466, Revised Laws of Hawaii 1945, and other general laws concerning the making of rules and regulations having the force of law. When made, all such rules and regulations shall have the force and effect of law.

"Sec. 1376.04. Duties of the board; noxious weed control and eradication. (a) It shall be the duty of the board through its division of entomology and marketing to maintain a constant vigilance for incipient infestations of specific noxious weeds on islands declared reasonably free from such weeds as provided herein, and to use such procedures and methods to control and eradicate such infestations of noxious weeds as are determined to be feasible and practicable, as provided herein.

(b) When the board determines that an infestation of a certain noxious weed exists on an island declared reasonably free from said weed, the board through its division of entomology and marketing, shall immediately conduct such investigations and surveys as are necessary to determine the feasibility and practicability of control and eradication adopted by the board for any noxious weed infestation shall cause as little damage to crops and property as possible.

(c) Upon determining that control and eradication of such an infestation is practicable and feasible, the board shall immediately serve notice in writing on both the landowner of the property as such appears on the most recent tax maps of the district and the occupant of the property on which said infestations exist. Written notice sent to the landowner's address last known by reasonable investigation to the board by registered mail, postage prepaid, return receipt requested, shall be deemed written notice. Said notice shall set forth in brief the pertinent information with respect to such infestation and notify the landowner and the land occupant of the procedure and methods of control and eradication it proposes to take.

(d) TTo take such measures as it determines reasonably necessary to control and eradicate said incipient infestations

(e) The expenses and costs involved in such control and eradication shall be paid for by the board from the weed control fund hereinafter established.

SECTION 2. Appropriation for noxious weed control fund of board. There is hereby appropriated from the general revenues of the Territory not otherwise appropriated, the sum of $25,000 which shall constitute a special fund in the treasury to be known as the noxious weed control fund. The moneys in said fund shall be expended for the purposes of this subtitle including the expenses and costs authorized by section 1376.04, upon vouchers approved by the president of the board, or gy such representative as the president may authorize in writing. The board shall hereafter include a biennial estimate for the noxious weed control fund when submitting biennial budgetary estimates.

SECTION 3. This Act shall take effect July 1, 1957.

C-18 ____ B. NO. _____

AN ACT

RELATING TO THE TERRITORIAL COMMISSION ON HISTORICAL SITES AND THE PRESERVATION OF HISTORICAL SITES AND AMENDING SECTIONS 12942 AND 12943, REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Section 12942, Revised Laws of Hawaii 1945, is amended by substituting for the words "executive secretary of the Hawaii Visitors' Bureau", in the perultimate line thereof, the words "territorial archivist".

SECTION 2. Section 12943 of said Revised Laws is amended by substituting for the third sentence thereof the following:

"No public construction or improvement of any nature whatsoever shall be undertaken by any public agency, without first examining the current tax map of the area to be affected to determine whether any historical site is marked in such map of such area, and, if it be so marked, the commission shall be advised of the proposed construction or improvement and such construction or improvement shall not be undertaken or prosecuted without the concurrence of the commission or, as hereinafter provided, with the written approval of the governor."

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

C-19 _____ B. NO. _____

AN ACT

PROHIBITING THE KEEPING AND BREEDING OF RABBITS AND BELGIAN HARES EXCEPT UNDER RULES AND REGULATIONS OF THE BOARD OF COMMISSIONERS OF AGRICULTURE AND FORESTRY, AUTHORIZING THE BOARD OF COMMISSIONERS OF AGRICULTURE AND FORESTRY TO PROMULGATE RULES AND REGULATIONS IN RESPECT THEREOF, AND PROVIDING PENALTIES.

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

SECTION 1. The board of commissioners of agriculture and forestry is hereby authorized to promulgate rules and regulations, under which rabbits and belgian hares may be kept and bred.

SECTION 2. The keeping and breeding of rabbits and belgian hares is prohibited except in compliance with the rules and regulations of the board of commissioners of agriculture and forestry.

SECTION 3. Any person who shall violate the provisions of this Act shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than _____ dollars ($_____) or by imprisonment for not more than _____months, or by both such fine and imprisonment.

SECTION 4. This Act shall take effect upon its approval, except for sections 2 and 3 which shall take effect upon the effective date of any rule or regulation promulgated by the board of commissioners of agriculture and forestry relating to the keeping and breeding of rabbits and belgian hares.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

C-20

___ B. NO. ___

AN ACT

RELATING TO THE SALE OF SURPLUS FOODSTUFFS PRODUCED BY TAX SUPPORTED INSTITUTIONS OR AGENCIES.

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

SECTION 1. "Institution" or "agency" as used herein means an institution or agency supported in whole or in part from the proceeds of taxes; "foodstuffs" includes both animal and vegetable products.

SECTION 2. No sales or exchanges by tax supported institutions or agencies of foodstuffs produced by them shall be made except as follows:

a. To staff members, for the personal use of such members, of the producing institution or agency.

b. To other institutions or agencies.

c. To, or through by consignment, established wholesale dealers or cooperatives.

d. As an exception, in isolated areas where there are no established wholesale dealers or cooperatives, to retail dealers.

SECTION 3. The production of foodstuffs by any institution or agency shall be limited as closely as reasonably foreseeable to the actual needs of the institution or agency, or, when such production is used for agricultural training programs or research, to the area and amount and to the time necessary and desirable for such training program or research.

SECTION 4. Proceeds of sales made in accordance with section 2 hereof shall be available and hereby are appropriated to defray the cost of operation of the producing area, and the production of the foodstuffs, including, without restricting by use of examples, the purchase of seed, fertilizer, livestock feed, farm machinery and payment of wages to resident workers in the agency or institution for work in the production of such foodstuffs.

SECTION 5. If any agency or institution not under government management and control shall make sales, in violation of the provisions herein contained, of foodstuffs produced by it, support from the public funds shall be withdrawn forthwith.

SECTION 6. This act shall take effect upon its approval.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

C-21 ___ B. NO. ____

AN ACT

MAKING AN APPROPRIATION FOR THE HAWAII IRRIGATION AUTHORITY REVOLVING FUND.

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

SECTION 1. The sum of two hundred and fifty thousand dollars ($250,000.00) is hereby appropriated from the general revenues of the Territory for the purposes of the Hawaii Irrigation Authority, such amount to be deposited in the Authority Revolving Fund created by Act 245, of the Session Laws of Hawaii 1953.

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

Gov. Msg. No. 14

February 20, 1957

The Honorable President
and Members of the Senate
29th Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sirs:

Attached herewith are the drafts of several measures which I submit for your consideration and appropriate action. They are concerned with the relationship between the Territory and County governments and to the organization of the City and County of Honolulu. They are designed to clarify the responsibilities of the respective counties and intended to transfer to the counties the financing of functions properly within the jurisdiction of the respective counties.

A major exception would be school lands and buildings. School sites and school buildings, their construction, care and maintenance, would be the sole responsibility of the Territory. Cost is part of that responsibility, so the Territory should bear it. However, this is a large cost item in any budget. Thus, if the Legislature should decide to allow school sites and school buildings to continue to be a county responsibility, then the counties should issue their own bonds therefor, instead of borrowing on the credit of the Territory for school construction as is done at the present time.

Each function has a price tag, and, if additional functions are transferred to the counties, additional revenues will be needed by the counties. An obvious source of additional revenue is the tax on real property. Thus, one suggestion is to raise the maximum amount of real property tax allowed each county by 25%. Another suggestion is to take off the ceiling; in this event, all phases of real property taxation; that is, appraisal, assessment and collection, would reside with the counties. A second possible source of additional revenue is a tax on the privilege of business activity. One suggestion would enable such taxation by the counties.

Home rule includes financial as well as political home rule. Accordingly, there are proposals that the counties do all of their own borrowing, both short term, and long term; that is, by issuance of bonds.

All of these measures have been discussed pro and con; and been under consideration, in some cases for several years. I feel that all of them should have your favorable consideration.

Sincerely,

Samuel Wilder King

SAMUEL WILDER KING
GOVERNOR OF HAWAII

HOME RULE AND COUNTY GOVERNMENT

B-1	Bill	An act relating to county taxes in respect of sales, services, and uses of tangible personal property.
B-2	Bill	An act authorizing and mandating the respective counties to sell their own general obligation bonds to finance county projects, amending sections 6041, 6043 and 6051, Revised Laws of Hawaii 1945, and repealing certain portions of Act 273, Session Laws of Hawaii 1955, with saving provisions.
B-3	Bill	An act relating to the power of counties to incur, authorize and contract liabilities and obligations in excess of moneys available during a fiscal year, and amending section 5812.01 (enacted by Act 342 of the Session Laws of Hawaii 1949), and Section 5812 of the Revised Laws of Hawaii 1945, and repealing Section 6238 of the Revised Laws of Hawaii 1945.
B-4	Bill	An act relating to the department of education (or public instruction), transferring functions, powers, duties, property and appropriations from the several counties to the Territory, repealing sections 1802, 1803 and 1804 of the Revised Laws of Hawaii 1945, and subsection (b) of Section 1, and Section 2 of Act 250, Session Laws of Hawaii 1951, and amending Section 5252 of the Revised Laws of Hawaii 1945, and making an appropriation.
B-5	Bill	An act relating to the medical care of the indigent, the medically indigent, medically indigent government pensioners, amending Act 129 of the Session Laws of Hawaii 1951 and repealing Section 634 of the Revised Laws of Hawaii 1945, and making an appropriation.
B-5-A	Bill	An act relating to hospitals and medical care and amending Sections 1 to 8 of Act 129, Session Laws of Hawaii 1951, and repealing Sections 9, 10, 11, 13, 14 and 16 of Act 129, Session Laws of Hawaii 1951.
B-6-A	Bill	An act to amend Sections 6381, 6457 and Chapter 125 of the Revised Laws of Hawaii 1945, as amended, relating to appropriations by the respective counties for the support of Puumaile and Hilo Memorial Hospitals, Samuel Mahelona Memorial Hospital and Kula Sanatorium.

B-6-B	Bill	An act transferring to the city and county of Honolulu the responsibility for financial aid to Leahi Hospital.
B-7	Bill	An act transferring to the respective counties the responsibility for financial aid to general hospitals.
B-8	Bill	An act to transfer the cost of operating and maintaining fireboats to the city and county of Honolulu.
B-15	Bill	An act to provide for the incorporation of cities, the election of charter commissions and the drafting of city charters.
B-16	Bill	An act relating to the city and county of Honolulu, and amending Sections 6505, 6506, 6519, 6591, 6637, 6639.01, 6641, 6643, 6644, 6528, 6563, 6508, 6572, 6573, 6521, 6527.01, 6596, 6605, 6611, 6618, 6631, 6816, 6766, 6769, 6620, 6542, 6544, 6546, 6555.01, 6004, 6008.01, 6008.02, 6009.01, 6016, 6019, 6072, 6074, 6076, 6113, 6121, 6124, 6125, 6131, 6517, 6586, 6137, 6147, 6152, 6158, 6163, 6164, 6166 and 6195.36, and enacting a new section in Chapter 127, of the Revised Laws of Hawaii 1945.
B-17	Bill	An act relating to the board of supervisors of the city and county of Honolulu, providing for the election of one supervisor from each of the ten representative districts on the island of Oahu, and amending Sections 6506 and 6528 of the Revised Laws of Hawaii 1945.
B-18	Bill	An act relating to the board of supervisors of the county of Maui and amending Section 6452 of the Revised Laws of Hawaii 1945.

B-1

____ B. NO. ____

AN ACT

RELATING TO COUNTY TAXES IN RESPECT OF SALES, SERVICES, AND USES OF TANGIBLE PERSONAL PROPERTY.

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

SECTION 1. Each county hereby is authorized to adopt and amend an ordinance or ordinances imposing in and for the county a tax on the sale of tangible personal property at retail, not exceeding 1% of the sales price; provided, further, that to the extent necessary to prevent tax avoidance by means such as rental agreements, or by a customer furnishing his own materials, or the like, the tax base may include services or other transactions which ordinarily would not be deemed sales of tangible personal property. Sales of food and drink for consumption on the premises shall be deemed sales of tangible personal property.

Nothing herein shall be deemed to authorize a tax on contracting or contractors subject to the provisions of subsection C of section 5455 of chapter 101, Revised Laws of Hawaii 1945, or upon the customers of such contractors or the proceeds of the contracts.

The incidence of the tax may be upon the seller or the purchaser, as provided by the ordinance, and the tax may be required to be collected from the purchaser by the seller or passed on to the purchaser by the seller.

SECTION 2. The jurisdiction to levy the tax authorized by this Act (other than the compensating use tax provided for by section 3) shall be in the county where title or possession passes to the purchaser, whichever last occurs in the Territory, but nothing herein shall be deemed to require that both shall occur in the Territory. No county shall tax personal property sold in one county for use in another county.

SECTION 3. The ordinance of the county may impose a compensating use tax, but in that event shall exempt from the use tax any tangible personal property which has been subjected to a retail sales tax or a compensating use tax of another county.

SECTION 4. Any such ordinance shall exempt or exclude, as the case may be:

(a) All sales to or purchases by the Territory of Hawaii or the United States, or an agency or instrumentality of either that is wholly owned or otherwise so constituted as to be immune from the levy of a tax not expressly authorized;

(b) All sales to or purchases by public utilities and insurance companies subject to the taxes imposed by chapters 106 and 161, Revised Laws of Hawaii 1945.

SECTION 5. The ordinance shall provide for the assessment and collection of the taxes thereby imposed, by county officers and their subordinates. In providing for the collection of taxes the ordinance may impose a lien, but the same shall not be superior to any lien of the Territory, whether antecedent or subsequent.

SECTION 6. The ordinance may provide for redetermination or review of the applicability, amount or rate of any tax by an administrative tribunal of the county (which may be constituted by the ordinance), or by an administrative tribunal or court of the Territory upon payment of the costs provided by law in like cases arising under the laws of the Territory, but shall not provide for an appeal to the Supreme Court unless the case previously has been heard by the Tax Appeal Court or a circuit court of the Territory.

SECTION 7. Nothing herein shall be deemed to preclude the Territory from imposing taxes upon the same subject

matter as the counties, and all such territorial taxes, present or future, shall be deemed additional to the county taxes.

SECTION 8. No ordinance authorized by this Act shall take effect before July 1, 1957.

SECTION 9. This Act shall take effect on its approval.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

___ B. NO. _____

AN ACT

AUTHORIZING AND MANDATING THE RESPECTIVE COUNTIES TO SELL THEIR OWN GENERAL OBLIGATION BONDS TO FINANCE COUNTY PROJECTS, AMENDING SECTIONS 6041, 6043 AND 6051, REVISED LAWS OF HAWAII 1945, AND REPEALING CERTAIN PORTIONS OF ACT 273, SESSION LAWS OF HAWAII 1955, WITH SAVING PROVISIONS.

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

SECTION 1. The second paragraph of Section 6041, Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"No such bonds shall be issued, excepting in conformity with this chapter, nor until approved by the president. Such approval on the part of the president shall be conclusive proof that all requirements of law have been duly complied with, and that the bonds are in all respects valid and incontestable."

SECTION 2. Section 6043, Revised Laws of Hawaii 1945 is hereby amended by deleting from the first and second lines thereof the following words and punctuation:

"Except when otherwise specially authorized by the legislature,".

SECTION 3. Section 6051, Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"The proceeds of the bonds so issued shall be exclusively devoted to the purposes for which the same are issued, as expressed in the proclamation calling the election. Any unexpended balances shall be transferred to the credit of the sinking fund for any bonds so issued."

SECTION 4. Except to the extent that bonds have been issued for, or moneys received by the treasurer of the Territory for or on account of loan funds have been committed by the treasurer to, a specific county project, sections 2, 5 and 6 of Act 273, Session Laws of Hawaii 1955 are hereby repealed.

SECTION 5. From and after the effective date of this Act, the respective counties are hereby mandated to sell their own bonds in accordance with Chapter 117, Revised Laws of Hawaii 1945, to finance county projects.

SECTION 6. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

B-3 ____ B. NO. ____

AN ACT

RELATING TO THE POWER OF COUNTIES TO INCUR, AUTHORIZE AND CONTRACT LIABILITIES AND OBLIGATIONS IN EXCESS OF MONEYS AVAILABLE DURING A FISCAL YEAR, AND AMENDING SECTION 5812.01 (ENACTED BY ACT 342 OF THE SESSION LAWS OF HAWAII 1949), AND SECTION 5812 OF THE REVISED LAWS OF HAWAII 1945, AND REPEALING SECTION 6238 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Section 5812 of the Revised Laws of Hawaii 1945 is hereby amended by amending the second paragraph thereof to read as follows:

"When there are moneys in the general or special funds of the Territory which in the treasurer's judgment are in excess of the amounts necessary for the immediate requirements of such funds, the treasurer is authorized to make temporary transfers of the same to the loan fund for the temporary uses thereof. The total of such transfers to the loan fund shall not exceed the sum of unissued general obligation bonds of the Territory as authorized by the legislature. The general or special funds shall be reimbursed from the proceeds of bond sales upon the eventual issuance and sale of such bonds."

SECTION 2. Section 5812.01 of the Revised Laws of Hawaii 1945, being section 2 of Act 342 of the Session Laws of Hawaii 1949, is hereby amended to read as follows:

"Sec. 5812.01. Power of counties to incur excess liabilities. The board of supervisors of any county is authorized and empowered to borrow money from any source and to incur, authorize and contract, during any fiscal year, liabilities and obligations for any and all purposes in excess of the moneys available for such purposes for such county during the fiscal year in which such liabilities and obligations are incurred, authorized or contracted.

The total of moneys borrowed and of liabilities and obligations incurred, authorized and contracted during any fiscal year in excess of the moneys available to such county during such year shall not exceed one hundred thousand dollars ($100,000.00) for any of the counties of Hawaii, Maui or Kauai, and two hundred and fifty thousand dollars ($250,000.00) for the city and county of Honolulu.

The moneys borrowed and the liabilities and obligations incurred, authorized or contracted shall be paid and discharged by the county concerned from the moneys received and available in the fiscal year next following the year when the moneys were borrowed or the liabilities and obligations were incurred, authorized or contracted."

SECTION 3. Section 6238 of the Revised Laws of Hawaii 1945 is hereby repealed.

SECTION 4. This Act shall take effect as to sections 1, 3 and 4 upon its approval and also as to section 2 unless approval of section 2 by the Congress is necessary and in the event said section 2 shall take effect upon its approval by the Congress, or upon the enactment by the Congress of legislation which would enable the legislature to enact such legislation without the approval of the Congress in the future.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

B-4

____B. NO. ____

AN ACT

RELATING TO THE DEPARTMENT OF EDUCATION (OR PUBLIC INSTRUCTION), TRANSFERRING FUNCTIONS, POWERS, DUTIES, PROPERTY AND APPROPRIATIONS FROM THE SEVERAL COUNTIES TO THE TERRITORY, REPEALING SECTIONS 1802, 1803 AND 1804 OF THE REVISED LAWS OF HAWAII 1945, AND SUBSECTION (b) OF SECTION 1, AND SECTION 2 OF ACT 250, SESSION LAWS OF HAWAII 1951, AND AMENDING SECTION 5252 OF THE REVISED LAWS OF HAWAII 1945, AND MAKING AN APPROPRIATION.

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

SECTION 1. The functions, powers, (including the power to complete any unfinished business) and duties and the property, records, and all unexpended appropriations heretofore vested in, enjoyed by, or imposed upon the several counties in respect of the public schools, the land, buildings, equipment, and facilities for school children (excluding their transportation) hereby are transferred from the several counties to the territory.

SECTION 2. Any other law to the contrary notwithstanding the superintendent of public works shall have custody of all public school buildings, land dedicated to the use of public schools, and other school facilities of a permanent or semi-permanent nature. He shall have and be charged with jurisdiction of the acquisition of land for public schools, the construction, maintenance and repair of all buildings with their necessary equipment, and other school facilities of a permanent or semi-permanent nature. All other school equipment shall be in the custody of the board of education (or the commissioners of public instruction) who shall be responsible for its maintenance and repair. The superintendent of public works shall cooperate with and seek the advice of the department of education (or public instruction) in the discharge of his duties hereunder.

SECTION 3. Sections 1802, 1803 and 1804 of the Revised Laws of Hawaii 1945, are hereby repealed.

SECTION 4. Section 5252 of said Revised Laws is amended (a) by deleting item number (3) from the budget and renumbering the subsequent items, whenever they appear in the statutes, to conform, (b) by deleting the paragraph in said section 5252 headed "School Funds.", and (c) by repealing the amendment to said section made by Act 250, Session Laws of Hawaii 1951.

SECTION 5. Section 5254 of said Revised Laws is amended (a) by amending the numbered items therein to conform to the deletion of item (3) in the budget and renumbering of subsequent items and by repealing the proviso enacted by the amendment to said section made by Act 250, Session Laws of Hawaii 1951.

SECTION 6. The sum of $_____ is appropriated from the general revenues of the territory for the purposes of this act. Said sum shall be expended upon warrants drawn by the auditor (or comptroller) based on vouchers signed by the superintendent of public works.

SECTION 7. This Act shall take effect on January 1, 1958.

INTRODUCED BY:

Date:_____

Honolulu, Hawaii

~~D-1~~
B-5

_____B. NO. _____

AN ACT

RELATING TO THE MEDICAL CARE OF THE INDIGENT, THE MEDICALLY INDIGENT, MEDICALLY INDIGENT GOVERNMENT PENSIONERS, AMENDING ACT 129 OF THE SESSION LAWS OF HAWAII 1951 AND REPEALING SECTION 634 OF THE REVISED LAWS OF HAWAII 1945, AND MAKING AN APPROPRIATION.

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

SECTION 1. Act 129 of the Session Laws of Hawaii 1951 is hereby amended in the following particulars:

(1) By amending sections 1 and 3 to read as follows:

"Sec. 1. Definitions. Wherever in this chapter the following words and equivalent expressions occur, they shall have the following meanings respectively:

a. 'Board' means the board of health of the Territory of Hawaii;

b. 'Commission' means the territorial advisory commission for hospitals and medical care;

c. 'Indigent' means a person without adequate and proper means of subsistence for the support of whom the department of public welfare is liable or responsible;

d. 'Medically indigent' means a person otherwise able to subsist himself or herself, but who in the emergency of sickness is not able to care for the extra expenses necessary to maintain or restore health;

e. 'Medical care' means all kinds of medical care; dental care and maternity care, including surgical and medical care, physical rehabilitation, eye care (which includes optical appliances), materials, supplies and all other appliances used in the care, treatment and rehabilitation of patients and hospitalization.

"Sec. 3. Territorial advisory commission for hospitals and medical care. There is hereby created a territorial advisory commission for hospitals and medical care to consist of ten members who shall be appointed by the governor in the manner provided by section 80 of the Organic Act, and an eleventh member who shall be the person then holding the position of director of public welfare of the Territory.

The majority of the membership of the commission shall consist of doctors of medicine, hospital administrators and representatives from allied professions. There shall be at least one representative of a non-governmental organization or territorial agency concerned with physical rehabilitation. At least four of the total membership of eleven members of the commission shall be doctors of medicine licensed to practice in the Territory of Hawaii. Each of the counties, except the county of Kalawao, shall be represented upon said commission by the appointment of a member who is a resident of such county.

The term of office of the appointive members of the commission shall be four (4) years from and after the date of their respective appointments. Any person appointed to fill a vacancy on said commission occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term."

(2) By deleting section 4 thereof.

(3) By amending sections 5, 6, 8, 9, and 11 thereof to read as follows:

"Sec. 5. Division of hospitals and medical care; powers and duties. The division of hospitals and medical care in the department of health shall perform all of the duties heretofore performed by such other bureaus or officers or em-

ployees within the board of health, who have had charge of the administration of rules and regulations for the operation and maintenance of hospitals in the Territory. The division shall be charged with all responsibility, under the board, for the administration of the program for medical care of the indigent and the medically indigent in the Territory. The division of hospitals and medical care shall include among its functions and duties the supervision of government physicians in the Territory.

The division of hospitals and medical care shall determine what persons are medically indigent, and shall be entitled to call upon and receive aid and assistance in such determination from the department of public welfare. All persons so determined to be medically indigent shall be eligible for all types of medical care.

"Sec. 6. Advisory commission for hospitals and medical care; powers and duties. The commission shall study conditions and the program and the procedure existing in the Territory for medical care of the indigent and medically indigent. The commission shall study and consider problems relating to hospital construction in the Territory, hospital subsidies, inspections and licensing of hospitals and such medical facilities as may be covered by the rules or regulations of the board. The commission shall act as advisors to the board of health in regard to all matters concerning hospitals and medical facilities and the medical care of the indigent and the medically indigent.

"Sec. 8. Personnel. Subject to the provisions of chapters 2 and 3, Revised Laws of Hawaii 1945, the board of health, within the limit of available appropriations, shall emply for services with the division of hospitals and medical

care, qualified personnel in each of the counties to aid in the determination of who are medically indigent persons. Provided, the personnel initially so employed shall be selected without examination from those employed for such purpose by the boards of supervisors of the several counties at the time of passage of this act, and such persons shall be transferred to the division of hospitals and medical care without loss of pay (including increment and longevity accumulations), vacation or sick leave credits, and with the same employment status whether contractual, temporary, probationary, provisional or regular. If upon transfer the position of any such person is assigned to a lower salary range than his position was assigned to by the county, he shall continue to receive compensation at the same salary range and step and shall continue to earn all increment and longevity step increases as provided by law at the same salary range to which his position was assigned by the county so long as he shall remain in said position or until such time as his position shall be reclassified or otherwise be upgraded to a salary range and step in excess of his compensation at that time.

"Sec. 9. Costs of medical care of indigent and medically indigent. The costs of medical care for the indigent and medically indigent persons in the Territory of Hawaii shall be paid by the Territory, to the extent of any appropriation therefor upon vouchers approved by the appropriate officer of the board of health.

"Sec. 11. Board to make rules and regulations. The board of health shall make and publish rules and regulations to carry into effect and administer the provisions of this act. In the event of insufficient appropriation to carry out the provisions of the act, the board may adopt rules to govern priority of cases."

SECTION 2. Section 634 of the Revised Laws of Hawaii 1945 is hereby repealed and medically indigent government pensioners shall fall within the provisions of this act.

SECTION 3. Notwithstanding the amendment of Section 3 of Act 129, Session Laws of Hawaii 1951, the present members of the territorial advisory commission for hospitals and medical care shall continue in office until the expiration of their respective terms, unless vacancies in their respective offices occur sooner by reason of resignation, death or other cause.

SECTION 4. There is appropriated to the board of health from the general revenues of the territory for the administration of the medical care program provided by this act the sum of $232,516.00 for the biennium. Said sum shall be expended on warrants issued by the territorial auditor (or comptroller) based upon vouchers signed by the president of said board or his duly authorized subordinate.

SECTION 5. All other laws to the contrary or inconsistent herewith are hereby repealed or amended to conform hereto.

SECTION 6. This Act shall take effect on July 1, 1957.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

B-5-A

_____ B. NO. _____

AN ACT

RELATING TO HOSPITALS AND MEDICAL CARE AND AMENDING SECTIONS 1 TO 8 OF ACT 129, SESSION LAWS OF HAWAII 1951, AND REPEALING SECTIONS 9, 10, 11, 13, 14 AND 16 OF ACT 129, SESSION LAWS OF HAWAII 1951.

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

SECTION 1. Sections 9, 10, 11, 13, 14 and 16 of Act 129, Session Laws of Hawaii 1951 are hereby repealed.

SECTION 2. Sections 1 to 8 of Act 129, Session Laws of Hawaii 1951 are hereby amended to read as follows:

"Sec. 1. Definitions. Wherever in this chapter the following words and equivalent expressions occur, they shall have the following meanings respectively:

a. 'Board' means the board of supervisors of each respective county.

b. 'Commission' means the county advisory commission for hospitals and medical care;

c. 'Indigent' means a person without adequate and proper means of subsistence for the support of whom the department of public welfare is liable or responsible;

d. 'Medically indigent' means a person otherwise able to subsist himself or herself, but who in the emergency of sickness is not able to care for the extra expense necessary to maintain or restore health;

e. 'Medical care' means all kinds of medical care; dental care and maternity care, including surgical and medical care, physical rehabilitation, eye care (which includes optical appliances), materials, supplies and all other appliances used in the care, treatment and rehabilitation of patients and hospitalization.

Sec. 2. Division of hospitals and medical care, establishment. There shall be in and under the health department of each of the counties a division of hospital and medical care.

Sec. 3. County advisory commission for hospital and medical care. Each county commission shall be composed of nine members. A majority of the membership shall consist of doctors of medicine, hospital administrators, and

representatives of allied professions. The chairman and members of the commission shall be appointed by the mayor of the city and county of Honolulu and in each of the other counties by the chairman of the board.

The term of office of the members of the commission shall be two years from and after the date of their respective appointments; provided, however, upon the first four appointments their term of office shall terminate one year from the date of their appointments and the appointment of the other five members shall terminate two years from the date of their appointments. Any vacancy occurring on the commission shall be filled by appointment. The person appointed to fill such vacancy shall serve only for the unexpired term of the person whom he succeeds.

Sec. 4. Powers and duties. The commission shall study conditions and the program and procedure existing in the Territory for medical care of the indigent and medically indigent, and shall study and consider problems relating to hospital construction in the Territory, hospital subsidies, inspections of hospitals and medical care of the indigent and medically indigent.

Sec. 5. Medical care of indigent persons. All persons classed as indigents and receiving assistance from the department of public welfare shall be eligible for all types of medical care. The department of public welfare shall maintain current eligible lists of such persons.

Sec. 6. Division of hospitals and medical care. The determination of persons as medically indigent shall be the responsibility of the division of hospital and medical care. Each of the county health department shall employ qualified personnel to aid in the determination of who are medically indigent persons, and may receive assistance and advice concerning such determination from the department of public welfare.

Sec. 7. Costs of medical care of indigent and medically indigent. The costs of medical care for indigent and medically indigent persons including hospital charges shall be paid by the respective boards to the respective hospitals, without respect to whether such hospitals are privately or publicly owned or operated; payments to hospitals under this paragraph are to be based on a flexible cost formula to be established by the commission.

Sec. 8. Rules and regulations. The commission of the respective counties shall make and publish rules and regulations to carry into effect and administer the provisions of this chapter."

SECTION 3. Sections 12 and 15 of said Act 129 are renumbered to read sections 9 and 10 respectively.

SECTION 4. This Act shall take effect upon its

INTRODUCED BY:

Date _____

Honolulu, Hawaii

B-6-A

_____B. NO. _____

AN ACT

TO AMEND SECTIONS 6381, 6457 AND CHAPTER 125 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO APPROPRIATIONS BY THE RESPECTIVE COUNTIES FOR THE SUPPORT OF PUUMAILE AND HILO MEMORAIL HOSPITALS, SAMUEL MAHELONA MEMORIAL HOSPITAL AND KULA SANATORIUM.

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

SECTION 1. Section 6381 of the Revised Laws of Hawaii 1945, as amended by Act 29, Session Laws of Hawaii 1951, is hereby further amended by adding a new section to read as follows:

"Sec. 6381.04. Appropriations. All expenses for the operation and maintenance, including salaries of the officers and employees of Puumaile and Hilo Memorial Hospitals, shall be borne by the County of Hawaii."

SECTION 2. Chapter 125 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding a new section to read as follows:

"Sec. 6417. Appropriation. All expenses for the operation and maintenance, including salaries of the officers and employees of Samuel Mahelona Memorial Hospital, shall be borne by the County of Kauai."

SECTION 3. Section 6457 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended to read as follows:

"Kula Sanatorium; appropriation. All expenses for the operation and maintenance, including salaries of the officers and employees of Kula Sanatorium, shall be borne by the County of Maui."

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____
Honolulu, Hawaii

B-6-B

____ B. NO. ____

AN ACT

TRANSFERRING TO THE CITY AND COUNTY OF HONOLULU THE RESPONSIBILITY FOR FINANCIAL AID TO LEAHI HOSPITAL

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

SECTION 1. From and after the date of this act the City and County of Honolulu shall be responsible for all financial aid for the operation and maintenance of Leahi Hospital.

SECTION 2. All appropriations of the territorial legislature heretofore made out of the general fund or the loan fund for financial aid for the operation and maintenance of Leahi Hospital, which have not been expended are hereby repealed.

SECTION 3. All laws in conflict herewith are repealed or amended to conform herewith as necessary.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

DATE_____

Honolulu, Hawaii

B-7

_____B. NO. _____

AN ACT

TRANSFERRING TO THE RESPECTIVE COUNTIES THE RESPONSIBILITY FOR FINANCIAL AID TO GENERAL HOSPITALS

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

SECTION 1. From and after the date of this act the counties of Kauai, Maui and Hawaii and the City and County of Honolulu shall be responsible for all financial aid for the operation and maintenance of general hospitals situated within the respective counties or the City and County of Honolulu.

SECTION 2. All appropriations of the territorial legislature heretofore made out of the general fund or the loan fund for financial aid for the operation and maintenance of general hospitals, which have not been expended are hereby repealed.

SECTION 3. All laws in conflict herewith are repealed or amended to conform herewith as necessary.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

B-8

_____B. NO. ____

AN ACT

TO TRANSFER THE COST OF OPERATING AND MAINTAINING FIREBOATS TO THE CITY AND COUNTY OF HONOLULU

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

SECTION 1. Section 2 of Act 175, Session Laws of Hawaii 1951, is hereby amended by adding the following sentence to the end of the paragraph thereof, to read as follows: "The cost of operating and maintaining said fireboat shall be borne by the City and County of Honolulu."

SECTION 2. Section 3 of said Act 175 is hereby repealed.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

Date:_____

Honolulu, Hawaii

B-15

_____B. NO. _____

AN ACT

TO PROVIDE FOR THE INCORPORATION OF CITIES, THE ELECTION OF CHARTER COMMISSIONS AND THE DRAFTING OF CITY CHARTERS.

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

SECTION 1. (a) Any contiguous geographical area hving more than 3,500 inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States, may incorporate as a municipality under the terms of this Act.

(b) Incorporation proceedings shall provide for: election of a charter commission composed of fifteen (15) persons who are property or general excise taxpayers and who are residents of the community; the drafting of a charter by such committee; submission of such charter to the voters of the area proposed for incorporation; and amendment of charters adopted pursuant to this act.

SECTION 2. Election of charter commission. (a) An election for the purpose of choosing a charter commission shall be called by the Secretary of Hawaii upon receipt of a petition signed by at least fifteen (15) per cent of the number of qualified voters living within the area defined for incorporation. An unambiguous description of the area proposed for incorporation shall be part of such petition.

(b) Upon verification of the petition, in the usual manner provided for in the nomination of persons to public office, the Secretary of Hawaii shall direct that an election be held within the area described in the petition.

(c) In the election to be held under this act the voters shall be asked first to vote on the question: "Shall a Charter Commission be elected to Frame a Charter for the City of (here describe area by its common designation)." The second proposition offered the voters shall be a slate of candidates for the charter commission. If a majority of the votes cast in favor of the first proposition, the fifteen (15) candidates for the office of charter commissioner receiving the greatest number of votes will forthwith organize to draft a charter. Candidates for the office of charter commissioner shall be nominated in the same manner as other candidates for public office under existing territorial statutes. The person receiving the highest number of votes shall be designated as chairman. If the first proposition receives less than a majority of votes cast, no charter commission shall be deemed to have been elected.

SECTION 3. Municipal powers. (a) The charter commission shall have the authority to prepare a charter which permits the legislative body of the city to make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions of this act and the Organic Act of the Territory of Hawaii. With respect to other matters the general laws of the territory will control. To the extent that general laws affecting county and city and county governments are inconsistent with this act they are hereby amended to apply only to those county areas not within the limits of a city incorporated pursuant to this act.

(b) Incorporated cities may provide for the performance of municipal functions under contract with any other private or public agency.

(c) City charters may not provide for the jurisdiction over the following:

1. School maintenance and construction;

2. Maintenance of regional park and recreational facilities;

3. Magistrate courts.

(d) All property taxes levied and collected within an incorporated city, by whatever agency, shall be paid into the city treasury and shall serve as the basic source of municipal revenue. The county may not levy property taxes or license taxes within an incorporated city. The city shall be paid its proportionate share of all fuel, public utilities franchise and vehicle weight taxes as determined by its relative share of the federal census. The city government may, if its charter so provides, establish other taxes and fees not inconsistent with territorial law.

SECTION 4. Preparation of charter. (a) The charter commission shall meet within thirty (3) days after the result of a charter election is declared and shall, within 180 days from the date of such initial meeting, prepare and propose a charter. The charter shall be signed by a majority of members and submitted to the Secretary of Hawaii for publication.

(b) Within fifteen (15) days of preparation of such charter the Secretary of Hawaii shall cause a summary of such charter to be published in a newspaper of general circulation in the county where the municipal incorporation is proposed. A complete copy of such charter shall also be mailed to each qualified voter affected by the proposed incorporation.

SECTION 5. Election on the charter. (a) The proposed charter shall be submitted to the voters at a special or general election held not less than sixty (60) days from the completion of publication required by section 4(b) of this act. The Secretary of Hawaii shall direct and make arrangements for the holding of such election.

(b) If a majority of the qualified voters voting on the charter shall vote in favor of such charter, it shall be deemed to have been ratified and shall become the organic law of the municipality and will supersede any county ordinance of other county enactment inconsistent therewith. The Secretary of Hawaii shall advise the county clerk and the board of supervisors of the results of such election and shall file a certified copy of the charter with the charter commission and the territorial archives. The courts shall take judicial notice of the provisions of such charter.

(c) Failure of a charter to receive a majority vote shall invalidate all previous proceedings and the charter commission shall be dissolved.

SECTION 6. Installation of the new government. (a) The members of the charter commission shall become the first city council in any municipal corporation formed pursuant to this act. The commission will hold office until the new members of the city council are elected and qualified for such terms and in such numbers as provided by the charter at the next general election.

(b) The chairman of the charter commission shall serve as chief executive of the city, and shall exercise such powers as the chief executive may have under the new charter, until such time as a chief executive is duly elected.

SECTION 7. Amendment of the charter. (a) The charter of cities created under this act shall be subject to amendment by proposals submitted by the city council, upon a majority vote of its members, or by petition of fifteen (15) per cent of the qualified voters in the city, or both.

(b) Such petitions for amendment to the charter shall be submitted to the Secretary of Hawaii not less than sixty (60) days prior to the next general election to qualify for a place on the ballot. Amendments to the charter shall be advertised in the same manner as provided for adoption of the original charter.

(c) Proposals for amendment shall be submitted to the voters at the next general election and if a majority of the qualified voters voting on such amendment vote in favor of such amendment it shall be deemed ratified and certification will be made to the Secretary of Hawaii and to the county clerk, or city and county clerk of the county.

(d) If conflicting or alternate propositions are submitted at the same time, or if one proposition is included within the other, if more than one receives a majority of the votes cast the proposition receiving the greatest number of votes shall control as to all matters in conflict.

SECTION 8. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

___ B. NO. ___

AN ACT

RELATING TO THE CITY AND COUNTY OF HONOLULU, AND AMENDING SECTIONS 6505, 6506, 6519, 6591, 6637, 6639.01, 6641, 6643, 6644, 6528, 6563, 6508, 6572, 6573, 6521, 6527.01, 6596, 6605, 6611, 6618, 6631, 6816, 6766, 6769, 6620, 6542, 6544, 6546, 6555.01, 6004, 6008.01, 6008.02, 6009.01, 6016, 6019, 6072, 6074, 6076, 6113, 6121, 6124, 6125, 6131, 6517, 6586, 6137, 6146, 6147, 6152, 6158, 6163, 6164, 6166 AND 6195.36, AND ENACTING A NEW SECTION IN CHAPTER 127, OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Where sections are referred to in this act, sections of the Revised Laws of Hawaii 1945 are meant, unless the reference is specifically or by necessary implication otherwise.

SECTION 2. Section 6505 is amended to read as follows:

"Sec. 6505. Board of supervisors, legislative power. The legislative power of the city and county shall be vested in a legislative body which shall be designated the board of supervisors, or the supervisors.

The powers of the board of supervisors shall be restricted to legislative functions and to action upon appointments or the removal of an officer, when so provided by statute, made by the mayor."

SECTION 3. Section 6506 is amended by substituting for the first full sentence the following:

"The board of supervisors shall consist of ten members."

SECTION 4. Wherever in statutes relating to the city and county of Honolulu, action is required by not less than five members of the board of supervisors, the word "seven" shall be substituted for the word "five". In conformity with such change but without limitation by reason of specification, the following specific amendments are made:

a. Section 6519 is amended by substituting for the word "five", in the twelfth and sixteenth lines the word "seven";

b. Section 6591 is amended by substituting for the word "five" in the fourteenth line, the word "seven";

c. Section 6637 is amended by substituting for the word "five", in the last line of the second paragraph and in the sixth line of the third paragraph thereof, the word "seven";

d. Section 6639.01 is amended by substituting for the word "five", in the last line of the second paragraph, the word "seven";

e. Section 6641 is amended by substituting for the word "five" in the fifteenth line, the word "seven";

f. Section 6643 is amended by substituting for the word "five" in the eighth line, the word "seven";

g. Section 6644 is amended by substituting for the word "five", in the seventh line of the second paragraph and in the penultimate line of the third paragraph, the word "seven".

SECTION 5. Section 6528 is amended to read as follows:

"Sec. 6528. Officers; elective, appointive. The elective officers of the city and county shall be a mayor, board of supervisors, sheriff, who shall be ex-officio coroner, city and county clerk, who shall be ex-officio clerk of the board of supervisors, auditor and a treasurer, all of whom, except the board of supervisors, shall be elected at large by the duly qualified electors of the city and county, and all of whom shall have their offices at the county seat. One member of the board of supervisors shall be elected from each of the ten representative districts in the city and county, eighth to seventeenth, so that each supervisor shall be elected by the voters of a single representative district. The appointive officers shall be a public prosecutor, city and county attorney, chief engineer of the department of public works, controller, and adminis-

trative secretary to the mayor, all of whom shall have their offices at the county seat, and such other officers as may from time to time be provided for by law.

All appointive officers shall be appointed, by and with the consent of the board of supervisors, and may be removed, except as hereinafter provided, by the mayor. The public prosecutor and the city and county attorney, or either of them, may be removed at any time by the attorney general with the approval of the governor for reasons which appear to be sufficient in their discretion, and no person so removed by the attorney general shall be reappointed without the approval of the attorney general. The public prosecutor may be appointed city and county attorney, in which event he shall be entitled to receive the salary for one office only. The public prosecutor and his deputies or assistants and the city and county attorney and his deputies or assistants shall become deputies of the attorney general, and the public prosecutor and the city and county attorney shall report to the attorney general from time to time as may be required by him.

The controller may be removed from office by the mayor, only for cause, and with the consent of the board of supervisors."

SECTION 6. Section 6563 is amended by inserting in the last paragraph thereof just prior to the words "at such election" at the end of said paragraph the words "from the district in which the incapacitated or disqualified person was elected".

SECTION 7. A new section in chapter 127 of the Revised Laws of Hawaii 1945, to be appropriately numbered, is enacted to read as follows:

"Sec. . Supervisors not to deal directly with officers, agents or employees of administrative branch. Unless for the purpose of inquiry or information, neither the board of supervisors nor any member thereof shall deal directly with any officer, agent or employee of the administrative branch of the city and county government other than the mayor. Except through legislation duly enacted, neither the board of supervisors nor any member thereof shall, either directly or indirectly, give orders to any officer, agent or employee of the administrative branch of

the city and county government nor shall they, or any of them, in any manner attempt to influence or coerce any such officer, agent or employee in the performance of his duties."

SECTION 8. Transfers of appropriations. At the request of the mayor, and within the last three months of the budget year, but not otherwise, the board of supervisors may by resolution transfer any unencumbered appropriation balance or portion thereof from one office, department or agency to another.

SECTION 9. Section 6508 is amended to read as follows:

"Sec. 6508. Presiding officer. At the first meeting of the board of supervisors after its election, it shall elect one member as president who shall preside over meetings of the board, and one other member as vice-president, both of whom shall serve at the pleasure of the board. The presiding officer shall have the right to vote at all times with other members of the board."

SECTION 10. Sections 6572 and 6573 are amended to read as follows:

"Sec. 6572. Mayor; qualifications; assistants. The mayor shall be the chief executive officer and head of the administrative branch of the city and county government. He shall be an elector of the city and county at the time of his election, and must have been such for at least three years next preceding such election. He may appoint and remove at pleasure a secretary at such salary as he shall designate and may appoint such other assistants as may be necessary for the proper performance of the duties of his office and for which appropriations have been made by the board of supervisors.

"Sec. 6573. Powers and duties. The mayor shall have the supervision and control of all city and county administrative officers and employees, and of the property of the city and county, except in cases where it is expressly provided by law that a board or commission shall have such supervision and control.

He shall have the right to attend any meeting of the board of supervisors or any of its committees and may express his views on matters pending before the

board, but he shall have no right to introduce any motion, resolution, or ordinance or amendments thereof, or to vote thereon.

He may at any time transfer any unencumbered appropriation balances or portion thereof between general classifications of expenditure within an office, department or agency.

The books, records and official papers of all departments, officers and persons in the employ of the city and county shall at all times be open to the inspection and examination of the mayor. He shall take special care that the books and records of all departments, boards, officers and persons are kept in legal and proper form.

The mayor shall appoint, subject to the provisions of section 6528, and, when necessary for the good of the service, remove all non-elective officers and employees of the city and county except as otherwise specifically provided by law and except as he may authorize the head of a department or office to appoint and remove subordinates in such department or office.

On the city and county's behalf, he shall sign all deeds, contracts or other like instruments, and shall require the clerk to affix the city and county seal thereto.

The mayor shall from time to time require of the proper officers of the different departments such measures as he may deem beneficial to public interest. He shall see that the laws of the territory and ordinances of the city and county are observed and enforced. He shall see that all departments and institutions of the city and county are honestly, economically and lawfully conducted. He shall take all proper measures for the preservation of public order and the suppression of all riots and tumults, for which purpose he may use and command the police force. If such police force is insufficient, he shall call upon the governor for military aid in the manner provided by law, so that public order may be restored or riots or tumults may be promptly and effectually suppressed."

SECTION 11. In clarification of the separation of legislative and administrative powers between the supervisors and the mayor, whenever the language of the statutes

relating to the functions of the board of supervisors, uses such words as "enforce", "control", "maintain", "conduct", "supervise", or, without limitation by reason of specification, other words indicating the right or duty of the board of supervisors to discharge administrative functions, such words shall be construed to mean the right or duty to authorize or to make provision for the exercise of such functions by the mayor.

In conformity with such restriction, but without limitation by reason of specifications, the following specific amendments are made:

1. Section 6521 is amended in the following particulars:

a. By amending paragraph numbered "17" thereof by substituting for the words "To build, rebuild, equip, maintain and regulate", in the second line thereof, the words "To authorize and provide for the building, rebuilding, equipment, maintenance and regulation of";

b. By amending paragraph numbered "19" thereof by substituting for the words "To enter into", in the first line of said paragraph, the words "To authorize";

c. By amending paragraph numbered "20" thereof by substituting for the word "board", in the third and last lines thereof, the word "mayor";

d. By amending paragraph numbered "24" thereof (1) by substituting for the words "To regulate and control" in the first line thereof, the words "To provide for the regulation and control of"; (2) by substituting for the words "construct, purchase, take on lease or otherwise acquire" in the third and fourth lines, and in the fifth line thereof, the words "authorize and provide for the construction, purchase, lease or other acquisition of"; (3) by substituting for the words "to manage, regulate and control the same, and to acquire, regulate and control", in the sixth and seventh lines thereof, the words "provide for the management, regulation and control of the same and the acquisition, regulation and control of";

e. By amending paragraph numbered "33" thereof by substituting for the words "To sell", in the first line, the words "To authorize the sale of";

f. By amending paragraph numbered "34" by substituting for the words "to exchange", in the first and second lines, the words "to authorize the exchange of";

g. By amending paragraph numbered and lettered "35A" by substituting for the words "to reconvey", in the first and second lines thereof, the words "to authorize the reconveyance of";

h. By amending paragraph numbered "36" to read as follows:

"36. Contracts; general powers. To authorize the contracts and all things necessary and proper to carry into execution the foregoing powers and all other powers vested in the city and county or in any officer thereof."

i. By amending that portion of paragraph numbered "43" prior to the proviso, to read as follows:

"43. Flood control; drainage of storm waters and removal of debris. To authorize the construction, acquisition by gift, purchase or the exercise of eminent domain, the reconstruction, improvement, betterment, extension and maintenance of projects or undertakings for the control of and protection against floods and flood waters, including the power to authorize the drainage and rehabilitation of lands already flooded. To authorize the maintenance of channels, whether natural or artificial, including their exits to the ocean, in suitable condition to carry off storm waters; and to authorize the removal from such channels and from the shores and beaches, of any debris which is likely to create an unsanitary condition or otherwise to become a public nuisance";

j. By amending paragraph numbered "44"

thereof substituting for the words "To enter into a contract", in the first line, the words "To authorize a contract"; and

k. By deleting paragraph numbered "47".

2. Section 6527.01 is amended in the following particulars:

a. By substituting for the words and punctuation "acquire, improve, construct, maintain, repair and operate," in the third and fourth lines, the words and punctuation "authorize the acquisition, improvement, construction, maintenance, repair and operation of";

b. By substituting for the words and punctuation "acquire, improve and/or construct" in the twenty-third line, the words and punctuation "authorize the acquisition, improvement and construction of"; and

c. By substituting for the words and punctuation "collect and enforce all assessments levied, and issue, sell and pay bonds," in the twenty-eighth and twenty-ninth lines, the words and punctuation "authorize and provide for the collection and enforcement of all assessments levied, and the issuance, sale and payments of bonds".

SECTION 12. For the further purpose of clarifying the separation of legislative powers and duties of the board of supervisors and administrative powers and duties of mayor, but without limitation by reason of specification, the following specific amendments are made:

a. Section 6596 is amended by inserting after the word "granted", in the fourth line thereof, the words "by the mayor";

b. Section 6605 is amended (1) by inserting in the title heading after the word "Report" the words "to mayor and," and (2) by inserting after the word "report", in the second line thereof, the words "to the mayor and ";

c. Section 6611 is amended by substituting for the word "board", in the fifth line of the second paragraph thereof, the word "mayor";

d. Section 6618 is amended by inserting (1) in the heading to said section after the word "accounts", the words "to mayor and"; and (2) after the word "report" in the third line thereof, the words "to the mayor and";

e. Section 6631 is amended by substituting for the words "prescribed from time to time by the board of supervisors", at the end of said section, the words "directed from time to time by the mayor";

f. Section 6816 is amended to read as follows:

"Sec. 6816. Quarters. The mayor shall make available to the police department sufficient and proper quarters in the police station in Honolulu and in each district in the city and county for the use of the police department and, within the limit of appropriations available, shall maintain and keep the same in repair."

g. Section 6766 is amended by inserting after the word "submit", in the first line thereof, the words "to the mayor and";

h. Section 6769 is amended by amending the first full sentence thereof to read as follows:

"The board of supervisors may authorize the purchase, sale, exchange or other disposition of park or recreational property, whether real or personal, with the prior written approval of the board of public parks and recreation, provided, however, that the board of supervisors may authorize the purchase, sale, exchange or other disposition of park or recreational property in the absence of such approval, by the affirmative vote of at least seven of its members."

i. Paragraph lettered (i) of section 6620 is amended to read as follows:

"(i) Perform all other duties required by law, or by the mayor."

j. Section 6542 is amended by deleting therefrom the words "with the approval of the board of

supervisors" and the commas preceding and succeeding such words, in the first and second lines of said section.

k. Section 6544 is amended by substituting for the words "board of supervisors" the word "mayor" in the eighth line thereof.

l. Section 6546 is amended by substituting for the words "board of supervisors", in the third line thereof, the word "mayor".

m. Section 6555.01 is amended by substituting for the words "board of supervisors", the word "mayor" in the last line thereof.

n. Section 6004 is amended by inserting after the comma following the words "board of supervisors" in the third line, the words and punctuation "and, in the case of the controller, to the mayor,".

o. Sections 6008.01, 6008.02 and 6009.01 are amended by substituting, in the case of the city and county of Honolulu, for "the approval of the board of supervisors", "the approval of the mayor".

p. Section 6016 is amended by substituting, in the case of the city and county of Honolulu, for "employed and paid by the board of supervisors", "employed and paid by the mayor".

q. Section 6019 is amended by substituting for the board of supervisors, in the case of the city and county of Honolulu, the mayor.

r. Sections 6072, 6074 and 6076 are amended by substituting in the case of the city and county of Honolulu, for the board of supervisors, the mayor.

s. Sections 6113, 6121, 6122 and 6124 are amended by substituting, in the case of the city and county of Honolulu, for the boards, or the board of supervisors, or the board, the mayor.

t. Section 6125 is amended by inserting after the comma following the words "board of supervisors" the words and punctuation "or by the mayor,".

u. Section 6131 is amended by inserting after

the word "board" in the fifth and seventh lines, the words "or mayor, as the case may be".

v. Section 6137 is amended by substituting in the title and in the second line for the words "board of supervisors", the word "mayor", and in the last line for the word "board", the word "mayor".

w. Sections 6146, 6147, 6152, 6158, 6163, 6164 and 6166 are amended by substituting, in the case of the city and county of Honolulu, for the board of supervisors or the board, the mayor.

x. Section 6517 is amended by inserting after the word "passed", in the ninth line, the words "by an affirmative vote of not less than seven members of the board";

y. Section 6586 is amended by adding at the end thereof the following sentence:

"No increase or decrease in the number of positions allowed for any department or office shall be made except upon recommendation of the mayor."

z. Section 6195.36 is amended (1) by amending paragraph numbered 1 under subsection (b) to read as follows:

"(1) That provision be made for a public officer, to be appointed by the mayor with the advice and consent of the board of supervisors, to exercise, under the supervision and control of the mayor, the powers prescribed by the ordinances."

and (2) by inserting in subsection (f) thereof after the word "exercise" the words "under the supervision and control of the mayor" set off by commas.

SECTION 13. Nothing contained in this act shall be construed as an impairment of any obligation of an improvement district or of the city and county of Honolulu under any outstanding improvement district or general obligation bonds.

SECTION 14. Notwithstanding the provisions of Act 225 of the Session Laws of Hawaii 1955 or any other law, no charter provision shall be submitted to the electors which does not restrict the powers of the board of supervisors to legislative matters and to acting upon appointments or the removal of an officer by the mayor, or which does not vest in the mayor the administrative control and supervision of

city and county affairs.

SECTION 15. All laws or portions of laws in conflict with the provisions of this act are repealed or amended to conform hereto.

SECTION 16. This act shall take effect as to the election of the increased number and the district election of the board of supervisors provided by Sections 3 and 4 on the first of September 1958, and as to all other portions hereof upon the first day of January 1959.

INTRODUCED BY:

Date: _____

Honolulu, Hawaii

B-17

___ B. NO. ___

AN ACT

RELATING TO THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU, PROVIDING FOR THE ELECTION OF ONE SUPERVISOR FROM EACH OF THE TEN REPRESENTATIVE DISTRICTS ON THE ISLAND OF OAHU, AND AMENDING SECTIONS 6506 AND 6528 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Section 6506 of the Revised Laws of Hawaii 1945 is amended by amending the first full sentence to read as follows:

"The board of supervisors shall consist of ten members."

SECTION 2. Section 6528 of said Revised Laws is amended by substituting for the first full sentence the following:

"The elective officers of the city and county shall be a mayor, board of supervisors, sheriff, who shall be ex-officio coroner, city and county clerk, who shall be ex-officio clerk of the board of supervisors, auditor and a treasurer, all of whom, except the board of supervisors shall be elected at large by the duly qualified electors of the city and county, and all of whom shall have their offices at the county seat. One member of the board of supervisors shall be elected from each of the ten representative districts in the city and county, eighth to seventeenth, so that each supervisor shall be elected by the voters of a single representative district."

