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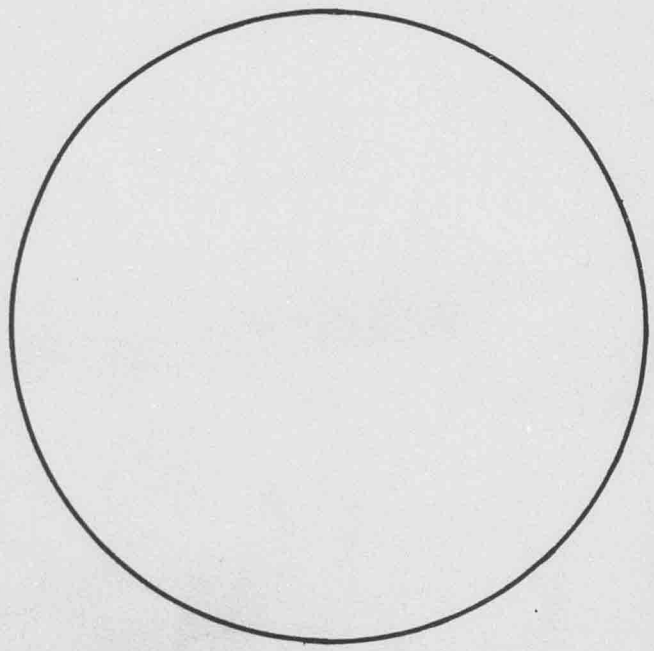

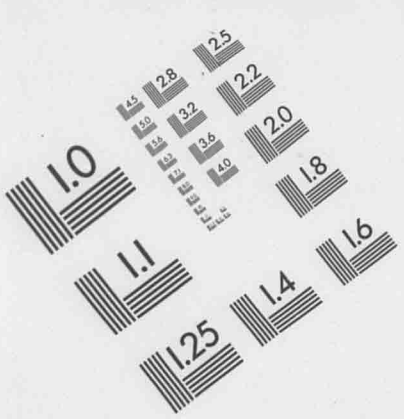
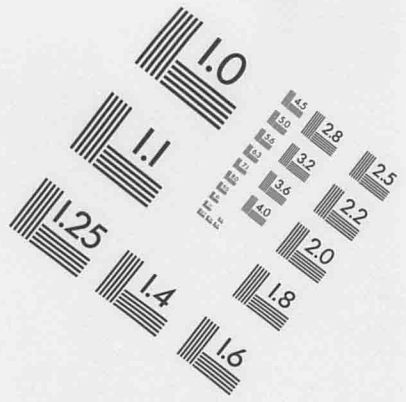
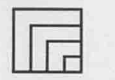

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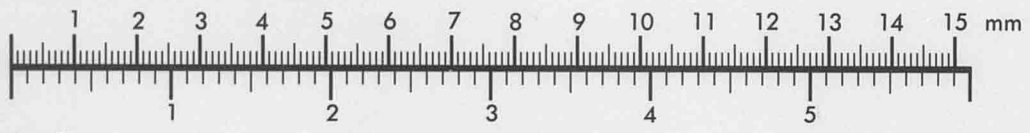

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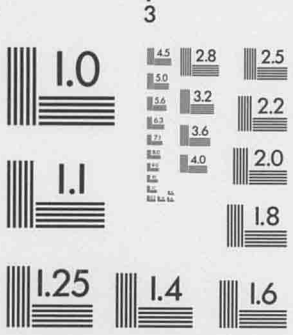
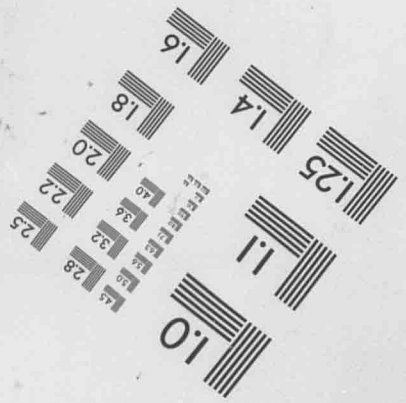
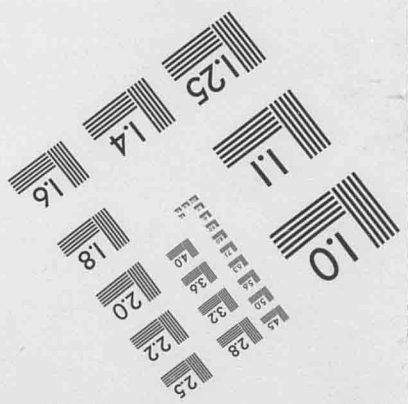

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TITLE

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

710 linear feet before microfilming. Oversize and bound material separated.

Arranged chronologically (by session), thereunder by chamber (Senate, followed by the House of Representatives) thereunder 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 thereunder in numerical order if applicable.

This series contains the various records administered by the clerks of the Senate and House of Representatives in the course of supporting the daily deliberative and law-making activities of the Territorial legislature. As such, it documents the routine proceeding of the legislature. For the most part, this series contains primary material from which the official journals (the legal record of the proceedings of the legislature) were compiled. Predictably, most of the records in this series follow a standard form. Exceptions are materials received from the private sector, among which materials in Hawaiian are common in the first few years; the quantity diminishes rapidly thereafter. Much of the material in this series is included in its entirety in the official journals; however, one of the strengths of this series is the original signatures on individual reports, etc., which are lacking in the journals. Another strength of this series is the bills, which are not repeated verbatim in the journals. In addition, the series documents issues of concern to the government, the legislature and, via petitions from citizens, to the community in general. Issues include Hawaiian statehood from a very early date, as well as specific public works projects, public instruction concerns, business regulation, post-war planning and not a few investigations of alleged malfeasance and incompetence. There are no restrictions on access.

This series amplifies Series 227, Official Journals, and complements Series 229, Records of Standing and Special Committees; Series 230, Records of Holdover Committees; and Series 233, Financial Records; of the Legislature of the Territory of Hawaii. Intellectually, it is part of a sub-group of Hawaiian legislative records which also includes Series 222, General Records of the Legislature of the Hawaiian Kingdom and Series 226, General Records of the Legislature of the Republic of Hawaii.

JOHN WAIHEE
GOVERNOR

ROBERT P. TAKUSHI
COMPTROLLER

LLOYD I. UNEBASAMI
DEPUTY COMPTROLLER

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
ARCHIVES DIVISION

State Archives
Iolani Palace Grounds
Honolulu, Hawaii 96813

AUTHENTICITY CERTIFICATE

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John G. Tamura
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Sincerely,

Dick L. Ching
Vice President

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

SERIES 228 ARRANGEMENT

1. CHRONOLOGICALLY BY SESSION

2. THEREUNDER SENATE RECORDS ARE FIRST, FOLLOWED BY HOUSE

3. THEREUNDER BY TYPE OF RECORD AS FOLLOWS
   - JOURNALS
   - BILLS
   - JOINT RESOLUTIONS
   - CONCURRENT RESOLUTIONS
   - RESOLUTIONS
   - REPORTS
   - PETITIONS
   - MESSAGES
   - COMMUNICATIONS
   - QUESTIONS
   - ANSWERS
   - NOTICES
   - MISCELLANEOUS
     - MATERIALS FROM THE OTHER CHAMBER IN THE SAME ORDER AS ABOVE

4. THEREUNDER IN NUMERICAL ORDER IF APPLICABLE

5. OTHERWISE IN CHRONOLOGICAL ORDER

1945

REGULAR SESSION

SENATE

SENATE

BILLS

Senate Bill No. 131

The Legislature
of the
Territory of Hawaii

AN ACT

TO ENLARGE THE RIGHTS AND PRIVILEGES OF NATIONALS OF THE UNITED STATES WITHIN THE TERRITORY OF HAWAII.

Introduced March 7, 1945, by
Senator WM. H. HEEN

First Reading in Senate March 7, 1945
Referred to Printing Committee March 7, 1945
Second Reading in Senate March 8, 1945
Referred to COMMITTEE ON JUDICIARY
Third Reading in Senate April 23, 1945

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Apr 23 – failed of passage
Indefinitely postponed

S B. NO. 131

AN ACT

TO ENLARGE THE RIGHTS AND PRIVILEGES OF NATIONALS OF THE UNITED STATES WITHIN THE TERRITORY OF HAWAII.

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

SECTION 1. Except as limited by the provisions of sections 34, 40, 60, 62, 73, 80, 85, 86 and 105 of the "Hawaiian Organic Act" and any other provisions of federal law relating thereto, all non-citizens of the United States who are nationals of the United States shall have and enjoy the same rights and privileges under the laws of the Territory of Hawaii as citizens of the United States, and all existing laws of the Territory of Hawaii and all ordinances, rules and regulations thereunder having the force of law are hereby amended to conform hereto. Without limitation on the generality of the foregoing, and except as so limited by federal law, said nationals shall hereafter have, under the laws of the Territory, the same rights as citizens to public employment, business and professional licenses, to fish in the waters of the Territory, and to enjoy other rights heretofore enjoyed only by citizens.

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

INTRODUCED BY:

[signature]

S , 3rd District.

Honolulu, T. H.

March , 1945

3/26/45

1945
Senate Bill No. 132

The Legislature
of the
Territory of Hawaii
Special Session 1941

AN ACT

RELATING TO CHANGE OF NAMES AND
AMENDING SECTION 12387 OF THE
REVISED LAWS OF HAWAII 1945

Introduced March 7, 1945, by
Senator WM.H.HEEN

First Reading in Senate March 7 1945
Referred to Printing Committee March 7 1945
Second Reading in Senate March 8, 1945
Referred to Committee on Judiciary
Third Reading in Senate March 13, 1945

First Reading in House March 13, 1945
Referred to
Second Reading in House March 14, 1945
Referred to Judiciary Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

S. B. NO. 132

A N A C T

REQUIRING THE PAYMENT OF COSTS OF FIVE DOLLARS ON FILING A PETITION FOR CHANGE OF NAME.

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

SECTION 1. Every petition for change of name under the provisions of section 12387 of the Revised Laws of Hawaii 1945 shall be accompanied by the payment of costs of five dollars.

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

INTRODUCED BY:

Senator, Third Senatorial District

S.B.No. 132
S.D. 1

A N A C T

RELATING TO CHANGE OF NAMES AND AMENDING SECTION 12387 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Section 12387 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 12387. How changed. It shall not be lawful to change any name adopted or conferred under this chapter, except (a) upon a decree of the governor, which decree shall be founded upon a petition executed by the person desirous of changing his name or in case of a minor by the parents or by such parent who has custody of the minor, or by the guardian of the person of such minor, which petition shall be accompanied by the payment of costs in the amount of five dollars, and shall be published once in some newspaper of general circulation in the Territory in such decree mentioned, and the petitioner shall deposit in the office of the governor an affidavit executed by an officer of the newspaper publishing such decree, the affidavit

to show that the decree has been published as provided herein, and to have attached thereto a clipping showing the decree as published, or (b) by any court or judge of competent jurisdiction, embodying in a decree of adoption a provision for change of name of the person adopted, or embodying in a decree of divorce a provision that a married woman may upon such divorce resume the use of her maiden name, or the name of a former husband.

The change of name provided for herein by decree of the governor shall be effective upon the date of the signing of the decree.

In all cases of change of name, except as otherwise provided, the decree shall be recorded in the bureau of conveyances.

All changes of names made by decree of any governor, or by the president of the Republic of Hawaii, or by the president of the Provisional Government of Hawaii, or by any king or queen of the Hawaiian Islands, are ratified and confirmed."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., March 13, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate

Ellen D Smythe

Clerk of the Senate

1945

Senate Bill No. 133

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 12329 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE CARE AND CUSTODY OF DEPENDENT AND DELINQUENT CHILDREN.

Introduced March 7, 1945, ~~1941~~ by
Senator WM. H. HEEN

First Reading in Senate March 7, 1945
Referred to Printing Committee March 7, 1945
Second Reading in Senate March 8, 1945
Referred to Committee on Judiciary
Third Reading in Senate March 12, 1945

First Reading in House March 13, 1945
Referred to
Second Reading in House March 14, 1945
Referred to Judiciary Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

S BILL 133

AN ACT

TO AMEND SECTION 12329 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE CARE AND CUSTODY OF DEPENDENT AND DELINQUENT CHILDREN.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 12329 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 12329. Care and custody of dependent and delinquent children; expenses. A delinquent or dependent child while under the orders of the judge, shall be in the care and custody of the probation officer or such other person or institution as the judge may designate, and all necessary expenses incurred in the proper care of such child shall be paid out of such moneys as may be appropriated for the expenses of circuit courts; provided, however, that the judge may, at any time, or whenever any delinquent child has been committed to the care of any public or private institution or to the care of some reputable citizen, cite the parent or parents of the child to appear before him to show cause why the parent or parents should not pay such sum or sums as may be in the discretion of the judge necessary for the maintenance and support of the child. The judge may make such orders for the maintenance and support of the child as the judge may deem just and reasonable, having regard to the financial ability of the parent or parents and all other circumstances, of the

case, and may enforce the orders by summary process; provided, further, that no judge or probation officer shall be entitled to receive any compensation for any services performed under this chapter, except as otherwise provided for by law."

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

INTRODUCED BY

Senator 3rd Senatorial District

3/7 3/18

S. B. No. 133

A N A C T

TO AMEND SECTION 12329 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE CARE AND CUSTODY OF DEPENDENT AND DELINQUENT CHILDREN.

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

SECTION 1. Section 12329 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 12329. Care and custody of dependent and delinquent children; expenses. A delinquent or dependent child while under the orders of the judge, shall be in the care and custody of the probation officer or such other person or institution as the judge may designate, and all necessary expenses incurred in the proper care of such child shall if necessary be paid out of such moneys as may be appropriated for the expenses of circuit courts; provided, however, that the judge may, at any time, or whenever any dependent or delinquent child has been committed to the care of any public or private

institution or to the care of some reputable citizen, cite the parent or parents of the child to appear before him to show cause why the parent or parents should not pay such sum or sums as may be in the discretion of the judge necessary for the maintenance and support of the child. The judge may make such orders for the maintenance and support of the child as the judge may deem just and reasonable, having regard to the financial ability of the parent or parents and all other circumstances, of the case, and may enforce the orders by summary process; provided, further, that no judge or probation officer shall be entitled to receive any compensation for any services performed under this chapter, except as otherwise provided for by law."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., March 13, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate.

Ellen D. Smythe

Clerk of the Senate.

S. B. No. 133
H. D. 1

A N A C T

TO AMEND SECTION 12329 OF THE REvISED LAWS OF HAWAII 1945, RELATING TO THE CARE AND CUSTODY OF DEPENDENT AND DELINQUENT CHILDREN.

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

SECTION 1. Section 12329 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 12329. Care and custody of dependent and delinquent children; expenses. A delinquent or dependent child while under the orders of the judge, shall be in the care and custody of the probation officer or such other person or institution as the judge may designate, and all necessary expenses incurred in the proper care of such child shall, if necessary, be paid out of such moneys as may be appropriated for the expenses of circuit courts; provided, however, that the judge may, at any time, or whenever any dependent or delinquent child has been committed to the care of any public or private institution or to the care of some reputable citizen, cite the parent or parents of the child to appear before him to show cause why the parent or parents

should not pay such sum or sums as may be in the discretion of the judge necessary for the maintenance and support of the child. The judge may make such orders for the maintenance and support of the child as the judge may deem just and reasonable, having regard to the financial ability of the parent or parents and all other circumstances of the case, and may enforce the orders by summary process; provided, further, that no judge or probation officer shall be entitled to receive any compensation for any services performed under this chapter, except as otherwise provided for by law."

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

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., March 21, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M. G. Paschoal
Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 134

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 12265 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO CHILDREN

Engrossed 5-4-45 H.R.H.

Introduced March 7, 1945, 1941, by Senator WM.H.HEEN

First Reading in Senate March 7, 1945
Referred to Printing Committee " " "
Second Reading in Senate March 8, 1945
Referred to Committee on Judiciary
Third Reading in Senate March 22, 1945

First Reading in House March 23, 1945
Referred to
Second Reading in House March 26, 1945
Referred to Judiciary Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

S BILL 134

AN ACT

~~AN ACT~~ TO AMEND SECTION 12265 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO CHILDREN.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 12265 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 12265. Parents et al., contributing to delinquency, etc.; penalty. Any parent, or legal guardian, or person having the custody of any dependent or delinquent child, as defined in section 12321, or any other person who shall knowingly or wilfully encourage, aid, cause, abet, or connive at such state of dependency or delinquency, or shall knowingly or wilfully do any act or acts that directly produce, promote or contribute to the conditions which render such child a dependent or delinquent child, as so defined, or who wilfully neglects to do that which will directly tend to prevent such state of dependency or delinquency, or conditions that make such, as aforesaid, shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine of not more than two hundred dollars, or by imprisonment for not more than one year, or both fine and imprisonment."

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

INTRODUCED BY

Senator 3rd Senatorial District

3/7 & 3/12

S.B.No. 134

A N A C T

TO AMEND SECTION 12265 OF THE REVISED LAWS OF HAWAII 1945,

RELATING TO CHILDREN.

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

SECTION 1. Section 12265 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 12265. Parents et al., contributing to delinquency, etc; penalty. Any parent, or legal guardian, or person having the custody of any dependent or delinquent child, as defined in section 12321, or any other person who shall knowingly or wilfully encourage, aid, cause, abet, or connive at such state of dependency or delinquency, or shall knowingly or wilfully do any act or acts that directly produce, promote or contribute to the conditions which render such child a dependent or delinquent child, as so defined, or who wilfully neglects to do that which will directly tend to prevent such state of dependency or delinquency, or conditions that make such, as aforesaid, shall

be deemed guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine of not more than two hundred dollars, or by imprisonment for not more than one year, or both fine and imprisonment."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu,T.H., March 22, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E S Capellas

President of the Senate

Ellen D Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 30, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M G Paschval

Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 135

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO THE WATER AND SEWAGE SYSTEMS OF THE CITY AND COUNTY OF HONOLULU, REPEALING SECTIONS 6863 AND 6864, AND AMENDING SECTIONS 6630 AND 6841 OF THE REVISED LAWS OF HAWAII 1945.

Introduced March 7, 1945, by
Senator s FRANCIS H. Ii BROWN, THELMA M. AKANA, FRANCIS K. SYLVA, CHARLES S. CRANE, ERNEST N. HEEN, WM. H. HEEN

First Reading in Senate March 7, 1945

Referred to Printing Committee March 7, 1945

Second Reading in Senate March 8, 1945

Referred to

Third Reading in Senate

First Reading in House

Referred to

Second Reading in House

Referred to

Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Oahu

S. B. NO. 135

A N A C T

RELATING TO THE WATER AND SEWAGE SYSTEMS OF THE CITY AND COUNTY OF HONOLULU, REPEALING SECTIONS 6863 AND 6864, AND AMENDING SECTIONS 6630 AND 6841 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. There is hereby transferred to the board of water supply of the city and county of Honolulu, the control, maintenance and operation of the funds, property and obligations of the rural water systems, and any and all sewer systems of the city and county of Honolulu.

SECTION 2. Effective upon, and as of the effective date of this Act, the subtitle "Board of Water Supply" of chapter 132, Revised Laws of Hawaii 1945, shall stand amended as provided in sections 1 to 5 inclusive, of Act 253 of the Session Laws of Hawaii 1939 as revised in the footnote on pages 867 to 868 of said Revised Laws.

SECTION 3. Sections 6863 and 6864 of the Revised Laws of Hawaii 1945 are hereby repealed.

SECTION 4. Section 6841 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

" 'Honolulu' or 'District of Honolulu' shall mean 'the city and county of Honolulu' for the purposes of this chapter' ".

SECTION 5. Section 6630 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 6630. Department of public works created; powers, duties and functions. There is created a department of public works of the city and county of Honolulu. The department shall have charge of, and shall administer and superintend the performance of, all city and county matters in the city and county, of, or relating to, engineering, public construction, road, street, and bridge construction and maintenance, public improvements, garbage disposal, street and highway illumination, traffic control, and all other public works, except the repair, operation, maintenance and construction of public buildings, parks and recreation grounds, and public water supplies, and sewer construction and maintenance for the city and county of Honolulu."

SECTION 6. This Act shall take effect upon its approval.

INTRODUCED BY:

Francis H. Ii Brown
Senator, Third Senatorial District.

Helmuth M. Ohana
Francis Sylva
Charles S. Crane
Ernest Wee
[illegible]

1945

Senate Bill No. 136

The Legislature
of the
Territory of Hawaii

AN ACT

TO APPROPRIATE THE SUM OF FIVE THOUSAND DOLLARS ($5,000.00) OUT OF THE GENERAL FUND OF THE TERRITORY OF HAWAII, FOR THE REPAIR AND MAINTENANCE OF THE DECK AT THE KAMALO WHARF, COUNTY OF MAUI.

Introduced March 7, , 19 45, by

Senator C. A. CROZIER

First Reading in Senate March 7, 1945
Referred to Printing Committee March 7, 1945
Second Reading in Senate March 8, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

AN ACT

SB 136

TO APPROPRIATE THE SUM OF FIVE THOUSAND DOLLARS ($5,000.00) OUT OF THE GENERAL FUND OF THE TERRITORY OF HAWAII, FOR THE REPAIR AND MAINTENANCE OF THE DECK AT THE KAMALO WHARF, COUNTY OF MAUI.

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

SECTION 1. The sum of Five Thousand Dollars ($5,000.00) is hereby appropriated out of the general fund of the Territory of Hawaii, not otherwise appropriated, for the repair and maintenance of the existing deck at the Kamalo Wharf, County of Maui.

SECTION 2. The money appropriated shall be expended upon warrants drawn by the auditor of the Territory of Hawaii upon vouchers approved by the chairman of the board of harbor commissioners.

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

INTRODUCED BY:

C A Crozier

Sr 2nd Fl

1945

Senate Bill No. 137

The Legislature
of the
Territory of Hawaii

AN ACT

PROVIDING PENSIONS FOR ALL PATIENT EMPLOYEES OR PATIENT LABORERS AT EVERY HOSPITAL, SETTLEMENT AND STATION MAINTAINED IN HAWAII FOR THE TREATMENT AND CARE OF PERSONS AFFECTED WITH LEPROSY.

Introduced March 7, 1945, by
Senator C. A. CROZIER

First Reading in Senate March 7, 1945
Referred to Printing Committee March 7, 1945
Second Reading in Senate March 8, 1945
Referred to COMMITTEE OF THE WHOLE SENATE
Third Reading in Senate April 21, 1945

First Reading in House April 21, 1945
Referred to
Second Reading in House April 23, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Erased 5/7/45 EPH

SB137

A N A C T

PROVIDING PENSIONS FOR ALL PATIENT EMPLOYEES OR PATIENT LABORERS AT EVERY HOSPITAL, SETTLEMENT AND STATION MAINTAINED IN HAWAII FOR THE TREATMENT AND CARE OF PERSONS AFFECTED WITH LEPROSY.

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

SECTION 1. All patient employees or patient laborers at every hospital, settlement and station maintained for the treatment and care of persons affected with leprosy shall be entitled, upon retirement after twenty years or more service with the board of hospitals and settlement, at such hospital, settlement or station, to a pension, payable monthly, 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.

SECTION 2. Sufficient funds are hereby appropriated from the general revenues of the Territory of Hawaii, not otherwise appropriated, to meet the payments provided by this act.

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

INTRODUCED BY:

C A Crozier

Clarence A. Crozier
Senator, 2nd District

3/7

S. B. No. 137

A N A C T

PROVIDING PENSIONS FOR ALL PATIENT EMPLOYEES OR PATIENT LABORERS AT EVERY HOSPITAL, SETTLEMENT AND STATION MAINTAINED IN HAWAII FOR THE TREATMENT AND CARE OF PERSONS AFFECTED WITH LEPROSY.

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which the patient was receiving at the time of retirement.

SECTION 2. Sufficient funds are hereby appropriated from the general revenues of the Territory of Hawaii, not otherwise appropriated, to meet the payments provided by this Act.

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

5/7/8

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 21, 1945.

We hereby certify that the foregoing bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate.

Ellen D'Smyth

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., May 1, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M G Paschoal

Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 138

The Legislature
of the
Territory of Hawaii

AN ACT

APPROPRIATING THE SUM OF FOUR THOUSAND ($4,000.00) DOLLARS FROM THE GENERAL REVENUES OF THE TERRITORY FOR THE REPAIR OF THE CIRCUIT COURT HOUSE AND TERRITORIAL OFFICE BUILDING AT LIHUE, KAUAI.

Introduced March 8, 1945, 1941, by
Senators CLEM GOMES and JOHN B. FERNANDES

First Reading in Senate March 8, 1945
Referred to Printing Committee March 8, 1945
Second Reading in Senate March 9, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

S. B. No. 138

AN ACT

APPROPRIATING THE SUM OF FOUR THOUSAND ($4,000.00) DOLLARS FROM THE GENERAL REVENUES OF THE TERRITORY FOR THE REPAIR OF THE CIRCUIT COURT HOUSE AND TERRITORIAL OFFICE BUILDING AT LIHUE, KAUAI.

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

Section 1. There is hereby appropriated from the General Revenues of the Territory of Hawaii, the sum of Four Thousand ($4,000.00) Dollars, for the repair of the Circuit Court House and Territorial office building at Lihue, Kauai.

Section 2. The said amount of Four Thousand ($4,000.00) Dollars, or so much as may be necessary, shall be disbursed on warrants of the territorial auditor based upon vouchers approved by the superintendent of public works, who shall make such repairs to the Circuit Court House and the Territorial Office Building, by contract.

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

Honolulu, T. H.

March 8 1945.

Introduced by:
Jas. W. Jones.
John B. Fernandez
Senators, 4th. Senatorial District.

1945

Senate Bill No. 139

The Legislature
of the
Territory of Hawaii

AN ACT

APPROPRIATING EIGHT THOUSAND DOLLARS FOR EXPENDITURE DURING THE YEARS 1945 AND 1946 BY THE KAMEHAMEHA DAY CELEBRATION COMMISSION.

Introduced March 8, 1945, 1~~XX~~, by
Senator FRANCIS H. Ii BROWN

First Reading in Senate March 8, 1945
Referred to Printing Committee " " "
Second Reading in Senate March 9, 1945
Referred to Committee on Ways & Means
Third Reading in Senate March 17, 1945

First Reading in House March 19, 1945
Referred to
Second Reading in House March 20, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

Cupped 4/20/45 EPK

S. B. NO. 139

A N A C T

APPROPRIATING EIGHT THOUSAND DOLLARS FOR EXPENDITURE DURING THE YEARS 1945 AND 1946 BY THE KAMEHAMEHA DAY CELEBRATION COMMISSION.

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

SECTION 1. There is hereby appropriated from the general revenues of the Territory the sum of eight thousand dollars, which is hereby allotted to cover expenses of Kamehameha Day celebrations, said allotments to be made in the following manner:

(1)	For Oahu	$ 4,000.00
(2)	For Hawaii	1,300.00
(3)	For Maui	1,150.00
(4)	For Molokai and Lanai. . . .	400.00
(5)	For Kauai	1,150.00
	Total	$ 8,000.00

SECTION 2. The amount herein appropriated and allotted in the above manner shall cover all expenditures of Kamehameha Day celebrations of June 11, 1945 and 1946, by the Kamehameha Day Celebration Commission in the manner and under the provisions established by section 1 of Act 227 of the Session Laws of Hawaii 1939.

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

INTRODUCED BY:

Francis H. I. Brown
Senator, 3rd Senatorial District.

S.B.No. 139

A N A C T

APPROPRIATING EIGHT THOUSAND DOLLARS FOR EXPENDITURE DURING THE YEARS 1945 AND 1946 BY THE KAMEHAMEHA DAY CELEBRATION COMMISSION.

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

SECTION 1. There is hereby appropriated from the general revenues of the Territory the sum of eight thousand dollars, which is hereby allotted to cover expenses of Kamehameha Day celebrations, said allotments to be made in the following manner:

(1)	For Oahu	$ 4,000.00
(2)	For Hawaii	1,300.00
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(4)	For Molokai and Lanai.	400.00
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	Total	$ 8,000.00

SECTION 2. The amount herein appropriated and allotted in the above manner shall cover all expenditures of Kamehameha Day celebrations of June 11, 1945 and 1946, by the Kamehameha Day Celebration Commission in the manner and under the provisions established by section 1 of Act 227 of the Session Laws of Hawaii 1939.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., March 17, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate

Ellen D'Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 24, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M Y Paschoal

Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 140

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO THE REGULATION, CONTROL AND STABILIZATION OF THE USE, OCCUPANCY AND RENTS OF COMMERCIAL PREMISES AND TRANSACTIONS RELATED THERETO, LIMITING THE RIGHT OF RECOVERY OF POSSESSION THEREOF, PROVIDING FOR THE CONTINUANCE OF HAWAII DEFENSE ACT RULE NUMBER 105, AS AMENDED BY RULE NUMBER 109, EXCEPT AS MODIFIED BY THIS ACT, AND PROVIDING FUNDS FOR THE ADMINISTRATION OF THIS ACT.

Introduced March 8, 1945 , 19~~41~~ by
Senator HAROLD W. RICE

First Reading in Senate March 8, 1945
Referred to Printing Committee March 8, 1945
Second Reading in Senate March 9, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

Committee of the Whole - Wm Heen Chr

SB 140

AN ACT

RELATING TO THE REGULATION, CONTROL AND STABILIZATION OF THE USE, OCCUPANCY AND RENTS OF COMMERCIAL PREMISES, AND TRANSACTIONS RELATED THERETO, LIMITING THE RIGHT OF RECOVERY OF POSSESSION THEREOF, PROVIDING FOR THE CONTINUANCE OF HAWAII DEFENSE ACT RULE NUMBER 105, AS AMENDED BY RULE NUMBER 109, EXCEPT AS MODIFIED BY THIS ACT, AND PROVIDING FUNDS FOR THE ADMINISTRATION OF THIS ACT.

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

SECTION 1. Findings and declaration of emergency. It is hereby found and declared that there has arisen within this Territory a situation inimical to the economic life, health, and welfare of the people, namely: a shortage of available space to meet the needs of the suddenly enlarged population, with little or no prospect of new commercial building during the present war; the use of space which is needed for businesses which are of community service, for the accommodation of businesses which offer high profits but are of little or no community service; and undue pressure on rent levels, originating in the shortage of available space, intensified by the demands for space for the accommodation of the aforesaid high profit businesses. In this situation the normal processes of bargaining between landlord and tenant cannot take place. This situation has been controlled by Rule Number 105, as amended by Rule Number 109, issued by the governor under the authority of the Hawaii Defense Act, and extended by Joint Resolution 1 of

this legislature to March 31, 1945. If a control program is not continued many landlords will make demands for greatly increased rents which tenants cannot meet without the federal program against inflation being impaired. If tenants are forced to move through inability to meet rent increases or through demand of the landlord for return of the premises, many of them will be unable to obtain other space, or to obtain, under rationing and priority regulations, the supplies, materials and services necessary for them to reestablish themselves elsewhere, while in other cases there will be a waste of supplies, materials and services which could be saved if businesses were not forced to move from place to place. Such supplies, materials and services are needed for housing accommodations, the acute shortage of which vitally affects the health and welfare of the people, and they must be conserved. Displacement of established businesses which meet community needs for the production and distribution of commodities and services must be prevented. The pressure on price ceilings through uncontrolled commercial rents must be removed.

It is further found and declared that there is no prospect of relief of the aforesaid conditions until normal building is resumed and the population stabilized, which will be at least six months after the termination of the war. It is the intent of this Act to afford relief from the aforesaid conditions, and the necessity in the public interest for the provisions hereinafter enacted is hereby declared as a matter of legislative determination.

SECTION 2. Definitions. (a) When used in this Act, unless the context otherwise requires:

1. "Commercial premises" means any real property, or portion thereof, located in any county or locality to which this Act applies, as provided in section 3, so long as the Act so applies, except:

a. Property solely used as a place of abode;

b. Property not improved with any building, where there is no use or occupancy thereof; and

c. Such other property as the governor shall find and determine to be not subject to the conditions set forth in section 1 of this Act, or to be otherwise sufficiently regulated. Such exceptions may be made according to locality, type of use, type of occupancy, or type of ownership or rental agreement.

2. "Commercial property control" means, besides the control provided by this Act, the control provided by rule 105, as amended by rule 109, issued by the governor under the authority of the Hawaii Defense Act, and extended by Joint Resolution 1 and this Act.

3. "Rental agreement" means any arrangement, written, oral, or implied, whether heretofore or hereafter made, entitling a tenant to the use or occupancy of commercial premises in consideration of the payment of rent, and includes any extension or modification of such rental agreement pursuant to the provisions of this Act.

4. "Written lease" means a rental agreement made in writing for a term of six months or more from the inception of such lease, during which period the landlord has no right of termination at his own option.

5. "Rent" means the consideration, including any

bonus, benefit or gratuity, demanded or received for the use or occupancy of commercial premises under any rental agreement.

6. "Landlord" means the person receiving or entitled to receive rent under any rental agreement, or his assignee or other successor in interest, or an agent of any of the foregoing.

7. "Tenant" means the person entitled to the use or occupancy of commercial premises under any rental agreement.

8. "Person" means an individual, corporation, partnership, or fiduciary, or the Territory or one of its political subdivisions.

9. "Actual occupant" means and refers to the person who is the proprietor of the business conducted on the commercial premises concerned.

10. "Administrator" means the administrator of commercial real property control.

11. "Board" means the board of review for commercial real property control.

12. "Revised laws" means the revised laws of Hawaii 1945.

(b) The foregoing terms may be further defined and other definitions added by rules of the governor not in conflict with the provisions of this Act.

SECTION 3. Scope of Act. This Act shall apply to the city and county of Honolulu, the districts of Wailuku and Lahaina of the county of Maui, and to such other counties, or portions thereof, as the governor shall find and determine to be subject to the conditions set forth in

section 1 of this Act. The governor may suspend the application of this Act to any county or portion thereof (including Honolulu and Maui) with respect to which he shall find and determine, and until he shall find to the contrary, that the conditions set forth in section 1 of this Act do not presently require the control provided for by this Act.

SECTION 4. Administration. (a) There is hereby created the office of administrator of commercial real property control. The administrator shall be appointed by the governor and shall, in person or through a deputy appointed by him with the approval of the governor, perform the duties and exercise the powers vested in him by this Act, or vested in him by the governor pursuant to this Act or the Hawaii Defense Act. The provisions of the Hawaii Defense Act shall apply to the administrator and all other necessary personnel. Any appropriations heretofore or hereafter made for the purposes of the Hawaii Defense Act may be used for the administration of this Act.

(b) Board of review. There is hereby created a board of review for commercial real property control for any county in any portion of which this Act applies, as stated in section 3. Each board shall consist of three members appointed by the governor in the manner provided by section 80 of the Organic Act, for a term of two years and until their successors are appointed and qualify. Any vacancy shall be filled by appointment for the remainder of the unexpired term. The governor shall designate one of the members of each said board as chairman. Section 482 of the revised laws (quorum) and section 84 of the Organic Act and section 9573 of the revised laws (disqualification)

shall apply to each said board. The governor may appoint an acting member of a board to serve in the event of the temporary absence from the county, illness or disqualification of a member.

(c) Oaths, etc. Section 13131 of the revised laws shall apply to the administration of this Act and to all hearings held under this Act.

SECTION 5. Extension of rental agreements. (a) Any rental agreement, as defined by section 2 (notwithstanding the tenant's right of use or occupancy has otherwise expired or terminated or would otherwise expire or terminate, were it not for the provisions of this Act, by reason of notice of termination given to the tenant, whether or not such notice was given prior to the effective date of this Act, or under the provisions of said rental agreement, or other provisions of law) shall continue at the option of the tenant during the effective period of application of this Act, as to any commercial premises or portion thereof covered by said rental agreement of which the tenant is and continues to be the actual occupant, and such tenant shall not be removed therefrom without his consent, unless:

(1) the administrator shall have made an order permitting the termination of the tenancy, as provided in section 6, and said order has become final, as provided in section 12(d); or

(2) the tenant shall have forfeited his right of use or occupancy as set forth in section 10403 of the revised laws or section 8 of this Act, or through non-payment of rent or any other breach of the terms, conditions, or obligations of the rental agreement, express or implied in

law, except the covenant to surrender possession; or shall have used or permitted the use of the premises for illegal purposes.

(b) Application of subsection (a) of this section. (1) Nothing in this Act shall be deemed to prevent the expiration or termination of a rental agreement in the manner provided by law if the tenant is not the actual occupant of the commercial premises, or as to any portion of the premises of which the tenant is not the actual occupant, but only upon assumption by the landlord of the rental agreement, if any, between such tenant and the actual occupant, and without prejudice to the rights of such occupant, subject, however, to the provisions of paragraph (2) of this subsection.

(2) No subtenant whose rental agreement was made on or after the date (whether heretofore or hereafter) when commercial real property control was extended to the premises occupied by him, shall acquire any rights under subsection (a), in the event of expiration or termination of his landlord's rental agreement, against the person to whom the premises revert, unless such person, or his predecessor in interest, gave his written consent to such subtenant's occupancy, or such subtenant's landlord, at the time of creating the subtenancy, held a written lease the term of which had at least three months to run, which did not require approval of such subtenancy or did require approval thereof and such approval was obtained.

(3) It shall be deemed that the tenant has exercised the option to continue the rental agreement, to which reference is made in subsection (a), until and unless the tenant shall have surrendered the premises or shall have

waived such option in such other manner as the governor may by rule provide, and such option may not be waived otherwise. No unlawful dispossession of a tenant from any premises shall prejudice his status as the actual occupant of such premises or otherwise prejudice his rights and defenses.

(4) Subsection (a) shall be construed as conferring additional rights and benefits upon tenants and shall not abrogate any right or defense held or enjoyed under the provisions of any agreement or under ordinary rules of law. No person shall be required to elect between such other rights or defenses and the benefits of subsection (a). No order of the administrator or board shall be deemed to relate to any such other right or defense, but only to the additional rights and benefits conferred by subsection (a).

SECTION 6. Order permitting the termination of a tenancy; non-conformity with order a misdemeanor. (a) The governor shall formulate rules governing the issuance of the orders to which reference is made in section 5(a), paragraph (1). The use and occupancy of the premises, proposed to be made or authorized by the landlord, shall be compared with the present use and occupancy, and the decision shall be based on (1) relative community needs for the production and distribution of commodities and services, and (2) the provident utilization of supplies, materials, and services, substantially as set forth in paragraphs numbered (1), (2), and (3) of section 8(b) of Hawaii Defense Act Rule Number 105 or in such other manner as will best provide for protection of businesses which are of community service, and for conservation of supplies, materials, and services, as

set forth in section 1. While an application for such an order is pending before the administrator or the board, or if such order has not become final as provided in section 12 (d), the tenant shall continue to pay the lawful rent, and the acceptance thereof shall not be deemed to prejudice the landlord with respect to the effect of any notice to vacate given by him. In the event that a rent payment made by the tenant pursuant to the requirements of this paragraph should cover a greater period of occupancy than is thereafter enjoyed by the tenant, the rent for the balance of the period after the tenant's occupancy ceases shall be refunded.

(b) Bond. Such order shall specify the use and occupancy which are to be made of the premises upon termination of the present tenancy, and may require a reasonable cash bond or other bond conditioned for the use and occupancy of the premises in the manner specified in such order (except as such order may be modified) for a maximum period of six months after possession is obtained from the tenant concerned. Such order may provide for forfeiture of the bond in the event of non-use of the premises as well as in the event of use or occupancy of the premises other than as specified in the order. In the event of forfeiture of the bond the proceeds thereof shall be paid to the Territory.

(c) Non-conformity with order a misdemeanor. Whether or not such bond is required, any person who, during the period of six months after possession is obtained from a tenant, shall use or occupy or permit the use or occupancy of any premises in a manner other than as specified in the order permitting termination of the tenancy of such premises,

except as such order may be modified, shall be guilty of a misdemeanor punishable as hereafter provided.

(d) Modification of order. An order permitting the termination of a tenancy may be modified at any time as to the use and occupancy to be made of the premises, upon proof of a bona fide change of circumstances which could not have been anticipated at the time such order was obtained and upon due consideration of the public interests, as set forth in subsection (a).

(e) Additional powers of governor. If the governor shall find and determine that the provisions of subsection (a), under the then existing circumstances, are inadequate to afford sufficient relief from the conditions set forth in section 1 and to accomplish the objectives therein set forth, he may withhold the issuance of orders under subsection (a) with respect to such rental agreements, such commercial premises, or such types of use and occupancy, and for such period, as may be necessary to afford such relief.

SECTION 7. Rental rates. (a) No rent shall be demanded or received by any landlord for any commercial premises at a rate in excess of the lawful rental rate, determined as hereinafter provided.

(b) Initial rates. The rental rates for commercial premises subject to the provisions of rules numbered 105 and 109, issued under the Hawaii Defense Act, determined as provided in said rules, shall continue to be the lawful rental rates, subject to the provisions of this Act and the rules of the governor. For commercial premises not subject

to said rules, to which commercial real property control hereafter shall be extended by the governor, the lawful rental rate as of the effective date of the rule so extending such control, subject to modification as provided in this Act and the rules of the governor, shall be determined by the governor in such manner as to perpetuate the provisions of written leases, and the rental rates accepted by tenants through rent payments actually made in accordance therewith, except to the extent that such leases were made, or such rental rates so accepted, under conditions which materially affected the normal processes of bargaining between landlord and tenant. No rental rate fixed by a written lease made prior to the effective date of control of the premises concerned, for a term which includes the rental period involved, shall be altered under the foregoing provision unless the lessor shall, by the governor's rules, be given the option to terminate the lease, thereby acquiring, as to the premises or portion thereof of which the lessee is the actual occupant the same rights and duties as to rent adjustments and as to orders permitting termination of tenancy, as if there had been no lease for a fixed term, and as to the premises or portion thereof of which the lessee is not the actual occupant, the lessor shall thereby acquire all of the lessee's rights and obligations with respect to the lessee's tenants.

(c) Voluntary agreements. A rental rate may be increased or decreased or a new rental rate determined for any commercial premises by mutual assent of landlord and tenant, evidenced in such manner as the governor may require. Provided, that if the governor shall find and determine that the provisions of this subsection are materially contributing

to inflation of price ceilings he may suspend the provisions of this subsection with respect to such rental agreements, such types of use and occupancy, or such commercial premises, and for such period, as may be necessary to afford relief against such inflation, or he may relieve the pressure on rent ceilings by action under section 6(e), or both.

(d) Administrative determinations. A rental rate may be increased or decreased or a new rental rate determined by the administrator upon application of the landlord or tenant. Such rental rate shall be the rate which is generally fair and equitable, judged in the light of what the premises are worth for the use made or to be made thereof by the actual occupant or occupants, but excluding from consideration any rental rate which could reasonably be met only by an increase of the prices generally prevailing in the actual occupant's line of business. Provided, that the provisions of a written lease for a term which includes the rental period involved, shall not be altered under this subsection.

SECTION 8. Changes of use. No tenant of commercial premises shall change the use thereof, or authorize such change, without the consent of his landlord and such other person, if any, as under ordinary rules of law in the absence of this Act could have prevented such change of use by recovery of possession or otherwise, unless such change of use is permitted by the administrator, on the ground that (a) such change of use will not injure or depreciate the value of the property involved or other property in which the party objecting thereto has an interest, and will not

be injurious to the business of other tenants of such party, and (b) such new use will meet community needs for the production and distribution of commodities and services as well as or better than the present use.

A violation of this section shall be deemed a breach of the rental agreement.

SECTION 9. Unlawful removal. No landlord who, under this Act, does not have the right of recovery of commercial premises, shall remove or seek to remove his tenant or recover or seek to recover possession, without the consent of the tenant, by action or proceeding to evict or to recover possession, by exclusion from possession, by cessation or reduction of services, by changing the condition of the premises, by acts or practices or by permitting acts or practices which substantially impair the enjoyment of the premises, or otherwise; provided, this section shall not be deemed to prohibit the mere giving of a notice which is required in order to terminate the tenancy, effective upon the obtaining of an order permitting such termination, which order has become final as provided in section 12(d).

SECTION 10. Statutory modification of rental agreements. (a) All rental agreements heretofore or hereafter made shall be deemed to be modified by or subject to the provisions hereinafter set forth, and such provisions shall be deemed matters of substantive right or defense as provided in section 11, to wit:

(1) The provisions of rules numbered 97, 103, 105 and 109, issued under the Hawaii Defense Act.

(2) Joint resolution 1, enacted at this session of the legislature.

(3) The provisions of this Act and the rules, orders, determinations and decisions issued under this Act.

(b) No waiver of rights and benefits. Except as expressly authorized by such rules or enactments no right or benefit thereunder may be waived.

SECTION 11. Court proceedings. In any suit involving recovery of possession of real property, rents, damages for failure to surrender possession, or any other question arising out of the relation of landlord and tenant, the court shall determine the rights and duties of the parties in accordance with the provisions of this Act, and the enactments, rules, orders, determinations and decisions referred to in section 10(a). All of the foregoing provisions shall be deemed matters of substantive right or defense with respect to the periods of time to which the same relate, whether or not this Act or such other enactments or such rules shall have expired or been repealed.

The provisions of this section and the other provisions of this Act shall apply to all actions for summary possession, ejectment or other actions for recovery of possession, as well as other proceedings, and shall apply to pending proceedings as well as to cases hereafter commenced. A proceeding shall be deemed pending even if judgment has been entered or an order or decree made, and notwithstanding the provisions of section 10412 of the revised laws, even if a writ of possession or other execution has issued, so long as such writ has not been executed or such execution satisfied.

In any proceeding for the recovery of possession pending on the effective date of this Act, if it shall appear that no application has been made for an order permitting the termination of the tenancy, as provided in section 6, or no final determination has been made thereon, the court, upon application of the party seeking to recover possession, may grant a reasonable time within which to obtain such final order and thereafter shall entertain such further proceedings as may be necessary in order to dispose of the case.

In any proceeding for the recovery of possession pending on the effective date of this Act, or founded upon a notice to vacate given prior to the effective date of this Act, if nonpayment of rent is a material issue the court shall grant a reasonable time in which the tenant, if he is the actual occupant of the premises, may determine whether in the light of the relief afforded him by this Act and the aforesaid enactments and rules, he will make the payments required for continued occupancy of the premises and if he makes such payments within the time so allowed he shall not be removed from the premises whether or not a writ had issued prior to the effective date of this Act.

If an order, decree or judgment has been made but not executed before the effective date of this Act, the proceeding being then pending as hereinabove provided, the court by which such order, decree or judgment was made or such other court as shall have jurisdiction to rescind or modify the same, shall, if it is of the opinion that the order, decree or judgment would not have been made had this Act been in effect at the date of the making thereof, rescind

or modify such order, decree or judgment as may be proper in order to give effect to this Act.

SECTION 12. Appeals. (a) To the board. The orders, determinations and other decisions of the administrator shall be subject to review by the board, which shall have the power to affirm, modify, or reverse the same, to refer the case back to the administrator with appropriate directions, or to make a new order, determination or decision.

(b) To the court. The orders, determinations, and other decisions of the board shall be subject to review by a judge of the circuit court at chambers of the circuit in which the commercial premises are situated.

The petition for such review shall be filed within ten days after the date of mailing of a copy of such order, determination or decision to the petitioner's last known address, or if such copy is not mailed, within ten days after the date of delivery thereof to him. The petition for review need not be verified but shall state the grounds upon which such review is sought. Such petition for review shall name as parties respondent all of the parties to the proceeding before the board, except the administrator. The petition for review shall be served upon the parties respondent in such manner as may be prescribed by the court and the procedure thereon shall be as prescribed by the court. The circuit judge shall have power to grant a stay of any order, determination or decision, as he may determine to be equitable in the premises, upon such terms as he may prescribe, subject to the provisions of subsection (d) of this section. The administrator shall be notified of such petition by the

clerk of the court, and shall certify and file with the court a copy of the record, in such form and including such matters and within such time as may be prescribed by the court.

In any proceeding for review by a court the jurisdiction of such court shall be confined to questions of law. No additional evidence shall be received by the court but the court may order additional evidence to be taken before the board, and the board may, after hearing such additional evidence, modify its order, determination, or decision, and the board shall file such modified order, determination, or decision, together with a transcript of the additional record, with the court.

Proceedings for review by the supreme court may be taken and had in the same manner, but not inconsistent with the provisions of this Act, as is provided for a review of an order or decree of a circuit judge at chambers.

Upon the final termination of any such judicial review, the board shall enter an order, determination or decision in accordance with the mandate of the court.

(c) Administrator as a party. The administrator shall be a party to any proceeding for review by the board, and shall be entitled to intervene in any proceeding for judicial review.

(d) Order permitting termination of tenancy, when final. An order permitting the termination of a tenancy shall be deemed to be final when (1) made by the administrator, and the time for appeal to the board shall have elapsed without the taking of an appeal; or (2) affirmed or made by the board, and the time for appeal to the court shall have

elapsed without the taking of an appeal; or (3) affirmed or made by the board, and within the time for appeal to the court an appeal shall have been taken but no stay of such order shall have been issued by the court within such time, in which event the order shall have the force and effect of a final order until and unless reversed on the appeal; provided, that if an order permitting termination of a tenancy is not stayed and pursuant thereto the tenant shall surrender or be removed from the premises, then in the event such order is reversed the landlord shall be liable in damages the same as if the tenant had been unlawfully dispossessed; provided, further, that if an order permitting termination of a tenancy is stayed and pursuant thereto the tenant shall remain in possession of the premises, in the event the order is affirmed the tenant shall be liable in damages the same as if he had continued in possession unlawfully during the period of the stay order.

(e) Recovery of possession, when. In the event of a petition for review of an order permitting the termination of a tenancy, or of a decision refusing to issue such order, if the court shall affirm, or direct the issuance of, an order permitting the termination of the tenancy, and if it shall appear that the right of recovery of the premises does not involve other issues of fact to be tried by a jury, the court shall have jurisdiction, as a part of such review proceeding, to render a decree for possession of the premises and to direct the issuance of a writ of possession accordingly.

SECTION 13. Rules and regulations. The governor shall have power to prescribe rules and regulations for the administration and enforcement of this Act, which if not in conflict with the provisions of this Act shall have the force and effect of law. Rules and regulations so prescribed shall be published in a newspaper of general circulation in the Territory, or in the county concerned. Notwithstanding the provisions of sections 466 to 475, inclusive, of the revised laws, such rules and regulations need not be recorded, and the public hearing thereon may, at the governor's discretion, be held by the administrator or such other person as the governor may thereunto authorize, who shall make a report thereon to the governor.

Without prejudice to the generality of the foregoing, such rules and regulations of the governor may make findings and determinations which shall have the same force and effect as legislative findings and determination; may define terms, as provided in section 2 of this Act; may determine the application of this Act with respect to particular counties or portions thereof or particular premises, as provided in section 2(a)(1) and section 3; shall provide in what cases orders permitting termination of tenancies shall issue, as provided in section 6; shall prescribe the lawful rental rates as of the effective date of any rule extending commercial real property control to any county or portion thereof, subject to modification of such initial rental rates, as provided in section 7; may limit the frequency of applications for determination of rental rates under section 7(d); may prescribe the maximum amount of bond which may be required under section 6(b); may prescribe

the forms of orders, determinations and decisions with respect to inclusion therein of findings of fact or statements of the considerations upon which the same are based, or otherwise; shall provide for due notice of hearings and of the orders, determinations and decisions made by the administrator or the board; shall provide for hearings as required by law; may require that information be given the administrator in such form as the governor may prescribe, of the giving of notices to vacate, or of actions or proceedings for the recovery of commercial premises, whether heretofore or hereafter given or commenced; shall prescribe the effective date of rent determinations made by the administrator or the board; may prescribe the time for payments or refunds necessary to make adjustments under such rent determinations and may provide for prorating of rents in such instances, or in other instances in which only a portion of the normal rental period is involved; may provide for determination of the rights and duties of landlords and tenants with respect to payment of charges such as taxes, and with respect to utilities, repairs, services, improvements, and similar matters, in such manner as to make the provisions of this Act as to lawful rental rates effective; may require registration of use and occupancy and registration of rental agreements and may provide for forfeiture of rights or benefits conferred by this Act for failure to comply with such requirements; shall prescribe the procedure for review by the board, the time for appeal thereto, and the effect of the taking of an appeal with respect to stay of the administrator's order, determination, or decision; and may provide for the coordination of

the provisions of this Act with the functions of other rent control administrators or commissions, with the functions of territorial or county licensing authorities, or with functions relating to conservation, rationing or the allocation of priorities.

SECTION 14. Injunctions; interventions. (a) Whenever in the judgment of the administrator any person has engaged or is about to engage in any act or practice, or to make or permit any use or occupancy of commercial premises, which constitutes or will constitute a violation of section 6(c), 7(a) or 9 of this Act, he may make application to the appropriate court in the name of the Territory for an order enjoining such acts or practices or such use or occupancy, or for such other order as will enforce compliance with such provisions, and upon a showing by the administrator in such manner and form as is usual in injunction cases, that such person has engaged or is about to engage in any such act or practice, or to make or permit such use or occupancy, a permanent or temporary injunction, restraining order or other appropriate order shall be granted without bond.

(b) In addition to the right of intervention in appeal proceedings conferred by section 12, the administrator may intervene in the name of the Territory in any other action or proceeding wherein a party asserts a right or defense under this Act or any enactment, rule, order, determination or decision referred to in section 10(a), or wherein, in the judgment of the administrator, there is an issue to be presented which involves enforcement of the provisions of this Act or said enactments, rules, orders, determinations or decisions.

SECTION 15. Misdemeanors. (a) Any person who shall knowingly make any false statement or furnish any false information or conceal any material fact or in any manner intentionally deceive or attempt to deceive the administrator, the board, or any authorized representative of either of them, in any application, statement, report, investigation, or hearing made or conducted pursuant to the provisions of this Act or the rules of the governor hereunder, shall be guilty of a misdemeanor.

(b) Any person who shall wilfully violate the provisions of section 7(a) or 9, or the provisions of any rule or regulation of the governor violation of which is stated in such rule or regulation to be a misdemeanor, shall be guilty of a misdemeanor.

(c) Any person convicted of a misdemeanor under this section or section 6(c) of this Act shall be punished as provided in section 13134 of the revised laws.

SECTION 16. Effect on Hawaii Defense Act. This Act shall be deemed to supersede the provisions of section 13114(9) of the revised laws with respect only to the terms of rental agreements covering commercial premises and the recovery of possession of such rented premises. Notwithstanding this Act the provisions of said section 13114(9) may be applied by the governor to further alleviate the conditions set forth in section 1 of this Act, for example, by the licensing of all commercial premises, rented or otherwise, and control of other license provisions relating thereto, in such manner as to prevent the diversion thereof to businesses of little or no community service; and such rules issued under the Hawaii Defense Act may be combined

with rules issued under this Act.

SECTION 17. Continuance of rule 105. Rule 105, as amended by rule 109, issued by the governor under the authority of the Hawaii Defense Act, as modified by this Act, is continued in effect as constituting rules of the governor under this Act and under the Hawaii Defense Act, until rescinded or amended by the governor.

SECTION 18. Amendment of prior laws. All laws inconsistent with this Act are hereby amended to conform herewith.