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

B-18 _____ B. NO. _____

AN ACT

RELATING TO THE BOARD OF SUPERVISORS OF THE COUNTY OF MAUI AND AMENDING SECTION 6452 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Section 6452 of the Revised Laws of Hawaii 1945, is amended to read as follows:

"Sec. 6452. Maui supervisors, number, election, representation, tenure, chairman. The board of supervisors of the county of Maui shall consist of nine members, eight of whom shall be elected as members only, while the ninth shall be elected as chairman and executive officer of the board, and all shall hold office for a term of two years and until their successors are elected and qualified. The chairman shall have been a qualified elector of the county and a resident of the island of Maui, Lanai or Molokai (except that portion either defined as Kalawao) for at least one year prior to his election, and he shall be elected at large from among those who have been qualified electors of the county for at least one year prior to his election. Of the eight supervisors, six shall have been qualified electors of the county and residents of the island of Maui for at least one year prior to their election, and they shall be elected from among those who have been qualified electors of the county and residents of the island of Maui for at least one year prior to their election; one shall have been a qualified elector of the county and a resident of the island of Lanai for at least one year prior to his election, and he shall be elected from among those who have been qualified electors of the county and residents of the island of Lanai for at least one year prior to his election; and one shall have been a qualified elector of the county and a resident of the island of Molokai (except that portion defined as Kalawao) for at least one year prior to his election, and he shall be elected from among those who have been qualified electors of the county and residents of the island of Molokai for at least one year prior to his election. The clerk of the county of Maui shall prescribe such modification of the form of the ballots, for both the primary and general elections, as shall secure such representation for the islands of Lanai and Molokai. All such elections shall otherwise be conducted in the manner prescribed by law for the election of county officers."

SECTION 2. The tenure of office of the present chairman and members of the board of supervisors of the county of Maui shall not be reduced by reason of this Act, but the next regular election for the board of supervisors shall be held in conformity herewith, and the persons thereupon elected shall qualify and take office as otherwise provided by law for the county officers. Vacancies on the board of supervisors occurring prior to the time when the officers elected hereunder shall take office shall be filled in accordance with the provisions of law prior to the passage of this Act.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

Gov. Msg. No. 15 ~~20~~

February 20, 1957

The Honorable President
and Members of the Senate
29th Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sirs:

With this letter I am transmitting for your consideration a group of seven bills, all relating to taxes and designed to carry out the recommendations contained in my budget message.

The measures are enumerated as follows:

T-1	Bill	An act relating to taxation, amending Chapters 96, 99 and 101, and repealing Chapter 98.01, Revised Laws of Hawaii 1945.
T-2	Bill	An act relating to taxation, amending Chapters 98 and 102, Revised Laws of Hawaii 1945, as amended.
T-3	Bill	An act relating to taxation, amending Chapter 103 of the Revised Laws of Hawaii 1945, as amended.
T-4	Bill	An act amending Chapter 104 of the Revised Laws of Hawaii 1945, as amended, relating to the liquor tax.
T-5	Bill	An act amending Chapter 109 of the Revised Laws of Hawaii 1945, as amended, relating to the tobacco tax.
T-6	Bill	An act relating to the taxation of banks and other financial corporations not taxable under Chapters 101 and 102, their franchises, privileges, activities, property, income, shares, and dividends, and amending Chapters 97, 101, 152 and 161 of the Revised Laws of Hawaii 1945, and all other laws in conflict herewith.

T-7 Bill An act amending Chapter 161 of the Revised Laws of Hawaii 1945, as amended, relating to taxes on insurers.

Sincerely,

Samuel Wilder King.

SAMUEL WILDER KING
GOVERNOR OF HAWAII

T-1

____ B. NO. ____

AN ACT

RELATING TO TAXATION, AMENDING CHAPTERS 96, 99 AND 101, AND REPEALING CHAPTER 98.01, REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Chapter 98.01 of the Revised Laws of Hawaii 1945, added by Act 113 of the Session Laws of 1947 and amended by Act 273 of the Session Laws of 1953, is hereby repealed.

SECTION 2. Chapter 99 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by deleting from section 5374 the words "two and one-half per centum" and inserting in lieu thereof the following:

"three and one-half per centum".

SECTION 3. Chapter 101 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respects:

(a) By amending section 5451 by deleting therefrom the words "one dollar" and inserting in lieu thereof the following:

"three dollars (except when a one dollar fee is prescribed by section 5451.01)".

(b) By amending section 5451.01, added by Act 165 of the Session Laws of 1951, by adding to the first paragraph of the proviso, numbered (1), the following sentence:

"All persons who are entitled to the protection of this paragraph further shall be entitled to a license under section 5451, and an annual renewal under this section, upon payment of the sum of one dollar for each license or renewal."

(c) By amending section 5455, subsection A(1) as follows:

(1) By deleting from the second paragraph the word "canneries" and inserting in lieu thereof the following:

"pineapple canneries (including canning of pineapple juice)".

(2) By deleting from the second paragraph the words "one and one-half per cent" and inserting in lieu thereof the following:

"one per cent".

(d) By amending section 5455 B(1) as follows:

(1) By deleting the words "two and one-half per cent" and inserting in lieu thereof the following:

"three and one-half per cent".

(2) By deleting the words "one per cent" and inserting in lieu thereof the following:

"three-quarters of one per cent".

(3) By deleting the words "one and one-half per cent" and inserting in lieu thereof the following:

"one per cent".

(e) By amending section 5455 C(1) by deleting therefrom the words "two and one-half per cent" and inserting in lieu thereof the words:

"three and one-half per cent".

(f) By amending section 5455 D by deleting therefrom the words "two and one-half per cent" and inserting in lieu thereof the following:

"three per cent".

(g) By amending section 5455, subsection D-1, to read as follows:

"D-1. Tax upon sales representatives etc. Upon every person who is a commission agent, manufacturer's representative, broker, or other sales representative of a resident or non-resident seller (unless deemed the seller of the goods as provided by section 5442), or who is a purchasing agent, engaging or continuing within this Territory in the business of performing services for another, other than as an employee, there is likewise hereby levied and shall be assessed and collected a tax as provided by subsection E."

(h) By amending section 5455 E by deleting therefrom the words "two and one-half per cent" and inserting in lieu thereof the following:

"three per cent".

(i) By amending section 5455 F by deleting therefrom the words "two and one-half per cent" and inserting in lieu thereof the following:

"three per cent".

(j) By amending section 5455 G by deleting therefrom the words "two and one-half per cent" and inserting in lieu thereof the following:

"three per cent".

(k) By amending section 5459 in the following respects:

(1) By deleting from the first paragraph after the colon the words and punctuation: "(k) building and loan associations, with respect only to interest received by them on loans to members;".

(2) By relettering the remaining items in said first paragraph.

SECTION 4. Chapter 96 of the Revised Laws of Hawaii 1945, as amended, is hereby amended by deleting from the second paragraph of section 5254 the words and punctuation: "at the rate of two and one-half per centum." and inserting in lieu thereof the following:

"at the rate of two and one-half per centum or more."

SECTION 5. This Act shall not be construed as affecting in any manner, to the detriment of the Territory, any taxes, interest, fines, penalties, forfeitures or other liabilities, or obligations, existing, due or incurred prior to the effective dates of the sections of this Act, nor as affecting the liability of any person to prosecution for any misdemeanor or other criminal offenses committed prior to said effective dates under any statutes hereby amended, repealed or superseded; and all such taxes, interest, fines, penalties, forfeitures, liabilities, obligations, misdemeanors and other offenses may be assessed, enforced, collected, prosecuted or punished, as the case may be, in the same manner, to the same extent and subject to the same conditions, as if this Act had not been enacted.

SECTION 6. If any section, sentence, clause or phrase of this Act, or its application to any person or circumstances, is for any reason held to be unconstitutional or invalid, the remaining portions of this Act, or the application of this Act to other persons or circumstances,

shall not be affected. The legislature hereby declares that it would have passed this Act and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 7. This Act shall take effect July 1, 1957 and shall apply to fees and taxes accruing on and after said date; provided, however, that the rate of tax levied upon any person engaging or continuing within this Territory in the business of contracting, measured by gross income received on account of uncompleted contracts entered into prior to the date of approval of this Act shall be two and one-half per cent.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

T-2

____ B. NO. ____

AN ACT

RELATING TO TAXATION, AMENDING CHAPTERS 98 AND 102, REVISED LAWS OF HAWAII 1945, AS AMENDED.

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

SECTION 1. Chapter 98 of the Revised Laws of Hawaii 1945, as amended, is hereby amended to read as follows:

"CHAPTER 98. DIVIDENDS TAX LAW

Sec. 5361. Definitions. Wherever used in this chapter, unless the subject matter, context or sense otherwise require:

'Month' shall mean calendar month.

References to chapter 102, or to any section of said chapter, shall be deemed to mean said chapter or section as the same exists, or may be amended from time to time in the future.

Sec. 5362. Same; 'dividend', 'local company', 'foreign company'. Wherever used in this chapter, unless the subject matter, context or sense otherwise require:

'Dividend' means the same as in chapter 102, except that national bank dividends, and interest or dividends paid or credited by building and loan associations or savings and loan associations on or apportioned to withdrawable shares and investment certificates (but in no event exceeding six per centum per annum), shall not be included.

'Local company' shall mean and include every corporation, insurance company, association or joint stock company organized in or under the laws of the Territory.

'Foreign company' shall mean and include every

corporation, insurance company, association or joint stock company organized in or under the laws of any jurisdiction other than the Territory.

Sec. 5363. Tax on dividends. There shall be assessed, levied, collected and paid for each month a tax of two per cent upon the amount of all dividends paid during the month by any local company, or received during the month from any company, local or foreign; provided, that the tax shall be paid only once with respect to the same dividend.

Dividends paid to a blind person in an amount which shall not exceed $2,000 per annum shall be exempted from the tax imposed by this section. Within the meaning of this paragraph a person shall be deemed to be blind if he has vision in the better eye, with corrective glasses, of less than twenty two-hundredths or a disqualifying field defect sufficient to incapacitate him or her for self-support, so long as his sight is so impaired. The impairment of sight shall be certified to by the territorial board of health or by any territorial, county or city and county medical officer duly authorized by the territorial board of health for this purpose.

Sec. 5364. Returns and withholding and payment of tax; violation a misdemeanor. (a) Every local company, before making any payment or distribution of dividends to its shareholders, shall deduct and withhold therefrom the amount of the tax imposed by this chapter in reference to such dividends and shall pay the amount so withheld to the collector of the taxation division in which the company has its principal place of business in the Territory or to the commissioner at Honolulu, as may be prescribed by regulations of the commissioner. Such

company, on or before the twentieth day of each month following the month in which there has been any payment of such dividends and withholding of the tax thereon, shall make a full, true and correct return showing all such dividends paid and the amounts withheld on account thereof during the preceding month, which return shall be filed at the place in this section prescribed for payment of the tax and shall include such other information as shall be required or prescribed by the commissioner.

(b) Every local company shall be liable for the payment of the tax required to be deducted and withheld by it, whether or not such tax is so withheld.

(c) Every local company, when required by the commissioner, shall furnish him a statement covering the period prescribed by him, showing its payments of dividends, the name and address of each shareholder during such period, the number of shares owned by him, amount of dividends paid to him, and the tax deducted and withheld in respect of such dividends. The commissioner shall prescribe the form of the statement required by this subsection and may adopt any federal form appropriate for the purpose.

(d) Any person who is in receipt of any dividends from a foreign company shall file a return thereof for each month and pay the tax due thereon under this chapter, within twenty days after the close of the month. The returns shall be filed and payments made at the place prescribed by chapter 102 for the filing of income tax returns. Each such return shall state the name of the person filing the same, the name of the foreign company paying the dividends, the total of all dividends received for the preceding month, and the tax due on such dividends,

and shall include such other and further information and be upon such form as the commissioner shall prescribe. The commissioner, for good cause, may extend the time for making returns and payments of taxes with respect to dividends received from foreign companies, but not beyond the twentieth day of the second month succeeding the regular due date thereof. The commissioner also may permit and provide for quarterly, semi-annual, or annual returns and payments of such taxes. In granting any such permission the commissioner shall fix the date or dates for filing of the returns and payment of the taxes.

(e) Any person or company violating any of the provisions of this section as to the filing of returns shall be guilty of a misdemeanor.

Sec. 5365. Commissioner to prescribe forms, etc. The commissioner shall prescribe the forms of all returns required to be furnished under the provisions of this chapter and may provide in such forms for the giving of such information as he may deem necessary or advisable. All information required by the form of any return must be included in the return by the person responsible for making the same.

Every return shall be signed by the person liable to make the return, or by someone authorized to do so in behalf of such person, as provided in section 5123, all in compliance with rules prescribed by the commissioner and subject to the penalties provided by section 5134.

Sec. 5366. Rules. The commissioner shall prescribe and have printed all needful rules for the enforcement of this chapter and such rules so made shall have the force and effect of law if they be not in conflict with the express provisions of this chapter. Such rules shall

also provide for the making of returns concerning, and the payment of, any taxes imposed by this chapter, in any situation not specifically covered by this chapter.

Sec. 5367. Other provisions applicable. All of the provisions of chapter 102 not inconsistent with the provisions of this chapter and which may appropriately be applied to the taxes, persons, circumstances and situations covered or affected by this chapter, including provisions granting administrative powers to the tax commissioner and providing for the assessment, levy and collection of income taxes, shall be applicable to the assessment, levy and collection of taxes under this chapter.

The provisions of section 5138.01 and any amendments thereof, with respect to penalties and interest, shall apply to the taxes imposed by this chapter.

Sec. 5368. Misdemeanors. Any person convicted of any misdemeanor under the provisions of this chapter for which no other punishment is prescribed shall be punished by fine of not more than one thousand dollars, or (if a natural person) by imprisonment for not more than one year, or by both such fine and imprisonment.

Sec. 5369. Assessments. If (a) any person liable under the provisions of this chapter to make and file a return of dividends received by such person, or (b) any company liable, under the provisions of this chapter, to withhold any tax on dividends and make a return thereof and pay the same to the commissioner, shall fail, neglect or refuse to make and file such return within the time or in the manner and form prescribed, or shall decline to authenticate such return, if made, as provided in section 5123, the commissioner may make a return for such person

or company from the best information obtainable and may levy and assess a tax upon the amount of dividends shown by such return against such person or against such company, with additions to the tax when and as provided by section 5138.01; such assessment shall be presumed to be correct until and unless, upon an appeal duly taken as provided in this chapter, the contrary shall be clearly proved by such person or company, and the burden of proof upon such appeal shall be on such person or company to disprove such assessment. Notice of assessment shall be given, and an appeal therefrom may be taken, in the manner and within the time provided in sections 5543(b) and 5547.

Said sections 5543(b) and 5547 shall apply in the same manner and to the same extent, as nearly as may be, to assessments and returns made, dividends taxable and persons assessed or taxed, under this chapter, as in cases of income taxes under chapter 102. The commissioner by rules shall provide for the adaptation, as nearly as may be, of the procedure set forth in said sections to persons and situations affected by or arising under the provisions of this chapter.

Sec. 5369.01. Refunds. If it shall be shown, upon application of a shareholder, that there has been withheld from his dividends any tax not due thereon or more than the amount of tax due thereon, the amount found to have been overpaid or otherwise not due shall be refunded out of current collections of the tax; provided the commissioner shall be satisfied: (1) that the amount so overpaid or otherwise not due has been paid to the Territory; (2) that the amount of refund claimed has not been used as a credit against income tax under chapter 102 and

(3) that application for such refund was filed within five years after the amount to be refunded was paid to the Territory.

Sec. 5369.02. Lien on land. The provisions of section 5475, as amended, are hereby made applicable to this chapter.

Sec. 5369.03. Constitutionality; construction. The tax imposed by this chapter shall not apply to any dividends which, under the Constitution or laws of the United States, cannot legally be so taxed.

Sec. 5369.04. Taxes territorial realizations. The net tax collections remaining after the refunds authorized by law shall be paid into the general fund of the Territory."

SECTION 2. Chapter 102 of the Revised Laws of Hawaii 1945, as amended, is hereby amended in the following respects:

(a) By amending section 5501 in the following respects:

(1) By inserting therein, at the commencement of the section, a new paragraph to read as follows:

"'Adjusted gross income' means the amount remaining after subtracting from gross income computed under sections 5505-5507 the deductions allowed by section 5503 (b)."

(2) By adding to the definition of "dividend" a new sentence to read as follows:

"Commencing with taxable years which begin on or after January 1, 1959, this paragraph shall be subject to the provisions of section 5505.01."

(b) By inserting therein a new section 5501.01 to read as follows:

"Sec. 5501.01. 'Dependent' defined. (a) For the purposes of this chapter the term 'dependent' means any

of the following individuals over half of whose support, for the calendar year in which the taxable year of the taxpayer begins, was received from the taxpayer (or is treated under subsection (c) as received from the taxpayer):

(1) A son or daughter of the taxpayer, or a descendant of either,

(2) A stepson or stepdaughter of the taxpayer,

(3) A brother, sister, stepbrother, or stepsister of the taxpayer,

(4) The father or mother of the taxpayer, or an ancestor of either,

(5) A stepfather or stepmother of the taxpayer,

(6) A son or daughter of a brother or sister of the taxpayer,

(7) A brother or sister of the father or mother of the taxpayer,

(8) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the taxpayer,

(9) An individual who, for the taxable year of the taxpayer, has as his principal place of abode the home of the taxpayer and is a member of the taxpayer's household, or

(10) An individual who--

(A) is a descendant of a brother or sister of the father or mother of the taxpayer,

(B) for the taxable year of the taxpayer receives institutional care required by reason of a physical or mental disability, and

(C) before receiving such institutional care, was a member of the same household as the taxpayer.

(b) For purposes of this section:

(1) The terms 'brother' and 'sister' include a brother or sister by the halfblood.

(2) In determining whether any of the relationships specified in subsection (a) or paragraph (1) of this subsection exists, a legally adopted child of an individual shall be treated as a child of such individual by blood.

(3) The term 'dependent' does not include any individual who is not a citizen of the United States unless such individual is a resident of the United States, of a country contiguous to the United States, of the Canal Zone, or of the Republic of Panama. The preceding sentence shall not exclude from the definition of 'dependent' any child of the taxpayer born to him, or legally adopted by him, in the Philippine Islands before July 5, 1946, if the child is a resident of the Republic of the Philippines.

(c) For purposes of subsection (a), over half of the support of an individual for a calendar year shall be treated as received from the taxpayer if:

(1) no one person contributed over half of such support;

(2) over half of such support was received from persons each of whom, but for the fact that he did not contribute over half of such support, would have been entitled to claim such individual as a dependent for a taxable year beginning in such calendar year;

(3) the taxpayer contributed over 10 per cent of such support; and

(4) each person described in paragraph (2) (other

than the taxpayer) who contributed over 10 percent of such support files a written declaration (in such manner and form as the commissioner may by regulations prescribe) that he will not claim such individual as a dependent for any taxable year beginning in such calendar year.

(d) For purposes of subsection (a), in the case of any individual who is:

(1) a son, stepson, daughter, or stepdaughter of the taxpayer (within the meaning of this section), and

(2) a full-time student at an educational institution, amounts received as scholarships for study at an educational institution shall not be taken into account in determining whether such individual received more than half of his support from the taxpayer."

(c) By amending section 5502 by deleting therefrom the words "ten per centum" and inserting in lieu thereof the following:

"five per centum".

(d) By amending section 5503 to read as follows:

"Sec. 5503. Tax on individuals. (a) There shall be assessed, levied, collected, and paid for each taxable year upon the adjusted gross income and net income of every individual doing business in or receiving or deriving income from sources within the Territory, or income included in gross income by sections 5505-5507, inclusive, a tax equal to the sum of the following:

(1) Normal tax. On the amounts of adjusted gross income a tax of two per centum; and in addition thereto:

(2) Surtax. On the amount of net income not in excess of $5,000, a tax of two per centum; on the amount of net income in excess of $5,000 but not in excess of $10,000, a tax of three per centum; on the amount of net

income in excess of $10,000 but not in excess of $15,000, a tax of four per centum; on the amount of net income in excess of $15,000 but not in excess of $20,000, a tax of five per centum; on the amount of net income in excess of $20,000 but not in excess of $25,000, a tax of six per centum; on the amount of net income in excess of $25,000 a tax of seven per centum.

(b) In computing the adjusted gross income there shall be allowed as deductions from gross income:

(1) The deductions allowed by section 5508 which:

A. Are attributable to a trade or business carried on by the taxpayer if such trade or business does not consist of the performance of services by the taxpayer as an employee, and consisting in (I) bad debts deductible under paragraph (a) of section 5508; (II) depreciation and obsolescence deductible under paragraph (c) of section 5508; (III) contributions to an employees' pension or benefit fund, deductible under paragraph (d) of section 5508; (IV) operating and business expenses deductible under paragraph (e) of section 5508, but not the other expenses deductible thereunder; (V) losses deductible under paragraph (g) of section 5508; (VI) taxes, license fees and other governmental impositions levied or assessed by the Territory or a political subdivision thereof or the United States and deductible under paragraph (j) of section 5508 if levied or assessed on property used in a trade or business or producing income which is included in gross income, or incurred in carrying on a trade or business or in producing income which is included in gross income (including all taxes imposed by chapter 101); or

B. Are attributable to property held for the

production of rents or royalties; or

C. Consist of interest incurred or continued in order to produce income included in adjusted gross income.

(2) Interest, or building and loan association or savings and loan association dividends. In the case of a partnership, estate or trust the return thereof shall show the total amount of interest or dividends mentioned in this paragraph, and the proportionate share thereof of each partner or beneficiary, and each such partner or beneficiary shall be entitled to deduct his proportion of such amount for the taxable year ending coincidental with or within his own taxable year in computing his adjusted gross income. The amount of deduction so allowed to a beneficiary shall not be enjoyed by an estate or trust.

(3) Dividends subject to the tax imposed by chapter 98. In the case of a partnership, estate, or trust, the return thereof shall show the total dividends subject to the tax imposed by chapter 98 and the proportionate share of such dividends of each partner or beneficiary. Each such partner or beneficiary shall be entitled to deduct his proportion of such dividends of the partnership, estate, or trust for the taxable year ending coincidental with or within his own taxable year in computing his adjusted gross income, and the amount of deduction so allowed to a beneficiary shall not be enjoyed by an estate or trust.

(4) Capital gains, or net capital gains, included in gross income by section 5505.01. In the case of a partnership, estate or trust the return thereof shall show the amount of capital gains or net capital gains included in gross income by section 5505.01, and the

proportionate share of such amount of each partner or beneficiary. Each such partner or beneficiary shall be entitled to deduct his proportion of such amount for the taxable year ending coincidental with or within his own taxable year in computing his adjusted gross income, and the amount of deduction so allowed to a beneficiary shall not be enjoyed by an estate or trust.

(5) Compensation (1) paid out of funds appropriated by or furnished pursuant to the provisions of any statute of the Territory or of the United States solely for the relief of unemployment; or (2) paid out of any fund created by chapter 84 or 85 in the form of public assistance or compensation paid by the department of public welfare to blind persons and other persons for work performed in their homes or in work shops.

(6) Adjusted gross income of a blind person from sources other than (2), (3) or (4), up to but not exceeding an amount computed as follows: $2,000 less such amount of dividends, if any, as is exempted from the tax imposed by section 5363 of chapter 98. Within the meaning of this paragraph, a person shall be deemed to be blind if he has vision in the better eye, with corrective glasses, of less than twenty two-hundredths or a disqualifying field defect sufficient to incapacitate him or her for self-support, so long as his sight is so impaired. The impairment of sight shall be certified to by the territorial board of health or by any territorial, county, or city and county medical officer duly authorized by the territorial board of health for this purpose.

(7) In the case of an estate or trust such amount, allowed as a deduction in computing the net income of the estate or trust and includible in the gross income of the beneficiaries as, under this chapter, is subject to the

requirement of collection of the tax on adjusted gross income from the beneficiaries by withholding or otherwise, or is excluded from the adjusted gross income of the beneficiaries by paragraphs (2), (3) and (4) of this subsection."

(e) By inserting after section 5503 a new section 5503.02 to read as follows:

"Sec. 5503.02. Alternative 'short-form' tax; tables. If a taxpayer's adjusted gross income for the taxable year is less than $5,000 and he so elects, there shall be assessed, levied, collected and paid for that year a tax determined on the basis of tables to be prepared and furnished by the commissioner, which tax shall be substantially equivalent to the tax provided in section 5503 and shall be in lieu thereof. For the purposes of this section the adjusted gross income shall include the amounts excluded by paragraphs (2) to (6) inclusive of section 5503(b).

(f) By deleting section 5504.

(g) By inserting a new section 5505.01 to read as follows:

"Sec. 5505.01. Capital gains and losses. Commencing with taxable years which begin on or after January 1, 1959 there shall be included in gross income net capital gains of the taxable year. Net capital gains shall mean the recognized capital gains of an individual or corporation resulting from the sale, exchange or other disposition of property, real or personal, tangible or intangible, less the recognized capital losses of the same taxable year resulting from the sale, exchange or other disposition of property, real or personal, tangible or intangible. Where any individual or corporation has property which constitutes his stock in trade, or which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, or which is held primarily for sale or other disposition to

customers in the ordinary course of trade or business, the gains or losses resulting from the sale, exchange or other disposition of such property shall not be deemed capital gains or capital losses. The provisions of the Internal Revenue Code of 1954 as to what constitutes a capital gain or capital loss shall not be determinative, but there shall not be recognized under this section any amount of gain or loss, nor shall a dividend be effected, if and to the extent that there is a nonrecognition of gain or loss pursuant to sections 351-373, 1031-1036, of the Internal Revenue Code of 1954; provided, that the application of the aforesaid sections of the Internal Revenue Code of 1954 and the application of this section, shall be subject to the following requirements: That double taxation shall not be effected (i.e., double taxation of the same taxpayer, or taxation of both a corporation and its shareholders, when the taxation of both or taxation in both years would not have occurred had the provisions of this section governed prior taxable years); and the basis of property for computation of capital gain or loss or for computation of depreciation shall not be affected by gains or losses not recognized under this section or not recognized under the provisions of this chapter as they read prior to the taking effect of this section. The basis of property acquired by gift or inheritance shall be that of the donor or decedent, unless the acquisition of the property from the decedent was a taxable transfer under the provisions of chapter 103, in which event the basis shall be the fair market value of the property at the date of the decedent's death. As used in this section the term 'Internal Revenue Code of 1954' means said code as amended as of January 1, 1957."

(h) By amending section 5506 by adding to subsection (b) the following sentence:

"Commencing with taxable years which begin on or after January 1, 1959, this subsection shall be subject to the provisions of section 5505.01."

(i) By amending section 5508 in the following respects:

(1) By amending subsection (g) by adding thereto the following sentence:

"Commencing with taxable years which begin on or after January 1, 1959, this subsection shall be subject to the provisions of section 5505.01."

(2) By amending subsection (j) to read as follows:

"(j) Taxes, etc. Taxes, license fees, and other governmental impositions levied or assessed by the Territory or any political subdivision thereof or by the United States and paid or accrued by the taxpayer (whether or not such taxpayer be owner, tenant, occupant or mortgagor, or otherwise liable for the same) within the taxable year, if attributable to a trade or business carried on by the taxpayer or to property held for the production of rents or royalties, but not otherwise, provided that no deduction under paragraph (e) or this paragraph shall be allowed for: (1) federal income, war-profits, or excess-profits taxes, territorial income taxes, or taxes imposed by chapter 98; (2) estate, inheritance or gift taxes; (3) taxes assessed against local benefits of a kind tending to increase the value of the property assessed, but this clause shall not exclude the allowance as a deduction of so much of such improvement taxes as is properly allocable to maintenance or interest charges."

(3) By adding to section 5508 new subsections (m)

and (n) to read as follows:

"(m) Expenses for care of certain dependents. There shall be allowed as a deduction expenses paid during the taxable year by a taxpayer who is a woman or a widower for the care of one or more dependents as defined in this paragraph, but only if such care is for the purpose of enabling the taxpayer to be gainfully employed. The deduction shall not exceed $600 for any taxable year. In the case of a woman who is married the deduction shall not be allowed unless she files a joint return with her husband for the taxable year, and shall be reduced by the amount by which the adjusted gross income of the taxpayer and her spouse exceeds $4,500; provided, however, that this provision shall not apply if the taxpayer's husband is incapable of self-support because mentally or physically defective. The term dependent as used in this paragraph means a person other than a spouse with respect to whom the taxpayer is entitled to an exemption under section 5509(b) who (1) has not attained the age of 12 years and is a son or daughter of the taxpayer, or a descendent of either, or a stepson or stepdaughter of the taxpayer; or (2) is physically or mentally incapable of caring for himself. The term widower includes an unmarried individual who is legally separated from his spouse under a decree of divorce or of separate maintenance. A woman shall not be considered as married if she is legally separated from her spouse under a decree of divorce or of separate maintenance at the close of the taxable year. For the purposes of this paragraph the adjusted gross income shall include the amounts excluded by paragraphs (2) to (6) inclusive of section 5503(b).

(n) There shall be allowed as a deduction the expenses paid during the taxable year not compensated for by insurance or otherwise for medical care of the taxpayer, his spouse, or a dependent as defined in section 5501, to the extent that such expenses exceed three per cent of the adjusted gross income, which for the purposes of this section shall include the amounts excluded by paragraphs (2) to (6) inclusive of section 5503(b). The deduction under this section shall not exceed $2,500 for each $1,000 of exemption allowed to such taxpayer under the provisions of section 5509. For the purpose of this paragraph, expenses for the medical care of the taxpayer which are paid out of his estate during the one year period beginning with the day after the date of his death shall be treated as paid by the taxpayer at the time occurred. The term medical care means amounts paid (1) for the diagnosis, cure, mitigation, treatment, or prevention of disease or for the purpose of affecting any structure or function of the body (including amounts paid for accident or health insurance); or (2) for transportation primarily for and essential to medical care referred to in (1) above. The term medical care does not include amounts paid for medicine and drugs. The determination of whether an individual is married at any time during the taxable year shall be made in accordance with the provisions of section 5508.02(c). Any expense allowed as a deduction under paragraph (m) shall not be treated as an expense paid for medical care."

(j) By inserting a new section to be numbered 5508.02, to read as follows:

"Sec. 5508.02. Optional standard deduction for individuals.

(a) Allowance. In computing net income there shall be allowed in the case of an individual, at his election, a standard deduction of (1) $1,000; or (2) an amount equal to ten per cent of his adjusted gross income, whichever is lesser, except that in the case of a separate return by a married individual the standard deduction shall not exceed $500. For the purposes of this paragraph the adjusted gross income shall include the amounts excluded by paragraphs (2) to (6) inclusive of section 5503(b).

(b) Standard deduction in lieu of other deductions. The standard deduction shall be in lieu of the deduction allowed by section 5508; provided, however, that in addition to the standard deduction a taxpayer may deduct (1) the deductions allowed by section 5503(b)(1); and (2) traveling expense paid or incurred by the taxpayer in connection with the performance by him of services as an employee to the extent permitted by section 5508(e).

(c) Husband and wife. In the case of husband and wife filing separate returns, the standard deduction shall not be allowed to either if the net income of one of the spouses is determined without regard to the standard deduction. For the purposes of this paragraph, (1) the determination of whether an individual is married shall be made as of the close of his taxable year unless his spouse died during his taxable year, in which case such determination shall be made as of the time of such death; and (2) an individual legally separated from his spouse under a decree of divorce or separate maintenance shall not be considered as married."

(k) By amending section 5509 by amending subsection (b) to read as follows:

"(b) (1) If married and living with husband and wife, or the head of a family with dependents, an exemption of $2,000, but in no event shall this larger exemption be deducted by both husband and wife.

(2) For each dependent (other than husband or wife) whose gross income for the calendar year in which the taxable year of the taxpayer begins is less than $600, or who is a child of the taxpayer and has not attained the age of nineteen at the close of the calendar year in which the taxable year of the taxpayer begins, or who is a child of the taxpayer and is a full-time student at an educational institution, an exemption of $1,000, but in no event shall the exemption for the same dependent be deducted by both husband and wife.

(3) If the taxpayer has attained the age of 65 before the close of his taxable year, an additional exemption of $1,000, and if a separate return is made by the taxpayer and the husband or wife of the taxpayer has attained the age of 65 before the close of his taxable year and (for the calendar year in which the taxable year of the taxpayer begins) has no gross income and is not the dependent of another taxpayer, an additional exemption of $1,000 for the spouse."

(1) By further amending section 5509 by amending subsection (f) to read as follows:

"(f) The exemptions allowed by subsection (b) shall be allowed only to such persons as shall make and file a return to and with the collector in conformity with the requirements of this chapter, setting forth the facts upon which such exemptions depend, in the form prescribed by the commissioner. In the case of a nonresident, in order to obtain the exemptions allowed by this section he

shall file a return showing, in addition to all other required information, his gross income wherever received or from whatever source derived, so that his deductions may be apportioned as is provided in paragraph (e) above."

(m) By amending section 5510 by amending subsection (a) to read as follows:

"(a) Amounts expended as dues to private or social clubs or fraternal organizations."

(n) By amending sections 5513, 5514, 5515, 5521, 5523, 5525 and 5528 by inserting therein, preceding the words "net income", wherever the same appear, the words "adjusted gross income and".

(o) By further amending section 5513 by adding at the end of paragraph (3) and at the end of paragraph (4), in each such paragraph, the following sentence: "As to adjusted gross income, this paragraph is subject to the provisions of sections 5503(b)(7) and 5518.08."

(p) By further amending section 5514 in the following respects:

(1) By designating the present section as subsection (a).

(2) By adding thereto the following paragraphs:

"(b) The taxable year of a partnership shall be determined as though the partnership were a taxpayer. A partnership may not change to, or adopt, a taxable year other than that of all its principal partners unless it establishes, to the satisfaction of the commissioner, a business purpose therefor.

(c) A partner may not change to a taxable year other than that of a partnership in which he is a principal partner unless he establishes, to the satisfaction of the commissioner, a business purpose therefor.

(d) For the purpose of this section a principal partner is a partner having an interest of 5 per cent or more in partnership profits or capital."

(q) By adding after section 5518 a subtitle and thirteen new sections to read as follows:

"WITHHOLDING AND COLLECTION OF TAX AT SOURCE

"Sec. 5518.01. Withholding of tax on wages. (a) As used in this section (1) 'wages' means wages, commissions, fees, salaries, bonuses and every and all other kinds of compensation paid for or attributable to personal services performed by an employee for his employer, excepting perquisites and payments in lieu of perquisites; (2) 'employee' includes an officer or elected official, or any other employee; (3) 'employer' means (i) the person or government for whom an individual performs or performed any service, of whatever nature, as the employee of such person or government, including the United States and instrumentalities of the United States, and (ii) the person having control of the payment of the wages if the 'employer' as heretofore defined does not have control thereof, and (iii) any person subject to the jurisdiction of the Territory and paying wages on behalf of an 'employer' as heretofore defined if said employer is not subject to the jurisdiction of the Territory; provided, the term 'employer' shall not include any government that is not subject to the laws of the Territory except as, and to the extent that, it consents to the application of sections 5518.01-5518.07 to it; (4) 'person' includes any individual, person, trust estate, decedent's estate, business trust, corporation, association, joint stock company, national bank, insurance company, partnership or other entity or group.

(b) Every employer, as defined herein, making payment of wages, as herein defined, to employees, shall deduct and withhold from such wages an amount of tax determined as provided in this section.

(c) For each withholding period (whether weekly, biweekly, monthly or otherwise, or in the case of wages paid without respect to any period, as determined by the tax commissioner by regulations) the amount of tax to be withheld under this section shall be at a rate which, for the taxable year, will yield the tax imposed by section 5503 upon each employee's annual wage, as estimated from his current wage in any withholding period, but (for the purposes of this subsection) of the rates provided by section 5503(a) the maximum to be taken into consideration shall be six per cent. Such tax for the taxable year shall be calculated upon the following assumptions: (1) that the employee's annual wage, as estimated from his current wage in the withholding period will be his sole income for the taxable year; (2) that there will be no deductions therefrom in determining adjusted gross income; (3) that in determining net income there will be deductions in the amount of ten per cent of the estimated annual wage; (4) that in determining net income there also will be deducted the amount of exemptions granted to such employee in the computation of net income, as shown by a certificate to be filed with the employer as provided by subsection (f); and (5) if it appears from the certificate filed pursuant to subsection (f) that such employee is, under section 5524 entitled to make a joint return, that he and his spouse will so elect.

(d) Alternatively, at the election of the employer, he may deduct and withhold from each employee an amount

of tax determined on the basis of tables to be prepared and furnished by the commissioner, which amount of tax shall be substantially equivalent to the amount of tax provided by subsection (c) hereof.

(e) The commissioner, by regulation, may require the deduction and withholding of tax from any remuneration paid for or attributable to services that are not subject to the general excise tax imposed by chapter 101, whether or not such withholding is provided for hereinabove. Every person so required to deduct and withhold tax, or from whom tax is required to be deducted and withheld, shall be subject to all of the provisions of sections 5518.01-5518.07, and every person so required to deduct and withhold tax shall be deemed an employer for the purposes of this chapter.

The commissioner, by regulation, may exempt any employer from the requirement of deduction and withholding of taxes, even though such requirement is imposed by this section, if and to the extent that the commissioner shall find such requirement unduly onerous or impracticable of enforcement.

(f) On or before the date of the commencement of employment with an employer, the employee shall furnish the employer with a signed certificate relating to the amount of exemptions which he claims, which shall in no event exceed the amount to which he is entitled on the basis of the existing facts, and also showing whether he is married and is, under section 5524, entitled to make a joint return. The certificate shall be in such form and contain such information as may be prescribed by the commissioner.

If, on any day during the calendar year, there is a

change in the employee's marital status and he no longer is entitled to make a joint return, or the amount of exemptions to which the employee is entitled is less than the amount of exemptions claimed by the employee on the certificate then in effect with respect to him, the employee shall within ten days thereafter furnish the employer with a new certificate showing his present marital status, or relating to the amount of exemptions which the employee then claims, which shall in no event exceed the amount to which he is entitled on the basis of the existing facts. If, on any day during the calendar year, there is a change in the employee's marital status and though previously not entitled to make a joint return he now is so entitled, or the amount of exemptions to which he is entitled is greater than the amount of exemptions claimed, the employee may furnish the employer with a new certificate showing his present marital status, or relating to the amount of exemptions which the employee then claims, which shall in no event exceed the amount to which he is entitled on the basis of the existing facts.

Such certificate shall take effect as of the beginning of the first withholding period ending on or after the date on which such certificate is so furnished, or the first payment of wages made without regard to a period on or after the date on which such certificate is so furnished.

Any individual required to supply information to his employer under this section who willfully supplies false or fraudulent information, or who willfully fails to supply information under this section which would require an increase in the tax to be withheld, shall be guilty of a misdemeanor and upon conviction thereof be fined not more

than $500, or imprisoned not more than six months, or both.

Sec. 5518.02. Return and payment of withheld taxes. Every employer required by this chapter to withhold taxes on wages paid in any month shall make return of such wages and taxes to the commissioner within twenty days after the close of the month for which the taxes have been withheld. The return shall be in such form and contain such information as may be prescribed by the commissioner. The return shall be filed with the collector of the taxation division in which the employer has his principal place of business, or with the commissioner at Honolulu if the employer has no place of business in the Territory. Every return under this section shall be accompanied by a remission of the complete amount of tax withheld, as reported in the return; provided, that the commissioner may, if he believes such action necessary where collection of the tax may be in jeopardy, require any person required to make a return under this section to make such return and pay such tax at any time; provided, further, that the commissioner may grant permission to employers having a payroll of not more than one thousand five hundred dollars per month, to make returns and payments on a quarterly basis, such returns and payments to be made within twenty days after the close of each quarter, to wit, on or before April 20, July 20, October 20, and January 20; or the commissioner, for good cause, may extend the time for making returns and payments, but not beyond the twentieth day of the second month next succeeding the regular due date thereof. With respect to wages paid out of public moneys, the commissioner in his discretion may prescribe special forms for, and

different procedure and times for the filing of, such returns by employers paying such wages, or may, upon such conditions and subject to such rules as he may prescribe from time to time, waive the filing of any such returns.

Sec. 5518.03. Statements to employees. Every employer required to deduct and withhold any tax on the wages of any employee shall furnish to each such employee in respect of his employment during the calendar year, on or before January 31 of the succeeding year, or if his employment is terminated before the close of such calendar year, on the day on which the last payment of wages is made, a written statement, showing the period covered by the statement, the wages paid by the employer to such employee during such period, and the amount of the tax deducted and withheld or paid in respect of such wages. Each such employer shall include with his final return for the calendar year, or shall file on or before January 31, a duplicate copy of each such statement. The commissioner may grant to any employer a reasonable extension of time, not in excess of sixty days, with respect to any statement required by this section to be furnished to an employee or filed, and may by regulation provide for the furnishing or filing of statements at such other times and containing such other information as may be required for the administration of this chapter. The commissioner shall prescribe the form of the statement required by this section and may adopt any federal form appropriate for the purpose.

Sec. 5518.04. Taxes withheld by employer held in trust; employer's liability. All taxes withheld by any employer under section 5518.01 shall be held in trust by

him for the Territory and for the payment of the same to the collector in the manner and at the time required by this chapter. If any employer shall fail, neglect, or refuse to deduct and withhold from the wages paid to an employee, or to pay over, the amount of the tax required by this chapter, such employer shall, moreover, be liable to pay to the Territory the amount of said tax, which amount shall, whether or not tax withholdings constituting trust funds have been commingled with said employer's assets, form a lien on said employer's entire assets, having priority over all other claims of any person. An employer may recover from an employee any amount which he should have withheld but did not withhold from such employee's wages, if he has been required to pay and has paid said amount to the Territory out of his own funds pursuant to this section.

The lien provided for by this section may be foreclosed in a court proceeding or by distraint under section 5131.

In addition to the liability imposed by the preceding provisions of this section, if any employer which is a corporation fails, neglects or refuses to deduct and withhold from the wages paid to any employee, or to pay over, the amount of tax required by this chapter, any officer of such corporation who as such officer is under duty to deduct and withhold or to pay over, tax as required by this chapter, shall be liable to the Territory for the amount of tax required to be deducted, withheld and paid over. Said liability may be assessed and collected in the same manner as the liability imposed by the preceding portions of this section; provided, further, that two or more officers may be assessed under

this section jointly or in the alternative, but the tax shall be collected only once with respect to the same wages. The issuance or allowance of any certificate issued or allowed under the provisions of section 8357 shall not discharge the liability herein imposed.

Sec. 5521.05. Misdemeanors, employers etc. (a) Any person required under sections 5518.01-5518.04 to collect, account for, and pay over any tax, who willfully fails to collect or truthfully account for and pay over such tax shall, in addition to other penalties provided by law, be guilty of a misdemeanor.

(b) Any person required under the provisions of section 5518.03 to furnish a statement to an employee who willfully furnishes a false or fraudulent statement or who willfully fails to furnish a statement in the manner, at the time, and showing the information required under section 5518.03, or regulations prescribed thereunder, shall be guilty of a misdemeanor.

The penalty for any misdemeanor under subsection (a) shall be a fine of not more than $1,000 or imprisonment for not more than one year, or both such fine and imprisonment. The penalty for any misdemeanor under subsection (b) shall be a fine of not more than $500 or imprisonment for not more than six months, or both such fine and imprisonment.

Sec. 5518.06. Crediting of withheld taxes. Income upon which any tax has been withheld at the source under sections 5518.01-5518.04 shall be included in the return of the recipient of such income, but any amount of tax so withheld shall be credited against the amount of income tax as computed in such return, and if in excess of the tax due for the taxable year shall be refunded as provided

in section 5533.

Sec. 5518.07. Indemnity of withholder. Every person required to withhold a tax under sections 5518.01-5518.04 is hereby made liable for such tax and is hereby indemnified against any claim or demand of any other person for the amount of any payments to the commissioner made in accordance with the provisions of said sections.

Sec. 5518.08. Collection of taxes on adjusted gross income by fiduciaries. Every fiduciary of an estate or trust entitled to any deduction under section 5513 (3) or (4) in computing the net income of the estate or trust, shall, if the amounts so deductible are, under this chapter, includible in the gross income of the beneficiaries, collect from said beneficiaries, by withholding or otherwise, a tax of two per cent on such amounts as are not derived from the sources enumerated in paragraphs (2), (3), and (4) of section 5503(b).

Sec. 5518.09. Return and payment of taxes collected by fiduciary. Every fiduciary required by this chapter to collect taxes from beneficiaries, shall make returns of such taxes to the commissioner within twenty days after the close of the month in which the taxes have been collected. The return shall be in such form and contain such information as may be prescribed by the commissioner. The return shall be filed with the collector of the taxation division in which the fiduciary has his principal place of business, or with the commissioner at Honolulu if the fiduciary has no place of business in the Territory. Every return under this section shall be accompanied by a remission of the complete amount of tax collected, as reported in the return; provided, that the commissioner may, if he believes such action necessary where collection

of the tax may be in jeopardy, require any person required to make a return under this section, to make such return and pay such tax at any time; provided, further, that the commissioner may grant permission to fiduciaries to make returns and payments on a quarterly basis, such returns and payments to be made within twenty days after the close of each quarter, to wit, on or before April 20, July 20, October 20 and January 20, or the commissioner for good cause, may extend the time for making returns and payments, but not beyond the twentieth day of the second month next succeeding the regular due date thereof.

Sec. 5518.10. Statements to beneficiaries. Every fiduciary required to collect any tax from beneficiaries, shall furnish to each such beneficiary in respect of the taxable year on or before January 31 of the succeeding year, a written statement showing the period covered by the statement, the amount of adjusted gross income involved, and the amount of tax collected by the fiduciary in respect thereto. Each such fiduciary shall include with his return for the taxable year, or shall file on or before the end of the month following the close of the taxable year, a duplicate copy of each such statement. The commissioner may grant to any fiduciary a reasonable extension of time, not in excess of sixty days, with respect to any statement required by this section to be furnished to a beneficiary or filed, and may by regulation provide for the furnishing or filing of statements at such other times and containing such other information as may be required for the administration of this chapter. The commissioner shall prescribe the form of statement required by this section and may adopt any federal form appropriate for the purpose.

Sec. 5518.11. Taxes withheld by fiduciary held in trust; fiduciary's liability. All taxes withheld by any fiduciary under section 5518.08, shall be held in trust by him for the Territory and for the payment of the same to the collector in the manner and at the time required by this chapter. If any fiduciary shall fail, neglect or refuse to collect or to pay over the amount of the tax imposed by this chapter, required to be collected and paid over, such fiduciary shall, moreover, be liable to pay to the Territory the amount of said tax, in the same manner as the tax on the adjusted gross income of the estate or trust. A fiduciary may recover from a beneficiary any amount which he should have collected but did not collect from said beneficiary, if he has been required to pay and has paid said amount to the Territory.

Sec. 5518.12. Crediting of taxes collected from beneficiaries. Income upon which any tax has been collected at the source under sections 5518.08-5518.11 shall be included in the return of the beneficiary, but any amount of tax so collected shall be credited against the tax imposed upon the beneficiary, and if in excess of such tax shall be refunded to the beneficiary as provided in section 5533.

Sec. 5518.13. Assessments. Where a person required under sections 5518.01 to 5518.12 to withhold, collect or pay over taxes, is by said provisions made liable for tax by reason of non-compliance with such provisions, the commissioner may make a return for such person from the best information obtainable and may levy and assess a tax upon the amount shown by the return with additions to the tax when and as provided by section 5138.01; such assessment shall be presumed to be correct until and unless, upon an appeal duly taken as provided in this chapter, the contrary shall be clearly proved by such person, and the burden of proof upon such appeal shall be on such person to disprove such assessment. Notice of assessment shall be given, and an appeal therefrom may be taken, in the manner and within the time provided in sections 5530(2) and 5535."

(r) By inserting at the beginning of the subtitle which precedes section 5519, the following:

"ESTIMATES AND CURRENT PAYMENTS,"

(s) By inserting in the bill a new section 5519.01 to read as follows:

"Sec. 5519.01. Estimates; tax payments; further provisions as to returns. (a) (1) Individuals, but not estates or trusts, shall annually furnish the commissioner with a declaration of estimated tax for the current taxable year. Declarations of estimated tax shall, except as otherwise provided by regulation, be governed by the provisions as to returns. The declaration shall be filed, in the case of individuals on the calendar year basis, on or before April 20. In the case of a husband and wife who are entitled to make a joint return, a single declaration may be made by them jointly, in which case the liability with respect to the estimated tax shall be joint and several; if a joint declaration is made but a joint return is not made for the taxable year, the estimated tax for such year may be treated as the estimated tax of either the husband or wife or may be divided between them.

(2) Each individual shall transmit, with his declaration, payment of one-quarter of the estimated tax for the current taxable year. In determining this quarterly payment and all other installments, there first shall be deducted from the total estimated tax the amount of estimated tax withholding or collection at source for the taxable year. Thereafter, on the twentieth day of June and September, the individual shall pay one-quarter of the estimated tax. The fourth quarter of the estimated tax shall be paid by January 20 of the year following the taxable year for which the estimate was made.

(3) Individuals operating on a fiscal year basis shall make similar estimates and tax payments, on or before the twentieth day of the fourth month of the fiscal year, and periodically thereafter so as to conform to the payments and returns required in the case of those on a calendar year basis.

(4) The commissioner may by regulation excuse individuals from filing an estimate in those cases where

the gross income and exemptions are such that no tax is expected to accrue under this chapter, or are such that substantially all the tax will be collected through tax withholdings or at the source.

(b) Returns for the taxable year, additional to declarations of estimated tax made pursuant to this section, and the returns of corporations, estates, trusts, and others not required to make declarations of estimated tax, shall be filed with the commissioner on or before the twentieth day of the fourth month following the close of the taxable year, and shall be accompanied by payment of the balance of the tax for the taxable year, or the entire tax for the taxable year, as the case may be.

(c) At the election of the taxpayer, any installment of the estimated tax may be paid prior to the date prescribed for its payment.

(d) A person who, under the regulations of the commissioner adopted pursuant to subsection (a)(4), is relieved of filing an estimate, shall if the regulations cease to apply by reason of a change of circumstances during the taxable year, file the required estimate on the first quarterly payment date prescribed for payment of estimated taxes, following such change of circumstances, and pay the estimated tax in equal installments computed by allocating the entire amount shown by the estimate for the current taxable year to the remaining quarterly payment dates.

(e) An amendment of an estimate may be filed, under regulations prescribed by the commissioner. If an amendment is filed, the remaining installments, if any, shall be ratably increased or decreased to reflect the increase or decrease in the estimate. The amended estimate may be

accompanied by payment of the amount of underpayment, if any, and if so this shall be considered in determining the period of the underpayment as provided in subsection (g).

(f) If neither an estimate nor return is filed, or if one or both are filed but neither is filed until after the twentieth day of the month following the close of the taxable year, the penalties and interest provided by section 5138.01 shall apply, and shall be computed in respect of all taxes, shown by the returns made under subsection (b) of this section and sections 5522-5526, or determined by the commissioner, with the interest beginning the first day of the first month following the date prescribed for filing the estimate.

(g) If an estimate or return is filed on or before the twentieth day of the month following the close of the taxable year, the penalties and interest provided by section 5138.01 shall not apply in respect of the required payments of estimated tax but shall apply nevertheless for any delinquency, negligence or other fault in respect of the return and payment required by subsection (b) of this section or sections 5522-5524. In respect of the required payments of estimated tax, there shall be added to and become a part of the tax imposed by this chapter, and collected as such in lieu of the penalties and interest provided by section 5138.01, an amount determined at the rate of eight per centum per annum upon any amount of underpayment (determined under paragraphs (1) and (3)) for the period of the underpayment (determined under paragraph (2)). That is:

(1) For purposes of this subsection, the amount of the underpayment shall be the excess of--

(i) The amount of the installment which would be required to be paid if the estimated tax were equal to 70 per cent of the tax shown on the return for the taxable year or, if no return is filed, 70 per cent of the tax for such year, over

(ii) The amount, if any, of the installment paid on or before the last date prescribed for such payment.

(2) The period of the underpayment shall run from the date the installment was required to be paid to whichever of the following dates is the earlier--

(i) The 20th day of the fourth month following the close of the taxable year.

(ii) With respect of any portion of the underpayment, the date on which such portion is paid. For purposes of this paragraph, a payment of estimated tax on any installment date shall be considered a payment of any previous underpayment only to the extent such payment exceeds the amount of the installment determined under paragraph (1)(i) for such installment date.

(3) Notwithstanding the provisions of the preceding paragraphs, the addition to the tax with respect to any underpayment of any installment shall not be imposed if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of such installment equals or exceeds whichever of the following is the lesser--

(i) The amount which would have been required to be paid on or before such date if the estimated tax were whichever of the following is the least--

(A) The tax shown on the return of the

taxpayer for the preceding taxable year, if a return showing a liability for tax was filed by the taxpayer, under this chapter as amended in 1957, for the preceding taxable year and such preceding year was a taxable year of twelve months, or

(B) An amount equal to the tax computed on the basis of the facts shown on the taxpayer's return for, and the law applicable to, the preceding taxable year, if a return for such preceding year was filed by the taxpayer under this chapter as amended in 1957, but at the rates applicable to the taxable year and on the basis of an individual taxpayer's status with respect to personal exemptions under section 5509 for the taxable year, or

(C) An amount equal to seventy per cent of the tax for the taxable year computed by placing on an annualized basis the adjusted gross income and net income for the months in the taxable year ending before the month in which the installment is required to be paid. For purposes of this subparagraph, the adjusted gross income and net income shall be placed on an annualized basis by--

First, multiplying by 12 (or, in the case of a taxable year of less than twelve months, the number of months in the taxable year) the adjusted gross income, or the net income (computed without deduction of personal exemptions), for the months in the taxable year ending before the months

in which the installment is required to be paid,

Second, dividing the resulting amount by the number of months in the taxable year ending before the month in which such installment date falls, and

Third, deducting from such amount, in the case of computation of taxable income of individuals, the deductions for personal exemptions allowable for the taxable year (such personal exemptions being determined as of the last date prescribed for payment of the installment); or

(ii) An amount equal to 90 per cent of the tax computed, at the rates applicable to the taxable year, on the basis of the actual adjusted gross income and net income for the months in the taxable year ending before the month in which the installment is required to be paid.

(h) The amount of taxes withheld from wages, or collected at source by a fiduciary, shall be deemed payments of estimated tax, and an equal part of any such amount shall be deemed paid on each installment date for the taxable year, unless the taxpayer establishes the dates on which all amounts were actually withheld or collected, in which case the amounts so withheld or collected shall be deemed payments of estimated tax on the dates on which such amounts were actually withheld or collected."

(t) By amending section 5521 in the following respects:

(1) By changing the caption of the section to read

as follows:

"Commissioner to prescribe forms; information as to federal returns."

(2) By deleting the second sentence of the section.

(3) By designating the present section as subsection (a).

(4) By adding thereto three new subsections to read as follows:

"(b) In prescribing the form of return the commissioner may require that a person who is required to file a federal income tax return include in his return a reconciliation of the return with the person's federal return, or that he furnish with the return and as a part thereof a copy of the federal return.

(c) It shall be the duty of every person who is required to make a return, to report to the commissioner, if (1) the amount of taxable income as returned to the United States is changed, corrected or adjusted by an officer of the United States or other competent authority, or (2) a change in taxable income results from a renegotiation of a contract with the United States or a subcontract thereunder, or (3) a recomputation of the income tax imposed by the United States under the Internal Revenue Code results from any cause, or (4) an amended income tax return is made to the United States. The report shall be made within ninety days after the change, correction, adjustment or recomputation is finally determined or the amended return is filed, as the case may be, but in any event, even if such change, correction, adjustment or recomputation has not been finally determined or the ninety days has not elapsed, such person shall make a report thereof to the commissioner at the time of filing

his next return under this chapter.

(d) Whenever, in the opinion of the commissioner it is necessary to examine any federal income tax return of any taxpayer or any determination, assessment, or report related thereto, the commissioner may compel the taxpayer to produce for inspection a copy of any federal return, copies of all statements and schedules in support thereof, and copies of all determinations, assessments and reports related thereto."

(u) By amending section 5526 by deleting the last paragraph thereof.

SECTION 3. The commissioner, prior to January 1, 1959, shall adopt regulations for carrying out the provisions of subsection (g) of section 2. The commissioner shall report the same to the Thirtieth Legislature. Unless disapproved or superseded by enactments of the Thirtieth Legislature said regulations shall be deemed to have been approved by the legislature.

SECTION 4. This Act shall not be construed as affecting in any manner, to the detriment of the Territory, any taxes, interest, fines, penalties, forfeitures or other liabilities, or obligations, existing, due or incurred prior to the taking effect of this Act, nor as affecting the liability of any person to prosecution for any offense committed prior to the taking effect of this Act under any statutes hereby amended, repealed or superseded; all such taxes, interest, fines, penalties, forfeitures, liabilities, obligations, misdemeanors and other offenses may be assessed, enforced, collected, prosecuted or punished, as the case may be, in the same manner, to the same extent and subject to the same conditions as if this Act had not been enacted.