SECTION 19. Constitutionality. 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.

The provisions of section 13127 of the revised laws shall apply to this Act.

SECTION 20. Effective and expiration dates. This Act shall take effect on April 1, 1945 and shall cease to be in effect six months after the governor shall have proclaimed the termination of the defense period which commenced December 7, 1941, or six months after the President shall have proclaimed the termination of the present war, whichever is the earlier; provided, that any violation

of this Act, committed while the Act is in force, may be prosecuted and punished thereafter whether or not this Act is in force at the time of such prosecution and punishment; provided, further, that notwithstanding the foregoing, this Act shall remain and continue in force for the enforcement of rights and the enjoyment of defenses which shall have accrued or attached on or before the date of expiration, hereinabove set forth.

INTRODUCED BY:

Harold H. Rice

_____, 7th District

1945
Senate Bill No. 141

The Legislature
of the
Territory of Hawaii

AN ACT

AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE COUNTY OF HAWAII TO PURCHASE, STATION, AND MAINTAIN, AN AMBULANCE AT HONOKAA, HAWAII, AND TO MAKE APPROPRIATIONS THEREFOR.

Introduced March 8, 1945, 1941, by
Senator W. H. HILL

First Reading in Senate March 8, 1945
Referred to Printing Committee March 8, 1945
Second Reading in Senate March 9, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

Hawaii

S. B. NO. 141

AN ACT

AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE COUNTY OF HAWAII TO PURCHASE, STATION, AND MAINTAIN, AN AMBULANCE AT HONOKAA, HAWAII, AND TO MAKE APPROPRIATIONS THEREFOR.

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

SECTION 1. The board of supervisors of the county of Hawaii is hereby authorized and directed to appropriate the sum of three thousand dollars for the purchase of, and to purchase, an ambulance for the transportation of sick and injured persons.

SECTION 2. Such ambulance shall be stationed at Honokaa, and shall be available for the transportation of any sick or injured persons within the districts of Hamakua, and ~~or from~~ South Kohala Hamakua to any hospital on the Island of Hawaii.

SECTION 3. The board of supervisors of the county of Hawaii is further authorized and directed to maintain said ambulance, and to provide ~~three~~ sufficient number of drivers therefor, so that said ambulance shall be on call twenty-four hours of every day, and to make the necessary appropriations therefor.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

M. H. Hill

Senator, First Senatorial District

3/8 2 9/3/8

1945

Senate Bill No. 142

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTIONS 12301, 12302, 12303 AND 12304 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO ILLEGITIMATES.

Introduced March 8, 1945, by
Senator WM.H.HEEN

First Reading in Senate March 8, 1945
Referred to Printing Committee " " "
Second Reading in Senate March 9, 1945
Referred to Committee on Judiciary
Third Reading in Senate March 22, 1945.

First Reading in House March 23, 1945
Referred to
Second Reading in House March 26, 1945
Referred to Judiciary Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

Engrossed 15-1-45 H.R.H.

S. B. NO. 147

AN ACT

TO AMEND SECTIONS 12301, 12302, 12303 AND 12304 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO ILLEGITIMATES.

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

SECTION 1. Section 12301 of the Revised Laws of Hawaii 1945 is hereby amended by amending the first paragraph thereof to read as follows:

"Any unmarried woman or married woman, who has separated from and was not living with her husband prior to and at the time the child was conceived, when quick with child or within two years after the delivery thereof, may apply to the judge of the juvenile court of the circuit in which she or the alleged father of the child resides, or in which she was delivered of the child, for a warrant for the arrest of the person whom she accuses of being the father thereof."

SECTION 2. Section 12302 of the Revised Laws of Hawaii 1945 is hereby amended by amending the first sentence thereof to read as follows:

"If, on the examination, there appears probable cause to believe that the woman is quick with child, or that the child, if born, is within the age limit of the particular application, and that the accused person is the father thereof, the judge shall issue a warrant directed to the High Sheriff, his deputy, the sheriff of the county or city and county, or his deputy, or any police officer within the circuit, requiring the accused to be arrested and brought for preliminary examination before the judge of the juvenile

court, who, upon such preliminary examination, may require the accused to enter into bond with good sureties to the Territory in a sum to be fixed by the Judge for his appearance and trial in the juvenile court, but if the woman be quick with child at the time of the arrest, final trial shall not take place until after the birth of the child."

SECTION 3. Section 12303 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 12303. Trial; judgment. If the accused shall fail to appear, the bond for his appearance as aforesaid shall be forfeited; but the trial of, or other proceedings in, the cause shall, nevertheless, proceed as though he were present; and the court shall upon the findings of the judge, or the verdict of the jury, make such orders as it shall deem proper as though the accused were in court.

"If the accused acknowledges in open court the paternity of the child, or if at the trial the finding of the court or jury be against the accused, the court, in rendering judgment thereon, may make an order for the payment of the prenatal medical care and costs of the mother's confinement for the purpose of childbirth and the expenses of childbirth in such amount or amounts as may be deemed reasonable by the court, and shall make an order for the payment of keeping, maintenance and education of the child as may seem proper, until the child reaches the age of majority, unless the child, prior thereto, is adopted, emancipated or becomes self-supporting, of such sum of money, in such installments, and in such manner, as shall to the court seem best, taking into

consideration the financial standing of the defendant, his income, earning capacity, and those of his family who are dependent upon him for their support, maintenance and education.

"In case of forfeiture of the appearance bond, the money collected upon the forfeiture shall be applied in payment of the judgment against the accused."

SECTION 4. Section 12304 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 12304. Bond after judgment. An accused, if he shall be adjudged to be the father of the child, may thereupon be required by the Court to enter into bond, with good sureties, to the Territory in a sum to be fixed by the judge, conditioned for the payment of the sum or sums adjudged in such installments, and in such manner as the court shall direct. The judge may, from time to time, require the accused to furnish a new or additional bond in this connection. In case of his failure to enter into the bond or bonds, the Court may commit him to the custody of the sheriff of the county or city and county, there to remain until he shall give the bond or bonds or pay the total amount of the sum or sums adjudged.

"If the child shall die, be adopted, emancipated or become self supporting, before the expiration of the bond or bonds, the person adjudged to be the father of the child, and his sureties, shall be discharged from the bond or bonds upon the payment of all amounts due prior thereto."

SECTION 5. This Act shall take effect upon its approval.

INTRODUCED BY

Senator Senatorial District

S.B.No. 142

A N A C T

TO AMEND SECTIONS 12301, 12302, 12303 AND 12304 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO ILLEGITIMATES.

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

SECTION 1. Section 12301 of the Revised Laws of Hawaii 1945 is hereby amended by amending the first paragraph thereof to read as follows:

"Any unmarried woman or married woman, who has separated from and was not living with her husband prior to and at the time the child was conceived, when quick with child or within two years after the delivery thereof, may apply to the judge of the juvenile court of the circuit in which she or the alleged father of the child resides, or in which she was delivered of the child, for a warrant for the arrest of the person whom she accuses of being the father thereof."

SECTION 2. Section 12302 of the Revised Laws of Hawaii 1945 is hereby amended by amending the first sentence thereof to read as follows:

"If, on the examination, there appears probable cause to believe that the woman is quick with child, or that the child, if born, is within the age limit of the particular application, and that the accused person is the father thereof, the judge shall issue a warrant directed to the high sheriff, his deputy, the sheriff of the county or city and county, or his deputy, or any police officer within the circuit, requiring the accused to be arrested and brought for preliminary examination before the judge of the juvenile court, who, upon such preliminary examination, may require the accused to enter into bond with good sureties to the Territory in a sum to be fixed by the judge for his appearance and trial in the juvenile court, but if the woman be quick with child at the time of the arrest, final trial shall not take place until after the birth of the child."

SECTION 3. Section 12303 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 12303. Trial; judgment. If the accused shall fail to appear, the bond for his appearance as aforesaid shall be forfeited; but the trial of, or

other proceedings in, the cause shall, nevertheless, proceed as though he were present; and the court shall upon the findings of the judge, or the verdict of the jury, make such orders as it shall deem proper as though the accused were in court.

If the accused acknowledges in open court the paternity of the child, or if at the trial the finding of the court or jury be against the accused, the court, in rendering judgment thereon, may make an order for the payment of the prenatal medical care and costs of the mother's confinement for the purpose of childbirth and the expenses of childbirth in such amount or amounts as may be deemed reasonable by the court, and shall make an order for the payment of keeping, maintenance and education of the child as may seem proper, until the child reaches (the age of majority), unless the child, prior thereto, is adopted, emancipated or becomes self-supporting, of such sum of money, in such instalments, and in such manner, as shall to the court seem best, taking into consideration the financial standing of the defendant, his income, earning capacity, and those of his family who are dependent upon him for their support, maintenance and education.

sixteen years of age

In case of forfeiture of the appearance bond, the money collected upon the forfeiture shall be applied in payment of the judgment against the accused."

SECTION 4. Section 12304 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 12304. Bond after judgment. An accused, if he shall be adjudged to be the father of the child, may thereupon be required by the court to enter into bond, with good sureties, to the Territory in a sum to be fixed by the judge, conditioned for the payment of the sum or sums adjudged in such instalments, and in such manner as the court shall direct. The judge may, from time to time, require the accused to furnish a new or additional bond in this connection. In case of his failure to enter into the bond or bonds, the court may commit him to the custody of the sheriff of the county or city and county, there to remain until he shall give the bond or bonds or pay the total amount of the sum or sums adjudged.

If the child shall die, be adopted, emancipated or become self-supporting, before the expiration of the bond or bonds, the person adjudged to be the father of the child, and his sureties, shall be discharged from the bond or bonds upon the payment of all amounts due prior thereto."

SECTION 5. This Act shall take effect upon its approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., March 22, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Leapellas

President of the Senate

Ellen D. Smythe

Clerk of the Senate.

S. B. NO. 142
H. D. 1

A N A C T

TO AMEND SECTIONS 12301, 12302, 12303 AND 12304 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO ILLEGITIMATES.

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

SECTION 1. Section 12301 of the Revised Laws of Hawaii 1945 is hereby amended by amending the first paragraph thereof to read as follows:

"Any unmarried woman or married woman, who has separated from and was not living with her husband prior to and at the time the child was conceived, when quick with child or within two years after the delivery thereof, may apply to the judge of the juvenile court of the circuit in which she or the alleged father of the child resides, or in which she was delivered of the child, for a warrant for the arrest of the person whom she accuses of being the father thereof."

SECTION 2. Section 12302 of the Revised Laws of Hawaii

1945 is hereby amended by amending the first sentence thereof to read as follows:

"If, on the examination, there appears probable cause to believe that the woman is quick with child, or that the child, if born, is within the age limit of the particular application, and that the accused person is the father thereof, the judge shall issue a warrant directed to the high sheriff, his deputy, the sheriff of the county or city and county, or his deputy, or any police officer within the circuit, requiring the accused to be arrested and brought for preliminary examination before the judge of the juvenile court, who, upon such preliminary examination, may require the accused to enter into bond with good sureties to the territory in a sum to be fixed by the judge for his appearance and trial in the juvenile court, but if the woman be quick with child at the time of the arrest, final trial shall not take place until after the birth of the child."

SECTION 3. Section 12303 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 12303. Trial; judgment. If the accused shall fail to appear, the bond for his appearance as

aforesaid shall be forfeited; but the trial of, or other proceedings in, the cause shall, nevertheless, proceed as though he were present; and the court shall upon the findings of the judge, or the verdict of the jury, make such orders as it shall deem proper as though the accused were in court.

If the accused acknowledges in open court the paternity of the child, or if at the trial the finding of the court or jury be against the accused, the court, in rendering judgment thereon, may make an order for the payment of the prenatal medical care and costs of the mother's confinement for the purpose of childbirth and the expenses of childbirth in such amount or amounts as may be deemed reasonable by the court, and shall make an order for the payment of keeping, maintenance and education of the child as may seem proper, until the child reaches sixteen years of age, unless the child, prior thereto, is adopted, emancipated or becomes self-supporting, of such sum of money, in such installments, and in such manner, as shall to the court seem best, taking into consideration the financial standing of the defendant, his income, earning capacity, and those of his family who are dependent upon him for their support, maintenance and education.

In case of forfeiture of the appearance bond, the money collected upon the forfeiture shall be applied in payment of the judgment against the accused."

SECTION 4. Section 12304 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 12304. Bond after judgment. An accused, if he shall be adjudged to be the father of the child, may thereupon be required by the court to enter into bond, with good sureties, to the territory in a sum to be fixed by the judge, conditioned for the payment of the sum or sums adjudged in such installments, and in such manner as the court shall direct. The judge may, from time to time, require the accused to furnish a new or additional bond in this connection. In case of his failure to enter into the bond or bonds, the court may commit him to the custody of the sheriff of the county or city and county, there to remain until he shall give the bond or bonds or pay the total amount of the sum or sums adjudged.

If the child shall die, be adopted, emancipated or become self-supporting, before the expiration of the bond or bonds, the person adjudged to be the father of the child, and his sureties, shall be dis-

charged from the bond or bonds upon the payment of all amounts due prior thereto."

SECTION 5. This Act shall take effect upon its approval.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 30, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M K Paschoal
Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 143

The Legislature

of the

Territory of Hawaii

AN ACT

RELATING TO THE ACKNOWLEDGMENT OF INSTRUMENTS, THE ATTESTATION OF DOCUMENTS, THE ADMINISTRATION OF OATHS AND AFFIRMATIONS, THE EXECUTION OF DEPOSITIONS AND AFFIDAVITS, AND OTHER NOTARIAL ACTS, HERETOFORE OR HEREAFTER TAKEN BEFORE ANY COMMISSIONED OFFICER OF THE ARMED FORCES OF THE UNITED STATES, AND PROVIDING THAT SUCH INSTRUMENTS AND DOCUMENTS EXECUTED BY ANY PERSON WHO IS A MEMBER OF OR ACTUALLY PRESENT WITH THE ARMED FORCES OF THE UNITED STATES OR IS OUTSIDE THE UNITED STATES FOR CERTAIN PURPOSES, SHALL BE LEGAL, VALID AND BINDING; AND PROVIDING FOR THE FORM OF THE INSTRUMENT OR DOCUMENT AND WHAT PROOF SHALL BE SUFFICIENT OF THE AUTHORITY OF SUCH COMMISSIONED OFFICER SO TO ACT.

Introduced March 8 , 1945 , by

Senator WM.H.HEEN

First Reading in Senate March 8 1945

Referred to Printing Committee " " "

Second Reading in Senate March 9, 1945

Referred to

Third Reading in Senate

First Reading in House

Referred to

Second Reading in House

Referred to

Third Reading in House

ELLEN D. SMYTHE

Clerk of the Senate

Administration

wm Heen
SB 143 2

AN ACT

RELATING TO THE ACKNOWLEDGMENT OF INSTRUMENTS, THE ATTESTATION OF DOCUMENTS, THE ADMINISTRATION OF OATHS AND AFFIRMATIONS, THE EXECUTION OF DEPOSITIONS AND AFFIDAVITS, AND OTHER NOTARIAL ACTS, HERETOFORE OR HEREAFTER TAKEN BEFORE ANY COMMISSIONED OFFICER OF THE ARMED FORCES OF THE UNITED STATES, AND PROVIDING THAT SUCH INSTRUMENTS AND DOCUMENTS EXECUTED BY ANY PERSON WHO IS A MEMBER OF OR ACTUALLY PRESENT WITH THE ARMED FORCES OF THE UNITED STATES OR IS OUTSIDE THE UNITED STATES FOR CERTAIN PURPOSES, SHALL BE LEGAL, VALID AND BINDING; AND PROVIDING FOR THE FORM OF THE INSTRUMENT OR DOCUMENT AND WHAT PROOF SHALL BE SUFFICIENT OF THE AUTHORITY OF SUCH COMMISSIONED OFFICER SO TO ACT.

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

SECTION 1. In addition to the acknowledgment of instruments and the performance of other notarial acts in the manner and form and as otherwise authorized by law, instruments may be acknowledged, documents attested, oaths and affirmations administered, depositions and affidavits executed, and other notarial acts performed, before or by any commissioned officer in active service of the armed forces of the United States with the rank of second lieutenant or higher in the army or marine corps, or with the

rank of ensign or higher in the navy or coast guard, or with equivalent rank in any other component part of the armed forces of the United States, by any person who either:

(a) Is a member of the armed forces of the United States; or

(b) Is serving as a merchant seaman outside the limits of the United States included within the forty-eight states, the District of Columbia, and the Territory of Hawaii; or

(c) Is outside said limits by permission, assignment or direction of any department or official of the United States Government, in connection with any activity pertaining to the prosecution of any war in which the United States is then engaged.

Such acknowledgment of instruments, attestation of documents, administration of oaths and affirmations, execution of depositions and affidavits, and performance of other notarial acts, heretofore or hereafter made or taken, are hereby declared legal, valid and binding, and instruments and documents so acknowledged, authenticated, or sworn to shall be admissible in evidence and eligible to record in the Territory under the same circumstances, and with the same force and effect as if such acknowledgment, attestation, oath, affirmation, deposition, affidavit, or other notarial act, had been made or taken within the Territory before or by a duly qualified officer or official as otherwise provided by law.

In the taking of acknowledgments and the performing of other notarial acts requiring certification, a certificate endorsed upon or attached to the instrument or documents, which shows the date of the notarial act and which states, in substance, that the person appearing before the officer acknowledged the instrument as his act or made or signed the instrument or document under oath, shall be sufficient for all intents and purposes. The instrument or document shall not be rendered invalid by the failure to state the place of execution or acknowledgment.

If the signature, rank, and branch of service or subdivision thereof, of any such commissioned officer appear upon such instrument or document or certificate, no further proof of the authority of such officer so to act shall be required and such action by such commissioned officer shall be prima facie evidence that the person making such oath or acknowledgment is within the purview of this Act.

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

INTRODUCED BY:

_____

Senate, 3rd District

1945

Senate Bill No. 144

The Legislature
of the
Territory of Hawaii

AN ACT

TO PROVIDE FOR THE APPOINTMENT OF A CONSERVATOR, UNDER CERTAIN CIRCUMSTANCES, FOR PROPERTY OF PERSONS SERVING IN OR WITH THE ARMED FORCES OF THE UNITED STATES.

Introduced March 8, 1945 by
Senator WM.H.HEEN

First Reading in Senate March 8 1945
Referred to Printing Committee " " "
Second Reading in Senate March 9 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

Administration

SB 144

AN ACT

TO PROVIDE FOR THE APPOINTMENT OF A CONSERVATOR, UNDER CERTAIN CIRCUMSTANCES, FOR PROPERTY OF PERSONS SERVING IN OR WITH THE ARMED FORCES OF THE UNITED STATES

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

SECTION 1. Whenever a person, hereinafter referred to as an absentee, serving in or with the armed forces of the United States, or a person serving as a merchant seaman, or a person outside the limits of the continental United States and the Territory of Hawaii by permission, assignment, or direction of any department or official of the United States in connection with any activity pertaining to or connected with the prosecution of any war in which the United States is then engaged, has been reported or listed as missing, or missing in action, or interned in a neutral country, or beleaguered, besieged, or captured by an enemy, has an interest in any form of property in this Territory or is a legal resident of this Territory and has not provided an adequate power of attorney authorizing another to act in his behalf in regard to such property or interest, then, the circuit judge at chambers of the circuit of such absentee's legal domicile or of the circuit where such property is situated, upon petition alleging the foregoing facts and showing the necessity for providing care of the property

of such absentee made by any person who would have an interest in the property of the absentee were such absentee deceased, or on the circuit judge's own motion, after notice to, or on receipt of proper waivers from the heirs and next of kin of the absentee as provided by law for the administration of an estate, and upon good cause being shown, may, after finding the facts to be as aforesaid, appoint a conservator to take charge of the absentee's estate, under the supervision and subject to the further orders of the judge.

SECTION 2. The circuit judge at chambers shall have full discretionary authority to appoint any suitable person as such conservator and may require such conservator to post an adequate surety bond and to make such reports as the judge may deem necessary. The conservator shall have the same powers and authority as a guardian appointed under the provisions of chapter 305 of the Revised Laws of Hawaii 1945 and shall be considered as an officer or arm of the court.

SECTION 3. At any time upon petition signed by the absentee, or on petition of an attorney-in-fact acting under an adequate power of attorney granted by the absentee, the circuit judge at chambers shall direct the termination of the conservatorship and the transfer of all property held thereunder to the absentee or to the designated attorney-in-fact. Likewise, if at any time subsequent to the appointment of a conservator it shall appear that the absentee has died and an executor or administrator has been

appointed for his estate, the circuit judge at chambers shall direct the termination of the conservatorship and the transfer of all property of the deceased absentee held thereunder to such executor or administrator.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

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Senator, 3rd District

1945

Senate Bill No. 145

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTIONS 12641, 12698 AND 12705, CHAPTER 307 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE TENURE OF A HOLDER OF A CERTIFICATE OF TITLE UNDER THE LAND COURT REGISTRATION SYSTEM AND RELATING TO FEES IN CONNECTION WITH REGISTRATION.

Introduced March 8 , 1945, by

Senator WM.H.HEEN

First Reading in Senate March 8 1945
Referred to Printing Committee " " "
Second Reading in Senate March 9, 1945
Referred to Committee on Judiciary
Third Reading in Senate April 18, 1945

First Reading in House April 18, 1945
Referred to
Second Reading in House April 19, 1945
Referred to Judiciary Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

S. B. NO. 145

AN ACT

TO AMEND SECTIONS 12641, 12698 AND 12705, CHAPTER 307 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE TENURE OF A HOLDER OF A CERTIFICATE OF TITLE UNDER THE LAND COURT REGISTRATION SYSTEM AND RELATING TO FEES IN CONNECTION WITH REGISTRATION.

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

SECTION 1. Section 12641 of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"Sec. 12641. Tenure of holder of certificate of title. Every applicant receiving a certificate of title in pursuance of a decree of registration, and every subsequent purchaser of registered land who takes a certificate of title for value and in good faith, shall hold the same free from all encumbrances except those noted on the certificate in the order of priority of recordation, and any of the following encumbrances which may be subsisting, namely:

"First: Liens, claims or rights arising or existing under the Laws or Constitution of the United States, which the statutes of this Territory cannot require to appear of record in the registry.

"Second: Real property taxes, assessed against the land and improvements covered by the certificate of title, to be a paramount lien for three years after January 1 of the year of assessment, or for six years in the event that sworn notice be filed and registered as provided by Section 5167, and, if proceedings for the enforcement or foreclosure of the lien be brought within the applicable period hereinabove designated, until the termination of such proceedings.

"Third: Any public highway, or any private way laid out under the provisions of law, when the certificate of title does not state that the boundary of such way has been determined.

"Fourth: Any lease, coupled with occupancy, for a term not exceeding one year; provided, however, that the priority of such unrecorded lease shall attach only at the date of the commencement of such unrecorded lease and expire one year from said date or sooner if so expressed.

"Fifth: Any liability to assessments for betterments, or statutory liability which may attach to land as a lien prior to or independent of, the recording or registering of any paper; provided, however, that the priority of any such liability and the lien therefor shall cease and terminate three years after the liability first accrues or six years after it first accrues in the event that notice thereof, sworn to by the officer charged with collection of such assessments or liability, setting forth the amount claimed, the date of accrual and the land affected, be registered and noted on the certificate of title within such three year period, and, if proceedings for enforcement or foreclosure of the lien be brought within the applicable period hereinabove designated, upon the termination of said proceedings; provided, further, that if there are easements or other rights, appurtenant to a parcel of registered land which for any reason have failed to be registered, such easements or rights shall remain so appurtenant notwithstanding such failure, and shall be held to pass

with the land until cut off or extinguished by the registration of the servient estate, or in any other manner.

"Sixth: The possibility of reversal or vacation of the decree of registration upon writ of error issued within ninety days from the entry of such decree of registration."

SECTION 2. Section 12698 of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"Sec. 12698. Fees required for protection against loss or damage. There shall be paid to the registrar upon the original registration of land under this chapter, under absolute or qualified ownership, one-tenth of one per centum of the assessed value of the land and improvements on the basis of the last assessment for taxation. Where the land sought to be registered was not separately assessed during the preceding calendar year, the value of the same shall be as found by the court as of January 1, of the year in which the application was filed. The court may appoint one or more appraisers at such rates of pay as he shall deem just, the cost to be taxed against the applicant.

"All moneys received by the registrar under this section shall be paid to the treasurer of the Territory as a realization to the general fund."

SECTION 3. Section 12705 of the Revised Laws of Hawaii 1945, is hereby amended by amending the 4th item of the schedule of fees therein, being the 2nd item on page 1619 of the Revised Laws of Hawaii 1945, to read as follows:

"For examining title, ten dollars and two-tenths of one per centum of the assessed value of the land

and improvements on the basis of the last assessment for taxation."

SECTION 4. This Act shall take effect upon its approval; but in view of the amendments in Section 1 hereof to Section 12641 of the Revised Laws of Hawaii 1945, as to the paragraph beginning "Second" and the paragraph beginning "Fifth", any government liens for moneys claimed to be due, still subsisting on March 1, 1945, under Section 12641 before amendment herein without recordation for three years or more, may be preserved in their status as prior liens by filing and registering prior to November 1, 1945, a sworn notice thereof setting forth the details required by said section.

INTRODUCED BY

Senator 3rd Senatorial District

S.B.No. 145

A N A C T

TO AMEND SECTIONS 12641, 12698 AND 12705, CHAPTER 307 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE TENURE OF A HOLDER OF A CERTIFICATE OF TITLE UNDER THE LAND COURT REGISTRATION SYSTEM AND RELATING TO FEES IN CONNECTION WITH REGISTRATION.

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

SECTION 1. Section 12641 of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"Sec. 12641. Tenure of holder of certificate of title. Every applicant receiving a certificate of title in pursuance of a decree of registration, and every subsequent purchaser of registered land who takes a certificate of title for value and in good faith, shall hold the same free from all encumbrances except those noted on the certificate in the order of priority of recordation, and any of the following encumbrances which may be subsisting, namely:

First: Liens, claims or rights arising or existing under the laws or Constitution of the

United States, which the statutes of this Territory cannot require to appear of record in the registry.

Second: Real property taxes, assessed against the land and improvements covered by the certificate of title, to be a paramount lien for three years after January 1 of the year of assessment, or for six years in the event that sworn notice be filed and registered as provided by section 5167, and, if proceedings for the enforcement or foreclosure of the lien be brought within the applicable period hereinabove designated, until the termination of such proceedings.

Third: Any public highway, or any private way laid out under the provisions of law, when the certificate of title does not state that the boundary of such way has been determined.

Fourth: Any lease, coupled with occupancy, for a term not exceeding one year; provided, however, that the priority of such unrecorded lease shall attach only at the date of the commencement of such unrecorded lease and expire one year from said date or sooner if so expressed.

Fifth: Any liability to assessments for betterments, or statutory liability which may attach to land as a lien prior to or independent

of, the recording or registering of any paper; provided, however, that the priority of any such liability and the lien therefor shall cease and terminate three years after the liability first accrues or six years after it first accrues in the event that notice thereof, sworn to by the officer charged with collection of such assessments or liability, setting forth the amount claimed, the date of accrual and the land affected, be registered and noted on the certificate of title within such three year period, and, if proceedings for enforcement or foreclosure of the lien be brought within the applicable period hereinabove designated, upon the termination of said proceedings; provided, further, that if there are easements or other rights, appurtenant to a parcel of registered land which for any reason have failed to be registered, such easements or rights shall remain so appurtenant notwithstanding such failure, and shall be held to pass with the land until cut off or extinguished by the registration of the servient estate, or in any other manner.

Sixth: The possibility of reversal or vacation of the decree of registration upon writ of error issued within ninety days from the entry of such decree of registration."

SECTION 2. Section 12698 of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"Sec. 12698. Fees required for protection against loss or damage. There shall be paid to the registrar upon the original registration of land under this chapter, under absolute or qualified ownership, one-tenth of one per centum of the assessed value of the land and improvements on the basis of the last assessment for taxation. Where the land sought to be registered was not separately assessed during the preceding calendar year, the value of the same shall be as found by the court as of January 1, of the year in which the application was filed. The court may appoint one or more appraisers at such rates of pay as he shall deem just, the cost to be taxed against the applicant.

All moneys received by the registrar under this section shall be paid to the treasurer of the Territory as a realization to the general fund."

SECTION 3. Section 12705 of the Revised Laws of Hawaii 1945, is hereby amended by amending the 4th item of the schedule of fees therein, being the 2nd item on page 1619 of the Revised Laws of Hawaii 1945, to read as follows:

"For examining title, ten dollars and two-tenths of one per centum of the assessed value of the land and improvements on the basis of the last assessment for taxation."

SECTION 4. This Act shall take effect upon its approval; but in view of the amendments in section 1 hereof to section 12641 of the Revised Laws of Hawaii 1945, as to the paragraph beginning "Second" and the paragraph beginning "Fifth", any government liens for moneys claimed to be due, still subsisting on March 1, 1945, under section 12641 before amendment herein without recordation for three years or more, may be preserved in their status as prior liens by filing and registering prior to November 1, 1945, a sworn notice thereof setting forth the details required by said section.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu,T.H., April 18, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate

Ellen D'Smythe

Clerk of the Senate

S. B. NO. 145
H. D. 1

A N A C T

TO AMEND SECTION 12641, 12698 AND 12705 OF CHAPTER 307 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE TENURE OF A HOLDER OF A CERTIFICATE OF TITLE UNDER THE LAND COURT REGISTRATION SYSTEM, ENCUMBRANCES THEREON, AND FEES IN CONNECTION WITH REGISTRATION.

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

SECTION 1. Section 12641 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 12641. Tenure of holder of certificate of title. Every applicant receiving a certificate of title in pursuance of a decree of registration, and every subsequent purchaser of registered land who takes a certificate of title for value and in good faith, shall hold the same free from all encumbrances except those noted on the certificate in the order of priority of recordation, and any of the following encumbrances which may be subsisting, namely:

First: Liens, claims or rights arising or existing under the laws or Constitution of the United States, which the statutes of this territory cannot require to appear of record in the registry.

Second: Unpaid real property taxes assessed against the land and improvements covered by the certificate of title, with interest, penalties, and other additions to the tax, which, unless a notice is filed and registered as provided by section 5167, shall be for the period of three years from and after January 1 of the tax year involved, and if proceedings for the enforcement or foreclosure of the tax lien be brought within said period, until the termination of said proceedings or the completion of the tax sale.

Third: Any public highway, or any private way laid out under the provisions of law, when the certificate of title does not state that the boundary of such way has been determined.

Fourth: Any lease, coupled with occupancy, for a term not exceeding one year; provided, however, that the priority of such unrecorded lease shall attach only at the date of the commencement of such unrecorded lease and expire one year from said date or sooner if so expressed.

Fifth: Any liability to assessments for betterments, or statutory liability which may attach to land

as a lien prior to or independent of, the recording or registering of any paper; provided, however, that the priority of any such liability and the lien therefor shall cease and terminate three years after the liability first accrues unless notice thereof, signed by the officer charged with collection of such assessments or liability, setting forth the amount claimed, the date of accrual and the land affected, be registered and noted on the certificate of title within such three year period; provided, further, that if there are easements or other rights, appurtenant to a parcel of registered land which for any reason have failed to be registered, such easements or rights shall remain so appurtenant notwithstanding such failure, and shall be held to pass with the land until cut off or extinguished by the registration of the servient estate, or in any other manner.

Sixth: The possibility of reversal or vacation of the decree of registration upon writ of error issued within ninety days from the entry of such decree of registration."

SECTION 2. Section 12698 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 12698. Fees required for protection against loss or damage. There shall be paid to the registrar upon the original registration of land under this chapter, under absolute or qualified ownership, one-tenth of one per centum of the assessed value of the land and improvements on the basis of the last assessment for taxation. Where the land sought to be registered was not separately assessed during the preceding calendar year, the value of the same shall be as found by the court as of January 1, of the year in which the application was filed. The court may appoint one or more appraisers at such rates of pay as he shall deem just, the cost to be taxed against the applicant.

All moneys received by the registrar under this section shall be paid to the treasurer of the territory as a realization to the general fund."

SECTION 3. Section 12705 of the Revised Laws of Hawaii 1945 is hereby amended by amending the fourth item of the schedule of fees therein, being the second item on page 1619 of the Revised Laws of Hawaii 1945, to read as follows:

"For examining title, ten dollars and two-tenths of one per centum of the assessed value of the land and improvements on the basis of the last assessment for taxation."

SECTION 4. This Act shall take effect upon its approval; but in view of the amendments in section 1 hereof to section 12641 of the Revised Laws of Hawaii 1945, as to the paragraph beginning "Second" and the paragraph beginning "Fifth", if the proper officer shall file and register a notice of an encumbrance, in accordance with the requirements of said section 12641 or section 5167 of the Revised Laws of Hawaii 1945, as the case may be, as said sections are amended by the session laws of 1945, on or before October 31, 1945, such notice shall have the same effect as if filed and registered within the three year period specified by said sections as so amended, and shall have the effect of extending the encumbrance for the maximum period allowed by the applicable law, as amended by the 1945 Session Laws.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., May 1, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M G Paschoal
Speaker, House of Representatives.

Soares
Clerk, House of Representatives.

1945

Senate Bill No. 146

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 9800 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO JURY LISTS.

Engrossed 5-4-45 H.B.H.

Introduced March 8, 1945. ~~XXXX~~ by
Senator THOMAS PEDRO, JR.

First Reading in Senate March 8, 1945
Referred to Printing Committee March 8, 1945
Second Reading in Senate March 9, 1945
Referred to Committee on Judiciary
Third Reading in Senate March 23, 1945

First Reading in House March 23, 1945
Referred to
Second Reading in House March 26, 1945
Referred to Judiciary Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

S. B. NO. 146

A N A C T

TO AMEND SECTION 9800 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO JURY LISTS.

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

SECTION 1. Section 9800 of the Revised Laws of Hawaii 1945 is hereby amended by substituting for the words "one hundred fifty trial jurors", in the seventh and eighth lines thereof, the words "two hundred trial jurors".

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

INTRODUCED BY:

Thomas Sakakihara, Jr.

Senator, ~~Third~~ 1st Senatorial District.

3/8 3/17

S.B.No. 146
S.D. 1

A N A C T

TO AMEND SECTION 9800 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO JURY LISTS.

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

SECTION 1. Section 9800 of the Revised Laws of Hawaii 1945 is hereby amended by substituting for the words "one hundred fifty trial jurors", in the seventh and eighth lines thereof, the words "two hundred fifty trial jurors".

SECTION 2. This Act shall first take effect for the purpose of making jury lists at the first term of court occurring ten days or more after its approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., March 23, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

Vice President of the Senate.

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 30, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 147

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 451 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO CITIZENSHIP AND RESIDENCE QUALIFICATIONS OF GOVERNMENT PERSONNEL.

Introduced March 9, 1945, 1941, by
Senator ALICE KAMOKILA CAMPBELL

First Reading in Senate March 9, 1945
Referred to Printing Committee March 9, 1945
Second Reading in Senate March 10, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

S B # 147

AN ACT

TO AMEND SECTION 451 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO CITIZENSHIP AND RESIDENCE QUALIFICATIONS OF GOVERNMENT PERSONNEL.

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

SECTION 1. Section 451 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 451. Government officials and employees to be citizens and residents; exceptions. All officers, whether elective and appointive, and all employees in the service of the government of the Territory or in the service of any county or municipal subdivision of the Territory, except officers and employees in the service of the government of the Territory who are serving in the county of Kalawao, shall be citizens of the United States and residents of the Territory for at least three years immediately preceding their appointment; provided, however:

(a) That no citizen who has not renounced his allegiance to another nation previous to December 7, 1941 shall be employed in said services;

(b) That the foregoing requirements shall not apply to teachers in public schools above the elementary grades, but in the appointment of such teachers preference shall be given to local teachers of the same standing, grade or rating as those from without the Territory;

(c) That, in cases where it is not reasonably practicable to obtain competent persons with the foregoing qualifications, persons without such qualifications may, with the approval of the governor where the compensation for such employment is paid out of territorial funds, or with approval of the mayor or chairman of the board of supervisors where the compensation for such employment is paid out of county funds, be employed until persons with such qualifications competent for such service can be obtained;

(d) That the foregoing requirement as to citizenship shall not apply to any female person who, having been a citizen, has lost her citizenship through marriage to an alien.

That provisions of this section shall not be construed to supersede the provisions of Section 1750 or of Section 358, and shall be construed to supercede any provision which prescribes a term of residence in the Territory of less than three years as a qualification for election or appointment to any public office or for any public employment, but not otherwise."

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

Introduced by

Alice Kamokila Campbell

Senator, Second District.

March 9, 1945.

1945

Senate Bill No. 148

amend

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 2423 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO LEPERS; HOSPITALS AND SETTLEMENT.

Engrossed 5-11-45 HRH.

Introduced March 9, 1945, ~~1941~~ by
Senator ALICE KAMOKILA CAMPBELL

First Reading in Senate March 9, 1945
Referred to Printing Committee March 9, 1945
Second Reading in Senate March 10, 1945
Referred to Committee on Health
Third Reading in Senate March 23, 1945

First Reading in House March 23, 1945
Referred to
Second Reading in House March 26, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

S. B. No. 148
S. D. 1

A N A C T

TO AMEND SECTION 2423 OF THE REVISED LAWS OF HAWAII 1945,

RELATING TO LEPERS; HOSPITALS AND SETTLEMENT.

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

SECTION 1. Section 2423 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 2423. Labor of patients by consent. The board or its agents, with consent of patients, may require the performance of such reasonable amount of labor or service as may be approved by the attending physician. The daily pay for such labor or service shall be not less than twenty-five cents (25¢) per hour."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., March 23, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

Vice President of the Senate.

Clerk of the Senate.

S. B. NO. 148
S. D. 1
H. D. 1

A N A C T

TO AMEND SECTION 2423 OF THE REVISED LAWS OF HAWAII 1945,

RELATING TO LEPERS; HOSPITALS AND SETTLEMENT.

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

SECTION 1. Section 2423 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 2423. Labor of patients by consent. The board or its agents, with consent of patients, may require the performance of such reasonable amount of labor or service as may be approved by the attending physician. The daily pay for such labor or service shall be not less than twenty-five cents (25¢) per hour."

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

5/4

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 30, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M G Pascual
Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 149

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 9671 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO DISTRICT COURTS: MAGISTRATES, TENURE, ETC.

Introduced March 9, 1945, 1941, by
Senator ALICE KAMOKILA CAMPBELL

First Reading in Senate March 9, 1945
Referred to Printing Committee March 9, 1945
Second Reading in Senate March 10, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

Jud

SB 149

AN ACT

TO AMEND SECTION 9671 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO DISTRICT COURTS: MAGISTRATES, TENURE, ETC.

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

SECTION 1. Section 9671 of the Revised Laws of Hawaii 1945 is hereby amended by deleting the proviso at the end of said section.

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

Introduced by:

Alice Kamokila Campbell
Senator, Second District.

March 9, 1945.

1945

Senate Bill No. 150

The Legislature
of the
Territory of Hawaii

AN ACT

TO REPEAL SECTION 6188 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO COMPUTATION OF SERVICE, COUNTY PENSIONS.

Introduced March 9, 1945, by

Senators: CLEM GOMES and ~~JOHN B. FERNANDES~~

First Reading in Senate March 9, 1945
Referred to Printing Committee March 9, 1945
Second Reading in Senate March 10, 1945
Referred to COMMITTEE OF THE WHOLE SENATE
Third Reading in Senate April 26, 1945.

First Reading in House April 26, 1945
Referred to
Second Reading in House April 27, 1945
Referred to County Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Signed 5/7/45 gpb

B

S. B. No. 150

A N A C T

TO REPEAL SECTION 6188 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO COMPUTATION OF SERVICE, COUNTY PENSIONS.

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

Section 1. Section 6188 of the Revised Laws of Hawaii 1945, relating to the computation of service, County Pensions, is hereby repealed.

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

Introduced by:

Honolulu, T. H.

March 9th 1945.

Senators , 4th. Senatorial District.

S. B. No. 150

A N A C T

TO REPEAL SECTION 6188 OF THE REVISED LAWS OF HAWAII 1945,

RELATING TO COMPUTATION OF SERVICE, COUNTY PENSIONS.

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

SECTION 1. Section 6188 of the Revised Laws of Hawaii 1945, relating to the computation of service, County Pensions, is hereby repealed.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 26, 1945.

We hereby certify that the foregoing bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E. B. Capellas

President of the Senate.

Ellen D. Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., May 1, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M. G. Paschoal

Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 151

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 7266 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO LIQUOR LICENSES.

Introduced March 9, 1945, 1941, by
Senator THOMAS PEDRO, JR.

First Reading in Senate March 9, 1945
Referred to Printing Committee March 9, 1945
Second Reading in Senate March 10, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

S. B. NO. #157

A N A C T

TO AMEND SECTION 7266 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO LIQUOR LICENSES.

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

SECTION 1. Section 7266 of the Revised Laws of Hawaii 1945 is hereby amended, by amending paragraph (a) of sub-section 2 thereof, to read as follows:

"(a) Knowingly permit any person under the influence of liquor or disorderly person or a minor to be or remain in or on the licensed premises;"

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

INTRODUCED BY:

Thomas Pedro, Jr.

Senator, First Senatorial District.

1945

Senate Bill No. 152

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 5446 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO IMPOSING A TAX UPON THE PRIVILEGE OF ENGAGING IN CERTAIN OCCUPATIONS.

Introduced March 9, 1945, 1941, by
Senator FRANCIS K. SYLVA

First Reading in Senate March 9, 1945
Referred to Printing Committee March 9, 1945
Second Reading in Senate March 10, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

Wom

S. B. NO. 157

A N A C T

TO AMEND SECTION 5446 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO IMPOSING A TAX UPON THE PRIVILEGE OF ENGAGING IN CERTAIN OCCUPATIONS.

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

SECTION 1. Section 5446 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto after the provision of item "C" the following:

"D" Sales to the Federal, Territorial, City and County and County governments, their political subdivisions or any other governmental instrumentality.

SECTION 2. This Act shall take effect July 1, 1945.

Introduced by:

Senator
Third District

March 9, 1945

1945

Senate Bill No. 153

The Legislature
of the
Territory of Hawaii

AN ACT

TO APPROPRIATE FUNDS FOR EQUIPMENT AND FURNISHINGS FOR THE JUDICIARY BUILDING.

Introduced March 9, 1945, by

Senator FRANCIS K. SYLVA

First Reading in Senate March 9, 1945

Referred to Printing Committee March 9, 1945

Second Reading in Senate March 10, 1945

Referred to

Third Reading in Senate

First Reading in House

Referred to

Second Reading in House

Referred to

Third Reading in House

ELLEN D. SMYTHE

Clerk of the Senate

Wom E Com Whole

Cob - Heen Ok

S.B.No. 153

AN ACT

TO APPROPRIATE FUNDS FOR EQUIPMENT
AND FURNISHINGS FOR THE JUDICIARY BUILDING.

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

Section 1. There is hereby appropriated out of the general funds of the Territory the sum of $17,000.00 for the purchase of equipment and furnishings for the Office of the Chief Clerk and Adult Probation Department of the First Circuit Court.

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

INTRODUCED BY:

Sen. 2nd Dist.

3/9

1945
Senate Bill No. 154

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 9772 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO EXPENSES AND SALARIES OF THE FIRST CIRCUIT COURT.

Introduced March 9, 1945, by
Senator FRANCIS K. SYLVA

First Reading in Senate March 9, 1945
Referred to Printing Committee March 9, 1945
Second Reading in Senate March 10, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Com Whole C of A G & Hen Chr -

S B.No. 154

AN ACT

To Amend Section 9772 of the Revised Laws of Hawaii 1945 relating to Expenses and Salaries of the First Circuit Court.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 9772 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 9772. First Circuit Court. The officers and employees, and their minimum classification, and the amounts to be appropriated, referred to in section 9771, are for the First Circuit Court, as follows:

	Per Annum
(a) Personal services, salaries	$178,500.00

Expenditures out of this item shall be made in accordance with the classification and compensation schedules fixed by the Judges with the approval of the Chief Justice of the Supreme Court and shall be for the following offices and positions:

Office of the Chief Clerk	Minimum Classification
Main Office	
Chief Clerk of Circuit Court	CAF-12
First Chief Deputy Clerk of Circuit Court	CAF-10
Chief Deputy Clerk and Accountant	CAF-10
Head Deputy Clerk of Court	CAF-7
Head Deputy Clerk of Court	CAF-7
Head Deputy Clerk of Court	CAF-7
Head Deputy Clerk of Court	CAF-7
Senior Cash Accounting Clerk	CAF-8
Junior Cash Accounting Clerk and Assistant Cashier	CAF-6
Clerk-Stenographer	CAF-4
Clerk-Stenographer	CAF-4

Clerk-Stenographer	CAF-4
Telephone Operator	CAF-3
Principal Payroll and Purchasing Clerk	CAF-6
Clerk-Typist	CAF-3
Assistant to Statutory Administrator and Guardian	P-6

Archives Department

Chief Archivist and Deputy Clerk	CAF-8
Assistant Archivist and Indexer	CAF-7
Chief Photostat Operator	CAF-7
Assistant Photostat Operator	CAF-6
Clerk-Stenographer	CAF-4
Clerk-Typist	CAF-4
Assistant Clerk-Typist	CAF-3

Court Officers and Bailiffs

Chief Court Officer and Bailiff	CAF-7
Assistant Chief Court Officer and Bailiff	CAF-6
3 Court Officers and Bailiffs	CAF-6

Senior Interpreters and Clerks

2 Senior Interpreters and Clerks	CAF-6
Senior Interpreter (Portuguese) part time	
10 Court-room Clerks	CAF-9
5 Court Reporters, at salaries to be fixed by the Judges	

Adult Probation Department

Chief Adult Probation Officer	CAF-11
Assistant Chief Adult Probation Officer	CAF-9
3 Deputy Adult Probation Officers	CAF-8
Secretary to Chief Officers	CAF-6
Chief Clerk	CAF-5
3 Clerk-Stenographers	CAF-4
2 Assistant Clerk-Stenographers	CAF-3

(b) Other personal services contractural or otherwise, salary increases, materials and supplies, fixed charges and equipment. $47,800.00

Expenditures out of this item for equipment and supplies shall be made under existing laws of the Territory."

Section 2. In adjusting the compensation for personnel presently occupying the positions covered by Section 9772 of the

Revised Laws of Hawaii 1945 to the minimum classification prescribed by Section 1 of this Act, the appropriate increment as provided generally in the General Classification Act will apply.

Section 3. This Act shall take effect as of July 1st, 1945.

INTRODUCED BY:

Com 3rd Dist.

1945

Senate Bill No. 155

The Legislature
of the
Territory of Hawaii

AN ACT

EXTENDING THE APPLICATION OF THE EMPLOYEES' RETIREMENT SYSTEM OF TERRITORY OF HAWAII IN RESPECT TO CERTAIN EMPLOYEES.

Introduced March 9, 1945, by
Senator WM.H.HEEN

First Reading in Senate March 9, 1945
Referred to Printing Committee " " "
Second Reading in Senate March 10, 1945
Referred to Committee on Ways & Means
Third Reading in Senate March 15, 1945

First Reading in House March 15, 1945
Referred to
Second Reading in House March 16, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

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4-6-45
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S. B. NO. 12

A N A C T

EXTENDING THE APPLICATION OF THE EMPLOYEES' RETIREMENT SYSTEM OF THE TERRITORY OF HAWAII IN RESPECT TO CERTAIN EMPLOYEES.

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

SECTION 1. Where any territorial employee, subject to the classification law, has a portion of his or her salary paid from Federal funds but is not subject to the Federal retirement system, such employee shall be entitled to all benefits and be required to make all employee contributions under the Employees' Retirement System of the Territory of Hawaii based upon the full salary received by such employee, including that portion of the salary paid from Federal funds.

SECTION 2. The provisions of section 1 shall be retroactive as to all employees affected, upon the employee paying into said system the contributions which would have been required had such employee's full salary been paid by the territorial government, together with the necessary interest accumulations.

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

INTRODUCED BY:

Senator, 3rd Senatorial District.

3/9/45

S.B.No. 155

A N A C T

EXTENDING THE APPLICATION OF THE EMPLOYEES' RETIREMENT SYSTEM OF THE TERRITORY OF HAWAII IN RESPECT TO CERTAIN EMPLOYEES.

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

SECTION 1. Where any territorial employee, subject to the classification law, has a portion of his or her salary paid from Federal funds but is not subject to the Federal retirement system, such employee shall be entitled to all benefits and be required to make all employee contributions under the Employees' Retirement System of the Territory of Hawaii based upon the full salary received by such employee, including that portion of the salary paid from Federal funds.

SECTION 2. The provisions of section 1 shall be retroactive as to all employees affected, upon the employee paying into said system the contributions

which would have been required had such employee's full salary been paid by the territorial government, together with the necessary interest accumulations.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu,T.H., March 15, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E. B. Capellas

President of the Senate

Ellen D. Smythe

Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 6, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M. Y. Paschoal

Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 156

The Legislature
of the
Territory of Hawaii

AN ACT

TO REPEAL CHAPTER 13 of the
REVISED LAWS OF HAWAII 1945,
RELATING TO THE OATH OF LOYALTY

File

Introduced March 9 , 1945 , by

Senator s: ERNEST N. HEEN,FERNANDES,WM. H. HEEN, GOMES, BROWN,PEDRO, JR.,HILL, AKANA,FRANCIS K.SYLVA, CHARLES H.SILVA, ~~CROZIER, RICE, CRANE & CAPELLAS~~

First Reading in Senate March 9, 1945

Referred to Printing Committee " " "

Second Reading in Senate March 10,1945

Referred to ---

Third Reading in Senate March 12, 1945

First Reading in House

Referred to

Second Reading in House

Referred to

Third Reading in House

ELLEN D. SMYTHE

Clerk of the Senate.

S. B. NO. 156

AN ACT

TO REPEAL CHAPTER 13 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE OATH OF LOYALTY.

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

SECTION 1. Chapter 13 of the Revised Laws of Hawaii 1945 is hereby repealed.

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

INTRODUCED BY:

Ernest Wee Senator 3rd Dist.

John B. Fernandes Senator 4th Dist.

[illegible]

[illegible]

Francis H. Ii. Brown

Thomas Pedro Jr

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Harold H. Rice

Charles J. Crane
E. S. Capellas

3/9

1945

Senate Bill No. 157

The Legislature
of the
Territory of Hawaii

AN ACT

AMENDING SECTION 5344 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO TAX ON COMPENSATION, AND EXEMPTIONS.

Introduced March 10, 1945, 1941, by Senators JOHN B. FERNANDES and ERNEST N. HEEN

First Reading in Senate March 10, 1945
Referred to Printing Committee March 10, 1945
Second Reading in Senate March 12, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

S. B. No. 157

A N A C T

AMENDING SECTION 5344 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO TAX ON COMPENSATION, AND EXEMPTIONS.

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

Section 1. Section 5344 of the Revised Laws of Hawaii 1945 is hereby amended in the following particulars:

(1) By amending the first paragraph, following the title of said section, to read:

"There shall be assessed, levied, collected and paid, for each month, a tax of two per centum upon the amount of all compensation in excess of fifty dollars, not otherwise exempted in this section, received by every person during all or any part of such month."

(2) By deleting the lettering of paragraphs in said section.

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

Introduced by:
John B Fernandez

Honolulu, T. H.
March 10th 1945.

Senator , 4th. District.

Ernest Kai
Senator, 3rd Dist.

1945

Senate Bill No. 158

OK

The Legislature
of the
Territory of Hawaii

AN ACT

PROVIDING PENSION FOR MANUEL FAUSTINO.

Introduced March 10, 1945, 1941, by
Senator ALICE KAMOKILA CAMPBELL

First Reading in Senate March 10, 1945
Referred to Printing Committee March 10, 1945
Second Reading in Senate March 12, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

Apr 20
Filed

Apr 16
Action def
Sen. Campbell to get further information

Ernest Heen - Chr.

SB 158

AN ACT

PROVIDING PENSION FOR MANUEL FAUSTINO.

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

SECTION 1. The treasurer of the territory is authorized and directed to pay each month a pension to MANUEL FAUSTINO during the remainder of his natural life, subject to the provisions of Chapter 14 of the Revised Laws of Hawaii 1945, in the amount of seventy-five dollars ($75.00) upon warrants which the territorial auditor is authorized and directed to issue and the moneys to cover said pension are hereby appropriated from the territorial general fund.

SECTION 2. This Act shall take effect from and after July 1, A. D. 1945.

Introduced by

Alice Kamokila Campbell

Senator, Second District

March 10, 1945.

3/18

1945

Senate Bill No. 159

The Legislature
of the
Territory of Hawaii

AN ACT

TO REPEAL CHAPTER 324 OF THE REVISED LAWS OF HAWAII 1945, THE HAWAII DEFENSE ACT.

Introduced March 10, 1945, 1941, by Senator S CIEM GOMES, THELMA M. AKANA, FRANCIS H. Ii BROWN, FRANCIS K. SYLVA, CHARLES S. CRANE, E. S.

CAPELLAS
THOMAS PEDRO, JR.
A. KAMOKILA CAMPBELL

First Reading in Senate March 10, 1945
Referred to Printing Committee March 10, 1945
Second Reading in Senate March 12, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

Com Whole — Harold Rice-Chr.

S. B. NO. 159

A N A C T

TO REPEAL CHAPTER 324 OF THE REVISED LAWS OF HAWAII 1945,
THE HAWAII DEFENSE ACT.

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

SECTION 1. Chapter 324 of the Revised Laws of Hawaii 1945, the Hawaii Defense Act, is hereby repealed.

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

INTRODUCED BY:

Senator, Fourth Senatorial District.

S.B.No. 159
S.D. 1

A N A C T

TO AMEND CHAPTER 324 OF THE REVISED LAWS OF HAWAII 1945, KNOWN AS THE HAWAII DEFENSE ACT; AMENDING SECTIONS 13125 AND 13130 THEREOF WITH RESPECT TO PUBLIC HEARINGS ON RULES AND REGULATIONS; AMENDING SECTION 13132 THEREOF RELATING TO APPROPRIATIONS; AND REPEALING SECTION 13133 THEREOF RELATING TO CERTAIN COUNTY AGENCIES.

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

SECTION 1. Section 13125 of the Revised Laws of Hawaii 1945 is hereby amended by deleting the figures "466" from the eighteenth line thereof, being the second line from the bottom of page 1665, and by inserting in lieu thereof "467".

SECTION 2. Section 13130 of the Revised Laws of Hawaii 1945 is hereby amended by inserting in the first

paragraph thereof a new sentence, following the first sentence, to read as follows:

"The provisions of section 466 requiring public hearings shall apply to such rules and regulations of the governor except in cases of extraordinary emergencies after the governor shall have advised with the defense council; provided, that notwithstanding the provisions of clause (d) of section 13114(3), the public hearings on such rules and regulations may, at the governor's discretion, be held by such person as the governor may thereunto authorize, who shall make a report thereon to the governor."

SECTION 3. Section 13132 of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(1) By deleting subsections (b), (c), and (d) thereof.

(2) By amending subsection (e) thereof to read as follows:

"(e) Whenever the governor shall find that the appropriation for the performance of any essential function of the territorial government is insufficient, due to emergency conditions, he may make an additional allotment for such purposes out of moneys appropriated for the purposes of this chapter."

SECTION 4. Section 13133 of the Revised Laws of Hawaii 1945 is hereby repealed.

SECTION 5. This Act shall take effect upon its approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H. April 12, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E G Capellas

President of the Senate

Ellen D Smythe

Clerk of the Senate

S. B. No. 159
S. D. 1
H. D. 1

A N A C T

TO AMEND CHAPTER 324 OF THE REVISED LAWS OF HAWAII 1945, KNOWN AS THE HAWAII DEFENSE ACT; RELATING TO INJUNCTION PROCEEDINGS FOR THE ENFORCEMENT OF THE PROVISIONS OF SAID ACT, INTERVENTION, AND PENALTIES; AMENDING SECTIONS 13125 AND 13130 THEREOF WITH RESPECT TO PUBLIC HEARINGS ON RULES AND REGULATIONS; AMENDING SECTION 13132 THEREOF RELATING TO APPROPRIATIONS; REPEALING SECTION 13133 THEREOF RELATING TO CERTAIN COUNTY AGENCIES; AND MAKING AN APPROPRIATION.

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

SECTION 1. Chapter 324 of the Revised Laws of Hawaii 1945 is hereby amended by inserting therein a new section to be numbered 13127.01, to read as follows:

"Sec. 13127.01. Enforcement by injunction proceedings; interventions. (a) Whenever in the

judgment of the governor any person has engaged or is about to engage in any act or practice which constitutes or will constitute a violation of any rule or regulation of the governor issued under this chapter, the governor or his authorized representative may make application to the appropriate court in the name of the territory for an order enjoining said acts or practices, or for such other order as will enforce compliance with such provisions, and upon a showing by the governor or his authorized representative in such manner and form as is usual in injunction cases, that such person has engaged or is about to engage in any such act or practice, a permanent or temporary injunction, restraining order or other appropriate order shall be granted without bond.

(b) The governor or his authorized representative may intervene in the name of the territory in any action or proceeding wherein a party asserts a right or relies for ground of relief or defense upon this chapter or upon any rule or regulation of the governor issued hereunder, or wherein, in the judgment of the governor, there is an issue to be presented which involves enforcement of the provisions of this chapter or said rules or regulations."

SECTION 2. Section 13134 of the Revised Laws of Hawaii 1945 is hereby amended by amending the first paragraph thereof to read as follows:

"Sec. 13134. Misdemeanors. Any person violating any rule or regulation of the governor prescribed and promulgated pursuant to the provisions of this chapter, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or by both such fine and imprisonment."

SECTION 3. Section 13125 of the Revised Laws of Hawaii 1945 is hereby amended by deleting the figures "466" from the eighteenth line thereof, being the second line from the bottom of page 1665, and by inserting in lieu thereof "467".

SECTION 4. Section 13130 of the Revised Laws of Hawaii 1945 is hereby amended by inserting in the first paragraph thereof a new sentence, following the first sentence, to read as follows:

"The provisions of section 466 requiring public hearings shall apply to such rules and regulations of the governor, except in cases of extraordinary emergencies after the governor shall have advised with the defense council; provided, that notwithstanding the provisions of clause (d) of section 13114(3), the public hearings on such rules and regulations may, at the governor's discretion, be held by such person as the governor may thereunto authorize, who shall make a report thereon to the governor."

SECTION 5. Section 13132 of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(1) By deleting subsection (b), (c), and (d) thereof.

(2) By amending subsection (e) thereof to read as follows:

"(e) Whenever the governor shall find that the appropriation for the performance of any essential function of the territorial government is insufficient, due to emergency conditions, he may make an additional allotment for such purposes out of moneys appropriated for the purposes of this chapter."

SECTION 6. Section 13133 of the Revised Laws of Hawaii 1945 is hereby repealed.

SECTION 7. There is hereby appropriated, in addition to any other amounts of money appropriated or available for any of the same purposes by any other act, the sum of $850,000.00, which sum shall be expendable for any of the purposes of the Hawaii Defense Act, as the same now exists, or as it may hereafter be amended, and which appropriation shall be subject to all of the applicable provisions of said Hawaii Defense Act, as the same now exists or may hereafter be amended.

SECTION 8. Sections 1 to 6 inclusive of this Act shall take effect upon its approval. Section 7 of this Act shall take effect upon July 1, 1945 if the Congress of the United States shall not have continued in effect the appropriation from which civilian defense activities in Hawaii heretofore have been financed; otherwise section 7 of this Act shall not take effect.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., May 1, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M C Paschoal
Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 160

The Legislature
of the
Territory of Hawaii

AN ACT

FORBIDDING THE OPERATION OF POOL ROOMS AND BILLIARD HALLS EXCEPT BETWEEN THE HOURS FROM FOUR P.M. TO TEN P.M., DURING THE PERIOD OF HOSTILITIES OF THE PRESENT WAR AND FOR SIX MONTHS THEREAFTER, MAKING OPERATION IN VIOLATION OF SUCH BAN A MISDEMEANOR AND PROVIDING A PENALTY THEREFOR.

Introduced March 10, 1945, 1941, by Senator s CLEM GOMES and JOHN B. FERNANDES

First Reading in Senate March 10, 1945
Referred to Printing Committee March 10, 1945
Second Reading in Senate March 12, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

Jud

S. B. No. 160

A N A C T

FORBIDDING THE OPERATION OF POOL ROOMS AND BILLIARD HALLS EXCEPT BETWEEN THE HOURS FROM FOUR P.M. TO TEN P. M., DURING THE PERIOD OF HOSTILITIES OF THE PRESENT WAR AND FOR SIX MONTHS THEREAFTER, MAKING OPERATION IN VIOLATION OF SUCH BAN A MISDEMEANOR AND PROVIDING A PENALTY THEREFOR.

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

Section 1. Notwithstanding any other provisions of law to the contrary, no pool room or billiard hall shall be operated until the expiration of six months after the termination of hostilities in the present war except between the hours from four P.M. to ten P.M.

Section 2. Any person operating a pool room or billiard hall in violation of the provisions of this Act shall be deemed guilty of a misdemeanor and shall be punished by imprisonment for a period of not more than thirty days or by a fine of not more than five hundred dollars or by both such fine and imprisonment for each day of operation of such pool room or billiard hall.

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

Honolulu, T. H.

March 10,1945.

Introduced by:

Senator , 4th.Senatorial District.

1945

Senate Bill No. 161

The Legislature
of the
Territory of Hawaii

AN ACT

PROVIDING FOR A PRESCHOOL PROGRAM AT WAIAKEAKAI SCHOOL, MOUNTAIN VIEW SCHOOL, PAHALA SCHOOL AND HONOMAKAU HIGH SCHOOL, AND APPROPRIATING MONEY THEREFOR.

Introduced March 10, 1945, 1941, by
Senator THOMAS PEDRO, JR.

First Reading in Senate March 10, 1945
Referred to Printing Committee March 10, 1945
Second Reading in Senate March 12, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

W TM

S. B. NO. 161

A N A C T

PROVIDING FOR A PRESCHOOL PROGRAM AT WAIAKEAKAI SCHOOL, MOUNTAIN VIEW SCHOOL, PAHALA SCHOOL AND HONOMAKAU HIGH SCHOOL, AND APPROPRIATING MONEY THEREFOR.

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

SECTION 1. There is hereby appropriated from the general revenues of the Territory of Hawaii, not otherwise appropriated, the sum of fifty-two thousand, seven hundred ten dollars, for a program of instruction for preschool children at the following places and in the following amounts:

Waiakeakai School, South Hilo	
Maintenance (Four teachers)	$ 16,320.00
Equipment	1,500.00
Mountain View School, Puna	
Maintenance (Two teachers)	8,160.00
Equipment	750.00
Pahala School, Kau	
Maintenance (Three teachers)	12,240.00
Equipment	750.00
Honomakau High School, North Kohala	
Maintenance (Three teachers)	12,240.00
Equipment	750.00

SECTION 2. The funds hereinabove appropriated shall be expended in the manner provided by chapter 27 of the Revised

Laws of Hawaii 1945, for the expenditure of monies by the department of public instruction.

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

INTRODUCED BY:

Thomas Pedro Jr.

Senator, First Senatorial District

3/18
L

1945

Senate Bill No. 162

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO TERRITORIAL PRISON CAMPS, AMENDING SECTION 3928 OF THE REVISED LAWS OF HAWAII 1945, PROVIDING FOR THE ESTABLISHMENT OF A NEW CAMP IN THE VICINITY OF WAIPIO VALLEY IN THE COUNTY OF HAWAII, AND MAKING AN APPROPRIATION FOR THE ESTABLISHMENT OF SUCH CAMP.

Introduced March 10, 1945, 1941, by
Senator THOMAS PEDRO, JR.

First Reading in Senate March 10, 1945
Referred to Printing Committee March 10, 1945
Second Reading in Senate March 12, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

S. B. NO. 162

A N A C T

RELATING TO TERRITORIAL PRISON CAMPS, AMENDING SECTION 3928 OF THE REVISED LAWS OF HAWAII 1945, PROVIDING FOR THE ESTABLISHMENT OF A NEW CAMP IN THE VICINITY OF WAIPIO VALLEY IN THE COUNTY OF HAWAII, AND MAKING AN APPROPRIATION FOR THE ESTABLISHMENT OF SUCH CAMP.

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

SECTION 1. Section 3928 of the Revised Laws of Hawaii 1945 is hereby amended by amending the first sentence thereof, following the title, to read:

"The territorial prison camps heretofore established and maintained shall be continued as territorial prison camps, and such camps, together with any other, that may be enacted to be established and maintained in the future, shall be deemed to be and constitute a part of Oahu prison."

SECTION 2. The director of institutions shall establish and maintain a prison camp in the vicinity of Waipio Valley, county of Hawaii.

SECTION 3. The sum of ten thousand dollars is hereby appropriated from the general revenues of the Territory of Hawaii, not otherwise appropriated, for the establishment and maintenance of the prison camp provided for in section 2 of this Act, which sum shall be expended upon warrants issued by

the territorial treasurer, based upon vouchers signed by the director of institutions.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

Thomas Sabra Jr.

Senator, First Senatorial District.

3/16/68

1945
Senate Bill No. 163

The Legislature
of the
Territory of Hawaii

AN ACT

PROVIDING FOR THE CONSTRUCTION OR RECONSTRUCTION OF A ROAD INTO WAIPIO VALLEY, HAWAII, BY THE USE OF PRISON LABOR.

Introduced March 10, , 1945, by
Senator THOMAS PEDRO, JR.

First Reading in Senate March 10, 1945
Referred to Printing Committee March 10, 1945
Second Reading in Senate March 12, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

S. B. NO. 163

A N A C T

PROVIDING FOR THE CONSTRUCTION OR RECONSTRUCTION OF A ROAD INTO WAIPIO VALLEY, HAWAII, BY THE USE OF PRISON LABOR.

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

SECTION 1. The director of institutions is hereby authorized and directed to furnish prison labor for the construction or reconstruction of a road into Waipio Valley, Hawaii, and the superintendent of public works is hereby directed to construct or reconstruct such road.

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

INTRODUCED BY:

/s/ Thomas Sakakihara Jr.

Senator, First Senatorial District.

1945

Senate Bill No. 164

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND CHAPTER 32 OF THE REVISED LAWS OF HAWAII 1945 BY AMENDING THE FIRST SUBTITLE AND SECTION 1889 THEREOF, RELATING TO VOCATIONAL SCHOOLS, AND MAKING APPROPRIATION FOR THE PURPOSES THEREOF.

Introduced March 10, 1945, by
Senator THOMAS PEDRO, JR.

First Reading in Senate March 10, 1945
Referred to Printing Committee March 10, 1945
Second Reading in Senate March 12, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

S. B. NO. 164

A N A C T

TO AMEND CHAPTER 32 OF THE REVISED LAWS OF HAWAII 1945 BY AMENDING THE FIRST SUBTITLE AND SECTION 1889 THEREOF, RELATING TO VOCATIONAL SCHOOLS, AND MAKING APPROPRIATION FOR THE PURPOSES THEREOF.

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

SECTION 1. Chapter 32 of the Revised Laws of Hawaii 1945 is hereby amended by amending the title thereof reading "Vocational School East Maui" to read "Vocational Schools", and by amending section 1889 of said chapter, under said title, by substituting for the second paragraph thereof the following paragraphs:

"The department shall establish and maintain public schools devoted exclusively to vocational training and instruction at the following places:

Pahala High School, Kau, Hawaii

Konawaena High School, South Kona, Hawaii

Kohala High School, North Kohala, Hawaii

Honokaa High School, Hamakua, Hawaii

The control and management and all matters relating thereto, including the establishment of the curriculum and the employment of personnel, shall be vested in the department.

The provisions of this title shall apply, where not in conflict with the provisions of this section, to such

vocational schools in the same manner and with like effect as the same now apply to other public schools of the Territory."

SECTION 2. The following amounts are hereby appropriated for the vocational schools provided to be established in section 1 hereof, in the amounts opposite the names of said schools in the following schedule:

"Pahala High School

Equipment	$ 7,210.
New Shop Buildings	15,000.

Konawaena High School

Equipment	7,210.
Shop Addition	7,000.

Kohala High School

Equipment	7,210.
New Shop Buildings	15,000.

Honokaa High School

Equipment	7,210.
New Shop Buildings	15,000. "

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

INTRODUCED BY:

Thomas Sakai Jr.

Senator, First Senatorial District

3/10

1945

Senate Bill No. 165

The Legislature
of the
Territory of Hawaii

AN ACT

TO REQUIRE A PROGRAM OF INSTRUCTION FOR PRESCHOOL CHILDREN IN CERTAIN PUBLIC SCHOOLS, AND MAKING AN APPROPRIATION THEREFOR.

Introduced March 10, 1945, by
Senator E. S. CAPELLAS

First Reading in Senate March 10, 1945
Referred to Printing Committee March 10, 1945
Second Reading in Senate March 12, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

W thn

S. B. NO. 165

A N A C T

TO REQUIRE A PROGRAM OF INSTRUCTION FOR PRESCHOOL CHILDREN IN CERTAIN PUBLIC SCHOOLS, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. The department of public instruction is hereby directed to institute and maintain a program of instruction for preschool children at the following public schools:

HAWAII

Kapiolani School, Hilo

Olaa Intermediate and Elementary School, Olaa

Pahoa School, Puna

WaiakeaKai School, Hilo

Hakalau Intermediate and Elementary School, Hakalau

Kalanianaole Intermediate and Elementary School, Papaikau

Laupahoehoe High and Elementary School, Laupahoehoe

Paauilo School, Paauilo

Pepeekeo School, Pepeekeo

Kohala High and Elementary School, Kohala

Naalehu Intermediate and Elementary School, Naalehu

Pahala High and Elementary School, Pahala

MAUI

Hana High and Elementary School, Hana

Makawao School, Makawao

Spreckelsville

Puunene School, Puunene

Spreckelsville School, Spreckelsville

Kahului School, Kahului

Wailuku Elementary School, Wailuku

SECTION 2. The sum of one hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated from the general revenues of the Territory of Hawaii, not otherwise appropriated, for the purpose of said program, to the use of said department.

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

INTRODUCED BY:

E B Capellas

S. 1st Dist

3/12

1945

Senate Bill No. 166

Gregory

The Legislature
of the
Territory of Hawaii

AN ACT

FOR THE RELIEF OF JOAQUIN PESTANA

Introduced March 12, 19 45, by

Senator CHARLES H. SILVA

First Reading in Senate March 12, 1945
Referred to Printing Committee " " "
Second Reading in Senate March 13, 1945
Referred to Committee on Ways and Means
Third Reading in Senate April 4, 1945.

First Reading in House April 4, 1945
Referred to
Second Reading in House April 5, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Engrossed
4/27/45

S. B. NO. 165

A N A C T

FOR THE RELIEF OF JOAQUIN PESTANA.

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

SECTION 1. There is hereby appropriated from the general revenues of the Territory of Hawaii, not otherwise appropriated, the sum of four hundred sixty-six dollars and forty cents for the relief of Joaquin Pestana, to repay him for rentals paid for a government leasehold of lands to which there was no easement or other right of entry.

SECTION 2. The sum herein appropriated shall be paid upon warrant issued by the territorial treasurer to Joaquin Pestana upon his signing a complete release of all claims against the Territory.

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

INTRODUCED BY:

Senator, First Senatorial District

3/12
3/16

S.B.No. 166
S.D. 1

A N A C T

FOR THE RELIEF OF JOAQUIN PESTANA.

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

SECTION 1. There is hereby appropriated from the general revenues of the Territory of Hawaii, not otherwise appropriated, the sum of four hundred sixty-six dollars and forty cents for the relief of Joaquin Pestana, to repay him for rentals paid for a government leasehold of lands to which there was no easement or other right of entry.

SECTION 2. The land commissioner of the Territory of Hawaii is hereby authorized and directed to cancel government leasehold number 3041 and to secure the consent in writing of said Joaquin Pestana to such cancellation.

SECTION 3. The sum herein appropriated shall be paid by the territorial treasurer to Joaquin Pestana upon warrant which shall be issued by the territorial auditor upon the

signing by said Joaquin Pestana of a written consent to the cancellation of government leasehold number 3041 and a complete release of all claims against the Territory.

SECTION 4. This Act shall take effect upon its approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu,T.H., April 4, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E S Capellas

President of the Senate

Ellen D Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 21, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M G Paschoal

Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 167

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO THE SALE, LEASE OR OTHER DISPOSITION OF PUBLIC LANDS, AND AMENDING SECTION 4511 OF THE REVISED LAWS OF HAWAII 1945.

Introduced March 12, 1945, 1941, by
Senator CHARLES H. SILVA

First Reading in Senate March 12, 1945
Referred to Printing Committee March 12, 1945
Second Reading in Senate March 13, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

S. B. NO. 167

A N A C T

RELATING TO THE SALE, LEASE OR OTHER DISPOSITION OF PUBLIC LANDS, AND AMENDING SECTION 4511 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Section 4511 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto the following:

"No lease, sale or other disposition of public lands shall be made unless there is a road or entry to such lands freely open to use by any member of the public who may be a bidder upon such lease, sale or other disposition."

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

INTRODUCED BY:

Senator, First Senatorial District.

3/18

1945

Senate Bill No. 168

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO THE LICENSING OF BILLARD AND POOL TABLES AND BOWLING ALLEYS, AND AMENDING SECTION 7037 OF THE REVISED LAWS OF HAWAII 1945.

Introduced March 12, 1945, 1941, by
Senator THOMAS PEDRO, JR.

First Reading in Senate March 12, 1945
Referred to Printing Committee March 12, 1945
Second Reading in Senate March 13, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

S. B. NO. 168

A N A C T

RELATING TO THE LICENSING OF BILLIARD AND POOL TABLES AND BOWLING ALLEYS, AND AMENDING SECTION 7037 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Section 7037 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 7037. Fee. The annual fee for a license, which shall in no event be issued to any minor or to any person who has been convicted of gambling, to keep a billiard or pool table or a bowling alley, to be used for hire or pay, shall be twenty-five dollars for each table or alley."

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

INTRODUCED BY:

Thomas Pedro Jr.

Senator, First Senatorial District.

1945

Senate Bill No. 169

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 6636 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE MASTER PLAN OF THE CITY OF HONOLULU.

Introduced March 12, 1945, by
Senator CHARLES S. CRANE

First Reading in Senate March 12, 1945
Referred to Printing Committee March12, 1945
Second Reading in Senate March13, 1945
Referred to Select Com. of Oahu Senators
Third Reading in Senate March 22, 1945

First Reading in House March 23, 1945
Referred to
Second Reading in House March 26, 1945
Referred to County Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

Engrossed
4/2/45

S BILL NO. 169

AN ACT

TO AMEND SECTION 6636 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE MASTER PLAN OF THE CITY OF HONOLULU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 6636 of the Revised Laws of Hawaii 1945 is hereby amended by deleting the figures "1945" in line 2 thereof, and inserting in lieu thereof the figures "1947".

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

INTRODUCED BY (1)

Charles S. Serrano
S 3rd District

DATE OF INTRODUCTION:

S. B. No. 169

A N A C T

TO AMEND SECTION 6636 OF THE REVISED LAWS OF HAWAII 1945,

RELATING TO THE MASTER PLAN OF THE CITY OF HONOLULU.

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

SECTION 1. Section 6636 of the Revised Laws of Hawaii 1945 is hereby amended by deleting the figures "1945" in line 2 thereof, and inserting in lieu thereof the figures "1947".

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., March 22, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E. B. Capellas

President of the Senate.

Ellen D. Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., March 30, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M. Y. Pascual

Speaker, House of Representatives.

Clerk, House of Representatives.

Series 328
MF-143

1945

Senate Bill No. 170

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 6017 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO POLICE OFFICERS PROSECUTED OR SUED FOR ACTS DONE IN PERFORMANCE OF DUTY.

Introduced March 12, 1945, 19, by
Senator CHARLES S. CRANE

First Reading in Senate March 12, 1945
Referred to Printing Committee March 12, 1945
Second Reading in Senate March 13, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

S BILL NO. 170

AN ACT

TO AMEND SECTION 6017 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO POLICE OFFICERS PROSECUTED OR SUED FOR ACTS DONE IN PERFORMANCE OF DUTY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 6017 of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"Sec. 6017. Determination whether acts were in scope of duty. The determination of whether the acts of such police officer, for which he is being prosecuted or sued, were done in the performance of his duty, so as to entitle him to be represented by counsel provided by the county, shall be made by the board of supervisors of the county and such determination shall be conclusive for such purpose only."

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

INTRODUCED BY:

Charles S. Crane
Senator 2nd Dist

DATE OF INTRODUCTION:

1945

Senate Bill No. 171

The Legislature
of the
Territory of Hawaii

AN ACT

MAKING AN APPROPRIATION FOR THE RELIEF OF PETER L. SMITH.

Introduced March 12, 1945, by

Senators FRANCIS H. I'i BROWN,
FRANCIS K. SYLVA

First Reading in Senate March 12, 1945
Referred to Printing Committee March 12, 1945
Second Reading in Senate March 13, 1945
Referred to COMMITTEE ON WAYS AND MEANS
Third Reading in Senate April 17, 1945

First Reading in House April 17, 1945
Referred to
Second Reading in House April 18, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

S. B. NO. 171

AN ACT

MAKING AN APPROPRIATION FOR THE RELIEF OF PETER L. SMITH.

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

SECTION 1. There is hereby appropriated from the general fund of the Territory of Hawaii the sum of one hundred forty-three dollars and 72/100 ($143.72) for the relief of Peter L. Smith, for the compensation earned, as a guard of the Territorial Prison.

SECTION 2. The money hereby appropriated shall be paid by the Treasurer of the Territory of Hawaii, upon a warrant issued by the Auditor of the Territory of Hawaii, to Peter L. Smith.

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

INTRODUCED BY:

Francis H. Ii Brown.

Francis H. Ii Brown,
Senator, Third District

March 12, 1945

Francis H. Brown
Sen. 3rd Dist.

S. B. NO. 171

AN ACT

MAKING AN APPROPRIATION FOR THE RELIEF OF PETER L. SMITH.

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

SECTION 1. There is hereby appropriated from the general fund of the Territory of Hawaii the sum of one hundred forty-three dollars and 72/100 ($143.72) for the relief of Peter L. Smith, for the compensation earned, as a guard of the Territorial Prison.

SECTION 2. The money hereby appropriated shall be paid by the Treasurer of the Territory of Hawaii, upon a warrant issued by the Auditor of the Territory of Hawaii, to Peter L. Smith.

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

INTRODUCED BY:
Francis H. Ii Brown.
Francis H. Ii Brown,
Senator, Third District

March 12, 1945

Francis H. Brown
Sen. 3rd Dist.

S. B. No. 171

A N A C T

MAKING AN APPROPRIATION FOR THE RELIEF OF PETER L. SMITH.

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

SECTION 1. There is hereby appropriated from the general fund of the Territory of Hawaii the sum of one hundred forty-three dollars and 72/100 ($143.72) for the relief of Peter L. Smith, for the compensation earned, as a guard of the territorial prison.

SECTION 2. The money hereby appropriated shall be paid by the treasurer of the Territory of Hawaii, upon a warrant issued by the auditor of the Territory of Hawaii, to Peter L. Smith.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 17, 1945.

We hereby certify that the foregoing bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate.

Ellen D'Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 30, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Speaker, House of Representatives.

Clerk, House of Representatives.

S. B. NO. 171
H. D. 1

A N A C T

MAKING APPROPRIATIONS FOR THE RELIEF OF PETER L. SMITH AND JAMES C. CARTER.

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

SECTION 1. There is hereby appropriated from the general fund of the Territory of Hawaii the sum of one hundred forty-three dollars and 72/100 ($143.72) for the relief of Peter L. Smith, for the compensation earned, as a guard of the territorial prison.

SECTION 2. The money hereby appropriated shall be paid by the treasurer of the Territory of Hawaii, upon a warrant issued by the auditor of the Territory of Hawaii, to Peter L. Smith.

SECTION 3. There is hereby appropriated from the territorial general fund the sum of two hundred ninety-five and 23/100 dollars ($295.23), the same to be paid to James

S. B. NO. 171
H. D. 1

A N A C T

MAKING APPROPRIATIONS FOR THE RELIEF OF PETER L. SMITH AND JAMES C. CARTER.

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

SECTION 1. There is hereby appropriated from the general fund of the Territory of Hawaii the sum of one hundred forty-three dollars and 72/100 ($143.72) for the relief of Peter L. Smith, for the compensation earned, as a guard of the territorial prison.

SECTION 2. The money hereby appropriated shall be paid by the treasurer of the Territory of Hawaii, upon a warrant issued by the auditor of the Territory of Hawaii, to Peter L. Smith.

SECTION 3. There is hereby appropriated from the territorial general fund the sum of two hundred ninety-five and 23/100 dollars ($295.23), the same to be paid to James

C. Carter for compensation earned, as a second lieutenant in the Hawaii National Guard and custodian of the Hilo Armory, Hilo, Hawaii, from July 1 to August 13, 1943, both dates inclusive.

SECTION 4. This Act shall take effect upon its approval.

THE HOUSE OF REPRESENTATIVES OF THE

TERRITORY OF HAWAII

Honolulu, T. H., April 30, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M C Pacheco

Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 172

The Legislature
of the
Territory of Hawaii

AN ACT

DIRECTING THE RELOCATION OF LAUPAHOEHOE HIGH AND ELEMENTARY SCHOOL, AND MAKING AN APPROPRIATION THEREFOR.

Introduced March 12, 1945, by

Senators W. H. HILL
CHARLES H. SILVA

First Reading in Senate March 12, 1945
Referred to Printing Committee March 12, 1945
Second Reading in Senate March 13, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

S. B. NO. 177 Hill-Silva

A N A C T

DIRECTING THE RELOCATION OF LAUPAHOEHOE HIGH AND ELEMENTARY SCHOOL, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. The Laupahoehoe High and Elementary School shall be relocated prior to the opening of the 1945 fall session from its present site to a location as near the center of population in Papaaloa as is conveniently possible.

SECTION 2. The sum of one hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated from the general revenues of the Terrtory of Hawaii, not otherwise appropriated, for the purpose of such relocation or for a new site, if necessary.

SECTION 3. The sum herein appropriated shall be expended by the superintendent of public works upon plans and specifications and upon a site approved by the Department of Public Instruction.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

W. H. Hill,
Senator, First District.

Charles A. Silva
1st senatorial Dist

MARCH 17 1945.

3/28

1945

Senate Bill No. 173

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO CERTAIN GOVERNMENT OFFICERS AND EMPLOYEES RELEASED ON LEAVE WITHOUT PAY.

Introduced March 12, 1945, by

Senator FRANCIS K. SYLVA

First Reading in Senate March 12, 1945
Referred to Printing Committee " " "
Second Reading in Senate March 13, 1945
Referred to Committee on Judiciary
Third Reading in Senate March 29, 1945.

First Reading in House March 29, 1945
Referred to
Second Reading in House March 30, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Approved
4/29/45
GRH

S. B. NO. 173

A N A C T

RELATING TO CERTAIN GOVERNMENT OFFICERS AND EMPLOYEES RELEASED ON LEAVE WITHOUT PAY.

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

SECTION 1. Government officers and employees of the Territory or its political subdivisions released on leave without pay for the purpose of serving in a civilian capacity with the armed forces, shall be, and are granted the same rights and privileges relative to their employment or reemployment, their salaries and increments, and their status in the employees' retirement system, as has been granted, or may in the future be granted, to officers and employees of the Territory or its political subdivisions serving with the armed forces.

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

INTRODUCED BY:

Francis Sylva

Senator, Third Senatorial District.

S.B.No. 173

A N A C T

RELATING TO CERTAIN GOVERNMENT OFFICERS AND EMPLOYEES RELEASED ON LEAVE WITHOUT PAY.

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

SECTION 1. Government officers and employees of the Territory or its political subdivisions released on leave without pay for the purpose of serving in a civilian capacity with the armed forces, shall be, and are granted the same rights and privileges relative to their employment or re-employment, their salaries and increments, and their status in the employees' retirement system, as has been granted, or may in the future be granted, to officers and employees of the Territory or its political subdivisions serving with the armed forces.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu,T.H., March 29, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Leapellas

President of the Senate

Ellen D'Smythe

Clerk of the Senate

S. B. No. 173
H. D. 1

A N A C T

RELATING TO THE STATUS OF CERTAIN GOVERNMENT OFFICERS AND EMPLOYEES RELEASED ON LEAVE WITHOUT PAY FOR CIVILIAN SERVICE WITH THE ARMED FORCES.

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

SECTION 1. Government officers and employees of the territory or its political subdivisions released on leave without pay for the purpose of serving in a civilian capacity with the armed forces, where such service and the conditions thereof shall be certified by the War Department or the Navy Department of the United States, or the accredited representatives of such department in the territory authorized so to do, to have been equivalent in their judgment to service in the armed forces (as, for example, in the military or naval intelligence departments), shall be, and are, granted the same rights and privileges

relative to their employment or reemployment, their salaries and increments, and their status in the employees' retirement system, as has been granted, or may in the future be granted, to officers and employees of the territory or its political subdivisions serving with the armed forces.

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

THE HOUSE OF REPRESENTATIVES OF THE

TERRITORY OF HAWAII

Honolulu, T. H., April 28, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M K Pasehoal
Speaker, House of Representatives.

Clark
Clark, House of Representatives.

1945

Senate Bill No. 174

The Legislature
of the
Territory of Hawaii

AN ACT

TO PROVIDE FOR THE CREATION OF THE SECOND COMMISSION ON PUBLIC ACCOUNTANCY, TO DEFINE ITS POWERS AND DUTIES, TO APPROPRIATE FUNDS FOR EXPENSES OF SUCH COMMISSION, AND AMENDING SECTION 1568 OF THE REVISED LAWS OF HAWAII 1945 TO CONFORM THERETO.

Introduced March 12 , 1945 , by

Senator FRANCIS K. SYLVA

First Reading in Senate March 12, 1945

Referred to Printing Committee March 12, 1945

Second Reading in Senate March 13, 1945

Referred to

Third Reading in Senate

First Reading in House

Referred to

Second Reading in House

Referred to

Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

SB174

AN ACT

AN ACT TO PROVIDE FOR THE CREATION OF THE SECOND COMMISSION ON PUBLIC ACCOUNTANCY, TO DEFINE ITS POWERS AND DUTIES, TO APPROPRIATE FUNDS FOR EXPENSES OF SUCH COMMISSION, AND AMENDING SECTION 1568 OF THE REVISED LAWS OF HAWAII 1945 TO CONFORM THERETO.

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

SECTION 1. There is hereby created a commission to be known as the second commission on public accountancy, to be composed of the auditors of the Territory and of the several counties, the director, bureau of the budget, of the Territory, and the comptroller, city and county of Honolulu, ex-officio, and four members to be appointed by the governor with the approval of the senate, who shall be commissioned for four years. Upon a vacancy occurring among the appointive members of the commission, a commissioner shall be appointed to fill such vacancy for the remainder of the unexpired term. The territorial auditor shall act as chairman of the board.

SECTION 2. The commission is authorized and directed to make a survey and examination of the present system of business, accounting, reporting, budgetary and auditing procedures employed by the Territory and the counties, to determine the modifications, revisions and changes required to bring such system into uniformity as far as practicable, and to report its recommendations to the territorial auditor.

SECTION 3. The commission shall begin its duties on the first day of July, 1945, or as soon thereafter as is practicable.

SECTION 4. It is hereby declared to be the purpose of this Act: (1) to obtain uniformity, as far as practicable, in all the financial procedures of the Territory and the counties; (2) to cause the financial and other statistical data of the Territory and its political subdivisions to be developed, compiled and presented in such form and under such classifications that they will be uniform and comparable with like data required, compiled or furnished by the bureau of the census of the United States; to insure economy of administration and the usefulness of such data to be administrative and legislative officers; and (3) to provide a continuing supervision over the accounting procedures of the territorial and county governments.

SECTION 5. The territorial auditor is authorized to employ such assistants for the commission as may be necessary to carry out the provisions of this Act.

SECTION 6. The sum of twenty-five thousand dollars ($25,000.00) is hereby appropriated from the general revenues of the Territory, not otherwise appropriated, to be expended by the territorial auditor, for the purposes of paying salaries of assistants, and for necessary traveling and other expenses of employees or members of the commission when actually engaged in business of the commission and also all costs of postage, stationery, correspondence records, printing and other expenses necessary or properly incidental to the business of the commission.

SECTION 7. Section 1568 of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"Sec. 1568. The accounting systems for use in the offices of the auditor, treasurer and departmental services of the Territory and of the auditors, treasurers and departmental services

of the several counties, installed by the commission on public accountancy under the provisions of Act 181, S. L. 1923, as amended by Act 220, S. L. 1925, as the same may be revised, modified and changed by the auditor, with the approval of the governor, in accordance with the recommendations of the second commission on public accountancy, shall be the official accounting and reporting systems of the Territory and counties. It shall be the duty of the territorial auditor to enforce the use of such systems, and it shall be his duty to make inspections from time to time of the application of the same; provided, however, that nothing herein contained shall prohibit the auditor with the approval of the governor, from making such further changes and modifications in such systems as shall from time to time appear to be in the best interest of the Territory and the counties."

SECTION 8. All laws and parts of laws in inconsistent with this Act are hereby amended to conform to this Act.

SECTION 9. This act shall take effect upon its approval.

INTRODUCED BY:

Francis Sylva

Sen. 3rd Dist.

deb 3/16

1945

Senate Bill No. 175

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 12276 OF THE REVISED LAWS OF HAWAII 1945 AND ADDING THERETO TWO NEW SECTIONS TO BE NUMBERED 12276.01 AND 12276.02, RELATING TO ADOPTION.

Introduced March 12, 1945, by

Senator WM. H. HEEN

First Reading in Senate March 12, 1945
Referred to Printing Committee March 12, 1945
Second Reading in Senate March 13, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Jud

S. B. NO. 175

AN ACT

TO AMEND SECTION 12276 OF THE REVISED LAWS OF HAWAII 1945 AND ADDING THERETO TWO NEW SECTIONS TO BE NUMBERED 12276.01 AND 12276.02, RELATING TO ADOPTION.

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

SECTION 1. Section 12276 of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"Sec. 12276. Decree. After considering the petition and such evidence as the petitioners and any other properly interested person may wish to present, the judge may enter a decree of adoption if he is satisfied (a) that the minor child is physically, mentally and otherwise suitable for adoption by the petitioners, (b) that the petitioners are fit and proper persons and financially able to give the child a proper home and education, and (c) that the adoption will be for the best interests of the child, which decree shall take effect upon such date as may be fixed therein by the judge, such date to be not later than six months after the date of the entry of the decree; provided, however that, before entering such decree, the judge may, in his discretion, notify the director of the department of public welfare of the Territory or his agent of the pendency of such petition for adoption and allow a reasonable time for the director to make such investigation as he may deem proper as to the fitness of the petitioners to adopt the child, and as to whether the best interests of the child will be subserved by such adoption. The

director shall make a report to the judge within the time so required, reporting the facts disclosed without recommendation. If the judge shall determine that such report discloses facts adverse to the petitioners or indicates that the best interests of the child will not be subserved by adoption, he shall thereupon give notice of the same to the petitioners and afford them a reasonable opportunity to rebut the report.

"The decree may provide that, during the period between the entry thereof and the effective date of adoption, the care, custody and control of the child be given to the petitioners, who, in such event, shall be liable during such period for the care, maintenance and support of the child and for its torts in the same manner as parents, and for the supervision and visitation of the child. At any time during such period, the judge may, for good cause, set aside or modify such decree.

"The family name of the adoptive child shall be changed to that of the adoptive parents and the given name of the child may be fixed or changed at the same time. Such change of name shall not be recorded in the bureau of conveyances."

SECTION 2. Two new sections are hereby added to said Revised Laws of Hawaii 1945, to be numbered 12276.01 and 12276.02, respectively, and to read as follows:

"Sec. 12276.01. Record of adoption. A certified copy of the decree of adoption shall be sent to the bureau of vital statistics of the board of health. Such bureau shall cause to be made a new

record of the birth in the new name of the child with the names of the adoptive parents, and shall then cause to be sealed and filed the original birth certificate of the child with the decree of the judge, and such sealed package shall be opened only by order of court. If the birth of the child occurred outside of the Territory, the clerk of the court shall, upon request of the adoptive parents, furnish them with a certified copy of the decree of adoption.

"Sec. 12276.02. Secrecy of records. The records in adoption proceedings, after the petition is filed and prior to the entry of the decree, shall be open to inspection only by the parties or their attorneys and the director of the department of public welfare or his agent, upon order of court. Upon the entry of the decree the clerk of the court shall seal all records in the proceedings. Such seal shall not be broken and such records shall not be inspected by any person, including the parties to the proceedings, except upon order of court.

"The clerk of the court shall keep a docket of all adoption proceedings, which shall only be inspected by order of court."

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

INTRODUCED BY:

Senator 3rd Senatorial District

3/6
3/7/2

OK

1945

Senate Bill No. 176

Tabled

The Legislature
of the
Territory of Hawaii

AN ACT

TO PROVIDE A PENSION FOR W. K. RATHBURN AND AUTHORIZING AND DIRECTING THE CITY AND COUNTY OF HONOLULU TO PAY THE SAME.

Filed April 25

Introduced March 12, 1945, by
Senator FRANCIS K. SYLVA

apr 20.

First Reading in Senate March 12, 1945
Referred to Printing Committee March 12, 1945
Second Reading in Senate March 13, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

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Com. whole - Forrest Hem Chr.

S. B. NO. 176

AN ACT

TO PROVIDE A PENSION FOR W. K. RATHBURN AND AUTHORIZING AND DIRECTING THE CITY AND COUNTY OF HONOLULU TO PAY THE SAME.

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 directed to pay to W. K. Rathburn, each month, for the term of his natural life, beginning with the month of July 1941, the sum of One hundred and fifteen dollars ($115.00) provided, however, that no such monthly payments shall be made during such time as the said W. K. Rathburn is holding any salaried position of the Territory of Hawaii or any political subdivision thereof.

SECTION 2. Said pension shall be subject to the general provisions and limitations of sections 7915 to 7917, inclusive, of the Revised Laws of Hawaii 1935.

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

INTRODUCED BY:

SENATOR, 3rd DISTRICT.

1945

Senate Bill No. 177

As amended

The Legislature
of the
Territory of Hawaii

AN ACT

PROVIDING FOR PUBLIC IMPROVEMENTS IN THE COUNTY OF MAUI, AND APPROPRIATING UNEXPENDED AND UNCONTRACTED BALANCES OF CERTAIN ITEMS IN ACT 54, SPECIAL SESSION LAWS OF HAWAII 1941, ACT 29, SPECIAL SESSION LAWS OF HAWAII 1941 AND ACT 203, AS AMENDED, SESSION LAWS OF HAWAII 1935, FOR SAID PURPOSES.

Engrossed 5-4-45

Introduced March 13, 1945. by
Senators A. KAMOKILA CAMPBELL, C. A. CROZIER and HAROLD W. RICE

First Reading in Senate March 13, 1945
Referred to Printing Committee March 13, 1945
Second Reading in Senate March 14, 1945
Referred to Maui Select
Third Reading in Senate March 17, 1945

First Reading in House March 19, 1945
Referred to
Second Reading in House March 20, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

SB #177

A N A C T

PROVIDING FOR PUBLIC IMPROVEMENTS IN THE COUNTY OF MAUI, AND APPROPRIATING UNEXPENDED AND UNCONTRACTED BALANCES OF CERTAIN ITEMS IN ACT 54, SPECIAL SESSION LAWS OF HAWAII 1941, ACT 29, SPECIAL SESSION LAWS OF HAWAII 1941 AND ACT 203, AS AMENDED, SESSION LAWS OF HAWAII 1935, FOR SAID PURPOSES.

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

SECTION 1. The amount of $25,000.00 heretofore appropriated by item 2 of section 3 of Act 29, Special Session Laws of Hawaii 1941, for the East Molokai Road, is hereby reduced to $17,500 and the balance of $7,500.00 of said original appropriation, over and above said amount of $17,500, is hereby re-appropriated for the purposes set forth in section 2 of this act.

SECTION 2. The following amounts, totaling $106,004.33, heretofore appropriated by the respective items of the acts hereinafter mentioned, namely:

(a) the sum of $7,500.00 mentioned in section 1 of this act;
(b) the sum of $36,000.00 appropriated by item 1 of section 3 of said Act 29, Special Session Laws of Hawaii 1941;
(c) the sum of $25,000.00 appropriated by item 5 of section 4 of Act 54, Special Session Laws of Hawaii 1941; and
(d) the unexpended balance of $37,504.33 remaining from the original appropriation of $75,000.00 appropriated by item 1 of section 6 in Part II of Act 203 of the Session Laws of Hawaii 1935, as finally amended by Act 330 of the Session Laws of Hawaii 1941;

are hereby re-appropriated in the following respective amounts and for the following respective purposes:

1.	Puupelua Avenue, Molokai	$ 40,000.00
2.	Manuwainui bridge, Maui	11,000.00
3.	Waialua bridge, Maui	13,000.00
4.	Kawaipapa bridge, Maui	26,500.00
5.	Concrete bridge to replace iron bridge over stream at extension of lower Market street, Wailuku, Maui	15,000.00

SECTION 3. The acts mentioned in sections 1 and 2 of this act are hereby amended to conform to this act.

SECTION 4. Items 1 to 4 inclusive of the re-appropriations made by section 2 of this act shall be expended upon vouchers approved by and under the supervision of the superintendent of public works of the Territory, and for said purpose, the total of $90,500.00 for said four items shall be transferred by the treasurer of the county of Maui to the treasurer of the Territory upon the request of the superintendent of public works, to be held in a special fund; the unexpended balances, after completion of said projects, to be re-transferred to the county of Maui and to be expendable for permanent improvements in the discretion of the board of supervisors of said county.

Item 5 of said re-appropriation made by said section 2 shall be expended by the county of Maui.

SECTION 5. 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 items 1 to 4 inclusive, re-appropriated by section 2 of this act, the superintendent of public works, shall have power to enter into such undertakings with the proper officers or agencies of the federal government, and to do and perform such other acts and things, as may be necessary, or be required by such Acts of said Congress or any regulation or requirements of the federal government, as a condition to securing such federal funds for such projects or works.

This Act shall be liberally construed in order to effectuate its purpose of enabling the Territory to secure the maximum assistance from federal aid funds for the construction and projects hereinabove authorized.

SECTION 6. This act shall take effect upon its approval.

INTRODUCED BY:

A. Kamokila Campbell

C. L. Crozier

Harold K. Rice

S. B. No. 177

A N A C T

PROVIDING FOR PUBLIC IMPROVEMENTS IN THE COUNTY OF MAUI, AND APPROPRIATING UNEXPENDED AND UNCONTRACTED BALANCES OF CERTAIN ITEMS IN ACT 54, SPECIAL SESSION LAWS OF HAWAII 1941, ACT 29, SPECIAL SESSION LAWS OF HAWAII 1941 (AND ACT 203, AS AMENDED, SESSION LAWS OF HAWAII 1935,) FOR SAID PURPOSES.

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

SECTION 1. The amount of $25,000.00 heretofore appropriated by item 2 of section 3 of Act 29, Special Session Laws of Hawaii 1941, for the East Molokai Road, is hereby reduced to $17,500.00 and the balance of $7,500.00 of said original appropriation, over and above said amount of $17,500.00, is hereby re-appropriated for

the purposes set forth in section 2 of this Act.

SECTION 2. The following amounts, totaling $106,004.33, heretofore appropriated by the respective items of the acts hereinafter mentioned, namely:

(a) the sum of $7,500.00 mentioned in section 1 of this Act;

(b) the sum of $36,000.00 appropriated by item 1 of section 3 of said Act 29, Special Session Laws of Hawaii 1941;

(c) the sum of $25,000.00 appropriated by item 5 of section 4 of Act 54, Special Session Laws of Hawaii 1941; and

(d) the unexpended balance of $37,504.33 remaining from the original appropriation of $75,000.00 appropriated by item 1 of section 6 in Part II of Act 203 of the Session Laws

of Hawaii 1935, as finally amended by

Act 330 of the Session Laws of Hawaii 1941;

are hereby re-appropriated in the following respective amounts and for the following respective purposes:

1.	Puupeelua Avenue, Molokai	$ 40,000.00
2.	Manuwainui bridge, Maui	11,000.00
3.	Waialua bridge, Maui	13,000.00
4.	Kawaipapa bridge, Maui	26,500.00
5.	Concrete bridge to replace iron bridge over stream at extension of lower Market street, Wailuku, Maui	15,000.00

SECTION 3. The acts mentioned in sections 1 and 2 of this Act are hereby amended to conform to this Act.

SECTION 4. Items 1 to 4 inclusive of the re-appropriations made by section 2 of this Act shall be expended upon vouchers approved by and under the supervision of the

superintendent of public works of the Territory, and for said purpose, the total of $90,500.00 for said four items shall be transferred by the treasurer of the county of Maui to the treasurer of the Territory upon the request of the superintendent of public works, to be held in a special fund; the unexpended balances, after completion of said projects, to be retransferred to the county of Maui and to be expendable for permanent improvements in the discretion of the board of supervisors of said county.

Item 5 of said re-appropriation made by said section 2 shall be expended by the county of Maui.

SECTION 5. 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 items (1 to 4 inclusive,) re-

appropriated by section 2 of this Act, the superintendent of public works, shall have power to enter into such undertakings with the proper officers or agencies of the federal government, and to do and perform such other acts and things, as may be necessary, or be required by such Acts of said Congress or any regulation or requirements of the federal government, as a condition to securing such federal funds for such projects or works.

This Act shall be liberally construed in order to effectuate its purpose of enabling the Territory to secure the maximum assistance from federal aid funds for the construction and projects hereinabove authorized.

SECTION 6. This Act shall take effect upon its approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., March 17, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas
President of the Senate.

Ellen D Smythe
Clerk of the Senate.

S. B. No. 177
H. D. 1

A N A C T

PROVIDING FOR PUBLIC IMPROVEMENTS IN THE COUNTY OF MAUI, AND APPROPRIATING UNEXPENDED AND UNCONTRACTED BALANCES OF CERTAIN ITEMS IN ACT 54, SPECIAL SESSION LAWS OF HAWAII 1941, ACT 29, SPECIAL SESSION LAWS OF HAWAII 1941, AND MAKING AN ADDITIONAL APPROPRIATION FROM THE GENERAL REVENUES OF THE TERRITORY, FOR SAID PURPOSES.

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

SECTION 1. The amount of $25,000.00 heretofore appropriated by item 2 of section 3 of Act 29, Special Session Laws of Hawaii 1941, for the East Molokai Road, is hereby reduced to $17,500.00 and the balance of $7,500.00 of said original appropriation, over and above said amount of $17,500.00, is hereby re-appropriated for the purposes set forth in section 2 of this Act.

SECTION 2. The following amounts, totaling $68,500.00, heretofore appropriated by the respective items of the acts

hereinafter mentioned, namely:

(a) The sum of $7,500.00 mentioned in section 1 of this Act;

(b) The sum of $36,000.00 appropriated by item 1 of section 3 of said Act 29, Special Session Laws of Hawaii 1941; and

(c) The sum of $25,000.00 appropriated by item 5 of section 4 of Act 54, Special Session Laws of Hawaii 1941;

are hereby re-appropriated in the following respective amounts and for the following respective purposes:

1.	Puupeelua Avenue, Molokai	$40,000.00
2.	Waialua bridge, Maui	13,000.00
3.	Concrete bridge to replace iron bridge over stream at extension of lower Market Street, Wailuku, Maui	15,500.00

In addition, the sum of $37,500.00 is hereby appropriated

out of the general revenues of the territory not otherwise appropriated, for the following purposes:

4. Manuwainui bridge, Maui	$11,000.00
5. Kawaipapa bridge, Maui	26,500.00

SECTION 3. The acts mentioned in sections 1 and 2 of this Act are hereby amended to conform to this Act.

SECTION 4. Items 1, 2, 4 and 5 of the appropriations or re-appropriations made by section 2 of this Act shall be expended upon vouchers approved by and under the supervision of the superintendent of public works of the territory, and for the purposes of said items 1 and 2, the total of $53,000.00 shall be transferred by the treasurer of the county of Maui to the treasurer of the territory upon the request of the superintendent of public works, to be held in a special fund; any unexpended balance in said special fund shall be used to reimburse pro tanto the general fund of the territory by any expenditures made under items 4 and 5 appropriated by said section 2, and if after such reimbursement, any unexpended

balance shall still remain, the same shall be transferred to the general fund of said county of Maui.

Item 3 of said re-appropriation made by said section 2 shall be expended by the county of Maui.

SECTION 5. 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 items 1, 2, 4 and 5 appropriated or re-appropriated by section 2 of this Act, the superintendent of public works shall have power to enter into such undertakings with the proper officers or agencies of the Federal government, and to do and perform such other acts and things, as may be necessary, or be required by such Acts of said Congress or any regulation or requirements of the Federal government, as a condition to securing such Federal funds for such projects or works.

This Act shall be liberally construed in order to effectuate its purpose of enabling the territory to secure the maximum assistance from Federal aid funds for the construction and projects hereinabove authorized.

SECTION 6. This Act shall take effect upon its approval.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 30, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M C Paschoal
Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 178

The Legislature
of the
Territory of Hawaii
Special Session 1941

AN ACT

AMENDING SECTION 1217 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO FISHING BY NON-CITIZENS.

Introduced March 13, 1945, 1941, by Senator s CLEM GOMES and JOHN B. FERNANDES

First Reading in Senate March 13, 1945
Referred to Printing Committee March 13, 1945
Second Reading in Senate March 14, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

S. B. NO. 178

A N A C T

AMENDING SECTION 1217 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO FISHING BY NON-CITIZENS.

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

SECTION 1. Section 1217 of the Revised Laws of Hawaii 1945 is hereby amended by deleting therefrom the words "or within one geographical mile seaward of high water mark",in the third line of such section.

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

INTRODUCED BY:

Wm Paulo

John B Fernandez

Senator, Fourth Senatorial District.

fo. mar. 13/46

1945

Senate Bill No. 179

The Legislature
of the
Territory of Hawaii

AN ACT

PROVIDING FOR THE ACQUISITION OF LANDS WITHIN THE FOREST RESERVE OF THE HONOLULU-PEARL HARBOR AREA, AND APPROPRIATION THEREFOR.

Introduced March 13, 1945, 1941, by
Senator C. A. CROZIER

First Reading in Senate March 13, 1945
Referred to Printing Committee March 13, 1945
Second Reading in Senate March 14, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

SB No. 179

AN ACT

PROVIDING FOR THE ACQUISITION OF LANDS WITHIN THE FOREST RESERVE OF THE HONOLULU-PEARL HARBOR AREA, AND APPROPRIATION THEREFOR

WHEREAS, the growth and protection of forests upon a watershed area is essential for the protection and development of adequate water supplies; and

WHEREAS, the amount of water needed and used for domestic, industrial and military purposes in the Honolulu-Pearl Harbor area has greatly increased and is constantly increasing and the supply thereof is becoming critically short: now therefore,

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

SECTION 1. The commissioner of public lands is directed to acquire by purchase or condemnation, for the growth and protection of forests thereon, all lands within the present boundaries of the Forest Reserve for the Honolulu-Pearl Harbor area, from Aiea to Kuliouou Iki, both inclusive, on the island of Oahu, which are not already owned by the Territory or personally used for residential purposes by the owners thereof. In so far as is practicable, the commissioner of public lands is directed to first acquire such lands in Palolo, then in Manoa, then in Nuuanu, then in Moanalua, then in Kalihi and then remaining lands.

SECTION 2. In the event the purposes of this Act are not accomplished by voluntary transactions with the

persons concerned, the superintendent of public works shall, at the request of the commissioner of public lands, institute condemnation proceedings for said purposes, provided, that negotiations for the accomplishment of the purposes of the Act shall not be required before the institution of eminent domain proceedings. The legislature hereby declares that the acquisition of said lands for the growth and protection of forests thereon is a public use for which the taking of private property is necessary.

SECTION 3. The sum of $1,046,120.00 or as much thereof as may be required, is hereby appropriated out of the general revenues of the Territory for the purposes of this Act, to be expended upon warrants issued by the auditor based upon vouchers signed by the commissioner of public lands. Insufficiency of said appropriation to cover acquisition of all of the lands authorized to be acquired by this Act shall not prevent the acquisition of such lands or portions thereof as may be possible within said appropriation.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

C. M. Crozier

Senator, 2 District

3/13

1945

Senate Bill No. 180

Engross

The Legislature
of the
Territory of Hawaii

AN ACT

AMENDING SECTION 5927 OF THE REVISED LAWS OF HAWAII 1945, AND RELATING TO TRANSFERS OF SINKING FUND SECURITIES TO THE GENERAL FUND, THE SPECIAL FUND, THE REVOLVING FUND OR THE EMPLOYEES' RETIREMENT SYSTEM.

Engrossed 4/23/45

Introduced March 13, 1945, ~~1944~~ by
Senator FRANCIS K. SYLVA

First Reading in Senate March 13, 1945
Referred to Printing Committee March 13, 1945
Second Reading in Senate March 14, 1945
Referred to Committee on Ways and Means
Third Reading in Senate March 17, 1945

First Reading in House March 19, 1945
Referred to
Second Reading in House March 20, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

180

SB #180

AN ACT

AMENDING SECTION 5927 OF THE REVISED LAWS OF HAWAII 1945, AND RELATING TO TRANSFERS OF SINKING FUND SECURITIES TO THE GENERAL FUND, THE SPECIAL FUND, THE REVOLVING FUND OR THE EMPLOYEES' RETIREMENT SYSTEM.

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

SECTION 1. Section 5927, Revised Laws of Hawaii 1945, is hereby amended by amending the last sentence thereof to read as follows:

"Any bonds, notes or other obligations in the sinking fund, may with the prior approval of the governor be transferred to the general, the special or the revolving fund, or to the trustees of the employees' retirement system, but subject however to all the terms, conditions and provisions, and in the same manner as in section 5926 provided."