SECTION 5. Severability. If any provision of this Act, or the application thereof to any person or circumstances,

is held invalid, the remainder of this Act, and the application of such provisions to other persons or circumstances shall not be affected thereby.

SECTION 6. (a) Chapter 98 of the Revised Laws of Hawaii 1945, as amended by this Act, shall apply to all dividends paid or received on or after January 1, 1958, and said chapter 98 as it read prior to the amendments made by this Act shall apply to all dividends paid or received prior to January 1, 1958, as more fully provided in section 4 of this Act.

(b) Chapter 98 of the Revised Laws of Hawaii 1945, pursuant to the amendments made by this Act shall cease to apply to any compensation paid for or attributable to personal services performed on or after January 1, 1958, or which is subject to withholding as provided in section 10, but said chapter 98 as it read prior to the amendments made by this Act nevertheless shall apply to all compensation, except when subject to withholding as provided in section 10, paid for or attributable to personal services performed prior to January 1, 1958, as more fully provided in section 4 of this Act.

SECTION 7. The amendments of chapter 102 of the Revised Laws of Hawaii 1945, made by this Act, shall apply with respect to taxable years beginning on or after January 1, 1958, except as otherwise provided, and with respect to such taxable years chapter 102 shall stand amended as amended by this Act. In the case of any taxpayer making a return for a fiscal or other taxable year which includes part of the calendar year 1957 and part of the calendar year 1958, there shall be two returns made, the same as in a case of change in accounting period. The return made for the fractional part of the calendar year 1957 shall be governed by the provisions of chapter 102 as it read prior to the amendments made by this

Act, and the return made for the fractional part of the calendar year 1958 shall be governed by the provisions of chapter 102 as amended by this Act, to be known as the income tax law of 1957. Provided, that any taxpayer subject to the provisions of the foregoing sentence may elect in lieu thereof to file one return for the fiscal or other taxable year which includes part of the calendar year 1957 and part of the calendar year 1958, which return shall be governed by the income tax law of 1957. Provided, further: whenever, pursuant to the amendments made by this Act, income is required to be returned in a taxable year other than that prescribed by the income tax law as it read prior to the amendments made by this Act, and there is income which has not been taxed and which, by reason of such amendments, would escape taxation, such income notwithstanding such amendments shall be returned for taxation and taxed in the first taxable year to which the income tax law of 1957 applies.

SECTION 8. Notwithstanding the preceding section the return of the taxpayer for the taxable year or years including the period July 1, 1957 to December 31, 1957, inclusive, shall include all information required by the tax commissioner as to the amount of adjusted gross income for said period, as defined and determined by chapter 102 of the Revised Laws of Hawaii 1945, as amended by this Act, and there shall be assessed, levied, collected and paid by every individual (including an estate or trust) a tax of two per centum upon the amount of the adjusted gross income of said period so determined.

SECTION 9. (a) For all taxable years beginning in the calendar year 1957 and theretofore, the tax levied under chapter 102 of the Revised Laws of Hawaii 1945 for the taxable year shall be returned and paid at the times provided by

chapter 102 as it read prior to the amendments made by this Act, except as otherwise provided by subsection (b).

(b) As to any return made for, and including only, a fractional part of the calendar year 1958, such return shall be filed and the taxes paid thereon as provided in subsection (a), or on April 20, 1959, whichever is the later.

SECTION 10. The provisions of chapter 102 of the Revised Laws of Hawaii 1945, as amended by this Act, concerning the withholding of income taxes, and the provisions as to the return thereof and all other provisions related thereto, shall become effective January 1, 1958, as to compensation paid for or attributable to services performed on or after that date, or services performed in a withholding period ending January 1, 1958, or thereafter.

SECTION 11. All taxes withheld or paid under chapter 98 with respect to compensation shall, for the appropriate taxable year, be credited, to the extent of 75% thereof, against income taxes incurred under chapter 102 of the Revised Laws of Hawaii 1945, insofar as such compensation is returnable and returned under chapter 102 as gross income subject to tax; the amount of any excess credit shall not be refunded.

SECTION 12. Refunds of taxes allowable under chapter 98 of the Revised Laws of Hawaii 1945, as it read prior to its amendment by this Act, may be made out of the income tax reserve fund as heretofore or hereafter constituted if the application for such refund is filed within five years after the amount to be refunded was paid to the Territory.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

T-3

___ B. NO. ____

AN ACT

RELATING TO TAXATION, AMENDING CHAPTER 103 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED.

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

SECTION 1. Section 5554 of chapter 103 of the Revised Laws of Hawaii 1945 is amended by amending paragraph (c) to read as follows:

"(c) In any case of an allowance made pursuant to section 12020, to the extent of any payments made out of principal; provided, that for the purposes of the tax imposed by sections 5552-5556, payments of such allowance shall be deemed to have been made out of principal only if and to the extent that the income of the estate accruing after death is insufficient to pay the same."

SECTION 2. Section 5555 of chapter 103 of the Revised Laws of Hawaii 1945 is amended to read as follows:

"Sec. 5555. Rates; exempt amount. When the beneficial interest to any property or income therefrom passes above provided to or for the use of decedent's surviving spouse, the rate of the tax shall be at the following percentage rate of the market value of such property received by such person in excess of $20,000, viz.:

2 per cent on amounts between...$20,000 and $ 35,000.
3 per cent on amounts between... 35,000 and 65,000.
4 per cent on amounts between... 65,000 and 115,000.
5 per cent on amounts between...115,000 and 265,000.
6 per cent on amounts over.....265,000.

When the beneficial interest to any property or income therefrom passes as above provided to or for the use of decedent's father, mother, child, grandchild, or any child adopted as such in conformity with the laws of the Territory, the rate of the tax shall be at the following percentage rate of the market value of such property received by each person in excess of $5,000, viz.:

1½ per cent on amounts between..$ 5,000 and $ 20,000.
3 per cent on amounts between.. 20,000 and 50,000.
4½ per cent on amounts between.. 50,000 and 100,000.
6 per cent on amounts between.. 100,000 and 250,000.
7½ per cent on amounts over..... 250,000.

In all other cases, the rate of tax on the market value of such property in excess of $500 shall be as follows, viz.:

3½	per cent on amounts between...	$ 500 and	$ 5,000.
6	per cent on amounts between...	5,000 and	20,000.
7	per cent on amounts between...	20,000 and	50,000.
8	per cent on amounts between...	50,000 and	100,000.
9	per cent on amounts over.....	100,000."	

SECTION 3. Section 5567 of chapter 103 of the Revised Laws of Hawaii 1945 is amended by deleting from the first sentence thereof the following words and punctuation:

"if the tax is paid within twelve months from the date of death, a discount of five per centum shall be allowed and deducted from the tax, and".

SECTION 4. This Act shall apply only in cases of decedents dying on or after July 1, 1957, and sections 5554, 5555 and 5567 of the Revised Laws of Hawaii 1945, as they stood prior to the amendments made by this Act, shall apply in cases of decedents dying prior to July 1, 1957.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

T-4

____ B. NO. ____

AN ACT

AMENDING CHAPTER 104 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO THE LIQUOR TAX.

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

SECTION 1. Section 5602 of chapter 104 of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(a) By deleting from subsection (b) the words and figure "one dollar ($1.00)" and inserting in lieu thereof the following:

"three dollars ($3.00)".

(b) By deleting from subsection (c) the words "one dollar" and inserting in lieu thereof the words:

"three dollars".

SECTION 2. Section 5604 of chapter 104 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by deleting therefrom the words "twelve per cent of the wholesale price" and inserting in lieu thereof the following:

"fifteen per cent of the wholesale price".

SECTION 3. This Act shall take effect on July 1, 1957 and shall apply to taxes and fees accruing on and after said date.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

T-5

____ B. NO. ____

AN ACT

AMENDING CHAPTER 109 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO THE TOBACCO TAX.

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

SECTION 1. Section 5752 of chapter 109 of the Revised Laws of Hawaii 1945 is hereby amended by deleting from the second paragraph the words "one dollar" and inserting in lieu thereof the following:

"three dollars".

SECTION 2. Section 5753 of chapter 109 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respects:

(a) By deleting therefrom, wherever the same appear, the words "fifteen per centum" and by inserting in lieu thereof in each such place the words:

"twenty per centum"

(b) By deleting therefrom the words "eleven and one-quarter per centum" and inserting in lieu thereof the following:

"fifteen per centum".

SECTION 3. This Act shall take effect on July 1, 1957 and shall apply to taxes and fees accruing on and after said date.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

T-6

____ B. NO. ____

AN ACT

RELATING TO THE TAXATION OF BANKS AND OTHER FINANCIAL CORPORATIONS NOT TAXABLE UNDER CHAPTERS 101 AND 102, THEIR FRANCHISES, PRIVILEGES, ACTIVITIES, PROPERTY, INCOME, SHARES, AND DIVIDENDS, AND AMENDING CHAPTERS 97, 101, 152 AND 161 OF THE REVISED LAWS OF HAWAII 1945, AND ALL OTHER LAWS IN CONFLICT HEREWITH.

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

SECTION 1. Title 14 of the Revised Laws of Hawaii 1945 is hereby amended by amending chapter 97 thereof to read as follows:

"Chapter 97. Taxation of Banks and other Financial Corporations.

Sec. 5301. Definitions. As used in this chapter unless a different meaning appears from the context:

The term 'bank' means and includes any national banking association, any bank organized under the laws of the Territory, and any other corporation doing a banking business within the Territory.

The term 'financial corporation' means any corporation other than a bank, domestic or foreign, which is a financial corporation within the meaning of section 5219 of the Revised Statutes of the United States as amended (12 U.S.C. 548) doing business in the Territory and not subject to the taxes imposed by chapters 101 and 102, or not subject to one of said taxes.

Sec. 5302. Imposition of tax on national banking associations; construction; exemption from other taxes, except real property tax. Every national banking association located or doing business in the Territory shall annually, as of January 1, pay a franchise tax according to, or measured by, its net income, to be computed as hereinafter provided at the rate hereinafter prescribed. The Territory is hereby adopting method numbered (4), authorized by section 5219, Revised Statutes of the United States, as amended (12 U.S.C. 548).

The tax imposed by this chapter shall be in lieu of all other taxes imposed by the Territory or any political subdivision thereof on national banking associations, or on their privileges, activities, property, income, shares or dividends; provided, that nothing in

this chapter shall be construed to exempt the real property of national banking associations from taxation to the same extent, according to its value, as other real property is taxed.

Sec. 5303. Measure of the tax on national banking associations. The measure of the tax on national banking associations shall be the entire net income from all sources for the calendar year preceding January 1, or, in the case of a national banking association operating on a fiscal year basis, for the fiscal year in which January 1 occurs. Said 'entire net income from all sources' shall be determined as follows:

(a) The entire gross income from all sources shall be determined by including all gains, profits and income derived or received from property owned and business carried on in the Territory and all other receipts derived or received from any and every source in the Territory, including interest received upon the obligations of the United States or its possessions, or upon securities issued under the authority of an Act of Congress, or upon state, territorial, municipal, county, or other bonds or securities, whether or not the income from such obligations, bonds, or securities is tax free.

(b) From such gross income there shall be excluded such capital gains, dividends, gifts, bequests, devises and life insurance, as are excluded from the tax imposed on corporations by chapter 102, by paragraphs (b), (e), (f) and (g) of section 5506, or provisions supplementary thereof.

(c) There shall be subtracted from the gross income so computed the deductions which, in the computation of the tax imposed by chapter 102, are allowed to corporations, and in addition thereto federal income taxes upon income derived or received from the sources stated in subsection (a).

Sec. 5304. Rate of tax on national banking associations. The tax imposed by this chapter on national banking associations is hereby fixed at fifteen per cent of the entire net income from all sources, determined as provided in section 5303; provided, that if, for any year, the amount of tax which would be produced by applying the rate of fifteen per cent to the entire net income from all sources shall exceed, in the case of

any national banking association, the amount of tax which would be produced in such case by the sum of (a) three per cent of such gross receipts and proceeds as constitute the measure of the tax imposed by chapter 101, and (b) five per cent of such net income as constitutes the basis of the tax imposed on corporations by chapter 102, then in such event the rate of the tax imposed by this chapter shall, for all national banking associations for such year, be reduced to such per cent (to be computed to the nearest one hundredth of one per cent) as will cause the amount of the tax produced under this chapter not to exceed, in any case, the sum of (a) and (b) above.

Sec. 5305. Imposition of tax on other banks and financial corporations; measure and rate of tax; in lieu of what other taxes. Every bank and financial corporation, other than a national banking association, located or doing business in the Territory, shall annually, as of January 1, pay a franchise tax measured as hereinafter provided, at the tax rates hereinafter prescribed. As to banks, the tax shall be in lieu of all other taxes imposed by the Territory or any political subdivision thereof upon such banks, or their privileges, activities, property, or income, but shall not be in lieu of any taxes imposed on their shares, measured by their dividends, or imposed on their dividends; provided, that nothing in this chapter shall be construed to exempt the real property of banks from taxation to the same extent, according to its value, as other real property is taxed. As to other financial corporations, the tax imposed by this chapter shall not be in lieu of other taxes, but there shall be deducted from the tax imposed by this chapter the amount of all other taxes imposed by the Territory or any political subdivision thereof upon the business or income of the year in which were derived or received the gross receipts, proceeds and net income which constitute the measure of this tax; such deduction shall not exceed the amount of the tax imposed by this chapter. Nothing herein shall be deemed to authorize the deduction of any tax imposed on the shares of such financial corporations, measured by their dividends, or imposed on their dividends, or any tax on real property.

The measure of the tax imposed by this section shall be the gross receipts, proceeds and net income hereinafter designated for the year preceding January 1, or in the case of a bank or financial corporation operating on a fiscal year basis, for the year in which January 1 occurs.

The amount of the tax on banks other than national banking associations, hereby imposed, shall be the sum of (a) three per cent of such gross receipts and proceeds as constitute the measure of the tax imposed by chapter 101, and (b) five per cent of such net income as constitutes the basis of the tax imposed on corporations by chapter 102.

The amount of the tax on financial corporations, hereby imposed, shall be the sum of (a) three per cent of such gross receipts and proceeds from interest and rents as constitute the measure of the tax imposed by chapter 101, and (b) five per cent of such net income from interest, dividends, rents and capital gains as constitutes, or would constitute, the basis of the tax imposed on corporations by chapter 102 in the case of a corporation deriving or receiving its income from those sources. In determining net income there shall be deducted only such amounts as are properly allocable to included gross income."

Sec. 5306. Returns; payment of tax. Returns made on the basis of the calendar year shall be made and filed, and the tax imposed by this chapter shall be paid, on or before April 20 following the close of the calendar year. Returns made on the basis of a fiscal year shall be made and filed, and in such case the tax imposed by this chapter shall be paid, on or before the twentieth day of the fourth month following the close of the fiscal year.

A bank may elect to pay the tax in four equal installments, in which case the first installment shall be paid on the date prescribed for the payment of the tax, the second installment shall be paid on the twentieth day of the second month, the third installment on the twentieth day of the fifth month and the fourth installment on the twentieth day of the eighth month after such date.

Sec. 5307. Chapter 102, applicable. All of the provisions of chapter 102 not inconsistent with the provisions of this chapter, and which may be appropriately applied to the taxes, persons, circumstances and situations involved in this chapter, including without prejudice to the generality of the foregoing, sections 5511, 5512, 5515, 5517, 5519, 5520, 5521, 5522, and 5526-5540 inclusive, shall be applicable to the taxes imposed by this chapter, and to the assessment and

collection thereof. Any tax refund payable under section 5533, hereby made applicable to the taxes imposed by this chapter, shall be made out of current tax collections under this chapter or chapter 102, whichever are available therefor.

Sec. 5508. Disposition of funds. All taxes collected under the provisions of this chapter shall be territorial realizations."

SECTION 2. Chapter 101 of the Revised Laws of Hawaii 1945 is hereby amended by amending section 5459 in the following respects:

(1) By amending clause or item (b) thereof to read as follows:

"(b) banks exclusively taxable under the provisions of other laws;".

(2) By deleting from the first paragraph after the colon the words and punctuation: "(k) building and loan associations, with respect only to interest received by them on loans to members;".

(3) By relettering the remaining items in said first paragraph.

SECTION 3. Chapter 152 of the Revised Laws of Hawaii 1945 is hereby amended by deleting from section 8037 the first sentence thereof.

SECTION 4. Chapter 161 of the Revised Laws of Hawaii 1945 is hereby amended by amending section 8488.02, as enacted by Act 226 of the Session Laws of 1953, as said section may have been or shall be renumbered, by changing the period at the end of the section to a comma and adding after the comma the following:

"and also excepting the tax imposed by chapter 97 if and to the extent applicable."

SECTION 5. All references herein to chapters 101 and 102 of the Revised Laws of Hawaii 1945 signify the provisions thereof as amended and applicable to the taxes imposed by said chapters in respect of income derived or received on and after the January 1 franchise tax date prescribed by this Act, for example, for the computation of the franchise tax imposed by this Act as of January 1, 1958, references to chapters 101 and 102 signify the provisions

thereof as amended and applicable to income derived or received on or after January 1, 1958.

SECTION 6. This Act shall not be construed as affecting in any manner, to the detriment of the Territory, any taxes, interest, fines, penalties, forfeitures or other liabilities, or obligations, existing, due or incurred prior to the effective date of section 1 of this Act, nor as affecting the liability of any person to prosecution for any misdemeanor or other criminal offenses committed prior to said effective date under the laws hereby amended, and all such taxes, interest, fines, penalties, forfeitures, liabilities, obligations, misdemeanors and other offenses may be assessed, enforced, collected, prosecuted or punished, as the case may be, in the same manner, to the same extent and subject to the same conditions, as if this Act had not been enacted.

SECTION 7. If any section, sentence, clause or phrase of this Act, or its application to any person or circumstances, is for any reason held to be unconstitutional or invalid, the remaining portions of this Act, or the application of this Act to other persons or circumstances shall not be affected. The legislature hereby declares that it would have passed this Act and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 8. The first franchise tax date governed by this Act shall be January 1, 1958. Chapter 97 of the Revised Laws of Hawaii 1945 as it read prior to the amendments made by this Act shall apply to taxes due as of January 1, 1957 and theretofore. Except as otherwise provided, this Act shall take effect upon its approval.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

T-7

____ B. NO. ____

AN ACT

AMENDING CHAPTER 161 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO TAXES ON INSURERS.

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

SECTION 1. Section 8487.01 of chapter 161 of the Revised Laws of Hawaii 1945, as enacted by Act 226 of the Session Laws of 1953, as said section may have been or shall be renumbered, is hereby amended in the following respects:

(a) By changing the period at the end of the first sentence to a comma and adding the following after the comma:

"together with such other information as may be required by the commissioner in order to determine the taxability of premiums."

(b) By adding at the end of the section the following:

"No return premium shall be deductible unless the original gross premium, as adjusted, in an amount equal to or in excess of the return premium, shall have been concurrently or previously reported under this section or a prior similar law of the Territory."

SECTION 2. Section 8487.02 of chapter 161 of the Revised Laws of Hawaii 1945, as enacted by Act 226 of the Session Laws of 1953, as said section may have been or shall be renumbered, is hereby amended in the following respects:

(a) By amending subsection 1 by adding thereto the following paragraph:

"All premiums written, procured or received in this Territory shall be presumed to have been from risks or property resident, situated, or located within this Territory. This presumption may be rebutted as to any premium: (a) by showing that it has been properly allocated or apportioned and reported as a taxable premium of another state or other appropriate taxing authority; (b) by facts as to the residence situation or location of the risk or property, conclusively showing the non-taxability of the premium."

(b) By amending subsection 2 in the following respects:

(1) By deleting therefrom the words and punctuation: "cash surrender values paid,".

(2) By adding thereto the following paragraph:

"The tax also shall apply to premiums for insurance written on individuals residing outside this Territory unless the direct writing company shall show the payment of a comparable tax to another appropriate taxing authority. Such showing may be required as to any premium written, procured or received in the Territory."

SECTION 3. This Act shall take effect in respect of all taxes measured by gross premiums of the last six months of 1957 and thereafter. The insurer, in respect of the calendar year 1957, shall make two statements, one covering the first six months of the calendar year and showing the tax on the gross premiums during such period, determined under chapter 161 as it read prior to the amendments made by this Act, and the other covering the last six months of the calendar year and showing the tax on the gross premiums during such period, determined under chapter 161 as amended by this Act.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

Gov. Msg. No. 16

THE TERRITORY OF HAWAII
EXECUTIVE CHAMBERS
IOLANI PALACE
HONOLULU

February 25, 1957

Honorable President
and Members of the Senate
29th Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sirs:

Forwarded for your consideration are proposed bills pertaining to the Bureau of Workmen's Compensation, Department of Labor and Industrial Relations.

1. Increases the number of weeks of compensation for permanent partial disability for eleven categories of schedule injuries, such as fingers, hand, arm, etc. The change brings our law into parity with the Longshoremen's and Harbor Workers' Compensation Act with respect to schedule injuries.

2. Provides for payment from the Special Compensation Fund of not more than $1000 per case for compensation and medical care where the employer is in default because he has failed to obtain insurance and is financially unable to pay.

3. Makes the following administrative amendments:

   a. Permits lump sum payment to widow upon remarriage only if there are no dependent children.

   b. Makes clear that payments for permanent partial disability do not commence until after temporary disability has ended.

   c. Deletes an erroneous minimum compensation amount for temporary partial disability.

   d. Provides one year in which to file claims for compensation rather than six months.

   e. Reduces from twelve to two the number of supplemental reports required from employers annually.

Sincerely,

Samuel Wilder King

SAMUEL WILDER KING
GOVERNOR OF HAWAII

AN ACT

RELATING TO WORKMEN'S COMPENSATION.

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

SECTION 1. Chapter 77, Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(a) By amending the first sentence of the second paragraph of section 4413 to read:

> "To a widow, until death or remarriage, with two years' compensation in one sum upon remarriage if there are no dependent children entitled to compensation at the time of remarriage."

(b) By amending the paragraph entitled "Scope and time of payment" in subsection 1 of section 4417 to read:

> "Scope and time of payment. The compensation for the foregoing specific injuries shall be in lieu of all other compensation except the benefits provided in sections 4415 and 4416; provided that payments of compensation under this section shall not commence until after the periods of temporary total disability and temporary partial disability have terminated."

(c) By deleting from subsection 2 of section 4417 the words and figures "nor less than $8".

(d) By substituting for the words "six months" whenever they appear in section 4427 the words "one year".

(e) By amending the fourth paragraph of section 4449 to read:

> "On June 30 and December 31 of each year the employer shall make a report to the director with respect to each injury on which he is continuing to pay compensation or expenses under section 4415 showing all amounts theretofore paid by him on account of such injury."

SECTION 2. This Act shall take effect on July 1, 1957 and shall apply to injuries occurring before as well as after said date.

INTRODUCED BY:

AN ACT

RELATING TO WORKMEN'S COMPENSATION.

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

SECTION 1. Chapter 77, Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(a) By substituting for the words "territorial treasury and be a special fund for the use of the bureau" in the first sentence in section 4456 the words "special compensation fund created by section 4417.01".

(b) By adding a new section following section 4417.05, to be appropriately numbered and to read as follows:

"Sec. _____. The director may, in his discretion and to the extent he determines to be advisable after consideration of current commitments payable from the special compensation fund, make payments from such fund for compensation and medical expenses under any award heretofore or hereafter made in any case of disability where there has been default in the payment of compensation or the furnishing of medical care if the director determines that the liable employer (a) has failed to secure compensation to his employees and (b) is financially unable to pay compensation or furnish medical care. Expenditures shall not exceed $1000 in any one case. The employer against whom the award was made shall be liable for payment into such fund of the amounts paid therefrom by the director under the authority of this section, and for the purposes of enforcing this liability the director, for the benefit of said fund, shall be subrogated to all the rights of the person receiving such payment."

SECTION 2. Any funds remaining in the special fund referred to in section 4456 shall, upon the effective date of this Act, be transferred to the special compensation fund.

SECTION 3. This Act shall take effect on July 1, 1957.

INTRODUCED BY:

AN ACT

RELATING TO WORKMEN'S COMPENSATION.

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

SECTION 1. Chapter 77, Revised Laws of Hawaii 1945 is hereby amended by changing the periods of compensation for certain members in the schedule of injuries in subsection 1 of section 4417 as follows:

Thumb, from fifty-one weeks to seventy-five weeks

First finger, from twenty-eight weeks to forty-six weeks

Second finger, from eighteen weeks to thirty weeks

Third finger, from seventeen weeks to twenty-five weeks

Fourth finger, from seven weeks to fifteen weeks

Great toe, from twenty-six weeks to thirty-eight weeks

Other toes, from eight weeks to sixteen weeks

Hand, from two hundred and twelve weeks to two hundred and forty-four weeks

Arm, from two hundred and eighty weeks to three hundred and twelve weeks

Foot, from one hundred and seventy-three weeks to two hundred and five weeks

Leg, two hundred and forty-eight weeks to two hundred and eighty-eight weeks.

SECTION 2. This Act shall take effect on July 1, 1957 and shall be applicable only to injuries occurring on or after that date.

INTRODUCED BY:

Gov. Msg. No. 17

THE TERRITORY OF HAWAII
EXECUTIVE CHAMBERS
IOLANI PALACE
HONOLULU

February 27, 1957

Honorable President
and Members of the Senate
29th Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sirs:

Attached hereto for your consideration and appropriate action is a draft of a bill entitled "An act relating to the compensation of public employees, and making an appropriation."

This bill declares that there is still a moral obligation owed by the Territory of Hawaii to those employees who were in service during the period July 1, 1955 to and including August 3, 1956, and promised a pay increase under Act 276, SLH 1955, and that this Act is now enacted for the purpose of discharging said moral obligation by conferring a pay increase upon said public employees for the period of time (i.e. retroactively) between July 1, 1955 and September 1, 1956 and to the same degree and extent as provided in Act 2, Special Session Laws of Hawaii 1956.

Sincerely,

Samuel Wilder King

SAMUEL WILDER KING
GOVERNOR OF HAWAII

R. NO. 10 ___ B. NO. ___

AN ACT

RELATING TO THE COMPENSATION OF PUBLIC EMPLOYEES, AND MAKING AN APPROPRIATION.

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

SECTION 1. The Twenty-eighth Legislature in regular session assembled passed a purported Act (Act 276, Session Laws of Hawaii 1955) providing for pay increases for certain public employees. On August 3, 1956, the Supreme Court of the Territory of Hawaii held that said Act 276 "never became law".

Subsequently the Twenty-eighth Legislature in special session assembled, recognizing a moral obligation to those officers and employees who were promised a pay increase under said Act 276, was desirous of re-enacting said purported Act 276 but was unable to do so. However, said Legislature did enact Act 2, Special Session Laws of Hawaii 1956, which Act provided for a pay increase comparable to that in the purported Act 276, but effective only from and after September 1, 1956 for those employees who were employed prior to August 3, 1956.

The Twenty-ninth Legislature in regular session now assembled declares that there is still a moral obligation owed by the Territory of Hawaii to those employees who were in service during the period July 1, 1955 to and including August 3, 1956 and promised a pay increase under said Act 276, and that this Act is now enacted for the purpose of discharging said

moral obligation by conferring a pay increase upon said public employees for the period of time (i.e. retroactively) between July 1, 1955 and September 1, 1956 and to the same degree and extent as provided in Act 2, Special Session Laws of Hawaii 1956.

In order to accomplish this purpose it is the declared policy that the language of this Act shall be so interpreted that the particular result will be the same as though Act 2, Special Session Laws of Hawaii 1956 had become effective on July 1, 1955.

SECTION 2. In order to determine the amount of retroactive pay due to teachers, principals, vice principals and substitute teachers under this Act: (a) who were in service on September 1, 1955, shall be for this purpose transferred from the then existing schedule appearing in Act 278 (section 12), Session Laws of Hawaii 1953, hereinafter referred to as the "old schedule" to the teachers' schedule prescribed in section 2 of Act 2, Special Session Laws of Hawaii 1956, hereinafter referred to as the "existing schedule", as of September 1, 1955; (b) who were employed between September 1, 1955 and August 3, 1956, both dates inclusive, shall be transferred for this purpose from the old schedule to the existing schedule as

of the date of their employment; (c) who were employed subsequent to August 3, 1956, shall not be entitled to any retroactive pay. Such transfers shall be on the basis of compensation and not of years of experience. A teacher shall be placed in the existing schedule in the salary grade of his appropriate class, equal to the compensation to which he was entitled on the effective date of this transfer, under the old schedule, including the annual increment. If the appropriate class in the existing schedule does not contain a salary grade equal to the compensation to which he was entitled on the effective date of his transfer under the old schedule, such teacher shall be placed in the next highest salary grade of his appropriate class in the existing schedule. A teacher who, immediately prior to the effective date of this transfer, was receiving under the old schedule the maximum salary in his class shall be transferred as of the effective date of this particular transfer to the next highest salary grade of his appropriate class in the existing schedule. Provided however, that any teacher transferring from the old to the existing schedule as hereinbefore provided who shall receive a salary increase of less than $5.00 per month, shall be given in lieu thereof a salary increase of $5.00 per month.

Any teacher not receiving the maximum salary of his appropriate class in the existing schedule as of the date of this transfer from the old schedule to the existing schedule shall thereafter have his salary increased by one increment on the next succeeding date set by the department of public instruction for increases in salary and so on up to but not exceeding the maximum rate for his appropriate class.

The compensation which a teacher or principal would have earned after such a transfer as hereinbefore described shall be calculated to September 1, 1956. From this sum shall be deducted the actual compensation earned and paid for the same period under the provisions of Act 278, Session Laws of Hawaii 1953 and the difference thereof shall be the retroactive pay due to said teacher or principal.

SECTION 3. In order to determine the amount of retroactive pay due to personnel of the University of Hawaii, the rates of compensation established by the board of regents of the University pursuant to sections 1948 and 1950 of the Revised Laws of Hawaii 1945, as amended, and in effect on September 1, 1955, shall be increased by three per cent as of (a) September 1, 1955 for personnel employed as of or prior to September 1, 1955; (b) the date of employment of personnel employed subsequent to September 1, 1955 but on or before August 3, 1956.

The compensation which such personnel would have earned

after such an increase as hereinbefore described shall be calculated to September 1, 1956. From this sum shall be deducted the actual compensation earned and paid for the same period under the provisions of Act 278, Session Laws of Hawaii 1953 and the difference thereof shall be the retroactive pay due to said personnel.

SECTION 4. In order to determine the amount of retroactive pay due under this Act, to officers and employees: (a) who were in service on July 1, 1955, shall be, for this purpose, transferred from the then existing schedule appearing in Act 274 (section 2), Session Laws of Hawaii 1953, hereinafter referred to as the "old schedule" to the schedule prescribed in section 5 of Act 2, Special Session Laws of Hawaii 1956, hereinafter referred to as the "existing schedule", as of July 1, 1955; (b) who were employed between July 1, 1955 and August 3, 1956, both dates inclusive, shall be transferred for this purpose from the old schedule to the existing schedule as of the date of their employment; (c) who were employed subsequent to August 3, 1956, shall not be entitled to any retroactive pay.

For the purpose of making the transfer from the old salary schedule to the existing salary schedule, each position shall be transferred on the effective dates heretofore set forth to the same range and step in the existing schedule as the position was placed in the old schedule on the date of transfer,

irrespective of whether or not said position had been repriced under the provisions of Act 274. Any position having been affected by repricing subsequent to the date of transfer shall be accordingly affected on the effective date of the repricing action by an appropriate transfer in the existing salary schedule. The service anniversary date for all employees who were in service on July 1, 1955, is July 1, 1955, Provided however, that no increment shall be considered as having been earned prior to July 1, 1956, and if the encumbent of any position transferred had received an increment subsequent to July 1, 1955 and prior to July 1, 1956 under the old schedule, such transfer shall be made as though no increment had been so earned.

Every employee shall receive compensation at the same step of the existing salary schedule as that at which he was receiving compensation under the old schedule, except, however, for increments earned during the period July 1, 1955 through June 30, 1956, as hereinbefore mentioned. Anything to the contrary notwithstanding, any employee who was, on the date of the transfer, receiving compensation at a rate in excess of the maximum step in the existing schedule to which his appropriate class is assigned, shall continue to receive the same compensa-

tion as he was receiving immediately prior to transfer after the date of transfer and until such time as the class to which his position is assigned is reassigned to a salary range in the existing schedule having a maximum step in excess of such compensation; provided, however, if the salary which said employee was receiving prior to the date of transfer was in excess of the maximum of the salary range to which his class was assigned under the old schedule, but is less than the maximum step of his appropriate range in the existing schedule, he shall receive compensation upon his transfer at the maximum step in the existing schedule.

The compensation which an officer or employee would have earned after such a transfer as hereinbefore described shall be calculated to September 1, 1956. From this sum shall be deducted the actual compensation earned and paid for the same period under the provisions of Act 274, Session Laws of Hawaii 1955 and the difference thereof shall be the retroactive pay due to said officers and employees.

SECTION 5. The appropriate disbursing officers of the department of public instruction, the University of Hawaii, the Territory and the several counties are hereby instructed to calculate the retroactive pay, if any, to which each employee is entitled under the provisions of this Act and in accordance with the declared policy of this Act and as of the effective date of this Act, to pay the appropriate amount thereof to said employees.

SECTION 6. There is hereby appropriated from the general revenues of the Territory, not otherwise appropriated and in addition to any other appropriation to the department of public instruction, the sum of _____, or so much thereof as may be necessary to carry out the purpose of section 2 of this Act. The department shall expend this sum in the same manner as other appropriations made to the department and in conformity with the declared policy of this Act.

There is hereby appropriated out of the general revenues of the Territory, not otherwise appropriated and in addition to any other appropriation to the University of Hawaii the sum of _____, or so much thereof as may be necessary to carry out the purpose of section 3 of this Act. The regents of the University shall expend this sum in the same manner as other appropriations made to the University and in conformity with the declared policy of this Act.

There is hereby appropriated from the general revenues of the Territory not otherwise appropriated, the sum of _____ _____ for the following purposes: (a) to pay for the retroactive salaries occasioned by section 4 of this Act of all officers and employees of the Territory and the several counties whose compensation is paid (1) from the general fund of the Territory, or (2) from the general funds of the several counties or from the special funds of the counties the moneys in which come from the counties' general fund, or (3) from Federal funds or special funds of the Territory, whether in whole or in part, and whether directly or indirectly, but only to the extent that the amount required to pay the retroactive compensation provided by this Act cannot be obtained from the United States or from any special fund of the Territory. Insofar as other officers and employees of the Territory and the several counties are concerned the retroactive compensation shall be provided from the funds from which the compensation of such person is regularly paid.

(b) To discharge the employer contributions of the Territory and the several counties to the employees' retirement system of the Territory in respect to the compensation for which an appropriation is made by subsection (a) of this section.

Provided, however, that this appropriation shall not be so expended as to pay the county costs of repricing provided for by Act 274, Session Laws of Hawaii 1955, and any repricing cost increase occasioned by this Act shall be paid by the respective counties.

SECTION 7. This Act shall take effect on _____ _____.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

Gov. Msg. No. 18

THE TERRITORY OF HAWAII
EXECUTIVE CHAMBERS
IOLANI PALACE
HONOLULU

February 27, 1957

Honorable President
and Members of the Senate
29th Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sirs:

Attached hereto for your consideration and appropriate action is a bill prepared by the Department of Public Instruction entitled "An act relating to the classification of school teachers, and amending section 1760, Revised Laws of Hawaii 1945."

Sincerely,

Samuel Wilder King

SAMUEL WILDER KING
GOVERNOR OF HAWAII

Gov. Mess. No. 18

THE TERRITORY OF HAWAII
EXECUTIVE CHAMBERS
IOLANI PALACE
HONOLULU

February 27, 1957

Honorable President
and Members of the Senate
29th Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sirs:

Attached hereto for your consideration and appropriate action is a bill prepared by the Department of Public Instruction entitled "An act relating to the classification of school teachers, and amending section 1760, Revised Laws of Hawaii 1945."

Sincerely,

Samuel Wilder King

SAMUEL WILDER KING
GOVERNOR OF HAWAII

DPI _____ B. NO. _____

AN ACT

RELATING TO THE CLASSIFICATION OF SCHOOL TEACHERS, AND AMENDING SECTION 1760, REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Section 1760, Revised Laws of Hawaii 1945, is hereby amended by deleting from the fifth line thereof the word "year" and substituting therefor the word "month".

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

Gov. Msg. No. 19

THE TERRITORY OF HAWAII
EXECUTIVE CHAMBERS
IOLANI PALACE
HONOLULU

February 27, 1957

Honorable President
and Members of the Senate
29th Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sirs:

Attached hereto for your consideration and appropriate action is a draft of a bill entitled "An act amending section 455 of the Revised Laws of Hawaii 1945, as amended, relating to travel expenses of Territorial officials."

Sincerely,

Samuel Wilder King

SAMUEL WILDER KING
GOVERNOR OF HAWAII

R 12

___ B. NO. ____

AN ACT

AMENDING SECTION 455 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO TRAVEL EXPENSES OF TERRITORIAL OFFICIALS.

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

SECTION 1. Section 455 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by deleting the word "twenty" from the third line thereof and inserting in lieu thereof the word "thirty".

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

Gov. Msg. No. 20

THE TERRITORY OF HAWAII
EXECUTIVE CHAMBERS
IOLANI PALACE
HONOLULU

February 27, 1957

Honorable President
and Members of the Senate
29th Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sirs:

Attached hereto is an act requesting the Legislature to provide funds necessary for the construction of a new capitol building and suggesting methods to raise such funds.

I strongly urge your favorable consideration of this measure in view of the fact that the facilities of Iolani Palace will be entirely inadequate to house the 30th Legislature, the first to be elected under reapportionment.

Sincerely,

Samuel Wilder King

SAMUEL WILDER KING
GOVERNOR OF HAWAII

H. NO. 1 _____ S. NO. _____

AN ACT

MAKING AN APPROPRIATION FOR THE CONSTRUCTION OF A CAPITOL BUILDING AND PROVIDING FOR THE ISSUANCE OF A PUBLIC IMPROVEMENT BOND FOR SUCH PURPOSE, AND AUTHORIZING AND REQUESTING THE EMPLOYEES' RETIREMENT SYSTEM OF THE TERRITORY OF HAWAII TO PURCHASE SUCH BOND.

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

SECTION 1. The sum of seven million dollars ($7,000,000.00) is hereby appropriated out of any moneys hereafter received by the treasurer of the Territory of Hawaii for or on account of loan funds, and bonds may be issued as provided by law to the extent necessary to yield said sum or so much thereof as may be found necessary, for the construction of a capitol building for the Territory of Hawaii. This appropriation shall include the acquisition of land and the preparation of necessary plans, and shall be in addition to any other appropriation heretofore made. This appropriation shall be expended by the department of public works.

SECTION 2. The empliyees' retirement system of the Territory of Hawaii is hereby authorized and requested to purchase any bond issued by the Territory of Hawaii pursuant to this Act.

SECTION 3. This Act shall take effect upon the enactment of legislation by the Congress of the United States authorizing such bond issue without regard to any existing debt limitations imposed by the Hawaiian Organic Act or any other Act of Congress.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

Gov. Msg. No. 21

February 20, 1957

Honorable President and
Members of the Senate
29th Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sirs:

With this letter I am sending for your consideration three tax measures relating to real property taxes.

The first bill proposes to turn over to the respective counties the appraisal, assessment and collection functions relating to the real property tax which are presently done by the Territory.

In the alternative, the second bill proposes to charge a service fee of 5% against all real property taxes collected, if the Territory continues to do the appraisal, assessment and collection for the counties.

The third bill proposes to raise the real property tax ceilings by 25% over the present statutory limit.

It is my feeling that if the Legislature desires to remove all controls on the real property tax ceiling then the respective counties should assume the burdens of administering and collecting those taxes.

It should be noted that the Territory has not charged the counties for the costs of appraisal, assessment and collection of the real property tax up to now, although the Territory has deducted from those collections such sums as have been advanced to the counties by way of cash loans or loan fund advancements.

The measures are listed herewith.

R-6 Bill An act relating to taxation, amending Chapters 94, 95, 96 and 102 of the Revised Laws of Hawaii 1945 as amended, adding a new Chapter 94.01 of the Revised Laws of Hawaii 1945, amending Sections 320, 6214 and 6541 of the Revised Laws of Hawaii 1945 and repealing Joint Resolution 44 of the Session Laws of 1953, all to provide for the administration of the real property tax by the several counties, and to that end to transfer certain functions, and make conforming amendments.

R-6-a Bill An act relating to property taxes, amending Section 5254 of the Revised Laws of Hawaii 1945, as amended, as to the disposition of the proceeds thereof.

R-6-b Bill An act amending Section 5252, Revised Laws of Hawaii 1945, as amended, relating to the amounts that may be raised from real property taxes.

Sincerely,

Samuel Wilder King

SAMUEL WILDER KING
GOVERNOR OF HAWAII

_____ B. NO. _____

AN ACT

RELATING TO TAXATION, AMENDING CHAPTERS 94, 95, 96 AND 102 OF THE REVISED LAWS OF HAWAII 1945 AS AMENDED, ADDING A NEW CHAPTER 94.01 OF THE REVISED LAWS OF HAWAII 1945, AMENDING SECTIONS 320, 6214 AND 6541 OF THE REVISED LAWS OF HAWAII 1945 AND REPEALING JOINT RESOLUTION 44 OF THE SESSION LAWS OF 1953, A L L TO PROVIDE FOR THE ADMINISTRATION OF THE REAL PROPERTY TAX BY THE SEVERAL COUNTIES, AND TO THAT END TO TRANSFER CERTAIN FUNCTIONS, AND MAKE CONFORMING AMENDMENTS.

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

SECTION 1. Sections 5139-5170 inclusive of the Revised Laws of Hawaii 1945 as amended are hereby designated as chapter 94.01 of said Revised Laws and said chapter is further amended as follows:

(a) By inserting at the beginning of the chapter eight new sections to read as follows:

"Sec. 5138.03. Definitions. Wherever used in this chapter:

'Assessor', 'tax assessor', and 'assistant assessor', shall mean the treasurer of the county concerned and such assistants to the treasurer as are appointed for the performance of the duties of the assessor under this chapter.

'Collector', 'tax collector', and 'assistant collector' shall mean the treasurer of the county concerned and such assistants to the treasurer as are appointed for the performance of the duties of the collector under this chapter.

'Property', or 'real property' shall mean and include all land and appurtenances thereof and the buildings, structures, fences and improvements erected on or affixed to the same, excluding, however, any growing crops, all machinery and other mechanical or allied equipment and the foundations thereof, telephone, telegraph and electric poles, lines, conduits and appurtenant equipment, pipelines, gas and water mains and appurtenant equipment, penstocks and forebays, railroads (including rails, ties, switches and appurtenant equipment, but not including roadbeds, cuts, fills, bridges, trestles, culverts and the land itself, which latter items shall be deemed real property), and any other fixtures expressly required by law to be assessed and taxed as personal property.

'County' includes the city and county of Honolulu.

Sec. 5138.04. Taxation divisions, counties concerned. The tax on real property in the city and county of Honolulu, the first taxation division, shall be administered by the city and county of Honolulu; the tax on real property in the counties of Maui and Kalawao, the second taxation division, shall be administered by the county of Maui; the tax on real property in the county of Hawaii, the third taxation division, shall be administered by the county of Hawaii; and the tax on real property in the county of Kauai, the fourth taxation division, shall be administered by the county of Kauai.

Sec. 5138.05. Forms, rules and regulations.

(a) The treasurer of the county concerned is hereby authorized, in carrying out the provisions of this

chapter, to prescribe forms to be used in or in connection with assessments and collections, including forms to be used in making of returns by taxpayers, and to change the same from time to time as he shall deem necessary.

(b) The treasurer of the county concerned is hereby authorized to make rules and regulations for the enforcement and administration of this chapter, which rules and regulations when made and promulgated in the manner provided by law shall have the force and effect of law.

Sec. 5138.06. Abstracts of registered conveyances, copies of corporation exhibits, etc. For the purpose of assisting the assessor in arriving at a correct valuation of the property within each division, the registrar of conveyances or any other agency so requested by the assessor, is directed to furnish to the assessor, monthly, quarterly, or as otherwise required by him, an abstract of the conveyances of, or other documents affecting title to, or assessment of, real property in each division, which shall have been entered for record at the bureau of conveyances, executed,or filed, as the case may be, during the period covered by such abstract. The territorial treasurer shall each year furnish to the assessor as requested, copies of the annual corporation exhibits of any or all corporations owning real property in any division or any information contained in such exhibits.

Sec. 5138.07. Hearings and subpoenas. The county treasurer, and any representative of the treasurer duly authorized by him, shall have power to conduct any

inquiry, investigation, or hearing, relating to any assessment, or the amount of any tax, or the collection of any delinquent tax, including any inquiry or investigation into the financial resources of any delinquent taxpayer or the collectibility of any delinquent tax. The treasurer or other person conducting such hearing shall have power to administer oaths and take testimony under oath relating to the matter of inquiry or investigation, and to subpoena witnesses and require the production of books, papers, documents and records pertinent to such inquiry. If any person shall disobey such process, or, having appeared in obedience thereto, shall refuse to answer pertinent questions put to him by the treasurer or other person conducting such hearing, or to produce any books, papers, documents or records pursuant thereto, the treasurer or other person conducting such hearing may apply to the circuit court of the circuit wherein the inquiry or investigation is being conducted, or to any judge of said court, setting forth such disobedience to process or refusal to answer, and said court or such judge shall cite such person to appear before said court or such judge to answer such questions or to produce such books, papers, documents or records, and upon his refusal so to do commit such person to jail until he shall testify, but not for a longer period than sixty days. Notwithstanding the serving of the term of commitment by any person, the treasurer may proceed in all respects as if the witness had not previously been called upon to testify. Witnesses (other than the taxpayer or his or its officers, directors, agents, and employees) shall be allowed their

fees and mileage as in cases in the circuit courts, to be paid on vouchers of the treasurer, from any moneys available for expenses of the treasurer.

Sec. 5138.08. Notices, how given; evidence, tax records as; records open to public.

(a) Unless otherwise provided, every notice, the giving of which by the assessor or collector is required or authorized, shall be deemed to have been given on the date when said notice was mailed, properly addressed to the addressee at his last known address or place of business.

(b) The notices of assessments, records of assessments, and lists or other records of payments and amounts unpaid, prepared by or under the authority of the county treasurer, or copies thereof, shall be prima facie proof of the assessment of the property or person assessed, the amount due and unpaid and the delinquency in payment, and that all requirements of law in relation thereto have been complied with.

(c) All maps and records compiled, made, obtained or received by the county treasurer or any of his subordinates, shall be public records, and in case of the death, removal or resignation of any such officers, shall immediately pass to the care and custody of their respective successors. Such information and all maps and records connected with the assessment and collection of taxes shall, during business hours, be open to the inspection of the public.

Sec. 5138.09. Returns, how to be signed; penalty for false returns etc.

(a) Every return required to be made for taxation

purposes shall be signed by the person required to make such return or by some duly authorized person in his behalf.

The county treasurer may require that, if any person or persons actually prepare or sign a return for another person, such form of statement of such facts and of authority to sign such return as may be prescribed by the treasurer shall be signed by such person so preparing or signing the return, and the treasurer may by regulation define the classes of persons to whom this provision shall apply.

Any other provision of law to the contrary notwithstanding, no oath shall be required upon any tax return.

(b) Any person who shall make any false or fraudulent return or false statement in any return, with intent to defraud the county or to evade the payment of any tax or any part thereof, or who shall, in any manner, intentionally deceive or attempt to deceive the county treasurer or his authorized agent in relation to any such tax, shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not more than $1,000.00 or to imprisonment for a term not exceeding one year, or both, in the discretion of the court.

Sec. 5138.10. Informalities not to invalidate assessments, mistakes in names or notices, etc. No assessment or act relating to the assessment or collection of taxes, under this chapter or chapter 96, shall be illegal or invalidate such assessment, levy or collection on account of mere informality, nor because the same was not completed within the time required by law, nor, if

the notice by publication provided for by section 5158 has been given, on account of a mistake in the name of the owner or supposed owner of the property assessed, or failure to name the owner, or failure to give the notice of assessment by personal delivery or mail provided for by said section 5158."

(b) By inserting, immediately preceding section 5139, a subtitle to read as follows:

"REAL PROPERTY TAX RATE: LEVY."

(c) By amending section 5145 as amended, in the following respects:

(1) By deleting the words: "The commissioner shall provide for each taxation division" and inserting in lieu thereof the following:

"Each assessor shall provide for his taxation division".

(2) By adding at the end of the section the following:

"The territorial surveyor shall, from time to time as requested by the assessors, prepare and furnish such maps for the use of the assessors. For such services the territorial surveyor shall charge, and shall be paid by the respective assessors, the sum of $_____ for each such map furnished."

(d) By deleting from sections 5146, 5147, 5149.01, 5149.05, 5154, 5155 (except in the first sentence), 5155.01, 5159, 5167 and 5168 the words "commissioner" and "tax commissioner", wherever the same appear, and inserting in lieu thereof the words "county treasurer".

(e) By amending section 5155 as follows:

(1) By deleting from the second line the words

"whenever the tax commissioner shall so order, the assessor shall give," and by inserting in lieu thereof the words:

"the assessor may give,"

(2) By placing a comma after the word "December" in the third line and deleting from the third and fourth lines the words: "of the year such order is made,".

(f) By amending section 5159 in the following respects:

(1) By deleting the word "triplicate", wherever the same appears, and inserting in lieu thereof "duplicate".

(2) By deleting the figures "5128" and inserting in lieu thereof "5172".

(3) By deleting from the last sentence all that follows the word "treasurer" and inserting in lieu thereof:

"of the Territory".

(g) By amending section 5161 by deleting therefrom the words "auditor and treasurer" and inserting in lieu thereof the words "county auditor".

(h) By amending section 5166 in the following respects:

(1) By deleting from the second sentence of the last paragraph the words "tax commissioner, or to the".

(2) By deleting from the last sentence the comma which follows the words "tax assessor" and further deleting the words "collector or commissioner," and by inserting in lieu thereof the words "or collector,".

(i) By adding to said chapter five new sections to read as follows:

"Sec. 5171. Assumpsit actions. If any tax be unpaid when due, the tax collector may proceed to enforce the payment of the same, with all penalties, by action in

assumpsit, in the name of the county treasurer on behalf of the county, for the amount of taxes and costs, or if the tax is delinquent, for the amount of taxes, costs, penalties and interest. Such action may be brought either in a district court or in the circuit court, irrespective of the amount claimed. Execution may issue upon any judgment rendered in any such action which may be satisfied out of any property of the defendant, real or personal.

Sec. 5172. Changes, etc., in assessment lists. Except as specifically provided in this chapter or chapter 95, no changes in, additions to, or deductions from, the assessments on the assessment lists prepared as provided in section 5159 shall thereafter be made except to add thereto property or taxes which may have been omitted therefrom, or to deduct therefrom adjustments on account of duplicate assessments and clerical errors, such as transposition in figures, typographical errors and errors in calculation.

Sec. 5173. Adjustment of tax rolls. The tax rolls prepared as provided in section 5161 shall be the foundation of the taxes receivable account on the books of the county; and no adjustment of the amount reported to the auditor on the tax rolls, tending to reduce the amount of taxes billed, shall be entered upon the records until the same shall have been properly audited and the legality of the transaction determined by the auditor acting in conjunction with the county attorney in each case.

Sec. 5174. Refunds. In the event of adjustments of the tax rolls or assessment lists on account of duplicate assessments and clerical errors, such as

transposition in figures, typographical errors and errors in calculation, which adjustments shall have been properly audited and the legality of the transactions determined by the auditor acting in conjunction with the county attorney in each case, the same may be entered upon the records although the full amount appearing upon the records prior to such adjustment has been paid, subject to the time limitation hereinafter provided.

There may be refunded in the manner and subject to the time limitation hereinafter provided: (1) any amount collected in excess of the amount appearing upon the records as adjusted, or (2) any amount constituting a duplication of payment in whole or in part.

All refunds shall be paid only upon a form to be known as a 'Refund Voucher,' prepared by the tax collector. Such refund vouchers shall set forth all the details of each transaction, shall be approved by the tax collector, and shall be forwarded to the auditor from time to time. The auditor shall issue his warrant for the payment of any such refund out of the tax clearance fund, which is hereby created; provided, however, that if the person entitled to the refund is delinquent in the payment of any tax, the auditor, upon demand of the collector and after notice to such delinquent taxpayer, shall withhold the amount of such delinquent tax, together with penalties and interest thereon, from the amount of such refund and pay the same to the collector.

No such adjustment shall be entered on the records or refund authorized except within one year after the end of the calendar year in which the amount to be refunded was paid, unless a written application for such adjustment

or refund shall be filed within such period, or the proposed adjustment shall have been submitted for auditing during such period.

Sec. 5175. Partial payment of taxes. Whenever a taxpayer makes a partial payment of a particular assessment of taxes, the amount received by the collector shall first be credited to interest, then to penalties, and then to principal."

SECTION 2. Chapter 95 of the Revised Laws of Hawaii 1945, as amended, is hereby amended as follows:

(a) By inserting a new section 5201.01 to read as follows:

"Sec. 5201.01. Assessor. As used in this chapter the word 'assessor' means such county or territorial officer, or his subordinate, as is the assessor for the particular tax concerned."

(a-1) By amending section 5202 in the following respects:

(1) By deleting from the second sentence the words "by the governor as provided in section 80 of the Organic Act." and inserting in lieu thereof the following:

"in the manner provided by law as to appointive county officers."

(2) By deleting from the third sentence the words "The governor" and inserting in lieu thereof the following:

"The mayor or chairman and executive officer as the case may be,".

(3) By deleting the fourth sentence and inserting in lieu thereof the following:

"The members of each board shall be appointed, one for a term expiring December 31, 1958, one for a term expiring December 31, 1959, and the third for a term expiring December 31, 1960; thereafter each member shall be appointed for a term of three years from January 1, immediately following the expiration of the preceding term."

(b) By amending section 5203 by inserting therein a new paragraph, following the first paragraph, to read as follows:

"The jurisdiction of the board shall be limited to property tax appeals."

(c) By amending section 5211 by deleting therefrom the second sentence of the section.

(d) By inserting in said chapter 95 a new section to read as follows:

"Sec. 5211.01. Appeals not within jurisdiction of board of review. Whenever by law an appeal is allowed in respect of a tax other than a property tax, the appeal shall lie directly to the tax appeal court. Such appeal may be taken in all respects as provided in the second paragraph of section 5211, or if the appellant prefers he may designate his appeal as an appeal taken under this section.

In the event of an appeal being taken under this section the requirements for taking the appeal shall be the same as are provided by section 5211, save as to filing of the notice of appeal and payment of costs to the tax appeal court. Whenever an appeal is designated as having been taken under this section the appellant shall have ten days after mailing of a notice by the tax commissioner or assessor requiring the perfecting of the appeal, in which to file his notice of appeal in the tax appeal court and pay the costs to the tax appeal court; provided, however, that notwithstanding the appeal is designated as having been taken under this section a copy of the notice of appeal shall be furnished to the tax commissioner or assessor within the time provided by law for taking the appeal, and within such time the taxes shall have been paid if required by law for taking of the appeal and all other requirements met, except as herein

otherwise specifically provided.

If an appeal taken under this section is not perfected within the required time the same shall be dismissed by the tax appeal court, for which purpose only the appeal shall be docketed under a special number as provided by the rules of the tax appeal court, and no notice shall be required in order for the tax commissioner or assessor to obtain a dismissal of the appeal, other than the notice hereinabove provided for requiring the perfecting of the appeal, provided, further, that such notice shall have stated that if the appeal is not perfected within ten days after mailing of said notice the same will be dismissed.

Taxes paid pending an appeal taken under this section shall be held in a special deposit and in the event the appeal is dismissed shall become a realization under the tax law concerned. In the event the appeal is perfected, the taxes paid pending appeal shall be paid into the litigated claims fund as of the date of perfecting of the appeal and the disposition thereof thereafter shall be as provided by section 5219."

(e) By amending section 5219 in the following respects:

(1) By deleting from the first sentence the words "by the treasurer into the 'litigated claims fund.'" and inserting in lieu thereof the following:

"by the treasurer of the Territory or the county concerned into the appropriate litigated claims fund."

(2) By inserting in the second sentence, after the word "Territory" and preceding the comma the following:

"or county, as the case may be"

(3) By inserting in the second sentence after the word "Territory" and preceding the period the following:

"or county, as the case may be".

SECTION 3. Chapter 96 of the Revised Laws of Hawaii 1945, as amended, is hereby amended as follows:

(a) By amending section 5251 by deleting from the second paragraph the figures "5101" and inserting in lieu thereof "5138.03".

(b) By amending section 5252 to read as follows:

"The rate at which real property shall be taxed for each calendar year under section 5139 shall be fixed on or before May 15 of each year by resolution of the board of supervisors adopted in the manner provided by law relating to resolutions involving the expenditure of public money. No such resolution shall be adopted until the board of supervisors shall conduct a public hearing on the rate of tax proposed; notice of such hearing shall be published in a newspaper of general circulation within the county at least twice within a period of thirty days (fifteen days in years in which the legislature meets in regular session) immediately preceding the date of hearing. The provisions of this paragraph as to the date for fixing, and holding of public hearing on, said tax rate shall be deemed directory and failure to adopt such resolution on or before the date hereinabove prescribed, or to hold such hearing, shall not invalidate the tax rate. The rate so determined by the board shall forthwith be communicated to the county treasurer and shall be the rate at which real property shall be taxed for such calendar year under section 5139 in the county concerned."

(c) By inserting therein a new section 5252.01 to read as follows:

"Sec. 5252.01. Prescribed dates during years legislature meets. The requirements of sections 5162 and 5252 to the contrary notwithstanding, in any year in which the legislature meets in regular session:

(a) Any tax rate may be fixed, and other acts required by section 5252 may be performed, on or before that date which is fifteen days after the adjournment

sine die of said session.

(b) The date for payment of the first installment of real property taxes shall be, instead of June 20, that date which is fifty days after the adjournment sine die of said session."

(d) Section 5253 as amended is further amended by deleting therefrom the first paragraph.

(e) Section 5254 is amended in the following respects:

(1) By deleting therefrom the first paragraph and inserting in lieu thereof a new subsection (a) to read as follows:

"(a) All real property taxes collected during any calendar year by any county shall (except as otherwise provided by law) be applied on account of the requirements of such county for such year; provided, the county treasurer shall, from time to time, allot from the real property tax collections sufficient amounts for the purposes hereinafter specified and shall pay the same over, or keep the amounts allotted in special accounts for use for such purposes only, as the case may be, and shall under no circumstances allow any part thereof to be used for any purpose other than that provided by law.

(1) The treasurer of the Territory, on or before January 31 of each year, shall compute and submit to the board of supervisors of each county the amounts which are payable to the Territory for such county for that calendar year to meet interest charges for serial bonds, and the principal for all serial bonds maturing the following calendar year, which bonds have been issued by the Territory for county purposes (except bonds issued

prior to January 1, 1945 for highway purposes). Said statement of the territorial treasurer further shall specify the date or dates when such payments are to be made by the respective counties. The county treasurer of each county shall, from the real property tax collections, set aside the amounts required and not later than the specified date or dates pay the same over to the treasurer of the Territory whose duty it shall be to apply the same for the purposes herein specified, and the treasurer of the Territory shall under no circumstances allow any moneys so paid over by the county to be used for any other purpose.

(2) On or before March 31 of each year the board of supervisors of each county shall compute the amounts payable by such county for such calendar year to meet interest charges for term and serial bonds, sinking fund charges for term bonds, and the principal for all serial bonds maturing the following calendar year, which bonds have been issued by such county (except bonds issued prior to January 1, 1945, for highway purposes). The amounts so computed shall be set forth in a resolution of the board of supervisors adopted in the manner provided by law. The county treasurer shall, from time to time, allot from the real property tax collections the amounts so computed and shall keep such allotments in special accounts for use only for the purposes herein specified.

(3) The board of trustees of the employees' retirement system of the Territory shall, on or before January 31 of each calendar year, estimate and submit to the board of supervisors of each county the amount which,

pursuant to chapter 15, will be due from the county for such calendar year on account of the employees thereof who are members of the employees' retirement system. The board of supervisors of each county by resolution adopted in the manner provided by law shall determine the amounts payable by such county for such calendar year for contributions to the employees' retirement system on account of the employees of the county who are members of the employees' retirement system, which amount shall not be less than the amount estimated by the trustees. The county treasurer from time to time shall allot from the real property tax collections for the purposes specified the amounts so determined and from the amounts so allotted, or if there is a deficiency from other funds of the county as well, shall pay to the board of trustees of the employees' retirement system of the Territory, pursuant to chapter 15, the amounts due from such county for such calendar year on account of the employees thereof who are members of the employees' retirement system.

(4) On or before March 31 of each year the board of supervisors in each county, by resolution adopted as provided by law, shall determine the amounts payable, or required to be appropriated or contributed, by such county for such calendar year, which by law the county is required to pay, appropriate, or contribute, as the case may be, as specified or required by acts of the legislature relating to the county. Any information or estimates necessary to be given to the board of supervisors by any officers, either county or territorial, or by any other persons in order to enable the board to make the foregoing determinations, shall be submitted by such officers or persons to the board not later than January 31 of each year. The county treasurer shall from time to time allot

from the real property tax collections the amounts so determined and shall pay over or keep such allotments in special accounts for the purposes provided by law.

In so far as the validity of any tax rate shall be concerned, the provisions of this subsection (including provisions as to dates) shall be deemed directory, and no informality and no other defect whatsoever in carrying out the provisions of this subsection, whether in form or in substance, shall invalidate or be deemed to invalidate any tax rate. However, compliance with the provisions of this subsection may be compelled by mandamus or otherwise. In addition to any other remedies available, the territorial treasurer is hereby authorized to withhold, from the county's share of the general excise tax, moneys due from a county for the payment of principal or interest for territorial bonds, or for the county's contributions to the employees' retirement system of the Territory, or for any other charges for which, by law, provision is made for withholding by the Territory from moneys belonging to the county or for payment by the county to the Territory.

If at any time there shall be insufficient moneys for the purpose of any special account, moneys in the general account of the Territory or county, as the case may be, may be used for such purposes, in which case the general account shall be reimbursed by transfers from the special account as soon as the insufficiency of moneys therein has been rectified."

(2) By designating as subsection (b) the present second paragraph including the schedule and by further amending said subsection by adding thereto the following:

"This subsection shall not apply to the general excise taxes collected from public utility air lines."

(3) By deleting from said section the last two paragraphs thereof.

SECTION 4. Chapter 102 of the Revised Laws of Hawaii 1945 is hereby amended by amending section 5535 thereof in the following respects:

(1) By deleting from the first paragraph the words "either to the divisional board of review or".

(2) By deleting from the second paragraph all of the first sentence thereof.

(3) By further amending the second paragraph by deleting therefrom the words "upon the basis of the decisions of the board of review and tax appeal court, if any" and by inserting in lieu thereof the following:

"upon the basis of the decision of the tax appeal court".

(4) By further amending the second paragraph by deleting therefrom the words "or transferred to".

SECTION 5. Section 320 of the Revised Laws of Hawaii 1945 is hereby amended as follows:

(1) By deleting from the ninth line on page 152 of the Revised Laws of Hawaii 1945 the word "or" and inserting in lieu thereof "and".

(2) By deleting from the seventeenth and eighteenth lines on said page 152 the words "tax commissioner or".

(3) By deleting from the twenty-third line on said page 152 the words "tax commissioner or".

(4) By deleting from the thirtieth line on said page 152 the words "tax commissioner,".

(5) By deleting from the thirty-seventh line on page 152 the words "tax commissioner or".

(6) By deleting from the forty-first line on page 152 the words "tax commissioner or".

(7) By deleting from lines fifty and fifty-one on page 152 the words "tax commissioner or".

(8) By deleting from lines fifty-one and fifty-two on page 152 the words "tax commissioner,".

SECTION 6. Section 6214 of the Revised Laws of Hawaii 1945 is hereby amended by deleting from the paragraph which prescribes the amount of bond of the treasurer the figures there set forth for each county, and by inserting in lieu thereof, for each of the counties, the following:

"$100,000.00"

SECTION 7. Section 6541 of the Revised Laws of Hawaii 1945 is hereby amended by deleting from the first sentence the words "and treasurer" and by inserting between the first and second sentences a new sentence to read as follows:

"The amount of bond of the treasurer shall be $100,000.00."

SECTION 8. The chairmen and members of the boards of review in the respective taxation divisions shall cease to hold office on December 31, 1957.

SECTION 9. Each county shall maintain a "litigated claims fund" into which taxes paid pending the final determination of real property tax appeals shall be paid as provided by section 5219 of the Revised Laws of Hawaii 1945, as amended.

SECTION 10. Joint Resolution 44 of the Session Laws of 1953 is hereby repealed.

SECTION 11. All personal property taxes for any year, whether before or after 1933, shall be paid into the territorial treasury and become a general fund realization.

SECTION 12. Upon the taking effect of this Act all appeals pending before a board of review, save appeals in real property tax cases, shall be deemed appeals to the tax appeal court specifically taken under section 5211.01, and shall be dismissed or perfected as appeals to the tax appeal court as therein provided. All real property tax appeals pending before a board of review shall be transferred to the newly constituted board of review of the appropriate county.

SECTION 13. This Act shall not be construed as affecting in any manner, to the detriment of the Territory, or any county, any taxes, interest, penalties, or other liabilities, or obligations, existing, due or incurred prior to the effective date of this Act, nor as affecting the liability of any person to prosecution for any misdemeanor or other criminal offenses committed prior to said effective date under any laws hereby amended; and all such taxes, interest, penalties, liabilities, obligations, misdemeanors and other offenses may be assessed, enforced, collected, prosecuted or punished, as the case may be, in the same manner, to the same extent and subject to the same conditions (except as to the substitution, in proper cases, of the county treasurer and his subordinates in place of the tax commissioner and his subordinates), as if this Act had not been enacted.

SECTION 14. On the effective date of this Act, all records of the Tax Commissioner or any of his subordinates, necessary to enable the county treasurers to administer the real property tax, shall by the Tax Commissioner and his subordinates be transferred to the appropriate county treasurer, together with all forms, supplies, reference books and equipment directly related to or chiefly for use in connection with the functions transferred by this Act; provided, however, that all records, equipment and the like of the taxation maps bureau shall be transferred from the office of the Tax Commissioner to the office of the Territorial Surveyor.

SECTION 15. Upon the effective date of this Act all subordinates and employees of the Tax Commissioner whose duties are directly related to or chiefly concern the administration of the real property tax, shall be transferred

to the offices of the respective county treasurers, without loss of vacation allowance, sick leave, service credit, or other rights or privileges; provided that the personnel of the taxation maps bureau shall be transferred to the office of the Territorial Surveyor.

The respective Civil Service Commissions shall by rule or otherwise make appropriate provisions whereby the personnel hereby transferred may be accorded as nearly as practicable the same treatment as if they had, prior to the effective date of this Act, been in the department or office to which transferred by this Act, and had been receiving the rates of compensation actually received by them immediately prior to the effective date of this Act. No such employee shall suffer a reduction of the rate of compensation by reason of this Act. The office of the Tax Commissioner shall pay into the treasury of the appropriate county, or shall transfer to the credit of the Territorial Surveyor as the case may be, the amounts of the credits for vacations (but not sick leave) earned or accumulated at the rates of compensation as of the effective date of this Act. Contributions to the Employees' Retirement System shall be prorated as of the effective date of this Act.

SECTION 16. All laws inconsistent with this Act are hereby amended to conform thereto.

SECTION 17. This Act shall take effect on January 1, 1958. Provided, that prior to the effective date of this Act the several county treasurers may adopt and cause to be printed suitable forms and make other provisions preparatory to the assumption of the functions transferred by this Act.

INTRODUCED BY:

_____

DATE: _____

Honolulu, Hawaii

R-6a

____ B. NO. ____

AN ACT

RELATING TO PROPERTY TAXES, AMENDING SECTION 5254 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, AS TO THE DISPOSITION OF THE PROCEEDS THEREOF.

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

SECTION 1. Section 5254 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by deleting the second sentence of the first paragraph and inserting in place thereof the following two sentences:

"Out of such taxes paid into the territorial treasury from each county, the treasurer shall retain from time to time five per cent of the gross amount of such taxes to cover the costs to the Territory of administering, assessing and collecting such taxes, and the treasurer shall transfer said sum to the territorial general fund as a general fund realization. From the balance of such taxes paid into the territorial treasury from each county, the treasurer shall retain from time to time in special accounts sufficient amounts for the purposes specified in items (1) and (5), under column III, respectively, of the budget provided for in section 5252, and shall pay the balance thereof to the treasurer of such county, as soon as possible after the same have been paid into the territorial treasury, or after the disposition of any tax appeal, as the case may be, for the purposes specified in items (2), (3), (4) and (6) under column III of the budget, and for the purposes of meeting the other requirements of the county for the year; provided, however, that so much of item (6) as relates to the Territory's costs in connection with such taxes shall be handled by retention of the percentage above specified and not by allotment by the county treasurer."

SECTION 2. The five per cent of the gross amount of property taxes, which by the amendments of section 5254 of the Revised Laws of Hawaii 1945 is to be retained by the Territory to cover the costs of administering, assessing and collecting such taxes, shall be deemed an amount specified by special act of the legislature, and the estimated amount to be so retained shall be included in item (6) of the form of county budget prescribed by subsection (a) of section 5252, Revised Laws of Hawaii 1945, as amended, for the counties of Hawaii and Kauai, and also in the budget submitted to the treasurer pursuant to the requirements of subsection (b) of section 5252, Revised Laws of Hawaii 1945, as amended, for the city and county of Honolulu and the county of Maui.

SECTION 3. This Act shall take effect as of January 1, 1957.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

R-6b

___ B. NO. ___

AN ACT

AMENDING SECTION 5252, REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO THE AMOUNTS THAT MAY BE RAISED FROM REAL PROPERTY TAXES.

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

SECTION 1. Section 5252 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respects:

(a) By deleting from subsection (a) the schedule which now reads:

"The county of Hawaii, the sum of...$1,200,000
The county of Kauai, the sum of..... 600,000"

and by inserting in lieu thereof the following:

"The county of Hawaii, the sum of...$1,500,000
The county of Kauai, the sum of..... 750,000"

(b) By amending subsection (b) by deleting therefrom the schedule which now reads:

"For 1947

In the city and county of Honolulu...$6,000,000
In the county of Maui..... 850,000

For 1948 and later years

In the city and county of Honolulu...$8,000,000
In the county of Maui..... 1,000,000"

and by inserting in lieu thereof the following:

"In the city and county of Honolulu...$10,000,000
In the county of Maui..... 1,250,000"

SECTION 2. This Act shall take effect as of January 1, 1957.

INTRODUCED BY:

Date: _____ _____

Honolulu, Hawaii

Gov. Msg. No. 22

February 20, 1957

The Honorable President
and Members of the Senate
29th Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sirs:

Attached herewith are drafts of several measures for your consideration and appropriate action. They relate to proposals concerning health, labor and industrial relations, civil service and education.

As to health, the most important suggestion deals with air pollution. I urge strongly the enactment of this legislation. Other suggestions in the field of health cover Hansen's disease, alcoholism and burial of veterans.

As to labor and industrial relations, there is proposed legislation on unemployment relief, the minimum wage law, incentive awards, and loyalty oaths for public employee representatives.

As to civil service, the most important recommendation is to make the director more of an orthodox department head and the commission more of an advisory body. This recommendation was contained in the group covered by a previous transmittal letter. The present group contains a suggestion to exempt from civil service positions where the qualifications do not fit into the customary mold.

As to education, the suggestions relate to protection of DPI officials against liability and a western interstate compact for higher education.

In addition to these recommendations, the several departments of the Territory will submit specific recommendations amending existing laws to perfect the administration of their specific departments.

Sincerely,

Samuel Wilder King

SAMUEL WILDER KING
GOVERNOR OF HAWAII

HEALTH

D-2	Bill	An act relating to the control and abatement of air pollution by the Board of Health, prescribing penalties, and making an appropriation.
D-3	Bill	An act relating to the employment of Doctor Max Levine.
D-4	Bill	An act relating to aliens and non-aliens who become public charges by reason of hospitalization for Hansen's disease, tuberculosis or other chronic diseases; and authorizing the Board of Health to adopt rules and regulations with respect thereto.
D-5	Bill	An act relating to the funeral expenses of veterans and repealing Sections 13106 and 13107 of the Revised Laws of Hawaii 1945.
D-6	Bill	An act relating to fees for certified copies and searches, by the Board of Health and amending Section 3100.18 of the Revised Laws of Hawaii 1945, as enacted by Act 327, Session Laws of Hawaii 1949, as amended.
D-7	Bill	An act relating to the causes for annulment and divorce, and amending Sections 12201 and 12210 of the Revised Laws of Hawaii 1945, as amended.
D-8	Bill	An act relating to copies of records and their use as evidence, and amending Section 3100.23 of the Revised Laws of Hawaii 1945.
D-9	Bill	An act relating to the presentation of claims against the estate of deceased Hansen's diseased patients and kokuas, and amending Section 12033, Revised Laws of Hawaii 1945.
D-10	Bill	An act relating to kokuas and voluntary helpers living with patients afflicted with Hansen's disease and repealing Sections 2431, 2432, 2433 and 2434 of the Revised Laws of Hawaii 1945.
D-11	Bill	An act relating to the clinic for the treatment of alcoholism and amending Act 215, Session Laws of Hawaii 1955.

D-12	Bill	An act relating to the pensions of patient employees or patient laborers at hospitals, settlements and places maintained for the treatment and care of Hansen's disease.
D-13	Bill	An act relating to the development and administration of a hospital and medical facilities construction program, with methods of administration and control, and amending Act 129 of the Session Laws of Hawaii 1951.

EDUCATION

E-3	Bill	An act relating to liability for damages or criminal prosecution of certain government officers and employees.
E-4	Bill	An act authorizing the governor to enter into the compact of the western interstate commission for higher education, providing for the appointment of commissioners, and making an appropriation.

EMPLOYMENT, LABOR AND CIVIL SERVICE

F-3	Bill	An act to provide for the relief of unemployment, and making provision for financing thereof.
F-4	Bill	An act establishing an awards system in the territorial government.
F-5	Bill	An act relating to the representation of public officers and employees.
F-6	Bill	An act relating to wages and hours of employment, and amending Chapter 175 of the Revised Laws of Hawaii 1945.
F-7	Bill	An act relating to civil service and classification and amending Chapters 2 and 3 of the Revised Laws of Hawaii 1945.

_____B. NO. _____

AN ACT

RELATING TO THE CONTROL AND ABATEMENT OF AIR POLLUTION BY THE BOARD OF HEALTH, PRESCRIBING PENALTIES, AND MAKING AN APPROPRIATION.

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

SECTION 1. This act shall be known and may be cited as the "Air Pollution Control Act".

SECTION 2. The legislature finds and declares that the people of the Territory of Hawaii have a primary interest in atmospheric purity and freedom of the air from any air contaminants; and that there is pollution of the atmosphere in portions of the Territory and a threat of greater pollution which is and may become increasingly detrimental to the public peace, health, safety and welfare of the people of the Territory.

SECTION 3. In interpreting this act, the following words shall have the following meanings:

"Section" means the air pollution control section established under this act.

"Board" means the board of health of the Territory of Hawaii.

"Complaint" means any charge, however informal, to or by the board that any person or agency, private or public, is polluting the air, or is violating the provisions of this act or any rule or regulation of the board in respect thereof.

"Control" and "controlling" includes prohibition and prohibiting as related to air pollution.

"Rules or regulations" means any rule or regulation of the board in respect of air pollution, its prohibition or control.

"Air pollution" as used in this act shall mean the presence in the outdoor atmosphere of substances in quantities which are injurious to human, plant or animal life or to property or which unreasonably interfere with the comfortable enjoyment of life and property throughout the Territory and in such areas of the Territory as shall be affected thereby and excludes all aspects of employer-employee relationship as to health and safety hazards.

Such substances include, but are not limited to, smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gases, odors, particulate matter or any combination thereof.

"President" means the president of the board of health.

SECTION 4. The board shall have power, subject to the provisions hereinafter contained, to formulate and promulgate, amend and repeal rules and regulations having the force and effect of law controlling and prohibiting air pollution whether by private persons or agencies, or by governmental agencies throughout the Territory or in such areas of the Territory as shall be affected thereby. Notwithstanding the terms of section 466 of the Revised Laws of Hawaii 1945, or any other law applying to the adoption of rules and regulations, no such rule or regulation, amendment or repeal shall be adopted except after public hearing to be held after 30 days' prior notice thereof by public advertisement of the date, time and place of such hearing, at which opportunity to be heard by the board in respect thereof shall be given to the public. No such rule or regulation, amendment or repeal shall be or become effective until 60 days after the adoption thereof. Any person heard at such public hearing shall be given written notice of the action taken by the board in respect of such rule or regulation.

SECTION 5. Inasmuch as air pollution and the damage arising therefrom is not uniform throughout the Territory, the rules and regulations of the board may designate specific areas for control of air pollution.

SECTION 6. The board shall control air pollution in accordance with any rule or regulation promulgated by it and for this purpose shall have, but shall not be limited to, the following powers:

a. To set up a section of air pollution control to be administered by a full-time salaried section chief, and to delegate and assign to such section and the officers and employees therein any duties or powers granted to the board hereunder, except the power to promulgate rules and regulations, the power to make a determination or finding under sections 12 and 16 hereof of the violation of the terms of this act or of any rule or regulation promulgated in accordance with its provisions, and the power to institute or conduct legal proceedings;

b. To conduct and supervise research programs for the purpose of determining the causes, effects and hazards of air pollution;

c. To conduct and supervise territory-wide programs of air pollution control education including the preparation and distribution of information relating to air pollution control;

d. To require private persons or agencies or governmental agencies engaged or desiring to engage in operations which result or may result in air pollution to secure a permit prior to installation or operation or continued operation, where such operations were being conducted prior to or on the effective date of this act; to refuse to issue such permit unless it appears that such operations would be in compliance with the rules or regulations of the board; to require such persons or agencies to submit plans and the filing of reports by such persons or agencies containing such information relating to location, size of outlet, height of outlet, rate and period of emission and composition of effluent, and such other matters relative to air pollution as the board shall prescribe to be filed. The requirement for filing of reports shall be conditional upon either the consent of the person engaged or desiring to engage in operations which may result in air pollution or the direction of the board, which direction may issue only after a hearing upon notice to the person engaged in such operations;

e. To enter and inspect, during reasonable hours, any building or place, except a building designed for and used exclusively for a private residence, for the purpose of investigating an actual or suspected source of air pollution and ascertaining compliance or non-compliance with any rules and regulations of the board and to make reasonable tests in connection therewith. No confidential information secured pursuant to this section by any official or employee of the board of health within the scope and course of his employment in the control of air pollution shall be disclosed by such official or employee except as it relates directly to air pollution and then only in connection with his official duties and within the scope and course of his employment;

f. To receive or initiate complaints of air pollution, hold hearings in connection with air pollution and institute legal proceedings in the name of the Territory for the control or prevention of air pollution and for the recovery of penalties, in accordance with this act;

g. To appoint a master or masters to conduct investigations and hearings under the provisions of Act 329 of the Session Laws of Hawaii 1949;

h. With the approval of the governor, to cooperate with, and receive money from, the federal government, or any political subdivision of the Territory, or from private sources for the study and control of air pollution.

SECTION 7. The board may provide, and, from time to time, change, by rule or regulation a schedule of fees not exceeding the estimated cost of issuing permits and inspection pertaining to such issuance to be paid for the issuance of permits. Every person or agency applying for a permit shall pay the fee required by such schedule. Such fees are appropriated to the use of the board for the expenses of the air pollution control section.

SECTION 8. Any officer, employe or agent of the board of health acquiring confidential information from the inspection permitted by subsection e of section 4 who divulges the same except as authorized in this act shall be guilty of a misdemeanor and upon conviction shall be fined not more than one thousand dollars, and shall be subject to an action for damages by any person injured by such disclosure.

SECTION 9. The board may organize a county advisory air pollution control association in any county in which it shall determine that the establishment of such association is advisable to assist it in carrying out the purposes of this act. A county air pollution control association shall consist of such number of resident members as shall be determined by the board, who shall be appointed by the board and shall serve at the pleasure of the board without compensation but shall be entitled to the necessary expenses incurred in the discharge of their duties. A section officer or employee shall act as secretary of any such association.

SECTION 10. It shall be the duty of county air pollution control associations to study air pollution problems of the county, and advise the board relative thereto.

SECTION 11. All rules or regulations of strictly local application, before they are adopted by the board, shall be submitted to the county air pollution control association (if one shall have been appointed) of the county affected, for discussion and report thereon.

SECTION 12. In case any written complaint is filed with the board, or the board has cause to believe, that any person is violating any rule or regulation promulgated by the board, the board shall cause a prompt investigation to be made in connection therewith and if the board shall find, after such investigation, that a violation of any rule or regulation of the board exists, it shall immediately endeavor to eliminate any source or cause of air pollution resulting from such violation by conference, conciliation and persuasion.

SECTION 13. In case of the failure to correct or remedy a violation of any rule or regulation of the board, within a reasonable time, by conference, conciliation and persuasion, the board shall cause to be issued and served a written notice, together with the copy of a complaint made by it, or a copy of the complaint made to it, requiring the person so complained against to

answer the charges of such complaint at a hearing before the board, or before a master or masters appointed by it, at a time and place to be specified in such notice.

SECTION 14. The respondent to such complaint may file a written answer thereto and may appear at such hearing in person or by representative, with or without counsel, and submit testimony. The testimony taken at the hearing shall be under oath and recorded stenographically, but the parties shall not be bound by technical rules of evidence. True copies of any transcript and of any other record made of at such hearing shall be furnished to the respondent upon request and at his expense.

SECTION 15. Any hearing required by this act to be held before the board, or before a master or masters appointed by it, shall be held before any three or more members of the board designated by the president, or before such master or masters. Any information as to secret processes or methods of manufacture or production shall not be disclosed in public hearing before the board, in so far as practicable, and shall be kept confidential. The board, at the request of any respondent to a complaint made by it, or to it, pursuant to this act, shall subpoena and compel the attendance of such witnesses as the respondent may designate and require the production for examination of any books or papers relating to any matter under investigation in any such hearing.

SECTION 16. If, consequent to said hearing, the board shall determine that the person against whom the complaint is made is violating any rule or regulation promulgated by the board, it shall enter its order to that effect and shall fix a reasonable time during which said person shall be required to take such measures as may be necessary to correct such violation and to give periodic progress reports. Any information as to secret processes or methods of manufacture or production revealed by such periodic progress reports shall be kept confidential.

SECTION 17. If such preventive or corrective measures are not taken in accordance with the order of the board, the board may institute a civil action in any court of competent jurisdiction for injunctive relief to prevent any further violation of such code, rule or regulation. Said court shall have power to grant such injunctive relief upon notice and hearing.

SECTION 18. Any private person or agency who shall violate any of the rules or regulations promulgated by the board shall be liable for a penalty of $_____ for each seven day period or fraction thereof if the time shall fall short of seven days or any multiplication thereof, following the ninth day after the expiration of the time fixed for the taking of preventive or corrective measures in the board's order. The board may institute legal proceedings in the name of the Territory to recover the penalty, which shall be a government realization.

SECTION 19. If any person is aggrieved by the decision of the board, he may, within twenty days after the decision of the board is rendered, appeal to the circuit judge of the circuit in which he resides or has his principal place of business, and the hearing before such judge shall be de novo. Appeals to the circuit judge shall be perfected by filing a notice of appeal with the board which shall be forwarded forthwith to the clerk of the circuit court of the circuit to which such appeals may be taken. Within five days of the filing of such notice of appeal, or such further time as the judge may allow, the board shall file with the clerk of the court a certified copy of the hearings had before it in regard to the matter in which the appeal was taken, together with the original notice of appeal.

SECTION 20. No rule or regulation of the board shall be declared to be invalid because of any technical defect. Any action for the enforcement or prosecution for violation thereof shall, if so ordered by the judge having jurisdiction, be stayed pending the final determination of such appeal. The decree of the circuit judge may be appealed to the supreme court. Except as provided in section 19 hereof, no court shall have jurisdiction to review any rule or regulation of the board or to restrain or interfere with its enforcement.

SECTION 21. Notwithstanding any other provision of law to the contrary, no member, officer or employee of the board shall be criminally liable or responsible under the provisions of this act for any acts done by such member, officer or employee in the performance of his duties.

SECTION 22. No existing civil or criminal remedy for any wrongful action which is a violation of any rule or regulation of the board or of an ordinance of any county shall be excluded or impaired by this act.

SECTION 23. No ordinance or regulation of any governing body of a county, or any rule or regulation promulgated pursuant thereto not inconsistent with this act shall be superseded by this act. Nothing in this act or in any rule or regulation promulgated pursuant thereto shall preclude the right of any governing body of a county to adopt ordinances or any rule or regulation promulgated pursuant thereto not inconsistent with this act. All ordinances and any rule or regulation promulgated pursuant thereto inconsistent with this act shall be invalid and of no effect.

SECTION 24. The powers, duties and functions vested in the board of health under the provisions of this act shall not be construed to affect in any manner the powers, duties and functions vested in the board of health under any other provision of law.

SECTION 25. Every person who denies, obstructs or hampers the entrance and inspection by any member or duly authorized officer or employee of the board, of any building or place which he is authorized to enter and inspect under the provisions of subsection e of section 6 hereof is guilty of a misdemeanor and upon conviction shall be fined not more than $_____.

SECTION 26. The provisions of this act are declared to be severable, and if any portion of this act, or if the application of this act or any portion thereof to any person, circumstance or property, is held invalid for any reason, the validity of the remainder of this act, or the application of this act or such portion thereof to other persons, circumstances or property, shall not be affected.

SECTION 27. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

D-3

___ B. NO. ____

AN ACT

RELATING TO THE EMPLOYMENT OF DOCTOR MAX LEVINE.

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

SECTION 1. The board of health is authorized to continue Dr. Max Levine in his employment as public health laboratory director for a period of not more than two years after he reaches the age of seventy years. He shall be employed under contract, and at the rate of pay which, added to any retirement benefits that he might receive or might be receiving, will equal the rate of pay being received by him immediately prior to age seventy.

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

D-4

___ H. NO. ____

AN ACT

RELATING TO ALIENS AND NON-ALIENS WHO BECOME PUBLIC CHARGES BY REASON OF HOSPITALIZATION FOR HANSEN'S DISEASE, TUBERCULOSIS OR OTHER CHRONIC DISEASES; AND AUTHORIZING THE BOARD OF HEALTH TO ADOPT RULES AND REGULATIONS WITH RESPECT THERETO.

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

SECTION 1. The president of the board of health may in his discretion authorize the payment of the cost of transportation of aliens and other non-resident persons who have become publiccharges by reason of their hospitalization for Hansen's disease, tuberculosis or other chronic diseases requiring prolonged hospitalization, from the Territory to the place where such persons have their legal residence. For the purpose of facilitating the return of such persons to the place of their residence or to facilitate the return to the Territory of any person similarly situated, the board may enter into agreements with any state of the United States or any foreign country. The board may also enter into any agreement to provide for the continued care of such aliens or non-residents by the Territory, at the expense of such s tate or foreign country or to provide for reciprocal treatment of residents of the Territory by such state or foreign country.

The board may receive funds by way of grant, gift or otherwise from any state, the United States or any foreign country or any person for the purpose of paying all or a part of the cost of such transportation or care.

SECTION 2. A person shall not be deemed to be an alien or a non-resident of the Territory within the meaning of this Act if he meets the following requirements:

(1) Is a citizen of the United States or is a resident alien as defined by the United States bureau of immigration, and (2) has lived continuously in the Territory for a period of one year, and has not acquired a residence in another state by living continuously therein for at least one year subsequent to his residence in the Territory, provided, that for a person who is not a resident of the Territory by birth, then the one year of continuous residence in the Territory shall have been immediately prior to his admittance to a hospital of the Territory for treatment. Any time spent in state or other government hospitals for the isolation and treatment of Hansen's disease, tuberculosis, or other chronic diseases shall not be counted in determining the residence of a minor patient of hospitals of the Territory, due consideration shall be given to the residence of the parents of the patients, and if either one or both parents of the minor patients is a resident of the Territory, the minor patient shall also be deemed a resident of the Territory.

SECTION 3. All expenses incurred in returning such aliens or non-resident persons to the place where they have legal residence, shall be paid by the Territory out of any appropriations made to the board of health for the hospital in which any such person is a petient.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

_____

DATE: _____

Honolulu, Hawaii

D-5

___ B. NO. ___

AN ACT

RELATING TO THE FUNERAL EXPENSES OF VETERANS AND REPEALING SECTIONS 13106 AND 13107 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Sections 13106 and 13107 of the Revised Laws of Hawaii 1945 are hereby repealed.

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

D-6

___ B. NO. ____

AN ACT

RELATING TO FEES FOR CERTIFIED COPIES AND SEARCHES, BY THE BOARD OF HEALTH AND AMENDING SECTION 3100.18 OF THE REVISED LAWS OF HAWAII 1945, AS ENACTED BY ACT 327, SESSION LAWS OF HAWAII 1949, AS AMENDED.

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

SECTION 1. Section 3100.18 of the Revised Laws of Hawaii 1945, as enacted by Act 327, Session Laws of Hawaii 1949, as amended, is hereby further amended by substituting for the words and figures "one dollar ($1.00)", in the sixth line thereof, the words and figures "one and one-half dollars ($1.50)".

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

D-7

____B. NO. _____

AN ACT

RELATING TO THE CAUSES FOR ANNULMENT AND DIVORCE, AND AMENDING SECTIONS 12201 AND 12210 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED.

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

SECTION 1. Section 12201 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by deleting the words "Hansen's disease" in the first line of sub-section 7.

SECTION 2. Section 12210 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by deleting therefrom the fifth numbered cause of divorce and renumbering the subsequent numbered causes to conform to such deletion.

SECTION 3. This Act shall take effect upon approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

D-8

_____B. NO. _____

AN ACT

RELATING TO COPIES OF RECORDS AND THEIR USE AS EVIDENCE, AND AMENDING SECTION 3100.23 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Section 3100.23 of the Revised Laws of Hawaii 1945 is hereby amended by substituting for the words "typewritten or photostatic copies" in the third, and in the seventh and eighth lines thereof, the words and punctuation "typewritten, photostatic or microphotographic copies".

SECTION 2. This Act shall effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

D-9

____ B. NO. ____

AN ACT

RELATING TO THE PRESENTATION OF CLAIMS AGAINST THE ESTATE OF DECEASED HANSEN'S DISEASED PATIENTS AND KOKUAS, AND AMENDING SECTION 12033, REVISED LAWS OF HAWAII 1945

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

SECTION 1. Section 12033, Revised Laws of Hawaii 1945, is hereby amended by substituting for the words "six months", in the second line thereof, the words "sixty days".

SECTION 2. This Act shall take effect upon approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

D-10

____B. NO. _____

AN ACT

RELATING TO KOKUAS AND VOLUNTARY HELPERS LIVING WITH PATIENTS AFFLICTED WITH HANSEN'S DISEASE AND REPEALING SECTIONS 2431, 2432, 2433 AND 2434 OF THE REVISED LAWS OF HAWAII 1945

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

SECTION 1. Sections 2431, 2432, 2433 and 2434 are hereby repealed.

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

D-11

____ B. NO. ____

AN ACT

RELATING TO THE CLINIC FOR THE TREATMENT OF ALCOHOLISM AND AMENDING ACT 215, SESSION LAWS OF HAWAII 1955.

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

SECTION 1. Act 215, Session Laws of Hawaii 1955, is hereby amended by substituting for the words "five per centum", in the third line of section 3 thereof, the words "ten per centum".

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

D-12

_____B. NO. _____

AN ACT

RELATING TO THE PENSIONS OF PATIENT EMPLOYEES OR PATIENT LABORERS AT HOSPITALS, SETTLEMENTS AND PLACES MAINTAINED FOR THE TREATMENT AND CARE OF HANSEN'S DISEASE.

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

SECTION 1. Section 2424.01 of the Revised Laws of Hawaii 1945 is hereby amended by substituting for the words "in an amount which shall be equal to sixty-six and two-thirds per cent of the wage or salary which the patient was receiving at the time of retirement", at the end of section 1 thereof, the words "in an amount which shall be equal to sixty-six and two-thirds per cent of the average wages or salary which the patient was receiving during his last twelve months of employment at such hospital, settlement or place".

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

D-13

____ B. NO. ____

AN ACT

RELATING TO THE DEVELOPMENT AND ADMINISTRATION OF A HOSPITAL AND MEDICAL FACILITIES CONSTRUCTION PROGRAM, WITH METHODS OF ADMINISTRATION AND CONTROL, AND AMENDING ACT 129 OF THE SESSION LAWS OF HAWAII 1951.

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

SECTION 1. Title. This act may be cited as the "Territorial Hospital and Medical Facilities Survey and Construction Act".

SECTION 2. Definitions. As used in this act:

a. "Board" means the board of health of the Territory.

b. "The federal act" means Title VI of the Public Health Service Act (42 U.S.C. 291 et seq.) as now and hereafter amended.

c. "The surgeon general" means the surgeon general of the United States Public Health Service.

d. "Hospital" includes public health centers and general, tuberculosis, mental, chronic disease, and other types of hospitals, and related facilities, such as laboratories, out-patient departments, nurses' home and training facilities, and central service facilities operated in connection with hospitals, but does not include any hospital furnishing primarily domiciliary care.

e. "Public health center" means a publicly-owned facility for the provision of public health services, including related facilities such as laboratories, clinics, and administrative offices operated in connection with public health centers.

f. "Non-profit hospital" and "non-profit medical facility" means any hospital or medical facility owned and operated by one or more non-profit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

g. "Medical facilities" means diagnostic or diagnostic and treatment centers, rehabilitation facilities and nursing homes as those terms are defined in the federal act, and such other medical facilities for which federal aid may be authorized under the federal act.

h. "Division" means the division of hospitals and medical care of the board of health.

i. "Fund" means the hospital and medical facilities fund established by this act.

j. "Commission" means the territorial advisory commission for hospitals and medical care.

SECTION 3. Administration: division of hospitals and medical care. The division of hospitals and medical care, created by Act 129 of the Session Laws of Hawaii 1951, shall be administered by a full-time salaried director under the supervision and direction of the board. The board through such division and commission shall constitute the sole agency of the Territory for the purpose of:

a. Making an inventory of existing hospitals and medical facilities, surveying the need for construction of hospitals and medical facilities, and developing a program of construction as provided in this act; and

b. Developing and administering a territorial plan for the construction of public and other non-profit hospitals and medical facilities as provided in this act.

SECTION 4. General powers and duties. In carrying out the purposes of the act, the board is authorized and directed:

a. To require such reports, make such inspections and investigations and prescribe such rules and regulations as are deemed necessary; administrative rules and regulations shall be excepted from the operation of section 466 of the Revised Laws of Hawaii 1945.

b. To provide such methods of administration, appoint a director and other personel of the division and take such other action as may be necessary to comply with the requirements of the federal act and the regulations thereunder;

c. To procure in its discretion the temporary or intermittent services of experts or consultants or organizations thereof, by contract, when such services are to be performed on a part-time or fee-for-service basis and do not involve the performance of administrative duties;

d. To the extent that it considers desirable to effectuate the purposes of this act, to enter into agreements for the utilization of the facilities and services of other departments, agencies, institutions, public or private;

e. To accept on behalf of the Territory and to deposit with the territorial treasurer any grant, gift or contribution made to assist in meeting the cost of carrying out the purposes of this act, and upon warrants of the auditor, based on vouchers of the board, to expend the same for such purposes;

f. To make an annual report to the governor on activities and expenditures pursuant to this act, including recommendations for such additional legislation as the board considers appropriate to furnish adequate hospital and medical facilities to the people of this Territory.

g. To do all other things on behalf of the Territory necessary to obtain full benefits under the federal act.

SECTION 5. Advice and assistance. The board shall receive the advice and assistance of the territorial commission for hospitals and medical care (created by Act 129 of the Session Laws of Hawaii 1951, herein amended), in discharging its duties and exercising its powers under this act. Such advisory commission shall meet as often as the board deems necessary, but not less than once each year.

SECTION 6. Survey and planning activities. The commission is authorized and directed to make an inventory of existing hospitals and medical facilities, including public, non-profit and proprietary hospitals and medical facilities, to survey the need for construction of hospitals and medical facilities and, on the basis of such inventory and survey, to develop a program for the construction of such public and other non-profit hospitals and medical facilities as will, in conjunction with existing facilities, afford the necessary physical facilities for furnishing adequate hospital and medical facility services to all the people of the Territory.

SECTION 7. Construction program. The construction program shall provide, in accordance with regulations prescribed under the federal act, for adequate hospital and medical facilities for the people residing in the Territory and in so far as possible shall provide for their distribution throughout the Territory in such manner as to make all types of hospital and medical facility services reasonably accessible to all persons in the Territory.

SECTION 8. Application for federal funds for survey and planning; expenditure. The board is authorized to make application to the surgeon general for federal funds to assist in carrying out the survey and planning activities herein provided. Such funds shall

be deposited in the territorial treasury and shall be available to the board upon warrants issued by the auditor based on vouchers of the board for expenditure for the survey and planning program. Any such funds received and not expended for such purposes shall be repaid to the treasury of the United States.

SECTION 9. Territorial plan. The board shall prepare and submit to the surgeon general a territorial plan which shall include the hospital and medical facilities construction program developed under this act and which shall provide for the establishment, administration and operation of hospital and medical facilities construction activities in accordance with the requirements of the federal act and regulations thereunder. The board shall, prior to the submission of such plan to the surgeon general, give adequate publicity to a general description of all the provisions proposed to be included therein. After approval of the plan by the surgeon general, the board shall make the plan, or a copy thereof, available upon request to all interested persons or organizations. The board shall from time to time review the construction program and submit to the surgeon general any modifications thereof which it may find necessary and may submit to the surgeon general such modifications of the territorial plan, not inconsistent with the requirements of the federal act, as it may deem advisable.

SECTION 10. Minimum standards for hospital and medical facilities maintenance and operation. The commission shall by regulation prescribe minimum standards for the maintenance and operation of hospitals and medical facilities.

SECTION 11. Priority of projects. The territorial plan as established by the commission shall set forth the relative need for the several projects included in the construction program determined in accordance with regulations prescribed pursuant to the federal act, and provide for the construction, in so far as financial resources available therefor and for maintenance and operation make possible, in the order of such relative need.

SECTION 12. Construction projects; applications. Applications for hospital and medical facilities construction projects for which federal funds are requested shall be submitted to the board and may be submitted by the Territory or any political subdivision thereof or by any public or other non-profit agency authorized to construct and operate a hospital or a medical facility, provided that no application for a diagnostic or treatment center shall be approved unless the applicant is (1) the Territory, a political subdivision, or public agency, or (2) a corporation or

association which owns and operates a non-profit hospital. Each application for a construction project shall conform to federal and territorial requirements.

SECTION 13. Consideration and forwarding of applications. The board shall afford to every applicant for a construction project an opportunity for a fair hearing. If the board, after affording reasonable opportunity for development and presentation of applications in the order of relative need, finds that a project application complies with the requirements of section 12 of this act and is otherwise in conformity with the territorial plan, it shall approve such application and shall recommend and forward it to the surgeon general.

SECTION 14. Inspection of projects. From time to time the board shall inspect each construction project approved by the surgeon general, and, if the inspection so warrants, the board shall certify to the surgeon general that work has been performed upon the project, or purchases have been made, in accordance with the approved plans and specifications, and that payment of an installment of federal funds is due to the applicant.

SECTION 15. Hospital and medical facilities construction fund. The board is hereby authorized to receive federal funds in behalf of, and transmit them to, such applicants. There is hereby established, separate and apart from all other public moneys and funds of this Territory, a hospital and medical facilities construction fund. Money received from the federal government for a construction project approved by the surgeon general shall be deposited to the credit of this fund and shall be used solely for payments due applicants for work performed, or purchases made, in carrying out approved projects. Vouchers for all payments from the fund shall bear the signature of the president of the board of health or his duly authorized agent for such purpose.

SECTION 16. Amendment of Act 129, Session Laws of Hawaii 1951. Section 3 of Act 129 of the Session Laws of Hawaii 1951 is hereby amended to read as follows:

> "Sec. 3. Territorial advisory commission for hospitals and medical care. There is hereby created a territorial advisory commission for hospitals and medical care to consist of ten members who shall be appointed by the governor in the manner provided by section 80 of the Organic Act, and an eleventh member who shall be the person then holding the position of director of public welfare of the territory.

"The majority of the membership of the commission shall consist of doctors of medicine, hospital administrators, and representatives from allied professions. There shall be at least one representative of a non-governmental organization or territorial agency concerned with physical rehabilitation. At least four of the total membership of the eleven members of the commission shall be doctors of medicine licensed to practice in the Territory of Hawaii. Each of the counties, except the county of Kalawao, shall be represented upon said commission by the appointment of a member who is a resident of such county.

"The term of office of the appointive members of the commission shall be four (4) years from and after the date of their respective appointments. Any person appointed to fill a vacancy on said commission occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term."

SECTION 17. Severability clause. If this act or any portion thereof, or the application thereof to any person or circumstances, shall be adjudged by any court of competent jurisdiction to be invalid, the remainder of this act, or the application of this act or such portion to other persons and circumstances, shall not be affected, and to this end the provisions of this act are declared to be severable.

SECTION 18. Repeal. All acts or parts of acts or executive orders which are inconsistent with the provisions of this act are hereby repealed.

SECTION 19. Continuance in office of members of territorial advisory commission for hospitals and medical care. Notwithstanding the amendment of section 3 of Act 129, Session Laws of Hawaii 1951, the present members of the territorial advisory commission for hospitals and medical care shall continue in office until the expiration of their respective terms, unless vacancies in their respective offices occur sooner by reason of resignation, death, or other cause.

SECTION 20. Effective date. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____
Honolulu, Hawaii

E-3

____ B. NO. ____

AN ACT

RELATING TO LIABILITY FOR DAMAGES OR CRIMINAL PROSECUTION OF CERTAIN GOVERNMENT OFFICERS AND EMPLOYEES.

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

SECTION 1. No board, commission, officer or employee of the Territory or any county shall be liable for any damage or injury to any person resulting from the publication of any report, record, print or photograph of or concerning a person convicted of violation of any law relating to the use, sale or possession of narcotics, to school authorities for use in instruction on the subject of narcotics or to any person when used for the purpose of general education, but the name of any person concerning whom any such report, record, print or photograph is used shall be kept confidential and every reasonable effort shall be made to maintain as confidential any information which might tend to identify such person.

SECTION 2. No officer or employee of the department of public instruction shall be held personally liable for accidents to children going to or returning from school, or on the playgrounds, or in connection with school work, unless negligence of such officer or employee is the proximate cause of the accident.

SECTION 3. No officer or employee of the department of public instruction shall be held personally liable for the death of, or injury to, any pupil enrolled in a public school resulting from such pupil's participation in any classroom or other activity to which he has been lawfully assigned as a pupil in the school unless negligence of such officer or employee is the proximate cause of death or injury.

SECTION 4. Whenever any officer or employee of the department of public instruction shall be prosecuted for any crime or sued in any civil cause for acts done in the course and scope of his duty or employment, he shall be represented and defended (a) in such criminal proceeding by an attorney to be employed and paid by the board of public instruction from any funds appropriated to the department of public instruction which may be available for that purpose, and (b) in such civil cause by the attorney general.

The determination of whether the acts of such officer or employee for which he is being prosecuted or sued, were done within the course and scope of his duty or employment, so as to entitle him to be represented by counsel provided by the Territory, shall be made by the board of public instruction after consultation with the attorney general, and such determination shall be conclusive for such purpose only.

SECTION 5. Upon the report of a principal of a school that a pupil shows evidence of impaired mental health and that a mental examination is desirable, the superintendent of public instruction, with the written consent of the pupil's parent or guardian, may provide for the mental examination of such pupil. The principal shall not be liable for damages or for any civil or criminal penalty for any report made in good faith under the provisions of this section.

SECTION 6. No officer of the Territory or of any political subdivision thereof is liable for any damage or injury to any person or property resulting from the defective or dangerous condition of any public property, unless all of the following first appear:

(a) The injury sustained was the proximate result of such defective or dangerous condition.

(b) The officer had notice of such defective or dangerous condition or such defective or dangerous condition was directly attributable to work done by him, or under his direction, in a negligent, careless or unworkmanlike manner.

(c) He had authority, and it was his duty, to remedy such condition at the expense of the Territory or of a political subdivision thereof and that funds for that purpose were immediately available to him.

(d) Within a reasonable time after receiving such notice and being able to remedy such condition, he failed so to do, or failed to take reasonable steps to give adequate warning of such condition.

(e) The damage or injury was sustained while such public property was being carefully used, and due care was being exercised to avoid the danger due to such condition.

SECTION 7. A cause of action against an employee of the Territory or any of its political subdivisions for damages resulting from any negligence upon the part of such employee while acting within the course and scope of such employment shall be barred unless a written claim for such damages has been presented to the employing government entity in the manner and within the period of six months from the accident for which damages are claimed.

SECTION 8. This Act shall take effect upon its approval.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

E-4

____ B. NO. ____

AN ACT

AUTHORIZING THE GOVERNOR TO ENTER INTO THE COMPACT OF THE WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION, PROVIDING FOR THE APPOINTMENT OF COMMISSIONERS, AND MAKING AN APPROPRIATION.

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

SECTION 1. Execution of compact authorized. The governor is hereby authorized and directed to execute a compact on behalf of this Territory with each or all of the eleven western states and the Territory of Alaska for the purpose of cooperating with such states in the formation of a western interstate commission for higher education. Notice of intention to withdraw from such compact shall be executed and transmitted by the governor.

SECTION 2. Form and contents. The form and contents of such compact shall be substantially as provided in this section and the effect of its provisions shall be interpreted and administered in conformity with the provisions of this Act:

"Western Regional Higher Education Compact

The contracting states do hereby agree as follows:

WHEREAS, the future of this nation and of the western states is dependent upon the quality of the education of its youth; and

WHEREAS, many of the western states individually do not have sufficient numbers of potential students to warrant the establishment and maintenance within their borders of adequate facilities in all of the essential fields of technical, professional and graduate training, nor do all of the states have the financial ability to furnish within their borders institutions capable of providing acceptable standards of training in all of the fields mentioned above; and

WHEREAS, it is believed that the western states, or groups of such states within the region, cooperatively can provide acceptable and efficient educational facilities to meet the needs of the region and of the students thereof; now, therefore,

The states of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, and the territories of Alaska and Hawaii do hereby covenant and agree as follows:

Article 1

Each of the compacting states and territories pledges to each of the other compacting states and territories faithful cooperation in carrying out all of the purposes of this compact.

Article 2

The compacting states and territories hereby create the western interstate commission for higher education, hereinafter called the commission. Said commission shall be a body corporate of each compacting state and territory and an agency thereof. The commission shall have all the powers and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states and territories.

Article 3

The commission shall consist of three resident members from each compacting state or territory. At all times one commissioner from each compacting state or territory shall be an educator engaged in the field of higher education in the state or territory from which he is appointed.

The commissioners from each state and territory shall be appointed by the governor thereof as provided by law in such state or territory. Any commissioner may be removed or suspended from office as provided by the law of the state or territory from which he shall have been appointed.

The terms of each commissioner shall be four years; provided, however, that the first three commissioners shall be appointed as follows: one for two years, one for three years, and one for four years. Each commissioner shall hold office until his successor shall be appointed and qualified. If any office becomes vacant for any reason, the governor shall appoint a commissioner to fill the office for the remainder of the unexpired term.

Article 4

Any business transacted at any meeting of the commission must be by affirmative vote of a majority of the whole number of compacting states and territories.

One or more commissioners from a majority of the compacting states and territories shall constitute a quorum for the transacting of business.

Each compacting state and territory represented at any meeting of the commission is entitled to one vote.

Article 5

The commission shall elect from its number a chairman and a vice chairman, and may appoint, and at its pleasure dismiss or remove, such officers, agents and employees as may be required to carry out the purpose of this compact; and shall fix and determine their duties, qualifications and compensation, having due regard for the importance of the responsibilities involved.

The commissioners shall serve without compensation, but shall be reimbursed for their actual and necessary expenses from the funds of the commission.

Article 6

The commission shall adopt a seal and by-laws and shall adopt and promulgate rules and regulations for its management and control.

The commission may elect such committees as it deems necessary for the carrying out of its functions.

The commission shall establish and maintain an office within one of the compacting states for the transaction of its business and may meet at any time, but in any event must meet at least once a year. The chairman may call such additional meetings and upon the request of a majority of the commissioners of three or more compacting states or territories shall call additional meetings.

The commission shall submit a budget to the governor of each compacting state and territory at such time and for such period as may be required.

The commission shall, after negotiations with interested institutions, determine the cost of providing the facilities for graduate and professional education for use in its contractual agreements throughout the region.

On or before the fifteenth day of January of each year, the commission shall submit to the governors and legislatures of the compacting states and territories a report of its activities for the preceding calendar year.

The commission shall keep accurate books of account, showing in full its receipts and disbursements, and said books of account shall be open at any reasonable time for inspection by the governor of any compacting state or territory or his designated representative. The commission shall not be subject to the audit and accounting procedure of any of the compacting states or territories. The commission shall provide for an independent annual audit.

Article 7

It shall be the duty of the commission to enter into such contractual agreements with any institutions in the region offering graduate or professional education and with any of the compacting states or territories as may be required in the judgment of the commission to provide adequate services and facilities of graduate and professional education for the citizens of the respective compacting states or territories. The commission shall first endeavor to provide adequate services and facilities in the fields of dentistry, medicine, public health and veterinary medicine, and may undertake similar activities in other professional and graduate fields.

For this purpose the commission may enter into contractual agreements (a) with the governing authority of any educational institution in the region, or with any compacting state or territory, to provide such graduate or professional educational services upon terms and conditions to be agreed upon between contracting parties and (b) with the governing authority of any educational institution in the region or with any compacting state or territory to assist in the placement of graduate or professional students in educational institutions in the region providing the desired services and facilities, upon such terms and conditions as the commission may prescribe.

It shall be the duty of the commission to undertake studies of needs for professional and graduate educational facilities in the region, the resources for meeting such needs, and the long-range effects of the compact on higher education; and from time to time to the western governors' conference and to the legislatures of the compacting states and territories. In conducting such studies, the commission may confer with any national or regional planning body which may be established. The commission shall draft and recommend to the governors of the various compacting states and territories, uniform legislation dealing with problems of higher education in the region.

For the purposes of this compact the word "region" shall be construed to mean the geographical limits of the several compacting states and territories.

Article 8

The operating costs of the commission shall be apportioned equally among the compacting states and territories.

Article 9

This compact shall become operative and binding immediately as to those states and territories adopting it whenever five or more of the states or territories of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, Alaska, and Hawaii have duly adopted it. This compact shall become effective as to any additional states or territoies adopting thereafter at the time of such adoption.

Article 10

This compact may be terminated at any time by consent of a majority of the compacting states or territories. Consent shall be manifested by passage and signature in the usual manner of legislation expressing such consent by the legislature and governor of such terminating state. Any state or territory may at any time withdraw from this compact by means of appropriate legislation to that end. Such withdrawal shall not become effective until two years after written notice thereof by the governor of the withdrawing state or territory accompanied by a certified copy of the requisite legislative action is received by the commission. Such withdrawal shall not relieve the withdrawing state or territory from its obligations hereunder accruing prior to the effective date of withdrawal. The withdrawing state or territory may rescind its action of withdrawal at any time wityin the two-year period. Thereafter, the withdrawing state or territory may be reinstated by application to and the approval by a majority vote of the commission.

Article 11

If any compacting state or territory shall at any time default in the performance of any of its obligations assumed or imposed in accordance with the provisions of this compact, all rights, privileges and benefits conferred by this compact or agreements hereunder, shall be suspended from the effective date of such default as fixed by the commission.

Unless such default shall be remedied within a period of two years following the effective date of such default, this compact may be terminated with respect to such defaulting state or territory by affirmative vote of three-fourths of the other member states or territories.

Any such defaulting state may be reinstated by (a) performing all acts and obligations upon which it has heretofore defaulted, and (b) application to and the approval by a majority vote of the commission."

SECTION 3. The three commissioners from Hawaii shall be appointed as required by the compact by the governor with advice and consent of the senate.

SECTION 4. There is hereby appropriated from the general revenues of the Territory not otherwise appropriated, the amount fixed annually as the equal contribution of each of the member states and territories for the western interstate commission for higher education, which shall be contributed by warrant of the auditor based on voucher approved by any one of the commissioners.