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

INTRODUCED BY:

Francis J. Sylva

Sen, 3rd District

3/13
3/16

S.B.No.180

A N A C T

AMENDING SECTION 5927 OF THE REVISED LAWS OF HAWAII 1945, AND RELATING TO TRANSFERS OF SINKING FUND SECURITIES TO THE GENERAL FUND, THE SPECIAL FUND, THE REVOLVING FUND OR THE EMPLOYEES' RETIREMENT SYSTEM.

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

SECTION 1. Section 5927, Revised Laws of Hawaii 1945, is hereby amended by amending the last sentence thereof to read as follows:

"Any bonds, notes or other obligations in the sinking fund, may with the prior approval of the governor be transferred to the general, the special or the revolving fund, or to the trustees of the employees' retirement system, but subject however to all the terms, conditions and provisions, and in the same manner as in section 5926 provided."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., March 17, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate

Ellen D. Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 23, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M K Paschal

Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 181

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO THE REIMBURSEMENT OF WALKER-MOODY CONSTRUCTION COMPANY, LIMITED, OF THE AMOUNT OF EXCESS COSTS INCURRED IN CONSTRUCTING BEACH WALK STATION SEWER PRESSURE LINE UNDER WAR TIME CONDITIONS, AND AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO APPROPRIATE SUFFICIENT MONEYS THEREFOR.

Engrossed 4/5-9-45 H

Introduced March 13, 1945, by
Senator FRANCIS H. Ii BROWN

First Reading in Senate March 13, 1945
Referred to Printing Committee March 13, 1945
Second Reading in Senate March 14, 1945
Referred to SELECT COM. OF OAHU SENATORS
Third Reading in Senate April 6, 1945

First Reading in House April 6, 1945
Referred to
Second Reading in House April 9, 1945
Referred to County Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

S BILL NO. 181

AN ACT RELATING TO THE REIMBURSEMENT OF WALKER-MOODY CONSTRUCTION COMPANY, LIMITED, OF THE AMOUNT OF EXCESS COSTS INCURRED IN CONSTRUCTING BEACH WALK STATION SEWER PRESSURE LINE UNDER WAR TIME CONDITIONS, AND AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO APPROPRIATE SUFFICIENT MONEYS THEREFOR.

WHEREAS, the City and County of Honolulu in the year 1941, prior to the out-break of war, entered into a contract with Walker-Moody Construction Company, Limited, for the construction of a Sewer Pressure Line, Beach Walk Station, Waikiki, Honolulu, for the contract price of $71,404.65; and

WHEREAS, conditions prevailing in the Territory after the out-break of war prevented the commencement of construction under said contract until the year 1943, at which time by virtue of military and governmental orders and regulations the rates of pay of labor had substantially increased over those prevailing upon the date of said contract and by virtue of increased cost of manufacture and transportation the costs of materials had substantially increased over those prevailing upon the date of said contract; and

WHEREAS, by reason of said war time increases in the costs of labor and materials, said contract was completed by Walker-Moody Construction Company, Limited, at a cost of $11,933.36 in excess of the cost originally estimated and upon which the contract price was based, and a moral obligation exists to reimburse said Walker-Moody Construction Company, Limited, in the amount of the

excess of said costs over those originally estimated; now, therefore,

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 directed to appropriate and cause to be paid to Walker-Moody Construction Company, Limited, out of the general fund of said City and County, the sum of $11,933.36 as reimbursement of the excess costs of construction by said Company under war time conditions of the Beach Walk Station Sewer Pressure Line.

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

INTRODUCED BY:

Francis H. Ii Brown
Senator, Third District, 1945

S. B. No. 181

A N A C T

RELATING TO THE REIMBURSEMENT OF WALKER-MOODY CONSTRUCTION COMPANY, LIMITED, OF THE AMOUNT OF EXCESS COSTS INCURRED IN CONSTRUCTING BEACH WALK STATION SEWER PRESSURE LINE UNDER WAR TIME CONDITIONS, AND AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO APPROPRIATE SUFFICIENT MONEYS THEREFOR.

WHEREAS, the City and County of Honolulu in the year 1941, prior to the out-break of war, entered into a contract with Walker-Moody Construction Company, Limited, for the construction of a Sewer Pressure Line, Beack Walk Station, Waikiki, Honolulu, for the contract price of $71,404.65; and

WHEREAS, conditions prevailing in the Territory after the out-break of war prevented the commencement of construction under said contract until the year 1943, at which time by virtue of military and governmental orders and regulations

the rates of pay of labor had substantially increased over those prevailing upon the date of said contract and by virtue of increased cost of manufacture and transportation the costs of materials had substantially increased over those prevailing upon the date of said contract; and

WHEREAS, by reason of said war time increases in the costs of labor and materials, said contract was completed by Walker-Moody Construction Company, Limited, at a cost of $11,933.36 in excess of the cost originally estimated and upon which the contract price was based, and a moral obligation exists to reimburse said Walker-Moody Construction Company, Limited, in the amount of the excess of said costs over those originally estimated; now, therefore,

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 directed to appropriate and cause to be paid to Walker-Moody Construction Company, Limited, out of the general fund of said City and

County, the sum of $11,933.36 as reimbursement of the excess costs of construction by said Company under war time conditions of the Beach Walk Station Sewer Pressure Line.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 6, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E. B. Capellas

President of the Senate.

Ellen D. Smythe

Clerk of the Senate.

S. B. NO. 181
H. D. 1

A N A C T

RELATING TO THE REIMBURSEMENT OF WALKER-MOODY CONSTRUCTION COMPANY, LIMITED, OF THE AMOUNT OF EXCESS COSTS INCURRED IN CONSTRUCTING BEACH WALK STATION SEWER PRESSURE LINE UNDER WAR TIME CONDITIONS, AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO APPROPRIATE SUFFICIENT MONEYS THEREFOR AND AUTHORIZING THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO APPROPRIATE SUCH SUMS AS MAY BE REQUIRED TO REIMBURSE SIMILAR EXCESS COSTS OF CONSTRUCTION ON OTHER PUBLIC PROJECTS.

WHEREAS, the City and County of Honolulu in the year 1941, prior to the outbreak of war, entered into a contract with Walker-Moody Construction Company, Limited, for the construction of a sewer pressure line, Beach Walk Station, Waikiki, Honolulu, for the contract price of $71,404.65; and

WHEREAS, conditions prevailing in the territory after the outbreak of war prevented the commencement of construction under said contract until the year 1943, at which time by virtue of military and governmental orders and regulations the rates of pay of labor had substantially increased over those prevailing upon the date of said contract and by virtue of increased cost of manufacture and transportation the costs of materials had substantially increased over those prevailing upon the date of said contract; and

WHEREAS, by reason of said war time increases in the costs of labor and materials, said contract was completed by Walker-Moody Construction Company, Limited, at a cost of $11,933.36 in excess of the cost originally estimated and upon which the contract price was based, and a moral obligation exists to reimburse said Walker-Moody Construction Company, Limited, in the amount of the excess of said costs over those originally estimated; now, therefore:

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 directed to appropriate and cause to be paid to Walker-Moody Construction, Company, Limited, out of the general fund of said City and County, the sum of $11,933.36 as reimbursement of the excess costs of construction by said company under war time conditions of the Beach Walk Station Sewer Pressure Line.

SECTION 2. The Board of Supervisors of the City and County of Honolulu is hereby authorized to appropriate out of the general fund of said city and county, such sums as may be required to cover excess costs of construction on public works arising out of and due to war time conditions and similar to those authorized and directed to be paid under Section 1, above.

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

5/9

THE HOUSE OF REPRESENTATIVES OF THE

TERRITORY OF HAWAII

Honolulu, T. H., May 1, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M G Paschoal
Speaker, House of Representatives.

Clerk
Clerk, House of Representatives.

1945

Senate Bill No. 182

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO THE TAX ON COMPENSATION AND DIVIDENDS AND AMENDING SECTIONS 5344 AND 5350 OF THE REVISED LAWS OF HAWAII 1945.

Introduced March 13, 1945, 1941, by

Senators CHARLES H. SILVA and
FRANCIS K. SYLVA

First Reading in Senate March 13, 1945

Referred to Printing Committee March 13, 1945

Second Reading in Senate March 14, 1945

Referred to

Third Reading in Senate

First Reading in House

Referred to

Second Reading in House

Referred to

Third Reading in House

ELLEN D. SMYTHE

Clerk of the Senate.

S. B. NO. 182

A N A C T

RELATING TO THE TAX ON COMPENSATION AND DIVIDENDS AND AMENDING SECTIONS 5344 AND 5350 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Section 5344 of the Revised Laws of Hawaii 1945 is hereby amended by amending the first paragraph following the title to read as follows:

"(a) There shall be assessed, levied, collected and paid for each month a tax of one and one-half per centum upon the amount of all compensation, not exempted under this section, received by every person, during all or any part of such month."

SECTION 2. Section 5350 of the Revised Laws of Hawaii 1945 is hereby amended by substituting, in the second line thereof, for the words "a tax of two per cent" the words "a tax of one and one-half per centum".

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

INTRODUCED BY:

Senator, First Senatorial District

Sen. 3rd Dist.

3/13

1945

Senate Bill No. 183

The Legislature
of the
Territory of Hawaii

AN ACT

PROVIDING FOR LIENS ON PERSONAL PROPERTY FOR LAUNDERING, CLEANING, DYEING AND PRESSING CHARGES, AND PROVIDING FOR PROCEDURE FOR FORE-CLOSURE THEREOF.

Engrossed 5-4-45 H

Introduced March 13, 1945, 1941, by
Senator WM.H.HEEN

First Reading in Senate March 13, 1945
Referred to Printing Committee " " "
Second Reading in Senate March 14, 1945
Referred to Committee on Judiciary
Third Reading in Senate March 26, 1945.

First Reading in House Mar. 26, 1945
Referred to
Second Reading in House Mar. 27, 1945
Referred to Judiciary Committee
Third Reading in House

.....
Clerk of the Senate.

S Bill 183

A N A C T

PROVIDING FOR LIENS ON PERSONAL PROPERTY FOR LAUNDERING, CLEANING, DYEING AND PRESSING CHARGES, AND PROVIDING FOR PROCEDURE FOR FORECLOSURE THEREOF.

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

SECTION 1. Every person to whom there has been or shall be delivered any article or lot of articles of wearing apparel or of household use for the purpose of laundering, cleaning, dyeing or pressing thereof by such person, regardless of the process to be employed, shall have a lien thereon for the amount of all charges incurred for the laundering, cleaning, dyeing or pressing thereof. Such lien shall be prior to all other rights in or to the article or lot of articles of which the holder of the lien is without actual knowledge at the time of delivery thereof to the holder of the lien or at the time of the approval of this Act, whichever is the later.

SECTION 2. In the event that any lien shall have attached to any such article or lot of articles and shall remain unsatisfied for a period of at least sixty days, such article or lot of articles may be sold in the manner herein provided. All articles received in one lot may be sold as one lot or as separate articles. Any number of articles or lots of articles may be included in the same notice. Notice of the time and place of sale shall be published in a newspaper of general circulation in the county or city and county where the articles or lots of articles to be sold shall have been delivered for laundering, cleaning, dyeing or pressing, not

less than five nor more than ten days prior to the date of sale. The notice shall state the name of each person who delivered an article or lot of articles to be sold, if known, and shall state the amount of lien to be satisfied with respect to the article or lot of articles delivered by said person. As to the nature of the articles or lots of articles to be sold, the notice need merely state, in general terms, with reference to said articles or lots of articles collectively, that they are articles or lots of articles left for the purpose of laundering, cleaning, dyeing or pressing. At the time and place named in the publication each article or lot of articles may be sold at auction and the purchaser shall succeed to the owner's title thereto. Such auction may be conducted by the holder of the lien or any person designated by him, and may take place upon the premises of the holder of the lien or such other premises as may be designated by him. Any person, including the holder of the lien, shall be entitled to bid for and purchase any article or lot of articles offered for sale at such auction. The provisions of Sections 7018 to 7020, inclusive, and Sections 7022 to 7032, inclusive, of the Revised Laws of Hawaii 1945, shall not apply to any auction conducted pursuant to this section.

SECTION 3. Out of the proceeds of sale the holder of the lien may retain the amount of the lien, plus in addition twenty-five per cent thereof to cover expenses incurred in connection with the storage, handling and sale of the article or lot of articles sold. Any balance remaining of the sale price of each article or lot of articles sold which shall not

be claimed by the owner thereof within thirty days from the date of sale shall be deposited with the Treasurer of the Territory and shall be payable to the owner thereof if claimed within one year from the date of sale. If no claim shall be made for said balance within said period, the sum shall become a government realization.

SECTION 4. After publication of notice of the time and place of sale of an article or lot of articles pursuant to Section 2 hereof, and prior to the sale thereof, the article or lot of articles may be redeemed and the lien thereon satisfied only by payment of the amount of all charges incurred for the laundering, cleaning, dyeing or pressing thereof, plus in addition twenty-five per cent of the amount of said charges to cover all expenses incurred with respect to the article or lot of articles.

SECTION 5. This Act shall take effect upon its approval.

Introduced by:

S. 3rd Dist

3/13
3/21

S.B.NO. 183
S.D. 1

A N A C T

PROVIDING FOR LIENS ON PERSONAL PROPERTY FOR LAUNDERING, CLEANING, DYEING AND PRESSING CHARGES, AND PROVIDING FOR PROCEDURE FOR FORECLOSURE THEREOF.

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

SECTION 1. Every person to whom there has been or shall be delivered any article or lot of articles of wearing apparel or of household use for the purpose of laundering, cleaning, dyeing or pressing thereof by such person, regardless of the process to be employed, shall have a lien thereon for the amount of all charges incurred for the laundering, cleaning, dyeing or pressing thereof. Such lien shall be prior to all other rights in or to the article or lot of articles of which the holder of the lien is without actual knowledge at the time of delivery thereof to the holder of the lien or at the time of the approval of this Act, whichever is the later.

SECTION 2. In the event that any lien shall have attached to any such article or lot of articles and shall remain unsatisfied for a period of at least ninety days, such article or lot of articles may be sold in the manner herein provided. All articles received in one lot may be sold as one lot or as separate articles. Any number of articles or lots of articles may be included in the same notice. Notice of the time and place of sale shall be published in a newspaper of general circulation in the county or city and county where the articles or lots of articles to be sold shall have been delivered for laundering, cleaning, dyeing or pressing, not less than five nor more than ten days prior to the date of sale. The notice shall state the name of each person who delivered an article or lot of articles to be sold, if known, and shall state the amount of lien to be satisfied with respect to the article or lot of articles delivered by said person. As to the nature of the articles or lots of articles to be sold, the notice need merely state, in general terms, with reference to said articles

or lots of articles collectively, that they are articles or lots of articles left for the purpose of laundering, cleaning, dyeing or pressing. At the time and place named in the publication each article or lot of articles may be sold at auction and the purchaser shall succeed to the owner's title thereto. Such auction may be conducted by the holder of the lien or any person designated by him, and may take place upon the premises of the holder of the lien or such other premises as may be designated by him. Any person, including the holder of the lien, shall be entitled to bid for and purchase any article or lot of articles offered for sale at such auction. The provisions of sections 7018 to 7020, inclusive, and sections 7022 to 7032, inclusive, of the Revised Laws of Hawaii 1945, shall not apply to any auction conducted pursuant to this section.

SECTION 3. Out of the proceeds of sale the holder of the lien may retain the amount of the lien, plus in addition twenty-five per cent thereof to cover expenses incurred in connection with the storage, handling and sale of the article

or lot of articles sold. Any balance remaining of the sale price of each article or lot of articles sold which shall not be claimed by the owner thereof within thirty days from the date of sale shall be deposited with the treasurer of the Territory and shall be payable to the owner thereof if claimed within one year from the date of sale. If no claim shall be made for said balance within said period, the sum shall become a government realization.

SECTION 4. After publication of notice of the time and place of sale of an article or lot of articles pursuant to section 2 hereof, and prior to the sale thereof, the article or lot of articles may be redeemed and the lien thereon satisfied only by payment of the amount of all charges incurred for the laundering, cleaning, dyeing or pressing thereof, plus in addition twenty-five per cent of the amount of said charges to cover all expenses incurred with respect to the article or lot of articles.

SECTION 5. This Act shall take effect upon its approval.

5/4/2

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., March 26, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate

Ellen D. Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 30, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M G Paschoal

Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. ~~184~~

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND CHAPTER 137 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO LIQUOR, BY AMENDING SECTIONS 7228, 7233, 7245 AND 7266 THEREOF.

Introduced March 14, 1945, ~~XXX~~ by Senator~~s~~ E. S. CAPELLAS
THOMAS PEDRO, JR.

First Reading in Senate March 14, 1945
Referred to Printing Committee March 14, 1945
Second Reading in Senate March 15, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

S. B. NO. 184

A N A C T

TO AMEND CHAPTER 137 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO LIQUOR, BY AMENDING SECTIONS 7228, 7233, 7245 AND 7266 THEREOF.

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

SECTION 1. Section 7228 of the Revised Laws of Hawaii 1945 is hereby amended by amending paragraph 7 thereof to read as follows:

"7. To fix the hours between which licensed premises of any class or classes may regularly be open for the transaction of business, which hours shall be uniform throughout the county as to each class respectively; provided, however, that manufacturers and wholesale dealers shall make no sales after six p. m., except on Saturdays and holidays, on which days they shall make no sales after seven-thirty p.m.; provided, further, that for the purposes of this paragraph a hotel, duly licensed to conduct a hotel business, may be deemed a separate class."

SECTION 2. Section 7233 of the Revised Laws of Hawaii 1945 is hereby amended by amending the last paragraph thereof to read as follows:

"The fees for all classes of licenses, except dispensers' and retail, shall be the same outside the district of Honolulu as for the district of Honolulu. The fees for dispensers' licenses outside the district of Honolulu shall be one-fifth of the fees for the district of Honolulu, except in places wherein a

radius of two miles therefrom there is a population of less than one thousand persons, in which instance the fees for dispensers' licenses shall be one-tenth of the fees for the district of Honolulu. The fees for retail licenses outside the district of Honolulu shall be one-half of the fees for the district of Honolulu."

SECTION 3. Section 7245 of the Revised Laws of Hawaii 1945 is hereby amended by amending paragraph 5 thereof to read as follows:

"5. To hold a retail dealer's license."

SECTION 4. Section 7266 of the Revised Laws of Hawaii 1945 is hereby amended by amending paragraph (e) thereof to read as follows:

"(e) Be sold, served or handled by any minor upon any licensed premises or by any minor in the transportation thereof from the premises of a manufacturer or wholesale dealer to the premises of any licensee."

SECTION 5. Sections 1, 2 and 3 of this Act shall take effect on July 1, 1945. Section 4 of this Act shall take effect upon the date of approval of this Act.

INTRODUCED BY: -

E B Capellas
Senator, First Senatorial District

Thomas Sakai Jr.
Senator, 1st District

3/15/45

1945

Senate Bill No. 185

The Legislature
of the
Territory of Hawaii

AN ACT

PROVIDING FOR THE WIDENING, REPAIRING AND PAVING OF A PORTION OF THE PECK ROAD, ISLAND OF HAWAII, AND MAKING AN APPROPRIATION THEREFOR.

Introduced March 14, 1945 ~~1944~~ by Senator W. H. HILL

First Reading in Senate March 14, 1945
Referred to Printing Committee March 14, 1945
Second Reading in Senate March 15, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

S. B. NO. 185

A N A C T

PROVIDING FOR THE WIDENING, REPAIRING AND PAVING OF A PORTION OF THE PECK ROAD, ISLAND OF HAWAII, 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 thirty thousand dollars from the general revenues of the Territory, not otherwise appropriated, to widen, repair and pave the Peck Road, Island of Hawaii, from its junction with the main Volcano Road for a distance of approximately twelve thousand feet running along Lot 166 to and including Lot 173, Eighteen Miles Olaa Homesteads.

SECTION 2. The sum hereinabove appropriated shall be expended by the superintendent of public works of the Territory who shall have supervision of the work called for by this Act.

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

INTRODUCED BY:

W. H. Hill

Senator, First Senatorial District.

3/28

1945

Senate Bill No. 186

As amended

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND CHAPTER 114 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE TERRITORIAL INSURANCE FUND.

Introduced March 14, 1945, by

Senators CLEM GOMES, THOMAS PEDRO, JR., A. KAMOKILA CAMPBELL, CHARLES S. CRANE, WM. H. HEEN

First Reading in Senate March 14, 1945
Referred to Printing Committee March 14, 1945
Second Reading in Senate March 15, 1945
Referred to COMMITTEE ON WAYS & MEANS
Third Reading in Senate April 6, 1945

First Reading in House April 6, 1945
Referred to
Second Reading in House April 9, 1945
Referred to Finance Committee
Third Reading in House

Eng. 5-9-45 H

S

ELLEN D. SMYTHE
Clerk of the Senate

S. B. NO. 186

A N A C T

TO AMEND CHAPTER 114 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE TERRITORIAL INSURANCE FUND.

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

SECTION 1. Chapter 114 of the Revised Laws of Hawaii 1945 is hereby amended by amending section 5872 thereof by adding to such section a new paragraph which shall read as follows:

"The territorial insurance fund, or as much thereof as may be necessary, is appropriated and shall, with the approval of the governor, be expended by the superintendent of public instruction to pay reasonable hospital and medical charges of all unpaid school children who may be injured in performing the duties to which they have been assigned in the department of public instruction."

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

INTRODUCED BY:

Senator, Fourth Senatorial District.

Senator, 1st District

3/14

S. B. No. 186
S. D. 1

A N A C T

TO AMEND CHAPTER 114 OF THE REVISED LAWS OF HAWAII 1945

RELATING TO THE TERRITORIAL INSURANCE FUND.

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

SECTION 1. Chapter 114 of the Revised Laws of Hawaii 1945 is hereby amended by amending section 5872 thereof by adding to such section a new paragraph which shall read as follows:

> "So much of the territorial insurance fund as may be necessary is hereby appropriated, and shall, with the approval of the governor, be expended by the head of the proper department to pay reasonable hospital and medical charges of all persons who may be injured in performing service for the Territory in a voluntary or unpaid capacity under the authorized direction of an officer or employee of the Territory."

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

S. B. NO. 186
S. D. 1
H. D. 1

A N A C T

TO PROVIDE FOR PAYMENT OF HOSPITAL AND MEDICAL EXPENSES OF PERSONS INJURED WHILE PERFORMING VOLUNTARY SERVICE FOR THE TERRITORY.

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

SECTION 1. Any person who may be injured in performing service for the territory in any voluntary or unpaid capacity under the authorized direction of an officer or employee of the territory, and who shall not have secured payment of his hospital and medical expenses from the territory or any county under any other provision of law and shall not have secured payment thereof from any third person, shall be paid his reasonable hospital and medical expenses under the provisions of this Act.

SECTION 2. So much of the territorial insurance fund

as may be necessary is hereby appropriated and shall, with the approval of the governor, be expended to pay claims which may be found to be due under this Act.

SECTION 3. This Act shall be administered by the bureau of workmen's compensation of the department of labor and industrial relations. Procedure in respect of claims hereunder, including procedure upon appeals, shall correspond to the procedure provided under chapter 77 of the Revised Laws of Hawaii 1945 with respect to workmen's compensation claims. Notice of injury shall be given to the head of the department for which the injured person is performing service, and said department head shall report the injury to the bureau of workmen's compensation. The commission of labor and industrial relations may make such rules and regulations as may be necessary or convenient for carrying out the provisions of this Act.

SECTION 4. This Act shall take effect upon its approval.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 30, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M. G. Paschoal
Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 187

The Legislature

of the

Territory of Hawaii

Special Session 1941

AN ACT

APPROPRIATING THE SUM OF FIFTY THOUSAND ($50,000.00) DOLLARS FOR THE CONSTRUCTION OF A GYMNASIUM AT THE WAIMEA HIGH AND ELEMENTARY SCHOOL, WAIMEA, ISLAND OF KAUAI.

Introduced March 14, 1945 ~~1941~~ by

Senators CLEM GOMES
JOHN B. FERNANDES

First Reading in Senate March 14, 1945

Referred to Printing Committee March 14, 1945

Second Reading in Senate March 15, 1945

Referred to

Third Reading in Senate

First Reading in House

Referred to

Second Reading in House

Referred to

Third Reading in House

ELLEN D. SMYTHE

Clerk of the Senate.

S.B. No. 187 #187

A N A C T

APPROPRIATING THE SUM OF FIFTY THOUSAND ($50,000.00) DOLLARS FOR THE CONSTRUCTION OF A GYMNASIUM AT THE WAIMEA HIGH AND ELEMENTARY SCHOOL, WAIMEA, ISLAND OF KAUAI.

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

Section 1. There is hereby appropriated from the general fund of the Territory of Hawaii, the sum of Fifty Thousand ($50,000.00) Dollars, for the construction of a gymnasium at the Waimea High and Elementary School, Waimea, Island of Kauai.

Section 2. The construction of said gymnasium shall be under the supervision of the Superintendent of Public Works.

Section 3. The said amount of $50,000.00 or so much thereof as may be necessary, shall be disbursed on warrants of the territorial auditor based upon vouchers approved by the superintendent of public works.

Section 4. This Act shall take effect upon its approval.

Introduced by:

Honolulu, T. H.
March 14, 1945.

Senators, 4th. Senatorial District.

1945

Senate Bill No. 188

The Legislature

of the

Territory of Hawaii

Special Session 1941

AN ACT

DECLARING WATER AND ELECTRIC METERS WITHIN THE PROVISIONS OF CHAPTER 142, AND AMENDING SECTION 7481, REVISED LAWS OF HAWAII 1945.

Introduced March 14, 1945 XXXX by Senator C. A. CROZIER

First Reading in Senate March 14, 1945
Referred to Printing Committee March 14, 1945
Second Reading in Senate March 15, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

Jud

SB# 188

A N A C T

DECLARING WATER AND ELECTRIC METERS WITHIN THE PROVISIONS OF CHAPTER 142, AND AMENDING SECTION 7481, REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Water and electric meters are hereby declared to be devices and appliances used in the ascertainment of weights and measures within the meaning of Chapter 142, Revised Laws of Hawaii 1945, and are declared to be mechanical means for the weighing and measuring of an article or commodity and are further declared to be a weighing or measuring machine or appliance within the meaning of said chapter.

SECTION 2. Section 7481, Revised Laws of Hawaii 1945, is hereby amended by inserting therein a new paragraph just prior to the last paragraph thereof which new paragraph shall read as follows:

"No charge shall be made for testing, certification or inspection of devices and appliances operated by the Territory of Hawaii or any county."

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

INTRODUCED BY:

Clarence A. Crozier
Senator, Second District.

1945

Senate Bill No. 189

The Legislature
of the
Territory of Hawaii

AN ACT

TO PROVIDE SIMPLE GRAVESTONES FOR DECEASED INMATES OF THE KALAUPAPA SETTLEMENT, AND MAKING AN APPROPRIATION THEREFOR.

Introduced March 14, 1945 ,XXX, by
Senator C. A. CROZIER

First Reading in Senate March 14, 1945
Referred to Printing Committee March 14, 1945
Second Reading in Senate March 15, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

SB 189

A N A C T

TO PROVIDE SIMPLE GRAVESTONES FOR DECEASED INMATES OF THE KALAUPAPA SETTLEMENT, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. The board of hospitals and settlement is hereby authorized and directed to provide simple gravestones for all inmates of Kalaupapa settlement who may die without making provisions for a gravestone.

SECTION 2. A sum of $1000.00 is hereby appropriated for the purpose of this act, to be expended upon the same authorization as other appropriations for said board.

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

INTRODUCED BY:

Clarence A. Crozier
Senator, Second District.

3/14

1945

Senate Bill No. 190

The Legislature
of the
Territory of Hawaii

AN ACT

AMENDING CHAPTER 110 OF THE REVISED LAWS OF HAWAII 1945, AUTHORIZING AND PROVIDING FOR THE INVESTMENT OF TERRITORIAL MONEYS IN CERTAIN SECURITIES OF THE UNITED STATES AND THE SAFE-KEEPING IN MAINLAND DEPOSITORIES OF SEDURITIES OWNED OR HELD BY THE TERRITORY.

Introduced March 14, 1945. , 1945 by
Senator FRANCIS K. SYLVA

First Reading in Senate	March 14, 1945
Referred to Printing Committee	March 14, 1945
Second Reading in Senate	March 15, 1945
Referred to	Committee on Ways & Means
Third Reading in Senate	March 20, 1945
First Reading in House	Mar. 20, 1945
Referred to	
Second Reading in House	March 21, 1945
Referred to	Finance Committee
Third Reading in House	

ELLEN D. SMYTHE
Clerk of the Senate.

S B # 190
SD 1

AN ACT

AMENDING CHAPTER 110 OF THE REVISED LAWS OF HAWAII 1945, AUTHORIZING AND PROVIDING FOR THE INVESTMENT OF TERRITORIAL MONEYS IN CERTAIN SECURITIES OF THE UNITED STATES AND THE SAFE-KEEPING IN MAINLAND DEPOSITORIES OF SECURITIES OWNED OR HELD BY THE TERRITORY.

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

SECTION 1. Chapter 110 of the Revised Laws of Hawaii 1945, is hereby amended:

1. By adding a new section thereto to be numbered Section 5802.01 and to read as follows:

"Sec. 5802.01. Short term investment of territorial moneys. The treasurer is authorized and empowered to invest, with the approval of the governor, any general, special or revolving fund moneys of the Territory which in the treasurer's judgment are in excess of the amounts necessary for meeting the immediate requirements of said respective funds, and where in his judgment such action will not impede or hamper the necessary financial operations of the Territory, in any security authorized by Section 5927 for the investment of sinking fund moneys, provided the said security is due to mature not more than three years from the date of investment. Income derived therefrom shall be a realization of the sinking

fund; expenses of purchase, safekeeping, sale and redemption, and any other expense attributable to such investments, shall be a proper charge upon the sinking fund; provided, that when the uses and purposes of the sinking fund shall have terminated with the redemption and cancellation of all the term and refunding bonds of the Territory, such income and expenses shall be a realization of and a charge upon the general fund, and all amounts necessary for said expenses are hereby deemed appropriated out of the general fund."

2. By amending Section 5803 of said chapter by deleting the last sentence of said section, and by adding at the end of said section two new paragraphs reading as follows:

"The treasurer is also authorized and empowered to appoint, with the approval of the governor, such mainland depositories as may be necessary and expedient for the safekeeping of securities owned by the Territory, or the safekeeping of securities which may be deposited in the treasurer's custody or control. The treasurer may authorize and empower such depositories, for and on behalf of the Territory, to pay for, receive delivery of, and receipt for, securities purchased by the Territory, to receive interest payments, and to deliver and receive payment for securities sold or redeemed by the Territory.

Moneys received by such depositories on behalf of the Territory from the sale or redemption of securities, or as interest, shall not for a period of fifteen days after the receipt thereof by the depository be considered as deposits within the meaning of Chapter 113, and moneys placed with the depositories for the purpose of purchase of securities shall not be considered as deposits within the meaning of Chapter 113.

All appointments made under this section may be revoked by the treasurer at any time."

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

INTRODUCED BY:

Sen., 3rd District

3/14
3/19

S. B. No. 190
S. D. 1

A N A C T

AMENDING CHAPTER 110 OF THE REVISED LAWS OF HAWAII 1945, AUTHORIZING AND PROVIDING FOR THE INVESTMENT OF TERRITORIAL MONEYS IN CERTAIN SECURITIES OF THE UNITED STATES AND THE SAFEKEEPING IN MAINLAND DEPOSITORIES OF SECURITIES OWNED OR HELD BY THE TERRITORY.

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

SECTION 1. Chapter 110 of the Revised Laws of Hawaii 1945, is hereby amended:

1. By adding a new section thereto to be numbered Section 5802.01 and to read as follows:

"Sec. 5802.01. Short term investment of territorial moneys. The treasurer is authorized and empowered to invest, with the approval of the governor, any general, special or revolving fund moneys of the Territory which in the treasurer's

judgment are in excess of the amounts necessary for meeting the immediate requirements of said respective funds, and where in his judgment such action will not impede or hamper the necessary financial operations of the Territory, in any security authorized by Section 5927 for the investment of sinking fund moneys, provided the said security is due to mature not more than three years from the date of investment. Income derived therefrom shall be a realization of the sinking fund; expenses of purchase, safekeeping, sale and redemption, and any other expense attributable to such investments, shall be a proper charge upon the sinking fund; provided, that when the uses and purposes of the sinking fund shall have terminated with the redemption and cancellation of all the term and refunding bonds of the Territory, such income and expenses shall be a realization of and a charge upon the general fund, and all amounts necessary for said expenses are hereby deemed appropriated out of the general fund."

2. By amending Section 5803 of said chapter by deleting the last sentence of said section, and by adding at the end of said section two new paragraphs reading as follows:

"The treasurer is also authorized and empowered to appoint, with the approval of the governor, such mainland depositories as may be necessary and expedient for the safekeeping of securities owned by the Territory, or the safekeeping of securities which may be deposited in the treasurer's custody or control. The treasurer may authorize and empower such depositories, for and on behalf of the Territory, to pay for, receive delivery of, and receipt for, securities purchased by the Territory, to receive interest payments, and to deliver and receive payment for securities sold or redeemed by the Territory. Moneys received by such depositories on behalf of the Territory from the sale or redemption of securities, or as interest, shall not for a period of fifteen days after the receipt thereof by the depository be considered as deposits within the meaning of Chapter 113, and moneys placed with the depositories for the purpose of purchase of securities shall not be considered as deposits within the meaning of Chapter 113.

All appointments made under this section may be revoked by the treasurer at any time."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., March 20, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E. B. Clapellas

President of the Senate.

Ellen D. Smythe

Clerk of the Senate.

S. B. NO. 190
S. D. 1
H. D. 1

A N A C T

AMENDING CHAPTER 110 OF THE REVISED LAWS OF HAWAII 1945, AUTHORIZING AND PROVIDING FOR THE INVESTMENT OF TERRITORIAL MONEYS IN CERTAIN SECURITIES OF THE UNITED STATES AND THE SAFEKEEPING IN MAINLAND DEPOSITORIES OF SECURITIES OWNED OR HELD BY THE TERRITORY.

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

SECTION 1. Chapter 110 of the Revised Laws of Hawaii 1945 is hereby amended:

1. By adding a new section thereto to be numbered Section 5802.01 and to read as follows:

"Sec. 5802.01. Short term investment of territorial moneys. The treasurer is authorized and empowered to invest, with the approval of the governor, any general, special or revolving fund moneys of the territory which in the treasurer's

judgment are in excess of the amounts necessary for meeting the immediate requirements of said respective funds, and where in his judgment such action will not impede or hamper the necessary financial operations of the territory, in any security authorized by Section 5927 for the investment of sinking fund moneys, provided the said security is due to mature not more than three years from the date of investment. Income derived therefrom shall be a realization of the sinking fund; expenses of purchase, safekeeping, sale and redemption, and any other expense attributable to such investments, shall be a proper charge upon the sinking fund; provided, that when the uses and purposes of the sinking fund shall have terminated with the redemption and cancellation of all the term and refunding bonds of the territory, such income and expenses shall be a realization of and a charge upon the general fund, and all amounts necessary for said expenses are hereby deemed appropriated out of the general fund."

2. By amending Section 5803 of said chapter by deleting the last sentence of said section, and by

adding at the end of said section two new paragraphs reading as follows:

"The treasurer is also authorized and empowered to appoint, with the approval of the governor, such mainland depositories as may be necessary or expedient for the safekeeping of securities owned by the territory, and may authorize and empower such depositories, for and on behalf of the territory, to pay for, receive delivery of, and receipt for, securities purchased by the territory, to receive interest payments, to deliver and receive payment for securities sold or redeemed by the territory, and to perform all other acts in connection with such securities which are customarily performed by depositories. Moneys received by such depositories on behalf of the territory from the sale or redemption of securities, or as interest, shall not for a period of fifteen days after the receipt thereof by the depository be considered as deposits within the meaning of chapter 113, and moneys placed with the depositories for the purpose of purchase of securities shall not be considered as deposits within the meaning of chapter 113. The provisions of this paragraph may be applied with

respect to any securities deposited in the treasurer's custody or control by any agency, government or private, with the approval of and at the expense of such agency, which expenditures, in the case of a government agency, may be made from any funds available for its current expenses. Funds of any such government agency awaiting investment, also funds received by such depository on behalf of such government agency from the sale or redemption of securities or as interest for a period of fifteen days after receipt thereof, shall be deemed held by the treasurer or in the treasury of the territory within the meaning of any requirement of law, and any such moneys, though required to be held in the treasury, shall not, under the foregoing circumstances, be considered as deposits within the meaning of chapter 113.

All appointments made under this section may be revoked by the treasurer at any time."

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

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 23, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M. Y. Paschoal
Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 191

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO THE TERM AND REFUNDING BOND ISSUES OF THE TERRITORY OF HAWAII, MAKING AN ADDITIONAL APPROPRIATION THEREFOR, TERMINATING THE OBLIGATION OF THE VARIOUS COUNTIES TO REIMBURSE THE TERRITORY ON ACCOUNT THEREOF, AND PROVIDING FOR THE FUTURE ADMINISTRATION OF THE SAID BOND ISSUES.

Introduced March 14, 1945 ~~, 1945~~, by
Senator FRANCIS K. SYLVA

First Reading in Senate March 14, 1945
Referred to Printing Committee March 14, 1945
Second Reading in Senate March 15, 1945
Referred to Committee on Ways & Means
Third Reading in Senate March 23, 1945

First Reading in House March 23, 1945
Referred to
Second Reading in House March 26, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

Engrossed
4/2/45
GRA

SB #191

AN ACT

RELATING TO THE TERM AND REFUNDING BOND ISSUES OF THE TERRITORY OF HAWAII, MAKING AN ADDITIONAL APPROPRIATION THEREFOR, TERMINATING THE OBLIGATION OF THE VARIOUS COUNTIES TO REIMBURSE THE TERRITORY ON ACCOUNT THEREOF, AND PROVIDING FOR THE FUTURE ADMINISTRATION OF THE SAID BOND ISSUES.

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

SECTION 1. The sum of five million dollars ($5,000,000.00) is hereby appropriated out of the general fund of the Territory for the use and purposes of the sinking fund. This sum shall be in addition to all amounts which may be appropriated by the general appropriation act for the biennium ending June 30, 1947.

SECTION 2. Effective January 1, 1945, the obligation of the various counties of the Territory to reimburse the Territory on account of the territorial term and refunding bond issues is terminated, and anything in sections 5252, 5254, 5260, 5924, Revised Laws of Hawaii 1945, or any other law to the contrary notwithstanding, (1) no deduction, allocation or withholding shall be made by the treasurer of the Territory from or in connection with real property tax or fuel tax moneys on account of any county's pro rata share after January 1, 1945, of interest and sinking fund charges on any territorial term or refunding bond issue, or the additional payment to the sinking fund required by section 5924, and (2) no estimated expenditure shall be in-

cluded in any county budget on account of such interest and sinking fund charges or the said additional payment to the sinking fund.

SECTION 3. Anything in sections 5923 and 5926, Revised Laws of Hawaii 1945, or any other law to the contrary notwithstanding, the treasurer of the Territory is authorized, commencing July 1, 1945, to cancel any issue of term bonds which has, pursuant to section 5925 of said Revised Laws, been redeemed prior to maturity, and which but for this section would be held alive until maturity. Cancellation of a redeemed issue shall not affect the validity of any bond of said issue which has not theretofore been presented for payment, and said bond shall be as valid and subsisting an obligation as if the issue had not been cancelled, and upon proper presentment it shall be paid. When, as a result of a transfer made pursuant to section 5926 of said Revised Laws, any bond of a cancelled redeemed issue is held by the general, the revolving or the special fund or by the trustees of the Employees' Retirement System, cancellation of the issue shall not affect the obligation of the sinking fund in connection therewith, and money in the amount of the par value of the bond so held shall be then transferred or credited to such other fund, or to the said trustees, and the sinking fund shall be charged therefor.

SECTION 4. Cancellation of the $75,000 Hawaiian Homes Lands bond issue of October 1, 1923, shall not discharge the Hawaiian Homes Commission from its obligation to annually reimburse the Territory on account of the interest and sinking fund charges thereon, and such charges shall

continue in the manner that they would if the issue had not been cancelled; provided, that the treasurer is hereby authorized to enter into an agreement with the Hawaiian Homes Commission for the lump sum payment, on a discounted basis, of this obligation and of the refunding bond obligations of the said commission, and payment by the commission pursuant to such an agreement shall thereafter discharge it from its said obligations. Any lump sum payment shall be deposited in the sinking fund.

SECTION 5. Cancellation of any issue of term bonds shall not discharge the Board of Harbor Commissioners from its obligation to annually reimburse the general fund of the Territory on account of any portion of the interest or sinking fund charges for said issue, and for the purposes of sections 4996, 4997 and 4998, Revised Laws of Hawaii 1945, and all other laws, such charges shall be deemed to continue in the manner they would if the issue had not been cancelled.

SECTION 6. On or before July 1, 1945, the treasurer shall compute: (1) the cash expenditure necessary during the biennium ending June 30, 1947, for the redemption upon maturity of public improvement serial bonds; (2) the cash expenditure necessary during the biennium ending June 30, 1947, for the payment of interest charges on all refunding and public improvement serial bonds; (3) the cash expenditure necessary during the biennium ending June 30, 1947, for the payment of interest charges on all term bonds; provided, however, that in so computing this cash expenditure, when any issue of term bonds is redeemable prior to maturity during the said biennium, the said cash expenditure for

interest shall be computed only up to the earliest possible date of redemption, and that when any issue of term bonds has been redeemed prior to July 1, 1945, and is being held alive until maturity, no such cash expenditure for interest shall be computed; and (4) the total of the above three amounts.

The appropriation for interest, sinking fund charges and redemption of bonds, contained in the general appropriation act for the biennium ending June 30, 1947, after deducting therefrom the total of the above three amounts, shall be transferred to the sinking fund on July 1, 1945, and shall be available for sinking fund purposes, it being the intent hereof that the whole of said appropriation, after deducting the total of the above three amounts, shall be immediately available for sinking fund purposes, and shall be transferred to the sinking fund irrespective of the fact that various issues of term bonds redeemed prior to maturity may on July 1, 1945, be cancelled, and irrespective of the fact that various issues of term bonds which may thereafter be redeemed prior to maturity may subsequently be cancelled during the biennium.

SECTION 7. Anything in any law to the contrary notwithstanding, the treasurer of the Territory, when making his budgetary estimates for sinking fund charges for the biennniums ending June 30, 1949, and June 30, 1951, shall predicate the said estimates on the premise that all unredeemed issues of term bonds will thereafter be redeemed upon the earliest callable date, and will on said date or shortly thereafter be cancelled, and upon the premise that all term and refunding bonds of the Territory will have

been redeemed and cancelled, and the use and purpose of the sinking fund will have terminated, with the payment and cancellation of the last of the refunding bonds which mature in November of 1950. Accordingly, the amounts in his budgetary estimates for sinking fund charges for said bienniums shall be sufficient so that the requirements upon the sinking fund in each of said bienniums will be fully met, and all term bonds will be redeemed upon the earliest callable date without any necessity for the issuance of further refunding bonds, and all refunding bonds outstanding will be paid upon maturity, and the obligation of the Territory therefor, and the use and purposes of the sinking fund in connection therewith, will have terminated upon payment as aforesaid of the last of the refunding bonds in November of 1950. All amounts hereafter appropriated for sinking fund charges pursuant to said budgetary estimates shall be immediately transferred to the sinking fund. Nothing herein contained shall be deemed to be applicable to budgetary estimates for interest charges, and they shall be computed in the normal manner.

SECTION 8. If any assets remain in the sinking fund after termination of the Territory's obligation upon all its term and refunding bonds, they shall be transferred to the general fund.

SECTION 9. Nothing in this Act contained shall be construed to limit or in any manner affect the power and authority of the proper officers of the Territory to issue refunding bonds.

SECTION 10. This Act shall take effect upon its approval.

INTRODUCED BY:

Francis Sylva

Sen., 2nd District

3/14 LD
3/22 LD

S. B. No. 191
S. D. 1

A N A C T

RELATING TO THE TERM AND REFUNDING BOND ISSUES OF THE TERRITORY OF HAWAII, MAKING AN ADDITIONAL APPROPRIATION THEREFOR, TERMINATING THE OBLIGATION OF THE VARIOUS COUNTIES TO REIMBURSE THE TERRITORY ON ACCOUNT THEREOF, AND PROVIDING FOR THE FUTURE ADMINISTRATION OF THE SAID BOND ISSUES.

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

SECTION 1. The sum of five million eight hundred and fifty thousand dollars ($5,850,000.00) is hereby appropriated out of the general fund of the Territory for the use and purpose of the sinking fund. This sum shall be in addition to all amounts which may be appropriated by the general appropriation Act for the biennium ending June 30, 1947.

SECTION 2. Effective January 1, 1945, the obligation of the various counties of the Territory to reimburse the

Territory on account of the territorial term and refunding bond issues is terminated, and anything in sections 5252, 5254, 5260, 5924, Revised Laws of Hawaii 1945, or any other law to the contrary notwithstanding, (1) no deduction, allocation or withholding shall be made by the treasurer of the Territory from or in connection with real property tax or fuel tax moneys on account of any county's pro rata share after January 1, 1945, of interest and sinking fund charges on any territorial term or refunding bond issue, or the additional payment to the sinking fund required by section 5924, and (2) no estimated expenditure shall be included in any county budget on account of such interest and sinking fund charges or the said additional payment to the sinking fund.

SECTION 3. Anything in sections 5923 and 5926, Revised Laws of Hawaii 1945, or any other law to the contrary notwithstanding, the treasurer of the Territory is authorized, commencing July 1, 1945, to cancel any issue of term bonds

which has, pursuant to section 5925 of said Revised Laws, been redeemed prior to maturity, and which but for this section would be held alive until maturity. Cancellation of a redeemed issue shall not affect the validity of any bond of said issue which has not theretofore been presented for payment, and said bond shall be as valid and subsisting an obligation as if the issue had not been cancelled, and upon proper presentment it shall be paid. When, as a result of a transfer made pursuant to section 5926 of said Revised Laws, any bond of a cancelled redeemed issue is held by the general, the revolving or the special fund or by the trustees of the Employees' Retirement System, cancellation of the issue shall not affect the obligation of the sinking fund in connection therewith, and money in the amount of the par value of the bond so held shall be then transferred or credited to such other fund, or to the said trustees, and the sinking fund shall be charged therefor.

SECTION 4. Cancellation of the $75,000.00 Hawaiian Homes Lands bond issue of October 1, 1923, shall not discharge

the Hawaiian Homes Commission from its obligation to annually reimburse the Territory on account of the interest and sinking fund charges thereon, and such charges shall continue in the manner that they would if the issue had not been cancelled; provided, that the treasurer is hereby authorized to enter into an agreement with the Hawaiian Homes Commission for the lump sum payment, on a discounted basis, of this obligation and of the refunding bond obligations of the said commission, and payment by the commission pursuant to such an agreement shall thereafter discharge it from its said obligations. Any lump sum payment shall be deposited in the sinking fund.

SECTION 5. Cancellation of any issue of term bonds shall not discharge the Board of Harbor Commissioners from its obligation to annually reimburse the general fund of the Territory on account of any portion of the interest or sinking fund charges for said issue, and for the purposes of sections 4996, 4997 and 4998, Revised Laws of Hawaii 1945, and all other laws, such charges shall be deemed to continue in the manner they would if the issue had not been cancelled.

SECTION 6. On or before July 1, 1945, the treasurer shall compute: (1) the cash expenditure necessary during the biennium ending June 30, 1947, for the redemption upon maturity of public improvement serial bonds; (2) the cash expenditure necessary during the biennium ending June 30, 1947, for the payment of interest charges on all refunding and public improvement serial bonds; (3) the cash expenditure necessary during the biennium ending June 30, 1947, for the payment of interest charges on all term bonds; provided, however, that in so computing this cash expenditure, when any issue of term bonds is redeemable prior to maturity during the said biennium, the said cash expenditure for interest shall be computed only up to the earliest possible date of redemption, and that when any issue of term bonds has been redeemed prior to July 1, 1945, and is being held alive until maturity, no such cash expenditure for interest shall be computed; and (4) the total of the above three amounts.

The appropriation for interest, sinking fund charges and redemption of bonds, contained in the general appropria-

tion Act for the biennium ending June 30, 1947, after deducting therefrom the total of the above three amounts, shall be transferred to the sinking fund on July 1, 1945, and shall be available for sinking fund purposes, it being the intent hereof that the whole of said appropriation, after deducting the total of the above three amounts, shall be immediately available for sinking fund purposes, and shall be transferred to the sinking fund irrespective of the fact that various issues of term bonds redeemed prior to maturity may on July 1, 1945, be cancelled, and irrespective of the fact that various issues of term bonds which may thereafter be redeemed prior to maturity may subsequently be cancelled during the biennium.

SECTION 7. Anything in any law to the contrary notwithstanding, the treasurer of the Territory, when making his budgetary estimates for sinking fund charges for the bienniums ending June 30, 1949, and June 30, 1951, shall predicate the said estimates on the premise that all unredeemed issues of term bonds will thereafter be redeemed upon the earliest callable date, and will on said date or shortly thereafter be can-

celled, and upon the premise that all term and refunding bonds of the Territory will have been redeemed and cancelled, and the use and purpose of the sinking fund will have terminated, with the payment and cancellation of the last of the refunding bonds which mature in November of 1950. Accordingly, the amounts in his budgetary estimates for sinking fund charges for said bienniums shall be sufficient so that the requirements upon the sinking fund in each of said bienniums will be fully met, and all term bonds will be redeemed upon the earliest callable date without any necessity for the issuance of further refunding bonds, and all refunding bonds outstanding will be paid upon maturity, and the obligation of the Territory therefor, and the use and purposes of the sinking fund in connection therewith, will have terminated upon payment as aforesaid of the last of the refunding bonds in November of 1950. All amounts hereafter appropriated for sinking fund charges pursuant to said budgetary estimates shall be immediately transferred to the sinking fund. Nothing

herein contained shall be deemed to be applicable to budgetary estimates for interest charges, and they shall be computed in the normal manner.

SECTION 8. If any assets remain in the sinking fund after termination of the Territory's obligation upon all its term and refunding bonds, they shall be transferred to the general fund.

SECTION 9. Nothing in this Act contained shall be construed to limit or in any manner affect the power and authority of the proper officers of the Territory to issue refunding bonds.

SECTION 10. This Act shall take effect upon its approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., March 23, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

Vice President of the Senate.

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 2, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 192

The Legislature
of the
Territory of Hawaii

AN ACT

AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO PROVIDE FOR THE PAYMENT OF ADJUSTED COMPENSATION UP TO $50 PER MONTH FOR POLICE AND FIRE EMPLOYEES.

Introduced March 14, 1945, 1941, by
Senator FRANCIS K. SYLVA

First Reading in Senate March14, 1945
Referred to Printing Committee March14, 1945
Second Reading in Senate March 15, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

Com Whole - C.A. - Cs Heen Chr -

AN ACT

SB 192

AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO PROVIDE FOR THE PAYMENT OF ADJUSTED COMPENSATION UP TO $50 PER MONTH FOR POLICE AND FIRE EMPLOYEES.

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

SECTION 1. Notwithstanding the provisions of Section 19 of Hawaii Defense Act Rule 88, as amended, relative to the payment of adjusted compensation for police and fire employees of the City and County of Honolulu, the Board of Supervisors of the City and County of Honolulu is hereby authorized and directed to appropriate for and pay the same adjusted compensation payment, not to exceed $50 per month for each police and fire employee, as is provided for and paid to other City and County employees by authority of Hawaii Defense Act Rule 88.

SECTION 2. The adjusted compensation provided for in Section 1 of this Act shall be paid monthly, from and after the first day of the month following the approval of this Act, to each police and fire employee under the same terms and limitations as are applicable to other City and County employees as provided for in Hawaii Defense Act Rule 88.

SECTION 3. In addition to the adjusted compensation provided for in Sections 1 and 2 of this Act, the Board of Supervisors of the City and County of Honolulu is also hereby authorized and directed to appropriate for and pay to each police and fire employee, who is an employee of the police or fire departments of said City and County on the effective date of this Act, an amount equal to in each case the difference between the cumulative amounts paid to such employees as adjusted compensation under the provisions of Hawaii Defense Act Rule 88, and the cumulative amounts which would have been paid on the basis of $50 per month to each employee.

SECTION 4. Payment of adjusted compensation as provided in Section 3 of this Act shall be retroactive to January 1, 1944 in the case of police and fire employees who were employees of the police or fire departments on January 1, 1944, and shall be retroactive to the date of employment in the case of employees who were employed by the police or fire departments after January 1, 1944; provided, however, that no additional adjusted compensation as provided for in sections 3 and 4 of this Act shall be paid to employees whose services have been terminated prior to the effective date of this Act or who have taken leave of absence, except in the case of employees who have been granted leave of absence for military purposes, in which case the adjusted compensation provided for in Sections 3 and 4 of this Act shall be paid for such period of service from January 1, 1944 to the date of taking leave of absence.

SECTION 5. This Act shall remain in effect only so long as Hawaii Defense Act Rule 88, or any subsequent law of the Territory replacing said Defense Rule shall remain in effect.

SECTION 6. This Act shall take effect upon its approval.

INTRODUCED BY:

FRANCIS K. SYLVA
Senator, 3rd District

CHARLES H. SILVA
Senator, 1st District

Honolulu, T. H.

3/14

1945

Senate Bill No. 193

The Legislature
of the
Territory of Hawaii

AN ACT

AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE COUNTY OF MAUI TO PAY MRS. ALICE K. KAAE A PENSION.

Introduced March 14, 1945, 1941, by
Senator A. KAMOKILA CAMPBELL

First Reading in Senate March 14, 1945
Referred to Printing Committee March 14, 1945
Second Reading in Senate March 15, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

Apr 16
Placed on file - Com. who's - Pensions - Ernest Kaae

SB #193

AN ACT

AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE COUNTY OF MAUI TO PAY Mrs. ALICE K. KAAE A PENSION.

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

SECTION 1. The board of supervisors of the County of Maui is hereby authorized and directed to pay a pension to Mrs. Alice K. Kaae during the remainder of her natural life, subject to the provisions of Chapter 14 of the Revised Laws of Hawaii, in the amount of fifty dollars ($50.00) each month.

SECTION 2. This Act shall take effect from and after July 1, A. D. 1945.

Introduced by

R. Kamokila Campbell

Senator, Second District.

March 14, 1945.

3/15

1945

Senate Bill No. 194

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 6812 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE HONOLULU POLICE DEPARTMENT.

Introduced March 14, 1945, 1941, by
Senator CHARLES S. CRANE

First Reading in Senate March 14, 1945
Referred to Printing Committee March 14, 1945
Second Reading in Senate March 15, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

Baker

S ____ BILL NO. 194

AN ACT

TO AMEND SECTION 6812 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE HONOLULU POLICE DEPARTMENT.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 6812 of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"Sec. 6812. Balance of appropriations. Any moneys appropriated for any year remaining unexpended may, at the discretion of the commission, be carried over for its use during any subsequent period provided, however, that such unexpended amount shall be deducted from the amount required to be appropriated for ~~any~~ such subsequent period."