SECTION 5. There is further appropriated the sum of _____ or so much thereof as may be necessary for the expenses of the commissioners.

SECTION 6. There is further appropriated the sum of _____, or so much thereof as may be necessary, for the contributions or payments that may be required of the Territory in respect of the higher education of students from Hawaii attending schools of other members of the compact, under the compact.

SECTION 7. This Act shall take effect upon its approval.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

F-3 _____ B. No. _____

AN ACT

TO PROVIDE FOR THE RELIEF OF UNEMPLOYMENT, AND MAKING PROVISION FOR FINANCING THEREOF.

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

SECTION 1. Whenever the labor force estimates of the department of labor and industrial relations show that in the Territory, or in any county, or in any distinct portion of a county, the percentage of the labor force that is unemployed exceeds six per cent, the Governor is authorized to declare said area an area of critical unemployment, and to institute for said area an emergency employment program, as hereinafter provided.

SECTION 2. An emergency employment program shall consist in one or more public projects within the area affected, each of which: (a) has not been provided for, or has been inadequately provided for, by existing appropriations; (b) shall be of such character as to afford work for the unemployed at low cost for other items of expenditure; (c) shall be so designed and executed as not necessarily to extend beyond the estimated period of critical unemployment in the area affected; and (d) except for necessary supervision, planning and the like, shall employ only persons who have been referred for such employment by the territorial employment service upon the basis of one or more of the following factors, the weight to be given to such factors and the preference in employment to result therefrom to be established by or with the approval of the governor in such manner that, so far as practicable, preference shall be given to those in need, the factors to be consider being the following: the grant of public assistance by the

department of public welfare, exclusion from or otherwise not being entitled to unemployment compensation benefits, fitness for the work, proximity to the work.

SECTION 3. Whenever, as to any area that has been declared an area of critical unemployment, the labor force estimates of the department of labor and industrial relations show that the percentage of the labor force that is unemployed no longer exceeds six per cent, and such alleviation of unemployment (a) exists irrespective of the emergency employment program, and (b) can reasonably be expected to continue, thereupon the governor shall cancel and terminate the declaration theretofore made as to said area being an area of critical unemployment, shall not institute any new emergency program in said area, and shall terminate the existing program as rapidly as prudence permits.

SECTION 4. Persons referred for employment by the territorial employment service in the manner set forth in section 2, clause (d), shall be exempt from the requirements of, and shall not come within the scope of chapters 2, 3, 15 and section 451, Revised Laws of Hawaii 1945, as to their service in the emergency employment program, and such service shall be deemed excluded service within the meaning of chapter 74 of the Revised Laws of Hawaii 1945.

SECTION 5. (a) There shall be available for allotment by the governor under this Act:

(1) the governor's contingent fund; and

(2) ten per cent of the then total of the remaining unencumbered appropriations made by the biennial appropriation act last preceding the declaration of an area of critical unemployment, but not to exceed $5,000,000

in total amount of all allotments made from time to time under the authority of this paragraph, each allotment so made to constitute a reduction of the appropriation, or item thereof, from which such allotment is made.

(b) Such allotments may be made to any government agency, officer, or employee, territorial or county, selected by the governor and placed in charge of a project constituting a part of an emergency employment program.

SECTION 6. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

F-4

___ B. NO. ___

AN ACT

ESTABLISHING AN AWARDS SYSTEM IN THE TERRITORIAL GOVERNMENT.

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

SECTION 1. To increase efficiency and economy and to encourage improvements in the government service, there is established an awards system in the territorial government.

SECTION 2. The department awards program set forth in this Act shall be carried out under such regulations and instructions as may be issued by the territorial civil service commission which shall annually report the results of the program, with related recommendations, to the governor for transmittal to the legislature.

SECTION 3. As used in this Act, the term "department" means an executive department or independent agency in the executive branch of the territorial government, including a Territory-owned or controlled corporation.

"Government" means the executive branch of the territorial government.

"Commission" means the territorial civil service commission.

SECTION 4. The head of each department is authorized to pay cash awards to, and to incur necessary expenses for the honorary recognition of, officers and employees of the Territory who by their suggestions, inventions, superior accomplishments, or other personal efforts contribute to the efficiency, economy, or other improvement of operations of the government or who perform special acts or services in the public interest in connection with or related to their official employment.

SECTION 5. In instances determined by the governor to warrant such action, he is authorized to pay cash awards to, and to incur necessary expenses for the honorary recognition of, civilian officers and employees of the government who by their suggestions, inventions, superior accomplishments, or other personal efforts contribute to the efficiency, economy, or other improvement of government operations, or who perform exceptionally meritorious special acts or services in the public interest in connection with or related to their official employment: Any such gubernatorial awards may be in addition to the department awards authorized in section 4 of this Act.

SECTION 6. Awards under this Act may be paid notwithstanding the death or separation from the service of the officer or employee concerned; provided, that the suggestions, inventions, superior accomplishments, other personal efforts, or special acts or services in the public interest forming the basis for the awards are made or rendered while the officer or employee is in the employ of the government.

SECTION 7. A cash award under this Act shall be in addition to the regular compensation of the recipient and the acceptance of such cash award shall constitute an agreement that the use by the government or by any of the Territory's political subdivisions of any idea, method or device for which the award is made shall not form the basis of a further claim of any nature upon the government or any of said political subdivisions by the employee, his heirs, or assigns.

SECTION 8. Awards to employees and expenses for the honorary recognition of employees may be paid from the funds or appropriations available to the activity primarily benefiting or

may be paid from the several funds or appropriations of the various activities benefiting as may be determined by the governor for awards under section 5 of this Act, and by the head of the department concerned for awards under section 4 of this Act.

SECTION 9. An award under this Act shall be given due weight in qualifying and selecting employees for promotion.

SECTION 10. A monetary award granted under this Act shall not exceed $1,000, except that an award in excess of such amount but not in excess of $5,000 may be granted, with the approval of the commission and of the governor, in special cases in which the head of a department certifies to the commission and to the governor that the suggestion, invention, superior accomplishment, or other meritorious effort for which such award is proposed to be made is highly exceptional and unusually outstanding.

SECTION 11. This Act shall take effect upon its approval.

INTRODUCED BY:

_____ _____

Date: _____

Honolulu, Hawaii

F#5 ____ B. NO. ____

AN ACT

RELATING TO THE REPRESENTATION OF PUBLIC OFFICERS AND EMPLOYEES.

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

SECTION 1. No public employee, officer, board or commission shall hear any person who represents a public officer or employee required to take the oath provided for by section 600, Revised Laws of Hawaii 1945, unless the person representing the said officer or employee takes and files with the department of civil service of the Territory of Hawaii the oath set forth in section 600, Revised Laws of Hawaii 1945.

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

F-6 _____ B. NO. _____

AN ACT

RELATING TO WAGES AND HOURS OF EMPLOYMENT, AND AMENDING CHAPTER 175 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Chapter 75 of the Revised Laws of Hawaii 1945 is hereby amended in the following particulars:

(a) By amending section 4353 to read as follows:

"Sec. 4353. Minimum wages. Every employer, except as the director may provide pursuant to section 4359, shall pay to each employee employed by him wages at the rate of not less than one dollar an hour."

(b) By substituting for the first paragraph of section 4354 the following:

"Sec. 4354. Maximum hours. (a) Except as otherwise provided in this section, no employer shall employ any employee in excess of forty hours a week, unless such employee receives compensation for employment in excess of such weekly hours, at a rate not less than one and one-half times the regular rate at which he is employed.

"(b) No employer shall be deemed to have violated subsection (a) of this section by employing any employee for a work week in excess of that specified in such subsection without paying the compensation for overtime employment prescribed therein if such employee is so employed in pursuance of an agreement made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board or the Hawaii Employment Relations Board, if such agreement

provides that no employee shall be employed more than 48 hours in any work week without paying said compensation for overtime."

SECTION 2. This Act shall take effect on July 1, 1957.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

Gov. Msg. No. 23

February 20, 1957

The Honorable President
and Members of the Senate
29th Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sirs:

For your consideration and appropriate action I attach herewith the drafts of several measures which I strongly urge be adopted by the Legislature.

In general, the attached proposals deal with either the relationship between the government of the United States of America and the government of what is now the Territory of Hawaii, or the organization of the latter.

The proposed legislation directed to the federal-territorial relationship is composed of three alternatives: statehood; or our Constitution in place of our Organic Act; or parts of our Constitution in place of the comparable Organic Act provisions; specifically, the parts concerned with the governor and lieutenant-governor, the legislature, the judiciary, public lands, and school commissioners.

The legislation intended to improve the organization of the territorial government either consolidates existing functions or clarifies existing relationships or creates new powers. Thus, the financial functions, except for the bureau of the budget, are centralized in a department of finance; the functions relating to natural resources are consolidated in a department of natural resources; the functions concerned with trade and commerce are merged in a department of trade and commerce; and library and allied functions are collected in a department of libraries. If the department of natural resources is not created, then new divisions in the existing board of agriculture and forestry are recommended, the new divisions being a bureau of agriculture and a bureau of parks.

In the area of clarification of present relationships, there are proposals dealing with the director of labor and industrial relations and the director of personnel, civil service, proposals designed to make these directorships more like the orthodox department head. Also, there is a suggestion relating to the accountability of the Hawaii Housing Authority.

One bill would establish the office of post auditor, which in turn would necessitate changing the auditor's title and powers. The other two new-power suggestions are intended to help potential home owners -- one would increase the loan possibilities of Hawaiian Homes Commission homesteaders, and the other would create a home development authority, charged with the duty of increasing the supply of residential lots.

The passage of all of the above measures is recommended, even though the enactment of the broader legislation might make the narrower suggestions unnecessary. I feel that the alternative measures should be submitted to Congress, which might in some cases be willing to approve the more restrictive legislation but not the broader proposals.

Naturally the admission of Hawaii as a state is the primary objective, but if that should not be achieved in this present Congress, then these alternative measures, in appropriate order, should be considered.

Sincerely,

Samuel Wilder King

SAMUEL WILDER KING
GOVERNOR OF HAWAII

GOVERNMENT, GENERAL

A-1	JR	Joint Resolution requesting Congress to enact legislation providing for the admission of Hawaii to statehood.
A-2	Act 191 SLH 1955	In view of the enactment of Act 191 of the Session Laws of 1955, no bill has been prepared covering this matter. (state elections-contingent)
A-3	JR	Joint Resolution requesting the Congress of the United States to amend the Hawaiian Organic Act and enact new provisions whereby the territorial government will be constituted as provided for the state government by the constitution of the proposed state of Hawaii, and amending territorial laws to conform therewith in that event.
A-4	JR	Joint Resolution requesting the Congress of the United States to amend the Hawaiian Organic Act in conformity with the provisions of the constitution of the proposed state of Hawaii as to the election of a governor and lieutenant governor, and making amendments of the election laws to take effect in such event.
A-5	SCR and HCR	Concurrent resolution requesting the Congress of the United States to amend the Hawaiian Organic Act so as to provide for annual regular sessions of the legislature and increase the compensation of members of the legislature.
A-6	JR	Joint Resolution requesting the Congress of the United States to amend the Hawaiian Organic Act relating to the juridiary to conform to the provisions of the constitution of the proposed state of Hawaii, provisionally making an appropriation for the salaries of judges and amending Section 9610 of the Revised Laws of Hawaii 1945.
A-7	SCR and HCR	Concurrent resolution requesting the Congress of the United States to transfer to the Territory of Hawaii the remaining public lands and the authority to legislate in respect thereto, as set forth in Joint Resolution 4 of the Session Laws of Hawaii 1955.
A-8	Bill	An act creating a department of finance, defining its powers and duties, abolishing certain agencies, transferring certain powers and duties, and making an appropriation therefor.

A-9	Bill	An act creating a department of natural resources, providing for divisions therein, and transferring functions, records, property, monies, powers and appropriations, terminating certain offices and agencies and repealing section 1002 of the Revised Laws of Hawaii 1945, and laws in conflict with this act.
A-10	Bill	Ac act creating a department of trade and commerce, designating its powers and functions, transferring to it the property, powers and functions of the economic planning and coordination authority and making an appropriation.
A-10-A	Bill	An act creating a department of libraries and making an appropriation therefor.
A-11	Bill	An act creating the Hawaii Home Development Authority, providing for acquisition by purchase or condemnation of private property or the utilization of public lands, or both, for subdivision, improvement, development and sale for dwellings, for subsistence of the occupiers of such dwellings and for other facilities in connection therewith, and making an appropriation therefor.
A-12	Bill	An act to amend chapter 71 of the Revised Laws of Hawaii 1945, relating to the department of labor.
A-13	Bill	An act relating to the public service in the territory and the several counties including civil service, classification and compensation of public officers and employees and amending chapters 2 and 3 of the Revised Laws of Hawaii 1945.
A-14	Bill	An act prescribing the powers and duties of the post-auditor, transferring equipment, powers and funds, and providing penalties.
A-15	Bill	An act relating to the auditor and deputy-auditor of the territory, changing their titles to comptroller and deputy comptroller respectively, and defining their powers and duties.
A-16	JR	Joint Resolution requesting the Congress of the United States of America to enact legislation amending the Hawaiian Homes Commission Act, 1920, to authorize the Hawaiian Homes Commission to approve and guarantee loans to Hawaiian Homes homesteaders by private financing institutions.

A-17 Bill — An act to amend Chapter 27 of the Revised Laws of Hawaii 1945 relating to the Department of Public Instruction.

A-18 Bill — An act to create a Bureau of Agriculture under the Board of Agriculture and Forestry.

A-19 Bill — An act relating to the Division of Territorial Parks under the Board of Commissioners of Agriculture and Forestry; enlarging the powers and duties thereof to maintain and develop historical sites, and making an appropriation.

A-20 Bill — An act relating to the Hawaii Housing Authority and its expenditures and the disposition of its reserves and income and amending section 7 of Act 338 of the Session Laws of Hawaii 1949 and section 20 of Joint Resolution 4 of the Session Laws of Hawaii 1947.

A-20-B Bill — An act relating to legal services for the Territory and departments and agencies thereof: amending section 3505, as amended, of the Revised Laws of Hawaii 1945, and section 367.01 as enacted by Act 105, Session Laws of Hawaii 1953.

A)

____ J. R. NO. ____

JOINT RESOLUTION

REQUESTING THE CONGRESS TO ENACT LEGISLATION PROVIDING FOR THE ADMISSION OF HAWAII TO STATEHOOD.

WHEREAS, Hawaii was annexed to the United States by agreement between the government of the people of Hawaii, which then was an independent republic, and the government of the United States; and

WHEREAS, under said agreement Hawaii was to become, and did become, an integral part of the United States; and

WHEREAS, by virtue of historical background and precedent Hawaii is destined for statehood; and

WHEREAS, the attainment of that goal has been urgently sought by the people of Hawaii and has been endorsed by all the people of the United States as shown by the platforms of the major political parties; and

WHEREAS, Hawaii is fully qualified for statehood, as has been found repeatedly by congressional committees holding hearings thereon; and

WHEREAS, Hawaii has adopted a constitution formed by a convention of duly elected delegates and ratified by the people, which constitution is republican in form, in conformity with the Constitution of the United States and the principles of the Declaration of Independence, and in every other respect meets the requirements for admission of the state; and

WHEREAS, the people of Hawaii are ready to elect state officers, and senators and representatives in Congress, as shown by the adoption of suitable legislation therefor to take effect immediately upon authorization of such elections

by the Congress; now, therefore,

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

SECTION 1. The Congress of the United States is hereby respectfully requested to enact legislation providing for the admission of the state of Hawaii into the Union, substantially in the form of H. R. 49 of the 85th Congress.

SECTION 2. This legislature does hereby reaffirm the desire and will of the people of Hawaii that statehood be granted them, and does hereby reassert that fulfillment of the rights of the people of Hawaii calls for enactment of statehood legislation without further delay.

SECTION 3. Duly certified copies of this Joint Resolution shall be forwarded to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, the Chairman of the Committee on Interior and Insular Affairs of the said Senate, the Chairman of the Committee on Interior and Insular Affairs of said House of Representatives, the Delegate to Congress from Hawaii, and the Secretary of the Interior.

SECTION 4. This Joint Resolution shall take effect upon its approval.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

J. R. NO.

JOINT RESOLUTION

REQUESTING THE CONGRESS OF THE UNITED STATES TO AMEND THE HAWAIIAN ORGANIC ACT AND ENACT NEW PROVISIONS WHEREBY THE TERRITORIAL GOVERNMENT WILL BE CONSTITUTED AS PROVIDED FOR THE STATE GOVERNMENT BY THE CONSTITUTION OF THE PROPOSED STATE OF HAWAII, AND AMENDING TERRITORIAL LAWS TO CONFORM THEREWITH IN THAT EVENT.

WHEREAS, the people of Hawaii are desirous of attaining statehood at the earliest possible date and deem it desirable that the provisions of the constitution of the proposed State of Hawaii as to the organization and functioning of the Hawaiian government be given effect without further delay; now, therefore,

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

SECTION 1. The Congress of the United States is hereby requested to amend the Hawaiian Organic Act and enact new provisions substantially as set forth in the following form of bill:

"A BILL

TO AMEND THE HAWAIIAN ORGANIC ACT AND ENACT NEW PROVISIONS IN RESPECT OF THE ORGANIZATION AND FUNCTIONING OF THE TERRITORIAL GOVERNMENT.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Hawaiian Organic Act is hereby altered, amended and supplemented as follows:

"TITLE I

REVISION OF THE ACT OF

APRIL 30, 1900, AS AMENDED

"SEC. 101. Sections 12-29, 31, 34, 37, and 40 to 54 inclusive of the Act of April 30, 1900, as amended, are hereby repealed.

"SEC. 102. The following sections or portions of sections of the Act of April 30, 1900, as amended, are hereby renumbered and continued in effect as renumbered: Section 30 as section 302; Section 32 as section 303; Section 33 as section 304; Sections 35 and 36 as section 305; Section 38 as section 306; Section 39 as section 307; and the three paragraphs added to Section 55 by the Act of August 1, 1956 as section 308.

"SEC. 103. The remainder of Section 55 of the Act of April 30, 1900, as amended, is hereby amended so that the same consists in four subsections as follows: Subsection (a) shall consist of the first sentence thereof. Subsection (b) shall consist of the second sentence thereof as amended. Subsection (c) shall consist in a provision reading as follows: 'No divorce shall be granted by the legislature.' Subsection (d) shall consist in the provision that: 'The legislature may by general act provide for the condemnation or property for public uses, including the condemnation of rights-of-way for the transmission of water for irrigation and other purposes.'

The provision of said section 55 which reads: 'nor shall any divorce be granted by the courts of the Territory unless the applicant therefor shall have resided in the Territory for two years next preceding the application,' shall, until and otherwise provided by the Legislature of the Territory of Hawaii, remain in effect as a law of said Territory, subject to amendment or repeal by the Legislature of the Territory of Hawaii without any requirement that the consent of the Congress be obtained in order to make effective such amendment or repeal.

The provision of said section 55 which reads: 'nor shall the government of the Territory of Hawaii, or any political or municipal corporation or subdivision of the Territory, make any subscription to the capital stock of any incorporated company, or in any manner lend its credit for the use thereof;' shall, until and unless otherwise provided by the Legislature of the Territory of Hawaii, remain in effect as a law of said Territory, subject to amendment or repeal by the Legislature of the Territory of Hawaii without any requirement that the consent of the Congress be obtained in order to make effective such amendment or repeal.

"SEC. 104. Sections 56-63 inclusive of the Act of April 30, 1900, as amended, are hereby repealed.

"SEC. 105. Section 65 of the Act of April 30, 1900, as amended, is further amended to read as follows: 'The boundaries of voting precincts shall be fixed by proclamation of the Governor or as otherwise provided by law.'

"SEC. 106. Section 66 of the Act of April 30, 1900, as amended, is further amended to read as follows: 'The Governor may grant reprieves for offenses against the laws of the United States until the decision of the President is made known thereon.'

"SEC. 107. Section 69 of the Act of April 30, 1900, as amended, is repealed, except that the portions thereof hereinafter designated shall, until and unless otherwise provided by the Legislature of the Territory of Hawaii, remain in effect as laws of said Territory, subject to amendment or repeal by the Legislature of the Territory of Hawaii without any requirement that the consent of the Congress be obtained in order to make effective such amendment or repeal, to wit: The second and third sentences thereof; that portion of the fourth sentence ending with the words 'a copy of the executive proceedings'; and all of the second paragraph, save that the reference therein to section 70 of the Act of April 30, 1900, as amended is hereby amended so as to refer to section 404 of this Act.

"SEC. 108. Section 70 of the Act of April 30, 1900, as amended, is hereby repealed.

"SEC. 109. Sections 71-77 inclusive, 78 and 79 of the Act of April 30, 1900, as amended, until and unless otherwise provided by the Legislature of the Territory of Hawaii, shall remain in effect as a law of said Territory, subject to amendment or repeal by the Legislature of the Territory of Hawaii without any requirement that the consent of the Congress be obtained in order to make effective such amendment or repeal. Section 77A, added by the Act of August 1, 1956, is hereby renumbered section 608 and continued in effect as renumbered.

"SEC. 110. Section 80 of the Act of April 30, 1900, as amended, is repealed except that the portion hereinafter designated shall, until and unless otherwise provided by the Legislature of the Territory of Hawaii, remain in effect as a law of said Territory, subject to amendment or repeal by the Legislature of the Territory of Hawaii without any requirement that the consent of the Congress be obtained in order to make effective such amendment or repeal, to wit: That portion of the first paragraph which follows the word 'and' after the semicolon.

"SEC. 111. Sections 81 and 82 of the Act of April 30, 1900, as amended, are hereby repealed.

"SEC. 112. Sections 83 and 84 of the Act of April 30, 1900, as amended, shall, until and unless otherwise provided by the Legislature of the Territory of Hawaii, remain in effect as laws of said Territory, subject to amendment or repeal by the Legislature of the Territory of Hawaii without any requirement that the consent of the Congress be obtained in order to make effective such amendment or repeal.

"SEC. 113. Sections 91 and 92 of the Act of April 30, 1900, as amended, are hereby repealed.

"SEC. 114. Section 106 of the Act of April 30, 1900, as amended, until and unless otherwise provided by the Legislature of the Territory of Hawaii, shall remain in effect as a law of said Territory that has been ratified by the Congress, subject to amendment or repeal by the Legislature of the Territory of Hawaii without any requirement that the consent of the Congress be obtained in order to make effective such amendment or repeal.

"SEC. 115. The provisions of this Title shall take effect in the manner and at the times set forth in Title XIV of this Act. Notwithstanding provisions of this Title omitting or repealing

provisions of the Act of April 30, 1900, wherever said provisions are, in this Act, reenacted or incorporated by reference such provisions shall be so construed as to be given continuing effect.

"TITLE II

SUFFRAGE AND ELECTIONS

"SEC. 201. Qualifications. Every citizen of the United States, who shall have attained the age of twenty years, have been a resident of this Territory not less than one year next preceding the election and be a voter registered in accordance with law, shall be qualified to vote in any territorial or local election. No person shall be qualified to vote unless he is also able, except for physical disability, to speak, read and write the English or Hawaiian language.

"SEC. 202. Disqualifications. No person who is non compos mentis and no person convicted of felony, unless pardoned and restored to his civil rights, shall be qualified to vote.

"SEC. 203. Residence. No person shall be deemed to have gained or lost residence simply because of his presence or absence while employed in the service of the United States, or while engaged in navigation or while a student at any institution of learning.

"SEC. 204. Registration, voting. The Legislature shall provide for the registration of voters and for absentee voting; and shall prescribe the method of voting at all elections. Secrecy of voting shall be preserved.

"SEC. 205. Elections. General elections shall be held on the first Tuesday after the first Monday in November in all even-numbered years. Special elections may be held in accordance with law. Contested elections shall be determined by a court of competent jurisdiction in such manner as shall be provided by law.

"TITLE III

THE LEGISLATURE

"SEC. 301. Legislative power. The legislative power of the Territory shall be vested in a Legislature, which shall consist of

two houses, a senate and a house of representatives. Such power shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States locally applicable.

"Sections 302 to 308 shall consist in renumbered provisions, as provided by section 102.

"SEC. 309. Election of Members; term. The members of the Legislature shall be elected at general elections.

"SEC. 310. Vacancies. Any vacancy in the Legislature shall be filled for the unexpired term in such manner as may be prescribed by law, or, if no provision be made by law, by appointment by the governor for the unexpired term.

"SEC. 311. Qualifications of Members. No person shall be eligible to serve as a member of the senate unless he shall have attained the age of thirty years, have been a resident of the Territory for not less than three years and be a qualified voter of the senatorial district from which he seeks to be elected. No person shall be eligible to serve as a member of the house of representatives unless he shall have attained the age of twenty-five years, have been a resident of the Territory for not less than three years and be a qualified voter of the representative district from which he seeks to be elected.

"SEC. 312. Privileges of Members. No member of the legislature shall be held to answer before any other tribunal for any statement made or action taken in the exercise of his legislative functions; and members of the legislature shall, in all cases except felony or breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from the same.

"SEC. 313. Disqualifications of Members. No member of the Legislature shall hold any other public office under the Territory, not shall he, during the term for which he is elected or appointed,

to any public office or employment which shall have been created, or the emoluments whereof shall have been increased, by legislative act during such term. The term 'public office', for the purposes of this section, shall not include notaries public, reserve police officers or officers of emergency organizations for civilian defense or disaster relief. The Legislature may prescribe further disqualifications.

"SEC. 314. Salary and Allowances. The members of the Legislature shall receive such salary and allowances as may be prescribed by territorial law and shall be paid by the Territory, but any increase or decrease in the amount thereof shall not apply to the Legislature which enacted the same. No salary shall be payable when the senate alone is convened in special session, or when the Legislature convenes in special session pursuant to Section 321 of this Title.

"SEC. 315. Sessions. Regular sessions of the Legislature shall be held annually. The governor may convene the Legislature, or the senate alone, in special session. All sessions shall be held at the capital of the Territory. In case the capital shall be unsafe, the governor may direct that any session shall be held at some other place. Regular sessions in odd numbered years shall be known as 'general sessions' and regular sessions in even numbered years shall be known as 'budget sessions'.

Budget Sessions. At budget sessions the Legislature shall be limited to the consideration and enactment of the general appropriations bill for the succeeding fiscal year and bills to authorize proposed capital expenditures, revenue bills necessary therefor, urgency measures deemed necessary in the public interest, bills calling elections, proposed Congressional legislation, and bills to provide for the expenses of such session and the special session to be convened thereafter in accordance with the provisions of Section 321 of this Title. The Legislature may also consider and act upon matters relating to the impeachment or removal of officers. No urgency measure shall be considered unless a

statement of facts constituting such urgency shall be set forth in one section thereof and until such section shall have been first approved by each house. The approval of such section and the final passage of such measure in each house shall require a two-thirds vote of all the members to which such house is entitled, taken by ayes and noes and entered upon its journal.

Sessions; Commencement; Duration. Regular sessions shall commence at 10:00 o'clock a.m., on the third Wednesday in February. General sessions shall be limited to a period of sixty days and budget sessions and special sessions to a period of thirty days, but the governor may extend any session for not more than thirty days. Sundays and holidays shall be excluded in computing the number of days of any session.

"SEC. 316. Adjournment. Neither house shall adjourn during any session of the Legislature for more than three days, or sine die, without the consent of the other.

"SEC. 317. Organization; Discipline; Rules; Procedure. Each house shall be the judge of the elections, returns and qualifications of its own members and shall have, for misconduct, disorderly behavior or neglect of duty of any member, power to punish such member by censure or, upon a two-thirds vote of all the members to which such house is entitled, by suspension or expulsion of such member. Each house shall choose its own officers, determine the rules of its proceedings and keep a journal. The ayes and noes of the members on any question shall, at the desire of one-fifth of the members present, be entered upon the journal.

Twenty days after a bill has been referred to a committee in either house, the same may be recalled from such committee by the affirmative vote of one-third of the members to which such house is entitled.

"SEC. 318. Quorum; Compulsory attendance. A majority of the number of members to which each house is entitled shall constitute a

quorum of such house for the conduct of ordinary business, of which quorum a majority vote shall suffice; but the final passage of a bill in each house shall require the vote of a majority of all the members to which such house is entitled, taken by ayes and noes and entered upon its journal. A smaller number than a quorum may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

"SEC. 319. Bills; Enactment. No law shall be passed except by bill. Each law shall embrace but one subject, which shall be expressed in its title. The enacting clause of each law shall be, 'Be it enacted by the legislature of the Territory of Hawaii.'

"SEC. 320. Passage of bills. No bill shall become law unless it shall pass three readings in each house, on separate days. Every bill when passed by the house in which it originated, or in which amendments thereto shall have originated, shall immediately be certified by the presiding officer and clerk and sent to the other house for consideration.

"SEC. 321. Approval or veto. Every bill which shall have passed the Legislature shall be certified by the presiding officers and clerks of both houses and shall thereupon be presented to the governor. If he approves it, he shall sign it and it shall become law. If the governor does not approve such bill, he may return it, with his objections to the legislature. He may veto any specific item or items in any bill which appropriates money for specific purposes by striking out or reducing the same; but he shall veto other bills, if at all, only as a whole.

The governor shall have ten days to consider bills presented to him ten or more days before the adjournment of the legislature sine die, and if any such bill is neither signed nor returned by the governor within that time, it shall become law in like manner as if he had signed it.

Reconsideration after adjournment. The governor shall have forty-five days, after the adjournment of the legislature sine die, to consider bills presented to him less than ten days before such adjournment, or presented after adjournment, and any such bill shall become law on the forty-fifth day unless the governor by proclamation shall have given ten days' notice to the legislature that he plans to return such bill with his objections on that day. The legislature may convene at or before noon on the forty-fifth day in special session, without call, for the sole purpose of acting upon any such bill returned by the governor. In case the Legislature shall fail to so convene, such bill shall not become law. Any such bill may be amended to meet the governor's objections and, if so amended and passed, only one reading being required in each house for such passage, it shall be presented again to the governor, but shall become law only if he shall sign it within ten days after presentation.

Sundays and holidays shall be excluded in computing the number of days designated in this section.

"SEC. 322. Procedures upon veto. Upon the receipt of a veto message from the governor, each house shall enter the same at large upon its journal and proceed to reconsider the vetoed bill, or the item or items vetoed, and again vote upon such bill, or such item or items, by ayes and noes, which shall be entered upon its journal. If after such reconsideration such bill, or such item or items, shall be approved by a two-thirds vote of all members to which each house is entitled, the same shall become law.

"SEC. 323. Punishment of non-members. Each house may punish by fine, or by imprisonment not exceeding thirty days, any person not a member of either house who shall be guilty of disrespect of such house by any disorderly or contemptuous behavior in its presence or that of any committee thereof; or who shall, on account of the exercise of any legislative function, threaten harm to the body or estate of any of the

members of such house; or who shall assault, arrest or detain any witness or other person ordered to attend such house, on his way going to or returning therefrom; or who shall rescue any person arrested by order of such house.

Any person charged with such an offense shall be informed in writing of the charge made against him, and have an opportunity to present evidence and be heard in his own defense.

"SEC. 324. Impeachment. The governor and lieutenant governor, and any appointive officer for whose removal the consent of the senate is required, may be removed from office upon conviction of impeachment for such causes as may be provided by law.

The house of representatives shall have the sole power of impeachment of the governor and lieutenant governor and the senate the sole power to try such impeachments, and no such officer shall be convicted without the concurrence of two-thirds of the members of the senate. When sitting for that purpose, the members of the senate shall be on oath or affirmation and the chief justice shall preside. Subject to the provisions of this paragraph, the legislature may provide for the manner and procedure of removal by impeachment of such officers.

The legislature shall by law provide for the manner and procedure of removal by impeachment of the appointive officers.

Judgments in cases of impeachment shall not extend beyond removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the Territory; but the person convicted may nevertheless be liable and subject to indictment, trial, judgment and punishment according to law.

"TITLE IV

THE EXECUTIVE

"SEC. 401. Establishment of the executive. The executive power of the Territory shall be vested in a governor.

The governor shall be elected by the qualified voters of the Territory at a general election. The person receiving the highest

number of votes shall be the governor. In case of a tie vote, the selection of the governor shall be determined in accordance with law.

The term of office of the governor shall begin at noon on the first Monday in December next following his election and end at noon on the first Monday in December, four years thereafter.

No person shall be eligible to the office of governor unless he shall be a qualified voter, have attained the age of thirty-five years and have been a citizen of the United States for twenty years and a resident of the Territory for five years next preceding his election.

The Governor shall not hold any other office or employment of profit under the Territory or the United States during his term of office.

"SEC. 402. Lieutenant Governor. There shall be a lieutenant governor, who shall have the same qualifications as the governor. He shall be elected at the same time, for the same term, and in the same manner, as the governor. He shall perform such duties as may be prescribed by law.

Unless otherwise provided by law, the lieutenant governor shall exercise and discharge the powers and duties of the secretary of the Territory.

"SEC. 403. Compensation, governor, lieutenant governor. The compensation of the governor and of the lieutenant governor shall be prescribed by territorial law and paid by the Territory, but shall not be less than eighteen thousand dollars, and twelve thousand dollars, respectively, per annum. Such compensation shall not be increased or diminished for their respective terms, unless by general law applying to all salaried officers of the Territory. When the lieutenant governor succeeds to the office of governor, he shall receive the compensation for that office.

"SEC. 404. Succession to governorship; Absence or disability of governor. When the office of governor is vacant, the lieutenant

governor shall become governor. In the event of the absence of the governor from the Territory, or his inability to exercise and discharge the powers and duties of his office, such powers and duties shall devolve upon the lieutenant governor during such absence or disability.

When the office of lieutenant governor is vacant, or in the event of the absence of the lieutenant governor from the Territory or his inability to exercise and discharge the powers and duties of his office, such powers and duties shall devolve upon such officers in such order of succession as may be provided by law.

In the event of the impeachment of the governor or of the lieutenant governor, he shall not exercise the powers of his office until acquitted.

"SEC. 405. Executive powers. The governor shall, at the beginning of each session, and may, at other times, give to the Legislature information concerning the affairs of the Territory and recommend to its consideration such measures as he shall deem expedient.

The governor may grant reprieves, commutations and pardons, after conviction, for all offenses, subject to regulation by law as to the manner of applying for the same. The Legislature may, by general law, authorize the governor to grant pardons before conviction, to grant pardons for impeachment and to restore civil rights denied by reason of conviction of offenses by tribunals other than those of this Territory.

The governor shall appoint an administrative director to serve at his pleasure.

"SEC. 406. Executive and administrative offices and departments. All executive and administrative offices, departments and instrumentalities of the Territorial government and their respective functions, powers and duties shall be allocated by law among and within not more than twenty principal departments in such manner as to group the same according to major purposes so far as practicable. Temporary commissions or agencies for special purposes may be established by law and

need not be allocated within a principal department.

Each principal department shall be under the supervision of the governor and, unless otherwise provided in this Act or by law, shall be headed by a single executive. Such single executive shall be nominated and, by and with the advice and consent of the senate, appointed by the governor and he shall hold office for a term to expire at the end of the term for which the governor was elected. The governor may, by and with the advice and consent of the senate, remove such single executive.

Whenever a board, commission or other body shall be the head of a principal department of the Territorial government, the members thereof shall be nominated and, by and with the advice and consent of the senate, appointed by the governor. The term of office and removal of such members shall be as prescribed by law. Such board, commission or other body may appoint a principal executive officer, who, when authorized by law, may be ex officio a voting member thereof, and who may be removed by a majority vote of the members appointed by the governor.

The governor shall nominate and, by and with the advice and consent of the senate, appoint all officers for whose election or appointment provision is not otherwise made by this Act or by law. The Legislature may provide for the suspension or removal for cause, by the governor, of any officer for whose removal the consent of the senate is required by this Act.

When the senate is not in session and a vacancy occurs in any office, appointment to which requires the confirmation of the senate, the governor may fill the office by granting a commission which shall, unless such appointment is confirmed, expire at the end of the next session of the senate; but the person so appointed shall not be eligible for another interim appointment to such office if the appointment shall have failed of confirmation by the senate.

No person who has been nominated for appointment to any office and whose appointment has not received the consent of the senate shall be

eligible to an interim appointment thereafter to such office.

All officers appointed under the provisions of this section shall be citizens of the Territory and shall have been residents of the Territory for at least three years next preceding their appointment.

"TITLE V

THE JUDICIARY

"SEC. 501. Judicial power. The judicial power of the Territory shall be vested in one supreme court, circuit courts, and in such inferior courts as the legislature may from time to time establish. The several courts shall have original and appellate jurisdiction as provided by law.

"SEC. 502. Supreme court. The supreme court shall consist of a chief justice and four associate justices. When necessary, the chief justice shall assign a judge or judges of a circuit court to serve temporarily on the supreme court. In case of a vacancy in the office of chief justice, or if he is ill, absent or otherwise unable to serve, an associate justice designated in accordance with the rules of the supreme court shall serve temporarily in his stead.

"SEC. 503. Appointment of judges. The governor shall nominate and, by and with the advice and consent of the senate, appoint the justices of the supreme court and the judges of the circuit courts. No nomination shall be sent to the senate, and no interim appointment shall be made when the senate is not in session, until after ten days' public notice by the governor.

Qualifications. No justice or judge shall hold any other office or position of profit under the Territory or the United States. No person shall be eligible to such office who shall not have been admitted to practice law before the supreme court of the Territory for at least ten years. Any justice or judge who shall become a candidate for an elective office shall thereby forfeit his office.

Tenure; Compensation; Retirement; Removal. The term of office of a justice of the supreme court shall be seven years and that of a judge of a circuit court shall be six years. They shall receive from the Territory for their services such compensation as may be prescribed by Territorial law, which shall not be diminished during their respective terms of office, unless by general law applying to all salaried officers of the Territory. They shall be retired upon attaining the age of seventy years. They shall be included in any retirement law of the Territory. They shall be subject to removal from office upon the concurrence of two-thirds of the membership of each house of the Legislature, sitting in joint session, for such causes and in such manner as may be provided by law.

"SEC. 504. Retirement for incapacity. Whenever a commission or agency, authorized by law for such purpose, shall certify to the governor that any justice of the supreme court or judge of a circuit court appears to be so incapacitated as substantially to prevent him from performing his judicial duties, the governor shall appoint a board of three persons to inquire into the circumstances and on their recommendation the governor may retire the justice or judge from office.

"SEC. 505. Administration. The chief justice of the supreme court shall be the administrative head of the courts. He may assign judges from one circuit court to another for temporary service. With the approval of the supreme court he shall appoint an administrative director to serve at his pleasure.

"SEC. 506. Rules. The supreme court shall have power to promulgate rules and regulations in all civil and criminal cases for all courts relating to process, practice, procedure and appeals, which shall have the force and effect of law.

"TITLE VI

TAXATION AND FINANCE

"SEC. 601. Taxing power inalienable. The power of taxation shall never be surrendered, suspended or contracted away.

"SEC. 602. Taxation of non-resident citizens. The land and other property belonging to citizens of the United States residing without the Territory shall never be taxed at a higher rate than the lands and other property belonging to residents thereof.

"SEC. 603. Debt limitations. All bonds and other instruments of indebtedness issued by or on behalf of the Territory or a political subdivision thereof must be authorized by the Legislature, and bonds and other instruments of indebtedness of a political subdivision must also be authorized by its governing body.

Except as heretofore or hereafter authorized by the Congress, sixty million dollars is established as the limit of the funded debt of the Territory at any time outstanding and unpaid. Bonds and other instruments of indebtedness in excess of such limit may be issued when authorized by a two-thirds vote of all the members to which each house of the Legislature is entitled, provided such excess debt, at the time of authorization, would not cause the total of Territorial indebtedness to exceed a sum equal to fifteen per cent of the total of assessed values for tax rate purposes of real property in the Territory, as determined by the last tax assessment rolls pursuant to law.

Instruments of indebtedness to meet appropriations for any fiscal period in anticipation of the collection of revenues for such period or to meet casual deficits or failures of revenue, which shall be payable within one year, and bonds or other instruments of indebtedness to suppress insurrection, to repel invasion, to defend the Territory in war or to meet emergencies caused by disaster or act of God, may be issued by the Territory under legislative authorization without regard to any debt limit.

Except as heretofore or hereafter authorized by the Congress, a sum equal to ten per cent of the total of the assessed values for tax rate purposes of real property in any political subdivision, as determined by the last tax assessment rolls pursuant to law, is established as the limit of the funded debt of such political subdivision at any time outstanding and unpaid. The aggregate, however, of such debts contracted by any political subdivision during a fiscal year shall not exceed two per cent of the total of such assessed values in such political subdivision, except as heretofore or hereafter authorized by the Congress.

Instruments of indebtedness to meet appropriations for any fiscal period in anticipation of the collection of revenues for such period or to meet casual deficits or failures of revenue, which shall be payable within one year, may be issued by any political subdivision under authorization of law and of its governing body, without regard to the limits of debt hereinabove provided.

Nothing herein shall be deemed to supersede any provision of law as to the computation of the indebtedness of the Territory or a political subdivision in applying the respective debt limits, and without prejudice to the generality of the foregoing this Act shall not supersede the provisions of section 2 of Public Law 643 of the Eighty-Third Congress, approved August 24, 1954, as amended by Public Law 720 of the Eighty-Fourth Congress, approved July 14, 1956 (70 Stat. 552, c. 606), or the provisions of section 2 of Public Law 694, approved July 11, 1956 (70 Stat. 526, c. 567), or the provisions of Public Law 716, approved July 14, 1956 (70 Stat. 545, c. 602).

All bonds or other instruments of indebtedness for a term exceeding one year shall be in serial form maturing in substantially equal annual installments, the first installment to mature not later than five years from the date of the issue of such series, and the last installment not later than thirty-five years from the date of such issue. Interest and principal payments shall be a first charge on the general revenues of the Territory or political subdivision, as the

case may be.

The provisions of this section shall not be applicable to indebtedness incurred under revenue bond statutes by a public enterprise of the Territory or political subdivision, or by a public corporation, when the only security for such indebtedness is the revenues of such enterprise or public corporation, or to indebtedness incurred under special improvement statutes when the only security for such indebtedness is the properties benefited or improved or the assessments thereon.

Nothing in this section shall prevent the refunding of any indebtedness at any time.

"SEC. 604. The budget. Within such time prior to the opening of each regular session as may be prescribed by law, the governor shall submit to the Legislature a budget setting forth a complete plan of proposed general fund expenditures and anticipated receipts of the Territory for the ensuing fiscal period, together with such other information as the legislature may require. The budget shall be compiled in two parts, one setting forth all proposed operating expenditures for the ensuing fiscal period and the other, all capital improvements expenditures proposed to be undertaken during such period. The governor shall also, upon the opening of the session, submit bills to provide for such proposed expenditures and for any recommended additional revenues or borrowings by which the proposed expenditures are to be met. Such bills shall be introduced in the Legislature upon the opening of each regular session.

"SEC. 605. Legislative appropriations; Procedure. No appropriation bill, except bills recommended by the governor for immediate passage, or to cover the expenses of the Legislature, shall be passed on final reading until the bill authorizing operating expenditures for the ensuing fiscal period, to be known as the general appropriations bill, shall have been transmitted to the governor.

"SEC. 606. Appropriations for private purposes prohibited. No tax shall be levied or appropriation of public money or property made, nor shall the public credit be used, directly or indirectly, except for a public purpose.

"SEC. 607. Expenditure controls. Provision for the control of the rate of expenditures of appropriated Territorial moneys, and for the reduction of such expenditures under prescribed conditions, shall be made by law.

Section 608 shall consist in a renumbered provision, as provided by section 109.

"TITLE VII

LOCAL GOVERNMENT

"SEC. 701. Political subdivisions; Creation, powers. The Legislature shall create counties and may create other political subdivisions within the Territory, and provide for the government thereof. Each political subdivision shall have and exercise such powers as shall be conferred under general laws.

"SEC. 702. Local self-government; Charter. Each political subdivision shall have power to frame and adopt a charter for its own self-government within such limits and under such procedures as may be prescribed by law.

"SEC. 703. Taxation and finance. The taxing power shall be reserved to the Territory except so much thereof as may be delegated by the Legislature to the political subdivisions, and the Legislature shall have the power to apportion Territorial revenues among the several political subdivisions.

"SEC. 704. Mandates; Accrued claims. No law shall be passed mandating any political subdivision to pay any previously accrued claim.

"SEC. 705. Territorywide laws. This Title shall not limit the power of the Legislature to enact laws of Territorywide concern.

"TITLE VIII

PUBLIC HEALTH AND WELFARE

"SEC. 801. Public health. The Territory shall provide for the protection and promotion of the public health.

"SEC. 802. Care of handicapped. The Territory shall have power to provide for treatment and rehabilitation, as well as domiciliary care, of mentally or physically handicapped persons.

"SEC. 803. Public assistance. The Territory shall have power to provide for, or assist in, slum clearance and the development or rehabilitation of sub-standard areas, including housing for persons of low income.

"SEC. 805. Public sightliness and good order. The Territory shall have power to conserve and develop its natural beauty, objects and places of historic or cultural interest, sightliness and physical good order, and for that purpose private property shall be subject to reasonable regulation.

"TITLE IX

EDUCATION

"SEC. 901. Public education. The Territory shall provide for the establishment, support and control of a Territorywide system of public schools free from sectarian control, a Territorial university, public libraries and such other educational institutions as may be deemed desirable, including physical facilities therefor. There shall be no segregation in public educational institutions because of race, religion or ancestry; nor shall public funds be appropriated for the support or benefit of any sectarian or private educational institution.

"SEC. 902. Board of education. There shall be a board of education, the members of which shall be nominated and, by and with the advice and consent of the senate, appointed by the governor from panels submitted by local school advisory councils to be established by law. At least part of the membership of the board shall represent geographic subdivisions of the Territory.

SEC. 903. Powers of the board of education. The board of education shall have power, in accordance with law, to formulate policy, and to exercise control over the public school system through its executive officer, the superintendent of public instruction, who shall be appointed by the board and shall be ex officio a voting member thereof.

"SEC. 904. University of Hawaii. The University of Hawaii is hereby established as the Territorial university and constituted a body corporate. It shall have title to all the real and personal property now or hereafter set aside or conveyed to it, which shall be held in public trust for its purposes, to be administered and disposed of according to law.

"SEC. 905. Board of regents; Powers. There shall be a board of regents of the University of Hawaii, the members of which shall be nominated and, by and with the advice and consent of the senate, appointed by the governor. At least part of the membership of the board shall represent geographic subdivisions of the Territory. The president of the university and the superintendent of public instruction shall be ex officio voting members of the board. The board shall have power, in accordance with law, to formulate policy, and to exercise control over the university through its executive officer, the president of the university, who shall be appointed by the board.

"TITLE X

CONSERVATION AND DEVELOPMENT OF RESOURCES

"SEC. 1001. Resources; Conservation, development and use. The Legislature shall promote the conservation, development and utilization of agricultural resources, and fish, mineral, forest, water, land, game and other natural resources.

"SEC. 1002. Natural resources; Management and disposition. The Legislature shall vest in one or more executive boards or commissions powers for the management of natural resources owned or controlled by the Territory, and such powers of disposition thereof as may be

authorized by law; but land set aside for public use, other than for a reserve for conservation purposes, need not be placed under the jurisdiction of such a board or commission.

The mandatory provisions of this section shall not apply to the natural resources owned by or under the control of a political subdivision or a department or agency thereof.

"TITLE XI

PUBLIC LANDS AND OTHER PUBLIC PROPERTY:

HAWAIIAN HOME LANDS

"SEC. 1101. Recession of title. The United States hereby grants to the Territory of Hawaii the absolute title to all the public lands and other public property in Hawaii title to which is in the United States upon the taking effect of this Act, except as otherwise provided in this Act: Provided, however, that as to any such lands or other property heretofore set aside by Act of Congress or by Executive Order or proclamation of the President or the Governor of Hawaii, pursuant to law, for the use of the United States, whether absolutely or subject to limitations, and remaining so set aside upon the taking effect of this Act, the United States shall retain title thereto, or an interest therein conformable to such limitations, as the case may be, subject, however, to the power of the President to restore such lands or other property to the Territory of Hawaii in the manner heretofore provided by section 91 of the Hawaiian Organic Act as amended (48 U.S.C. 511) in which event title to such property shall vest in the Territory of Hawaii: Provided, further, that when any such public property so taken for the uses and purposes of the United States, instead of being used for public purposes is by the United States leased, rented, or granted upon revokable permits to private parties, the rentals or consideration shall be covered into the treasury of the Territory of Hawaii.

As used in this section, the term 'public lands and other public property' means, and is limited to, the lands and other properties that were ceded to the United States by the Republic of Hawaii under

the joint resolution of annexation approved July 7, 1898 (30 Stat. 750) or that have been acquired in exchange for lands or other properties so ceded.

"SEC. 1102. Hawaiian home lands. The Hawaiian Homes Commission Act, 1920, as amended, shall be subject to amendment or repeal only with the consent of the Congress, and in no other manner.

"SEC. 1103. Transfers of title. The Legislature of the Territory is hereby authorized to transfer, or provide for the transfer of, the lands title to which is in the Territory of Hawaii purusant to existing law or vested in the Territory of Hawaii by section 1101 of this Act, to any city, county or other political subdivision thereof, or to any public corporate body constituted by law.

"SEC. 1104. General laws. The legislative power of the Territory over the lands owned by or under the control of the Territory and its political subdivisions shall be exercised only by general laws, except in respect to transfers to or for the use of the Territory, a political subdivision, or any department or agency thereof.

"SEC. 1105. Submerged lands. The Submerged Lands Act of 1953 (Public Law 31, Eighty-third Congress, first session; 67 Stat. 29) shall be applicable to the Territory of Hawaii, and the said Territory shall have the same rights as do the states thereunder.

"SEC. 1106. Repeal of United States laws. All laws of the United States reserving to the United States the free use or enjoyment of property vested in the Territory of Hawaii pursuant to section 1101, or reserving (except as provided in section 1102) the right to alter, amend, or repeal laws relating thereto, are hereby repealed.

"TITLE XII

ORGANIZATION, COLLECTIVE BARGAINING

"SEC. 1201. Private employees. Persons in private employment shall have the right to organize for the purpose of collective bargaining.

"SEC. 1202. Public employees. Persons in public employment shall have the right to organize and to present and make known their grievances and proposals to the Territory, or any political subdivision or any department or agency thereof.

"TITLE XIII

GENERAL AND MISCELLANEOUS PROVISIONS

"SEC. 1301. Civil service. The employment of persons in the civil service, as defined by law, of or under the Territory, shall be governed by the merit principle.

"SEC. 1302. Employees' retirement system. Membership in any employees' retirement system of the Territory or any political subdivision thereof shall be a contractual relationship, the accrued benefits of which shall not be diminished or impaired.

"SEC. 1303. Disqualification for disloyalty. No person who advocates, or who aids or belongs to any party, organization or association which advocates, the overthrow by force or violence of the government of the Territory or of the United States shall be qualified to hold any public office or employment.

"SEC. 1304. Oath of office. All public officers, before entering upon the duties of their respective offices, shall take and subscribe to the following oath or affirmation: 'I do solemnly swear (or affirm) that I will support the Constitution and laws of the United States, and that I will faithfully discharge my duties as ---------- to the best of my ability.' The Legislature may prescribe further oaths or affirmations.

"SEC. 1305. Intergovernmental relations. The Legislature may provide for cooperation on the part of the Territory and its political subdivisions, in matters affecting the public health, safety and general welfare, and funds may be appropriated to effect such cooperation.

"SEC. 1306. Titles, subtitles, personal pronouns; Construction. Titles and subtitles shall not be used for purposes of construing this Act.

Whenever any personal pronoun appears in this Act, it shall be construed to mean either sex.

"SEC. 1304. Provisions self-executing. The provisions of this Act shall be self-executing to the fullest extent that their respective natures permit.

"TITLE XIV

TRANSITIONAL PROVISIONS

"SEC. 1401. Allocation of departments. The provisions of sections 406 and 1002 of this Act shall not be mandatory until four years from the approval of this Act. The Legislature shall within three years from said date allocate and group the executive and administrative offices, departments and instrumentalities of the Territorial government and their respective functions, powers and duties among and within the principal departments pursuant to said sections.

If such allocation and grouping shall not have been completed within such period, the Governor, within one year thereafter, by executive order, shall make such allocation and grouping.

"SEC. 1402. Elections. This Act shall apply to the primary and general elections of 1958, and to the registration and qualification or disqualification of voters for said elections, and thereafter.

"SEC. 1403. Legislature and legislation. The Thirtieth Legislature shall be the first legislature elected under this Act. The proceedings of, legislation by, and all matters having to do with the Thirtieth Legislature shall be governed by this Act and said Legislature shall be the first legislature so governed.

"SEC. 1404. The executive. The provisions of this Act as to the executive department shall take effect at noon on the first Monday in December, 1958, save that in respect to elections this Act shall apply to the primary and general elections of 1958, and thereafter.

"SEC. 1405. Amendment of Title 28. The first paragraph of section

373 of Title 28, United States Code, is amended by striking out the words 'and any justice of the Supreme Court of the Territory of Hawaii': Provided, that the amendments made by this section shall not affect the rights of any justice who may have retired before the effective date of this section.

"SEC. 1406. The judiciary. (a) When three full calendar months have elapsed after the approval of this Act the provisions of this Act as to there being a chief justice and four associate justices of the Supreme Court shall take effect.

(b) The provisions of this Act as to the appointment of judges, and their qualifications, terms of office, removal and retirement for incapacity shall apply (1) to the new offices of associate justices of the Supreme Court, created by this Act, and (2) to each other office as the same becomes vacant on or after the date of approval of this Act.

(c) The provisions of this Act requiring the retirement of judges upon attaining the age of seventy years shall not be so applied as to decrease the term of office of any person who is an incumbent upon the date of approval of this Act, but subject to the foregoing shall take effect upon the approval of this Act.

(d) The salaries of the chief justice, justices of the Supreme Court, and judges of the Circuit Courts, who are in office on the date of approval of this Act, shall not be diminished during their term of office. Subject to the foregoing, the provisions of this Act as to the compensation of judges by the Territory as prescribed by Territorial law shall take effect upon the first day of the first full calendar month following the date of approval of this Act.

(e) Section 1405, and the provision of section 503 as enacted by Title V of this Act, requiring the inclusion of the judges in the retirement system of the Territory shall take effect on July 1, 1959 and shall apply to every judge who is in office upon that date and to all those who take office thereafter.

"SEC. 1407. General. Subject to the foregoing, this Act shall take effect upon its approval."

SECTION 2. If Congress shall provide for the inclusion of judges in the retirement system of the Territory, the Board of Trustees of the Employees' Retirement System of the Territory shall prepare and submit to the Thirtieth Legislature a report showing the payments into the retirement system funds and the legislation necessary in order that every judge in office on July 1, 1959 or thereafter shall enjoy all of the rights and benefits to which he would have been entitled had he been a member of the Employees' Retirement System of the Territory throughout his then term of office and during any holding of a territorial judicial office prior thereto.

SECTION 3. If Congress shall provide for the compensation by the Territory as prescribed by territorial law of the judges and other officials below designated, the amounts of such compensation shall be as follows (which shall supersede all provisions heretofore enacted as to payments to said persons by the Territory) and there are hereby appropriated sufficient moneys to make the payments hereinafter provided for:

Member of the legislature, for each general session	$ 2,500
Member of the legislature, for each budget session	1,500
Member of the legislature, for each special session	750
Governor	18,000 p.a.
Lieutenant Governor	12,000 p.a.
Chief Justice of the Supreme Court	17,500 p.a.
Associate justice of the Supreme Court	17,000 p.a.
Judge of the Circuit Court	15,000 p.a.

In all other cases in which salaries, or portions thereof, have been paid by the United States, there shall be paid as compensation to each such officer or employee the total amount which would have been paid but for the enactment of any provisions by Congress as requested by this joint resolution, and there are hereby appropriated sufficient monies to pay such compensation.

SECTION 4. If Congress shall provide for a Supreme Court of five justices

(including the chief justice), then upon the taking effect of such provision section 9610 of the Revised Laws of Hawaii 1945 shall stand amended as follows:

(a) By inserting in the sixth line thereof after the word "reason" and the comma, the words:

"less than the full number (but not less than three) may sit, or"

(b) By deleting from the seventh line thereof the word "shall" and inserting in lieu thereof the word "may".

(c) By inserting in the eleventh line thereof after the words "authorized by the" the following:

"chief justice, or by the"

SECTION 5. If Congress shall provide for the amendment of the Hawaiian Organic Act as provided by this joint resolution then upon the taking effect of such amendments Part I (sections 1 to 4 inclusive) of Act 191 of the Session Laws of Hawaii 1955, except subsections (i), (j), (k), (l), (m), (n), (p), (w), and (y) of section 1, shall take effect any provision of section 8 of said Act 191 to the contrary notwithstanding; provided that nothing herein shall be deemed to give effect to any amendment changing the words "territorial" or "Territory" or "Territory of Hawaii" to "State" or "State of Hawaii"; any amendment inserting in the laws the words "State" or "State of Hawaii" or references thereto shall be deemed to signify the Territory of Hawaii; any amendment inserting in the laws the words "senator or representative in Congress" or references thereto shall be deemed to refer to the Delegate to Congress from Hawaii and, in lieu of the amendments provided by subsections (j), (k), (l), (m), (p), (w) and (y) of section 1, the following amendments of the Revised Laws of Hawaii 1945, as amended, shall take effect pending the taking effect of said Act 191 as set forth in section 8 thereof:

(a) Section 206 shall be amended by inserting in the title and in the second and in the sixth lines of section 206, after the comma following the words "delegate to congress", the words and punctuation "governor and lieutenant governor,";

(b) Section 208 shall be amended by inserting in the second and in the seventh lines of section 208, following the words "delegate to congress",

the words and punctuation, ", governor or lieutenant governor,";

(c) Section 209 shall be amended by inserting in the fourth line of section 209 following the words "delegate to congress", the words and punctuation, ", governor or lieutenant governor,";

(d) Section 219 shall be amended by deleting the third line from section 219;

(e) Section 235 shall be amended by inserting at the end of the first line of the sixth paragraph of section 235 following the comma after the words "delegate to congress" the words and punctuation, "governor, lieutenant governor,";

(f) Section 265 shall be amended by inserting in the penultimate paragraph of section 265 following the words "delegate to congress", in the first line of said paragraph, the words and punctuation, ", governor and lieutenant governor";

(g) Section 268 shall be amended by inserting in section 268 following the words "delegate to congress" in the second line, a comma and the words and punctuation, "governor, lieutenant governor,".

SECTION 6. Certified copies of this joint resolution shall, upon its approval, be forwarded to the President of the United States, the Secretary of the Interior, the Delegate to Congress from Hawaii, the President of the Senate of the United States, and the Speaker of the House of Representatives of the United States.

SECTION 7. This joint resolution shall take effect upon its approval.

INTRODUCED BY:

A Y

____ J. R. NO. ____

JOINT RESOLUTION

REQUESTING THE CONGRESS OF THE UNITED STATES TO AMEND THE HAWAIIAN ORGANIC ACT IN CONFORMITY WITH THE PROVISIONS OF THE CONSTITUTION OF THE PROPOSED STATE OF HAWAII AS TO THE ELECTION OF A GOVERNOR AND LIEUTENANT GOVERNOR, AND MAKING AMENDMENTS OF THE ELECTION LAWS TO TAKE EFFECT IN SUCH EVENT,

WHEREAS, the people of Hawaii are desirous of attaining statehood at the earliest possible date and deem it desirable that the provisions of the Constitution of the proposed state of Hawaii as to the organization and functioning of the Hawaiian government be given effect without further delay; and

WHEREAS, should the Congress of the United States not view with favor a complete reorganization of the territorial government pending the attainment of statehood, then it is the desire of the people of Hawaii, as expressed through their legislature, that meanwhile they be enabled to elect their governor and lieutenant governor; now, therefore, BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

SECTION 1. The Congress of the United States is hereby requested to amend the Hawaiian Organic Act substantially as set forth in the following form of bill:

"A BILL

TO AMEND THE HAWAIIAN ORGANIC ACT TO PROVIDE FOR AN ELECTIVE GOVERNOR AND LIEUTENANT GOVERNOR,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 66 of the Hawaiian Organic Act

(the Act of April 30, 1900, as amended) is hereby amended by deleting therefrom the words and punctuation: 'shall be appointed by the President, by and with the advice and consent of the Senate of the United States, and shall hold office for four years and until his successor shall be appointed and qualified, unless sooner removed by the President. He shall be not less than thirty-five years of age; shall be a citizen of the Territory of Hawaii; shall have resided therein for at least three years next preceding his appointment;'

SEC. 2. The Hawaiian Organic Act is further amended by inserting therein a new section to be numbered 66 A and to read as follows:

'Sec. 66 A. Election, term of office and qualifications of the governor. The governor shall be elected at a general election by the voters of the Territory qualified to vote for members of the house of representatives of the legislature. The person receiving the highest number of votes shall be the governor. In case of a tie vote, the selection of the governor shall be determined in accordance with law.

The term of office of the governor shall begin at noon on the first Monday in December next following his election and end at noon on the first Monday in December, four years thereafter.

No person shall be eligible to the office of governor unless he shall be a qualified voter, have attained the age of thirty-five years and have been a citizen of the United States for twenty years and a resident of the Territory for five years next preceding his election.

The governor shall not hold any other office or employment of profit under the Territory or the United States during his term of office.'

SEC. 3. The Hawaiian Organic Act is further amended by inserting therein a new section to be numbered 68 A and to read as follows:

'Sec. 68 A. Lieutenant governor, term of office, qualifications. There shall be a lieutenant governor, who shall have the same qualifications as the governor. He shall be elected at the same time, for the same term, and in the same manner, as the governor. He shall perform such duties as may be prescribed by law.

Unless otherwise provided by law, the lieutenant governor shall exercise and discharge the powers and duties of the secretary of the Territory.'

SEC. 4. Section 69 of the Hawaiian Organic Act is hereby amended by deleting therefrom the following: 'shall be appointed by the President, by and with the advice and consent of the Senate of the United States, and who shall be a citizen of the Territory of Hawaii and hold his office for four years and until his successor shall be appointed and qualified, unless sooner removed by the President. He'

SEC. 5. Section 70 of the Hawaiian Organic Act is hereby amended by deleting therefrom the word 'secretary' and inserting in lieu thereof the words 'lieutenant governor'.

SEC. 6. Section 92 of the Hawaiian Organic Act is hereby amended by deleting therefrom the words 'secretary of the Territory' and inserting in lieu thereof the words 'lieutenant governor'.

SEC. 7. This Act shall take effect at noon on the first Monday in December, 1958, save that in respect to elections this Act shall apply to the primary and general elections in 1958, and thereafter."

SECTION 2. In the event that the Congress shall authorize the election of the governor and lieutenant govenor, notwithstanding that the Territory is not admitted as a state of the Union, the following amendments to the Revised Laws of Hawaii 1945 thereupon shall take effect:

1. By substituting for the words "the legislature", in the last line of the paragraph numbered "2" of section 162, the word "office";

2. By inserting in the title and in the second and in the sixth lines of section 206, after the comma following the words "delegate to congress", the words and punctuation "governor and lieutenant governor,";

3. By inserting in the second and in the seventh lines of section 208, following the words "delegate to congress", the words and punctuation ", governor or lieutenant governor,";

4. By inserting in the fourth line of section 209 following the words "delegate to congress", the words and punctuation ", governor or lieutenant governor,".

5. By deleting the third line from section 219.

6. By inserting at the end of the first line of the sixth paragraph of section 235 following the comma after the words "delegate to congress" the words and punctuation "governor, lieutenant governor,";

7. By adding a new paragraph, at the end of section 243, which shall read as follows:

"The certificate of election of the governor and

lieutenant governor shall be in the same form but there shall be no reference to an election district."

8. By inserting in the penultimate paragraph of section 265 following the words "delegate to congress", in the first line of said paragraph, the words and punctuation ", governor and lieutenant governor";

9. By inserting in section 268 following the words "delegate to congress" in the second line, a comma and the words and punctuation "governor, lieutenant governor,".

SECTION 3. The method of determining and certifying the names of candidates to be placed upon the ballot for, and the qualification of voters at, and all the conduct of the election of the governor and lieutenant governor shall be in conformity to the laws applicable to the election of the delegate to congress, even though some specific amendment to the election laws for such purpose may have been omitted herein.

SECTION 4. Certified copies of this Joint Resolution, upon its approval, shall be forwarded to the President of the United States, the Secretary of the Interior, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, and the Delegate to Congress from Hawaii.

SECTION 5. This Joint Resolution shall take effect upon its approval.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

A V

S. C. R. NO. ____

CONCURRENT RESOLUTION

REQUESTING THE CONGRESS OF THE UNITED STATES TO AMEND THE HAWAIIAN ORGANIC ACT SO AS TO PROVIDE FOR ANNUAL REGULAR SESSIONS OF THE LEGISLATURE AND INCREASE THE COMPENSATION OF MEMBERS OF THE LEGISLATURE.

WHEREAS, section 41 of the Hawaiian Organic Act provides for biennial sessions of the legislature of the Territory of Hawaii, such section having been in effect since April 30, 1900; and

WHEREAS, subsequent to the enactment of the Hawaiian Organic Act the population of the Territory has more than tripled and it is now necessary for the legislature to meet annually for the proper and adequate consideration of governmental problems and determination of policy for the Territory; and

WHEREAS, "The Constitution of the State of Hawaii" as agreed upon by the delegates of the people of Hawaii in convention on July 22, 1950, made provision for annual regular sessions of the legislature; and

WHEREAS, the compensation of members of the legislature has not been adjusted by the Congress since 1921; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-ninth Legislature, the House of Representatives concurring, that the Congress of the United States is hereby respectfully requested to amend the Hawaiian Organic Act to provide for annual regular sessions of the legislature as set forth in the Constitution of the proposed state of Hawaii, and to increase the compensation of the members of the legislature as

contemplated by section 17 of Article XVI of said Constitution, all as set forth in the form of bill for the enactment of which the legislature petitioned by Joint Resolution 3 of the Session Laws of Hawaii 1955; and

BE IT FURTHER RESOLVED that certified copies of this resolution upon its adoption shall be forwarded to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, the Secretary of the Interior and the Delegate to Congress from Hawaii.

OFFERED BY:

_____

Date: _____

Honolulu, Hawaii

Gov. Mess. #23

A 6

___ J. R. NO. ___

JOINT RESOLUTION

REQUESTING THE CONGRESS OF THE UNITED STATES TO AMEND THE HAWAIIAN ORGANIC ACT RELATING TO THE JUDICIARY TO CONFORM TO THE PROVISIONS OF THE CONSTITUTION OF THE PROPOSED STATE OF HAWAII, PROVISIONALLY MAKING AN APPROPRIATION FOR THE SALARIES OF JUDGES AND AMENDING SECTION 9610 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. The Congress of the United States is requested to amend the Hawaiian Organic Act relative to the judiciary to conform to the provisions of the constitution of the proposed state of Hawaii by enacting a bill in substantially the following form:

"A BILL

TO AMEND THE HAWAIIAN ORGANIC ACT IN RESPECT OF THE COMPOSITION OF THE SUPREME COURT, THE APPOINTMENT OF SUPREME AND CIRCUIT COURT JUDGES, AND THEIR TERMS OF OFFICE, COMPENSATION AND RETIREMENT.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Hawaiian Organic Act is hereby amended as follows:

(a) Section 80 is amended by deleting therefrom the words 'the President shall nominate and, by and with the advice and consent of the Senate, appoint the chief justice and justices of the supreme court, who shall hold office for the term of seven years unless sooner removed by the President, and the judges of the

circuit courts, who shall hold office for the term of six years, unless sooner removed by the President; and'

(b) Section 80 is further amended by amending the third paragraph thereof by changing the comma after the word 'legislature' to a period and by deleting the remainder of said paragraph.

(c) Sections 81 and 82 are hereby amended to read as follows:

'Sec. 81. Judicial power. The judicial power of the Territory shall be vested in one supreme court, circuit courts, and in such inferior courts as the legislature may from time to time establish. The several courts shall have original and appellate jurisdiction as provided by law.

'Sec. 82. Supreme Court. The supreme court shall consist of a chief justice and four associate justices. When necessary, the chief justice shall assign a judge or judges of a circuit court to serve temporarily on the supreme court. In case of a vacancy in the office of chief justice, or if he is ill, absent or otherwise unable to serve, an associate justice designated in accordance with the rules of the supreme court shall serve temporarily in his stead.'

(d) There are hereby enacted five new sections to be numbered 82a, 82b, 82c, 82d and 82e and to read as follows:

'Sec. 82a. Appointment of judges; qualifications. The governor shall nominate and, by and with the advice and consent of the senate, appoint the justices of the supreme court and the judges of the circuit courts. No nomination shall be sent to the senate, and no interim

appointments shall be made when the senate is not in session, until after ten days' public notice by the governor.

No justice or judge shall hold any other office or position of profit under the Territory or the United States. No person shall be eligible to such office who shall not have been admitted to practice law before the supreme court of the Territory for at least ten years. Any justice or judge who shall become a candidate for an elective office shall thereby forfeit his office.

Sec. 82b. Tenure; compensation; retirement; removal. The term of office of a justice of the supreme court shall be seven years and that of a judge of a circuit court shall be six years. They shall receive from the Territory for their services such compensation as may be prescribed by territorial law, which shall not be diminished during their respective terms of office, unless by general law applying to all salaried officers of the Territory. They shall be retired upon attaining the age of seventy years. They shall be included in any retirement law of the Territory. They shall be subject to removal from office upon the concurrence of two-thirds of the membership of each house of the legislature, sitting in joint session, for such causes and in such manner as may be provided by law.

Sec. 82c. Retirement for incapacity. Whenever a commission or agency, authorized by law for such purpose, shall certify to the governor that any justice of the supreme court or judge of a circuit court appears to be so incapacitated as substantially to prevent him for performing his judicial duties, the governor shall

appoint a board of three persons to inquire into the circumstances and on their recommendation the governor may retire the justice or judge from office.

Sec. 82d. Administration. The chief justice of the supreme court shall be the administrative head of the courts. He may assign judges from one circuit court to another for temporary service. With the approval of the supreme court he shall appoint an administrative director to serve at his pleasure.

Sec. 82e. Rules. The supreme court shall have power to promulgate rules and regulations in all civil and criminal cases for all courts relating to process, practice, procedure and appeals, which shall have the force and effect of law.'

(e) Section 92 is amended by deleting therefrom the following: '; the chief justice of the supreme court of the Territory, $12,250; the associate judges of the supreme court, $11,900 each; the judges of the circuit courts of the Territory of Hawaii the sum of $9,375'

SEC. 2. The first paragraph of section 373 of Title 28, United States Code, is amended by striking out the words 'and any justice of the Supreme Court of the Territory of Hawaii': Provided, that the amendments made by this section shall not affect the rights of any justice who may have retired before the effective date of this section.

SEC. 3. When three full calendar months have elapsed after the approval of this Act the provisions of this Act as to there being a chief justice and four associate justices of the Supreme Court shall take effect.

SEC. 4. The provisions of this Act as to the appointment of judges, and their qualifications, terms of office, removal and retirement for incapacity shall apply (1) to the new offices of associate justices of the supreme court, created by this Act, and (2) to each other office as the same becomes vacant on or after the date of approval of this Act.

SEC. 5. The provisions of this Act requiring the retirement of judges upon attaining the age of seventy years shall not be so applied as to decrease the term of office of any person who is an incumbent upon the date of approval of this Act, but subject to the foregoing shall take effect upon the approval of this Act.

SEC. 6. The salaries of the chief justice, justices of the supreme court, and judges of the circuit courts, who are in office on the date of approval of this Act, shall not be diminished during their term of office. Subject to the foregoing, the provisions of this Act as to the compensation of judges by the Territory as prescribed by territorial law shall take effect upon the first day of the first full calendar month following the date of approval of this Act.

SEC. 7. Section 2, and the provision of section 82(b) of the Hawaiian Organic Act as enacted by section 1(d) requiring the inclusion of the judges in the retirement system of the Territory, shall take effect on July 1, 1959 and shall apply to every judge who is in office upon that date and to all those who take office thereafter.

SEC. 8. Subject to the foregoing, this Act shall take effect upon its approval."

SECTION 2. If Congress shall provide for the inclusion of judges in the retirement system of the Territory, the Board of Trustees of the Employees' Retirement System of the Territory shall prepare and submit to the Thirtieth Legislature a report showing the payments into the retirement system funds and the legislation necessary in order that every judge in office on July 1, 1959 or thereafter shall enjoy all of the rights and benefits to which he would have been entitled had he been a member of the Employees' Retirement System of the Territory throughout his then term of office and during any holding of a territorial judicial office prior thereto.

SECTION 3. If Congress shall provide for the compensation of the chief justice of the Supreme Court, associate justices of the Supreme Court and Circuit Court judges by the Territory as prescribed by territorial law, the amounts of such compensation shall be as follows (which shall supersede all provisions heretofore enacted as to payments to said judges by the Territory), and there are hereby appropriated sufficient monies to make the payments hereinafter provided for.

Chief justice of the Supreme Court .. $17,500 per annum
Associate justice of the Supreme Court ..... $17,000 " "
Judge of the Circuit Courts ..... $15,000 " "

SECTION 4. If Congress shall provide for a Supreme Court of five justices (including the chief justice), then upon the taking effect of such provision section 9610 of the Revised Laws of Hawaii 1945 shall stand amended as follows:

(a) By inserting in the sixth line thereof after the word "reason" and the comma, the words:

"less than the full number (but not less than three) may sit, or"

(b) By deleting from the seventh line thereof the

word "shall" and inserting in lieu thereof the word "may".

(c) By inserting in the eleventh line thereof after the words "authorized by the" the following:

"chief justice, or by the"

SECTION 5. Certified copies of this joint resolution shall, upon its approval, be forwarded to the Secretary of the Interior, the Delegate to Congress from Hawaii, the President of the Senate of the United States, and the Speaker of the House of Representatives of the United States.

SECTION 6. This Joint Resolution shall take effect upon its approval.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

47

S. C. R. NO. ____

CONCURRENT RESOLUTION

REQUESTING THE CONGRESS OF THE UNITED STATES TO TRANSFER TO THE TERRITORY OF HAWAII THE REMAINING PUBLIC LANDS AND THE AUTHORITY TO LEGISLATE IN RESPECT THERETO, AS SET FORTH IN JOINT RESOLUTION 4 OF THE SESSION LAWS OF HAWAII 1955.

WHEREAS, by Joint Resolution 4 of the Session Laws of Hawaii 1955 the legislature requested the Congress of the United States to enact a bill transferring to the Territory of Hawaii the remaining public lands and the authority to legislate in respect thereto, substantially as set forth in the form of bill for the enactment of which the legislature petitioned by said Joint Resolution 4 of the 1955 session; and

WHEREAS, the recitals contained in said joint resolution show that the period of retention by the United States of the title to and authority over the public domain of Hawaii already has been unduly protracted; and

WHEREAS, the laws governing the public lands of Hawaii require amendment and revision, and it repeatedly has been necessary to resort to the Congress of the United States for legislation as to matters with which the Congress should not be burdened, and which the legislature of Hawaii is capable of handling as demonstrated by the fact that the Congress has approved the measures submitted to it by the legislature; and

WHEREAS, the delays incident to the necessity of obtaining congressional legislation whenever amendment or revision of the laws relating to the public domain is required,

are detrimental to the economic welfare of the people of Hawaii; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-ninth Legislature, the House of Representatives concurring, that the Congress of the United States is hereby requested to enact legislation substantially in the form set forth in Joint Resolution 4 of the Session Laws of Hawaii 1955 entitled "Joint Resolution Requesting the Congress of the United States to Transfer to the Territory of Hawaii the Title to the Remaining Public Lands and other Public Property in Hawaii, and to Enact New Provisions as to the Authority of the Legislature of the Territory of Hawaii in Respect of Such Property and Other Lands under the Jurisdiction and Control of the Territory of Hawaii."

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution, upon its adoption, shall be forwarded to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, the Chairman of the Committee on Interior and Insular Affairs of the said Senate, the Chairman of the Committee on Interior and Insular Affairs of said House of Representatives, the Delegate to Congress from Hawaii, and the Secretary of the Interior.

OFFERED BY:

_____

Date: _____

Honolulu, Hawaii

____B. NO. ____

AN ACT

CREATING A DEPARTMENT OF FINANCE, DEFINING ITS POWERS AND DUTIES, ABOLISHING CERTAIN AGENCIES, TRANSFERRING CERTAIN POWERS AND DUTIES, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. Department of finance; director. There is hereby created a Department of Finance the head of which department shall be the commissioner of finance who shall be nominated, and by and with the advice and consent of the senate, appointed by the governor for a term for which the appointing governor was appointed or elected, or until his successor is appointed and qualified. He may be removed from office by the governor for cause.

SECTION 2. Definitions. As used herein, "commissioner" means commissioner of finance, "department" means department of finance, "director" means the subordinate officer in supervision and control, under the commissioner, of a division of the department.

SECTION 3. Divisions of department. The department shall consist of the following divisions, all of which shall be under the supervision and control of the commissioner:

a. The division of taxation;

b. The division of the treasury;

c. The division of accounts and reports;

d. The division of purchasing and disposal of property.

SECTION 4. Functions of commissioner. The commissioner is specifically charged with the performance and coordination of the following functions:

a. Pre-auditing, accounting and reporting, accounting system control, inventory control and disbursing.

b. Purchasing, insurance management, acquisition and distribution of federal surplus property, and disposition of territorial surplus property.

c. Tax assessment and collection and conduct of tax studies.

d. Financial functions of debt administration and safe-guarding of funds.

SECTION 5. Departments and agencies abolished; functions transferred; general powers, duties of commissioner. The department and office of the tax commissioner, the treasury department, the department and office of the auditor (or comptroller), (except as to those functions which have been or may be vested in the post-auditor), the purchasing division of the bureau of the budget and all other territorial departments or agencies, and the territorial board of disposal are hereby abolished as such and reconstituted as divisions of the department of finance, the department of the auditor as the division of accounts and reports, subject to the supervision and control of the commissioner.

The commissioner, with the advice and consent of the governor, may appoint a director for, and to be in immediate supervision and control of, each division hereinabove enumerated, together with such other assistants, and such clerical, stenographic and other help as may be necessary for the proper performance of the duties of the department. The employees, other than the directors, shall be subject to the provisions of chapters 2 and 3 of the Revised Laws of Hawaii 1945; the directors shall not be so subject.

The director of the division of accounts and reports shall be the comptroller, established by Public Law 906, 84th Congress, Chapter 862, 2d Session.

Compensation of all said appointees of the commissioner shall be as fixed by law. The commissioner shall require such of the aforesaid appointees as he deems necessary to furnish bond in such amounts as he may prescribe.

Except as otherwise provided by this act all rights, powers, functions, duties and liabilities of, or held, possessed or exercised by law, or imposed upon, and all property, records, and unexpended appropriations of any of the predecessor departments or agencies hereinabove enumerated, or the administrative head of such department or agency with relation to such department or agencies, and any matters, under their jurisdiction, are hereby transferred to the commissioner, who shall, except as otherwise provided by law, have, exercise and be subject to the same rights, powers, functions, duties and liabilities with respect to the said respective departments, agencies and matters, as were, prior to July 1, 1957, held, possessed or exercised by, or imposed upon, the said respective departments or agencies with respect to said department or agencies and the persons and matters under their respective jurisdictions.

SECTION 6. Post auditor; tax boards of review; tax appeal court. The duties, powers and functions which have been or may be imposed upon or granted to the post-auditor, the boards of review of the several taxation divisions and the tax appeal court shall not be impaired by this act.

SECTION 7. Rules and forms. The commissioner is hereby authorized to promulgate rules, with the consent of the governor, and to prescribe forms necessary to carry out the duties of his office. Until such time as they may be superseded or set aside by action of the commissioner, with the approval of the governor, all rules, regulations and forms heretofore promulgated or prescribed within the jurisdiction of the several

departments and agencies established by this act as divisions of the department of finance shall continue in full force and effect.

SECTION 8. Reports. The commissioner shall file with the governor a written report or reports at such time, at least once in each year, and in such form, as shall be requested by the governor, and a biennial report to the legislature, covering the condition and activities of his department and of each division thereof.

SECTION 9. On the effective date of this act all officers and employees then in the employ of the several departments and agencies established by this act as divisions of the department of finance, except the officers appointed by the governor, shall continue in their respective offices or employments under the jurisdiction and control of the commissioner of finance, for a period of not more than three months after such effective date. The employment of any such officer or employee who is not reappointed by the commissioner within said period shall cease, and shall receive for each day following the termination of his services termination pay, payable on a monthly basis, in an amount equal to one day's base pay for the position he held at the time of severance, provided, however, (1) that said termination pay shall not exceed a total amount equal to eighteen days base pay, and, in addition, six days base pay for each credited year of service with the Territorial government; (2) that such termination pay shall not accrue on or after any day on which he is re-employed by any Territorial agency, or in any public or private service, and (3) that such termination pay shall not accrue following the date on which he refuses to accept an appointment to a position of equivalent classification in the Territorial civil service. Any such officer or employee shall

have top priority in transfer or re-employment to any position in any other Territorial agency for which he qualifies and he shall be first employed by such agency in the event of any opening or vacancy in such agency.

Claims for such termination pay shall be made to and approved by the commissioner on such forms and with such supporting information as he may prescribe. Warrants in payment of such approved claims shall be drawn by the comptroller and shall be paid out of the general revenues of the Territory from which there is appropriated hereby sufficient moneys for such purpose.

SECTION 10. If any portion of this act, or of any other law as amended by this act, or its application to any persons or circumstances, shall be held unconstitutional or invalid, the validity of the remainder of this act or of said other law, or the application of said portion to other persons and circumstances shall not be affected.

SECTION 11. All territorial laws or parts of laws inconsistent with the provisions of this act or of any other law as amended by this act, are hereby amended to conform to this act and to said other law as amended by this act.

SECTION 12. Appropriation. There is hereby appropriated from the general revenues of the Territory, not otherwise appropriated, such an amount that is necessary to carry out the purpose of this act.

SECTION 13. This Act shall take effect upon the enactment of legislation by the Congress of the United States of America ratifying this Act, notwithstanding the limitations of sections 72, 77 and 80 of the Organic Act of the Territory of Hawaii or any other law to the contrary.

INTRODUCED BY:

Date:_____

Honolulu, Hawaii

____B. NO. ____

AN ACT

CREATING A DEPARTMENT OF NATURAL RESOURCES, PROVIDING FOR DIVISIONS THEREIN, AND TRANSFERRING FUNCTIONS, RECORDS, PROPERTY, MONIES, POWERS AND APPROPRIATIONS, TERMINATING CERTAIN OFFICES AND AGENCIES AND REPEALING SECTION 1002 OF THE REVISED LAWS OF HAWAII 1945, AND LAWS IN CONFLICT WITH THIS ACT.

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

SECTION 1. As used in this act, "department" means the department of natural resources, "commissioner" means the commissioner of said department, "director" means the director of a division within the department, "agency" means the various governmental subdivisions, bureaus and offices which become the enumerated divisions of the department of natural resources upon the effective date of this act.

SECTION 2. There is created hereby a department of natural resources which shall be administered by a full-time paid commissioner and shall consist of the following divisions which are created hereby:

a. The division of public lands;
b. The division of agriculture;
c. The division of forestry;
d. The division of fish and wild life;
e. The division of animal husbandry;
f. The division of entomology;
g. The division of territorial parks;
h. The division of home development corporation;
i. The division of conveyances;
j. The division of survey;
k. The division of hydrography.

The commissioner may assign and reassign work and duties between the several divisions, notwithstanding any statutory provisions as to such duties, unless such assignment or reassignment shall affect unfavorably federal aid in respect of such division or its work and duties.

SECTION 3. The commissioner shall be nominated, and, with the advice and consent of the senate, be appointed by the governor, for a term of office to expire at the end of the term for which the governor was appointed or elected. He may be removed by the governor for cause. He shall be at the time of his appointment, and shall have been for at least three years prior thereto, an elector of the Territory. During his term of office he shall not hold any office in any political party or be a candidate for an elective office; and if he shall become such his office as commissioner, shall ipso facto, be vacant. He shall not be subject to chapters 2 and 3 of the Revised Laws of Hawaii 1945, but his salary shall be as fixed by the governor within the limit of the available appropriation.

He shall administer and control the several divisions in the department, and may make rules and regulations, which shall not be subject to section 466 of the Revised Laws of Hawaii 1945 when they deal solely with the administration of said divisions and the properties and assets under their respective subordinate jurisdictions, but which otherwise shall be subject to the provisions of said section 466.

The commissioner shall appoint such assistants and employees, other than the directors, as may be necessary for the proper performance of his duties under this act and for which appropriations shall have been made by the legislature. Such assistants and employees shall be members of the civil service system. The compensation of all persons engaged by the commissioner shall be paid at such rates as the commissioner shall

approve, in accordance with such classification and compensation schedules as may be then in effect pursuant to law and for which appropriation has been made.

SECTION 4. All powers (including the power to conclude any unfinished business), functions, records, properties, and monies, whether in hand, or appropriated, possessed or enjoyed by, and all debts due to the territory through or by the agency of, the commissioner of public lands (including the bureau of hydrography and the bureau of conveyances), the board of commissioners of agriculture and forestry (including its bureaus and agencies), the survey office and the home development agency hereby are transferred to and vested in the department of natural resources. The several divisions created by this act, subject to the provisions of section 2 hereof, shall enjoy the powers and be subject to the duties and responsibilities which exist at the time immediately prior to the effective date of this act, subject, however, to the supervision and control of the commissioner, and with the further restriction that the powers, duties, responsibilities and functions of any division which were subject to the supervision and control of any superior officer or agency shall become subject directly to the supervision and control of the commissioner, and such superior office or agency shall terminate.

SECTION 5. Each of the divisions hereinabove named shall be under the charge, direction and control of a director, subject to the supervision and control of the commissioner. The directors of the several divisions of the department shall be appointed by the commissioner with the advice and consent of the governor and shall be subject to the provisions of chapter 3, but not of chapter 2, of the Revised Laws of Hawaii 1945.

SECTION 6. If any portion of this act, or of any other law as amended by this act, or its application to any persons or

circumstances, shall be held unconstitutional or invalid, the validity of the remainder of this act or of said other law, or the application of said portion to other persons and circumstances, shall not be affected.

SECTION 7. Section 1002 of the Revised Laws of Hawaii 1945, and all other laws in conflict with this act are repealed.

SECTION 8. This Act shall take effect upon the enactment of legislation by the Congress of the United States of America ratifying this Act, notwithstanding the limitations of sections 73, 74, 78 and 80 of the Organic Act of the Territory of Hawaii or any other law to the contrary.

INTRODUCED BY:

Date:_____

Honolulu, Hawaii

A 10

___ B. NO. ___

AN ACT

CREATING A DEPARTMENT OF TRADE AND COMMERCE, DESIGNATING ITS POWERS AND FUNCTIONS, TRANSFERRING TO IT THE PROPERTY, POWERS AND FUNCTIONS OF THE ECONOMIC PLANNING AND COORDINATION AUTHORITY AND MAKING AN APPROPRIATION.

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

SECTION 1. As used in this act "department" means the department of trade and commerce created by this act; "commissioner" means the commissioner of said department; "agency" means the various departments, agencies or bureaus heretofore existing which are incorporated by this act into said department of trade and commerce; "division" means a division of the department.

SECTION 2. There is created a department of trade and commerce which shall be administered by a full time paid commissioner who shall be nominated and with the advice and consent of the senate appointed by the governor for a term of office to expire at the end of the term for which the governor was appointed or elected, and may be removed by the governor. He shall be at the time of his appointment, and shall have been for at least three years prior thereto, an elector of the Territory. During his term of office, he shall not hold any office in any political party or be a candidate for any elective office; and if he shall become such, his office as commissioner shall, ipso facto, become vacant. He shall not be subject to the provisions of chapters 2 and 3 of the Revised Laws of Hawaii 1945, but his salary shall be as fixed by the governor within the limit of the available appropriation.

The commissioner with the approval of the governor shall appoint such subordinates, within the limits of any

available appropriation, who except for directors of divisions shall be subject to the provisions of chapters 2 and 3 of the Revised Laws of Hawaii 1945, to perform such duties as he shall prescribe. The directors of divisions shall not be subject to the provisions of chapters 2 and 3, Revised Laws of Hawaii 1945.

SECTION 3. The purpose of the department and the functions of the commissioner are declared to be:

a. to stimulate productive employment for Hawaii workers;

b. to develop and promote the industrial, agricultural, commercial and recreational resources of Hawaii;

c. to assist in the strengthening and expansion of existing enterprises in Hawaii;

d. to assist in the creation of new enterprises within Hawaii;

e. to attract new enterprises to Hawaii from other areas;

f. to promote a strong, progressive, diversified economy.

SECTION 4. The department shall have no regulatory or police powers but shall be devoted to the expansion of markets, counselling, research, planning and developing business and recreational opportunities, coordination of the activities of groups and agencies both public and private, and to promotion of Hawaii by demonstration of accomplishment as well as dissemination of information through all publicity media.

SECTION 5. The commissioner shall organize a division of research, a division of planning and a division of development and, with the approval of the governor, such other divisions as he may deem necessary. The work of each division, under the supervision and control of the commissioner shall be in charge of a director who shall have special qualifications for

the work of his division and who shall be appointed and may be removed by the commissioner with the approval of the governor.

SECTION 6. The division of research shall:

a. Compile and maintain information useful to the development of industry and commerce concerning sites, space, equipment, adequate housing, contracts, materials, transportation, markets and other economic considerations.

b. Assist in the preparation of reports upon request from the governor or any territorial department.

c. Compile such other data and make such other studies on manufacturing, agriculture, mining, fishing, trade, recreation and other economic activities in the territory as are necessary to aid the division of development and the division of planning in carrying out their duties.

d. Employ or engage, with the approval of the governor, such outside technical or professional consultants as may be necessary or appropriate to assist the division in carrying out its functions. Such consultants shall not be subject to the provisions of chapters 2 and 3, Revised Laws of Hawaii 1945.

e. Initiate basic studies of population trends, economic conditions, and resulting problems as a service not only to the divisions of planning and development, but also to the legislature, the administrative departments of the Territory, and any political subdivision thereof.

f. Study specific problems peculiar to Hawaii, including transportation rates for both passengers and freight, which studies shall be advanced by coordination of research with existing private and governmental agencies and educational institutions, and may be advanced by contractual relations with persons or organizations familiar

with the problems and equipped to conduct the needed research.

g. Prepare evidence and supporting data whenever the viewpoint of the Territory is to be presented before any state, territorial or federal agency with respect to matters affecting the economic interests of the Territory.

SECTION 7. The division of planning shall:

a. Prepare and from time to time revise and perfect a master plan for the physical development of the Territory, such master plan, with any accompanying maps, plats, charts and descriptive matter, shall be designed with the general purpose of guiding and carrying forward such coordinated, effective and economic development of the Territory, with due respect to its topography, resources, and its present needs and future possibilities, as will best promote the health, safety, morals, order, convenience, welfare and prosperity of the people. Among other things such master plan shall tend to bring into suitable relation the use of land, soil, water and natural resources; the location and distribution of population and habitation; agriculture, forestry and mining; trade and industry; recreation; ports, highways, railways, airways and every form of transportation, travel and communication; public institutions of every description, whether publicly or privately supported; water supply and disposal of sewage; and all such other developments and uses as will tend to avoid waste of the human, financial and physical resources of the Territory and to promote the above purposes.

b. Assist in planning any public or private project as to which federal appropriations, grants or loans may pay any part of the cost.

c. Make such maps, plans and estimates of cost as may be needed for its investigations and reports.

d. Act as the coordinating agency between the several officers, boards, commissions, departments and divisions of the Territory, in matters relative to the physical development of the Territory, and review the proposals of said agencies in the light of their relationship to the master plan and incorporate the results of such reviews in the reports of the department; provided, that nothing in this section shall be construed as limiting the powers or duties of any officer, board, commission, department, agency or division of the Territory.

e. Initiate, encourage and carry on regional planning and advise and assist local planning boards and other municipal agencies in cooperative efforts intended for the mutual benefits of the counties.

f. Advise, confer and cooperate with municipal or county planning boards, boards of appeal and other local officials, civic and other groups and citizens in matters relating to planning and zoning and furnish any pertinent information in its possession.

g. Study problems of recreation, schools, housing, health, land use controls, assessment and taxation.

h. Assist in preparing and executing long-range capital budgeting and programming of public works projects.

i. Accept from the federal government such grants and from municipalities such funds as may be necessary for the purpose of carrying out any of the provisions of clauses b, e, and f.

SECTION 8. The division of development shall;

a. Further the development and the expansion of industry, with particular attention to small business, and

attract new business to the Territory by (1) promoting the welfare of existing industry and the location of new business and coordinating these activities of public, private and other agencies; (2) negotiating directly with industry seeking suitable locations within the Territory in cooperation with public, private and other agencies; (3) disseminating information setting forth the commercial, recreational, transportation, industrial and other facilities and advantages of the Territory; and (4) promoting the industrial development efforts of local communities by assisting in the formation of industrial foundations in cooperation with local agencies.

SECTION 9. Chapter 93 of the Revised Laws of Hawaii 1945 is repealed and the economic planning and coordination authority is abolished. All monies and property of that authority, including, but not limited to, unexpended appropriations, equipment, supplies and records are transferred to the department of trade and commerce.

SECTION 10. The sum of $_____ is appropriated for the expenses of the department, which shall be expended upon warrants issued by the auditor (or comptroller) based upon vouchers signed by the commissioner or his duly authorized subordinate.

SECTION 11. This Act shall take effect upon its approval.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

~~R. NO. 1~~

lib

A-10-A

___ B. NO. ___

AN ACT

CREATING A DEPARTMENT OF LIBRARIES AND MAKING AN APPROPRIACTION THEREFOR.

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

SECTION 1. As used herein "department" shall mean the territorial department of libraries, "commission" shall mean the library commission, "board" shall mean advisory board, and "director" shall mean the director of the department.

SECTION 2. There shall be a territorial department of libraries which shall be administered by a library commission with the advice of advisory boards in the counties of Hawaii, Maui, Honolulu and Kauai.

SECTION 3. The commission shall consist of five members, to be appointed by the governor in the manner prescribed by the first paragraph of section 80 of the Organic Act. Of said members, one shall be a resident of the county of Hawaii, one shall be a resident of the county of Maui, one shall be a resident of the county of Kauai, and two shall be residents of the city and county of Honolulu, one of which two shall be designated in his appointment as chairman of the commission. The initial appointments to said commission shall be for terms designated in the appointments of the commissioners, expiring as follows: one on the last day of the calendar year 1958, one on the last day of the calendar year 1959, one on the last day of the calendar year 1960, one on the last day of the calendar year 1961, and one, who shall be the chairman, on the last day of the calendar year 1962. The successors of the members initially appointed shall be appointed for a term of five years, commencing with the expiration of the preceding term, in the same manner as the members

originally appointed except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Each member shall serve until the appointment and qualification of his successor. No member shall receive any remuneration for his services, but shall be entitled to his reasonable traveling and other expenses incurred in the performance of his duty as such member.

The members of the commission shall be selected from the membership of the several advisory boards. A majority of the members shall constitute a quorum, but a lesser number may adjourn from time to time. The commission shall meet at the call of the chairman, who shall designate the time and place of the meeting, but not less often than once every three months. A meeting shall be held on each of the several counties hereinabove named not less frequently than once in each calendar year.

SECTION 4. There shall be four advisory boards of five members each, one in each of the counties except the county of Kalawao, which shall advise with the commission. Contingent upon the making of the respective agreements hereafter described, the Hawaii board shall be elected by the membership of the Hilo Library and Reading Room Association, the Maui board shall be elected by the membership of the Friends of the Library of Maui county, two members of the Honolulu board shall be elected by the membership of the Friends of the Library of Hawaii, one member shall be appointed by the superintendent of Public Instruction, one by the president of the Bar Association of Hawaii, and one by the president of the Honolulu Junior Chamber of Commerce, and the Kauai board shall be elected by the membership of the Kauai Public Library Association. The board of trustees of the Public Library

Association of Kauai, and that of the Hilo Library and Reading Room Association shall be eligible to be so elected.

The governor shall appoint the members of any advisory board of a county in which the agreement hereinafter described is not executed. Members so appointed by the governor shall be residents of the county of said board, and shall have demonstrated their interest in the maintenance and expansion of libraries open to the public.

SECTION 5. The commission may enter into an agreement with the Kauai Public Library Association which shall provide that for so long as such agreement is in effect (a) the members of the Kauai Public Library Association shall elect the members of the Kauai board; (b) the library building, furniture, furnishings, fixtures, equipment and library books of the Albert S. Wilcox Memorial Library, situated at Lihue of which the Association is the owner, without charge for rent for the property, shall be dedicated for the term of the agreement to the purposes of, and the memorial library shall function as an integral part of the Kauai County Public Library.

The commission may enter into an agreement with the Hilo Library and Reading Room Association which shall provide that for so long as such agreement is in effect (a) such association shall elect members of the advisory board for Hawaii; (b) the books and property of said association shall be dedicated to the use of the Hawaii County Library.

The commission may enter into an agreement with the Friends of the Library of Hawaii which shall provide that for so long as such agreement shall be in effect (a) such Friends shall elect members of the advisory board for the city and county of Honolulu; (b) books and property of said Friends shall be dedicated for the time of the agreement to the use of the Library of Hawaii.

The commission may enter into an agreement with the Friends of the Library of Maui county which shall provide that for so long as such agreement shall be in effect (a) such Friends shall elect members of the advisory board for the county of Maui; (b) the books and property of such Friends shall be dedicated to the use of the Maui County Library.

SECTION 6. The commission shall have full authority and responsibility for the administration of the department and all matters pertaining thereto. It shall prescribe the duties of the director who shall be the administrative officer of the department.

SECTION 7. The commission shall have, but is not limited to the following powers and duties:

1. Establish and operate a library system for the territory incorporating therein the various county libraries and the Library of Hawaii.

2. Appoint the director subject to the provisions of chapters 2 and 3, Revised Laws of Hawaii 1945, which director shall be a graduate of an accredited library school and have had at least eight years of library experience of which four shall have been in an administrative capacity. Appoint other employees, subject to the provisions of said chapters of said Revised Laws within the limit of appropriations available for such purpose.

3. Make rules and regulations for its own guidance, for the management and use of the various branches and for the control of the property under its management.

4. Prepare and transmit a biennial budget to the governor.

5. Receive and administer grants of funds and materials made by the Federal government for library purposes.

6. Deposit with the treasurer of the Territory in a special fund to be known as the Library Special Fund all moneys donated to the department or accruing to the department from fees and fines; unless otherwise provided for by the terms and conditions of the donation, convert at such time as the commission may at its sole discretion determine, any or all donations of property, real, personal, into money to be deposited in the special fund in accordance with the terms and conditions of each donation. All moneys in the special fund shall be deemed to have been appropriated for the use and purposes of the department and shall be expended on vo chers approved by the chairman or such other officer as shall be designated by the commission.

7. Collect and disseminate statistics and other data relating to libraries and library services.

8. Annually during the month of July but as of June 30 preceding, prepare and transmit a report to the governor of all moneys received from all sources and expended for all purposes during the preceding year and any other matters pertaining to the library which are deemed important.

9. Encourage and assist in the development of library services in territorial institutions.

10. Cooperate with the Department of Public Instruction in furthering the establishment of standards for an effective territory-wide school library service.

11. Promote bookmobile service.

12. Publish lists and circulars of information.

13. Promote library development in the Territory, improve public library standards and further the knowledge and understanding of the value of library service.

14. Enter into agreements with any other agency or authority of the Territory or outside the jurisdiction of the Territory for the establishment and maintenance of library service.

SECTION 8. All properties and assets, which terms shall be construed to be all inclusive, of public libraries of the Territory or any of its political subdivisions with the exception of libraries of specific government agencies (including but not limited to, libraries of public schools) or the law libraries of the Territory or of the city and county of Honolulu and the counties of Hawaii, Maui and Kauai, or the library of the University of Hawaii, are transferred to the department.

SECTION 9. The commission may contract for the exchange of librarians with any state, county or territory. Local librarians so exchanged shall be paid their regular salaries out of funds appropriated for the department.

SECTION 10. The commission may grant a year's leave of absence to any trained librarian who has served eight years in the government supported libraries in Hawaii, with the right to return to his or her position at the expiration of leave.

SECTION 11. All employees in the libraries or functions transferred by this act to the department are transferred to the department. No such employee shall suffer any loss of salary, increment and longevity accumulations, seniority, prior service credit, vacation, sick leave or other employee benefits or privileges by reason of such transfer, and with the same employment status whether contractual, temporary, probationary, provisional or regular.

SECTION 12. There is appropriated from the general revenues of the Territory to the uses and purposes of the department the sum of $_____ or so much

as is necessary to carry out the purposes of this Act, which shall be expended upon warrants drawn by the territorial auditor (or comptroller) based upon vouchers signed by the chairman of the commission, or by such officer or employee of the department as may be thereunto authorized by the commission.

SECTION 13. This Act shall take effect upon its approval.

INTRODUCED BY:

Date: _____ _____

Honolulu, Hawaii

___ B. NO. ____

AN ACT

CREATING THE HAWAII HOME DEVELOPMENT AUTHORITY, PROVIDING FOR ACQUISITION BY PURCHASE OR CONDEMNATION OF PRIVATE PROPERTY, OR THE UTILIZATION OF PUBLIC LANDS, OR BOTH, FOR SUBDIVISION, IMPROVEMENT, DEVELOPMENT AND SALE FOR DWELLINGS, FOR SUBSISTENCE OF THE OCCUPIERS OF SUCH DWELLINGS AND FOR OTHER FACILITIES IN CONNECTION THEREWITH, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. Definitions. The following terms, wherever used in this Act, shall have the following respective meanings, unless a different meaning clearly appears from the context:

1. "Authority" shall mean the Hawaii Home Development Authority created by this Act.

2. "Commissioner" shall mean one of the members of the authority appointed in accordance with the provisions of this Act.

3. "Territory", "governor", "secretary", "government" and "federal government" shall have the respective meanings defined in section 3502 of the Revised Laws of Hawaii 1945.

4. "County" shall include the city and county of Honolulu.

5. "Revised Laws" shall mean the Revised Laws of Hawaii 1945.

6. "Development project" shall mean any home development project authorized by this Act.

7. "Development area" shall mean areas so designated pursuant to section 6.

8. "Lands" shall mean land together with improvements and appurtenances.

9. "Veteran" shall mean a person who has served as a member of the armed forces of the United States in any war in which the United States is or has been engaged, including the Philippine insurrection and the Korean hostilities.

10. "Residence lot" shall mean a lot not exceeding _____ acres in size, obtained by subdivision of lands acquired pursuant to this Act and used for residential use only, except as may otherwise be provided for herein.

11. "Residential use" or "residential purpose" shall mean the devotion of a residence lot to use as a dwelling only or to use as a dwelling in conjunction with the raising or growing thereon of farm products primarily for the subsistence of the occupier of such dwelling and his immediate family.

SECTION 2. Authority created; commissioners. 1. An authority to be known as the Hawaii Home Development Authority is hereby created. Such authority shall be a public body and a body corporate and politic with perpetual existence, and shall consist of five commissioners who shall be appointed by the governor, with the approval of the senate of the Territory. The governor shall also designate the first chairman. Not more than three of the commissioners shall be members of the same political party.

2. The commissioners who are first appointed shall be designated by the governor to serve for terms of one, two, three, four and five years respectively from the date of

their appointment. Thereafter the term of office shall be five years. A commissioner shall hold office until his successor has been appointed and has qualified. Vacancies shall be filled for the unexpired term. Three commissioners shall constitute a quorum. The governor shall file with the secretary of the Territory a certificate of the appointment or reappointment of any commissioner and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner. A commissioner shall receive no compensation for his services but he shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties.

3. When the office of the first chairman of the authority becomes vacant, the authority shall select a chairman from among its members. The authority shall select from among its members a vice-chairman, and it may employ an executive secretary, technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. The attorney general is authorized to appoint and employ deputy attorneys general, additional to those covered by the appropriation for the attorney general's department, to provide legal services for the authority, and the compensation for such services shall be paid out of the funds of the authority. The authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.

SECTION 3. Duty of the authority and of the commissioners. The authority and its commissioners shall be under a statutory duty to comply or to cause compliance

strictly with all provisions of this Act and the laws of the Territory and in addition thereto, with each and every term, provision and covenant in any lawful contract of the authority on its part to be kept or performed.

SECTION 4. Interested commissioners or employees. No commissioner or employee of the authority shall acquire any interest, direct or indirect, in any development project or in any property included or planned to be included in any development project, nor shall he have any interest, direct or indirect, in any contract or proposed contract, for materials or services to be furnished or used in connection with any development project. If any commissioner or employee of the authority owns or controls an interest, direct or indirect, in any property included or planned to be included in any development project, he shall immediately disclose the same in writing to the authority and such disclosure shall be entered upon the minutes of the authority. Failure to so disclose such interest shall constitute misconduct in office.

SECTION 5. Removal of commissioners. 1. The governor may remove a commissioner for inefficiency or neglect of duty or misconduct in office, but only after the commissioner shall have been given a copy of the charges against him (which may be made by the governor) at least ten days prior to the hearing thereon and had an opportunity to be heard in person or by counsel. Any obligee of the authority may file with the governor written charges that the authority is violating wilfully any law of the Territory or any term, provision or covenant in any contract to which the authority is a party. The governor shall give each of the commissioners a copy of such charges at least ten days prior to the hearing thereon

and an opportunity to be heard in person or by counsel and shall within fifteen days after receipt of such charges remove any commissioner of the authority who shall have been found to have acquiesced in any such wilful violation.

2. A commissioner shall be deemed to have acquiesced in a wilful violation by the authority of a law of this Territory or of any term, provision or covenant contained in a contract to which the authority is a party, if, before a hearing is held on the charges against him he shall not have filed a written statement with the authority and the governor of his objections to, or lack of participation in, such violation.

3. In the event of the removal of any commissioner, the governor shall file in the office of the secretary a record of the proceedings together with the charges made against the commissioners and the finding thereon.

SECTION 6. General powers; designation of other development areas. 1. The authority shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this Act, including the following powers in addition to others herein granted:

(a) To sue and be sued; to have a seal and to alter the same at pleasure; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority; to make and from time to time amend and repeal by-laws; rules and regulations not inconsistent with this Act, to carry in effect the powers and purposes of the authority; and

(b) To prepare, carry out and operate development projects in any development area; to provide for the

construction, reconstruction, improvement, alteration or repair of any development project or any part thereof.

2. Whenever the authority, after a public hearing the time and place of which shall have been duly advertised in a newspaper of general circulation in the county concerned on at least three different days, the last such publication to be not less than five days before the date of the hearing, shall find:

(a) That in any locality on a particular island an acute shortage of housing exists, or an acute shortage of areas to be used for dwelling purposes in conjunction with the raising or growing thereon of farm products primarily for the subsistence of the occupiers of such dwellings and their immediate families;

(b) That such shortage is attributable in whole or to a major degree to a scarcity of land available for purchase for residential purposes or to exorbitant prices or unreasonable terms and conditions demanded for or imposed upon land in such locality; and

(c) That such shortage of housing and land can not practicably be alleviated within the reasonably near future by means other than those provided under this Act;

the authority may designate a suitable area on the same island, reasonably accessible to persons in the locality in which such shortages exist and in which there exists land suitable for a development project, as a development area.

3. In addition to all of the other powers conferred upon it, the authority may do all things necessary and convenient to carry out the powers expressly given in this chapter.

SECTION 7. Acquisition of lands for development projects. The authority shall have power to acquire lands for development projects within any development area. In the event said lands cannot be acquired by voluntary transactions with the persons concerned, the authority is authorized to institute eminent domain proceedings to acquire such lands and improvements; provided, that negotiations for such acquisition by voluntary transaction shall not be required before the institution of eminent domain proceedings.

SECTION 8. Property which may be acquired for development projects. 1. The authority may acquire for development projects any lands suitable for residential use, or suitable for residential use upon subdivision and development, together with roads, sidewalks, parks, schools, utilities, playground and recreational facilities, or lands necessary for the same, and also lands for business areas to serve the residential areas of such development projects, and any water rights necessary for use of such lands.

2. The authority shall not acquire for development projects:

(a) Lands already developed and improved as business or industrial areas where use of such lands for residential purposes or as part of a development project would be economically unsound or where an undue hardship would be suffered by the community through loss of service because of such acquisition; provided, however, that portions of such lands or interests therein may be taken where reasonably necessary to provide roads, utilities and other facilities for a development project.

(b) Lands already in use for residential purposes, except where the acquisition of such lands is reasonably necessary for proper development of such a project.

SECTION 9. Development of lands for residential use. Upon the acquisition of lands pursuant to this Act, the authority shall subdivide the same into residential lots in a manner best designed to carry out the purposes of this Act, setting aside sufficient land for such parks, playgrounds, recreational facilities, schools, roads, sidewalks and utilities as are appropriate. The size of the lots within the limitations imposed by section 1, subsection 10, shall be discretionary with the authority and such authority may designate whether any one lot shall be used exclusively as a dwelling or as a dwelling in conjunction with the raising or growing thereon of farm products primarily for the subsistence of the occupiers of such dwelling and his immediate family; provided, however, the exercise of discretion herein granted shall be subject to the provisions of section 26 hereof. The authority shall construct necessary roads and sidewalks and utilities and otherwise develop such lands by filling, grading, planting, and other appropriate improvements, so that they are suitable for disposition as hereinafter provided.

SALE OF LANDS

SECTION 10. Persons eligible to purchase lands. To be eligible to purchase a residence lot from the authority, the buyer must furnish satisfactory evidence to the authority under oath and otherwise as required by the authority that he

(a) Is a citizen of the United States;

(b) Is at least twenty years of age; and

(c) Is a bona fide resident of the Territory and has a bona fide intent to reside in the development area concerned if successful in purchasing a lot in such area under this Act.

Any person whom the authority finds to be within one of the following classes, shall not be eligible to become an original purchaser of a residence lot, to wit:

(a) A person who himself or whose husband or wife or both (when husband and wife are living together) owns or own in fee simple lands suitable for residential purposes within the Territory and in or reasonably near the place of residence or place of business of such person;

(b) A person who himself or whose husband or wife (when husband and wife are living together) has pending an unrefused application to purchase a lot from the authority.

Any person, firm, association or corporation may purchase business lots.

The authority shall require all applicants for the purchase of residence lots to make application therefor under oath, and may require additional testimony or evidence under oath in connection with any application. The determination of any applicant's eligibility under this Act by the authority shall be conclusive as to all persons thereafter dealing with the property; but the making of any false statement knowingly by any applicant or other person to the authority in connection with any application shall constitute perjury and be punishable as such.

SECTION 11. Sales of residence lots; notice. When a development project or projects has or have been sufficiently

completed to be suitable for disposition to individual purchasers, the authority shall sell the lots therein to eligible purchasers and shall give notice of such sale by publication in at least two newspapers of general circulation in the county in which such project or projects are located. Such notice shall state in general terms the size, location and prices of the lots to be sold, the terms of sale, the use to which such lots may be put, and the last date on which application will be received by the authority, which date shall not be less than thirty days after the first publication of such notice. Such notice shall also state the times and places at which more detailed information with respect to the sale may be secured by interested persons. Not more than one such lot shall be sold to each purchaser.

SECTION 12. Selection of purchasers; designation of lots. If the number of eligible individuals applying for purchase of residence lots in a particular development project is greater than the number of lots to be sold, then applicants shall be divided into two groups--one group for all applicants who are veterans, hereinafter called group A, the other group for all other applicants, hereinafter called group B. The applicants in group A shall have priority in the selection, as hereinafter provided, of such number of lots which equals the number of such applicants, or one-half of the total number of lots available after the exhaustion of other preferential rights of selection hereinafter described, whichever is smaller. The names of all applicants in group A shall be placed in a receptacle and the number of names equal to the number of lots assigned to group A shall be drawn. The applicant whose name is first drawn shall have first choice, and the applicant

whose name is next drawn shall have second choice, and so on. The names of all remaining applicants, including veterans not selected as purchasers for the lots assigned to group A, shall then be placed in a receptacle, and purchasers for all remaining lots shall be selected in a similar manner. It is provided, however, that any person whose land has been acquired by the authority for a development project or by the government for roads, sites of government buildings or other government purposes, and who is otherwise eligible under this Act, shall have first preference over any other individual to apply for and select any lot in the development project concerned, or, at his option he shall be placed in group A, notwithstanding any other provision of this Act to the contrary. Names of applicants in this category shall likewise be placed in a receptacle and drawn in the manner prescribed above. The drawing of names shall be done by the chairman of the authority. In the event an applicant whose name is drawn refuses to exercise his right of purchase, the name of another applicant of the same class shall be drawn and substituted for the person refusing. The authority shall have the power to make rules and regulations with respect to the selection of purchasers and the selection of lots to carry out the full intent and purpose of this Act.