S/ Insert

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

INTRODUCED BY :

Charles S. Crane
SENATOR, THIRD DISTRICT

DATE OF INTRODUCTION:

3/14

3/14
3/26

1945

Senate Bill No. 195

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 6577, REVISED LAWS OF HAWAII 1945, RELATING TO THE ACTING MAYOR.

Introduced March 14, 1945, 1941, by
Senator CHARLES S. CRANE

First Reading in Senate March 14, 1945
Referred to Printing Committee March 14, 1945
Second Reading in Senate March 15, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

Oahu

SB BILL NO. 195

AN ACT

TO AMEND SECTION 6577, REVISED LAWS OF HAWAII 1945, RELATING TO THE ACTING MAYOR.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 6577 of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"Sec. 6577. Acting Mayor. When and so long as the mayor is temporarily unable to perform his duties, a member of the board shall be chosen president pro tempore, who shall act as mayor. In instances where such board member shall serve continuously for a period of over one month as such acting mayor he shall receive additional compensation for the entire period of his service as acting mayor so that his total compensation as a board member and as acting mayor shall be equal to the mayor's salary for such period."

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

INTRODUCED BY:

Charles S. Crane

SENATOR, THIRD DISTRICT

DATE OF INTRODUCTION:

1945

Senate Bill No. ~~196~~

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 351 OF CHAPTER 9 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE EXPENDITURE OF PUBLIC MONEY; PROCEDURE.

Introduced March 14, 1945, ~~XXX~~ by Senator CHARLES S. CRANE

First Reading in Senate March 14, 1945
Referred to Printing Committee March 14, 1945
Second Reading in Senate March 15, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

W om

SB BILL NO. 196

AN ACT

TO AMEND SECTION 351 OF CHAPTER 9 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE EXPENDITURE OF PUBLIC MONEY; PROCEDURE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 351 of the Revised Laws of Hawaii 1945, is hereby amended by adding the words "that expenditures of over one thousand dollars but not exceeding five thousand dollars may be made for the purchase of materials, equipment or supplies with the approval of (both mayor and controller in the case of the city and county of Honolulu,) or of the governor in the case of the Territory; and provided" immediately following the words "provided, however," in line fourteen thereof.

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

INTRODUCED BY :

Charles S. Crane

SENATOR, THIRD DISTRICT

DATE OF INTRODUCTION:

3/14/82

1945

Senate Bill No. 197

The Legislature
of the
Territory of Hawaii

AN ACT

REQUIRING THE COUNTY OF HAWAII TO PAY CERTAIN PENSIONS.

Introduced	March 14, 1945, ~~1941~~, by XXX
Senators	W. H. HILL CHARLES H. SILVA

First Reading in Senate	March 14, 1945
Referred to Printing Committee	March 14, 1945
Second Reading in Senate	March 15, 1945
Referred to	
Third Reading in Senate	

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

apr 16 - Com whole
Passed on file +
Indefinitely postponed

Com whole - Pensions - Ernest Kan

S. B. NO. 197

197

A N A C T

REQUIRING THE COUNTY OF HAWAII TO PAY CERTAIN PENSIONS.

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

SECTION 1. The board of supervisors of the county of Hawaii is hereby authorized and directed to pay monthly pensions to Henry K. Martin and Samuel M. Spencer, in a sum which, together with any benefit or allowance received by such person under the employees' retirement system, shall amount to three hundred fifty dollars each, and to make such appropriations as are necessary for such purpose.

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

INTRODUCED BY:

Senators, First Senatorial District

3/12

1945

Senate Bill No. 198

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 9658 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO RENT CONTROL APPEALS.

Engrossed 5-4-45

Introduced March 14, , 1945, by

Senator WM.H.HEEN

First Reading in Senate March 14, 1945
Referred to Printing Committee " " "
Second Reading in Senate March 15, 1945
Referred to Committee on Judiciary
Third Reading in Senate April 2, 1945

First Reading in House April 2, 1945
Referred to
Second Reading in House April 3, 1945
Referred to Judiciary Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

S B 198

AN ACT

TO AMEND SECTION 9658 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO RENT CONTROL APPEALS.

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

SECTION 1. Section 9658 of the Revised Laws of Hawaii 1945 is hereby amended by amending the first paragraph thereof to read as follows:

"Sec. 9658. Rent control appeals. The orders or determinations of any administrator appointed or any commission, board or tribunal created to execute and administer the powers conferred by subsection 10 of section 6233 and subsection 4 of section 6521, shall be subject to judicial review as follows: Within twenty days from the date upon which any such order or determination shall become final and no administrative remedy for review thereof shall remain available any party aggrieved thereby may commence proceedings to obtain judicial review thereof by the circuit court of the judicial circuit in which said administrator, commission, board or tribunal is functioning, by filing in the court a petition for review of said order or determination. In any such court proceeding every party to the proceeding resulting in said order or determination, and said administrator, commission, board or tribunal, shall be made a party respondent, and the circuit judge shall have power to grant a stay

of any such order or determination, as he may determine to be equitable in the premises, upon such terms as he may prescribe. The petition for review need not be verified but shall state the grounds upon which such review is sought. The petition for review shall be served upon the parties respondent in such manner as may be prescribed by the court, and the procedure thereon shall be as prescribed by the court. The administrator, commission, board or tribunal, whose order or determination is sought to be reviewed, shall certify and file with the court a copy of the record of the case, in such form and including such matters as may be prescribed by the court, and shall appear in the proceedings before the court, by its counsel or other representative, and submit oral or written arguments to support its order or determinations, together with such evidence as it may deem advisable."

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

INTRODUCED BY:

_____

_____, 3rd District

3/14
3/29

S.B.No. 198

A N A C T

TO AMEND SECTION 9658 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO RENT CONTROL APPEALS.

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

SECTION 1. Section 9658 of the Revised Laws of Hawaii 1945 is hereby amended by amending the first paragraph thereof to read as follows:

"Sec. 9658. Rent control appeals. The orders or determinations of any administrator appointed or any commission, board or tribunal created to execute and administer the powers conferred by subsection 10 of section 6233 and subsection 4 of section 6521, shall be subject to judicial review as follows: Within twenty days from the date upon which any such order or determination shall become final and no administrative remedy for review thereof shall remain available any party aggrieved thereby may commence proceedings to obtain judicial review thereof by the circuit court of the judicial circuit in which said administrator, commission, board or

tribunal is functioning, by filing in the court a petition for review of said order or determination. In any such court proceeding every party to the proceeding resulting in said order or determination, and said administrator, commission, board or tribunal, shall be made a party respondent, and the circuit judge shall have power to grant a stay of any such order or determination, as he may determine to be equitable in the premises, upon such terms as he may prescribe. The petition for review need not be verified but shall state the grounds upon which such review is sought. The petition for review shall be served upon the parties respondent in such manner as may be prescribed by the court, and the procedure thereon shall be as prescribed by the court. The administrator, commission, board or tribunal, whose order or determination is sought to be reviewed, shall certify and file with the court a copy of the record of the case, in such form and including such matters as may be prescribed by the court, and shall appear in the proceedings before the court, by its counsel or other representative, and submit oral or written arguments to support its order or determination, together with such evidence as it may deem advisable."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 2, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E S Capellas

President of the Senate

Ellen D Smythe

Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 30, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M G Paschoal

Speaker, House of Representatives.

[illegible]

Clerk, House of Representatives.

1945

Senate Bill No. 199

The Legislature
of the
Territory of Hawaii

AN ACT

REPEALING SECTIONS 6381, 6416, 6457 AND 6524 OF THE REVISED LAWS OF HAWAII 1945, MANDATING THE COUNTIES TO MAKE APPROPRIATIONS FOR TUBERCULOSIS HOSPITALS.

Introduced March 15, 1945, 1941, by

Senators: FRANCIS K. SYLVA, HAROLD W. RICE & CHARLES H. SILVA

First Reading in Senate March 15, 1945
Referred to Printing Committee " " "
Second Reading in Senate March 16, 1945
Referred to Committee on Ways & Means
Third Reading in Senate March 21, 1945.

First Reading in House March 22, 1945
Referred to
Second Reading in House March 23, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

Approved 4/23/45
Conf. 4/25/45
[illegible]

See Conf. Com. Report

S. B. NO. 199

A N A C T

REPEALING SECTIONS 6381, 6416, 6457 AND 6524 OF THE REVISED LAWS OF HAWAII 1945, MANDATING THE COUNTIES TO MAKE APPROPRIATIONS FOR TUBERCULOSIS HOSPITALS.

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

SECTION 1. Sections 6381, 6416, 6457 and 6524 of the Revised Laws of Hawaii 1945 are hereby repealed.

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

INTRODUCED BY:

Francis Sylva Sen. 3rd Dist.

Harold W. Rice

Charles H. Silva

3/15
3/20

S.B.No. 199

A N A C T

REPEALING SECTIONS 6381, 6416, 6457 AND 6524 OF THE REVISED LAWS OF HAWAII 1945, MANDATING THE COUNTIES TO MAKE APPROPRIATIONS FOR TUBERCULOSIS HOSPITALS.

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

SECTION 1. Sections 6381, 6416, 6457 and 6524 of the Revised Laws of Hawaii 1945 are hereby repealed.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu,T.H., March 21, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate

Ellen D Smythe

Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 19, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Speaker, House of Representatives.

Clerk, House of Representatives.

S. B. No. 199
H. D. 1

A N A C T

REPEALING SECTIONS 6381, 6416, 6457 AND 6524 OF THE REVISED LAWS OF HAWAII 1945, MANDATING THE COUNTIES TO MAKE APPROPRIATIONS FOR TUBERCULOSIS HOSPITALS.

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

SECTION 1. Sections 6381, 6416, 6457 and 6524 of the Revised Laws of Hawaii 1945 are hereby repealed.

SECTION 2. This Act shall take effect upon its approval but only in the event an appropriation out of territorial funds is provided by law enacted by the Twenty-third Legislature.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 19, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M. G. Paschoal
Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 200

The Legislature
of the
Territory of Hawaii

AN ACT

APPROPRIATING THREE THOUSAND FOUR HUNDRED EIGHTY DOLLARS FOR THE UP-KEEP OF PUUKAMALII CEMETERY, MAKIKI CEMETERY AND AIEA CEMETERY, CITY AND COUNTY OF HONOLULU FOR THE 1945-1947 BIENNIUM.

Engrossed
4/26/45
GRH

Introduced March 15, 19 45, by
Senator FRANCIS K. SYLVA

First Reading in Senate MARCH 15, 1945
Referred to Printing Committee MARCH 15, 1945
Second Reading in Senate MARCH 16, 1945
Referred to COMMITTEE ON WAYS & MEANS
Third Reading in Senate APRIL 9, 1945

First Reading in House April 10, 1945
Referred to
Second Reading in House April 11, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

SB 200

AN ACT

APPROPRIATING THREE THOUSAND FOUR HUNDRED EIGHTY DOLLARS FOR THE UPKEEP OF PUUKAMALII CEMETERY, MAKIKI CEMETERY AND AIEA CEMETERY, CITY AND COUNTY OF HONOLULU FOR THE 1945-1947 BIENNIUM.

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 three thousand four hundred eighty dollars ($3,480.00) to be expended upon the maintenance of the following cemeteries and in the amounts so designated.

1. Puukamalii cemetery, commonly known as Kalaepohaku cemetery, situate in McInerny tract, Kapalama, city and county of Honolulu, as set aside by Executive Order No. 493, dated July 20, 1931, signed by Governor L. M, Judd - twenty-five dollars ($25.00) per month.

2. Makiki cemetery situate in the north corner of Wilder Avenue and Pensacola Street, Kewalo, city and county of Honolulu, as set aside by Executive Order No. 590, dated June 21, 1933, signed by Governor L. M. Judd - one hundred dollars ($100.00) per month.

3. Aiea cemetery situate on the northeast side of Kamehameha Highway opposite the intersection of said highway with Aiea depot road, Aiea, city and county of Honolulu, as set aside by Executive Order No. 1003, dated February 26, 1943, signed by Governor I. M. Stainback - twenty dollars ($20.00) per month.

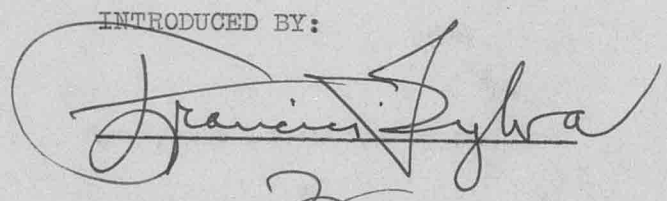
SECTION 2. The superintendent of public works is hereby directed to employ individuals on a part-time basis for each of the aforesaid cemeteries for the purpose of maintaining same. These employees need not be approved by the civil service commission nor shall they be classified by the

personnel classification board of the Territory.

SECTION 3. The money appropriated shall be expended upon warrants drawn by the auditor of the Territory of Hawaii upon vouchers approved by the superintendent of public works.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:



Francis Sylva

Senator ___, Third District

3/15
LP
4/4
LP

S. B. No. 200
S. D. 1

A N A C T

APPROPRIATING THREE THOUSAND FOUR HUNDRED EIGHTY DOLLARS FOR THE UPKEEP OF PUUKAMALII CEMETERY, MAKIKI CEMETERY AND AIEA CEMETERY, CITY AND COUNTY OF HONOLULU, FOR THE 1945-1947 BIENNIUM.

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 three thousand four hundred eighty dollars ($3,480.00) to be expended upon the maintenance of the following cemeteries and in the amounts so designated.

1. Puukamalii cemetery, commonly known as Kalaepohaku cemetery, situate in McInerny tract, Kapalama, city and county of Honolulu, as set aside by Executive Order No. 493, dated July 20, 1931, signed by Governor L. M. Judd - twenty-five dollars ($25.00) per month.

2. Makiki cemetery situate in the north corner of Wilder Avenue and Pensacola Street, Kewalo, city and county of Honolulu, as set aside by Executive Order No. 590, dated June 21, 1933, signed by Governor L. M. Judd - one hundred dollars ($100.00) per month.

3. Aiea cemetery situate on the northeast side of Kamehameha Highway opposite the intersection of said highway with Aiea depot road, Aiea, city and county of Honolulu, as set aside by Executive Order No. 1003, dated February 26, 1943, signed by Governor I. M. Stainback - twenty dollars ($20.00) per month.

SECTION 2. The superintendent of public works is hereby directed to employ individuals on a part-time basis for each of the aforesaid cemeteries for the purpose of maintaining the same. Such employees shall not be subject to the civil service or classification laws of the Territory nor be eligible to membership in the Employees' Retirement System of the Territory of Hawaii nor shall they receive a bonus.

SECTION 3. The moneys appropriated shall be paid by the territorial treasurer upon warrants issued by the territorial auditor based upon vouchers approved by the superintendent of public works.

SECTION 4. This Act shall take effect upon its approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 9, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E. K. Capellas

President of the Senate.

Ellen D. Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 26, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M K Pascoal

Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 201

The Legislature
of the
Territory of Hawaii

AN ACT

MAKING AN APPROPRIATION BY WAY OF ADVANCEMENT FROM THE GENERAL FUND OF THE TERRITORY TO BE REPAID OUT OF THE PROCEEDS OF SALE OF PUBLIC LANDS IN THE COUNTY OF KAUAI FOR THE CONSTRUCTION OF ROADS TO AND WITHIN THE HANAPEPE HEIGHTS HOUSE LOTS TRACT AND OF A DOMESTIC WATER SYSTEM WITHIN SAID HOUSE LOTS TRACT.

Introduced March 15 , 19 45, by
Senators JOHN B. FERNANDES, CLEM GOMES

First Reading in Senate March 15, 1945
Referred to Printing Committee March 15, 1945
Second Reading in Senate March 16, 1945
Referred to COMMITTEE ON WAYS & MEANS
Third Reading in Senate April 13, 1945

First Reading in House April 16, 1945
Referred to
Second Reading in House April 17, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Amended
5/4/45
ERS

S.B. No. 201

AN ACT

MAKING AN APPROPRIATION BY WAY OF ADVANCEMENT FROM THE GENERAL FUND OF THE TERRITORY TO BE REPAID OUT OF THE PROCEEDS OF SALE OF PUBLIC LANDS IN THE COUNTY OF KAUAI FOR THE CONSTRUCTION OF ROADS TO AND WITHIN THE HANAPEPE HEIGHTS HOUSE LOTS TRACT AND OF A DOMESTIC WATER SYSTEM WITHIN SAID HOUSE LOTS TRACT.

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

Section 1. The sum of $150,000.00, or so much thereof as may be necessary, is hereby appropriated by way of advancement out of the Territorial General Fund to be reimbursed from the proceeds of sales of public lands in the County of Kauai for the construction of roads to and within the Hanapepe Heights House Lots Tract and of a domestic water system within said house lots tract.

Such funds shall be disbursed on warrants of the Territorial Auditor based upon voucher approved by the Commissioner of Public Lands, who is to contract said projects by contract or contracts with or through the County of Kauai.

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

Introduced by:

John B. Fernandez

[illegible]

Senators. 4th Senatorial District

3/15 2

4/12 2

S. B. No. 201

A N A C T

MAKING AN APPROPRIATION BY WAY OF ADVANCEMENT FROM THE GENERAL FUND OF THE TERRITORY TO BE REPAID OUT OF THE PROCEEDS OF SALE OF PUBLIC LANDS IN THE COUNTY OF KAUAI FOR THE CONSTRUCTION OF ROADS TO AND WITHIN THE HANAPEPE HEIGHTS HOUSE LOTS TRACT AND OF A DOMESTIC WATER SYSTEM WITHIN SAID HOUSE LOTS TRACT.

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

SECTION 1. The sum of $150,000.00, or so much thereof as may be necessary, is hereby appropriated by way of advancement out of the territorial general fund to be reimbursed from the proceeds of sales of public lands in the County of Kauai for the construction of roads to and within the Hanapepe Heights House Lots Tract and of a domestic water system within said house lots tract.

Such funds shall be disbursed on warrants of the Territorial Auditor based upon voucher approved by the Commissioner

of Public Lands, who is to contract said projects by contract or contracts with or through the County of Kauai.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 13, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate.

Ellen D. Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 30, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M K Pasehoal

Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 202

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 5753 OF THE REVISED LAWS OF HAWAII 1945 KNOWN AS THE TOBACCO TAX ACT.

Engrossed 4/29/45 H.B.H.

Introduced March 15, 1945, XXX, by Senator FRANCIS K. SYLVA

First Reading in Senate March 15, 1945
Referred to Printing Committee March 15, 1945
Second Reading in Senate March 16, 1945
Referred to Committee on Ways and Means
Third Reading in Senate March 19, 1945

First Reading in House March 20, 1945
Referred to
Second Reading in House March 21, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

SB #702

A N A C T

TO AMEND SECTION 5753 OF THE REVISED LAWS OF HAWAII 1945 KNOWN AS THE TOBACCO TAX ACT.

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

Section 1. Section 5753 of the Revised Laws of Hawaii 1945 is hereby amended by deleting therefrom the words "six per cent of the retail price of each article or item of tobacco products sold or used by him"; and substituting therefor the words "eight per cent of the wholesale price of each article or item of tobacco sold by him at wholesale, or if not sold at wholesale, then eight per cent of the wholesale purchase price paid for each article or item of tobacco sold at retail."

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

INTRODUCED BY:

Francis Sylva

Sen, 2nd District

3/15
3/17

S.B.No. 202
S.D. 1

A N A C T

TO AMEND SECTION 5753 OF THE REVISED LAWS OF HAWAII 1945 KNOWN AS THE TOBACCO TAX ACT.

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

SECTION 1. Section 5753 of the Revised Laws of Hawaii 1945 is hereby amended by deleting therefrom the words "six per centum of the retail price of each article or item of tobacco products sold or used by him" and substituting therefor the words "eight per centum of the wholesale price of each article or item of tobacco sold by him at wholesale, or if not sold at wholesale, then eight per centum of the wholesale purchase price paid for each article or item of tobacco sold at retail".

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., March 19, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate

Ellen D'Smythe

Clerk of the Senate.

Eng. 4/29/45
HBH

S. B. NO. 202
S. D. 1
H. D. 1

A N A C T

TO AMEND SECTION 5753 OF THE REVISED LAWS OF HAWAII 1945 KNOWN AS THE TOBACCO TAX ACT.

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

SECTION 1. Section 5753 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 5753. Tax. Every wholesaler or dealer shall, in addition to any taxes provided by law, pay an excise tax, which is hereby imposed, equal to eight per centum of the wholesale price of each article or item of tobacco sold by him at wholesale, or if not at wholesale, then eight per centum of the wholesale purchase price of each article or item of tobacco sold at retail; provided, that in the event the tax is upon the use of the tobacco products and not upon the sale thereof, the tax shall be six per centum of the retail price of each article or item of tobacco products so used; provided further, (1) that such tax shall not apply to any tobacco products exempted, and so long as the same are exempted, from

the imposition of said tax by the Constitution or laws of the United States, and (2) that the tax shall be paid only once upon the same tobacco product."

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

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 28, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M. Y. Paschoal
Speaker, House of Representatives.

Clerk
Clerk, House of Representatives.

1945

Senate Bill No. 203

The Legislature
of the
Territory of Hawaii

AN ACT

APPROPRIATING TWENTY-FIVE THOUSAND DOLLARS FOR THE REPAIR, REHABILITATION AND IMPROVEMENT OF PUUKAMALII CEMETERY, MAKIKI CEMETERY AND AIEA CEMETERY, CITY AND COUNTY OF HONOLULU.

Introduced March 15, , 1945, by
Senator FRANCIS K. SYLVA

First Reading in Senate March 15, 1945
Referred to Printing Committee " - " "
Second Reading in Senate March 16, 1945
Referred to Committee on Ways & Means
Third Reading in Senate April 9, 1945.

First Reading in House April 10, 1945
Referred to
Second Reading in House April 11, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Signed 4/26/45

SB. 203

AN ACT

APPROPRIATING TWENTY FIVE THOUSAND DOLLARS FOR THE REPAIR, REHABILITATION AND IMPROVEMENT OF PUUKAMALII CEMETERY, MAKIKI CEMETERY AND AIEA CEMETERY, CITY AND COUNTY OF HONOLULU.

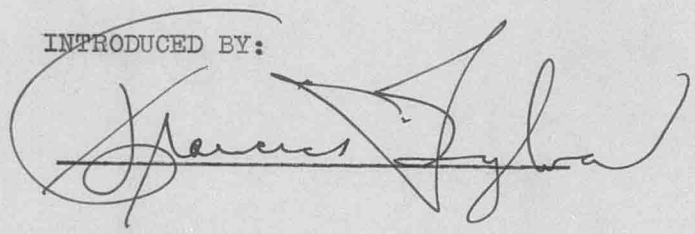
BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

SECTION 1. There is hereby appropriated out of the general revenues of the Territory, not otherwise appropriated, the sum of twenty five thousand dollars ($25,000.00) for the repair, rehabilitation and improvement of Puukamalii cemetery, commonly known as Kalapohaku cemetery, situate in McInerny Tract, Kapalama, city and county of Honolulu, as set aside by Executive Order No. 493, dated July 20, 1931, signed by Governor L. M. Judd; Makiki cemetery situate in the north corner of Wilder Avenue and Pensacola Street, Kewalo, city and county of Honolulu, set aside by Executive Order No. 590, dated June 21, 1933, signed by Governor L. M. Judd, and Aiea cemetery situate on the northeast side of Kamehameha Highway opposite the intersection of said highway with Aiea depot road, Aiea, city and county of Honolulu, set aside by Executive Order No. 1003, dated February 26, 1943, signed by Governor I. M. Stainback. The repair, rehabilitation and improvement to the aforesaid cemeteries shall consist of removing brush, cutting and trimming trees and shrubs, constructing and improving walks, installation of necessary curbs, paving of roadways or walks, and the repair or building of fences and such other work as the superintendent of public works may deem necessary to place the aforesaid cemeteries in a good condition.

SECTION 2. Money appropriated shall be expended upon warrants drawn by the auditor of the Territory of Hawaii upon vouchers approved by the superintendent of public works.

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

INTRODUCED BY:



SENATOR, THIRD DISTRICT

3/13 So #47

S.B.No. 203

A N A C T

APPROPRIATING TWENTY-FIVE THOUSAND DOLLARS FOR THE REPAIR, REHABILITATION AND IMPROVEMENT OF PUUKAMALII CEMETERY, MAKIKI CEMETERY AND AIEA CEMETERY, 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 general revenues of the Territory, not otherwise appropriated, the sum of twenty-five thousand dollars ($25,000.00) for the repair, rehabilitation and improvement of Puukamalii cemetery, commonly known as Kalaepohaku cemetery, situate in McInerny Tract, Kapalama, city and county of Honolulu, as set aside by Executive Order No. 493, dated July 20, 1931, signed by Governor L. M. Judd; Makiki cemetery situate in the north corner of Wilder Avenue and Pensacola Street, Kewalo, city and county of Honolulu, set aside by Executive Order No. 590, dated June 21, 1933, signed by Governor L. M. Judd, and Aiea

cemetery situate on the northeast side of Kamehameha Highway opposite the intersection of said highway with Aiea depot road, Aiea, city and county of Honolulu, set aside by Executive Order No. 1003, dated February 26, 1943, signed by Governor I. M. Stainback. The repair, rehabilitation and improvement to the aforesaid cemeteries shall consist of removing brush, cutting and trimming trees and shrubs, constructing and improving walks, installation of necessary curbs, paving of roadways or walks, and the repair or building of fences and such other work as the superintendent of public works may deem necessary to place the aforesaid cemeteries in a good condition.

SECTION 2. Money appropriated shall be expended upon warrants drawn by the auditor of the Territory of Hawaii upon vouchers approved by the superintendent of public works.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 9, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas
President of the Senate

Ellen D Smythe
Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 26, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M Y Pascoal
Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 204

The Legislature
of the
Territory of Hawaii

AN ACT

APPROPRIATING THE SUM OF FIFTY-FIVE THOUSAND DOLLARS FOR BRIDGES IN CONNECTION WITH KAPAA FLOOD CONTROL PROJECT, COUNTY OF KAUAI.

Introduced March 16, 1945, 1941, by

Senators JOHN B. FERNANDES and CLEM GOMES

First Reading in Senate March 16, 1945

Referred to Printing Committee March 16, 1945

Second Reading in Senate March 17, 1945

Referred to

Third Reading in Senate

First Reading in House

Referred to

Second Reading in House

Referred to

Third Reading in House

ELLEN D. SMYTHE

Clerk of the Senate.

204

A N A C T

APPROPRIATING THE SUM OF FIFTY-FIVE THOUSAND DOLLARS FOR BRIDGES IN CONNECTION WITH KAPAA FLOOD CONTROL PROJECT, COUNTY OF KAUAI.

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-five thousand dollars ($55,000.00) for the construction (including engineering, inspection and other related costs of the superintendent of public works upon such project) of a highway bridge and of a railroad bridge across Waiakaia canal in connection with the Kapaa Flood Control project, county of Kauai.

SECTION 2. 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 said Congress to be expended in connection with or for the construction of the project or work authorized by this Act, the superintendent of public works shall have power to enter into such undertakings with the proper officers or agencies of the Federal government, agree to such conditions, 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 this project.

SECTION 3. The money appropriated shall be expended upon warrants drawn by the auditor of the Territory of Hawaii upon vouchers approved by the superintendent of public works.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

John B. Fernandez

Senators, Fourth Senatorial District

3/16

1945

Senate Bill No. 205

The Legislature
of the
Territory of Hawaii

AN ACT

APPROPRIATING THE SUM OF ONE HUNDRED FIFTEEN THOUSAND ($115,000) DOLLARS FOR THE ACQUISITION OF LAND FOR, AND THE CONSTRUCTION OF THE LIHUE AIRPORT, COUNTY OF KAUAI.

Introduced March 16, 1945, 1941, by
Senator JOHN B. FERNANDES

First Reading in Senate March 16, 1945
Referred to Printing Committee March 16, 1945
Second Reading in Senate March 17, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

205

S. B. NO. 205

A N A C T

APPROPRIATING THE SUM OF ONE HUNDRED FIFTEEN THOUSAND ($115,000) DOLLARS FOR THE ACQUISITION OF LAND FOR, AND THE CONSTRUCTION OF THE LIHUE AIRPORT, COUNTY OF KAUAI.

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 one hundred fifteen thousand ($115,000) dollars for the acquisition of land for, and the construction of the Lihue Airport, which airport shall be located between the main highway from Lihue to Nawiliwili and the county road to Ahukini, District of Lihue, County of Kauai.

Section 2. The commissioner of public lands is hereby authorized and directed to acquire said land by purchase, exchange or condemnation and so much as may be necessary for the acquisition of said site shall be paid out of the funds herein appropriated.

Section 3. The superintendent of public works shall have charge of the construction of said airport, and all funds herein appropriated not expended in the acquisition of said land shall be available for such construction.

Section 4. The monies herein apporopriated shall be expended upon warrants drawn by the auditor of the Territory of Hawaii, upon vouchers approved by the commissioner of public lands for the acquisition of said land, and the superintendent of public works for the construction.

Section 5. This Act shall take effect upon its approval.

Honolulu, T. H.
March 16,1945.

Introduced by:
John B. Fernandez

Senator, 4th. Senatorial District.

3/16

1945

Senate Bill No. 206

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO LICENSES TO PRACTICE DENTISTRY, AND AMENDING SECTION 2159 OF THE REVISED LAWS OF HAWAII 1945.

Introduced March 16, 1945, 1941, by
Senator FRANCIS K. SYLVA

First Reading in Senate March 16, 1945
Referred to Printing Committee March 16, 1945
Second Reading in Senate March 17, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

S. B. NO. 206

A N A C T

RELATING TO LICENSES TO PRACTICE DENTISTRY, AND AMENDING SECTION 2159 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Section 2159 of the Revised Laws of Hawaii 1945 is hereby amended by substituting for the last paragraph thereof the following two paragraphs:

"Two examinations shall be held each year in July and December.

The board may issue without examination to any person qualified to be examined as herein set forth, except as to residence in the Territory, a temporary license to practice dentistry under the employ and supervision of the department of public instruction, of the board of health, of a legally incorporated eleemosynary dental infirmary or dispensary or the department of public welfare; such temporary license shall remain in force only while the person to whom such license is issued shall be in the employ and under the supervision of the department of public instruction, board of health, such eleemosynary dental infirmary or dispensary, or the department of public welfare, and such temporary license shall be automatically canceled

when such person shall have been examined by the territorial board of examiners and it shall, further, be subject to revocation by the board at any time."

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

INTRODUCED BY:

Francis Sylva

Senator, Third Senatorial District.

3/16
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3/22
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1945

Senate Bill No. 207

The Legislature
of the
Territory of Hawaii

AN ACT

TO PREVENT FRAUD AND MISREPRESENTATION IN THE SALE AT RETAIL OF GOODS PURPORTING TO BE SOLD BY OR MANUFACTURED FOR THE GOVERNMENT OF THE UNITED STATES, ESTABLISHING STANDARDS OF FAIR TRADE PRACTICE THEREIN, AND PROVIDING FOR PENALTIES AND INJUNCTION FOR THE VIOLATION THEREOF.

Introduced March 16, 1945, by
Senator WM. H. HEEN

Enrolled 5/4/45 EPSH

First Reading in Senate March 16, 1945
Referred to Printing Committee March 16, 1945
Second Reading in Senate March 17, 1945
Referred to Committee on Judiciary
Third Reading in Senate April 2, 1945

First Reading in House April 2, 1945
Referred to
Second Reading in House April 3, 1945
Referred to Judiciary Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

SB 707

A N A C T

TO PREVENT FRAUD AND MISREPRESENTATION IN THE SALE AT RETAIL OF GOODS PURPORTING TO BE SOLD BY OR MANUFACTURED FOR THE GOVERNMENT OF THE UNITED STATES, ESTABLISHING STANDARDS OF FAIR TRADE PRACTICE THEREIN, AND PROVIDING FOR PENALTIES AND INJUNCTION FOR THE VIOLATION THEREOF

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

Section 1. Findings and Declaration of Public Policy. The Legislature of the Territory of Hawaii finds that the sale and distribution at retail of goods manufactured by or for or sold by the Government of the United States, or any agency or department thereof, is peculiarly susceptible to fraud and misrepresentation. The public interest requires that goods offered for sale in connection with representations of any form in which the Government of the United States or any agency or department thereof is involved should be accurately identified and correctly described. The commingling of goods in such a way as might create a misapprehension on the part of any purchaser that he is buying goods sold by the Government of the United States or any agency or department thereof, or that such goods were manufactured pursuant to government specifications, or that such goods in fact are at the time of sale in accordance with such specifications, or that such goods are new or in perfect condition, when not true in fact, is hereby declared inimical to public interest and an unfair trade practice.

Section 2. No person shall use any trade name which includes the word "Army," "Navy," "Marine," "Coast Guard," "Government," "G.I.," or any other term which denotes an agency or department of the Government of the United States, without being lawfully authorized so to do by the Government of the

United States or an agency or agencies thereof.

Section 3. No person shall sell or offer for sale at retail any goods incorrectly purporting to be manufactured by or for or sold by the Government of the United States.

Section 4. Any person who represents by sign, window display, label, advertising, or any other means that it sells goods sold by or manufactured for the Government of the United States or any agency or department thereof shall, with equal prominence and in the same manner, make known by appropriate descriptive term the merchandising class of such goods. Without prejudice to the generality of the foregoing, such person shall use the terms "Used," "Rejects," "Reclaimed," "Reconditioned," "Seconds," "Irregulars," "Damaged," or the like, where any such term may be applicable.

Section 5. Any person who represents by sign, window display, label, advertising, or by any other means, that it sells goods sold by or manufactured for the Government of the United States or any agency or department thereof, and who also sells other goods, shall specifically distinguish the two classes of merchandise by individual label on each item of goods displayed for sale or by segregation into labelled bins, compartments, or areas.

Section 6. Any person who sells goods in violation of the foregoing provision shall be guilty of a misdemeanor and shall be punished by fine not exceeding $50, and each such sale shall constitute a separate offense.

Section 7. Any person violating or neglecting or failing in any particular to conform to or comply with any provisions of this Act may be enjoined by the Circuit Court of the Territory by mandatory or restraining order necessary or proper to effectuate the purposes of this Act in a suit brought by the Attorney General in the name of the Territory or by any

private person, in his own name;

Section 8. The word "person" as used herein shall have the meaning ascribed thereto by Section 17 of the Revised Laws of Hawaii 1935;

Section 9. If any portion of this Act is held invalid, the remainder thereof shall remain in full force and effect and the Legislature hereby declares it would have passed such remaining portions without the invalid portions thereof.

Section 10. This Act shall take effect upon its approval.

Introduced by

S— 3rd Dist

3/16
3/22
3/24

S. B. No. 207

A N A C T

TO PREVENT FRAUD AND MISREPRESENTATION IN THE SALE AT RETAIL OF GOODS PURPORTING TO BE SOLD BY OR MANUFACTURED FOR THE GOVERNMENT OF THE UNITED STATES, ESTABLISHING STANDARDS OF FAIR TRADE PRACTICE THEREIN, AND PROVIDING FOR PENALTIES AND INJUNCTION FOR THE VIOLATION THEREOF.

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

SECTION 1. Findings and Declaration of Public Policy. The Legislature of the Territory of Hawaii finds that the sale and distribution at retail of goods manufactured by or for or sold by the Government of the United States, or any agency or department thereof, is peculiarly susceptible to fraud and misrepresentation. The public interest requires that goods offered for sale in connection with representations of any form in which the Government of the United

States or any agency or department thereof is involved should be accurately identified and correctly described. The commingling of goods in such a way as might create a misapprehension on the part of any purchaser that he is buying goods sold by the Government of the United States or any agency or department thereof, or that such goods were manufactured pursuant to government specifications, or that such goods in fact are at the time of sale in accordance with such specifications, or that such goods are new or in perfect condition, when not true in fact, is hereby declared inimical to public interest and an unfair trade practice.

SECTION 2. No person shall use any trade name which includes the word "Army," "Navy," "Marine," "Coast Guard," "Government," "G.I.," or any other term which denotes an agency or department of the Government of the United States, without being lawfully authorized so to do by the Government of the United States or an agency or agencies thereof.

SECTION 3. No person shall sell or offer for sale at retail any goods incorrectly purporting to be manufactured by

or for or sold by the Government of the United States.

SECTION 4. Any person who represents by sign, window display, label, advertising, or any other means that it sells goods sold by or manufactured for the Government of the United States or any agency or department thereof shall, with equal prominence and in the same manner, make known by appropriate descriptive term the merchandising class of such goods. Without prejudice to the generality of the foregoing, such person shall use the terms "Used," "Rejects," "Reclaimed," "Reconditioned," "Seconds," "Irregulars," "Damaged," or the like, where any such term may be applicable.

SECTION 5. Any person who represents by sign, window display, label, advertising, or by any other means, that it sells goods sold by or manufactured for the Government of the United States or any agency or department thereof, and who also sells other goods, shall specifically distinguish the two classes of merchandise by individual label on each item of goods displayed for sale or by segregation into labelled bins, compartments, or areas.

SECTION 6. Any person who sells goods in violation of the foregoing provision shall be guilty of a misdemeanor and shall be punished by fine not exceeding $50.00, and each such sale shall constitute a separate offense.

SECTION 7. Any person violating or neglecting or failing in any particular to conform to or comply with any provisions of this Act may be enjoined by the Circuit Court of the Territory by mandatory or restraining order necessary or proper to effectuate the purposes of this Act in a suit brought by the Attorney General in the name of the Territory or by any private person, in his own name.

SECTION 8. The word "person" as used herein shall have the meaning ascribed thereto by Section 17 of the Revised Laws of Hawaii 1935.

SECTION 9. If any portion of this Act is held invalid, the remainder thereof shall remain in full force and effect and the Legislature hereby declares it would have passed such remaining portions without the invalid portions thereof.

SECTION 10. This Act shall take effect upon its approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 2, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate.

Ellen D Smythe

Clerk of the Senate.

S. B. No. 207
H. D. 1

A N A C T

TO PREVENT FRAUD AND MISREPRESENTATION IN THE SALE AT RETAIL OF GOODS PURPORTING TO BE SOLD BY OR MANUFACTURED FOR THE GOVERNMENT OF THE UNITED STATES, ESTABLISHING STANDARDS OF FAIR TRADE PRACTICE THEREIN, AND PROVIDING FOR PENALTIES AND INJUNCTION FOR THE VIOLATION THEREOF.

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

SECTION 1. Findings and Declaration of Public Policy. The Legislature of the Territory of Hawaii finds that the sale and distribution at retail of goods manufactured by or for or sold by the Government of the United States, or any agency or department thereof, is peculiarly susceptible to fraud and misrepresentation. The public interest requires that goods offered for sale in connection with representations of any form in which the Government of the United States or any agency or department thereof is involved should be accurately identified and correctly described. The commingling of goods in such a way as might create a misappre-

hension on the part of any purchaser that he is buying goods sold by the Government of the United States or any agency or department thereof, or that such goods were manufactured pursuant to government specifications, or that such goods in fact are at the time of sale in accordance with such specifications, or that such goods are new or in perfect condition, when not true in fact, is hereby declared inimical to public interest and an unfair trade practice.

SECTION 2. No person shall use any trade name which includes the word "Army," "Navy," "Marine," "Coast Guard," "Government," "G.I.," or any other term which denotes an agency or department of the Government of the United States, without being lawfully authorized so to do by the Government of the United States or an agency or agencies thereof.

SECTION 3. No person shall sell or offer for sale at retail any goods incorrectly purporting to be manufactured by or for or sold by the Government of the United States.

SECTION 4. Any person who represents by sign, window display, label, advertising, or any other means that it sells goods sold by or manufactured for the Government of the United States or any agency or department thereof shall, with equal prominence and in the same manner, make known by appropriate descriptive term the merchandising class of such goods. Without prejudice to the generality of the foregoing, such person shall use the terms "Used," "Rejects," "Reclaimed," "Reconditioned," "Seconds," "Irregulars," "Damaged," or the like, where any such term may be applicable.

SECTION 5. Any person who represents by sign, window display, label, advertising, or by any other means, that it sells goods sold by or manufactured for the Government of the United States or any agency or department thereof, and who also sells other goods, shall specifically distinguish the two classes of merchandise by individual label on each item of goods displayed for sale or by segregation into labelled bins, compartments, or areas.

SECTION 6. Any person who sells goods in violation of the foregoing provision shall be guilty of a misdemeanor and shall be punished by fine not exceeding $50.00, and each such sale shall constitute a separate offense.

SECTION 7. Any person violating or neglecting or failing in any particular to conform to or comply with any provisions of this Act may be enjoined by the Circuit Court of the Territory by mandatory or restraining order necessary or proper to effectuate the purposes of this Act in a suit brought by the Attorney General in the name of the Territory or by any private person in his own name.

SECTION 8. The word "person" as used herein shall have the meaning ascribed thereto by Section 16 of the Revised Laws of Hawaii 1945.

Section 9. If any portion of this Act is held invalid, the remainder thereof shall remain in full force and effect and the Legislature hereby declares it would have passed such

remaining portions without the invalid portions thereof.

SECTION 10. This Act shall take effect upon its approval.

THE HOUSE OF REPRESENTATIVES OF THE

TERRITORY OF HAWAII

Honolulu, T. H., April 30, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M. G. Paschoal
Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 208

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 12015, CHAPTER 290 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE CONTINUANCE OF PARTNERSHIP BY EXECUTORS OR ADMINISTRATORS.

Introduced March 16, 1945, by
Senator WM.H.HEEN

First Reading in Senate March 16, 1945
Referred to Printing Committee " " "
Second Reading in Senate March 17, 1945
Referred to Committee on Judiciary
Third Reading in Senate March 22,1945

First Reading in House March 23, 1945
Referred to
Second Reading in House March 26, 1945
Referred to Judiciary Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

Approved
5/7/45
JDH

S. B. NO. 208

AN ACT

TO AMEND SECTION 12015, CHAPTER 290 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE CONTINUANCE OF PARTNERSHIP BY EXECUTORS OR ADMINISTRATORS.

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

SECTION 1. Section 12015 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 12015. Continuance of partnership. When at the time of his death the decedent was a member of a partnership, and under the terms of the will of the decedent the executor is authorized to continue the business of the partnership, or under the terms of the articles or agreement of partnership provision is made for the continuance of the partnership after the death of any partner, or if it shall appear to be to the best interests of the estate, the executor or administrator may, by order of the probate court made either ex parte or upon such notice as the court may direct, under such terms, conditions and agreements as may be approved by the court, and with the approval of the remaining partner or partners, be authorized to become or continue to be a limited partner in the partnership upon compliance with the provisions of chapter 163 relating to limited partnerships."

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

INTRODUCED BY:

Senator 3rd Senatorial District

S.B.No. 208

A N A C T

TO AMEND SECTION 12015, CHAPTER 290 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE CONTINUANCE OF PARTNERSHIP BY EXECUTORS OR ADMINISTRATORS.

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

SECTION 1. Section 12015 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 12015. Continuance of partnership. When at the time of his death the decedent was a member of a partnership, and under the terms of the will of the decedent the executor is authorized to continue the business of the partnership, or under the terms of the articles or agreement of partnership provision is made for the continuance of the partnership after the death of any partner, or if it shall appear to be to the best interests of the estate, the executor or administrator may, by order of the probate court made either ex parte or upon such notice as the court may direct, under such terms,

conditions and agreements as may be approved by the court, and with the approval of the remaining partner or partners, be authorized to become or continue to be a limited partner in the partnership upon compliance with the provisions of chapter 163 relating to limited partnerships."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., March 22, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E S Capellas

President of the Senate

Ellen D. Smythe

Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H., May 1, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M G Paschoal

Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 209

The Legislature
of the
Territory of Hawaii

AN ACT

CREATING THE VETERANS' LOAN BOARD, AND PROVIDING FOR ADDITIONAL INSURED LOANS FOR THE PURCHASE OR CONSTRUCTION OF HOMES, FARMS AND BUSINESS PROPERTY TO VETERANS WHO QUALIFY UNDER THE TERMS OF AN ACT OF CONGRESS ENTITLED "AN ACT TO PROVIDE FEDERAL GOVERNMENT AID FOR THE READJUSTMENT IN CIVILIAN LIFE OF RETURNING WORLD WAR II VETERANS," PUBLIC NO. 346, 78TH CONGRESS, SECOND SESSION, APPROVED JUNE 22, 1944 (KNOWN AS THE SERVICEMEN'S READJUSTMENT ACT OF 1944); AND MAKING AN APPROPRIATION THEREFOR.

Introduced March 17, 1945, by

Senators FRANCIS K. SYLVA, CHARLES H. SILVA

First Reading in Senate March 17, 1945
Referred to Printing Committee March 17, 1945
Second Reading in Senate March 19, 1945
Referred to Committee on Ways & Means
Third Reading in Senate March 26, 1945

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

SB.209

AN ACT

CREATING THE VETERANS' LOAN BOARD, AND PROVIDING FOR ADDITIONAL INSURED LOANS FOR THE PURCHASE OR CONSTRUCTION OF HOMES, FARMS AND BUSINESS PROPERTY TO VETERANS WHO QUALIFY UNDER THE TERMS OF AN ACT OF CONGRESS ENTITLED "AN ACT TO PROVIDE FEDERAL GOVERNMENT AID FOR THE READJUSTMENT IN CIVILIAN LIFE OF RETURNING WORLD WAR II VETERANS," PUBLIC NO. 346, 78th CONGRESS, SECOND SESSION, APPROVED JUNE 22, 1944 (KNOWN AS THE SERVICEMEN'S READJUSTMENT ACT OF 1944); AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. It is hereby declared that the purpose of this Act shall be to provide Territorial insured loans in addition to federal insured loans, not to exceed two thousand dollars ($2,000.00) for each applicant, to veterans who qualify for loans insured by the Federal Administrator of Veterans' Affairs, and who have taken full advantage of the provisions of an Act of Congress entitled "An Act to provide Federal Government aid for the readjustment in civilian life of returning World War II veterans", Public No. 346, 78th Congress, Second Session, approved June 22, 1944, (known as the Servicemen's Readjustment Act of 1944).

SECTION 2. There is hereby created a Board to be known as the Veterans' Loan Board, which Board shall consist of the treasurer, auditor and attorney general of the territory, ex officio; said Board shall make a full report annually of its operations for the preceding year to the governor, who shall cause the same to be published for the information of the legislature and the public.

SECTION 3. The Veterans' Loan Board shall have power (a) to approve and insure loans to veterans as provided in this Act; (b) to employ a full-time administrator and such employees and assistants as shall be necessary for carrying out the purposes of this Act; (c) to make such rules and regulations as are deemed necessary for carrying out the provisions of this Act, and may delegate to a subordinate employee authority to approve loans subject to the provisions of this Act and the rules promulgated thereunder.

SECTION 4. Veterans eligible for Territorial insured loans as provided in this Act shall mean veterans of World War II as defined in the Servicemen's Readjustment Act of 1944, who shall also have been legal residents of the Territory of Hawaii for a period of at least five (5) years prior to the date of making application for such loan.

SECTION 5. The Veterans' Loan Board shall have power to insure loans to veterans who meet the following two conditions:

(a) One who is eligible for loans insured by the Federal Administrator of Veterans' Affairs under the Servicemen's Readjustment Act of 1944, and

(b) One who has received an insured loan by the Administrator of Veterans' Affairs up to the full amount as provided for in the Servicemen's Readjustment Act of 1944.

SECTION 6. Loans to veterans guaranteed by the Veterans' Loan Board created by this Act shall not exceed two thousand dollars ($2,000.00) in addition to any loans insured by the Administrator of Veterans' Affairs.

SECTION 7. All of the limitations applicable to veterans' loans under the Servicemen's Readjustment Act of 1944, including the purposes for which loans may be made, but excepting the limitation as to amount of such insured loans as provided in Section 500 of that Act, shall be applicable to veterans' loans insured under this Act.

SECTION 8. Interest for the first year on that part of the loan guaranteed by the Administrator may be paid by the Veterans' Loan Board out of available appropriations. No security for the guaranty of a loan shall be required except the right to be subrogated to the lien rights of the holder of the obligation which is guaranteed: Provided, That pursuant to regulations to be issued by the Veterans' Loan Board, and subject to any lien rights of the Administrator of Veterans' Affairs the mortgagor and mortgagee shall agree that before beginning foreclosure proceedings for default in payment of principal or interest due, the Veterans' Loan Board shall have at least thirty days' notice with the option of bidding in the property on foreclosure or of refinancing the loan with any other agency or by any other means available.

SECTION 9. Loans guaranteed by the Veterans' Loan Board under this Act shall be payable under such terms and conditions as may be approved by the Board: Provided, That the liability under the guaranty, within the limitations of this Act, shall decrease or increase pro rata with any decrease or increase of the amount of the unpaid portion of the obligation: Provided further, That loans guaranteed by the Veterans' Loan Board shall bear interest at a rate not exceeding 4 per centum per annum and shall be payable in full in not more than twenty years. Said Board is authorized and directed to guarantee loans to veterans subject to the provisions of this Act on approved applications made to persons, firms, associations, and corporations and to governmental agencies and corporations.

SECTION 10. Loans insured by the Veterans' Loan Board as provided in this Act shall be a pledge against the credit of the Territory of Hawaii for which there is hereby authorized to be appropriated such amounts as shall be necessary.

SECTION 11. For the purpose of administering the provisions of this Act and for the payment of interest as provided for in Section 8 of this Act, there is hereby appropriated out of the general revenues of the Territory not otherwise appropriated the sum of seventy-five thousand dollars ($75,000.00) which shall be expended upon vouchers approved by the Veterans' Loan Board.

SECTION 12. This Act shall take effect upon its approval.

INTRODUCED BY:

FRANCIS K. SYLVA
Senator, Third District

CHARLES H. SILVA
Senator, First District

Honolulu, T. H.

3/17/56

S. B. No. 209
S. D. 1

A N A C T

CREATING THE VETERANS' LOAN BOARD, AND PROVIDING FOR ADDITIONAL INSURED LOANS FOR THE PURCHASE OR CONSTRUCTION OF HOMES, FARMS AND BUSINESS PROPERTY TO VETERANS WHO QUALIFY UNDER THE TERMS OF AN ACT OF CONGRESS ENTITLED "AN ACT TO PROVIDE FEDERAL GOVERNMENT AID FOR THE READJUSTMENT IN CIVILIAN LIFE OF RETURNING WORLD WAR II VETERANS," PUBLIC NO. 346, 78TH CONGRESS, SECOND SESSION, APPROVED JUNE 22, 1944 (KNOWN AS THE SERVICEMEN'S READJUSTMENT ACT OF 1944); AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. It is hereby declared that the purpose of this Act shall be to provide Territorial insured loans in addition to federal insured loans, not to exceed two thousand dollars ($2,000.00) for each applicant, to veterans who

qualify for loans insured by the Federal Administrator of Veterans' Affairs, and who have taken full advantage of the provisions of an Act of Congress entitled "An Act to provide Federal Government aid for the readjustment in civilian life of returning World War II veterans", Public No. 346, 78th Congress, Second Session, approved June 22, 1944, (known as the Servicemen's Readjustment Act of 1944).

SECTION 2. There is hereby created a Board to be known as the Veterans' Loan Board, which Board shall consist of the treasurer, auditor and attorney general of the Territory, ex officio; said Board shall make a full report annually of its operations for the preceding year to the governor, who shall cause the same to be published for the information of the legislature and the public.

SECTION 3. The Veterans' Loan Board shall have power (a) to approve and insure loans to veterans as provided in

this Act; (b) to employ a fulltime secretary; (c) to make such rules and regulations as are deemed necessary for carrying out the provisions of this Act, and may delegate to a subordinate employee authority to approve loans subject to the provisions of this Act and the rules promulgated thereunder.

SECTION 4. Veterans eligible for Territorial insured loans as provided in this Act shall mean veterans of World War II as defined in the Servicemen's Readjustment Act of 1944, who shall also have been legal residents of the Territory of Hawaii for a period of at least three (3) years prior to the date of making application for such loan.

SECTION 5. The Veterans' Loan Board shall have power to insure loans to veterans who meet the following two conditions:

(a) One who is eligible for loans insured by the Federal Administrator of Veterans' Affairs under the Servicemen's Readjustment Act of 1944, and

(b) One who has received an insured loan by the Administrator of Veterans' Affairs up to the full amount as provided for in the Servicemen's Readjustment Act of 1944.

SECTION 6. Loans to veterans guaranteed by the Veterans' Loan Board created by this Act shall not exceed two thousand dollars ($2,000.00) in addition to any loans insured by the Administrator of Veterans' Affairs.

SECTION 7. All of the limitations applicable to veterans' loans under the Servicemen's Readjustment Act of 1944, including the purposes for which loans may be made, but excepting the limitation as to amount of such insured loans as provided in Section 500 of that Act, shall be applicable to veterans' loans insured under this Act.

SECTION 8. No security for the guaranty of a loan shall be required except the right to be subrogated to the lien rights of the holder of the obligation which is guaranteed: Provided,

that pursuant to regulations to be issued by the Veterans' Loan Board, and subject to any lien rights of the Administrator of Veterans' Affairs the mortgagor and mortgagee shall agree that before beginning foreclosure proceedings for default in payment of principal or interest due, the Veterans' Loan Board shall have at least thirty days' notice with the option of bidding in the property on foreclosure or of refinancing the loan with any other agency or by any other means available.

SECTION 9. Loans guaranteed by the Veterans' Loan Board under this Act shall be payable under such terms and conditions as may be approved by the Board: Provided, that the liability under the guaranty, within the limitations of this Act, shall decrease or increase pro rata with any decrease or increase of the amount of the unpaid portion of the obligation: Provided further, that loans guaranteed by the Veterans' Loan Board shall bear interest at a rate not exceeding 4 per

centum per annum and shall be payable in full in not more than twenty years. Said Board is authorized and directed to guarantee loans to veterans subject to the provisions of this Act on approved applications made to persons, firms, associations, and corporations and to governmental agencies and corporations.

SECTION 10. Loans insured by the Veterans' Loan Board as provided in this Act shall be a pledge against the credit of the Territory of Hawaii for which there is hereby authorized to be appropriated such amounts as shall be necessary.

SECTION 11. For the purpose of payment on defaulted loans and the accrued interest thereon there is hereby appropriated from the general revenues of the Territory, not otherwise appropriated, the sum of five hundred thousand dollars ($500,000.00) or so much thereof as may be necessary, which shall be expended upon vouchers approved by the Veterans' Loan Board.

SECTION 12. For the purpose of administering the provisions of this Act, there is hereby appropriated out of the general revenues of the Territory not otherwise appropriated the sum of twenty-five thousand dollars ($25,000.00) which shall be expended upon vouchers approved by the Veterans' Loan Board.

SECTION 13. This Act shall take effect upon its approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., March 26, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E S Capellas

President of the Senate.

Ellen D Smythe

Clerk of the Senate.

1945

Senate Bill No. 210

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 4121 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO CHILD LABOR.

Introduced March 17, 1945, by
Senator FRANCIS K. SYLVA

First Reading in Senate March 17, 1945
Referred to Printing Committee March 17, 1945
Second Reading in Senate March 19, 1945
Referred to Committee on Judiciary
Third Reading in Senate March 29, 1945

First Reading in House March 29, 1945
Referred to
Second Reading in House March 30, 1945
Referred to Judiciary Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Signed 3/31/45

S. B. # 210

4121 RLH 1945

An Act to amend Section 18 of Chapter 259B of the Revised Laws of Hawaii 1935, as enacted by Act 237 of the Session Laws of Hawaii 1939, and as amended by Act 319 of the Session Laws of Hawaii 1941, relating to Child Labor.