SECTION 13. Prices of residential lots. The prices at which residential lots shall be sold shall be the pro rata share of the cost of the development project as determined by the authority, or the current market price of similar property in the vicinity as determined by appraisers appointed by the authority, whichever is the lower.

SECTION 14. Terms of sale of residential lots. The purchaser at his option may pay the purchase price in full on delivery of a deed or pay not less than 10% of the purchase price and execute with the authority an agreement of sale under the terms of which the unpaid balance shall be paid in such monthly installments and over such period as the authority shall determine, with interest on unpaid balances at a rate not to exceed 5%, payable monthly, deed to be delivered on final payment; provided, that not less than 1% on account of principal shall be required by such agreement to be paid each month. Taxes shall be prorated as of the date of delivery of deed in the case of a cash sale and as of the date of execution of agreement of sale in other cases. Each such agreement of sale shall provide that the whole or any part of the unpaid balance of the purchase price plus accrued interest may be paid at any time.

SECTION 15. Restrictions on sale and use of residence lots by purchasers. 1. For a period of five years after the date of purchase of any lot under this Act (which date shall be deemed to be the date of the agreement of sale or deed under which the lot was originally purchased or agreed to be purchased) such lot shall not be sold by the owner thereof unless the same, together with the improvements thereon shall have first been offered in writing to the authority under the option reserved by this Act and the authority shall either have refused or have failed within the time required by this section to exercise such option.

2. Any such owner intending to sell such lot and improvements within such five-year period shall first notify the authority in writing of such intention, which notice shall

specify the owner's address and shall expressly offer to sell such property to the authority at a price equal to the sum of (a) the original cost of the land plus 15% thereof, and (b) the replacement value less depreciation at the rates used for real property tax purposes of all buildings and improvements thereon, to be determined by three appraisers, one appointed by the authority, one appointed by the owner, and the third by said two appraisers so appointed. Within ten days after the receipt of such notice, the authority shall in writing notify the owner at the address so specified whether it eledts to exercise such option. If the authority refuses, or fails within said ten-day period, to reply to said offer, the owner may sell such property to any other person free from any price restrictions.

3. The authority may re-sell any lot and improvements so purchased at a price not to exceed the actual cost thereof to the authority, with the addition of a reasonable amount to cover overhead and estimated and actual expenses.

4. Any original deed or agreement of sale from the authority to any purchaser of a residence lot shall contain a covenant running with the land (and shall, whether or not such condition is contained in such instrument be subject to the requirement) that the purchaser shall erect on such lot within five years following such date of purchase a suitable residence building to conform to the terms set forth in such instrument, with a proviso that the authority may on application of the owner extend the period from time to time for good cause shown. Other reasonable restrictions designed to prevent such lots from becoming slum areas, such as requirements

against building more than one residence upon any lot, minimum floor area of houses, observance of reasonable set-back line, etc., may be established by the authority for any development project and included in such agreements of sale or deeds as covenants running with the land for a term of twenty one years.

5. No residence lot shall be used for any purpose other than residence purposes for a period of twenty-one years following the date of the first sale of such lots by the authority; provided, however, the authority may specify that the same be used for a dwelling only; and further, that in the event that any such lot shall be zoned or rezoned by governmental authority for non-residence purposes, such restriction shall be relaxed to the extent permitted by such zoning laws or regulations.

6. The provisions of paragraphs 1 and 2 of this section shall not be applicable to sale under foreclosure by a mortgagee of any such lot or the transfer of title by a mortgagee after foreclosure or otherwise to any agency of the United States government pursuant to the terms of any insurance or guarantee of mortgage loan by such agency.

SECTION 16. Effect of breach of restriction. Any sale or attempted sale, contract or conveyance contrary to the provisions of section 15 hereof shall be void. Any use contrary to the provisions of section 15 may be enjoined by the Territory, the authority, or an owner or owners of the residence lots within the same development project. In the event that a sale, contract or conveyance contrary to the provisions of section 15 is attempted, or a use contrary to the provisions of section 15 is not voluntarily remedied or is not or cannot be remedied by injunction, or a building

is not erected in accordance with section 15, subsection 4, the lot affected shall be forfeited and title revested in the authority upon suit by the Territory establishing any of the foregoing, subject, however, to any valid liens existing against such property, incurred with the consent of the authority, which liens shall not be affected by such forfeiture and revesting. Upon forfeiture, the authority shall sell such lot at public auction, or at private sale, for the current market value, to a purchaser eligible to purchase from the authority in the first instance. It is provided, however, that in the event that title to any such lot shall have passed to any agency of the United States government pursuant to the terms of any insurance or guarantee of mortgage loss by such agency, no such forfeiture or revesting in the authority shall be enforced.

SECTION 17. Mortgage of residence lots. Nothing herein contained shall prevent the conveyance of the residence lot by way of mortgage to any person or corporation with the consent of the authority, and such consent shall not be unreasonably withheld.

SECTION 18. Sale of business lots. Business lots shall be sold to the highest bidders at public auction for cash. Any person or corporation authorized to do business in the Territory of Hawaii shall be eligible to purchase and hold such lots.

SECTION 19. Power to lease, pledge or mortgage. The authority shall also have power to lease or rent any of the dwellings or other accommodations or any of the lands, buildings, structures or facilities embraced in any development project until such time as it is practicable to sell

the same in accordance with this Act and to establish and revise the rents or charges therefor; to mortgage or pledge any property, real or personal, or any interest therein to any person, firm, corporation or government; to enter upon any building or property in order to conduct investigations or to make surveys or sounding; to purchase, obtain options upon, acquire by gift, grant, bequest, devise or otherwise, any property, real or personal or any interest therein from any person, firm, corporation or government, to own, hold, clear and improve property; to insure or provide for the insurance of the property or operations of the authority against such risks as the authority may deem advisable; to procure insurance or guarantees from the federal government of the payment of any debts or parts thereof secured by mortgages made or held by the authority on any property included in any development project.

SECTION 20. Cooperative agreements with other governmental agencies. The authority shall also have power to obtain the aid and cooperation of governments in the planning, construction and operation of development projects and to enter into such agreements and arrangements as it deems advisable to obtain such aid and cooperation; to arrange or enter into agreements with any government for the acquisition by such government of property, options or property rights or for the furnishing, installing, opening or closing of streets, roads, alleys, sidewalks or other places, or for the furnishing of property services, parks, sewage, water and other facilities in connection with development projects, or for the planning, replanning, zoning or rezoning of any part of the land included in a development project.

SECTION 21. Agents, including corporations. The authority may exercise any or all of the powers conferred upon it, either generally or with respect to any specific development project or projects, through or by an agent or agents which it may designate.

SECTION 22. Investment of reserves, etc. The authority may invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control. No provisions with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to the authority unless the legislature shall specifically so state.

SECTION 23. Additional powers. The authority, in addition to its other powers, shall have power, notwithstanding anything to the contrary contained in this Act or in any other provision of law:

1. To include in any construction contract let in connection with a project, stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum wages and maximum hours of labor, and comply with any conditions which the federal government may have attached to its financial aid of the project;

2. To procure or agree to the procurement of insurance or guarantees from a government of the payment of any debts or parts thereof incurred by the authority, including the power to pay premiums on any such insurance;

3. To purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be cancelled.

SECTION 24. Security for funds deposited by authority. The authority may by resolution provide that all moneys deposited by it shall be secured: (1) by any securities by which funds deposited by the treasurer of the Territory may be legally secured as provided in section 5853 of the Revised Laws, or (2) by the undertaking with such sureties as shall be approved by the authority faithfully to keep and pay over upon the order of the authority any such deposits and agreed interest thereon, and all banks and trust companies are authorized to give any such security for such deposits.

SECTION 25. Eminent domain. The authority shall have the right to acquire by the exercise of the power of eminent domain any real property, including fixtures and improvements, which it may deem necessary to carry out the purposes of this Act after the adoption by it of a resolution declaring that the acquisition of the property described therein is in the public interest and necessary for public use. The authority may exercise the power of eminent domain granted by this section in the same manner and with the same procedure as is provided by chapter 8 of the Revised Laws, and otherwise in accordance with all applicable provisions of the general laws of the Territory.

The authority may acquire by the exercise of the power of eminent domain property already devoted to a public use, provided that no property belonging to any government may be acquired without its consent, and that no property belonging to a public utility corporation may be acquired without the approval of the public utilities commission.

SECTION 26. Zoning and building laws to be observed. All development projects of the authority shall be subject to the planning, zoning, sanitary and building laws, ordinances and regulations applicable to the locality in which the development project is situated.

SECTION 27. Contracts with governments. In addition to the powers conferred upon the authority by other provisions of this Act, the authority is empowered to borrow money or accept grants from any government for or in aid of any development project which such authority is authorized to undertake, to take over any land acquired by such government for a development project, and to these ends, to enter into such contracts, mortgages, or other agreements as such government may require including agreements that such government shall have the right to supervise and approve the construction and operation of such development project. It is the purpose and intent of this Act to authorize the authority to do any and all things necessary to secure the financial aid and the cooperation of the federal and any other government in the undertaking, construction and operation of any development project which the authority is empowered to undertake.

SECTION 28. Taxation and exemptions. All property of the authority set aside for roads, parks and other public facilities shall be exempt from taxation; all other property shall be subject to taxes, and in so far as practicable shall be valued for such purpose at the same amount as was the case prior to its acquisition by the authority. Bonds, notes, debentures and other evidences of indebtedness of an authority are declared to be issued for a public purpose and to be public instrumentalities and, together with interest thereon, shall be exempt from taxes.

SECTION 29. Exemption of property from execution sale. All real property of the authority shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same, nor shall any judgment against the authority be a charge of lien upon its real property; provided, however, that the provisions of this section shall not apply to or limit the right of obligees to foreclose or otherwise enforce any mortgage of the authority or the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by or with the consent of the authority.

SECTION 30. Duty to make report. The authority shall at least once a year file with the governor a report of its activities for the preceding year, and shall make any recommendations with reference to any additional legislation or other action that may be necessary in order to carry out the purpose of this Act.

SECTION 31. Bonds. The authority may issue bonds (including refunding bonds for the purpose of paying or retiring bonds previously issued by the authority) from time to time in such amounts as it may deem advisable for any of its corporate purposes. They may include bonds on which the principal and interest are payable:

(a) exclusively from the income, revenues and realizations of the development project financed with the proceeds of such bonds, or with such proceeds together with a grant from a government in aid of such project; or

(b) exclusively from the income, revenues and realizations of certain designated development projects whether or not they were financed in whole or in part with the proceeds of such bonds; or

(c) from its income, revenues and realizations generally. Any of such bonds may be additionally secured by a pledge of any revenues or realizations or a mortgage of any development project, projects or other property of the authority.

Neither the commissioners of the authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof.

SECTION 32. Territory and political subdivisions not liable on bonds. The bonds and other obligations of the authority (and such bonds and obligations shall so state on their face) shall not be a debt of the Territory or of any political subdivision; neither the Territory nor political subdivisions shall be liable thereon, nor in any event shall they be payable out of any funds or properties other than those of the authority. The bonds shall not be considered public indebtedness within the meaning of section 55 of the Organic Act, nor shall such bonds constitute an indebtedness within the meaning of any other debt limitation or restriction. Bonds may be issued under this Act notwithstanding any debt or other limitation prescribed by any statute.

SECTION 33. Form and sale of bonds. The bonds of the authority shall be authorized by its resolution and may be issued in one or more series and shall bear such date or dates, mature at such time or times, not exceeding sixty years from the date thereof, bear interest at such rate or rates, not exceeding 6% per annum, be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such

medium of payment, at such place or places, and be subject to such terms or redemption (with or without premium) as such resolution, its trust indenture or mortgage may provide.

The bonds may be sold at not less than par at public sale held after notice published once at least five days prior to such sale in a newspaper having a general circulation in the Territory; provided, however, that such bonds may be sold at not less than par to the federal government at private sale without any public advertisement.

In case of any of the commissioners or officers of the authority whose signatures appear on any bonds or coupons shall cease to be such commissioners or officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such commissioners or officers had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to the Act shall be fully negotiable.

In any suit, action or proceedings involving the validity or enforcement of any bond of the authority or the security therefor, any such bond reciting in substance that it has been issued by the authority to aid in financing a development project to provide residence lands for substantial numbers of persons shall be conclusively deemed to have been issued for a development project of such character and said project shall be conclusively deemed to have been planned, located and constructed in accordance with the purposes and provisions of this Act.

SECTION 34. Provisions of bonds and mortgages. In connection with the issuance of bonds or the incurring of any

obligation under a lease, and to secure the payment of such bonds or obligations, the authority in addition to its other powers may:

1. Pledge all or any part of its rents, fees, revenues or realizations to which its right then exists or may thereafter come into existence;

2. Mortgage all or any part of its property, real or personal, then owned or thereafter acquired, including any of the public domain owned or acquired by it;

3. Covenant against mortgaging all or any part of its property, real or personal, then owned or thereafter acquired, or against permitting or suffering any lien thereon;

4. Covenant with respect to limitations on its right to sell, lease or otherwise dispose of any project or any part thereof;

5. Covenant against pledging all or any part of its rents, fees, revenues and realizations to which its right then exists or may thereafter come into existence, or against permitting or suffering any lien thereon;

6. Covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the proceeds thereof;

7. Covenant as to what other, or additional debt may be incurred by it;

8. Provide for the replacement of lost, destroyed or mutilated bonds;

9. Covenant that the authority warrants the title to the premises;

10. Covenant as to the rents and fees to be charged, against the amount to be raised each year or other period of

time by rents, fees and other revenues, and so to the use and disposition to be made thereof;

11. Covenant as to the use of any or all of its property, real or personal;

12. Create or authorize the creation of special funds segregating the proceeds of any loans or grants, the revenues or realizations of any project or projects, reserves for principal and interest on its bonds and for operating contingencies, and other reserves; and covenant as to the use and disposal of the moneys held in such funds;

13. Redeem the bonds, and covenant for their redemption, and provide the terms and conditions thereof;

14. Covenant against extending the time for the payment of its bonds or interest thereon;

15. Prescribe the procedure, if any, by which the terms of any contract with bond holders may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given;

16. Covenant as to the maintenance of its property, the replacement thereof, the insurance to be carried thereon, and the use and disposition of insurance moneys;

17. Vest in an obligee, in the event of a default by the authority, the right to cure any such default and to advance any moneys necessary for such purpose, and covenant that the moneys so advanced be an additional obligation of such authority with such interest, security and priority as may be provided in any mortgage, lease or contract;

18. Covenant and prescribe as to the events of default and terms and conditions upon which any or

all of its bonds shall be come or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived;

19. Covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition, or obligation;

20. Covenant to surrender possession of a project or projects or parts thereof upon the happening of an event of default; and vest in an obligee the right, upon such default and without judicial proceedings, to take possession and use, operate, manage and control such projects or any parts thereof, and to collect and receive rents, fees, revenues and realizations arising therefrom in the same manner as such authority itself might do, and to dispose of the moneys collected in accordance with the agreement of such obligee with the authority;

21. Vest in a trustee or trustees the right to enforce any covenant to secure, or pay the bonds, or otherwise relating to such bonds; provided for the powers and duties of such trustee or trustees, limit the liabilities thereof, and provide the terms and conditions upon which the trustee or trustees, or the holders of bonds, or any proportion of them may enforce any such covenant;

22. Vest in a government or in a trustee the right, upon the happening of an event of default, to foreclose the mortgage securing any bonds held by such government, through judicial proceedings or through the exercise of a power of sale without judicial proceedings;

23. Vest in other obligees the right, upon the happening of an event of default, to foreclose any mortgage through judicial proceedings;

24. Vest in any obligee, the right to foreclose any such mortgage as to all or such part or parts of the property covered thereby as such obligee shall elect; the institution, prosecution and conclusion of any such foreclosure proceedings or the sale of any such parts of the mortgaged property shall not affect in any manner or to any extent the lien of the mortgage on the parts of the mortgaged property not included in such proceedings or not sold as aforesaid.

25. Make covenants other than, and in addition to, the covenants herein expressly authorized, of like or different character; and execute all instruments necessary or convenient in the exercise of the powers herein granted, or in the performance of its covenants or duties, which may contain such covenants and provisions, in addition to those above specified, as the government or any purchaser of the bonds of an authority may require;

26. Make such covenants and do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds, or in the absolute discretion of an authority tend to make the bonds more marketable; notwithstanding that such covenants, acts or things may not be enumerated herein.

SECTION 35. Remedies of an obligee; mandamus; injunction; possessory action; receiver; accounting, etc. An obligee of the authority shall have the right in addition to all other rights which may be conferred on such obligee subject only to any contractual restrictions binding upon such obligee, and subject to the prior and superior rights of others;

1. By mandamus, suit, action or proceeding in law or equity to compel the authority, and the commissioners,

officers, agents or employees thereof to perform each and every term, provision and covenant contained in any contract of the authority, and to require the carrying out of any or all covenants and agreements of the authority and the fulfillment of all duties imposed upon the authority by this Act;

2. By suit, action or proceeding in equity to enjoin any acts or things which may be unlawful, or the violation of any of the rights of such obligee of the authority;

3. By suit, action or proceeding in any court of competent jurisdiction to cause possession of any development project or any part thereof to be surrendered to any obligee having the right to such possession pursuant to any contract of the authority;

4. By suit, action or proceeding in any court of competent jurisdiction, upon the happening of an event of default (as defined in a contract of the authority), to obtain the appointment of a receiver of any development project of the authority or any part or parts thereof. If such receiver be appointed, he may enter and take possession of such development project or any part or parts thereof and operate same, and collect and receive all fees, rents, revenues, or other realizations thereafter arising therefrom in the same manner as the authority itself might do and shall keep such moneys in a separate account or accounts and apply the same in accordance with the obligations of the authority as the court shall direct;

5. By suit, action or proceeding in any court of competent jurisdiction to require the authority and the commissioners thereof to account as if it and they were the trustees of an express trust.

SECTION 36. Subordination of mortgage to agreements with government. The authority may agree in any mortgage made by it that such mortgage shall be subordinate to a contract for the supervision by a government of the operation and maintenance of the mortgaged property and the construction of improvements thereon; in such event, any purchaser or purchasers at a sale of the property of the authority pursuant to a foreclosure of such mortgage or any other remedy in connection therewith shall obtain title subject to such contract.

SECTION 37. Bonds of the authority as legal investments. All public officers and bodies of the Territory, all political subdivisions, all insurance companies and associations, all savings banks and savings institutions, including savings and loan associations, all executors, administrators, guardians, trustees, and all other persons and fiduciaries in the Territory may legally invest funds within their control and available for investment under other provisions of law, in bonds of the authority, it being the purpose of this section to authorize any persons, firms, corporations, associations, political subdivisions, bodies and officers, public or private, to use any such funds owned or controlled by them, including (without prejudice to the generality of the foregoing), sinking, insurance, investment, retirement, compensation, and trust funds, and funds, held on deposit by savings banks and savings institutions, for the purchase of any bonds of the authority.

SECTION 38. Conveyance, lease, or agreement by government in aid of development projects; purchase of bonds. 1. For the purpose of aiding and cooperating in the planning, construction and operation of development projects located within their respective territorial boundaries, the Territory,

its political subdivisions and agencies, may, to the extent not prohibited by the laws of the United States, upon such terms, with or without consideration, as it may determine:

(a) dedicate, grant, sell, convey or lease any of its property, or grant easements, licenses or any other rights or privileges therein to the authority or to the United States, or any agency thereof;

(b) to the extent that it is within the scope of each of their respective functions: (1) cause the services customarily provided by each of them to be rendered for the benefit of development projects and the occupants thereof; (2) provide and maintain parks and sewage, water, lights and other facilities adjacent to or in connection with development projects; (3) open, close, pave, install, or change the grade of streets, roads, roadways, alleys, sidewalks, or other such facilities; and (4) change the map of a political subdivision or plan, replan, zone or rezone any part of a political subdivision;

(c) employ (notwithstanding the provisions of any other law as to what constitute legal investments) any available funds belonging to them or within their control, including funds derived from the sale or furnishing of property or facilities to the authority, in the purchase of the bonds or other obligations of the authority to the extent provided by section 3520 of the Revised Laws; and exercise all the rights of any holder of such bonds or other obligations;

(d) do any and all things necessary or convenient to aid and cooperate in the planning, undertaking, and construction of such development projects; and

(e) enter into contracts with the authority or the United States for any period agreeing to exercise any of the powers conferred hereby or to take any other action in aid of such development projects.

2. In connection with the exercise of this power, any political subdivision may incur the entire expense of any such public improvements located within its territorial boundaries without assessment against abutting property owners.

3. For the purpose of aiding and cooperating in the planning, construction and operation of development projects, the commissioner of public lands, the Hawaiian Homes Commission and any other officers of the Territory having power to manage or dispose of its public lands, may, to the extent not prohibited by federal laws, with the approval of the governor and with or without consideration, grant, sell, or convey any parts of such public lands (without limit as to area) to the authority or to the United States or any agency thereof.

4. Any law or statute to the contrary notwithstanding, except federal laws not subject to change by the legislature of the Territory, any gift, grant, sale, conveyance, lease or agreement provided for in this section may be made by the Territory, its political subdivisions and agencies, without appraisal, public notice, advertisement or public bidding.

5. It is the purpose and intent of this section that the Territory and its political subdivisions and agencies, shall be authorized, and are hereby authorized, to do any and all things necessary to aid and cooperate in the planning, construction and operation of development projects by the authority or the United States, to the extent not prohibited by

federal laws. The powers hereby conferred shall be in addition and supplemental to the powers conferred by any other law.

6. In so far as the provisions of this section are inconsistent with the provisions of any other law subject to amendment by the legislature of the Territory, the provisions of this section shall be controlling.

SECTION 39. Appropriation and advances. There is hereby appropriated from the general funds of the Territory not otherwise appropriated, the sum of $2,000,000.00 as an advance to the authority for use by it for all its corporate purposes except the payment of its bonds. The authority shall reimburse the Territory for such advance from time to time as it has moneys available therefor. All sums hereby appropriated shall be expended upon warrants issued by the auditor upon vouchers approved by chairman of the authority acting on behalf of the authority.

SECTION 40. Severability. Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of this Act and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SECTION 41. Effective date. This Act shall take effect upon approval, subject however to approval or ratification by the Congress of the United States.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

A 1-2

Gov. Mess. #23

___ B. NO. ___

AN ACT

TO AMEND CHAPTER 71 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE DEPARTMENT OF LABOR.

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

SECTION 1. Chapter 71 of the Revised Laws of Hawaii 1945, is hereby amended in the following respects:

(1) By amending sections 4103 and 4104 to read:

"Sec. 4103. Department of labor and industrial relations; director. There shall be in the territorial government a department of labor and industrial relations to be under the direction and control of a director of labor and industrial relations, who shall be appointed in the manner provided by section 80 of the Organic Act, shall hold office for a term of four years and until his successor is appointed and qualified, unless sooner removed, and who may be removed by the governor for cause. The director shall be the chief administrative officer of the department with supervision and control of all bureaus created under the provisions of this chapter, and shall have such other powers and duties as are provided for by law.

Sec. 4104. Commission of labor and industrial relations; powers and duties. There shall be a commission of labor and industrial relations consisting of seven members to be appointed and be removable by the governor in the manner provided by section 80 of the Organic Act, not more than four of whom shall belong to the same political party, and one of whom shall be designated in the appointment as chairman. The commissioners shall hold office for four years and until their successors are appointed and qualified, and any appointment to

fill a vacancy shall be for the remainder of the unexpired term. Appointments to the commission shall be so made that the term of office of each member shall expire on January first and the terms of not more than two members shall expire in the same year, and shall be so made that there shall be at all times at least one member from each of the counties. The commission shall annually elect from its membership a vice chairman and a secretary. Any four members shall constitute a quorum, but no rule or regulation of the commission shall be adopted, repealed, or amended without the concurring vote of four members.

The commissioners shall serve without pay but each shall be paid his necessary traveling expenses incurred in the discharge of his duties as commissioner. The commission shall advise the director on all matters relating to the administration of the department, and shall have such other powers and duties as are provided for by law. All hearings before the commission shall be open to the public."

(2) By making subsection (a) of section 4112 a separate section, to be appropriately numbered, and amending the same to read:

"Sec. ___. The director shall file with the governor a written report or reports at such times, at least once in each year, and in such form as shall be requested by the governor covering the condition and activities of the department and each bureau thereof."

(3) By deleting from the third line in section 4114, as amended, the words and punctuation ",subject to the supervision and control of the commission," and by deleting from the first line in subsection (e) of section 4114 the words and punctuation ", subject to the approval of the com-

mission,".

(4) By substituting for the word "commission" in the first line of section 4120 the word "director".

SECTION 2. The present members of the commission of labor and industrial relations shall continue for the remainder of their unexpired terms. Two new commissioners shall be appointed when this Act becomes effective, one each from the counties of Maui and Hawaii, whose respective terms of office shall expire on January 1, 1961 and January 1, 1962.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

_____

Date: _____

Honolulu, Hawaii

A 13

___ B. NO. ___

AN ACT

RELATING TO THE PUBLIC SERVICE IN THE TERRITORY AND THE SEVERAL COUNTIES INCLUDING CIVIL SERVICE, CLASSIFICATION AND COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES AND AMENDING CHAPTERS 2 AND 3 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Chapter 2 of the Revised Laws of Hawaii 1945 as most recently amended by Act 274, Session Laws of Hawaii 1955, is hereby amended in the following respects:

a. By amending section 71 thereof to read as follows:

"Sec. 71. Meetings, quorum. The commission shall meet at least once each month at such places as shall be made available for such purposes by the director. The commission may meet at such other times as may be designated in advance by it, its chairman, the director or the governor. No business of the commission shall be conducted, except in meetings open to the public. Three members shall constitute a quorum."

b. By amending section 72 thereof by substituting for the word "commission" wherever the same shall appear the word "director".

c. By amending section 74 to read as follows:

"Sec. 74. General powers and duties of commission. The commission shall:

(a) Represent the public interest in the improvement of personnel administration in the civil service;

(b) Assist the director in fostering the interest of institutions of learning and civic, professional and employee organizations in the improvement of personnel standards in civil service;

(c) Advise the governor and director on policies and problems concerning personnel administration;

(d) Hear and decide appeals from any action of the director under the provisions of this chapter, as well as from dismissals, demotions, and suspensions as hereinafter provided."

d. By amending section 75 to read as follows:

"Sec. 75. Director. The director shall be a person who believes in applying merit principles to public employment, and shall be a person of good repute, competent, trained and with actual experience in personnel administration. He shall be appointed by the governor in the manner prescribed in paragraph 1 of section 80 of the Hawaiian Organic Act and shall hold office for a term to expire with the expiration of the term of the appointing governor. The director may be removed by the governor in the manner prescribed by paragraph 1 of section 80 of the Hawaiian Organic Act, or, without the advice and consent of the Senate, upon conviction of any felony or misdemeanor involving moral turpitude. He shall hold office upon the expiration of his term until his successor is appointed.

The director, during his term of office, shall not serve as an officer or committee member of any political party organization, including a precinct organization, or present himself as a candidate or be a candidate for nomination or election to any public office at any election. Upon violation of this provision, or any of the provisions of Part IV of this chapter, the office of the director shall be conclusively presumed to be vacant and abandoned by reason thereof and the governor shall thereupon appoint a qualified person to fill such vacancy. As an alternative remedy, proceedings in the nature of quo warranto may be

brought by any person to oust any director who violates any provision of this section or of Part IV of this chapter."

e. By amending section 76 by substituting for the word "commission", in the third line of paragraph (g), as the same appears in the Session Laws of Hawaii 1955, the word "governor".

f. By amending section 77 in the following respects:

(1) delete from paragraph (b) thereof the following words "and where such certification has received the approval of the commission", in lines two and three as the same appear in the Session Laws of Hawaii 1955;

(2) delete from paragraph (c) in the last line thereof, as the same appears in the Session Laws of Hawaii 1955, the comma, and the following words "approved by the commission"; and replace the comma with a semi-colon.

g. By amending section 78 in the following respects:

(1) by amending the first unnumbered paragraph thereof to read as follows:

"Sec. 78. Rules and regulations; policies and standards. The director, after consultation with the commission, shall prescribe rules and regulations to carry out the provisions of this chapter which, after public notice and public hearing before the director and upon approval by the governor, shall have the force and effect of law. Such rules and regulations may be amended or repealed in like manner as the same were adopted. Such rules and regulations shall, among other things, be in conformity to principles of good public administration and shall be in conformity to the following provisions:"

(2) by substituting for the words "civil service commission" in the first sentence of the lettered paragraph (q), appearing in the Session Laws of Hawaii 1955, the word "director";

(3) by substituting for the word "commission" in the

first line of the paragraph lettered (v) as it appears in the Session Laws of Hawaii 1955, the word "director".

h. By amending section 82 in the following respects:

(1) by deleting from lines thirteen and fourteen thereof, as they appear in the Session Laws of Hawaii 1955, the following words: "and the special appeal board shall, whenever such action is taken against the director,";

(2) by deleting the fourth paragraph thereof; and

(3) by deleting from the first and second lines of the last paragraph thereof, as it appears in the Session Laws of Hawaii 1955, the following words: "and, with respect to a director, of the special appeal board".

i. By amending section 87 by substituting for the word "commission" in the fourth line thereof, as it appears in the Session Laws of Hawaii 1955, the word "director".

j. By amending section 89, Part II thereof, to read as follows:

"There is hereby created a department of civil service for the city and county of Honolulu which shall include a director and a commission consisting of five members all of whom shall be appointed by the mayor with the approval of the board of supervisors."

k. By amending section 90, Part II thereof, by deleting from paragraph (g) the words "and where such certification has received the approval of the commission" in lines two and three of said paragraph, as they appear in the Session Laws of Hawaii 1955.

l. By amending section 92, Part III thereof, to read as follows:

"There is hereby created a department of civil service for each of the counties of Hawaii, Maui and Kauai, which shall include a director and a commission consisting of five members all of whom shall be appointed by the chairman of the board of supervisors with the approval of the

of the board of supervisors of the respective county."

m. By amending section 93, Part III thereof, by deleting from paragraph (g) the words "and where such certification has received the approval of the commission" in lines two and three of said paragraph, as the same appear in the Session Laws of Hawaii 1955.

SECTION 2. Chapter 3 of the Revised Laws of Hawaii 1945, as amended by Act 274, Session Laws of Hawaii 1955, is hereby further amended in the following particulars:

a. By inserting at the end of section 104 the following paragraphs:

"He shall prescribe rules to carry out the provisions of this chapter. Upon the approval of the governor such rules shall have the force and effect of law.

He shall submit to the governor and to the legislature a biennial report on the administration of this chapter not later than February 1st of every odd numbered year, together with recommendations relating thereto. Any such report which contains recommendations relating to the salary schedule shall also contain a computation of the cost to the Territory should such recommendations be enacted into law."

b. By amending section 105 to read as follows:

"Sec. 105. Functions of the commission. The commission shall hear and decide appeals by employees and department heads from actions taken by the director under the provisions of this chapter."

c. By substituting, in section 106 thereof, for the word "commission" in the ninth line as the same appears in the Session Laws of Hawaii 1955, the word "director".

d. By substituting, in section 107, for the word

"commission" in the second and tenth lines thereof, as the same appear in the Session Laws of Hawaii 1955, the word "director".

e. By deleting from section 108, in the second line thereof, as the same appears in the Session Laws of Hawaii 1955, the following words and punctuation: ", with the approval of the commission,".

SECTION 3. Sec. 130, chapter 3.01, as enacted by Act 278, Session Laws of Hawaii 1953, is hereby amended by adding to the enumeration of officers and their respective salaries in the first paragraph thereof, in its appropriate alphabetical order, the following:

"Director of personnel and classification..... 15,000".

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

A IX

___.B.NO. ___

AN ACT

PRESCRIBING THE POWERS AND DUTIES OF THE POST-AUDITOR, TRANSFERRING EQUIPMENT, POWERS AND FUNDS, AND PROVIDING PENALTIES.

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

SECTION 1. Post-auditor. There is hereby established in accordance with section 77-A of the Hawaiian Organic Act enacted by Public Law 906, 84th Congress, chapter 862, 2d session, the office of post-auditor.

SECTION 2. Deputy post-auditor. There shall be a deputy post-auditor who shall be appointed by the post-auditor and who shall not be subject to the provisions of chapters 2 and 3, Revised Laws of Hawaii 1945, as amended.

SECTION 3. Deputy to act when. In case of illness or absence of the post-auditor, the deputy post-auditor shall exercise the powers and perform the duties of the post-auditor.

SECTION 4. Audit of accounts. The post-auditor, or his duly authorized deputy or assistants, shall examine and audit all accounts, reports and statements, and make independent verification of all assets, liabilities, inventories, revenues and expenditures of all territorial agencies (including schools), of all counties and of all appropriations made by the territorial legislature at least once each year and at any other time if deemed advisable or if so directed by the legislature or the governor. Such examinations and audits shall include all accounts or funds held directly or in trust by the Territory, any county, or any agency, officer or employee thereof.

SECTION 5. Reports. The post-auditor shall make an annual report to the governor and the board of supervisors

of each county, and a report to each regular session of the legislature. Such reports shall be in such detail as may be necessary to report fully his findings and shall include any recommendations that he may deem advisable, including any changes in organization, administration, methods, procedures or techniques for the purpose of improving the effectiveness and economy in the conduct of any agency or body whose accounts he audits. He shall report to the governor, the legislature, the attorney general, or the respective board of supervisors forthwith, any and all instances of misfeasance, malfeasance or non-feasance or other irregularity which may be disclosed by any audit conducted by him. He shall make any additional reports upon request by the governor, the legislature or any committee thereof, or any board of supervisors.

SECTION 6. Executive budget; examination. The post-auditor shall examine the executive budget before it is printed and the requests of the several agencies upon which it is based.

SECTION 7. Duties when violations are discovered. If the post-auditor shall disclose any instance of misfeasance, malfeasance or non-feasance, or any other irregularity on the part of any officer or employee of any county or any territorial agency, it shall be the duty of the attorney general or the respective county attorneys forthwith to institute and prosecute such civil proceedings against such delinquent officer or employee, or upon his official bond, or both, as may be appropriate to secure to the Territory or county the recovery of any funds or other assets unlawfully expended or disposed of.

SECTION 8. Examining persons, books. The post-auditor shall cause to be made such investigations or examinations as he believes necessary in carrying out the provisions

of this chapter, and he or his duly authorized deputy or assistants shall have power to administer oaths in connection therewith. Officers and employees of all agencies shall assist him, when and as he may require, in such investigations and examinations. He may cause search to be made and extracts to be taken from every book, paper or record in the custody of any public officer without paying any fee for the same and it shall be the duty of every officer having the custody of any such book, paper or record to make such search and furnish such extracts as requested.

SECTION 9. No privilege to witnesses; immunity from prosecution. No witness before the post-auditor or his duly authorized deputy or assistant shall be privileged to refuse to testify to any fact or to produce any paper, respecting which he shall be examined, upon the ground that his testimony to such fact or his production of such paper might incriminate himself, but no prosecution shall afterwards be had against him for any offense concerning which he has testified. Any official paper or record produced by such witness is not within such privilege.

SECTION 10. Penalties. Any officer, employee, or person who shall fail or neglect to conform to any of the provisions of this act, or shall fail or neglect to attend the post-auditor or his duly authorized deputy or assistants for the purpose of being examined or to produce any accounts, books, vouchers or other documents or to answer any other lawful question when required to do so by the post-auditor or his duly authorized deputy or assistants, shall be liable to a penalty of not less than $25.00, nor more than $500.00, on conviction, and shall be ineligible to further employment

by the Territory or any of its agencies or political subdivisions.

SECTION 11. Accounting system. The post-auditor shall advise the comptroller and boards of supervisors of each county concerning the system of accounts, records and books to be used by all territorial and county agencies. Accounts, records and books shall be kept only by such systems as have been approved by the post-auditor.

SECTION 12. Count of money and securities; statements of count. The post-auditor shall, on the last day of December and of June of each year, and at such other times as he or the governor may deem proper, count the money and securities in the territorial treasury and prepare, in quadruplicate, statements showing:

1. The amount of money that ought to be in the treasury;

2. The amount and kind of money actually therein;

3. The amount of securities owned by the Territory that ought to be in the treasury;

4. The amount of securities owned by the Territory actually in the treasury;

5. The amount of depository securities that ought to be in the treasury; and

6. The amount of depository securities actually in the treasury.

The post-auditor shall file the original of the statements of count with the governor and copies with the treasurer and the commissioner of finance, and shall post and maintain one copy in his office for at least one month thereafter.

SECTION 13. Appointments by post-auditor; transfer of personnel; attorney. The post-auditor shall appoint such professional, clerical or other personnel as shall be necessary to carry out the provisions of this chapter. All such appointments, except for the deputy post-auditor and an attorney, should one be appointed, shall be made in accordance with the provisions of chapters 2 and 3, Revised Laws of Hawaii 1945, as amended. The post-auditor is hereby authorized to transfer from the agency by which they are now employed, to the post-audit department, such employees whose employment is covered by chapters 2 and 3, Revised Laws of Hawaii 1945, as he may deem necessary whose principal duties have been the performance of any function which has been, or may at any time be, assigned to the post-audit office in accordance with this act and similarly to transfer any funds appropriated for such employees. No such employee shall suffer any loss of salary, seniroity, prior service credit, vacation, sick leave or other employee benefits or privileges by reason of such transfer, subject, however, thereafter to any changes in status made pursuant to chapter 2. Any permanent employee whose principal duties have been transferred to the post-audit office under this act, who has not himself been transferred to the post-audit office or has not been retained by the agency from which that function has been transferred, because of the passage of this act, shall for each day following the termination of his services, receive termination pay, payable on a monthly basis, in an amount equal to one day's base pay for the position he held at the time of severance, provided, however, (1) that said termination pay shall not exceed a total amount equal to eighteen days' base pay and, in addition, six days' base pay for each credited year of service with the territorial govern-

ment; (2) that such termination pay shall not accrue on or after any day on which such employee is reemployed by any territorial agency or in any public or private service; and (3) that such termination pay shall not accrue following the date on which such employee refuses to accept an appointment to a position of equivalent classification in the territorial civil service. Any such employee shall have top priority in transfer or reemployment to any position in any other territorial agency for which he qualifies and he shall be first employed by such agency in the event of any such opening or vacancy in that agency.

Claims for such termination pay shall be made to and approved by the territorial director of civil service on such forms and with such supporting information as he may prescribe. Warrants in payment of such approved claims shall be drawn by the commissioner of finance and shall be paid out of the general revenues of the Territory and there is hereby appropriated out of such general revenues sufficient moneys for this purpose.

The post-auditor may appoint an attorney to advise and represent him, or engage an attorney by contract on specific occasions for specific advice and recommendations. No such attorney shall be subject to the jurisdiction and control of the attorney general or be subject to chapters 2 and 3 of the Revised Laws of Hawaii 1945, as amended.

SECTION 14. All duties and powers of the post-auditor, with which the auditor (or comptroller) was charged prior to the enactment of this act are terminated in respect of said auditor (or comptroller).

SECTION 15. Any and all office equipment, including but not limited to records, desks, chairs, typewriters, and office machines which has been used primarily in the performance of the functions with which the post-auditor is charged by this act are transferred to the post-auditor from any other department of the Territory.

SECTION 16. The annual salary of the post-auditor shall be $_____.

SECTION 17. There is appropriated to the uses of this act from the general revenues of the Territory the sum of $_____ which shall be expended upon warrants of the auditor (or comptroller) upon vouchers signed by the post-auditor or his duly authorized subordinate.

SECTION 18. All laws in conflict with the provisions of this act are repealed or amended to conform hereto.

SECTION 19. This act shall take effect upon its approval.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

A15.

___ B. NO. _____

AN ACT

RELATING TO THE AUDITOR AND DEPUTY AUDITOR OF THE TERRITORY, CHANGING THEIR TITLES TO COMPTROLLER AND DEPUTY COMPTROLLER RESPECTIVELY, AND DEFINING THEIR POWERS AND DUTIES.

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

SECTION 1. The auditor and deputy auditor of the Territory shall hereafter be known and entitled respectively as the comptroller and deputy comptroller of the Territory. Wherever the words auditor and deputy auditor occur in the Revised Laws of Hawaii 1945, they are hereby amended to read comptroller and deputy comptroller, as the context requires.

SECTION 2. The powers, duties and functions of the auditor and deputy auditor shall continue without interruption, and shall be exercised by the comptroller and deputy comptroller, except to the extent they may be conferred or imposed upon the post auditor of the Territory, should such an office be created, and to that extent, in respect of the comptroller and deputy comptroller, they shall terminate.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

A-16

_____ J. RES. NO. _____

JOINT RESOLUTION

REQUESTING THE CONGRESS OF THE UNITED STATES OF AMERICA TO ENACT LEGISLATION AMENDING THE HAWAIIAN HOMES COMMISSION ACT, 1920, TO AUTHORIZE THE HAWAIIAN HOMES COMMISSION TO APPROVE AND GUARANTEE LOANS TO HAWAIIAN HOMES HOMESTEADERS BY PRIVATE FINANCING INSTITUTIONS.

WHEREAS, the Hawaiian Homes Commission has been unable to carry out its program of making loans to Hawaiian Homes homesteaders for home construction because of the limited funds available for loan purposes; and

WHEREAS, local banks, building and loan associations, and other financial institutions have expressed willingness to make loans to Hawaiian Homes homesteaders for home construction if the Hawaiian Homes Commission would guarantee such loans; and

WHEREAS, such loans would make funds available and would be desirable since they would permit the Hawaiian Homes Commission to adequately carry out its program of assisting Hawaiian Homes homesteaders in home construction; now, therefore,

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

SECTION 1. The Congress of the United States of America is hereby respectfully requested to enact legislation amending the Hawaiian Homes Commission Act, 1920, to authorize the Hawaiian Homes Commission to approve and guarantee loans made by private financing institutions to those Hawaiian Homes homesteaders who need capital for home construction.

SECTION 2. Certified copies of this Joint Resolution shall be transmitted to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, the Secretary of the Interior and the Delegate to Congress from Hawaii.

SECTION 3. This Joint Resolution shall take effect upon its approval.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

A 17

AN ACT

TO AMEND CHAPTER 27 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE DEPARTMENT OF PUBLIC INSTRUCTION.

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

SECTION 1. Chapter 27 of the Revised Laws of Hawaii 1945 is hereby amended in the following particulars:

a. By amending section 1701 to read as follows:

"Sec. 1701. Board of education; authority; superintendent of public instruction; appointment. There shall be an executive department to be known as the department of education. The board of education, the appointment of which is hereafter provided, shall have power, in accordance with law, to formulate policy, and to exercise control over the public school system through its executive officer, the superintendent of public instruction, who shall be appointed and may be removed by the board and shall be ex officio a voting member thereof."

b. By amending section 1702 to read as follows:

"Sec. 1702. Appointment; tenure. There shall be seven members of the board of education who shall be nominated and, by and with the consent of the senate, appointed by the governor from panels submitted by school advisory boards of each of the counties, as hereinafter provided for a term of four years. One of the members shall be designated in his appointment as chairman. Of said members, not less than one shall be an elector of the county of Hawaii, not less than one an elector of

the county of Maui, not less than one an elector of the city and county of Honolulu, and not less than one an elector of the county of Kauai. All of said members shall have been electors of the Territory for not less than three years prior to their appointment. Four of said members shall constitute a quorum."

c. By enacting a new section which shall be designated section 1702.01, to read as follows:

"Sec. 1702.01. Local school advisory councils; appointment; panels. There are constituted four local school advisory councils, one in each of the counties of Hawaii, Maui, Kauai and the City and County of Honolulu. Said councils shall be appointed by the governor to serve until such time as the governor shall appoint successors to the members thereof and shall consist of three members all of whom shall be electors of the county represented, one of whom shall be selected from the board of supervisors, one from a service organization, and one from an organization of business and professional or of university women. A council, whenever requested by the governor, shall submit a panel of not less than five names for selection for membership upon the board of education.

SECTION 2. Chapters 27 to 32, all inclusive, of the Revised Laws of Hawaii 1945, are hereby amended by substituting for the word "commissioner" or "commissioners" wherever the same appears, the word or words "member" or "members of the board of education" respectively.

SECTION 3. It is intended that the department of education shall have unbroken continuity with the department of

public instruction; to that end the commissioners, and superintendent, of public instruction in office on the date of the approval of this act notwithstanding the amendments of sections 1701 and 1702, respectively, shall continue to hold office until the members of the board of education have been appointed and a superintendent of public instruction has been appointed by said board. All policies, curricula, rules and regulations established by said commission shall remain operative until altered or repealed by said board.

SECTION 4. All employees of the department of public instruction, except the superintendent, are continued in their positions, and as to such employees, their rights, privileges and duties, and as to all property and funds of said department, the department of education shall be construed as the department of public instruction to maintain an unbroken continuity of employing and operating agency.

SECTION 5. This Act shall take effect upon its approval subject, however, to approval or ratification by the Congress of the United States.

INTRODUCED BY:

Date:_____

Honolulu, T. H.

R-16
A-18

___ B. NO. ____

AN ACT

CREATING A DIVISION OF AGRICULTURE UNDER THE BOARD OF COMMISSIONERS OF AGRICULTURE AND FORESTRY AND MAKING AN APPROPRIATION.

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

SECTION 1. There is hereby added to chapter 16 of the Revised Laws of Hawaii 1945, a new subtitle to be designated "Division of Agriculture", consisting of three sections to be appropriately numbered and to read as follows:

"SECTION _____. There is created under the board of commissioners of agriculture and forestry a division of agriculture.

SECTION _____. The division of agriculture shall be under the direction of an officer to be known as the director of agriculture, and who shall be appointed by the board of commissioners of agriculture and forestry subject to the provisions of chapters 2 and 3, Revised Laws of Hawaii 1945. The position of director shall be classified at a rating of not less than SR-27. The director shall appoint, subject to the provisions of chapters 2 and 3 and also subject to the approval of the board, an agriculturist, a chemist, an administrative secretary and a clerk and such other assistants and employees as are needed to carry out the functions, and duties of the division of agriculture. The agriculturist shall be classified at a rating of not less than SR-17; the chemist shall be classified at a rating of not less than SR-17; the administrative secretary shall be classified at a rating of not less than SR-11; and the clerk shall be classified at a rating of not less than SR-7. The director shall be qualified for such position on the basis of professional training and experience.

SECTION _____. The functions and duties of the division of agriculture shall be:

1. To direct a territory-wide agricultural program and render practical aid and assistance to small farmers, hog and poultry raisers, ranchers, independent pineapple and sugar cane growers, commercial fishermen, and Hawaiian homestead farmers, and to assist in relocating

those who are forced out of production by reason of expiration of leases or other loss of land.

2. To coordinate all programs of aid and assistance furnished by federal, territorial, county and other governmental agencies concerned with conservation, production, credit and marketing functions in all phases of agriculture and commercial fishing, and to inform and advise all persons who may be interested of the nature and scope of such programs of aid and assistance and the manner in which they may obtain such aid and assistance.

3. To conduct a territory-wide program of research and study of land use as it affects all phases of agriculture, and to develop a territory-wide plan for the classification of land for agricultural purposes in order to determine the types of crops best suited to all areas of the Territory.

4. To conduct a territory-wide program of research and study to develop commercial fishing and fishery resources, both marine and fresh-water."

SECTION 2. There is hereby appropriated from the general funds of the Territory not otherwise appropriated, the sum of _____dollars to be expended by the board of commissioners of agriculture and forestry upon vouchers issued by the board upon warrants issued by the auditor, for the purposes of the division of agriculture.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

Date: _____

Honolulu, Hawaii

A-19

____B. NO. ____

AN ACT

RELATING TO THE DIVISION OF TERRITORIAL PARKS UNDER THE BOARD OF COMMISSIONERS OF AGRICULTURE AND FORESTRY, ENLARGING THE POWERS AND DUTIES THEREOF TO PRESERVE, MAINTAIN AND DEVELOP HISTORICAL SITES, AMENDING SECTIONS 1040, 1042, 1043 AND 1044, REVISED LAWS OF HAWAII 1945, AND MAKING AN APPROPRIATION.

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

SECTION 1. Section 1040 of the Revised Laws of Hawaii 1945 is hereby amended by adding the following language thereto:

"Historical Site" means any heiau, ancient burial place or site of ancient or historical interest, including land and buildings, designated as such by the Territorial Commission on Historical Sites."

SECTION 2. Section 1042 of the Revised Laws of Hawaii 1945 is hereby amended by adding the following language thereto:

"Such employees and assistants shall be subject to chapters 2 and 3, Revised Laws of Hawaii 1945, except persons who are appointed as guides and custodians of historical sites. The director may appoint persons who are specially qualified as guides and custodians of historical sites without regard to chapters 2 and 3, Revised Laws of Hawaii 1945."

SECTION 3. Section 1043 of the Revised Laws of Hawaii 1945 is hereby amended as follows:

a. By amending the first paragraph thereof to read as follows:

"Sec. 1043. Territorial park system. The board may designate and bring under its control and management as parts of the territorial park system, parks, parkways and historical sites as follows:"

b. By adding the following language thereto:

"(d) Historical sites designated as such by the Territorial Commission on Historical Sites."

SECTION 4. Section 1044 of the Revised Laws of Hawaii 1945 is hereby amended by adding the following language thereto:

"(1) To preserve, maintain and develop historical sites designated as such by the Territorial Commission on Historical Sites, and to acquire any estate, right, or interest therein or appurtenant thereto, by agreement, gift, devise, lease or condemnation in accordance with chapter 8, and to construct and operate suitable public services, facilities and conveniences thereon, and to charge and collect reasonable fees for admission thereto or for the use of such services, facilities and conveniences, or in its discretion to enter into contracts, leases, or licenses for the construction or operation of any such services, facilities or conveniences upon such terms and conditions as are deemed by it to be in the public interest, including in the area covered by such contract, lease or license the amount of such historical site deemed by it to be reasonably necessary to the success of such undertaking."

SECTION 5. There is hereby appropriated from the general revenues of the Territory not otherwise appropriated, the sum of _____ Dollars ($_____) to be placed in the territorial park fund and to be expended by the Board of Commissioners of Agriculture and Forestry for the purposes set forth in sections 1043 and 1044, Revised Laws of Hawaii 1945, as amended by sections 3 and 4 of this act.

SECTION 6. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

A-20

___ B. NO. _____

AN ACT

RELATING TO THE HAWAII HOUSING AUTHORITY AND ITS EXPENDITURES AND THE DISPOSITION OF ITS RESERVES AND INCOME AND AMENDING SECTION 7 OF ACT 338 OF THE SESSION LAWS OF HAWAII 1949 AND SECTION 20 OF JOINT RESOLUTION 4 OF THE SESSION LAWS OF HAWAII 1947.

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

SECTION 1. The Hawaii Housing Authority by its proper and duly authorized officers, is hereby mandated to pay over into the general fund of the Territory as a government realization, all sums of money held by the Authority on the effective date of this act as reserves or unexpended balances for the construction, improvement, furnishing, repair and maintenance of any and all housing projects, except insofar as such moneys may be encumbered by existing contracts or may be subject to federal laws or regulations which prohibit such payment into the general fund.

SECTION 2. From and after the effective date of this act, all sums of money expended by the Hawaii Housing Authority for the construction, improvement, furnishing, repair and maintenance of any and all housing projects shall be subject to the prior approval of the legislature and shall be expended upon warrants issued by the territorial auditor on vouchers signed by the Authority by its proper and duly authorized officers, except as to such sums of money as may be payable pursuant to existing contracts or are subject to federal laws or regulations which prohibit the expenditure of such sums in the manner set forth in this section.

SECTION 3. Section 7 (Sec. 3541.07) of Act 338 of the Session Laws of Hawaii 1949 is hereby amended by deleting

therefrom the last sentence thereof.

SECTION 4. Section 20 of Joint Resolution 4 of the Session Laws of Hawaii 1947 is hereby amended to read as follows:

"Section 20. All of the revenues (after payment by the Hawaii Housing Authority of all salaries of employees and administrative expenses) shall, notwithstanding the provisions of Part I and any other territorial law, be deposited in the general fund of the territory as a government realization to the extent permitted by the terms of any contract now existing or hereafter made between the federal government and the territory or the Hawaii Housing Authority. The provisions of this section shall be subject to federal law or regulation, when applicable; to any contracts now existing or hereafter made between the federal government and the territory or the Hawaii Housing Authority; and to the terms and conditions of contributions and other assistance from the federal government."

SECTION 5. From and after the effective date of this act, the Hawaii Housing Authority shall not raise or lower the rates of any rents in any housing project or projects without the prior approval of the Governor.

SECTION 6. It shall be unlawful for the Hawaii Housing Authority or any member, officer or employee thereof to make gifts from any funds or from any income of the Authority.

SECTION 7. All laws or parts of laws in conflict with this act are hereby amended or repealed to the extent of such conflict.

SECTION 8. This act shall take effect upon its approval.

INTRODUCED BY:

DATE: _____

Honolulu, Hawaii

A 208

___ B. NO. ___

AN ACT

RELATING TO LEGAL SERVICES FOR THE TERRITORY AND DEPARTMENTS AND AGENCIES THEREOF: AMENDING SECTION 3505, AS AMENDED, OF THE REVISED LAWS OF HAWAII 1945, AND SECTION 367.01 AS ENACTED BY ACT 105, SESSION LAWS OF HAWAII 1953.

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

SECTION 1. Section 3505 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by amending the last paragraph thereof to read as follows:

"When the office of the first chairman of the authority becomes vacant, the authority shall select a chairman from among its members. The authority shall select from among its members a vice-chairman, and it may employ an executive secretary, technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. The authority shall call upon the attorney general for such legal services as it may require. The authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper."

SECTION 2. Section 367.01 as enacted by Act 105, Session Laws of Hawaii 1953, is hereby amended as follows:

a. By deleting in its entirety the first numbered subparagraph thereof which reads as follows: "(1) Hawaii Housing Authority;".

b. By appropriately renumbering the remaining subparagraphs with the numbers (1) through (3).

SECTION 3. This Act shall take effect on July 1, 1957.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

Gov. Msg. No 24

THE TERRITORY OF HAWAII
GOVERNOR'S OFFICE
IOLANI PALACE
HONOLULU

March 1, 1957

The Honorable William H. Heen
President of the Senate
Twenty-ninth Legislature
Territory of Hawaii
Iolani Palace
Honolulu, Hawaii

Dear Mr. President:

The Territory of Hawaii has been invited to participate in a Western Regional Conference dealing with education beyond the high school.

This is a part of the activities of the President's Committee on Education Beyond the High School held under the jurisdiction of the Department of Health, Education and Welfare.

This conference will be held in San Francisco on April 10-11, 1957, and we are asked "to send legislators, regents, and trustees of institutions, interested representatives from agriculture, business and labor, and representatives of the various kinds of institutions, both public and private, providing education beyond the high school."

As the invitation is extended to legislators, I am communicating it to you.

With highest personal regards, I am,

Sincerely,

Samuel Wilder King

SAMUEL WILDER KING
GOVERNOR OF HAWAII

Gov. Msg. No. 25

bill

THE TERRITORY OF HAWAII
EXECUTIVE CHAMBERS
IOLANI PALACE
HONOLULU
February 28, 1957

Honorable President
and Members of the Senate
29th Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sirs:

Attached hereto is a bill entitled "An act authorizing and directing the Hawaii Irrigation Authority to acquire the land, water and water rights of upper Maunawili Valley, lower Maunawili Valley and Kawainui Swamp, on the Island of Oahu, together with necessary rights-of-way over other lands, and making an appropriation."

It is urgently requested that you give this legislation favorable consideration due to the fact that the Maunawili water is needed to continue with the development of Waimanalo.

Sincerely,

Samuel Wilder King

SAMUEL WILDER KING
GOVERNOR OF HAWAII

Gov. Msg. No. 26

file

TERRITORY OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

February 28, 1957

The Honorable President & Members of the Senate
29th Session of the Territorial Legislature
Iolani Palace
Honolulu, Hawaii

Dear Sirs:

Attached herewith is a bill amending Sections 13040, 13041, 13042, and 13043 of Chapter 320 of the Revised Laws of Hawaii 1945, as amended, relating to the Hawaii National Guard.

a. Section 13040 - This section is amended to provide for a staff for the Military Department and a headquarters of the Hawaii National Guard, comprising an Army National Guard Department and an Air National Guard Department, each commanded by an Assistant Adjutant General in the grade of Brigadier General.