Be it enacted by the Legislature of the Territory of Hawaii.

4121 RLH 1945

Section 1. Section 18 of Chapter 259B of the Revised Laws of Hawaii 1935, as enacted by Act 237 of the Session Laws of Hawaii 1939, and as amended by Act 319 of the Session Laws of Hawaii 1941, is hereby further amended by amending the first paragraph thereof, to read as follows:

"~~Section~~ 4121 18. Child Labor. Nothing in this section shall be construed to apply to the work of a minor in agricultural labor or work in other than hazardous occupation if the work is performed when such minor is not legally required to attend school and is performed directly for his parents or guardian, nor to the work of a minor performed in connection with the sale or distribution of newspapers or in domestic service, nor to the work of a minor employed as a golf caddy when such minor is not legally required to attend school, nor to the work of a minor more than fourteen years of age in agricultural labor when said minor is not legally required to attend school".

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

Sen. 3rd Dist.

S. B. No. 210
S. D. 1

A N A C T

TO AMEND SECTION 4121 OF THE REVISED LAWS OF HAWAII 1945,

RELATING TO CHILD LABOR.

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

SECTION 1. Section 4121 of the Revised Laws of Hawaii 1945 is hereby amended by amending the first paragraph thereof to read as follows:

"Sec. 4121. Child labor, certificates; penalty. Nothing in this section shall be construed to apply to the work of a minor in agricultural labor or work in other than hazardous occupation if the work is performed when such minor is not legally required to attend school and is performed directly for his parents or guardian, nor to the work of a minor performed in connection with the sale or distribution of newspapers or in domestic service, nor to the work of a minor employed as a golf caddy, when such minor is not legally required to attend school, nor to the work of a minor more than fourteen years of age in agricultural labor when said minor is not legally required to attend school."

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

5/9

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., March 29, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E. B. Leapellas

President of the Senate.

Ellen D'Smythe

Clerk of the Senate.

S. B. No. 210
S. D. 1
H. D. 1

A N A C T

TO AMEND SECTION 4121 OF THE REVISED LAWS OF HAWAII 1945,

RELATING TO CHILD LABOR.

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

SECTION 1. Section 4121 of the Revised Laws of Hawaii 1945 is hereby amended by amending the first paragraph thereof to read as follows:

"Sec. 4121. Child labor, certificates; penalty. Nothing in this section shall be construed to apply to the work of a minor in agricultural labor or work in other than hazardous occupation if the work is performed when such minor is not legally required to attend school and is performed directly for his parents or guardian, nor to the work of a minor performed in connection with the sale or distribution of newspapers or in domestic service, nor to the work of a minor employed as a golf caddy, when such minor is not legally required to attend school, nor to the work of a minor more than sixteen years of age in agricultural labor when said minor is not legally required to attend school."

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

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., May 1, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M S Paschal
Speaker, House of Representatives.

Clerk, House of ~~Representatives~~.

1945 Senate Bill No. 211

The Legislature
of the
Territory of Hawaii

AN ACT

FOR THE RELIEF OF ROSE KIYOJI.

Engrossed 3/8/45

Introduced March 17, 1945, by

Senator s: C. A. CROZIER, HAROLD W. RICE and A. KAMOKILA CAMPBELL

First Reading in Senate March 17, 1945
Referred to Printing Committee March 17, 1945
Second Reading in Senate March 19, 1945
Referred to COMMITTEE OF THE WHOLE SENATE
Third Reading in Senate April 21, 1945

First Reading in House April 21, 1945
Referred to
Second Reading in House April 23, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

SB. 211

A N A C T

FOR THE RELIEF OF ROSE KIYOJI.

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

SECTION 1. There is hereby granted to ROSE KIYOJI, subject to the provisions of Chapter 14, Revised Laws of Hawaii 1945, a life pension of $50.00 per month.

SECTION 2. Sufficient funds to cover the expenditures required by this Act are hereby appropriated from the general revenues of the Territory of Hawaii, not otherwise appropriated.

SECTION 3. Said pension shall be payable to said ROSE KIYOJI upon warrant issued by the Treasurer of the Territory.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

C. A. Crozier

Harold W. Rice

W. Ramokila Campbell

3/17

S. B. No. 211

A N A C T

FOR THE RELIEF OF ROSE KIYOJI.

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

SECTION 1. There is hereby granted to Rose Kiyoji, subject to the provisions of Chapter 14, Revised Laws of Hawaii 1945, a life pension of $50.00 per month.

SECTION 2. Sufficient funds to cover the expenditures required by this Act are hereby appropriated from the general revenues of the Territory of Hawaii, not otherwise appropriated.

SECTION 3. Said pension shall be payable to said Rose Kiyoji upon warrant issued by the Treasurer of the Territory.

SECTION 4. This Act shall take effect upon its approval.

5/12

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 21, 1945.

We hereby certify that the foregoing bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate.

Ellen D Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII.

Honolulu, T. H., May 1, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Speaker, House of Representatives.

Clerk, House of Representatives.

S. B. No. 211
H. D. 1

A N A C T

FOR THE RELIEF OF ROSE KIYOJI AND MRS. CECIL KIILEHUA.

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

SECTION 1. There is hereby granted to Rose Kiyoji, subject to the provisions of Chapter 14, Revised Laws of Hawaii 1945, a life pension of $50.00 per month.

SECTION 2. There is hereby granted to Mrs. Cecil Kiilehua, subject to the provisions of Chapter 14, Revised Laws of Hawaii 1945, a life pension of $75.00 per month.

SECTION 3. Sufficient funds to cover the expenditures required by this Act are hereby appropriated from the general revenues of the Territory of Hawaii, not otherwise appropriated.

SECTION 4. Said pensions shall be payable to said Rose Kiyoji and to said Mrs. Cecil Kiilehua upon warrants

issued by the Treasurer of the Territory.

SECTION 5. This Act shall take effect upon its approval.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., May 1, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M K Pavchoral
Speaker, House of Representatives.

Clerk, House of Representatives.

1945 Senate Bill No. 212

The Legislature
of the
Territory of Hawaii

AN ACT

FOR THE RELIEF OF MARY A. KIYOJI

Engrossed 5-4-45

Introduced March 17, 1945, by

Senators C. A. CROZIER, HAROLD W. RICE & A. KAMOKILA CAMPBELL

First Reading in Senate March 17, 1945
Referred to Printing Committee " " "
Second Reading in Senate March 19, 1945
Referred to Committee of the Whole Senate
Third Reading in Senate April 21, 1945

First Reading in House April 21, 1945
Referred to
Second Reading in House April 23, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

AB 2 # 212 Crozier Riley Campbell

A N A C T

FOR THE RELIEF OF MARY A. KIYOJI.

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

SECTION 1. There is hereby granted to MARY A. KIYOJI, subject to the provisions of Chapter 14, Revised Laws of Hawaii 1945, a life pension of $50.00 per month.

SECTION 2. Sufficient funds to cover the expenditures required by this Act are hereby appropriated from the general revenues of the Territory of Hawaii, not otherwise appropriated.

SECTION 3. Said pension shall be payable to said MARY A. KIYOJI upon warrant issued by the Treasurer of the Territory.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

C. A. Crozier

Harold H. Riley

W. Kamokila Campbell

3/17
4/20

S.B.No. 212

A N A C T

FOR THE RELIEF OF MARY A. KIYOJI.

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

SECTION 1. There is hereby granted to Mary A. Kiyoji, subject to the provisions of chapter 14, Revised Laws of Hawaii 1945, a life pension of $50.00 per month.

SECTION 2. Sufficient funds to cover the expenditures required by this Act are hereby appropriated from the general revenues of the Territory of Hawaii, not otherwise appropriated.

SECTION 3. Said pension shall be payable to said Mary A. Kiyoji upon warrant issued by the treasurer of the Territory.

SECTION 4. This Act shall take effect upon its approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu,T.H., April 21, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate

Ellen D'Smythe

Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., May 1, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M G Pacheco

Speaker, House of Representatives.

Clerk

Clerk, House of Representatives.

1945 Senate Bill No. 213

The Legislature
of the
Territory of Hawaii

AN ACT

PROVIDING FOR LEGISLATIVE
HOLDOVER COMMITTEES

Introduced March 17 1945 , 19XX, by
Senator s: ERNEST N. HEEN and
THELMA M. AKANA

First Reading in Senate March 17, 1945
Referred to Printing Committee " " "
Second Reading in Senate March 19, 1945
Referred to Com. Whole Senate
Third Reading in Senate April 25, 1945

First Reading in House April 25, 1945
Referred to
Second Reading in House April 26, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

S. B. NO. 213

AN ACT

PROVIDING FOR LEGISLATIVE HOLDOVER COMMITTEES.

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

SECTION 1. Two legislative holdover committees are hereby created, one of which shall be composed of seven members of the Senate and shall be known as the "Senate 1945 Holdover Committee" and the other of which shall be composed of seven members of the House of Representatives and shall be known as the "House 1945 Holdover Committee". The members of such committees shall be appointed by the President of the Senate, as to the Senate committee, and the Speaker of the House of Representatives, as to the House committee. In each of said committees, four of said seven members shall be from the third senatorial district and one each from the first, second and fourth senatorial districts. A majority of the members of each committee shall constitute a quorum for such committee.

SECTION 2. It shall be the duty of each of said committees to:

(a) Collect information concerning the government and general welfare of the Territory and its various political subdivisions;

(b) Examine the effect of previously enacted statutes and the probable effects of proposals for enactment;

(c) Investigate and study the organization, methods and operations of the territorial government and the county governments and any public or semi-public office, board, commission, department, bureau or other agency created, authorized, required or supported in whole

or in part by the provisions of the Organic Act or any enactment of the territorial legislature;

(d) Conduct research in the field of government toward the end of comparing and improving legislation, legislative processes, legislative enforcement, and public administration generally;

(e) Cooperate with the administrative officials in devising means of enforcing the law and improving the effectiveness of administrative methods;

(f) Compile and disseminate such factual information as it may deem advisable to produce a better public understanding of governmental affairs in the Territory;

(g) Prepare and recommend such legislative measures as it may deem advisable at the subsequent session of the legislature;

(h) Perform such other acts as may be authorized or directed by the territorial legislature or by either house thereof.

SECTION 3. Each of said committees may employ such assistants as it may deem desirable, who shall not be subject to the territorial civil service law, but shall have their compensation fixed in accordance with the compensation schedules of the territorial classification law.

SECTION 4. In the discharge of any duty herein imposed, each of said committees shall have the authority through its designated members or subordinates to administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, and to cause the deposition of witnesses, either residing within or without the Territory, to be taken in the manner prescribed by law for taking depositions in civil actions in the circuit

courts. In case of disobedience on the part of any person to comply with any subpoena issued in behalf of such committee, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, it shall be the duty of the circuit court of any circuit, or of the judge thereof, on application of a designated member of such committee, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein. Every witness who appears before such committee by its order, other than an officer or employee of the Territory of any political subdivision thereof, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record, and such fees and mileage shall be audited and paid from the appropriation herein made for such committee upon the presentation of proper vouchers sworn to by such witness and approved by the chairman of such committee.

SECTION 5. Promptly upon the adjournment sine die of the legislature at this session, the two committees created by this Act shall hold a joint meeting for the purpose of discussing policies, the method and extent of cooperation between the two committees, and the division between them of subjects for investigation and action to the end that the fullest and best results may be obtained without confusion, overlapping, or wasted effort.

SECTION 6. The members of said committees shall receive their actual traveling and hotel expenses incurred by them in attending committee meetings and in the performance of any individual duty required of them by their respective committees.

SECTION 7. In order to finance the provisions of this Act, there is hereby appropriated to each of said committees

from the general fund of the Territory the sum of twenty thousand dollars ($20,000.00) for the period from the effective date of this Act to June 30, 1947.

SECTION 8. This Act shall take effect upon its approval.

INTRODUCED BY

Ernest Wee 3rd
Senator Senatorial District

Thelma M. Okana
Senator, 3rd Senatorial Dist.

3/17
2
4/3/47
2

S.B.No. 213

A N A C T

PROVIDING FOR LEGISLATIVE HOLDOVER COMMITTEES

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

SECTION 1. Two legislative holdover committees are hereby created, one of which shall be composed of seven members of the Senate and shall be known as the "Senate 1945 Holdover Committee" and the other of which shall be composed of seven members of the House of Representatives and shall be known as the "House 1945 Holdover Committee". The members of such committees shall be appointed by the president of the Senate, as to the Senate Committee, and the Speaker of the House of Representatives as to the House Committee. [In each of said committees,] four of said seven members shall be from the third senatorial district, and one each [from the first, second and] fourth senatorial districts. A majority of the members of each committee shall constitute a quorum for such committee.

SECTION 2. It shall be the duty of each of said committees to:

(a) Collect information concerning the government and general welfare of the Territory and its various political subdivisions;

(b) Examine the effect of previously enacted statutes and the probable effects of proposals for enactment;

(c) Investigate and study the organization, methods and operations of the territorial government and the county governments and any public or semi-public office, board, commission, department, bureau or other agency created, authorized, required or supported in whole or in part by the provisions of the Organic Act or any enactment of the territorial legislature;

(d) Conduct research in the field of government toward the end of comparing and improving legislation, legislative processes, legislative enforcement, and public administration generally;

(e) Cooperate with the administrative officials in devising means of enforcing the law and improving the effectiveness of administrative methods;

(f) Compile and disseminate such factual information as it may deem advisable to produce a better public understanding of governmental affairs in the Territory;

(g) Prepare and recommend such legislative measures as it may deem advisable at the subsequent session of the legislature;

(h) Perform such other acts as may be authorized or directed by the territorial legislature or by either house thereof.

SECTION 3. Each of said committees may employ such assistants as it may deem desirable, who shall not be subject to the territorial civil service law, but shall have their compensation fixed in accordance with the compensation schedules of the territorial classification law.

SECTION 4. In the discharge of any duty herein

imposed, each of said committees shall have the authority through its designated members or subordinates to administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, and to cause the deposition of witnesses, either residing within or without the Territory, to be taken in the manner prescribed by law for taking depositions in civil actions in the circuit courts. In case of disobedience on the part of any person to comply with any subpoena issued in behalf of such committee, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, it shall be the duty of the circuit court of any circuit, or of the judge thereof, on application of a designated member of such committee, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein. Every witness who appears before such

committee by its order, other than an officer or employee of the Territory of any political subdivision thereof, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record, and such fees and mileage shall be audited and paid from the appropriation herein made for such committee upon the presentation of proper vouchers sworn to by such witness and approved by the chairman of such committee.

SECTION 5. Promptly upon the adjournment sine die of the legislature at this session, the two committees created by this Act shall hold a joint meeting for the purpose of discussing policies, the method and extent of cooperation between the two committees, and the division between them of subjects for investigation and action to the end that the fullest and best results may be obtained without confusion, overlapping, or wasted effort.

SECTION 6. The members of said committees shall receive their actual traveling and hotel expenses incurred by them in attending committee meetings and in the performance of any individual duty required of them by their respective committees.

SECTION 7. In order to finance the provisions of this Act, there is hereby appropriated to each of said committees from the general fund of the Territory the sum of twenty thousand dollars ($20,000.00) for the period from the effective date of this Act to June 30, 1947.

SECTION 8. This Act shall take effect upon its approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu,T.H., April 25, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate

Ellen D Smythe

Clerk of the Senate

S. B. NO. 213
H. D. 2

A N A C T

PROVIDING FOR LEGISLATIVE HOLDOVER COMMITTEES.

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

SECTION 1. Two legislative holdover committees are hereby created, one of which shall be composed of seven members of the Senate and shall be known as the "Senate 1945 Holdover Committee" and the other of which shall be composed of seven members of the House of Representatives and shall be known as the "House 1945 Holdover Committee". The members of such committees shall be appointed by the President of the Senate, as to the Senate committee, and the Speaker of the House of Representatives, as to the House committee. [In the Senate 1945 Holdover Committee,] four of said seven members shall be from the third senatorial district; [in the House 1945 Holdover Committee, two of said seven members shall be from the fourth representative district and two from the fifth representative district; and in each of said committees there shall be one member from each of the first, second, and fourth senatorial districts.] A majority of the members of each committee shal constitute

a quorum for such committee.

The membership of any senator or representative on the committees shall terminate if such person is not elected at the next general election to the office held by him at the time of appointment. Any person whose membership is terminated because of the immediately preceding reason shall be entitled to sit and deliberate with the committee of which he was a member but shall not be entitled to vote. Any vacancy in committee membership shall be filled through selection and appointment by the remaining members of the committee whether such remaining members do or do not constitute a quorum.

SECTION 2. It shall be the duty of each of said committees to:

(a) Collect information concerning the government and general welfare of the territory and its various politi-

cal subdivisions;

(b) Examine the effect of previously enacted statutes and the probable effects of proposals for enactment;

(c) Investigate and study the organization, methods and operations of the territorial government and the county governments and any public or semi-public office, board, commission, department, bureau or other agency created, authorized, required or supported in whole or in part by the provisions of the Organic Act or any enactment of the territorial legislature;

(d) Conduct research in the field of government toward the end of comparing and improving legislation, legislative processes, legislative enforcement, and public administration generally;

(e) Cooperate with the administrative officials in devising means of enforcing the law and improving the effectiveness of administrative methods;

(f) Compile and disseminate such factual information as it may deem advisable to produce a better public understanding of governmental affairs in the territory;

(g) Prepare and recommend such legislative measures as may deem advisable at the subsequent session of the legislature;

(h) Perform such other acts as may be authorized or directed by the territorial legsilature or by either house thereof.

SECTION 3. The research work for each of the committees shall be done by the Legislative Reference Bureau. Each of said committees may employ a secretary who shall not be subject to the territorial civil service law, but shall have their compensation fixed in accordance with the compensation schedules of the territorial classification law. Said committees separately or jointly may contract

for special services to assist it in any special undertaking. The committees may request persons not members of the committees or of the legislature to participate in the work of the committees, and advise the committees with relation to their activities.

SECTION 4. Each officer, board, commission, department, bureau or other agency of, or partly supported by, the territorial government or any local government shall make such studies and reports thereon, as may be requested in writing by either holdover committee.

SECTION 5. In the discharge of any duty herein imposed, each of said committees shall have the authority through its designated members or subordinates to administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, and to cause the deposition of witnesses, either residing within or without the territory,

to be taken in the manner prescribed by law for taking depositions in civil actions in the circuit courts. In case of disobedience on the part of any person to comply with any subpoena issued in behalf of such committee, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, it shall be the duty of the circuit court of any circuit, or of the judge thereof, on application of a designated member of such committee, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein. Every witness who appears before such committee by its order, other than an officer or employee of the territory of any political subdivision thereof, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record, and such fees and mileage shall be audited and paid from the appropriation herein made for such com-

this Act, there is hereby appropriated to each of said committees from the general fund of the territory the sum of twenty thousand dollars ($20,000.00) for the period from the effective date of this Act to June 30, 1947. The moneys appropriated by this Act shall be deemed "expenses of the legislature" for the purpose of section 1580 of the Revised Laws of Hawaii 1945, and shall be expended upon warrants signed by the chairman or acting chairman of the committee concerned and by the secretary of such committee.

SECTION 9. This Act shall take effect upon its approval.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 27, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M G Paschoal
Speaker, House of Representatives.

Clerk, House of Representatives.

1945 Senate Bill No. 214

The Legislature
of the
Territory of Hawaii

AN ACT

AUTHORIZING AND REQUIRING THE BOARD OF SUPERVISORS OF THE COUNTY OF HAWAII TO PROVIDE A PENSION FOR MANUEL TAVARES.

Introduced March 19, 1945, by
Senator E. S. CAPELLAS

First Reading in Senate March 19, 1945
Referred to Printing Committee March 19, 1945
Second Reading in Senate March 20, 1945
Referred to COMMITTEE OF THE WHOLE SENATE
Third Reading in Senate April 26, 1945

First Reading in House April 26, 1945
Referred to
Second Reading in House April 27, 1945
Referred to County Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Engrossed 4/9/45 apk

S. B. NO. 214

A N A C T

AUTHORIZING AND REQUIRING THE BOARD OF SUPERVISORS OF THE COUNTY OF HAWAII TO PROVIDE A PENSION FOR MANUEL TAVARES.

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

SECTION 1. The board of supervisors of the county of Hawaii is hereby authorized and directed to pay to Manuel Tavares, during the period of his life, a monthly pension in the sum of ~~one~~ $50.00 hundred dollars, and to make appropriation therefor.

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

INTRODUCED BY:

E B Capellas

Senator, First Senatorial District

3/19
4/25

S.B.No. 214
S.D. 2

A N A C T

AUTHORIZING AND REQUIRING THE BOARD OF SUPERVISORS OF THE COUNTY OF HAWAII TO PROVIDE A PENSION FOR MANUEL TAVARES.

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

SECTION 1. The board of supervisors of the county of Hawaii is hereby authorized and directed to pay to Manuel Tavares, during the period of his life, a monthly pension in the sum of seventy-five dollars, and to make appropriation therefor.

SECTION 2. This Act shall take effect upon its approval

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu,T.H., April 26, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate

Ellen D. Smythe

Clerk of the Senate

S. B. No. 214
S. D. 2
H. D. 2

A N A C T

AUTHORIZING AND REQUIRING THE BOARD OF SUPERVISORS OF THE COUNTY OF HAWAII TO PROVIDE PENSIONS FOR MANUEL TAVARES, MARY LINDSEY CORREA AND LILY AKO.

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

SECTION 1. The board of supervisors of the county of Hawaii is hereby authorized and directed to pay to Manuel Tavares, during the period of his life, a monthly pension in the sum of seventy-five dollars, and to make appropriation therefor.

SECTION 2. The board of supervisors of the county of Hawaii is hereby authorized and directed to pay to Mary Lindsey Correa, during the period of her life, a monthly pension in the sum of fifty dollars, and to make appropriation therefor.

SECTION 3. The board of supervisors of the county of

Hawaii is hereby authorized and directed to pay to Lily Ako, during the period of her life, a monthly pension in the sum of fifty dollars, and to make appropriation therefor.

SECTION 4. This Act shall take effect upon its approval.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., May 1, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M K Paschoal
Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 215

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO PUBLIC ACCOUNTANTS.

Introduced	March 19, 1945 , 1941, by
Senator	WM. H. HEEN

First Reading in Senate	March 19, 1945
Referred to Printing Committee	March 19, 1945
Second Reading in Senate	March 20, 1945
Referred to	
Third Reading in Senate	
First Reading in House	
Referred to	
Second Reading in House	
Referred to	
Third Reading in House	

ELLEN D. SMYTHE

Clerk of the Senate.

2nd

SB # 215

Bill

A N A C T

RELATING TO PUBLIC ACCOUNTANTS.

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

SECTION 1. There is hereby added to Title 20 of the Revised Laws of Hawaii 1945 a new chapter, to be numbered Chapter 144A, relating to public accountants, and to read as follows:

"CHAPTER 144A. PUBLIC ACCOUNTANTS.

"Sec. 1. Definition of Public Accountant. For the purposes of this chapter any person who practices or holds himself out to the public as an independent accountant or auditor, whether under his own name or under the name of any other person or any firm, is a public accountant.

"Sec. 2. Requirement of License. On and after July 1, 1945 no person, subject to the exceptions provided in section 4 of this chapter, shall practice or hold himself out to the public asan independent accountant or auditor, whether under his own name or under the name of any other person or any firm, unless such person shall be the holder of a license issued as provided in section 3 of this chapter.

"Sec. 3. Qualifications for License. Licenses shall be issued to qualified applicants by the Territorial Board of Accountancy, existing pursuant to Section 7522 of the Revised Laws of Hawaii 1945. Any citizen of the United

States or one who in good faith has declared his intention of becoming a citizen (in which case he must become a citizen within two years after the time allowed by law or the license shall be revoked by the Board), a resident of the Territory of Hawaii, over the age of twenty-one years, of good moral character, who has passed the civil service examination CAF 9 for Territorial Auditor, shall be entitled, upon application, and upon payment of such fee as shall be determined by the Board, to receive a license as public accountant. The Board shall in each case determine whether or not the applicant meets the qualifications above listed.

"Sec. 4. Exceptions. The provisions of section 2 of this chapter shall not apply to and no license shall be required of any of the following public accountants:

(a) Any person who at the date of the enactment of this chapter is engaged on a full time or substantially full time basis in practicing as a public accountant.

(b) Any person who at the time of the enactment of this chapter is in the armed forces of the United States and who prior to entering such armed forces was engaged on a full time or substantially full time basis in practicing as a public accountant.

(c) Any person qualified as a certified public accountant pursuant to the provisions of Chapter 144.

(d) Any person admitted to practice as an attorney before all of the courts of the Territory.

"Sec. 5. Rules of Practice. Every public accountant, whether such public accountant is the holder of a license issued as provided in this chapter or is excepted from the requirement of a license pursuant to the provisions of section 4 of this chapter, shall in the practice of the profession of public accountant abide by the following rules of practice:

(a) No public accountant shall knowingly prepare or sign any report or statement which includes an untrue statement of a fact or which omits to state a material fact necessary in order to make the statements, in the light of the circumstances under which they are made, not misleading.

(b) No public accountant shall sign any report or statement which has not been checked under his supervision or under the supervision of a person acting for him.

(c) No public accountant shall directly or indirectly pay or allow, or agree to pay or allow, to any other person, a commission, brokerage or other participation in any of the fees or profits of his professional work; and no public accountant shall directly or indirectly accept any commission, brokerage or other participation in the fees or profits of the professional or commercial work of any other person, whether or not such work is referred to the other person by or on the recommendation of such public accountant.

(d) No public accountant shall directly or indirectly solicit the clients or the business of any other public accountant; provided, however, that nothing herein shall prevent any public accountant from giving service or advice to any person who shall request the same.

(e) No public accountant shall engage in competitive bidding in any form whatsoever for the rendering of services as public accountant.

(f) No public accountant shall advertise for clients or for professional work. No public accountant shall publish his professional attainments or service through the mails or in the public press or otherwise; provided, however, that nothing herein shall be construed to prohibit the publication of what is technically known as a card or announcement.

(g) Every public accountant shall hold inviolate, as confidential, all information obtained from any client or from the records of any client, except as permission to disclose information is obtained from the client or except as disclosure may be required by law.

"Sec. 6. Revocation of License. The Board shall have the power to revoke any license issued pursuant to the provisions of this chapter for any of the following reasons: (a) if the holder thereof shall be convicted of a felony; (b) if the holder thereof shall be found guilty of conduct involving moral turpitude; (c) if the holder thereof shall violate any of the provisions of section 5 of this chapter; and (d) if the holder thereof who is not a citizen of the United States shall fail to qualify in accordance with the provisions of section 3 of this chapter. No license shall be revoked except after a hearing thereon, at which hearing at least a majority of the Board shall be present. The Attorney General or an attorney designated by him shall attend and act as the legal advisor of the Board. Written

notice of the proposed hearing shall be mailed to the holder of the license at least twenty days before the time thereof stating the basis and cause for the proposed action or revocation, and appointing the time and place for the hearing. The Board shall keep a complete record of all proceedings with respect to the revocation of any license.

"Sec. 7. Powers. The Board shall be authorized: (a) to administer oaths to all applicants and to all persons appearing before the Board in respect to applications for licenses and proceedings for the revocation of licenses, and to compel the attendance of witnesses; and (b) to establish such rules and regulations as may be requisite properly to carry out the purposes of this chapter.

"Sec. 8. Pay and Traveling Expenses of Members. The members of the Board shall be paid for the time actually expended in the performance of the duties imposed upon them under this chapter in amount not exceeding $5. per diem and they shall also be entitled to necessary traveling expenses.

"Sec. 9. Disposition of Fees. From the fees collected the Board shall pay all expenses incident to the issuance of licenses and the revocation of licenses, the pay and traveling expenses of the members while performing their duties under this chapter, stationery, printing, clerk hire and incidental office expenses relating to the performance of such duties; provided that no expense incurred under this chapter shall be charged against the funds of the Territory.

"Sec. 10. Violations; Penalties. If any person shall practice or hold himself out to the public as an independent accountant or auditor, in violation of the provisions of this chapter, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than $200. or be imprisoned for not more than one year, or both, for each day of such violation. If any public accountant shall violate the provisions of section 5 of this chapter he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000. or be imprisoned for not more than one year, or both, for each offense.

"Sec. 11. Chapter 144 not Affected. Nothing in this chapter shall be deemed to affect the provisions of Chapter 144, relating to the qualifications of certified public accountants."

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

Introduced by

3/19

1945

Senate Bill No. 216

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 10406 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO JOINDER OF CAUSES OF ACTION IN SUMMARY POSSESSION PROCEEDINGS.

Enrolled
5/9/45
EDH

Introduced March 19, 1945, by
Senator WM. H. HEEN

First Reading in Senate March 19, 1945
Referred to Printing Committee March 19, 1945
Second Reading in Senate March 20, 1945
Referred to Committee on Judiciary
Third Reading in Senate April 2, 1945

First Reading in House April 2, 1945
Referred to
Second Reading in House April 3, 1945
Referred to Judiciary Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

S. B. NO. 216

AN ACT

TO AMEND SECTION 10406 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO JOINDER OF CAUSES OF ACTION IN SUMMARY POSSESSION PROCEEDINGS.

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

SECTION 1. Section 10406 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 10406. Joinder of other causes of action. In any action for summary possession begun under the provisions of this chapter, the plaintiff may bring actions for rent, lodging, board, profits, damages and waste, where these arise out of and refer to the land or premises, the possession of which is sought, and in the district of Honolulu such joinder may be made irrespective of the amount claimed.

In any such action, whether the ground or cause be non-payment of rent or otherwise, the plaintiff may join in such action a prayer for accrued rent due, if any, and also for rent, profits and damages up to the time of judgment, if such be rendered in his favor, without prejudice to such action or ground for summary possession as may be set forth in the complaint."

SECTION 2. This act shall take effect upon approval and shall apply to all summary possession proceedings now pending as well as to those commenced in the future.

INTRODUCED BY:

Senator, Third Senatorial District

S. B. No. 216
S. D. 1

A N A C T

TO AMEND SECTION 10406 OF THE REVISED LAWS OF HAWAII 1945,

RELATING TO JOINDER OF CAUSES OF ACTION IN SUMMARY

POSSESSION PROCEEDINGS.

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

SECTION 1. Section 10406 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 10406. Joinder of other causes of action. In any action for summary possession begun under the provisions of this chapter, the plaintiff may (join) bring actions for rent, lodging, board, profits, damages and waste, where these arise out of and refer to the land or premises, the possession of which is sought, and such joinder may be made irrespective of the amount claimed.

In any such action, whether the ground or cause be non-payment of rent or otherwise, the plaintiff may join in such action a prayer for accrued rent due, if any, and also for rent,

profits and damages up to the time of judgment, if such be rendered in his favor, without prejudice to such action or ground for summary possession as may be set forth in the complaint."

SECTION 2. This Act shall take effect upon approval and shall apply to all summary possession proceedings now pending as well as to those commenced in the future.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 2, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate.

Ellen D Smythe

Clerk of the Senate.

S. B. No. 216
S. D. 1
H. D. 1

A N A C T

TO AMEND SECTION 10406 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO JOINDER OF CAUSES OF ACTION IN SUMMARY POSSESSION PROCEEDINGS.

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

SECTION 1. Section 10406 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 10406. Joinder of other causes of action. In any action for summary possession begun under the provisions of this chapter, the plaintiff may join actions for rent, lodging, board, profits, damages and waste, where these arise out of and refer to the land or premises, the possession of which is sought, and such joinder may be made irrespective of the amount claimed.

In any such action, whether the ground or cause be non-payment of rent or otherwise, the plaintiff may join in such action a prayer for accrued rent due, if any, and also for rent, profits and damages up to

the time of judgment, if such be rendered in his favor, without prejudice to such action or ground for summary possession as may be set forth in the complaint."

SECTION 2. This Act shall take effect upon approval and shall apply to all summary possession proceedings now pending as well as to those commenced in the future.

THE HOUSE OF REPRESENTATIVES OF THE

TERRITORY OF HAWAII

Honolulu, T. H., May 1, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M. K. Paschoal
Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 217

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 12540 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO SALE OF REAL PROPERTY BY GUARDIANS.

Introduced March 19, 1945, by Senator WM.H.HEEN

First Reading in Senate March 19, 1945
Referred to Printing Committee " " "
Second Reading in Senate March 20, 1945
Referred to Committee on Judiciary
Third Reading in Senate April 2, 1945

First Reading in House April 2, 1945
Referred to
Second Reading in House April 3, 1945
Referred to Judiciary Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Engrossed
5/7/45

S. B. NO. 217
SD 1

AN ACT

TO AMEND SECTION 12540 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO SALE OF REAL PROPERTY BY GUARDIANS.

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

SECTION 1. Section 12540 of the Revised Laws of Hawaii 1945 is hereby amended by striking out the words "one thousand dollars" in the first and fourth lines thereof and substituting therefor the words "five thousand dollars".

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

INTRODUCED BY:

Senator, Third Senatorial District

3/19
3/22
3/29

S.B.No. 217
S.D. 1

A N A C T

TO AMEND SECTION 12540 OF THE REVISED LAWS OF HAWAII 1945,

RELATING TO SALE OF REAL PROPERTY BY GUARDIANS.

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

SECTION 1. Section 12540 of the Revised Laws of Hawaii 1945 is hereby amended by striking out the words "one thousand dollars" in the first and fourth lines thereof and substituting therefor the words "two thousand five hundred dollars".

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu,T.H., April 2, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E L Capellas

President of the Senate

Ellen D'Smythe

Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H.,May 1, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M G Paschoal

Speaker, House of Representatives.

Clerk, House of Representatives.

1945 Senate Bill No. 218

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO THE SERVICE OF PROCESS IN SUMMARY POSSESSION PROCEEDINGS AND AMENDING PARAGRAPH 3 OF SECTION 10407 OF THE REVISED LAWS OF HAWAII 1945.

Introduced March 19, 1945, by
Senator WM. H. HEEN

First Reading in Senate March 19, 1945
Referred to Printing Committee March 19, 1945
Second Reading in Senate March 20, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

S. B. NO. 218

AN ACT

RELATING TO THE SERVICE OF PROCESS IN SUMMARY POSSESSION PROCEEDINGS AND AMENDING PARAGRAPH 3 of SECTION 10407 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Paragraph 3 of Section 10407 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"3. In any case, service upon any defendant may be made according to the special order of the district magistrate, which order shall include a direction to the officer authorized to make service to leave a true and attested copy of the complaint and summons with some adult member of the household or family of the defendant, or some agent, manager, overseer, luna, or other employee of mature years of the defendant, provided that the adult member of the household or family or the agent, manager, overseer, luna, or other employee can be found upon the premises, or, if not upon the premises, then elsewhere within the district. Such order shall further include a direction to such officer to affix in a conspicuous place upon the premises (as upon the wall of any store, shop, dwelling or other building thereon, and if there be no such building, then upon some other permanent object thereon, as a tree or fence) a true and attested copy of the complaint and summons. No trial shall be had, except by consent of all the defendants, until ten days after copies shall have been delivered or affixed, as in this paragraph provided."

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

INTRODUCED BY

Senator, Third Senatorial District

3/19

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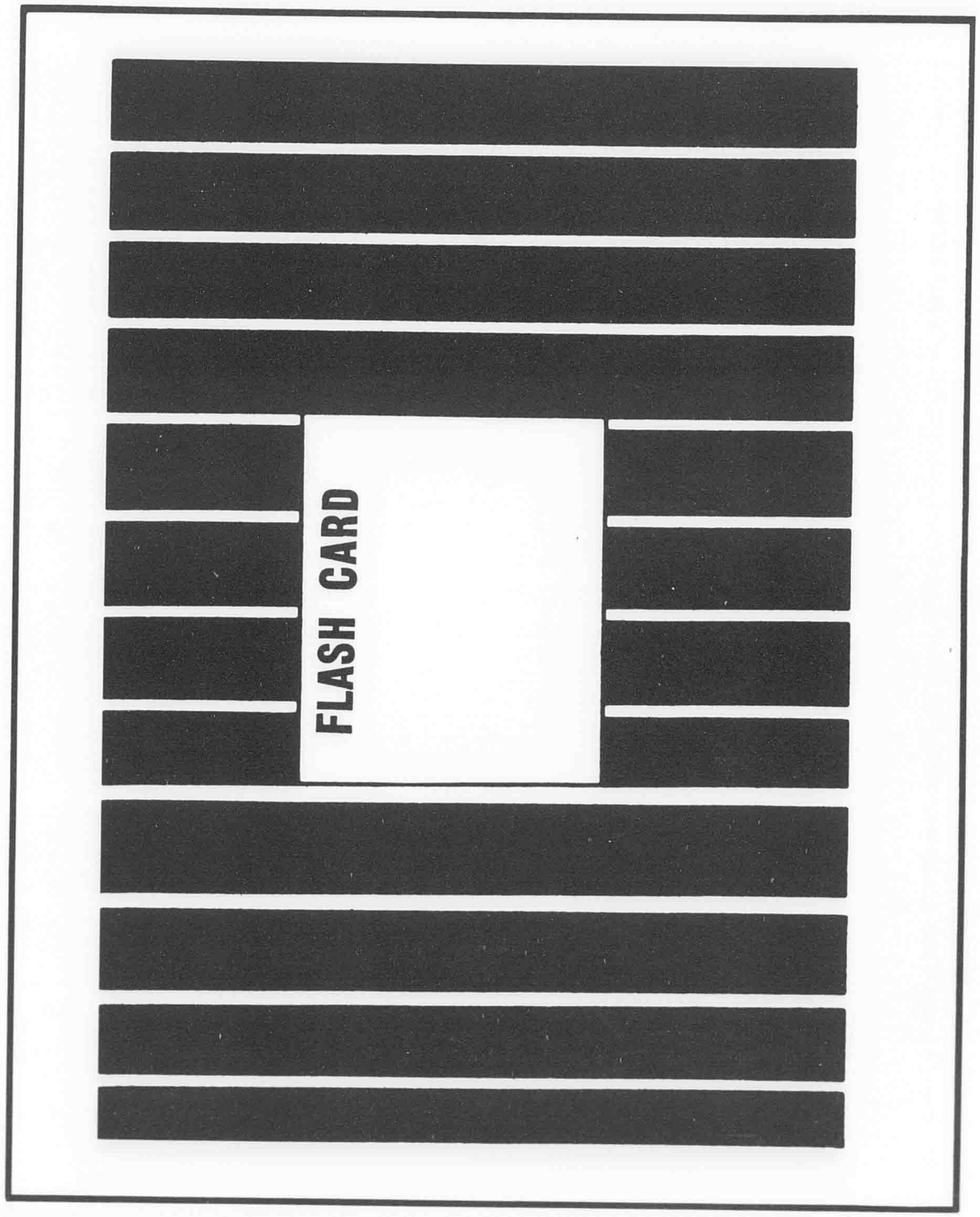

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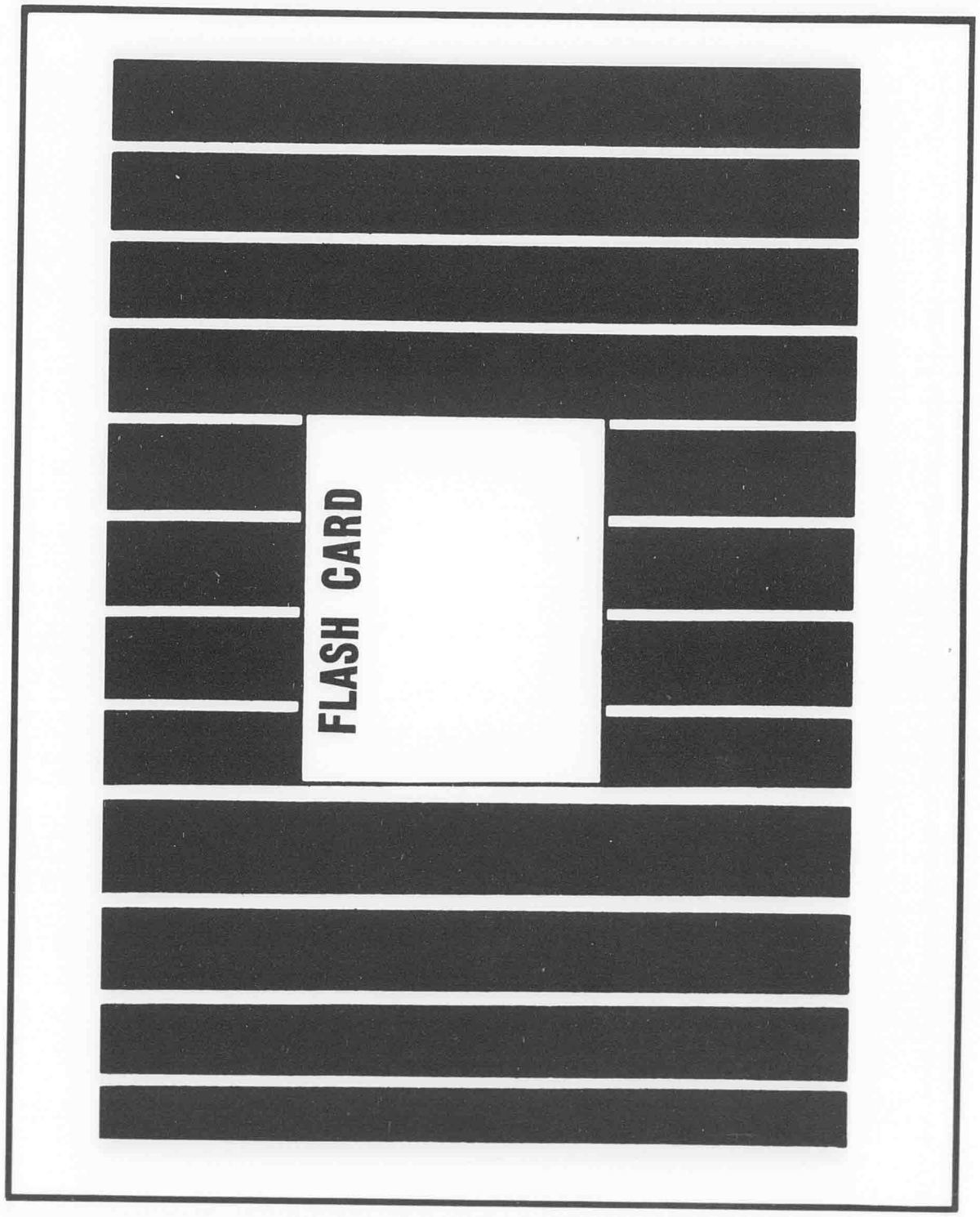

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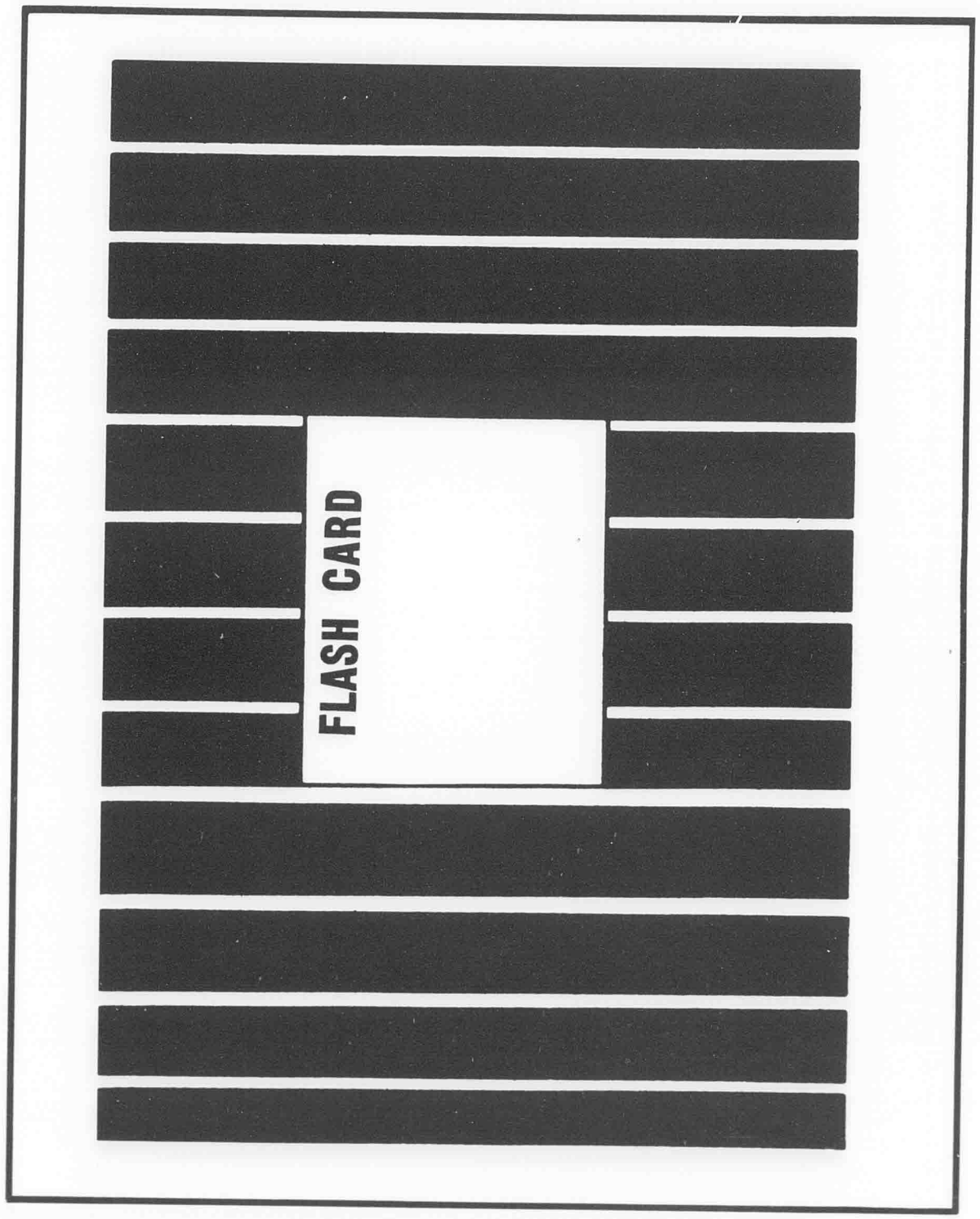

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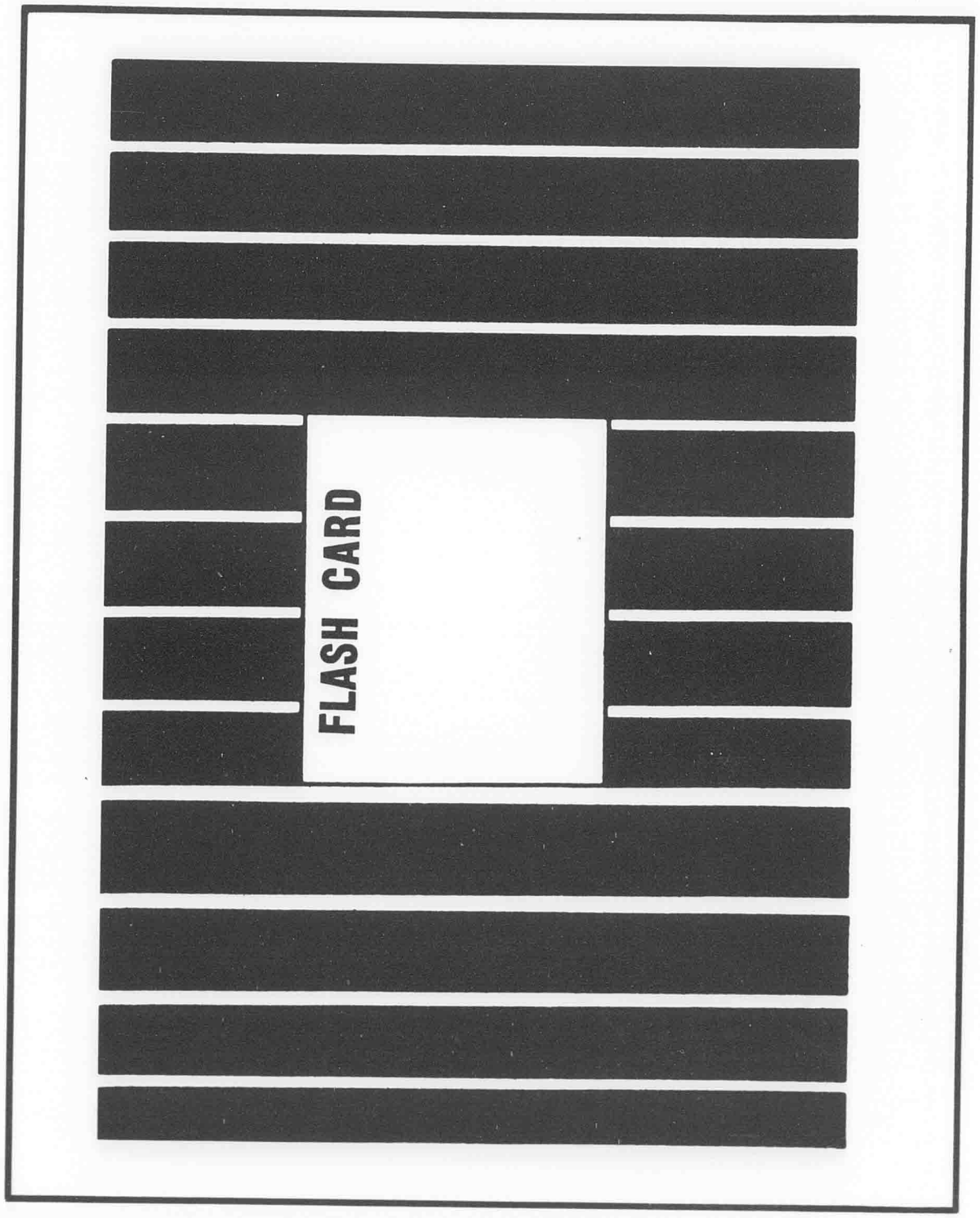

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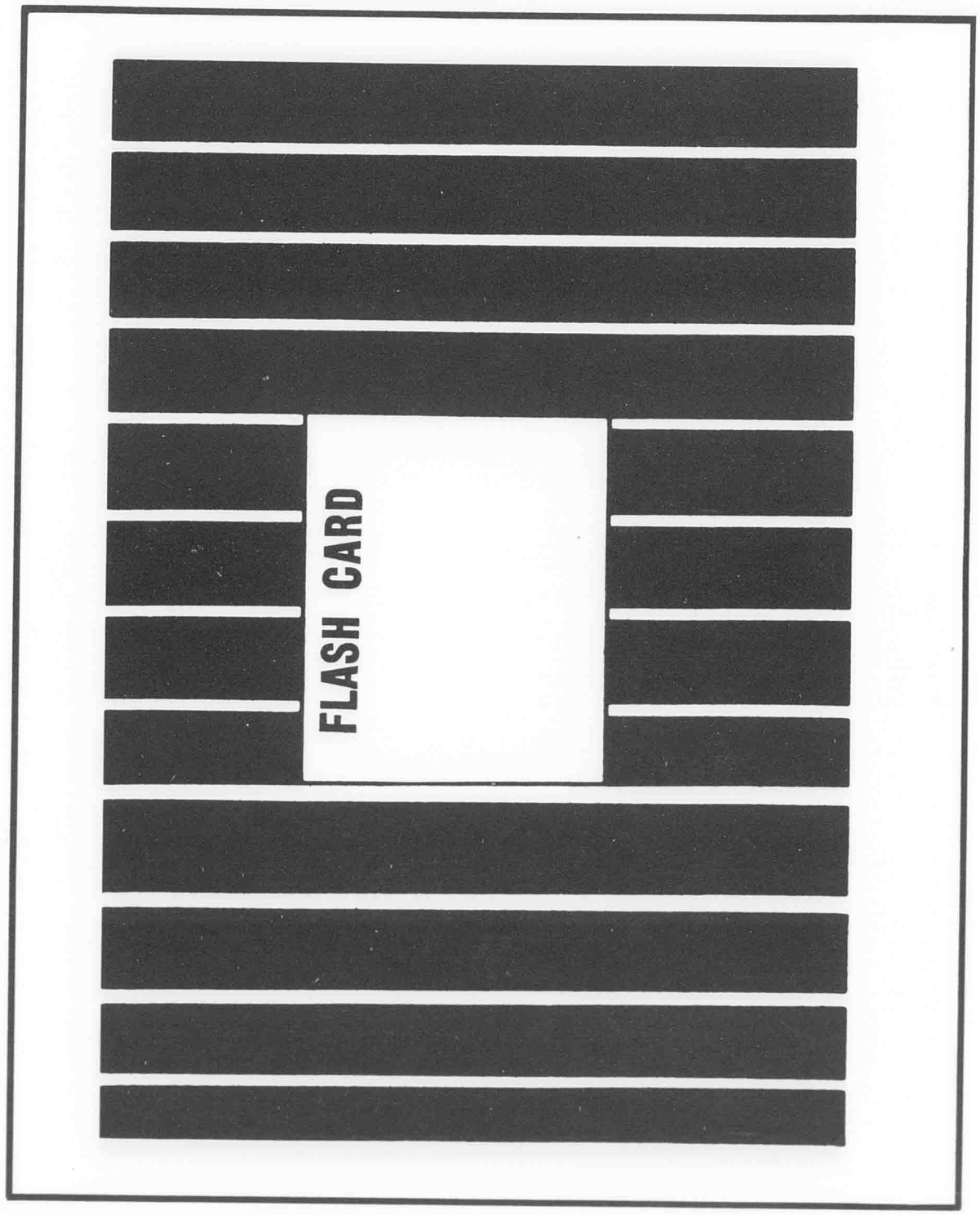