Under this provision, the National Guard Bureau will provide spaces in the Tables of Organization for these grades, thereby enabling the officers selected to receive Federal Recognition providing, of course, they meet the qualifications set up by a Board of General Officers in the Pentagon.

b. Section 13041 - Adjutant General, General Duties, is amended to define more clearly the Adjutant General's duties, to include the duty as Commanding General of the Hawaii National Guard.

c. Section 13042 - This section is amended to delete the portion pertaining to the bonding of the Adjutant General.

d. Section 13043 - This section is amended by lowering the age requirement for commission in the Hawaii National Guard in accordance with current Armed Forces Regulations.

Favorable consideration of this measure is requested, as the provisions outlined therein will contribute materially to the overall efficient administration of the Hawaii National Guard.

Sincerely yours,

Samuel Wilder King

SAMUEL WILDER KING
Governor of Hawaii

Gov. Msg No 27

file

THE TERRITORY OF HAWAII
EXECUTIVE CHAMBERS
IOLANI PALACE
HONOLULU
February 28, 1957

Honorable President
and Members of the Senate
29th Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sirs:

Attached hereto is a "Joint Resolution requesting and directing the Commissioner of Public Lands to acquire by purchase, condemnation or otherwise, certain parcels of land in the districts of Puna and Kau, County of Hawaii, for the use of the United States as part of the Hawaii National Park, and making an appropriation therefor."

Your favorable consideration of this measure is urgently requested so that the work on the Kalapana Extension and also the development of Honaunau can proceed as soon as possible.

Sincerely,

Samuel Wilder King

SAMUEL WILDER KING
GOVERNOR OF HAWAII

Gov. Msg. No. 28

file

THE TERRITORY OF HAWAII
EXECUTIVE CHAMBERS
IOLANI PALACE
HONOLULU

March 4, 1957

Honorable President
and Members of the Senate
29th Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sirs:

Attached herewith are copies of legislation proposed by the Board of Harbor Commissioners, together with summaries thereof prepared by the Attorney General's Office.

1. Authority to issue revenue bonds in the amount of $12,400,000 with which to construct a new passenger and freight terminal in Honolulu Harbor and to improve Pier 3 in Hilo Harbor.

2. Amendment of existing law restricting Harbor Board expenditure for new construction to $100,000 annually and per island to $25,000 to $300,000 and $75,000 respectively.

3. Authority to pay Harbor Board employees overtime for emergency work performed.

4. Authority to pay the costs of improvement to Pier 1, Kahului, Maui from Board funds and repealing authority to issue revenue bonds therefor.

5. Authority to pay the appraised value of Fort Armstrong improvements.

6. Repeal of authority to issue revenue bonds in the amount of $1,250,000 for harbor bulk feed storage plants.

7. Repeal of authority to spend $200,000 to construct a shed at Nawiliwili Harbor.

8. Repeal of an appropriation of $300,000 and repeal of authority to issue revenue bonds in the amount of $200,000 for Kawaihae Barge Basin dredging and wharf facilities which were constructed with Board's own funds.

9. Amending the present statutory requirements relating to the registration of certain vessels.

10. Authority to expend $50,000 from Harbor Board funds for study and appraisal of extent and cost of private pier acquisition, Honolulu Harbor.

It is requested that these measures receive your favorable consideration.

Sincerely,

Samuel Wilder King

SAMUEL WILDER KING
GOVERNOR OF HAWAII

Gov. Msg. No. 29
file

THE TERRITORY OF HAWAII
EXECUTIVE CHAMBERS
IOLANI PALACE
HONOLULU
March 4, 1957

Mr. William S. Richardson
Clerk of the Senate
29th Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Mr. Richardson:

Pursuant to Senate Concurrent Resolution No. 5, I am returning herewith Senate Bill No. 12 for further consideration.

Sincerely,

Samuel Wilder King

SAMUEL WILDER KING
GOVERNOR OF HAWAII

Gov. Msg No. 30
file

THE TERRITORY OF HAWAII
EXECUTIVE CHAMBERS
IOLANI PALACE
HONOLULU

February 27, 1957

copy given
Senator Miyake

Honorable President
and Members of the Senate
29th Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sirs:

Attached hereto is a measure requesting amendments to certain provisions of the law under which the Economic Planning and Coordination Authority is now operating.

These amendments have been requested by the EPCA in order to improve the efficiency and effectiveness of this agency, if it is to continue to function in its present capacity.

By a separate communication I forwarded a measure to establish a Department of Trade and Commerce. Incorporated therein is a bureau that would replace the EPCA. If favorable action is taken on that legislation there is no need for the attached.

Sincerely,

Samuel Wilder King

SAMUEL WILDER KING
GOVERNOR OF HAWAII

AN ACT

RELATING TO THE ECONOMIC PLANNING AND COORDINATION AUTHORITY AND AMENDING ACT 264 OF THE SESSION LAWS OF HAWAII 1955 AND REPEALING ACT 122 OF THE SESSION LAWS OF HAWAII 1949, ACT 217 OF THE SESSION LAWS OF HAWAII 1951, AND ACT 202 OF THE SESSION LAWS OF HAWAII 1953.

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

SECTION 1. Act 264 of the Session Laws of Hawaii 1955 is hereby amended in the following respects:

(a) By changing the period to a comma at the end of Section 5081, and adding the following:

"and to that end the following legislation is enacted."

(b) By inserting a new Section to be numbered 5082.01 which shall read as follows:

"Sec. 5082.01 - Definitions. The following terms, whenever used and referred to in this Act, shall have the following respective meanings, unless a different meaning clearly appears in the context:

"'Authority' shall mean the Economic Planning and Coordination Authority.

"'Government' shall mean the Territory, or any of its political subdivisions, agencies, instrumentalities, corporate or otherwise, unless otherwise indicated.

"'Industry' and 'Industrial' shall mean the manufacture, processing or assembly of raw, semi-manufactured, or manufactured products, including agricultural products, but for the purposes of this Act, shall not include the growing, cultivation or harvesting of agricultural products.

"'Agriculture' and 'Agricultural' shall mean the planting, cultivating and harvesting of crops including those so

planted, cultivated and harvested for food, ornamental, grazing and forest purposes. Once such crops are harvested and transported to a point of distribution, they cease to be agricultural in the terms of this Act.

"'Fishery' shall mean the increase and protection of marine life, utilization for commercial and sport purposes, and the processes of capturing and commercially utilizing said aquatic life both fresh water and sea water.

"'Promotion' shall mean the dissemination of information developed by or for the Authority pertaining to economic development to (1) assist present industry in Hawaii, (2) attract new industry and investment capital to Hawaii, and (3) assist associations of producers and distributors of Hawaiian products to introduce new products to consumers. The tools of promotion may include, but are not limited to, literature, publicity, advertising, demonstrations, displays, market testing, lectures and other forms of verbal presentation, motion picture and slide films and other devices as are appropriate."

(c) By amending Section 5083 to read as follows:

"Sec. 5083 - Director and employees; duties.' The Authority shall employ a director, who shall be experienced in economic development activities, and who shall be exempt from the provisions of chapters 2 and 3. The director may, subject to the approval of the Authority, employ such persons as may be authorized by the Authority and he shall determine their qualifications, duties, and compensation, subject to the provisions of chapters 2 and 3. The director may also, subject to the approval of the Authority, employ an assistant director and a promotion director who shall be exempt from the provisions of chapters 2 and 3. The salary of the director, and of any assistant director and of any promotion director not subject to civil service, shall be set by the Authority with the approval of the Governor and within the limits of the budget of the Authority as provided by the general appropriations act."

(d) By amending Section 5085 to read as follows:

"Sec. 5085 - General objective, functions and duties of Authority.

"It shall be the objective of the Authority to make broad policy determinations with respect to economic development in the Territory. The Authority shall endeavor to gain an understanding of those functions and activities of other territorial agencies which directly relate to the field of economic development, rather than exercise detailed supervision over any of them.

"The duties and functions of the Authority shall include:

"(1) Collection and dissemination of information relating to the economic development of the Territory;

"(2) Sponsoring research and development projects which offer the most promise of expanding the economy of the Territory;

"(3) Undertaking promotion programs to achieve the widest practicable and appropriate dissemination of the information, results and program of the Authority;

"(4) Stimulation, through research and demonstration projects, of those economic development efforts which offer most promise of expanding the economy of the Territory;

"(5) Providing an information service designed to help those seeking to start new industries, expand or improve existing industries, or otherwise desiring to contribute to the economic development of the Territory;

"(6) Giving assistance to government departments and agencies, local development corporations, chambers of commerce, labor organizations, and similar agencies interested in attracting industrial, agricultural or commercial enterprises;

"(7) Stimulation of interest in good land planning practices at the local level by both government and private agencies and coordination of an interchange of information and ideas regarding local planning through such meetings, organizations or other devices as may seem wise;

"(8) Encouragement of initiative and creative thinking in harmony with the policy and objectives of the Authority;

"(9) Doing all other things necessary or appropriate to execute the intention of this Act."

(e) By amending Section 5086 to read as follows:

"Sec. 5086 - Research and development and promotion grants and contracts; allocation of funds.

"(a) The Authority may contract with or make grants to duly qualified private and public agencies, associations, firms, or individuals within or without the Territory in pursuance of the Authority's duties and functions; provided, however, that preference shall be given to qualified contractors or grantees who agree to match in whole or in part Authority grants with funds, equipment, materials, or services; and provided further that grants to assist associations of producers, processors, or distributors of agricultural or industrial products for the purpose of introducing to consumers products which are new or inadequately known shall be matched by funds equal to at least twenty per cent of

the funds granted by the Authority or expenses incurred by the Authority in behalf of such associations.

"(b) Contracts and grants may be entered into for such research, development and promotion projects and programs as the director, his staff and other government agencies may not be equipped or qualified to undertake relating to the industry, commerce, fishery, agriculture or natural resources of the Territory and may be for such purposes, without limitation by reason of specification, as,

"(1) Fundamental or applied research of a technical, economic or statistical nature to develop new or amplify existing information;

"(2) Studies in engineering, design, land use, transportation, marketing, public opinion and natural resources;

"(3) Development of new products, processes, or techniques to enhance the utilization of the Territory's resources;

"(4) Opening and developing new markets for the Territory's products; and,

"(5) Promoting and publicizing economic development opportunities and opportunities for new capital investment in the Territory.

"(c) The Authority may allocate such of its funds for the following purposes as it deems advisable:

"(1) Agricultural development. The conduct of surveys and feasibility studies to determine the need for and value of additional research in the production of agricultural commodities, the processing and marketing of agricultural food products; promotion of an informational program directed to the consuming public both in Hawaii and in the mainland United States relative to the qualities of agricultural commodities produced in Hawaii and the maximum utilization of same, including processed agricultural food products; and grants to and contracts with appropriate agencies, firms or individuals for surveys, studies, research, and promotion.

"(2) Industrial development. Technical and economic surveys to determine the profit potential of new or expanded industrial undertakings; research projects and other means to develop new and improved industrial products and processes; studies and surveys to determine consumer preference as to design and quality of and the best methods of packaging, transporting, and marketing the Territory's industrial products; dissemination of information to assist the present industries of the Territory, to attract new industries to the Territory, and to encourage capital investment in present and new industries in the Territory; assistance to associations of producers and distributors of industrial products to introduce such products to consumers; and such

grants or contracts as may be necessary or advisable to accomplish the foregoing.

"(3) Land development. Studies of the utilization of all land in the Territory with a view to determining and encouraging its most productive use; recommendations to the appropriate private and public agencies, firms, and individuals regarding zoning in the respective counties, the most effective development and utilization of public lands, the improvement of land tenure conditions on leased private lands, and the minimizing of farm relocation problems due to residential developments and other causes; promotion of an informational program directed to landowners, producers of agricultural and industrial commodities, and the general public regarding the most efficient and most productive use of the lands in the Territory; and such grants or contracts as may be necessary or advisable to accomplish the foregoing.

"(4) Credit development. A continuing study of agricultural and industrial credit needs; encouragement of the development of additional private and public credit sources for agricultural and industrial enterprises; promotion of an informational program to acquaint financial institutions with agricultural and industrial credit needs and the potential for agricultural and industrial expansion, and information to producers of agricultural and industrial products as to the manner in which to qualify for loans; and such grants or

contracts as may be necessary or advisable to accomplish the foregoing.

"(d) In making grants and contracts, under this Section, the Authority shall be guided by the following criteria:

"(1) Projects must be of a nature to give reasonable prospects of promoting the general welfare of the Territory.

"(2) Projects shall not duplicate known work done or in progress elsewhere, either privately or by other agencies of government.

"(3) Projects shall be primarily confined to the application of existing scientific knowledge, rather than to the discovery of new fundamental scientific principles.

"(4) Projects shall be selected on a sound business basis, within the best judgment of the Authority, with relative potential in terms of probable resulting employment, sales and profit, being measured against the cost and relative difficulty of the project.

"(5) Authority funds shall not be used to support work which is within the regular and normal programs of other tax supported agencies of government.

"(6) Whenever practicable, the Authority shall avoid the use of its funds for providing new buildings, facilities, and equipment, or other capital expenditures, by making use of

existing facilities, and concentrating use of its funds for research and related services.

"(7) In providing market development assistance to associations of producers and distributors of Hawaiian products, such assistance shall be given only in case of products which are new or inadequately known to consumers, with the objective of assisting to achieve sufficient sales volume to permit such an association's program to become self-sufficient within a specified time."

(f) By amending Section 5087 to read as follows:

"Sec. 5087 - Advisory committees. The Authority may appoint such advisory committees for such tenure as it deems advisable for the purpose of obtaining expert and specialized counsel and advice on specific problems before the Authority. No more than seven persons shall constitute any such advisory committee. Officers and employees of government departments and agencies may be named to membership as may be deemed advantageous by the Authority. The chairman of the Authority with approval of the Authority may name one of the members appointed to any advisory committee as chairman and the Authority may assign its own staff to aid and assist said advisory committees. The Authority may authorize the payment of necessary expenses incurred by members of said advisory committees. All matters considered by said advisory committees shall be limited to the specific requests of the Authority."

(g) By deleting Section 5088.

(h) By amending Section 5089 to read as follows:

"Sec. 5089 - Assistance from other departments. The Authority and its director shall seek the assistance of other departments and agencies of government to the greatest possible extent in the pursuit of economic development and shall work closely with the counties on their individual problems. The head of any other Territorial department or agency may assign temporarily to the Authority employees of his department or may direct any division or agency under his supervision and control to make any special study or survey requested in writing by the Authority.

"The Governor may direct that assistance, information and advice be given the Authority in the performance of its duties and functions by any officer, agent or employee of the Territory."

(i) By adding a new section which shall be numbered 5090.01 and shall read as follows:

"Sec. 5090.01 - Acceptance of funds and power to make rules. The Authority is hereby authorized to make agreements with other states and territories and with the United States Government, or its agencies, and may accept funds from the Federal Government, or its agencies, or any other source, government or private, for research, studies, investigations, planning and other purposes.

"Subject to, and in conformity with the provisions of this Act, the Authority may make, amend and repeal rules which shall regulate and control the exercise of the powers of the Authority and the performance of the duties of officers, agents and other employees thereof. Rules as to administrative procedures shall not be subject to the provisions of Sec. 466 of the Revised Laws of Hawaii 1945."

SECTION 2. Act 122, Session Laws of Hawaii 1949, Act 217, Session Laws of Hawaii 1951, and Act 202, Session Laws of Hawaii 1953 as repealed.

SECTION 3. Appropriation. There is hereby appropriated from the general revenues of the Territory not otherwise

appropriated the sum of $403,696 to the Economic Planning and Coordination Authority for the purpose of making grants or otherwise effectuating the purposes of this Act during the biennium ending June 30, 1959.

Expenditures by the Authority, except as otherwise provided by this Act, shall be made on the basis of vouchers approved by its chairman, or by another member or employee so authorized by the Authority.

SECTION 4. Effective date. This Act shall take effect on July 1, 1957.

Gov. Msg. #31

THE TERRITORY OF HAWAII
EXECUTIVE CHAMBERS
IOLANI PALACE
HONOLULU

March 4, 1957

Honorable President
and Members of the Senate
29th Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sirs:

Attached hereto is an act establishing at the University of Hawaii a land use study program of rural lands and calling for an appropriation to cover such a study.

I strongly urge your favorable consideration of this measure as the result would make available an overall land classification (Territory-wide), assisting not only land users but will also be helpful in determining the value of rural lands.

Sincerely,

Samuel Wilder King

SAMUEL WILDER KING
GOVERNOR OF HAWAII

Gov. Msg No 32

THE TERRITORY OF HAWAII
EXECUTIVE CHAMBERS
IOLANI PALACE
HONOLULU

March 4, 1957

Honorable President
and Members of the Senate
29th Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sirs:

Attached hereto for your consideration and appropriate action are three measures requested by the Board of Commissioners of Agriculture and Forestry.

1. Relating to the Board of Commissioners of Agriculture and Forestry and making an appropriation of $20,000 for a forest resource survey on the islands of Hawaii and Maui in cooperation with the U. S. Forest Service.

2. Assenting to the provisions of the acts of Congress to provide that the United States shall aid the states in wildlife and fish restoration and management projects.

3. Requesting the Congress of the United States to appropriate funds for the immediate establishment and operation of a forest research center in the Territory of Hawaii and appropriating an annual contribution by the Territory of Hawaii to the U. S. Forest Service for said purpose.

Sincerely,

Samuel Wilder King

SAMUEL WILDER KING
GOVERNOR OF HAWAII

____ B. NO. ____

AN ACT

RELATING TO THE BOARD OF COMMISSIONERS OF AGRICULTURE AND FORESTRY AND MAKING AN APPROPRIATION OF $20,000 FOR A FOREST RESOURCE SURVEY ON THE ISLANDS OF HAWAII AND MAUI IN COOPERATION WITH THE U. S. FOREST SERVICE.

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

SECTION 1. The board of commissioners of agriculture and forestry is hereby requested and directed to cooperate with the U. S. Forest service in conducting a survey on the islands of Hawaii and Maui to gather information through photogrammetry and other techniques on (1) kind, volume, and location of timber stands; (2) productivity, ownership, condition, and extent of forest land; (3) rates of timber growth and depletion by cutting and destruction by insects, diseases and other natural agents; (4) present and prospective requirements for timber production; and (5) other information essential to an adequate appraisal of the timber supply and forest condition.

SECTION 2. The sum of $20,000, or so much thereof as may be necessary, is hereby appropriated out of the general revenues of the Territory, not otherwise appropriated, to the board of commissioners of agriculture and forestry to be expended for such services, equipment and supplies as deemed necessary for effectuating the purposes of this act.

SECTION 3. This act shall take effect upon its approval.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

___ B. NO. ___

AN ACT

ASSENTING TO THE PROVISIONS OF THE ACTS OF CONGRESS TO PROVIDE THAT THE UNITED STATES SHALL AID THE STATES IN WILDLIFE AND FISH RESTORATION AND MANAGEMENT PROJECTS.

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

SECTION 1. The Territory of Hawaii hereby assents to the provisions of the Pittman-Robertson Federal Aid in Wildlife Restoration Act (50 Stat. 917, 16 U.S.C. 6991) as amended, and the Dingell-Johnson Federal Aid in Fish Restoration Act (64 Stat. 430, 16 U.S.C. 777) and the division of fish and game of the board of commissioners of agriculture and forestry is hereby authorized, empowered, and directed to perform such acts as may be necessary to the conduct and establishment of cooperative fish and wildlife restoration and management projects, as defined in said Acts of Congress in compliance with said Acts and rules and regulations promulgated by the secretary of the interior thereunder; and no funds accruing to the Territory of Hawaii from license fees paid by sport fishermen and hunters shall be diverted for any other purpose than the administration of the division of fish and game and for the protection, propagation, preservation and investigation of fish and game.

SECTION 2. All laws and parts of laws in conflict herewith are repealed.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

____ J. R. NO. ____

JOINT RESOLUTION

REQUESTING THE CONGRESS OF THE UNITED STATES TO APPROPRIATE FUNDS FOR THE IMMEDIATE ESTABLISHMENT AND OPERATION OF A FOREST RESEARCH CENTER IN THE TERRITORY OF HAWAII AND APPROPRIATING AN ANNUAL CONTRIBUTION BY THE TERRITORY OF HAWAII TO THE U. S. FOREST SERVICE FOR SAID PURPOSE.

WHEREAS, the fast growing population and even faster economic development of the Territory of Hawaii is bringing increased pressures upon the forest areas for water, forage, timber, game recreation and homesites; and

WHEREAS, the Territory of Hawaii recognizes the urgent need for a forest research program to provide information to solve these forest, range, and watershed problems in Hawaii; and

WHEREAS, the Secretary of Agriculture of the United States is authorized to conduct such investigation, experiments, and tests as he may deem necessary to determine, demonstrate, and promulgate the best methods of reforestation and of growing, managing, and utilizing timber, forage, and other forest products, of maintaining favorable conditions of water flow and their prevention of erosion, of protecting timber and other forest growth from fire, insects, disease, and other harmful agencies, of obtaining the fullest and most effective use of forest lands, and to determine and promulgate the economic considerations which should underlie the establishment of sound policies for the management of forest land and the utilization of forest products in Hawaii; and

WHEREAS, the U. S. Forest Service has established nine (9) regional forest experiment stations in the continental United States with several research centers under their jurisdiction including a research center in Puerto Rico, and a research center in Alaska; and

WHEREAS, funds for the establishment of such forest research center in Hawaii have not been requested in the Secretary of Agriculture's 1957-1958 fiscal year's budgetary request; now, therefore,

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

SECTION 1. The Congress of the United States is hereby respectfully requested to appropriate necessary funds for the immediate establishment of a Forest Research Center in the Territory of Hawaii to be administered by the United States Forest Service.

SECTION 2. The annual sum of $10,000 is hereby appropriated out of the general revenues of the Territory, not otherwise appropriated, as the Territory of Hawaii's contribution to the U. S. Forest Service for the establishment and operation of a Forest Research Center.

SECTION 3. Duly authenticated copies of this Joint Resolution shall be forwarded to the President of the United States, to the President of the Senate and Speaker of the House of Representatives of the Congress of the United States, to the Secretary of Agriculture of the United States and to the Delegate to Congress from Hawaii.

SECTION 4. This Joint Resolution shall take effect upon its approval.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

____ J. R. NO. ____

JOINT RESOLUTION

REQUESTING THE CONGRESS OF THE UNITED STATES TO APPROPRIATE FUNDS FOR THE IMMEDIATE ESTABLISHMENT AND OPERATION OF A FOREST RESEARCH CENTER IN THE TERRITORY OF HAWAII AND APPROPRIATING AN ANNUAL CONTRIBUTION BY THE TERRITORY OF HAWAII TO THE U. S. FOREST SERVICE FOR SAID PURPOSE.

SECTION 1. Purpose. This Joint Resolution is to request Congress to establish a forest research center in Hawaii, and to make a continuing appropriation for $10,000 annually as the Territory's contribution to the establishment and operation of such a center.

SECTION 2. Means. Congress to appropriate funds for the establishment of such a forest research center in Hawaii.

SECTION 3. Sections of law affected. None.

SECTION 4. Effective date. To take effect upon its approval.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

Gov. Msg No. 33

THE TERRITORY OF HAWAII
EXECUTIVE CHAMBERS
IOLANI PALACE
HONOLULU

March 5, 1957

Honorable President
and Members of the Senate
29th Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sirs:

Attached hereto for your consideration and appropriate action is a bill requested by the University of Hawaii entitled "An act relating to scholarships at the University of Hawaii, amending sections 1951, 1952, and 1954, and repealing sections 1953 and 1955, of the Revised Laws of Hawaii 1945."

This bill increases the present number of territorial scholarships to 96 and provides that they shall be carried in the regular University budget. The bill does not necessitate additional appropriation.

Sincerely,

Samuel Wilder King

SAMUEL WILDER KING
GOVERNOR OF HAWAII

___ B. NO. ____

AN ACT

RELATING TO SCHOLARSHIPS AT THE UNIVERSITY OF HAWAII, AMENDING SECTIONS 1951, 1952, AND 1954, AND REPEALING SECTIONS 1953 AND 1955, OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Purpose. It is the purpose of this Act to amend the law in the granting of scholarships so that it conforms with the senatorial districts rather than the representative districts; that the number of scholarships be changed so that there shall be no more than sixteen holders of territorial scholarships from any senatorial district and no more than a total of ninety-six at any one time.

SECTION 2. Means.

(a) Scholarships. Shall be awarded to students under necessitous circumstances, who must be citizens of the United States, born in the Territory, and who for at least two years prior to admittance must have resided in the senatorial district from which he applies.

(b) Recipients of scholarships exempted from what fees. Exempted only from the payment of tuition and registration fees. Not exempted from the payment of special fees such as the use of laboratories, special equipment, or participation in student activities and privileges.

(c) Number of scholarships. No more than sixteen from any senatorial district and no more than a total of ninety-six at any one time. The scholarship is for one academic year and renewed each year if the recipient maintains a satisfactory standard of scholarship and deportment. No student receives a scholarship for a period longer than four academic years.

(d) Senatorial districts refers to those districts designated in section 32 of the Hawaiian Organic Act as amended by Public Law 895 of the Eighty-fourth Congress.

SECTION 3. Sections of law affected. Sections 1951, 1952 and 1954 of the Revised Laws of Hawaii 1945 are hereby

amended to conform to this Act. Sections 1953 and 1955 of the Revised Laws of Hawaii 1945 are hereby repealed.

SECTION 4. Effective date. This Act shall take effect upon its approval.

INTRODUCED BY:

Date: _____
Honolulu, Hawaii

GOV. MESS. NO. 34

THE TERRITORY OF HAWAII
EXECUTIVE CHAMBERS
IOLANI PALACE
HONOLULU

March 5, 1957

Honorable President
and Members of the Senate
29th Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sirs:

Attached hereto is "An act making an appropriation for the acquisition of certain lands for a City of Refuge National Historical Park at South Kona, Hawaii, Territory of Hawaii."

Your favorable consideration of this measure is urgently requested so that the development of this park can proceed as soon as possible.

Sincerely,

Samuel Wilder King

SAMUEL WILDER KING
GOVERNOR OF HAWAII

____ B. NO. ____

AN ACT

MAKING AN APPROPRIATION FOR THE ACQUISITION OF CERTAIN LANDS FOR A CITY OF REFUGE NATIONAL HISTORICAL PARK AT SOUTH KONA, HAWAII, TERRITORY OF HAWAII

WHEREAS, the Congress of the United States by Public Law 177, Chapter 385, 84th Congress, 1st Session (69 Stat. 376), approved July 26, 1955, authorized the Governor of the Territory of Hawaii to acquire certain lands situated in South Kona, Hawaii, for the City of Refuge National Historical Park, at the expense of the Territory of Hawaii by exchange or otherwise; and

WHEREAS, the Territory of Hawaii on May 8, 1956 filed a petition in the court of the Third Judicial Circuit, Territory of Hawaii, entitled Civil No. 195, Territory of Hawaii v. Robert K. Ahu, Sr., et al., to condemn the lands referred to in Public Law 177, Chapter 385, 84th Congress, 1st Session (69 Stat. 376), for said City of Refuge National Park; and

WHEREAS, there are no public funds set aside to acquire said lands by condemnation; now, therefore,

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

SECTION 1. The sum of Two Hundred Fifty Thousand Dollars ($250,000) is hereby appropriated out of the general revenues of the Territory of Hawaii, not otherwise appropriated, to compensate the persons whose lands are being taken for the City of Refuge National Park and other costs necessarily incurred to condemn said lands.

SECTION 2. The moneys appropriated hereby shall be expended and carried out by the office of public lands of the Territory of Hawaii.

SECTION 3. Any provision of this Act, or any other territorial law to the contrary notwithstanding, it is expressly provided that, in the event that it is possible to secure federal funds for the purposes of this Act, such funds shall be paid into the treasury of the Territory of Hawaii as reimbursement for the moneys spent pursuant to section 1 of this Act.

SECTION 4. This Act shall take effect upon approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

35

GOV. MESS. NO.

THE TERRITORY OF HAWAII
EXECUTIVE CHAMBERS
IOLANI PALACE
HONOLULU

March 5, 1957

Honorable President
and Members of the Senate
29th Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sirs:

Attached hereto for your consideration and appropriate action is a bill requested by the University of Hawaii entitled "An act appropriating fifty thousand dollars ($50,000) for a president's house at the University of Hawaii."

Sincerely,

Samuel Wilder King

SAMUEL WILDER KING
GOVERNOR OF HAWAII

____ B. NO. ____

AN ACT

APPROPRIATING FIFTY THOUSAND DOLLARS ($50,000) FOR A PRESIDENT'S HOUSE AT THE UNIVERSITY OF HAWAII.

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

SECTION 1. There is hereby appropriated out of the general revenues of the Territory, not otherwise appropriated, the sum of fifty thousand dollars ($50,000) or so much thereof as may be necessary for the construction and furnishing of a house for the president of the University of Hawaii. This appropriation shall be in addition to any other appropriation made to the university.

SECTION 2. This act shall take effect upon its approval.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

36

GOV. MESS. NO.....

THE TERRITORY OF HAWAII
EXECUTIVE CHAMBERS
IOLANI PALACE
HONOLULU
March 4, 1957

Honorable President
and Members of the Senate
29th Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sirs:

Transmitted herewith for your consideration is a proposed Act for the relief of certain special funds as listed. I strongly recommend that the bill receive your favorable action.

Appropriations from the special funds were made in Act 2 of the Special Session Laws of 1956 in order to provide a part of the pay increase which was contained in the invalid Act 276, Session Laws of Hawaii 1955.

The amounts taken out of these special funds have hampered the operations of the various activities from which they came. Unless this appropriation is made and made promptly these agencies will have to suspend operations between now and the end of the biennium, when the new appropriations will take effect.

The Board for the Licensing of Nurses has informed me that it will have funds only to continue in operation until March 31, 1957. Also, the yacht harbor in the vicinity of Waikiki being prepared for the biennial Trans-Pacific Yacht Race cannot be completed unless the small boat harbor fund is reimbursed in the amount mentioned in this Act.

The other items are equally important.

Sincerely,

Samuel Wilder King

SAMUEL WILDER KING
GOVERNOR OF HAWAII

___B. NO. ___

AN ACT

RELATING TO THE FINANCES OF THE TERRITORY, AMENDING ACT 2, SPECIAL SESSION LAWS OF HAWAII 1956, AND MAKING REAPPROPRIATIONS THEREFOR.

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

SECTION 1. Paragraph 1, section 5 of Act 2, Special Session Laws of Hawaii 1956 is hereby amended by substituting the sums hereinafter mentioned and identified for those sums similarly identified in said section 5:

Fund	Amount Reappropriated Hereby
Oahu Prison Store	$ 5,436.00
Kawailoa Girls' Home Store Fund	4,604.00
Board for the Licensing of Nurses..	6,972.00
Board of Pharmacy	1,717.00
Cat and Dog Fund	4,504.00
Fair Commission of Hawaii	1,519.00
Small Boat Harbor Maintenance Fund	43,470.00

Said paragraph 1, section 5 is further amended by deleting therefrom the following mentioned and identified sums:

Fund	Amount Reappropriated Hereby
Radium Insurance Fund	$ 3,183.00
Kalaupapa Store Revolving Fund	26,990.00
Shop Revolving Fund and Handicraft.	36,406.00

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

Date:_____
Honolulu, Hawaii

87

GOV. MESS. NO. .....

THE TERRITORY OF HAWAII
EXECUTIVE CHAMBERS
IOLANI PALACE
HONOLULU

March 5, 1957

Honorable President
and Members of the Senate
29th Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sirs:

Attached hereto is a bill requested by the Bureau of the Budget entitled "An act transferring the responsibilities for any damage or destruction of public school buildings from the Territory to the Counties, amending Chapter 29 and Section 5872 of the Revised Laws of Hawaii 1945."

This bill would transfer to the counties the responsibility for the costs of repair or replacement of public school buildings damaged or destroyed by fire or other cause, and is submitted for your consideration and appropriate action.

Under the present system, school buildings are constructed as county projects out of monies borrowed by the Territory and repaid to the Territory by the respective counties.

The maintenance and repairs, together with custodial services, are the responsibility of the respective counties. However, by special statute the replacement for damages by fire was made the responsibility of the Territory out of the Territorial Insurance Fund.

The responsibility should be concentrated in one agency of government. Unless the school buildings are turned over to the Territory in toto it seems to me the county should be responsible for damages by fire or any other cause.

Sincerely,

Samuel Wilder King

SAMUEL WILDER KING
GOVERNOR OF HAWAII

____ B. NO. ____

AN ACT

TRANSFERRING THE RESPONSIBILITIES FOR ANY DAMAGE OR DESTRUCTION OF PUBLIC SCHOOL BUILDINGS FROM THE TERRITORY TO THE COUNTIES, AMENDING CHAPTER 29 AND SECTION 5872 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Chapter 29 of the Revised Laws of Hawaii 1945 is hereby amended by adding a new section thereto to read as follows:

"Sec. 1806. Damages or destruction of buildings. The boards of supervisors of the various counties and the city and county of Honolulu shall appropriate and set aside so much as is necessary in a special fund, from time to time, to be expended by the proper person to repair or replace any public school building or property that may be damaged or destroyed by fire or other cause."

SECTION 2. Section 5872 of the Revised Laws of Hawaii 1945 is hereby amended by deleting the phrase "including all public school buildings and property" and the commas found immediately before and after said phrase as found in lines four and five in the first paragraph of section 5872.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY:

Date:

Honolulu, Hawaii

38

GOV. MESS. NO. .....

THE TERRITORY OF HAWAII
EXECUTIVE CHAMBERS
IOLANI PALACE
HONOLULU
March 5, 1957

Honorable President
and Members of the Senate
29th Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sirs:

Attached hereto for your consideration and appropriate consideration is a bill requested by the Secretary of Hawaii entitled "An act to amend Section 14-5 of the Revised Laws of Hawaii 1955, relating to the Territorial seal."

This bill would amend the section of the Revised Laws of Hawaii 1955 relating to the territorial seal as to modernize the language and correct any errors of description therein.

Sincerely,

Samuel Wilder King

SAMUEL WILDER KING
GOVERNOR OF HAWAII

_____ B. NO. _____

AN ACT

TO AMEND SECTION 14-5 OF THE REVISED LAWS OF HAWAII 1955, RELATING TO THE TERRITORIAL SEAL.

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

SECTION 1. Purpose. It is the purpose of this act to amend the section of the Revised Laws of Hawaii 1955 relating to the territorial seal as to modernize the language and correct any errors of description therein.

SECTION 2. Sections affected. Section 14-5 of the Revised Laws of Hawaii is hereby amended to conform to this act.

SECTION 3. Effective date. This act shall take effect upon its approval.

INTRODUCED BY:

Date _____

Honolulu, Hawaii

Gov. Msg No. 39
file

TERRITORY OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU

March 6, 1957

Honorable President
and Members of the Senate
29th Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sirs:

The Hawaii Irrigation Authority has informed me that it wishes to amend a bill submitted to you on February 28, 1957 entitled "An act authorizing and directing the Hawaii Irrigation Authority to acquire the land, water and water rights of upper Maunawili Valley, lower Maunawili Valley and Kawainui Swamp, on the Island of Oahu, together with necessary rights-of-way over other lands, and making an appropriation."

It would be appreciated if you would return this bill to me in order that the Attorney General may redraft it.

Sincerely,

Samuel Wilder King

SAMUEL WILDER KING
GOVERNOR OF HAWAII

TERRITORY OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU
March 7, 1957

40

Governor's Message No 40

Honorable President
and Members of the Senate
29th Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sirs:

Transmitted herewith for consideration of the Legislature is a proposed bill to increase the salaries of department heads appointed by the Governor pursuant to Section 80 of the Hawaii Organic Act and Laws of the Territory of Hawaii. A uniform rate of $15,000 per annum is recommended with the following exceptions:

(a) High Sheriff at $7,200 per annum, and
(b) Deputy Auditor at $12,500 per annum.

Adjustment in the salaries of department heads, most of which are fixed by Act 278, SLH 1953 is necessary to insure competent management of our public affairs on a continuing basis and to correct inequities existing at the present time as per the following comparisons:

1. The annual salaries of department heads at present range from $10,080 to $12,500.

2. The annual salaries of classified employees allocated to Grade 31 of the General Schedule range from a minimum of $11,676 to a maximum of $12,672 which can be extended to $13,428 for longevity. These classified employees will receive more pay than the department heads to whom they are subordinates.

3. The annual salaries of certain department heads set by boards or commissions range from $6,800 to $18,000.

4. The annual salaries of the professional staff of the Department of Public Instruction effective October 1, 1956, based on teachers' maximum pay of $425.00 per month and allocated to Grade 6, range from a minimum of $11,383.20 to a maximum of $13,917.60. The incumbent in Grade 6 is to remain at the minimum as long as the salary of the Superintendent of Public Instruction remains at $12,000.

5. The annual salaries of the professional staff of the Department of Public Instruction effective September 1, 1957, based on teachers' maximum pay of $440.00 per month and allocated to Grade 6, range from a minimum of $11,563.20 to a maximum of $14,097.60. The incumbent in Grade 6 will remain at the minimum as long as the salary of the Superintendent of Public Instruction remains at $12,000.

6. The annual salaries of judges of the Circuit Courts were fixed by Act 234, SLH 1955 at $15,000.

7. The annual salaries of the Chief Justice and the Associate Justices of the Supreme Court were fixed by Act 234, SLH 1955 at $17,500 and $17,000 respectively.

8. The annual salaries of department heads of the City and County of Honolulu set by the Board of Supervisors range from $12,000 to $13,500.

From the examples above we find that the increase in salaries of the department heads in the Territory have definitely lagged behind those of their junior executives and employees.

In addition, there are examples of trained men leaving government service due to the fact that the salaries of the department heads are considerably lower than those in private industry and in some cases even other governmental agencies.

I urge your favorable consideration of this measure.

Sincerely,

Samuel Wilder King

SAMUEL WILDER KING
GOVERNOR OF HAWAII

___ B. NO. ___

AN ACT

RELATING TO THE SALARIES OF CERTAIN TERRITORIAL OFFICERS, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. Purpose. To increase the salaries of certain officers and department heads.

SECTION 2. Means. There is an appropriation of $110,000 to supplement departmental appropriations by the amount of the increased cost to said departments occasioned by this Act.

SECTION 3. Sections of law affected. Sections 4A-1 and 31-3 of the Revised Laws of Hawaii 1955.

SECTION 4. Effective date. July 1, 1957.

INTRODUCED BY:

DATE: _____

Honolulu, Hawaii

___ B. NO. ____

AN ACT

RELATING TO THE SALARIES OF CERTAIN TERRITORIAL OFFICERS, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. Chapter 4A of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"CHAPTER 4A. SALARIES, CERTAIN TERRITORIAL OFFICERS.

Sec. 4A-1. Salaries fixed. The salaries of the following officers are hereby fixed at the following annual rates:

	Per Annum
President, Board of Commissioners of Agriculture and Forestry.....	$ 15,000
Attorney General.....	15,000
Auditor.....	15,000
Deputy Auditor.....	12,500
Director of the Bureau of the Budget....	15,000
President, Board of Health.....	15,000
Director of Institutions.....	15,000
Superintendent of Public Instruction....	15,000
Commissioner of Public Lands.....	15,000
Director of Public Welfare.....	15,000
Superintendent of Public Works.....	15,000
Surveyor.....	15,000
Tax Commissioner.....	15,000
Treasurer.....	15,000

The positions the salaries of which are fixed by this section are exempt from the provisions of chapter 4."

SECTION 2. Section 31-3 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Sec. 31-3. Salary of high sheriff. The high sheriff shall receive a salary of $7,200 annually, payable in equal monthly installments, and such bonus or other compensation as may be provided by law."

SECTION 3. There is hereby appropriated out of moneys in the treasury received from general revenues the sum of $110,000 or so much thereof as may be necessary for the purpose of supplementing departmental appropriations which are deficient by the increased costs or portion thereof occasioned by this Act.

SECTION 4. This Act shall take effect on and after July 1, 1957.

TERRITORY OF HAWAII
EXECUTIVE CHAMBERS
HONOLULU
March 7, 1957

41

Governor's Message No 41

Honorable President
and Members of the Senate
29th Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sirs:

Attached hereto for your consideration and appropriate action are bills requested by the Department of Public Welfare.

1. An act relating to assistance from the Department of Public Welfare and fraud in receiving assistance.

2. An act relating to the support of indigent parents.

3. An act relating to the deduction of earned income of a needy blind person in determining amount of public assistance.

4. An act relating to the designation of state information agency under the uniform reciprocal enforcement of support law.

5. An act to provide for the duty to support a step-child by a step-parent.

6. An act to provide for natural guardians for incompetent adult persons.

7. An act relating to the burial of indigent dead.

8. An act relating to county agents of the Department of Public Welfare and the maintenance of their offices.

9. An act relating to a wife's support of husband.

Sincerely,

Samuel Wilder King

SAMUEL WILDER KING
GOVERNOR OF HAWAII

_____B. NO._____

AN ACT

RELATING TO ASSISTANCE FROM THE DEPARTMENT OF PUBLIC WELFARE AND FRAUD IN RECEIVING ASSISTANCE.

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

SECTION 1. Purpose. It is the purpose of this Act to specifically define fraud in relation to the receipt of assistance from the department of public welfare.

SECTION 2. Means. A recipient of public assistance shall be required to report to the department any reduction in living requirements within 30 days from the date of such reduction and shall be required to report the receipt and amount of funds or income from any source within 30 days of receipt. If he fails to do so, he shall be deemed guilty of fraud and be subject to the penalties provided by Section 108-20 of the Revised Laws of Hawaii 1955 and may forfeit all right to such assistance which the department may cancel for a period of at least 6 months following the acquisition of such income or the discovery by the department thereof, whichever is later in time.

SECTION 3. Section affected. The second paragraph of Section 108-20 of the Revised Laws of Hawaii 1955 is hereby amended to conform to this Act.

SECTION 4. Effective date. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

_____B. NO._____

AN ACT

AMENDING SECTION 108-20 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO ASSISTANCE FROM THE DEPARTMENT OF PUBLIC WELFARE AND FRAUD IN RECEIVING ASSISTANCE.

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

SECTION 1. Section 108-20 of the Revised Laws of Hawaii 1955 is hereby amended by amending the first sentence of the second paragraph to read as follows:

"If, at any time while the recipient of public assistance is receiving such assistance, his living requirements are reduced and he fails to report such reduction within 30 days from the date of such reduction to the department, or he acquires funds or income from any source and fails to report, within 30 days of receipt, the amount of same together with the source to the department, he shall be deemed guilty of fraud and be subject to the penalties provided by this section and may forfeit all right to such assistance, which the department may cancel for a period of at least six months following the acquisition of such income or the discovery by the department thereof, whichever is later in time."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

____B. NO.____

AN ACT

RELATING TO THE SUPPORT OF INDIGENT PARENTS.

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

SECTION 1. Purpose. It is the purpose of this Act to require adult children to support needy parents to the extent of their ability as determined by the court only if they were supported by their parents during the period of their minority. Occasionally, a situation arises in which an adult who, when a child, was neglected or abandoned by his parents but is expected to support that parent.

SECTION 2. Section affected. Section 330-22 of the Revised Laws of Hawaii 1955 is hereby amended to conform to this Act.

SECTION 3. Effective date. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

_____B. NO._____

AN ACT

TO AMEND SECTION 330-22 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO THE SUPPORT OF INDIGENT PARENTS.

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

SECTION 1. Section 330-22 of the Revised Laws of Hawaii 1955 is hereby amended by substituting the period at the end of the first sentence thereof with a semi-colon and adding thereto the following:

"provided such children have received care and support from such person during their minority."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

____B. NO.____

AN ACT

RELATING TO THE DEDUCTION OF EARNED INCOME OF A NEEDY BLIND PERSON IN DETERMINING AMOUNT OF PUBLIC ASSISTANCE.

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

SECTION 1. Purpose. It is the purpose of this Act to remove any questions concerning the application of Federal Social Security Act requirement in relation to the deduction of the first $50 of earned income of a needy blind person and his dependents in determining the amount of public assistance he receives as well as the amount of public assistance received by persons dependent upon him.

SECTION 2. Section affected. Section 108-36 of the Revised Laws of Hawaii 1955 is hereby amended to provide for the insertion of the phrase "and his dependents" after the word "applicant" in the 6th line of such section as it appears on page 936 of the Revised Laws of Hawaii 1955.

SECTION 3. Effective date. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

_____B. NO._____

AN ACT

TO AMEND SECTION 108-36 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO THE DEDUCTION OF EARNED INCOME OF A NEEDY BLIND PERSON IN DETERMINING AMOUNT OF PUBLIC ASSISTANCE.

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

SECTION 1. Section 108-36 of the Revised Laws of Hawaii 1955 is hereby amended by inserting the phrase "and his dependents" after the word "applicant" in the 6th line of such section as it appears on page 936 of the Revised Laws of Hawaii 1955.

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

_____B. NO._____

AN ACT

RELATING TO THE DESIGNATION OF STATE INFORMATION AGENCY UNDER THE UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT LAW.

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

SECTION 1. Purpose. It is the purpose of this Act to designate the legislative reference bureau instead of the department of public welfare as the state information agency under the Uniform Reciprocal Enforcement of Support law. This responsibility is more closely related to the functions of the legislative reference bureau. Greater efficiency can be obtained through the bureau acting as state information agency.

SECTION 2. Section affected. Section 329-29 of the Revised Laws of Hawaii 1955 is hereby amended to conform to this Act.

SECTION 3. Effective date. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

____B. NO.____

AN ACT

TO AMEND SECTION 329-29 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO THE DESIGNATION OF THE STATE INFORMATION AGENCY UNDER THE UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT LAW.

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

SECTION 1. Section 329-29 of the Revised Laws of Hawaii 1955 is hereby amended by deleting therefrom the phrase "department of public welfare" and inserting in lieu thereof the phrase "legislative reference bureau."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

_____B. NO._____

AN ACT

TO PROVIDE FOR THE DUTY TO SUPPORT A STEP-CHILD BY A STEP-PARENT.

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

SECTION 1. Purpose. It is the purpose of this Act to require a step-parent who acts in loco parentis to provide, maintain, and support his step-child during the residence of such child with such step-parent if the legal parent deserts such child or is unable to support such child, thereby reducing such child to destitute and necessitous circumstances.

SECTION 2. Section affected. Chapter 330 of the Revised Laws of Hawaii 1955 is hereby amended to provide for the addition of a new section to conform to this Act.

SECTION 3. Effective date. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

____B. NO.____

AN ACT

TO PROVIDE FOR THE DUTY TO SUPPORT A STEP-CHILD BY A STEP-PARENT, AND AMENDING CHAPTER 330 OF THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. Chapter 330 of the Revised Laws of Hawaii 1955 is hereby amended by adding thereto the following new section to be appropriately numbered:

"Sec._____. A step-parent who acts in loco parentis is bound to provide, maintain, and support his step-child during the residence of such child with such step-parent if the legal parent deserts such child or is unable to support such child, thereby reducing such child to destitute and necessitous circumstances."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

____B. NO.____

AN ACT

TO PROVIDE FOR NATURAL GUARDIANS FOR INCOMPETENT ADULT PERSONS.

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

SECTION 1. Purpose. It is the purpose of this Act to include parents of an incompetent adult person as natural guardians of his person and property without going through a formal court hearing for the appointment of a legal guardian.

SECTION 2. Section affected. Chapter 338 of the Revised Laws of Hawaii 1955 is hereby amended to provide for the addition of a new section to conform to this Act.

SECTION 3. Effective date. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

_____B. NO._____

AN ACT

TO PROVIDE FOR NATURAL GUARDIANS FOR INCOMPETENT ADULT PERSONS, AND AMENDING CHAPTER 338 OF THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. Chapter 338 of the Revised Laws of Hawaii is hereby amended by adding thereto the following new section to be appropriately numbered:

"Sec._____. The father and mother of an incompetent adult person are jointly and severally the natural guardians of his person and property. They shall have equal powers and duties with respect to him and neither shall have any right superior to that of the other concerning his custody or control or any other matter affecting him; provided, that if either parent dies or abandons the family or is incapable for any reason to act as guardian, the guardianship devolves upon the other parent, and that when the parents live apart, the court may award the guardianship to either of them, having special regard to the interests of the incompetent adult person; the father and mother of an incompetent adult person shall jointly and severally be liable in damages for tortious acts committed by the incompetent adult person, and shall be jointly and severally entitled to prosecute and defend all actions in law or in equity in which the incompetent adult person's property may be concerned."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

____B. NO.____

AN ACT

RELATING TO THE BURIAL OF INDIGENT DEAD.

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

SECTION 1. Purpose. It is the purpose of this Act to eliminate uncertainty, if any there be, that it is within the function and authority of the county governments to provide adequate means or bear the costs for the burial of indigent dead. Subsections 15 and 16 of Section 6233 of the Revised Laws of Hawaii 1945 relating to the powers of the board of supervisors of each county over indigent and medically indigent were repealed by Act 129, Session Laws of Hawaii 1951. This repeal has been construed, in some quarters, to deprive the several counties of their function and authority to provide the means or bear the costs for the burial of indigent dead within their respective jurisdictions. It has always been the understanding that such function is within the jurisdiction of each county.

SECTION 2. Section affected. Sec. 144-33 of the Revised Laws of Hawaii 1955 is hereby amended to provide for the addition of a new subsection to conform to this Act.

SECTION 3. Effective date. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

_____B. NO._____

AN ACT

TO PROVIDE FOR THE BURIAL OF INDIGENT DEAD.

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

SECTION 1. Section 144-33 of the Revised Laws of Hawaii 1955 is hereby amended by adding at the end thereof the following:

"(r) Indigent dead. To make proper provision for the indigent dead. The term 'indigent' means a person without adequate and proper means of subsistence, for the support of whom no other person or agency is liable and responsible."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

____B. NO.____

AN ACT

RELATING TO COUNTY AGENTS OF THE DEPARTMENT OF PUBLIC WELFARE AND THE MAINTENANCE OF THEIR OFFICES.

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

SECTION 1. Purpose. It is the purpose of this Act to designate the "county agents" of the department of public welfare as "county administrators" to avoid confusion with officials of the agricultural extension service who are referred to as "county agents." Such county administrators shall maintain offices in each county, not necessarily at the county seat of his county.

SECTION 2. Section affected. Section 107-7 of the Revised Laws of Hawaii 1955 is hereby amended to conform to this Act.

SECTION 3. Effective date. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

____B. NO.____

AN ACT

TO AMEND SECTION 107-7 OF THE REVISED LAWS OF HAWAII 1955 RELATING TO COUNTY AGENTS OF THE DEPARTMENT OF PUBLIC WELFARE AND THE MAINTENANCE OF THEIR OFFICES.

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

SECTION 1. Section 107-7 of the Revised Laws of Hawaii 1955 is hereby amended to read:

"Sec. 107-7. County administrators. The director, pursuant to Sec. 107-3, shall appoint one administrator each for the city and county of Honolulu and the counties of Hawaii, Maui and Kauai. Such county administrator shall maintain his office in the county for which he is appointed and shall be directly responsible to such persons as the director shall designate in conformity with law and federal requirements."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

____B. NO.____

AN ACT

RELATING TO A WIFE'S SUPPORT OF HUSBAND.

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

SECTION 1. Purpose. It is the purpose of this Act to require a wife, whether married in this Territory or in some other jurisdiction, to support her husband where he is in need and she is financially able to support him.

SECTION 2. Section affected. Chapter 323 of the Revised Laws of Hawaii 1955 is hereby amended to provide for the addition of a new section to conform to this Act.

SECTION 3. Effective date. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

_____B. NO._____

AN ACT

TO PROVIDE FOR A WIFE'S SUPPORT OF HUSBAND, AND AMENDING CHAPTER 323 OF THE REVISED LAWS OF HAWAII 1955.

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

SECTION 1. Chapter 323 of the Revised Laws of Hawaii 1955 is hereby amended by adding thereto the following new section to be appropriately numbered:

"Sec._____. A wife, whether married in this Territory or in some other jurisdiction, shall, to the extent of her financial ability, support her husband who is not able to support himself by reason of physical or mental incapacity."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY:

Date_____

Honolulu, Hawaii

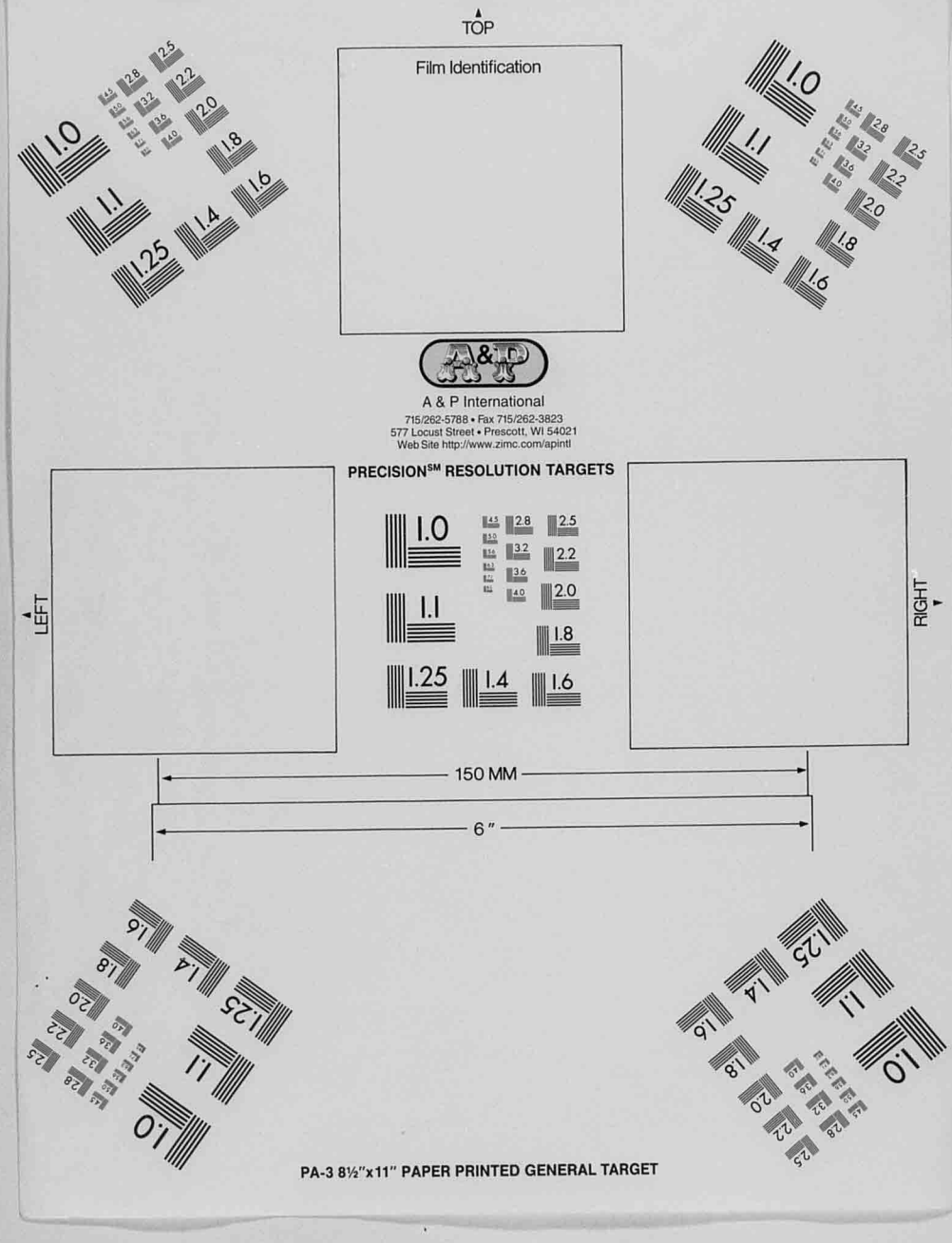


CERTIFICATION

I HEREBY CERTIFY THAT THE MICROPHOTOGRAPH APPEARING IN THIS REEL OF FILM ARE TRUE COPIES OF THE ORIGINAL DOCUMENTS.

2003
DATE

Lapaz Cacal
SIGNATURE OF OPERATOR



PA-3 8½″x11″ PAPER PRINTED GENERAL TARGET

DENSITY TARGET