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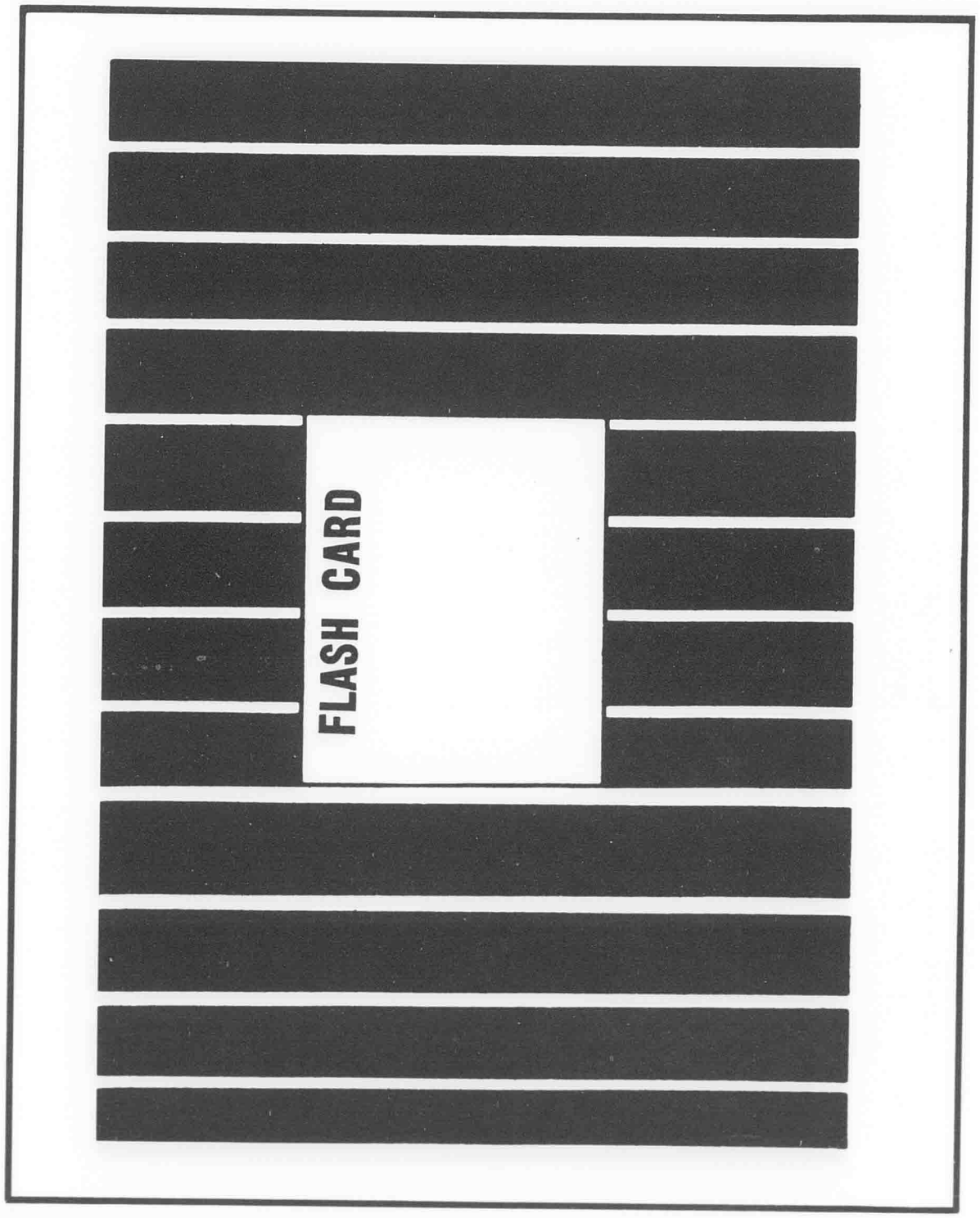

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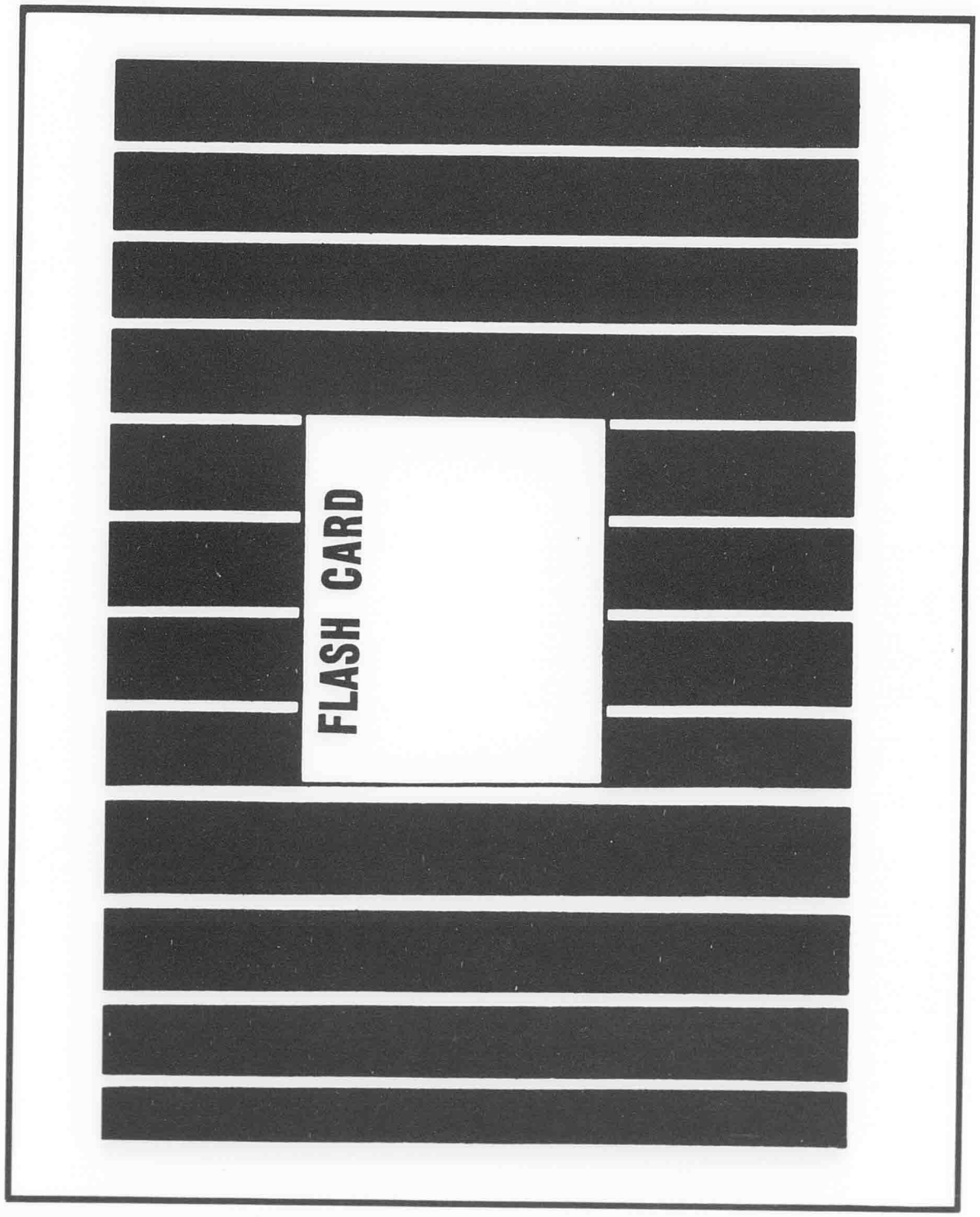

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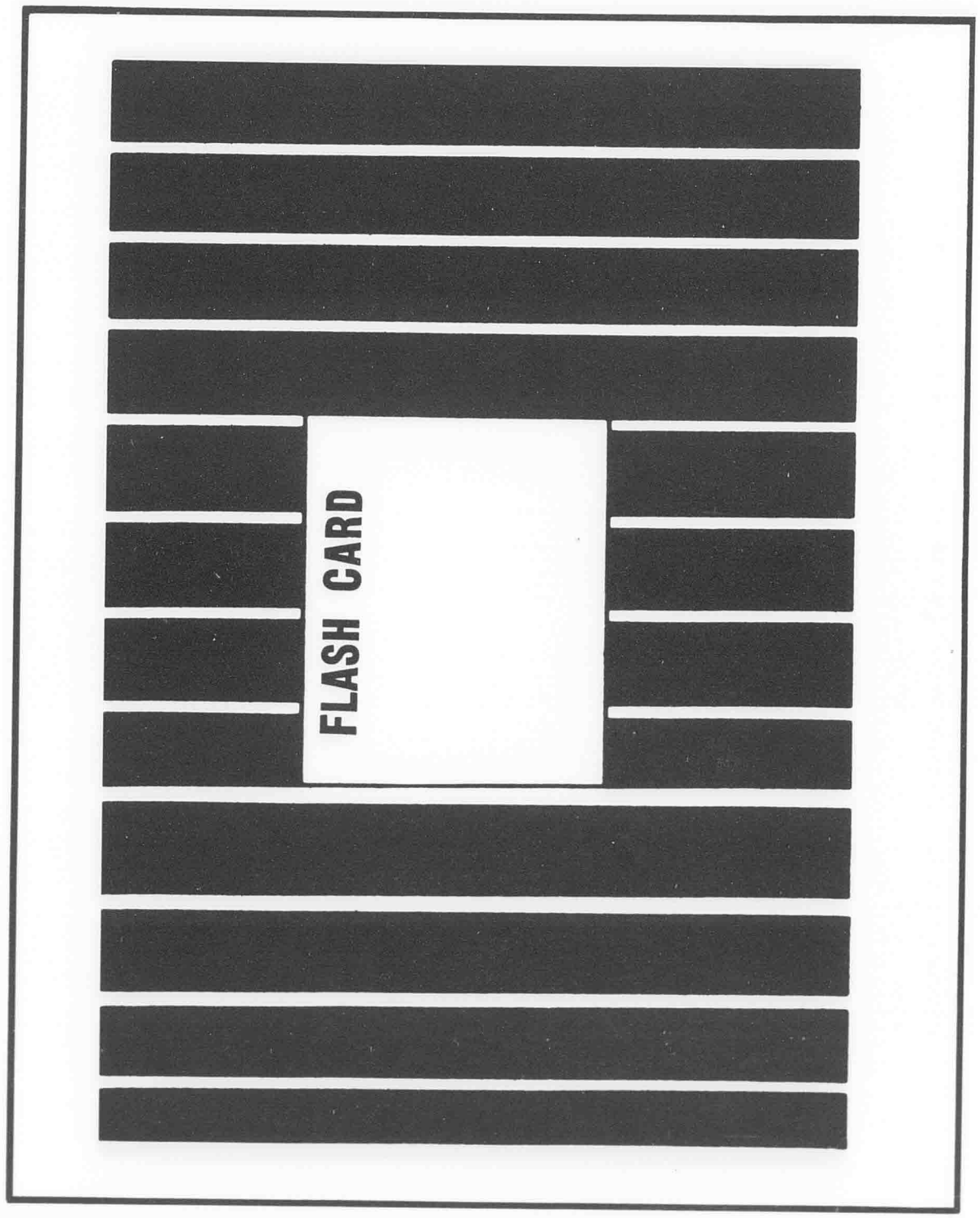

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1945

Senate Bill No. 219.

Engross.

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND ACT 191 OF THE SESSION LAWS OF HAWAII 1943, BY AMENDING THE APPROPRIATION FOR THE DEPARTMENT OF THE SECRETARY OF HAWAII FOR PUBLICATION OF THE SESSION LAWS OF HAWAII.

Introduced March 19, 1945, by
Senator WM.H.HEEN

First Reading in Senate March 19, 1945
Referred to Printing Committee " " "
Second Reading in Senate March 20, 1945
Referred to Committee on Ways & Means
Third Reading in Senate April 6, 1945

First Reading in House April 6, 1945
Referred to
Second Reading in House April 9, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Engrossed
4/20/45
EDH

S. B. NO. 219

AN ACT

TO AMEND ACT 191 OF THE SESSION LAWS OF HAWAII 1943, BY AMENDING THE APPROPRIATION FOR THE DEPARTMENT OF THE SECRETARY OF HAWAII FOR PUBLICATION OF THE SESSION LAWS OF HAWAII.

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

SECTION 1. Section 1 of Act 191 of the Session Laws of Hawaii 1943 is hereby amended by amending the fourth sub-paragraph under the paragraph heading "Department of Secretary of Hawaii", being the last paragraph on Page 279 of the published volume of said session laws, to read as follows:

"Publication Session Laws of Hawaii $31,000.00

A. Personal Services $6,000.00

B. Other Current Expenses . . 25,000.00"

SECTION 2. The increase of appropriation effected by this Act shall be immediately available for expenditure by the Secretary of Hawaii as though existing in the original Act and, any other provision of law to the contrary notwithstanding, shall, together with the sums originally appropriated by said Act, continue to be available for expenditure until completion of the promulgation and printing of the laws enacted by the Twenty-Third Legislature by the Secretary of Hawaii pursuant to the provisions of Section 2 of the Revised Laws of Hawaii 1945.

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

INTRODUCED BY:

Senator, Third Senatorial District

S.B.No. 219

A N A C T

TO AMEND ACT 191 OF THE SESSION LAWS OF HAWAII 1943, BY AMENDING THE APPROPRIATION FOR THE DEPARTMENT OF THE SECRETARY OF HAWAII FOR PUBLICATION OF THE SESSION LAWS OF HAWAII.

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

SECTION 1. Section 1 of Act 191 of the Session Laws of Hawaii 1943 is hereby amended by amending the fourth subparagraph under the paragraph heading "Department of Secretary of Hawaii", being the last paragraph on page 279 of the published volume of said session laws, to read as follows:

"Publication Session Laws of Hawaii $31,000.00
A. Personal Services ... $6,000.00
B. Other Current
Expenses ..... 25,000.00".

SECTION 2. The increase of appropriation effected by this Act shall be immediately available for expenditure by

the secretary of Hawaii as though existing in the original Act and, any other provision of law to the contrary notwithstanding, shall, together with the sums originally appropriated by said Act, continue to be available for expenditure until completion of the promulgation and printing of the laws enacted by the Twenty-Third Legislature by the secretary of Hawaii pursuant to the provisions of section 2 of the Revised Laws of Hawaii 1945.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 6, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E D Capellas

President of the Senate

Ellen D Smyth

Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 20, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M G Pascual

Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 220

The Legislature
of the
Territory of Hawaii

AN ACT

AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE COUNTY OF KAUAI TO PAY MRS. MARY G. CALDEIRA A PENSION.

Introduced	March 19, 1945 , XXX, by
Senators	CLEM GOMES JOHN B. FERNANDES

First Reading in Senate	March 19, 1945
Referred to Printing Committee	March 19, 1945
Second Reading in Senate	March 20, 1945
Referred to	
Third Reading in Senate	

First Reading in House	
Referred to	
Second Reading in House	
Referred to	
Third Reading in House	

ELLEN D. SMYTHE
Clerk of the Senate.

S. B. NO. 220

A N A C T

AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE COUNTY OF KAUAI TO PAY MRS. MARY G. CALDEIRA A PENSION.

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

SECTION 1. The Board of Supervisors of the County of Kauai is hereby authorized and directed to pay a pension to Mrs. Mary G. Caldeira during the remainder of her natural life, subject to the provisions of Chapter 14 of the Revised Laws of Hawaii 1945, in the sum of Fifty ($50.00) Dollars per month.

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

Honolulu, T.H.
March 19, 1945.

Introduced by:
Theo. Sears
John B. Fernandez
Senators, 4th. Senatorial District.

3/19

1945

Senate Bill No. 221

The Legislature
of the
Territory of Hawaii

AN ACT

TO PROVIDE FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A CANNERY ON THE ISLAND OF MOLOKAI FOR THE BENEFIT OF HAWAIIAN HOMES COMMISSION HOMESTEADERS, AND MAKING AN APPROPRIATION THEREFOR.

Introduced March 19, 1945, by Senator C. A. CROZIER

First Reading in Senate March 19, 1945
Referred to Printing Committee March 19, 1945
Second Reading in Senate March 20, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

A N A C T SB. 221

TO PROVIDE FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A CANNERY ON THE ISLAND OF MOLOKAI FOR THE BENEFIT OF HAWAIIAN HOMES COMMISSION HOMESTEADERS, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. The sum of twelve thousand dollars ($12,000.00) is hereby appropriated out of the general revenues of the Territory for the construction, equipment and improvement of a canning factory upon Hawaiian Homes Commission land, at a suitable site to be selected by the Hawaiian Homes Commission, on the Island of Molokai, for the purchase of a stock of cans, covers, fuel, and other supplies therefor, for miscellaneous incidentals and expenses, and for the operation thereof including salaries of chief engineer and one assistant to such engineer for such cannery. Said sum shall be expended by the Hawaiian Homes Commission, and the cannery shall be operated, maintained and controlled by said Commission, subject to the provisions of this Act.

SECTION 2. Before commencing construction of said cannery said Commission shall investigate the feasibility of such project and determine whether or not such cannery, when completed and after operation for a reasonable time, not exceeding one year, or in any event after the exhaustion of the appropriation hereby made, will be self-supporting, and if such project appears feasible after such investigation, said Commission shall further, before commencing such construction, secure the written agreement of a sufficient number of its lessees or homesteaders to use said cannery pursuant to this Act and to furnish sufficient business for said cannery or otherwise assure sufficient funds from time to time after completion of said cannery, to insure in the judgment of the Commission, that such project will be self-

supporting after the exhaustion of said appropriation.

SECTION 3. Said cannery shall be operated by one chief engineer, at a salary not to exceed two hundred and fifty dollars ($250.00) per month, and one assistant, at a salary not to exceed two hundred dollars ($200.00) per month, appointed by said Commission. The Commission shall have power to make regulations governing the use of said cannery by its lessees or homesteaders. Any additional assistants required by said chief engineer and assistant shall be furnished by the homesteader or homesteaders using said cannery for the time being without charge to said cannery. All salaries and expenses for the operation and maintenance of said cannery shall be paid out of the balance remaining, after construction and equipment of said cannery, of the appropriation hereby made until its exhaustion, or until said cannery is self-supporting from revenues furnished from its operation. Should said cannery become self-supporting prior to the exhaustion of said appropriation, such fact shall be forthwith certified by said Commission to the auditor and treasurer of the Territory and the unexpended and unencumbered balance of said appropriation shall thereupon be lapsed into the general fund of the Territory.

SECTION 4. Any lessee or homesteader of the Hawaiian Homes Commission shall be entitled, pursuant to the regulations made by said Commission, to have any foodstuffs which he desires to preserve for home consumption canned at said cannery, paying to said cannery such consideration therefor as shall be determined by or pursuant to such regulations. Said Commission shall

from time to time make, alter or amend, regulations fixing prices and other charges to be paid by such homesteaders for the canning of their various foodstuffs by said cannery, such prices to be so fixed that the income to said cannery shall be sufficient, in the judgment of said Commission, to render said cannery self-supporting. No such foodstuffs shall be canned at said cannery for sale or other commercial purposes. All moneys received from the operation of said cannery shall be paid into a special account, and shall be administered and expended by said Commission only for the repair, reconstruction, improvement, equipment, operation and maintenance of said cannery, including the salaries of said chief engineer and his assistant, cans, covers, fuel and other supplies, and any other incidental expenses for said cannery.

SECTION 5. This act shall take effect upon its approval.

INTRODUCED BY:

Clarence A. Crozier
Senator, Second District.

3/19
&
3/27

1945 Senate Bill No. 222

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 4719 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE ISSUANCE BY THE PUBLIC UTILITIES COMMISSION OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY.

Introduced March 19, 1945, by
Senator THELMA M. AKANA

First Reading in Senate March 19, 1945
Referred to Printing Committee March 19, 1945
Second Reading in Senate March 20, 1945
Referred to COMMITTEE ON JUDICIARY
Third Reading in Senate April 13, 1945

First Reading in House April 16, 1945
Referred to
Second Reading in House April 17, 1945
Referred to Judiciary Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Signed
4/7/45
GPH

S. B. NO. 722

AN ACT

TO AMEND SECTION 4719 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE ISSUANCE BY THE PUBLIC UTILITIES COMMISSION OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY.

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

SECTION 1. Section 4719 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 4719. Certificates of public convenience and necessity. It is declared unlawful for any common carrier operating upon and using the public highways to furnish such service without first obtaining from the commission a certificate declaring that public convenience and necessity require such operation and service. The commission shall have power and it shall be its duty after public hearing to issue such certificate as prayed for or to refuse to issue the same, or to issue it for the partial exercise only of the privilege sought and may attach to the exercise of the rights granted by such certificate such terms and conditions as in its judgment the public convenience and necessity may require; provided, however, that the business of any public utility which presents evidence of bona fide operation on February 15, 1933, shall be presumed to be necessary to public convenience and necessity. Each such certificate shall be issued for a term of eight (ten) years. The commission may at any time suspend, alter or amend any certificate issued, and after hearing for cause may revoke any such certificate. Said common carriers shall operate and furnish service in strict conformity with the current existing terms and provisions of their respective certificates of convenience and necessity, except in cases of emergency to be defined by rules laid down by the commission."

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

INTRODUCED BY

Thelma H. Akana

Senator, Third Senatorial District

March 19, 1945

S. B. No. 222
S. D. 1

A N A C T

TO AMEND SECTION 4719 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE ISSUANCE BY THE PUBLIC UTILITIES COMMISSION OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY.

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

SECTION 1. Section 4719 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 4719. Certificates of public convenience and necessity. It is declared unlawful for any common carrier operating upon and using the public highways to furnish such service without first obtaining from the commission a certificate declaring that public convenience and necessity require such operation and service. The commission shall have power and it shall be its duty after public hearing to issue such certificate as prayed for or to refuse to issue the same, or to issue it for the partial exercise only of the privilege sought and may attach to the exercise of the rights granted by such

certificate such terms and conditions as in its judgment the public convenience and necessity may require; provided, however, that the business of any public utility which presents evidence of bona fide operation on February 15, 1933, shall be presumed to be necessary to public convenience and necessity. Each such certificate shall be issued for a term of eight years. The commission may at any time suspend, alter or amend any certificate issued, and after hearing for cause may revoke any such certificate. Said common carriers shall operate and furnish service in strict conformity with the current existing terms and provisions of their respective certificates of convenience and necessity, except in cases of emergency to be defined by rules laid down by the commission."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 13, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate.

Ellen D Smythe

Clerk of the Senate.

S. B. NO. 222
S. D. 1
H. D. 1

A N A C T

TO AMEND SECTION 4719 OF THE REVISED LAWS OF HAWAII 1945,
RELATING TO THE ISSUANCE BY THE PUBLIC UTILITIES
COMMISSION OF CERTIFICATES OF PUBLIC CONVENIENCE
AND NECESSITY.

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

SECTION 1. Section 4719 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 4719. Certificates of public convenience and necessity. It is declared unlawful for any common carrier operating upon and using the public highways to furnish such service without first obtaining from the commission a certificate declaring that public convenience and necessity require such operation and service. The commission shall have power and it shall be its duty after public hearing to issue such certificate as prayed for or to refuse to issue the same, or to issue it for the partial exercise only of the privilege sought and may attach to the exercise of the rights granted by such certificate such terms and conditions as in its

Approved
5/4/45
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judgment the public convenience and necessity may require; provided, however, that the business of any public utility which presents evidence of bona fide operation on February 15, 1933, shall be presumed to be necessary to public convenience and necessity. No such certificate shall be issued for a term of ~~not~~ more than eight years. The commission may at any time suspend, alter or amend any certificate issued, and after hearing for cause may revoke any such certificate. Said common carriers shall operate and furnish service in strict conformity with the current existing terms and provisions of their respective certificates of convenience and necessity, except in cases of emergency to be defined by rules laid down by the commission."

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

5/5/8

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 30, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M K Paschoal
Speaker, House of Representatives.

Clerk, House of Representatives.

1945 Senate Bill No. 223

The Legislature
of the
Territory of Hawaii

AN ACT

PROVIDING FOR THE COORDINATION OF ALL TUBERCULOSIS CONTROL ACTIVITIES IN THE TERRITORY UNDER THE BOARD OF HEALTH, FOR CONDUCTING SUCH ACTIVITIES, INCLUDING CARE AND TREATMENT OF PATIENTS AT PUBLIC EXPENSE, AMENDING CHAPTERS 42, 85, 124, 125, 126 AND 127 OF THE REVISED LAWS OF HAWAII 1945 TO CONFORM TO SUCH COORDINATED PROGRAMS, AND AMENDING ALL OTHER LAWS INCONSISTENT WITH THIS ACT TO CONFORM THERETO.

Introduced March 19, 1945, 1941, by
Senators THELMA M. AKANA and JOHN B. FERNANDES

First Reading in Senate March 19, 1945
Referred to Printing Committee March 19, 1945
Second Reading in Senate March 20, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

Heath

SB
223

AN ACT

PROVIDING FOR THE COORDINATION OF ALL TUBERCULOSIS CONTROL ACTIVITIES IN THE TERRITORY UNDER THE BOARD OF HEALTH, FOR CONDUCTING SUCH ACTIVITIES, INCLUDING CARE AND TREATMENT OF PATIENTS AT PUBLIC EXPENSE, AMENDING CHAPTERS 42, 85, 124, 125, 126 AND 127 OF THE REVISED LAWS OF HAWAII 1945 TO CONFORM TO SUCH COORDINATED PROGRAM, AND AMENDING ALL OTHER LAWS INCONSISTENT WITH THIS ACT TO CONFORM THERETO.

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

SECTION 1. Chapter 42 of the Revised Laws of Hawaii 1945 is hereby amended:

1. By amending section 2307 thereof to read as follows:

"Sec. 2307. Removal and quarantine. When any person shall be infected or suspected of being infected with any infectious, communicable or other disease dangerous to the public health, the board or its agent, may, for the safety of the public, remove such sick or infected person to a separate house or hospital, and provide him with medical care and other necessaries, which, except as otherwise provided by law, shall be at the expense of the person himself, his parents or guardian, if able to meet such expense, otherwise at the expense of the county in which the person is ill or infected. The board of supervisors of any such

county is hereby authorized and directed to pay such expenses upon certification by the board of health or its agent (a) that a person has been so removed and that expense has been incurred under this section, and (b) that such expense is not required by law to be paid out of any other appropriation or that moneys available in such other appropriation are insufficient for such purpose."

2. By adding thereto a new subtitle and new sections to be numbered and to read as follows:

"COORDINATION OF TUBERCULOSIS CONTROL ACTIVITIES

"Sec. 2330.01. Definitions. As used in this subtitle, unless the context otherwise indicates, the following terms shall have the following respective meanings:

'Board': The board of health of the Territory;

'Managing committee': The managing committee of the Kula Sanitarium, Puumaile Hospital, or Samuel Mahelona Hospital;

'Trustee': The trustees of Leahi Hospital;

'Tuberculosis control': Any activities relating to the control and eradication of tuberculosis, including educational activities, treatment and care of persons afflicted or suspected of being afflicted with tuberculosis, and rehabilitative activities for persons recovered or recovering from tuberculosis;

'Medical director': The head physician or physician in charge of the Puumaile Home, the Kula Sanitarium, the Samuel Mahelona Hospital, or the Leahi Hospital;

'Tuberculosis sanitoria' or 'Sanitorium': The four institutions mentioned in the preceding paragraph, or one of them."

"Sec. 2330.02. Board to administer program. In order to coordinate and strengthen the program for control of tuberculosis in the Territory, the board is hereby authorized and directed to administer and coordinate all tuberculosis control activities throughout the Territory and to carry out the provisions of this subtitle. The board may enter into contracts and other arrangements with any individuals, agencies and institutions, whether governmental, charitable or private, which are engaged in tuberculosis control, in so far as may appear to the board to be necessary or desirable, for the more effective control of tuberculosis in the Territory, and to such extent as may be permitted by funds available for such purpose."

" Sec. 2330.03. Funds for tuberculosis control; treasurer custodian; board to receive, allocate, etc. The treasurer of the Territory is hereby designated as the custodian of all funds received as the territorial apportionment under the provisions of any federal appropriations for tuberculosis control and he is authorized and directed to disburse said funds, pursuant to the requirements, restrictions and regulations of the federal acts under which such funds may be provided, and instructions, rules and requirements of the board, on vouchers approved by the president of

the board or other disbursing officer authorized by the board. The board is hereby designated as the administrative agency to administer such funds as may be allotted to the Territory under the provisions of federal legislation for tuberculosis control.

The board is authorized and empowered to receive, allocate, use and expend, as may be appropriate, in behalf of the Territory, any and all funds, whether derived from the federal government or under territorial appropriations, or otherwise, which may be received, made available, or owned by the Territory, for the purpose of tuberculosis control.

The board is authorized and directed to organize and conduct a unified program for tuberculosis control throughout the Territory and to make and establish general rules and policies for the activities to be conducted in connection with such program; and all public and private agencies receiving funds for any such activities from or through the Territory shall be required to conform to such uniform rules and policies as a condition to the receipt of such funds."

"Sec. 2330.04. Securing of federal funds. The board and the treasurer and governor of the Territory are authorized to take such steps and perform such acts as may be necessary or proper in order to secure any federal funds for the purposes specified in this subtitle.

"Sec. 2330.05. Tuberculosis administrator. The president of the board, with the approval of the board, is authorized and directed to appoint and remove, a tuberculosis administrator who shall be a person having expert knowledge of tuberculosis and its control and expert ability to administer and coordinate a Territory-wide tuberculosis control program. The tuberculosis administrator shall be the head of the bureau of tuberculosis of the board and shall, pursuant to instructions from the president of the board, enforce the laws of the Territory and the rules and policies of the board relative to tuberculosis control and in so doing shall advise, assist, and consult with the directors of the tuberculosis sanitoria make such investigations and reports as may be necessary to insure compliance with the tuberculosis control program of the board.

"Sec. 2330.06. Advisory committee. The tuberculosis administrator shall, together with the medical directors of the four tuberculosis sanitoria, constitute an advisory committee which shall meet from time to time at the call of the tuberculosis administrator and shall formulate and propose to the board policies, methods and rules for the more effective control of tuberculosis in the Territory, and prepare and submit budgets for the expenditure of funds available to, or under the control of, the board for tuberculosis control. The expenses of such committee shall be paid out of the appropriations for the board for tuberculosis control.

"Sec. 2330.07. Management and control of tuberculosis sanitoria. The actual management and control of the four tuberculosis sanitoria shall remain in the managing board or trustees and medical director of each such sanitorium, who shall, however, be required to conform to such general rules and policies as shall be established by the board, after recommendation by, or consultation with, the advisory committee mentioned in the preceding section. In the event of any refusal or failure of any such sanitorium to conform to such general rules and policies, and if upon notice thereof by the board to such sanitorium such non-conformance shall not be remedied, the board may withhold all or any portions of funds otherwise allocable to such sanitorium until such conformity is assured. No such withholding of funds, however, shall be made unless written notice of intention to take such action shall have been given to the medical director and managing board or trustees of such sanitorium and a hearing shall have been had by the board thereon, of which hearing all interested parties shall have been afforded reasonable notice and an opportunity to be heard fully upon the matters involved.

Sec. 2330.07. Treatment at public expense; payable out of what funds. No means test and no payment (other than voluntary payments) or charge of any kind shall be required by the board or by any of the tuberculosis sanitoria of or from any person for any test, diagnosis, examination, medicine, care or treatment for tuberculosis. All expenses for such purposes shall be payable out of funds appropriated for tuberculosis control, or out of funds available for expenditure by the department of public welfare under section 4828, or both.

Sec. 2330.08. Allocation of appropriations. All funds appropriated by the legislature for tuberculosis control, whether specifically appropriated for any of the tuberculosis sanitoria, or otherwise, shall be deposited with the treasurer of the Territory and shall be subject to allocation by the board to or among said sanitoria or other agencies engaged in tuberculosis control, in conformity with this subtitle and other applicable laws, in such manner as the board shall find necessary or appropriate for the more effective administration of the tuberculosis control program.

The board may require that the medical director or each tuberculosis sanitorium be allowed out of funds allocated to such hospital the sum of not more than one thousand dollars per month for a petty cash fund for expenditure by him or under his direction upon vouchers signed by him for tuberculosis control purposes at such sanitorium."

SECTION 2. Chapter 85 of said Revised Laws is hereby amended by amending section 4828 thereof to read as follows:

"Sec. 4828. Medical and dental care; hospitalization; burial of indigent dead. The department is authorized to

furnish or pay the cost of medical care (which term, as used in this section, shall include, in addition to all other kinds of medical care, surgical care, maternity care and eye care, including optical appliances, as well as materials, supplies and other appliances used in the care, treatment and rehabilitation, whether for self-support or otherwise, of patients), hospitalization, and dental care (including supplies, materials and appliances) to such needy persons, including the aged, blind, dependent children, and any others, who for any reason satisfactory to the department are unable to procure or provide sufficient medical care for themselves, and also to pay or assist in the payment of the cost of the care and treatment of persons afflicted or suspected of being afflicted with tuberculosis as provided in section 2330.07. The department is also authorized to bear the cost of the burial of indigent persons up to, butnot exceeding the sum of fifty dollars. The appropriation of funds under any other territorial or federal law for the purposes set forth in this section, or for similar purposes, shall not be deemed to prevent or prohibit the expenditure under this section of additional sums of money for the purposes set forth in this section to prevent the expenditure by the department for the purposes set forth in this section, of federal funds made available to the Territory or the department for such purposes."

SECTION 3. Chapter 124 of said Revised Laws is hereby amended:

1. By amending section 6381 thereof to read as follows:

"Sec. 6381. Support of hospitals, tax rate. The board is authorized and directed to appropriate annually the sum of at least $80,000.00, to be held in a special fund for the use and expenditure, by and under the direction of the board of supervisors, with other monies made available therefor by the board and by the legislature, for the permanent improvement, maintenance and equipment of the county hospitals other than Puumaile Home. The board may also appropriate such additional funds as it deems proper, in addition to any other monies, territorial or otherwise, available for the same purpose, for the permanent improvement, maintenance and equipment of Puumaile Home. In the first month of each quarter of each year, the managing committee of Puumaile Home shall submit to said board of supervisors and to the board of health of the Territory a budget of the estimated requirements for the current quarter for said Puumaile Home and upon such submission the board of health shall, and the board of supervisors may, allocate or appropriate for such purposes such amounts as may appear appropriate out of available funds. The amounts herein required to be appropriated by the board of supervisors each year, or so much thereof as may be necessary, shall, and estimated amounts proposed to be appropriated by said board under this section for such year may, be included in the tax

rate for real property taxes for such year in the county. All income and revenues received on account of the operation of Puumaile Home shall together with any territorial or other monies allotted or available for the same purposes, be placed in a special fund therefor in the treasury of said county, hereby created, and used only for the maintenance, support, equipment and improvement of said home."

2. By amending section 6382 thereof by amending the last two sentences of the first paragraph, and the second and third paragraphs of said section to read as follows:

"The committee shall have the full management and control of Puumaile Home, the improvements thereto and the maintenance and equipment thereof, and the full control of the expenditure of all monies allotted or made available by law or otherwise for the improvement, maintenance and equipment of Puumaile Home, subject however, to the general rules and policies for a uniform tuberculosis control program in the Territory, promulgated and determined from time to time by the board of health. The committee shall make regular reports, as required by the board of supervisors, or the board of health, as to the conduct, management and condition of Puumaile Home.

"The committee may employ, and except as otherwise provided by law, shall fix and pay the salaries and wages of, doctors, nurses and other employees as it may deem necessary for the conduct of said home.

"All monies made available for the use of the committee for said home shall be placed in the special fund for said

home created by this subtitle, and shall be paid out on warrants drawn by the auditor of the county, upon claims and vouchers duly examined, approved and directed to be paid by the committee, except as otherwise required pursuant to the last paragraph of section 2330.08."

SECTION 4. Chapter 125 of said Revised Laws is hereby amended:

1. By amending section 6416 thereof to read as follows:

"Sec. 6416. Appropriation, budget, etc. The board of supervisors of the county of Kauai is authorized to appropriate such county funds as it deems proper, in addition to any other monies, territorial or otherwise, available for the same purpose, for the permanent improvement, maintenance and equipment of the Samuel Mahelona Memorial Hospital. In the first month of each quarter of each year, the managing committee of said hospital shall submit to said board of supervisors and to the board of health of the Territory a budget of the estimated requirements for the current quarter for said hospital and upon such submission the board of health shall, and the board of supervisors may, allocate or appropriate for such purposes such amounts as may appear appropriate out of available funds. Estimated amounts proposed to be appropriated by the board of supervisors each year under this section, may be included in the tax rate for real property taxes for such year in the county. All income and revenues received on account of the operation of said hospital shall, together with any territorial or other monies alloted or available for the same purposes, be placed in a special fund therefor in the treasury of said county, hereby created, and used only for the maintenance, support, equipment and improvement of said home."

2. By adding thereto an additional section numbered 6416.01, to read as follows:

"Sec. 6416.01. Managing committee of hospital, duties. The chairman and executive officer of the board of supervisors of said county shall, with the approval of the board, appoint a board to be known as the 'managing committee of Samuel Mahelona Memorial Hospital', consisting of five members, to serve without pay, who shall hold office for a term of four years; provided, however, that on the first appointment of the managing committee two members shall be appointed for a term of four years and the remaining members for two years; that thereafter all appointments shall be for four years, and that any vacancy shall be filled for the remainder of the unexpired term. The managing committee shall select its own chairman from the members thereof and may establish rules and regulations for the conduct of its business and of the business of said hospital. The committee shall have the full management and control of said hospital, the improvements thereto and the maintenance and equipment thereof, and full control of the expenditure of all monies allotted or made available by law or otherwise for the improvement, maintenance and equipment of said hospital, subject, however, to the general rules and policies for a uniform tuberculosis control program in the Territory, promulgated and determined from time to time by the board of health. The committee shall make regular reports, as required by the board of supervisors, or the board of health, as to the conduct, management and condition of said hospital.

SECTION 5. Chapter 126 of said Revised Laws is hereby amended:

1. By amending section 6457 thereof to read as follows:

"Sec. 6457. Kula Sanitarium; appropriation, budget, etc. The board of supervisors of the county of Maui is authorized to appropriate such county funds as it deems proper, in addition to any other monies, territorial or otherwise, available for the same purpose, for the permanent improvement, maintenance and equipment of the Kula Sanitarium. In the first month of each quarter of each year, the managing committee of said sanitarium shall submit to said board of supervisors and to the board of health of the Territory a budget of the estimated requirements for the current quarter for said sanitarium and upon such submission the board of health shall, and the board of supervisors may, allocate or appropriate for such purposes such amounts as may appear appropriate out of available funds, estimated amounts proposed to be appropriated by the board of supervisors each year under this section, may be included in the tax rate for real property taxes for such year in the county. All income and revenues received on account of the operation of said sanitarium shall, together with any territorial or other monies allotted or available for the same purposes, be placed in a special fund therefor in the treasury of said county, hereby created, and used only for the maintenance, support, equipment and improvement of said sanitarium. The payment of interest on, and the retirement of, the

bonds authorized by Act 139 of the Session Laws of 1935, shall be a first charge on the funds provided for by this section."

2. By amending the last two sentences of the first paragraph, and the second and third paragraphs, of section 6458 of said section to read as follows:

"The committee shall have the full management and control of Kula Sanitarium, the improvements thereto and the maintenance and equipment thereof, including any preventorium now used in conjunction therewith, and the full control of the expenditure of all monies allotted or made available by law or otherwise for the improvement, maintenance and equipment of the sanitarium, subject however, to the general rules and policies for a uniform tuberculosis control program in the Territory, promulgated and determined from time to time by the board of health. The committee shall make regular reports, as required by the board of supervisors, or the board of health, as to the conduct, management and condition of the sanitarium.

The committee may employ, and except as otherwise provided by law shall fix and pay the salaries and wages of, doctors, nurses and other employees as it may deem necessary for the conduct of said sanitarium.

All monies made available for the use of the committee for said sanitarium shall be placed in the special fund for said sanitarium created by this subtitle, and shall be paid out on warrants drawn by the auditor of the county, upon claims and vouchers duly examined, approved and directed to be paid by the committee,

except as otherwise required pursuant to the last paragraph of section 2330.08.

The county attorney shall be and act as the legal adviser of the managing committee."

SECTION 6. Chapter 127 of said Revised Laws is hereby amended by amending section 6524 thereof to read as follows:

"Sec. 6524. Leahi Hospital; appropriation, management. The board of supervisors is authorized to set aside and appropriate such city and county funds as it deems proper, in addition to other monies, territorial or otherwise, available for the same purpose, for the permanent improvement, maintenance and equipment of the Leahi Hospital. In the first month of each quarter of each year, the board of trustees of the Leahi Hospital shall submit to the board of supervisors and to the board of health of the Territory a budget of the estimated requirements for the current quarter for said hospital, and upon such submission the board of health shall, and the board of supervisors may, allocate or appropriate for such purposes such amounts as may appear appropriate out of available funds, for the Leahi Hospital to receive any funds under this section, there must be at all times a member of the board of supervisors and the president of the board of health of the Territory on the board of trustees of the Leahi Hospital. Estimated amounts proposed to be appropriated by the board of supervisors each year under this section may be included in the tax rate for real property taxes for such year in the city and county. The board of supervisors is authorized to include said sum in the annual budget of the city and county.

All funds allocated or appropriated under this

section shall be placed in a special fund therefor in the treasury of the city and county, hereby created, and used only for the maintenance, support, equipment and improvement of said home."

SECTION 7. This Act shall take effect upon its approval.

INTRODUCED BY:

Thelma M. Akana

THELMA M. AKANA
SENATOR 3rd, THIRD District

John B Fernandes

JOHN B. FERNANDES
Senator, Fourth District.

March 19, 1945

3/19

1945 Senate Bill No. 224

The Legislature
of the
Territory of Hawaii

AN ACT

TO REQUIRE THE ENRICHMENT OF BREAD AND FLOUR BY THE ADDITION OF CERTAIN VITAMINS AND MINERALS AND TO PRESCRIBE THE METHODS OF ENRICHMENT; AND TO FIX PENALTIES FOR VIOLATION OF THE SAME.

Introduced March 19, 1945, by
Senator THELMA M. AKANA

First Reading in Senate March 19, 1945
Referred to Printing Committee March 19, 1945
Second Reading in Senate March 20, 1945
Referred to COM. ON PUBLIC HEALTH
Third Reading in Senate April 20, 1945

First Reading in House April 20,1945
Referred to
Second Reading in House April 21, 1945
Referred to Health Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Engrossed 4/17/45

SB. 224

A N A C T

TO REQUIRE THE ENRICHMENT OF BREAD AND FLOUR BY THE ADDITION OF CERTAIN VITAMINS AND MINERALS AND TO PRESCRIBE THE METHODS OF ENRICHMENT; AND TO FIX PENALTIES FOR VIOLATION OF THE SAME.

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

WHEREAS there exists a widespread deficiency of certain ingredients in foods necessary to the health and well-being of the people, it is necessary and advisable to protect so far as may be possible the health of the people of this Territory against such deficiency by providing for the addition of such necessary ingredients, normally present in wheat, to certain kinds of flour and bread. In the accomplishment of such purposes, it is necessary and advisable to promote uniformity in the laws applicable to both interstate and intrastate sales of such foods, and to that end to conform to the definitions and standards of identity and the labeling requirements for such foods now or hereafter promulgated by federal authorities pursuant to the provisions of the Federal Food, Drug and Cosmetic Act.

SECTION 1. When used in this Act, unless the context otherwise requires:

(a) The term "flour" includes and shall be limited to the foods defined as (1) flour, white flour, wheat flour, plain flour, (2) bromated flour, (3) self-rising flour, self-rising white flour, self-rising wheat flour, and (4) phosphated flour, phosphated white flour and phosphated wheat flour, in the definitions and standards of identity promulgated by the Federal Security Agency under date of May 26, 1941 (Volume 6, Federal Register, pages 2574 to 2582 inclusive), or as they may be amended, but does not include special flours not used for bread, roll, bun or biscuit baking, such as specialty cake, pancake and pastry flours.

(b) The term "enriched" as applied to flour (as above defined), means the addition to flour of the vitamins and other nutritional ingredients necessary to make it conform

to the definition and standard of identity of enriched flour, or enriched bromated flour, or enriched self-rising flour, as the case may be, as fixed and established by order of the Federal Security Agency on July 1, 1943 (Volume 8, Federal Register, pages 9115-9116), or as the same may be from time to time amended or modified.

(c) "White bread" means any bread, whether baked in a pan or on a hearth or screen, which is commonly known or usually represented and sold as white bread, including, but not restricted to, Vienna bread, French bread, and Italian bread.

(d) "Rolls" includes plain white rolls and buns of the semi-bread dough type, such as soft rolls, hamburger, hot dog, Parker House, etc., hard rolls, such as Vienna, Kaiser, etc., all made without fillings or icings, but shall not include yeast-raised sweet rolls or sweet buns, cinnamon rolls or buns, butterfly rolls, etc.

(e) The term "the Board" means the Board of Health of the Territory of Hawaii.

(f) The term "Commissioner" means the Food Commissioner appointed under Chapter 41, Revised Laws of Hawaii 1945.

(g) The term "person" means an individual, a corporation, a partnership, an association, a joint stock company, a trust, or an unincorporated organization to the extent engaged in the commercial manufacture or sale of flour, white bread or rolls.

SECTION 2. It shall be unlawful for any person to manufacture, mix, compound, sell or offer for sale in this Territory, for human consumption therein, any flour (as defined in Section 1) unless the same shall be enriched (as above defined): provided, however, that the terms of this section shall not apply to flour sold to bakers or other commercial secondary processors if, prior to or simultaneously with delivery, the purchaser furnishes to the seller a certificate of intent in such form as the Board of Health shall by regulation prescribe certifying that such flour shall be used only in the manufacture, mixing or compounding of flour or white bread or rolls enriched to meet the requirements of this Act or of products other than flour or white bread or rolls. It shall be unlawful for any such purchaser so furnishing any such certificate of intent to use the flour so purchased in any manner other than as stated in such certificate.

SECTION 3. It shall be unlawful for any person to manufacture, bake, sell or offer for sale, in this Territory, for human consumption therein, any white bread or rolls unless the same conforms to the definition and standard of identity then in effect for enriched bread, and enriched rolls or enriched buns, as fixed and established by order of the Federal Security Agency, or other appropriate federal agency or officer, pursuant to the provisions of the Federal Food, Drug and Cosmetic Act: provided, however, that if during any period after the effective date of this Act no such order of any such federal agency or officer fixing and establishing a definition and standard of identity for enriched bread, and enriched rolls or enriched buns, shall be in effect, it shall be unlawful for any person during any such period to manufacture, bake, sell or offer for sale in this Territory, for human consumption, any white bread or rolls unless the same conforms to the proposed definition and standard of identity for enriched bread and enriched rolls or enriched buns issued pursuant to the provisions of the Federal Food, Drug and Cosmetic Act under date of August 3, 1943 (Volume 6, Federal Register, pages 10780 to 10788 inclusive).

SECTION 4. It shall be unlawful to sell or offer for sale, in this Territory, for human consumption therein, any flour or wrapped white bread or rolls meeting the requirements of Sections 2 and 3 of this Act which fail to conform to the labeling requirements of the Federal Food, Drug and Cosmetic Act, and the regulations promulgated thereunder, with respect to such product when introduced in interstate commerce; provided, this section shall not apply to white bread or rolls which bear no labeling of any kind and which are sold directly to the consumer by the manufacturer thereof.

SECTION 5.

(a) The Commissioner shall have the power and authority and is hereby charged with the duty of enforcing the provisions of this Act, and he shall have, in connection therewith, all the powers and duties conferred and imposed upon him by Chapter 41, Revised Laws of Hawaii 1945, and any amendments thereto.

(b) In the event of findings by the Commissioner that there is an existing or imminent shortage of any ingredient required by Sections 2 or 3 of this Act, and that because of such shortage the sale and distribution of flour or white bread or rolls may be impeded by the enforcement of this Act, the Commissioner shall issue an order, to be effective immediately upon issuance, permitting the omission of such ingredient from flour or white bread or rolls; and if he finds it necessary or appropriate, excepting such foods from the labeling requirements of this Act until the further order of the commissioner. Any such findings may be made without hearing, on the basis of an order or of factual information supplied by the appropriate federal agency or officer. In the absence of any such order of the appropriate federal agency or factual information supplied by it, the Commissioner on his own motion may, and upon receiving the sworn statements of ten (10) or more persons subject to this Act that they believe such a shortage exists or is imminent shall, within twenty (20) days thereafter hold a public hearing with respect thereto at which any interested person may present evidence; and shall make findings based upon the evidence presented. The Commissioner shall publish notice of any such hearing at least ten (10) days prior thereto.

Whenever the Commissioner has reason to believe that such shortage no longer exists, he shall hold a public hearing, after at least ten (10) days' notice shall have been given, at which any interested person may present evidence, and he shall make findings based upon the evidence so presented. If his findings be that such shortage no longer exists, he shall issue an order to become effective not less than thirty (30) days after publication thereof, revoking such previous order; provided, however, that undisposed floor stocks of flour on hand at the effective date of such revocation order, or flour manufactured prior to such effective date, for sale in this Territory may thereafter be lawfully sold or disposed of.

(c) All orders, rules, and regulations adopted by the Board, and all orders of the Commissioner pursuant to this Act shall be published in the manner prescribed by Section 2012, Revised Laws of Hawaii 1945, and, within the limits specified by this Act, shall become effective upon such date as the Board or the Commissioner shall fix.

(d) For the purposes of this Act, the Commissioner and any of his deputies are authorized to take samples for analysis and to conduct examinations and investigations, and they shall have free access at all reasonable

hours and the right to enter in and upon any factory, mill, warehouse, shop, or establishment where flour, white bread or rolls are manufactured, processed, packed, sold, or held, or any vehicle being used for the transportation thereof, and to inspect any such place or vehicle and any flour, white bread or rolls therein, and all pertinent equipment, materials, containers and labeling.

(e) If any person manufacturing, processing, packing, keeping for sale, exhibiting for sale, or offering for sale, any flour, white bread or rolls included within the provisions of this Act shall refuse to furnish the Commissioner or any of his deputies, upon demand, either personal or in writing, a sufficient sample for the analysis of any such flour, white bread or rolls, which is or are in his possession, the Commissioner or any of his deputies tendering the market price therefor, such refusal shall be prima facie evidence that such flour, white bread or rolls is or are not enriched as required by this Act.

SECTION 6. Any person who violates any of the provisions of this Act, or the orders, rules or regulations of the Board under authority thereof, or the orders of the Commissioner under authority of Section 5 (b) thereof, shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not less than Ten Dollars nor more than Two Hundred Dollars, or to imprisonment for not less than thirty days nor more than one hundred days, or both such fine and imprisonment.

SECTION 7. The sum of $ 5,000.00 , or so much thereof as may be necessary for the purposes of this Act, is hereby appropriated out of the general revenues of the Territory, not otherwise appropriated.

SECTION 8. This Act shall take effect upon its approval, but the Governor is authorized, by public proclamation, to suspend its operation for such period as he shall deem proper during the continuance of the present war.

INTRODUCED BY:

Thelma M. Akana

THELMA M. AKANA
SENATOR, 3rd THIRD District

MARCH 19, 1945

S. B. No. 224
S. D. 1

A N A C T

TO REQUIRE THE ENRICHMENT OF BREAD AND FLOUR BY THE ADDITION OF CERTAIN VITAMINS AND MINERALS AND TO PRESCRIBE THE METHODS OF ENRICHMENT; AND TO FIX PENALTIES FOR VIOLATION OF THE SAME.

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

WHEREAS there exists a widespread deficiency of certain ingredients in foods necessary to the health and well-being of the people, it is necessary and advisable to protect so far as may be possible the health of the people of this Territory against such deficiency by providing for the addition of such necessary ingredients, normally present in wheat, to certain kinds of flour and bread. In the accomplishment of such purposes, it is necessary and advisable to promote uniformity in the laws applicable to both interstate and intrastate sales of such foods, and to that end to conform to the definitions and standards of identity and the labeling require-

ments for such foods now or hereafter promulgated by federal authorities pursuant to the provisions of the Federal Food, Drug and Cosmetic Act.

SECTION 1. When used in this Act, unless the context otherwise requires:

(a) The term "flour" includes and shall be limited to the foods defined as (1) flour, white flour, wheat flour, plain flour, (2) bromated flour, (3) self-rising flour, self-rising white flour, self-rising wheat flour, and (4) phosphated flour, phosphated white flour and phosphated wheat flour, in the definitions and standards of identity promulgated by the Federal Security Agency under date of May 26, 1941 (Volume 6, Federal Register, pages 2574 to 2582 inclusive), or as they may be amended, but does not include special flours not used for bread, roll, bun or biscuit baking, such as specialty cake, pancake and pastry flours.

(b) The term "enriched" as applied to flour (as above defined), means the addition to flour of the vitamins and other nutritional ingredients necessary to make it con-

form to the definition and standard of identity of enriched flour, or enriched bromated flour, or enriched self-rising flour, as the case may be, as fixed and established by order of the Federal Security Agency on July 1, 1943 (Volume 8, Federal Register, pages 9115-9116), or as the same may be from time to time amended or modified.

(c) "White bread" means any bread, whether baked in a pan or on a hearth or screen, which is commonly known or usually represented and sold as white bread, including, but not restricted to, Vienna bread, French bread, and Italian bread.

(d) "Rolls" includes plain white rolls and buns of the semi-bread dough type, such as soft rolls, hamburger, hot dog, Parker House, etc., hard rolls, such as Vienna, Kaiser, etc., all made without fillings or icings, but shall not include yeast-raised sweet rolls or sweet buns, cinnamon rolls or buns, butterfly rolls, etc.

(e) The term "the Board" means the Board of Health of the Territory of Hawaii.

(f) The terms "Commissioner" and "Deputy Commissioners" mean the Food Commissioner and Deputy Food Commissioners appointed under Chapter 41, Revised Laws of Hawaii 1945.

(g) The term "person" means an individual, a corporation, a partnership, an association, a joint stock company, a trust, or an unincorporated organization to the extent engaged in the commercial manufacture or sale of flour, white bread or rolls.

SECTION 2. It shall be unlawful for any person to manufacture, mix, compound, sell or offer for sale in this Territory, for human consumption therein, any flour (as defined in Section 1) unless the same shall be enriched (as above defined): provided, however, that the terms of this section shall not apply to flour sold to bakers or other commercial secondary processors if, prior to or simultaneously with delivery, the purchaser furnishes to the seller a certificate of intent in such form as the Board of Health shall

by regulation prescribe certifying that such flour shall be used only in the manufacture, mixing or compounding of flour or white bread or rolls enriched to meet the requirements of this Act or of products other than flour or white bread or rolls. It shall be unlawful for any such purchaser so furnishing any such certificate of intent to use the flour so purchased in any manner other than as stated in such certificate.

SECTION 3. It shall be unlawful for any person to manufacture, bake, sell or offer for sale, in this Territory, for human consumption therein, any white bread or rolls unless the same conforms to the definition and standard of identity then in effect for enriched bread, and enriched rolls or enriched buns, as fixed and established by order of the Federal Security Agency, or other appropriate federal agency or officer, pursuant to the provisions of the Federal Food, Drug and Cosmetic Act: provided, however, that if during any period after the effective date of this Act no such order of any such federal agency or officer fixing and establishing a definition

and standard of identity for enriched bread, and enriched rolls or enriched buns, shall be in effect, it shall be unlawful for any person during any such period to manufacture, bake, sell or offer for sale in this Territory, for human consumption, any white bread or rolls unless the same conforms to the proposed definition and standard of identity for enriched bread and enriched rolls or enriched buns issued pursuant to the provisions of the Federal Food, Drug and Cosmetic Act under date of August 3, 1943 (Volume 6, Federal Register, pages 10780 to 10788 inclusive).

SECTION 4. It shall be unlawful to sell or offer for sale, in this Territory, for human consumption therein, any flour or wrapped white bread or rolls meeting the requirements of Sections 2 and 3 of this Act which fail to conform to the labeling requirements of the Federal Food, Drug and Cosmetic Act, and the regulations promulgated thereunder, with respect to such product when introduced in interstate commerce; provided, this section shall not apply to white bread or rolls

which bear no labeling of any kind and which are sold directly to the consumer by the manufacturer thereof.

SECTION 5. (a) The Board, the Commissioner and Deputy Commissioners shall have the power and authority, and shall be charged with the duty of enforcing the provisions of this Act, and shall have, in connection therewith, all the powers and duties conferred and imposed upon them by and pursuant to Chapter 41, Revised Laws of Hawaii 1945, and any amendments thereto.

(b) In the event of findings by the Board or the Commissioner that there is an existing or imminent shortage of any ingredient required by Sections 2 or 3 of this Act, and that because of such shortage the sale and distribution of flour or white bread or rolls may be impeded by the enforcement of this Act, the Commissioner shall issue an order, to be effective immediately upon issuance, permitting the omission of such ingredient from flour or white bread or rolls; and if he finds it necessary or appropriate, excepting such foods from the labeling requirements of this Act until the further order of

the Board or the Commissioner. Any such findings may be made without hearing, on the basis of an order or of factual information supplied by the appropriate federal agency or officer. In the absence of any such order of the appropriate federal agency or factual information supplied by it, the Board or the Commissioner on its or his own motion may, and upon receiving the sworn statements of ten (10) or more persons subject to this Act that they believe such a shortage exists or is imminent shall, within twenty (20) days thereafter hold a public hearing with respect thereto at which any interested person may present evidence; and shall make findings based upon the evidence presented. The Commissioner shall publish notice of any such hearing at least ten (10) days prior thereto.

Whenever the Commissioner has reason to believe that such shortage no longer exists, he shall hold a public hearing, after at least ten (10) days' notice shall have been given, at which any interested person may present evidence, and he shall make findings based upon the evidence so presented. If his

findings be that such shortage no longer exists, he shall issue an order to become effective not less than thirty (30) days after publication thereof, revoking such previous order; provided, however, that undisposed floor stocks of flour on hand at the effective date of such revocation order, or flour manufactured prior to such effective date, for sale in this Territory may thereafter be lawfully sold or disposed of.

(c) All orders, rules, and regulations adopted by the Board, and all orders of the Commissioner pursuant to this Act shall be published in the manner prescribed by Section 2012, Revised Laws of Hawaii 1945, and, within the limits specified by this Act, shall become effective upon such date as the Board or the Commissioner shall fix.

(d) For the purposes of this Act, the Commissioner and any of his deputies are authorized to take samples for analysis and to conduct examinations and investigations, and they shall have free access at all reasonable hours and the right to enter in and upon any factory, mill, warehouse, shop, or establishment where flour, white bread or rolls are manufactured, processed,

packed, sold, or held, or any vehicle being used for the transportation thereof, and to inspect any such place or vehicle and any flour, white bread or rolls therein, and all pertinent equipment, materials, containers and labeling.

(e) If any person manufacturing, processing, packing, keeping for sale, exhibiting for sale, or offering for sale, any flour, white bread or rolls included within the provisions of this Act shall refuse to furnish the Commissioner or any of his deputies, upon demand, either personal or in writing, a sufficient sample for the analysis of any such flour, white bread or rolls, which is or are in his possession, the Commissioner or any of his deputies tendering the market price therefor, such refusal shall be prima facie evidence that such flour, white bread or rolls is or are not enriched as required by this Act.

SECTION 6. Any person who violates any of the provisions of this Act or the orders, rules, or regulations of the Board under authority thereof, or the orders of the Commissioner

under Section 5 (b) hereof, shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not more than five hundred dollars, or to imprisonment for not more than one hundred days, or to both such fine and imprisonment, for each and any offense.

SECTION 7. The sum of $5,000.00, or so much thereof as may be necessary for the purposes of this Act, is hereby appropriated out of the general revenues of the Territory, not otherwise appropriated.

SECTION 8. This Act shall take effect upon its approval, but the Governor is authorized, by public proclamation, to suspend its operation for such period as he shall deem proper during the continuance of the present war.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 20, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Leapellar

President of the Senate.

Ellen N. Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 26, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M G Paschoal

Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 225

The Legislature
of the
Territory of Hawaii

AN ACT

PROVIDING A TEMPORARY BONUS FOR CERTAIN RETIRED PUBLIC EMPLOYEES AND PENSIONERS, AND MAKING AN APPROPRIATION THEREFOR.

Introduced	March 19, 1945 , ~~1941~~ XXX, by
Senator	THOMAS PEDRO, JR.

First Reading in Senate	March 19, 1945
Referred to Printing Committee	March 19, 1945
Second Reading in Senate	March 20, 1945
Referred to	
Third Reading in Senate	

First Reading in House	
Referred to	
Second Reading in House	
Referred to	
Third Reading in House	

ELLEN D. SMYTHE
Clerk of the Senate.

S. B. NO. 225

A N A C T

PROVIDING A TEMPORARY BONUS FOR CERTAIN RETIRED PUBLIC EMPLOYEES AND PENSIONERS, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. Every person in receipt of a pension from the Territory or any of its political subdivisions, or of a service retirement allowance under the Employees Retirement System of the Territory of Hawaii, in an amount of less than one hundred dollars per month shall be, and is hereby, granted a bonus of twenty dollars per month in addition to such pension or service retirement allowance for the duration of the hostilities of the present war and for a period of six months thereafter.

SECTION 2. The board of trustees of said retirement system shall certify, promptly after the effective date of this Act and from time to time thereafter as changes may occur, to the treasurer of the Territory or of the several counties, as to former employees of each, a list of members of the system who

are retired employees of the Territory or of the respective counties and who are receiving service retirement allowances of less than one hundred dollars per month. The board of supervisors of the several counties shall thereupon add to such list all persons receiving pensions from said respective counties in an amount of less than one hundred dollars per month, shall deliver the same to the treasurer of such county, and shall make appropriation for the bonus hereinabove provided, which shall thereupon and thereafter be paid by said treasurer from the funds of said county. The treasurer of the Territory shall add to the list of retired territorial employees so certified to him, the names of all persons receiving pensions from the Territory in an amount of less than one hundred dollars and shall thereupon and thereafter pay to such persons said bonus of twenty dollars per month.

SECTION 3. Sufficient funds to meet the requirements of the bonus herein provided for retired territorial employees and territorial pensioners are hereby appropriated out of the general revenues of the Territory, not otherwise appropriated.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

Thomas P. Gill Jr.
Senator, First Senatorial District

1945 Senate Bill No. 226

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 5151 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO EXEMPTIONS FROM PROPERTY TAXES, BY ADDING THERETO THE PROPERTY OF PUNAHOU SCHOOL.

Enrolled 5-4-45 #

Introduced March 20, 19 45, by
Senator FRANCIS K. SYLVA

First Reading in Senate March 20, 1945
Referred to Printing Committee March 20, 1945
Second Reading in Senate March 21, 1945
Referred to COMMITTEE ON WAYS & MEANS
Third Reading in Senate April 26, 1945

First Reading in House April 26, 1945
Referred to
Second Reading in House April 27, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

SB226

A N A C T

TO AMEND SECTION 5151 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO EXEMPTIONS FROM PROPERTY TAXES, BY ADDING THERETO THE PROPERTY OF PUNAHOU SCHOOL.

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

SECTION 1. Section 5151 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto, after the paragraph numbered 62, the following:

"63. The property of Punahou School, an eleemosynary corporation, provided however, that this property is used for no other than educational, religious, hospital or governmental purposes. Key to taxation map: First division, zone 2, section 8, plat 18, parcel 1."

SECTION 2. This Act shall take effect on January 1, 1945.

INTRODUCED BY:

Francis Sylva
Sen. 3rd Dist.

3/20
2
4/30
2

S. B. No. 226

A N A C T

TO AMEND SECTION 5151 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO EXEMPTIONS FROM PROPERTY TAXES, BY ADDING THERETO THE PROPERTY OF PUNAHOU SCHOOL.

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

SECTION 1. Section 5151 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto, after the paragraph numbered 62, the following:

"63. The property of Punahou School, an eleemosynary corporation, provided however, that this property is used for no other than educational, religious, hospital or governmental purposes. Key to taxation map: First division, zone 2, section 8, plat 18, parcel 1."

SECTION 2. This Act shall take effect on January 1, 1945.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 26, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Leapelaa

President of the Senate.

Ellen D. Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII.

Honolulu, T. H., May 1, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M G Paschoal

Speaker, House of Representatives.

Clerk

Clerk, House of Representatives.

1945 Senate Bill No. 227

Paul

The Legislature
of the
Territory of Hawaii

AN ACT

AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE COUNTY OF HAWAII TO PAY TO W. M. S. LINDSEY THE SUM OF ONE THOUSAND, ONE HUNDRED EIGHTEEN DOLLARS AND FIFTY CENTS IN LIEU OF ACCUMULATED VACATION.✓

Introduced March 20, 1945 , 1941, by
Senator THOMAS PEDRO, JR.

First Reading in Senate March 20, 1945
Referred to Printing Committee March 20, 1945
Second Reading in Senate March 21, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

3/21/45 Hawaii

S. B. NO.____ SB327

A N A C T

AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE COUNTY OF HAWAII TO PAY TO W. M. S. LINDSEY THE SUM OF ONE THOUSAND, ONE HUNDRED EIGHTEEN DOLLARS AND FIFTY CENTS IN LIEU OF ACCUMULATED VACATION.

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

SECTION 1. The board of supervisors of the county of Hawaii is hereby authorized and directed to pay to W. M. S. Lindsey the sum of one thousand one hundred eighteen dollars and fifty cents in lieu of accumulated vacation.

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

INTRODUCED BY:

Thomas Pedro, Jr.

Senator, First Senatorial District

1945 Senate Bill No. 228

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND ACT 186 OF THE SESSION LAWS OF HAWAII 1921, AS AMENDED, RELATING TO THE FRANCHISE OF THE HONOLULU RAPID TRANSIT COMPANY, LIMITED, SO AS TO EXTEND THE FRANCHISE TO INCLUDE A PORTION OF THE EWA DISTRICT, CITY AND COUNTY OF HONOLULU.

Introduced March 20, 1945, 1941, by
Senator ERNEST N. HEEN

First Reading in Senate March 20, 1945
Referred to Printing Committee March 20, 1945
Second Reading in Senate March 21, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

S.B 228

AN ACT

TO AMEND ACT 186 OF THE SESSION LAWS OF HAWAII 1921, AS AMENDED, RELATING TO THE FRANCHISE OF THE HONOLULU RAPID TRANSIT COMPANY, LIMITED, SO AS TO EXTEND THE FRANCHISE TO INCLUDE A PORTION OF THE EWA DISTRICT, CITY AND COUNTY OF HONOLULU.

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

SECTION 1. Act 186 of the Session Laws of Hawaii 1921, as amended, is hereby further amended by amending section 1 thereof in the following respects:

(a) By deleting from the sentence defining the word "Railway" the words "in the District of Honolulu" (L. 1921, page 250, lines 1-2) and substituting therefor the phrase "within the territorial limits of the franchise".

(b) By adding thereto the following paragraphs:

"'District of Ewa' shall refer to and mean that portion of the Island of Oahu known as 'Ewa' and styled by law for election, taxation, educational, judicial and other purposes as the 'Ewa district'."

"The term 'territorial limits of the franchise' shall mean and include all of the District of Honolulu and in addition thereto all of that portion of the District of Ewa lying between the northwesterly boundary of Moanalua and the northwesterly boundary of the ahupuaa of Waiawa."

SECTION 2. Act 186 of the Session Laws of Hawaii, as amended, is hereby further amended by amending section 2 thereof, as amended, in the following respects:

(a) By inserting in the first paragraph thereof after the words "District of Honolulu" as the same appear for the second time in said paragraph (L. 1921, page 250, last line) the following words "and that portion of the District of Ewa lying between the northwesterly boundary of Moanalua and the northwesterly boundary of the ahupuaa of Waiawa".

(b) By deleting from the paragraph added thereto by Act 116 of the Session Laws of Hawaii 1935 the phrase "of the district of Honolulu" (L. 1935, page 328, line 5) and substituting therefor the words "the territorial limits of the franchise".

SECTION 3. Act 186 of the Session Laws of Hawaii 1921, as amended, is hereby further amended in the following respects:

(a) By deleting from section 4 thereof the phrase "in the District of Honolulu" (L. 1921, page 252, line 24) and substituting therefor the following phrase "within the territorial limits of the franchise".

(b) By deleting from the first paragraph of section 13 thereof the words "District of Honolulu" (L. 1921, page 262, line 7) and substituting therefor the words "territorial limits of the franchise".

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

Ernest Lee

Third Senatorial District

3/30/82

1945

Senate Bill No. 229

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 7252 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO REPORTS BY LIQUOR INSPECTORS.

Introduced March 20, 1945, by
Senator WM. H. HEEN

First Reading in Senate March 20, 1945
Referred to Printing Committee " " "
Second Reading in Senate March 21, 1945
Referred to Committee on Judiciary
Third Reading in Senate March 29, 1945

First Reading in House March 29, 1945
Referred to
Second Reading in House Mar. 30, 1945
Referred to Judiciary Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Engrossed 5/7/45 GRH

S.B.No. 229

A N A C T

TO AMEND SECTION 7252 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO REPORTS BY LIQUOR INSPECTORS.

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

SECTION 1. Paragraph 9 of section 7252 of the Revised Laws of Hawaii 1945 is hereby repealed.

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

INTRODUCED BY:

Senator, Third District.

March 20,1945

S.B.NO. 229

A N A C T

TO AMEND SECTION 7252 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO REPORTS BY LIQUOR INSPECTORS.

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

SECTION 1. Paragraph 9 of section 7252 of the Revised Laws of Hawaii 1945 is hereby repealed.

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

5/7
5/8

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu,T.H., March 29, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E. B. Capellas

President of the Senate

Ellen D. Smythe

Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., May 1, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M. K. Paschoal

Speaker, House of Representatives.

Clerk, House of Representatives.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu,T.H., March 29, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E D Tapellas

President of the Senate

Ellen D Smythe

Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., May 1, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M K Pacheco

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 230

1945

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO PUBLIC LANDS, AMENDING SECTION 4511 OF THE REVISED LAWS OF HAWAII 1945 AND MAKING AN APPROPRIATION.

Introduced March 20, 19 45 by

Senators: CHARLES H. SILVA and W. H. HILL

First Reading in Senate March 20, 1945
Referred to Printing Committee " " "
Second Reading in Senate March 21, 1945
Referred to Committee on Ways and Means
Third Reading in Senate April 6, 1945.

First Reading in House April 6, 1945
Referred to
Second Reading in House April 9, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Engrossed
3/4/45

S. B. NO. 230

A N A C T

RELATING TO THE ACQUISITION OF ENTRANCES TO PUBLIC LANDS WHICH DO NOT ABUT UPON PUBLIC ROADS OR HIGHWAYS, AND MAKING AN APPROPRIATION.

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

SECTION 1. The commissioner of public lands is authorized and directed to secure, by exchange, purchase or condemnation, easements of rights-of-way, or to secure land sufficient for use for a roadway, to enter upon public land which does not abut upon public roads or highways.

SECTION 2. The securing of such easements or of such land is hereby declared to be a public purpose within the law of eminent domain.

SECTION 3. The amount of $50,000 - Fifty Thousand dollars is hereby appropriated for the purposes of this Act from the general revenues of the Territory not otherwise appropriated, which amount shall be repaid into the general funds of the treasury from time to time as funds from the sale, lease or rental of public lands in each county, for which such rights-of-way or roadways are acquired, are received. Said amount or so much thereof as shall be necessary, shall be expended by warrants issued by the territorial auditor on vouchers signed by the commissioner of public lands.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

Charles H. Silva
Senator, First Senatorial District

N. H. Hill
Senate 1st Dist

3/22

S.B.No. 230
S.D. 1

A N A C T

RELATING TO PUBLIC LANDS, AMENDING SECTION 4511 OF THE REVISED LAWS OF HAWAII 1945 AND MAKING AN APPROPRIATION.

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

SECTION 1. Section 4511 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto the following:

"No lease, sale or other disposition of public lands shall be made unless there is a road or entry to such lands freely open to use by any member of the public who may be a bidder upon such lease, sale or other disposition."

SECTION 2. The commissioner of public lands is authorized and directed to secure, by exchange, purchase or condemnation, easements of rights of way, or to secure land sufficient for use for a roadway, to enter upon public lands which do not abut upon a public road or highway.

SECTION 3. The securing of such easements or of such

land is hereby declared to be a public purpose within the law of eminent domain.

SECTION 4. The amount of fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purposes of this Act from the general revenues of the Territory not otherwise appropriated, which amount shall be repaid into the general fund of the treasury from time to time as funds from the sale, lease or rental of public lands in each county, in which such rights of way or roadways are acquired, are received. The amount herein appropriated or so much thereof as may be necessary, shall be paid by the territorial treasurer upon warrants issued by the territorial auditor on vouchers signed by the commissioner of public lands.

SECTION 5. This Act shall take effect upon its approval.

5/15/81

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 6, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate

Ellen D. Smythe

Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 30, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M Y Pascheral

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 231

1945

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 6223 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE POWERS AND DUTIES OF THE BOARD OF SUPERVISORS.

Introduced Tuesday, March 20, 1945, by

Senator CLEM GOMES

First Reading in Senate Tuesday, March 20, 1945

Referred to Printing Committee Tuesday, March 20, 1945

Second Reading in Senate Wednesday, March 21, 1945

Referred to

Third Reading in Senate

First Reading in House

Referred to

Second Reading in House

Referred to

Third Reading in House

ELLEN D. SMYTHE.

Clerk of the Senate

Com Whole Rent Control – Wm Hewlett

S.B.No. 231

A N A C T

TO AMEND SECTION 6233 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE POWERS AND DUTIES OF THE BOARD OF SUPERVISORS.

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

SECTION 1. Paragraph 10 of Section 6233 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"10. Renting. To regulate the renting, subletting and rental conditions of property for places of abode and commercial rentals, by ordinance.

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

INTRODUCED BY [signature]

Senator 4 Dist

3/20/58

S.B.No. 231

A N A C T

TO AMEND SECTION 6233 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE POWERS AND DUTIES OF THE BOARD OF SUPERVISORS.

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

SECTION 1. Paragraph 10 of Section 6233 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"10. Renting. To regulate the renting, subletting and rental conditions of property for places of abode and commercial rentals, by ordinance.

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

INTRODUCED BY

Senator 4 Dist

3/20/48

Senate Bill No. 232

1945

The Legislature
of the
Territory of Hawaii

AN ACT

DIRECTING THE DEPARTMENT OF PUBLIC INSTRUCTION TO INSTITUTE A PROGRAM OF INSTRUCTION FOR PRESCHOOL CHILDREN AT MOUNTAIN VIEW, HAWAII.

Introduced March 20, 1945, by Senator W. H. HILL

First Reading in Senate March 20, 1945
Referred to Printing Committee March 20, 1945
Second Reading in Senate March 21, 1945.
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

S. B. NO. 232

A N A C T

DIRECTING THE DEPARTMENT OF PUBLIC INSTRUCTION TO INSTITUTE A PROGRAM OF INSTRUCTION FOR PRESCHOOL CHILDREN AT MOUNTAIN VIEW, HAWAII.

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

SECTION 1. The department of public instruction is hereby directed to institute a program of instruction for preschool children at Mountain View, Hawaii, under the authority granted for the expenditure of funds by section 1823 of the Revised Laws of Hawaii 1945.

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

INTRODUCED BY:

Senator, First Senatorial District.

3/20/48

Senate Bill No. 233

1945

The Legislature
of the
Territory of Hawaii

AN ACT

AMENDING SECTION 1026 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO SETTING OF FIRES TO CLEAR LAND.

Introduced March 21, 1945 by
Senator FRANCIS H. Ii BROWN

First Reading in Senate March 21, 1945
Referred to Printing Committee " " "
Second Reading in Senate March 22, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

SB233

AN ACT

AMENDING SECTION 1026 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO SETTING OF FIRES TO CLEAR LAND

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

SECTION 1. Section 1026 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 1026. Fires to clear land. No person shall burn brush, stumps, logs, fallen timber, fallows, slash or grass, brush or forest covered land, either on his own land or the property of another unless such burning is done under written permit from the chief fire warden or his duly authorized agent; provided, however, that the foregoing shall not apply to the burning of inflammable material in small heaps or piles, where the fire is set in house yard premises, corrals, gardens, or in plowed fields at a distance not less than one hundred feet from any woodland, timber, brush or dry grass and weed covered lands. No fires shall be set during a heavy wind or without sufficient help present to control same, and the fire shall be watched by the person setting the same or by competent agents of his, until put out."

SECTION 2. This Act shall take effect on July 1, 1945.

INTRODUCED BY:

Francis H. I. Brown

Senator, 3rd District

Senate Bill No. 234

1945

The Legislature
of the
Territory of Hawaii

AN ACT

AMENDING SECTION 1024 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE PAYMENT OF PERSONS REQUIRED TO ASSIST IN FIGHTING FOREST FIRES.

Introduced March 21, 1945 by
Senator FRANCIS H. Ii BROWN

First Reading in Senate March 21, 1945
Referred to Printing Committee " " "
Second Reading in Senate March 22, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

r 8Bx34

AN ACT

AMENDING SECTION 1024 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE PAYMENT OF PERSONS REQUIRED TO ASSIST IN FIGHTING FOREST FIRES.

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

SECTION 1. The last paragraph of Section 1024 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

new. ("Any person required to attend and assist in extinguishing forest fires shall be paid at a rate of not less than fifty cents an hour for the period of his attendance and assistance. The actual rate of pay for attendance and assistance in extinguishing forest fires shall be set by the board of commissioners of agriculture and forestry annually and the same shall be given due publicity by publication in a newspaper of general circulation throughout the Territory.) The fire wardens shall also have power to incur expenses during any forest fire for the transportation and maintenance of forest fire fighters. They shall submit an account of expenses incurred under this section, with the necessary vouchers, to the board, through the chief fire warden; and if the same be approved, it shall be forwarded to the territorial auditor for payment."

SECTION 2. This Act shall take effect on July 1, 1945.

INTRODUCED BY:

Francis H. I. Brown

Senator, 3rd District

Senate Bill No. 235

1945

The Legislature
of the
Territory of Hawaii

AN ACT

GRANTING CREDITABLE SERVICE IN THE EMPLOYEES' RETIREMENT SYSTEM OF THE TERRITORY OF HAWAII TO PUBLIC HEALTH NURSES IN TERRITORIAL EMPLOYMENT FOR TIME SPENT AS PUBLIC HEALTH NURSES IN PALAMA SETTLEMENT, MAKING PROVISION FOR PAYMENT OF CONTRIBUTIONS AND MAKING AN APPROPRIATION.

Introduced March 21, 1945, 194X by
Senator THELMA M. AKANA

First Reading in Senate March 21, 1945
Referred to Printing Committee " " "
Second Reading in Senate March 22, 1945.
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

S. B. NO. 235

A N A C T

GRANTING CREDITABLE SERVICE IN THE EMPLOYEES' RETIREMENT SYSTEM OF THE TERRITORY OF HAWAII TO PUBLIC HEALTH NURSES IN TERRITORIAL EMPLOYMENT FOR TIME SPENT AS PUBLIC HEALTH NURSES IN PALAMA SETTLEMENT, MAKING PROVISION FOR PAYMENT OF CONTRIBUTIONS AND MAKING AN APPROPRIATION.

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

SECTION 1. All persons now employed by the territorial government as public health nurses who were transferred to such employment from like employment in Palama Settlement shall be entitled to creditable service in the Employees Retirement System of the Territory of Hawaii for the time spent as public health nurses in Palama Settlement upon such members paying the contributions hereinafter required.

SECTION 2. Any contributions to said system necessary to be made in order to carry out the requirements of this Act shall be paid:

(a) By the person paying all contributions chargeable for such period of service in Palama Settlement, together with simple interest at four per cent per annum on such contributions from the time the contributions would have been severally payable had they been paid during such period of service in Palama, had such person then been a member of said retirement system.

(b) By the Territory paying all other necessary contributions.

SECTION 3. Sufficient funds to meet the requirements of this Act in respect of payments by the Territory are hereby appropriated from the general revenues of the Territory of Hawaii not otherwise appropriated.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

Thelma Ch. Akana

Senator, Third Senatorial District

March 21, 1945

Senate Bill No. 236

1945

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND CHAPTER 137 OF THE REVISED LAWS OF HAWAII 1945, BY ADDING THERETO A NEW SECTION TO BE NUMBERED 7231A RELATING TO EMPLOYEES OF THE LIQUOR COMMISSION FOR THE CITY AND COUNTY OF HONOLULU.

Introduced March 21, 1945, 1941, by
Senator CHARLES S. CRANE

First Reading in Senate March 21, 1945
Referred to Printing Committee " " "
Second Reading in Senate March 22, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

Com. whole - Cole - CC

S BILL NO. 236.

AN ACT

TO AMEND CHAPTER 137 OF THE REVISED LAWS OF HAWAII 1945, BY ADDING THERETO A NEW SECTION TO BE NUMBERED 7231A RELATING TO EMPLOYEES OF THE LIQUOR COMMISSION FOR THE CITY AND COUNTY OF HONOLULU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 137 of the Revised Laws of Hawaii 1945, is hereby amended by adding thereto a new section to be numbered section 7231A, reading as follows:

"SEC. 7231A. Employees of Commission for City and County of Honolulu. All employees of the liquor commission for the city and county of Honolulu shall be deemed to be employees of the city and county of Honolulu for any purpose whatsoever.

All employees of the liquor commission for the city and county of Honolulu who are members of the territorial civil service system shall be transferred forthwith therefrom to the civil service system of the city and county of Honolulu."

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

INTRODUCED BY:

Charles S Crane
Senator 3rd District

DATE OF INTRODUCTION:

3/22/

S BILL NO. 230

AN ACT

TO AMEND CHAPTER 137 OF THE REVISED LAWS OF HAWAII 1945, BY ADDING THERETO A NEW SECTION TO BE NUMBERED 7231A RELATING TO EMPLOYEES OF THE LIQUOR COMMISSION FOR THE CITY AND COUNTY OF HONOLULU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 137 of the Revised Laws of Hawaii 1945, is hereby amended by adding thereto a new section to be numbered section 7231A, reading as follows:

"SEC. 7231A. Employees of Commission for City and County of Honolulu. All employees of the liquor commission for the city and county of Honolulu shall be deemed to be employees of the city and county of Honolulu for any purpose whatsoever.

All employees of the liquor commission for the city and county of Honolulu who are members of the territorial civil service system shall be transferred forthwith therefrom to the civil service system of the city and county of Honolulu."

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

INTRODUCED BY:

Charles S. Crane
Senator 3rd District

DATE OF INTRODUCTION:

3/22

Senate Bill No. 237

1945

The Legislature
of the
Territory of Hawaii

AN ACT

GRANTING TO THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU THE AUTHORITY TO RETURN ANY REAL PROPERTY ACQUIRED BY THE CITY AND COUNTY BY GIFT OR NOMINAL CONSIDERATION WHERE THE PURPOSE FOR WHICH SUCH PROPERTY WAS TAKEN HAS BEEN ABANDONED.

Introduced March 21, 1945, 1941, by
Senator CHARLES S. CRANE

First Reading in Senate March 21, 1945
Referred to Printing Committee March 21, 1945
Second Reading in Senate March 22, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

Oahu

SR. BILL NO. 237

AN ACT

GRANTING TO THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU THE AUTHORITY TO RETURN ANY REAL PROPERTY ACQUIRED BY THE CITY AND COUNTY BY GIFT OR NOMINAL CONSIDERATION WHERE THE PURPOSE FOR WHICH SUCH PROPERTY WAS TAKEN HAS BEEN ABANDONED.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 6521 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto a new subsection which shall be appropriately numbered and shall read as follows:

"To return within ten years, without requiring compensation, to the donors or their heirs, administrators or executors, any real property acquired by the city and county by gift or nominal consideration, whenever the board deems it advisable to abandon the use of such property for the purpose for which it was acquired, any other applicable provision of the law to the contrary nothwithstanding."

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

INTRODUCED BY

Charles S. Crane
S- 3rd D-

DATE OF INTRODUCTION:

3/21

Senate Bill No. 238

1945

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 11751 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO TRESPASS BY DELETING REQUIREMENT OF NOTICE.

Introduced March 21, 1945, 1941, by
Senator CHARLES S. CRANE

First Reading in Senate March 21, 1945
Referred to Printing Committee March 21, 1945
Second Reading in Senate March 22, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

H B BILL NO. 234

AN ACT

TO AMEND SECTION 11751 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO TRESPASS BY DELETING REQUIREMENT OF NOTICE.

BE IT ENACTED BY the Legislature of THE TERRITORY OF HAWAII:

SECTION 1. That Section 11751 of the Revised Laws of Hawaii 1945 be amended to read as follows:

"Section 11751. Trespass, penalty. Whoever, without right enters or remains in or upon the dwelling house, buildings or improved or cultivated lands of another or the land of another about or near any buildings used for dwelling purposes shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed two hundred and fifty dollars or imprisonment of not more than three months or by both fine and imprisonment.

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

INTRODUCED BY

Charles S. Loo

DATE OF INTRODUCTION:

1-21-1945

Senate Bill No. 239

1945

The Legislature
of the
Territory of Hawaii

AN ACT

APPROPRIATING FUNDS FOR THE CONSTRUCTION OF SCHOOLS IN THE CITY AND COUNTY OF HONOLULU.

Introduced March 21, 1945, 1941, by
Senator CHARLES S. CRANE

First Reading in Senate March 21, 1945
Referred to Printing Committee March 21, 1945
Second Reading in Senate March 22, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

SB BILL NO. 239

AN ACT

APPROPRIATING FUNDS FOR THE CONSTRUCTION OF SCHOOLS IN THE CITY AND COUNTY OF HONOLULU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There are hereby appropriated out of the general revenues of the Territory the following amounts for the following respective purposes:

Lands, buildings and other improvements for the Wahiawa High School	$814,000.00
Lands, buildings and other improvements for the Kaimuki High School	1,500,000.00
Lands, buildings and other improvements for the Wahiawa Elementary School . . .	450,000.00
Lands, buildings and other improvements for the Kuliouou Elementary School . .	165,000.00
Lands, buildings and other improvements for the Ala Moana School	272,000.00
Lands, buildings and other improvements for the Manoa School	32,000.00
Lands for school in Kapalama	77,500.00
Artificial lighting for classrooms . .	150,000.00
Kindergarten classrooms	125,000.00
TOTAL	$3,585,500.00

SECTION 2. Said appropriations shall be expended by the superintendent of buildings of the city and county of Honolulu provided that the plans, specifications and location of buildings shall be subject to the approval of the superintendent of public instruction.

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

INTRODUCED BY:

Charles S Crane

DATE OF INTRODUCTION:

March 1/45

3/31

Senate Bill No. 240

1945

The Legislature
of the
Territory of Hawaii

AN ACT

FIXING THE MINIMUM HOURLY WAGE OF DAY LABORERS EMPLOYED BY THE COUNTY OF HAWAII.

Introduced March 21, 1945, ~~1930~~ by
Senators CHARLES H. SILVA, W. H. HILL

First Reading in Senate March 21, 1945
Referred to Printing Committee March 21, 1945
Second Reading in Senate March 22, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Com whole C of [illegible]

S. B. NO. 240

A N A C T

FIXING THE MINIMUM HOURLY WAGE OF DAY LABORERS EMPLOYED BY THE COUNTY OF HAWAII.

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

SECTION 1. The hourly wage of each day laborer engaged by contract or otherwise for or by the county of Hawaii shall not be less than seventy-five cents.

SECTION 2. This Act shall not be construed as limiting or being limited by section 362 of the Revised Laws of Hawaii 1945.

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

INTRODUCED BY:

Charles H. Silva
Senator, First Senatorial District

V. H. Hill
Senate 1st Dist

3/8

Senate Bill No. 241

1945

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTIONS 6233 AND 6521 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE POWERS OR BOARDS OF SUPERVISORS, WITH RESPECT TO THE DRAINAGE OF STORM WATERS AND THE REMOVAL OF DEBRIS.

Introduced March 21, 1945, by
Senator WM. H. HEEN

First Reading in Senate	March 21, 1945
Referred to Printing Committee	March 21, 1945
Second Reading in Senate	March 22, 1945
Referred to	COMMITTEE ON JUDICIARY
Third Reading in Senate	April 21, 1945
First Reading in House	April 21, 1945
Referred to	
Second Reading in House	April 23, 1945
Referred to	County Committee
Third Reading in House	

ELLEN D. SMYTHE
Clerk of the Senate

SB# 241

AN ACT

TO AMEND SECTIONS 6233 AND 6521 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE POWERS OF BOARDS OF SUPERVISORS, WITH RESPECT TO THE DRAINAGE OF STORM WATERS AND THE REMOVAL OF DEBRIS.

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

SECTION 1. Section 6233 of the Revised Laws of Hawaii 1945 is hereby amended by adding at the end thereof a new paragraph, which shall be appropriately numbered by the secretary of Hawaii and shall read as follows:

"Drainage of storm waters and removal of debris. To maintain channels, whether natural or artificial, including their exits to the ocean, in suitable condition to carry off storm waters; and to remove from such channels, and from the shores and beaches, any debris which is likely to create an unsanitary condition or to otherwise become a public nuisance; provided, that to the extent any of the foregoing work is a private responsibility such responsibility may be enforced by the county in lieu of the work being done at public expense."

SECTION 2. Section 6521 of the Revised Laws of Hawaii 1945 is hereby amended by amending paragraph 43 thereof to read as follows:

"43. Flood control; drainage of storm waters and removal of debris. To construct, acquire by gift, purchase, or the exercise of eminent domain, reconstruct, improve, better, extend and maintain projects or undertakings for the control of and protection against floods

and flood waters, including the power to drain and rehabilitate lands already flooded. To maintain channels, whether natural or artificial, including their exits to the ocean, in suitable condition to carry off storm waters; and to remove from such channels, and from the shores and beaches, any debris which is likely to create an unsanitary condition or to otherwise become a public nuisance; provided, that to the extent any of the foregoing work is a private responsibility such responsibility may be enforced by the city and county in lieu of the work being done at public expense."

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

INTRODUCED BY:

[signature]

S, 3rd District

Honolulu, T. H.

March 21, 1945

3/31 LS

4/20 LS

S. B. No. 241

A N A C T

TO AMEND SECTIONS 6233 AND 6521 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE POWERS OF BOARDS OF SUPERVISORS, WITH RESPECT TO THE DRAINAGE OF STORM WATERS AND THE REMOVAL OF DEBRIS.

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

SECTION 1. Section 6233 of the Revised Laws of Hawaii 1945 is hereby amended by adding at the end thereof a new paragraph, which shall be appropriately numbered by the secretary of Hawaii and shall read as follows:

"Drainage of storm waters and removel of debris. To maintain channels, whether natural or artificial, including their exits to the ocean, in suitable condition to carry off storm waters; and to remove from such channels, and from the shores and beaches, any debris which is likely to create an unsanitary condition or to otherwise become a public nuisance; provided,

that to the extent any of the foregoing work is a private responsibility such responsibility may be enforced by the county in lieu of the work being done at public expense."

SECTION 2. Section 6521 of the Revised Laws of Hawaii 1945 is hereby amended by amending paragraph 43 thereof to read as follows:

"43. Flood control; drainage of storm waters and removal of debris. To construct, acquire by gift, purchase, or the exercise of eminent domain, reconstruct, improve, better, extend and maintain projects or undertakings for the control of and protection against floods and flood waters, including the power to drain and rehabilitate lands already flooded. To maintain channels, whether natural or artificial, including their exits to the ocean, in suitable condition to carry off storm waters; and to remove from such channels, and from the shores and beaches, any debris which is likely to create an unsanitary condition or to otherwise become a public nuisance; provided, that to the extent any of the foregoing work is a private responsibility such responsibility may

be enforced by the city and county in lieu of the work being done at public expense."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 21, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E D Capellas

President of the Senate.

Ellen D Smyth

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 30, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M K Pasehoa

Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 242

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 9781 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE SALARY RATES OF THE DISTRICT MAGISTRATES, CLERKS AND OTHER ASSISTANTS OF DISTRICT COURTS, COUNTY OF MAUI.

Introduced	March 22, 1945, by
Senator	A. KAMOKILA CAMPBELL

First Reading in Senate	March 22, 1945
Referred to Printing Committee	March 22, 1945
Second Reading in Senate	March 23, 1945
Referred to	
Third Reading in Senate	
First Reading in House	
Referred to	
Second Reading in House	
Referred to	
Third Reading in House	

ELLEN D. SMYTHE
Clerk of the Senate.

1945

Senate Bill No. 242

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 9781 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE SALARY RATES OF THE DISTRICT MAGISTRATES, CLERKS AND OTHER ASSISTANTS OF DISTRICT COURTS, COUNTY OF MAUI.

Introduced	March 22, 1945 , ~~1941~~, by
Senator	A. KAMOKILA CAMPBELL

First Reading in Senate	March 22, 1945
Referred to Printing Committee	March 22, 1945
Second Reading in Senate	March 23, 1945
Referred to	
Third Reading in Senate	

First Reading in House	
Referred to	
Second Reading in House	
Referred to	
Third Reading in House	

ELLEN D. SMYTHE
Clerk of the Senate.

S.B. 242

SB 243

AN ACT

TO AMEND SECTION 9781 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE SALARY RATES OF THE DISTRICT MAGISTRATES, CLERKS AND OTHER ASSISTANTS OF DISTRICT COURTS, COUNTY OF MAUI.

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

SECTION 1. Section 9781 of the Revised Laws of Hawaii 1945 is hereby amended by inserting after the item "district magistrate, Molokai, ... 150.00 . . . 1,800.00" in said section a new item to read as follows:

"clerk and stenographer, Molokai."

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

Introduced by

A. Kamokila Campbell

Senator, Second District.

March 22, 1945.

3/25/45

1945

Senate Bill No. 243

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO DENTAL HYGIENE WORK WITH THE CHILDREN OF THE TERRITORY, AND AMENDING SECTION 1721 OF THE REVISED LAWS OF HAWAII 1945.

Introduced March 22, 1945, by Senators FRANCIS K. SYLVA, CHARLES H. SILVA, JOHN B. FERNANDES

First Reading in Senate March 22, 1945
Referred to Printing Committee March 22, 1945
Second Reading in Senate March 23, 1945
Referred to Committee on Public Health
Third Reading in Senate April 11, 1945

First Reading in House April 12, 1945
Referred to
Second Reading in House April 16, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Engrossed 5/4/45 EDH

7

S. B. NO. 243

A N A C T

RELATING TO DENTAL HYGIENE WORK WITH THE CHILDREN OF THE TERRITORY, AND AMENDING SECTION 1721 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Section 1721 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 1721. Dental Hygiene. The department of public instruction is authorized and instructed to perform preventive dental hygiene work with the children of the Territory of school age in the public schools and in such private schools as request or consent to such work. Said department is further authorized and instructed to engage, at the proper salaries, dental hygienists, for such work, and a supervising dental hygienist to have general charge of such work."

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

INTRODUCED BY:

Senator, Third Senatorial District

S. B. NO. 243

A N A C T

RELATING TO DENTAL HYGIENE WORK WITH THE CHILDREN OF THE TERRITORY, AND AMENDING SECTION 1721 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Section 1721 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 1721. Dental hygiene. The department of public instruction is authorized and instructed to perform preventive dental hygiene work with the children of the Territory of school age in the public schools and in such private schools as request or consent to such work. Said department is further authorized and instructed to engage, at the proper salaries, dental hygienists, for such work, and a supervising dental hygienist to have general charge of such work."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu,T.H., April 11, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E. B. Clapellas
President of the Senate

Ellen D. Smythe
Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 30, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M. K. Paschoal
Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 244

The Legislature
of the
Territory of Hawaii

AN ACT

APPROPRIATING THE SUM OF TWO HUNDRED THOUSAND DOLLARS ($200,000.00) FOR THE CONSTRUCTION OF BUILDINGS, OTHER IMPROVEMENTS TO LAND AND THE EQUIPMENT OF A TERRITORIAL PRISON CAMP AND ITS PRODUCTION ENTERPRISES AT KULANI, ISLAND OF HAWAII.

Introduced March 22, 1945 by Senator E. S. CAPELLAS

First Reading in Senate March 22, 1945
Referred to Printing Committee March 22, 1945
Second Reading in Senate March 23, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate.

SB 244

AN ACT

APPROPRIATING THE SUM OF TWO HUNDRED THOUSAND DOLLARS ($200,000.00) FOR THE CONSTRUCTION OF BUILDINGS, OTHER IMPROVEMENTS TO LAND AND THE EQUIPMENT OF A TERRITORIAL PRISON CAMP AND ITS PRODUCTION ENTERPRISES AT KULANI, ISLAND OF HAWAII.

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

SECTION 1. There is hereby appropriated from the general fund of the Territory of Hawaii, the sum of two hundred thousand dollars ($200,000.00), for the construction of buildings, other improvements to land and the equipment of a territorial prison camp and its production enterprises at Kulani, island of Hawaii.

SECTION 2. The director of institutions is hereby directed to prepare plans and specifications for the construction, improvement and equipment of said prison camp and its production enterprises.

SECTION 3. The said amount of two hundred thousand dollars ($200,000.00), or so much thereof as may be necessary, shall be disbursed on warrants of the territorial auditor based upon vouchers approved by the director of institutions who is authorized to undertake such projects by prison labor, force account, contract, or any combination of the same.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

E B Capellas

Senator, 1st District

1945 Senate Bill No. 245

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 2552 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE BUREAU OF MENTAL HYGIENE OF THE BOARD OF HEALTH.

Introduced March 22, , 1945, by
Senator THELMA M. AKANA

First Reading in Senate March 22, 1945
Referred to Printing Committee " " "
Second Reading in Senate March 23, 1945
Referred to Committee on Public Health
Third Reading in Senate April 11, 1945.

First Reading in House April 12, 1945
Referred to
Second Reading in House April 16, 1945
Referred to Health Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Approved 4/26/45 Gpdt

SB245

AN ACT

TO AMEND SECTION 2552 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE BUREAU OF MENTAL HYGIENE OF THE BOARD OF HEALTH.

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

SECTION 1. Section 2552 of the Revised Laws of Hawaii 1945 is hereby amended:

(a) By substituting for the words "private hospital" in the fifth line of the paragraph marked (4) in said section 2552 the phrase "individuals, hospitals, and institutions, whether governmental, charitable, or private,"; and

(b) By substituting for the word "hospital" in the ninth line of said paragraph marked (4) in said section 2552 the phrase "individuals, hospitals and institutions, whether governmental, charitable, or private,".

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

INTRODUCED BY:

Thelma Ch. Okana

Senator, 3rd District

3/22

S.B.No. 245

A N A C T

TO AMEND SECTION 2552 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE BUREAU OF MENTAL HYGIENE OF THE BOARD OF HEALTH.

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

SECTION 1. Section 2552 of the Revised Laws of Hawaii 1945 is hereby amended:

(a) By substituting for the words "private hospital" in the fifth line of the paragraph marked (4) in said section 2552 the phrase "individuals, hospitals, and institutions, whether governmental, charitable, or private,"; and

(b) By substituting for the word "hospital" in the ninth line of said paragraph marked (4) in said section 2552 the phrase "individuals, hospitals, and institutions, whether governmental, charitable, or private,".

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu,T.H., April 11, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate

Ellen D'Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE

TERRITORY OF HAWAII

Honolulu, T. H., April 26, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M K Pasehoal

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 246

1945

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 5151 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO EXEMPTIONS FROM PROPERTY TAXES, BY ADDING THERETO THE PROPERTY OF UNITED SERVICE ORGANIZATIONS, INC.

Introduced	March 22, 1945 ~~XXXX~~ by
Senator	FRANCIS K. SYLVA

First Reading in Senate	March 22, 1945
Referred to Printing Committee	March 22, 1945
Second Reading in Senate	March 23, 1945
Referred to	
Third Reading in Senate	
First Reading in House	
Referred to	
Second Reading in House	
Referred to	
Third Reading in House	

ELLEN D. SMYTHE
Clerk of the Senate.

3/22/45

SB. 246

AN ACT

TO AMEND SECTION 5151 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO EXEMPTIONS FROM PROPERTY TAXES, BY ADDING THERETO THE PROPERTY OF UNITED SERVICE ORGANIZATIONS, INC.

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

SECTION 1. Section 5151 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto, after the paragraph numbered 62, the following:

"63. The property owned in fee simple by United Service Organizations, Inc. or leased to and used and occupied by it."

SECTION 2. This Act shall take effect on January 1, 1945.

INTRODUCED BY

Francis Sylva

Sen. 3rd D.

1945 Senate Bill No. 247

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO THE BOARD OF
OF SUPERVISORS OF THE COUNTY
OF KAUAI.

Introduced March 22, 19 45, by
Senator CLEM GOMES

First Reading in Senate March 22, 1945
Referred to Printing Committee " " "
Second Reading in Senate March 23, 1945
Referred to SELECT COMMITTEE, KAUAI SENATORS
Third Reading in Senate April 2, 1945

First Reading in House April 3, 1945
Referred to
Second Reading in House April 4, 1945
Referred to County Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Engrossed 4/17/45 GDH

S. B. No. 47

A N A C T

RELATING TO THE BOARD OF SUPERVISORS OF THE COUNTY OF KAUAI AND AMENDING SECTION 6412 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Section 6412 of the Revised Laws of Hawaii 1945 is hereby amended by substituting for the words "shall consist of five members", in the second line thereof, the words "shall consist of seven members".

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

Introduced by:

Honolulu, T. H.

March 14 1945.

Senator, 4th. Senatorial District.

3/22
3rd Reading

S. B. No. 247
S. D. 2

A N A C T

RELATING TO THE BOARD OF SUPERVISORS OF THE COUNTY OF KAUAI.

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

SECTION 1. Section 6412 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 6412. Kauai supervisors; number; election. The board of supervisors of the county of Kauai shall consist of seven members, three of whom shall be elected by the voters registered in the first to sixth precincts, both inclusive, three of whom shall be elected by the voters of the seventh to the eleventh precincts, both inclusive, and one of whom shall be elected as chairman and executive officer of the board at large by the voters registered in all said precincts. All of said members shall have been qualified electors of the county for at least one year prior to election. All such elections shall be conducted in the manner prescribed by law for the election of county officers."

SECTION 2. Any laws relating to the election of county officers requiring amendment to conform to the election of

supervisors by voters registered in specific precincts required by the amendment in section 1 of this Act of said section 6412 are hereby amended to effect such conformity.

SECTION 3. This Act shall take effect upon its approval except that it shall not change the constitution or term of the present board of supervisors of the County of Kauai but shall be effective in respect of the election of supervisors in the 1946 and subsequent elections.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 2, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Keapellas

President of the Senate

Ellen D Smythe

Clerk of the Senate

S. B. NO. 247
S. D. 2
H. D. 1

A N A C T

RELATING TO THE BOARD OF SUPERVISORS OF THE COUNTY OF KAUAI.

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

SECTION 1. Section 6412 of the Revised Laws of Hawaii 1945 is hereby amended by substituting for the words "shall consist of five members", in the second line thereof, the words "shall consist of seven members".

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

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 17, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M K Paschoal
Speaker, House of Representatives.

Soares
Clerk, ~~House of Representatives~~.

S. B. NO. 247
S. D. 2
H. D. 2

A N A C T

RELATING TO THE BOARD OF SUPERVISORS OF THE COUNTY OF KAUAI.

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

SECTION 1. Section 6412 of the Revised Laws of Hawaii 1945 is hereby amended by substituting for the words "shall consist of five members", in the second line thereof, the words "shall consist of seven members".

SECTION 2. This Act shall become effective only in respect of supervisors to be elected in 1946 and at subsequent elections.

Passed Third Reading
Apr 24 - Sent to Gov

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu T. H., April 24, 1945.

We hereby certify that the foregoing Bill this day passed Final Reading in the House of Representatives of the Territory of Hawaii.

M K Pasehral
Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 248

1945

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO NURSES, AND AMENDING CHAPTER 52 OF THE REVISED LAWS OF HAWAII 1945.

Introduced March 22, 1945, by
Senator THELMA M. AKANA

First Reading in Senate March 22, 1945
Referred to Printing Committee " " "
Second Reading in Senate March 23, 1945
Referred to Committee on Public Health
Third Reading in Senate April 11, 1945

First Reading in House April 12, 1945
Referred to
Second Reading in House April 16, 1945
Referred to Health Committee
Third Reading in House

ELLEN D. SMYTHE

Clerk of the Senate

Engrossed 4 Feb 1945 [illegible]

S. B. NO. 248

A N A C T

RELATING TO NURSES, AND AMENDING CHAPTER 52 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Chapter 52 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"SECTION 2770. Definitions. A person practices nursing within the meaning of this chapter who for compensation (a) performs any service requiring the application of principles of the biological, physical and social sciences in the attendance on and care of a sick, invalid, or disabled human being hereinafter called 'patient', such as responsible supervision of a patient, requiring skill in observation of symptoms and reactions and the accurate recording of the facts, and carrying out of treatments and medications as prescribed by a licensed physician, and the application of such procedures in such attendance and care as involve understanding of cause and effect of disease and treatment in order to safeguard life and health of a patient and others, which shall constitute 'the theory and practice of nursing' as used in this chapter; or (b) performs such duties as are required in the physical care of a patient and in carrying out of medical orders as prescribed by a licensed physician,

requiring an understanding of methods of easing and caring for the patient, but not requiring the scientific understanding and trained skill outlined in (a), which shall constitute 'practical nursing' within the meaning of this chapter.

'Board' when used in this chapter shall mean the board for the licensing of nurses.

'An accredited training school for nurses' within the meaning of this chapter shall constitute one which has been investigated and approved by the board.

Sec. 2771. Board of licensing; appointment, tenure. The governor shall appoint a board to consist of five members for the licensing of nurses, four of whom shall be nurses of at least five years' experience and holding diplomas from different training schools for nurses giving at least a two years' course in the theory and practice of nursing in a hospital and one of whom shall be a physician on the consulting staff of a hospital maintaining a training school for nurses.

Commencing from July 1, 1917, one member shall be appointed to hold office for one year, one for two years, one for three years, one for four years and one for five years. Upon the expiration of the respective terms of the members, their respective successors shall be appointed for a term of five years. Upon a vacancy occurring in the board, a member shall be appointed to fill such vacancy for the remainder of the unexpired term.

Sec. 2772. Organization, meetings. The members of the board shall meet annually on the second Tuesday of July in each year and shall elect a chairman and a secretary who shall hold their respective offices for the term of one year. The board shall hold regular meetings in each year, on the second Tuesday of January, April, July and October, and it may hold such additional meetings at such times as it may determine.

Sec. 2773. Licensing; revocation and suspension of certificates. In order to safeguard life and health, no person shall practice or offer to practice nursing in the Territory of Hawaii for compensation unless licensed or excepted from licensing under this chapter. To receive a license, the applicant shall be required to submit satisfactory proof that he is qualified so to practice. Application for licensing shall be made upon blanks to be furnished by the board and shall be signed and sworn to by the applicant. Each applicant for licensing who shall furnish satisfactory proof that he is at least twenty years of age, is in good physical condition, and in good mental health, is free from any contagious or communicable disease and is of good moral character and mental health shall, upon payment of a fee of five dollars, be examined by the board. Upon such examination and (a) upon being found qualified in the theory and practice of

nursing such applicant shall be licensed as a registered nurse with the right to use the title 'registered nurse', and the initials 'R.N.' and shall receive a certificate of such licensing from the board, signed by the chairman and secretary, or (b) upon being found qualified in practical nursing, such applicant shall be licensed as a practical nurse with the right to use the title 'practical nurse', and shall receive a certificate of such licensing from the board, signed by the chairman and secretary.

The board shall have power to waive the examination of any applicant, otherwise qualified, upon satisfactory proof to it that the applicant has been graduated from an accredited training school for nurses. Any person who fails to pass an examination shall be entitled to be re-examined at the next regular examination, without the payment of an additional fee.

The board after hearing may, by a vote of a majority of its members, revoke any certificate issued by it and cancel the license of any nurse or suspend such certificate for any of the following causes:

1. Wilful betrayal of a professional secret;
2. Conviction of any offense involving moral turpitude;

3. Habitual intemperance;

4. Habitual use of habit-forming drugs, such as opium or any of its derivatives, morphine, heroin or cocaine;

5. Gross carelessness or manifest incapacity;

6. Affliction with a contagious or communicable disease.

In case any license is revoked or suspended for any of the causes named, the holder thereof shall be immediately notified in writing by the board of such revocation or suspension.

Every licensed nurse shall, between July 1 and September 1 of each year, renew his certificate by registering with the board and by paying a renewal fee of one dollar. Every certificate that is not so renewed shall expire on September 1, and shall not be renewed except upon the payment of the lapsed fee.

All expenses of the board shall be paid from the fees received by the board under the provisions of this chapter, and no salary or other expenses shall be paid out of the treasury of the Territory and all moneys received by the board shall be held by the treasurer as a special fund for meeting the expenses of the board.

Sec. 2774. Examinations. Examinations for registered nurse shall be in part in writing and in part in practical work, and shall include the theory and practice of nursing. Due credit shall be given for examinations in special branches. Examinations for practical nurse may be in part in writing, but shall, in the main, be in practical work.

Sec. 2775. Persons eligible for examination, etc. No person shall be eligible for examination or for licensing as a registered nurse, who shall not furnish satisfactory evidence of having been graduated from an accredited training school for nurses. All applicants for examination must furnish satisfactory evidence of good moral character and of having complied with the provisions of this chapter, relative to qualifications.

Sec. 2776. Exemption from examination. The board shall have power to license from time to time and upon payment of the fee, without examination, (a) as a registered nurse, a person who has been licensed or registered as a registered nurse elsewhere under laws which, in the opinion of the board, maintain a standard substantially similar to that established under this chapter for registered nurses, and who otherwise meets the standards established by the board, and (b) as a practical nurse, a person who has been licensed elsewhere under laws which in the

opinion of the board maintain a standard substantially similar to that established under this chapter and who otherwise meets the standards established by the board.

The board shall also have power, in cases of emergency affecting the health and safety of the community (the existence of which such board shall be entitled, in their discretion, to determine), to waive in writing the requirements of qualifications and examinations established by this chapter, either as to individuals or generally, for a specific time fixed in such waiver.

The board of examiners shall file with the board of health of the Territory, monthly, a complete list of all nurses licensed by the board.

Sec. 2777. Powers and duties of board. The board shall examine and approve curricula and standards for schools and courses preparing persons for licensing under this Act. It shall provide for surveys of such schools and courses at such time as it may deem necessary or desirable. It shall examine applications for license for practical nurses and determine therefrom and by investigation and examination the individuals' fitness to be entrusted with the care of the sick. It shall examine, license and renew the certificate of license of duly qualified applicants. It shall have power to make investigations concerning

all matters touching the enforcement and effect of the provisions of this chapter and the rules and regulations prescribed thereunder, and in the course of such investigations before the board, each member of the board shall have power to administer oaths.

In all investigations made by the board and in all proceedings before it, the board shall have the same powers respecting compelling the attendance of witnesses and the production of documentary evidence and examining witnesses as are possessed by circuit judges at chambers. All subpoenas shall be signed by the chairman of the board.

If any person subpoenaed as a witness to attend before the board, or to produce any books, papers, or records called for by the process of the board, shall fail or refuse to respond thereto, or refuse to answer questions propounded by any member of the board, material to the matter pending before the board, it shall be the duty of any circuit judge, on application by the board, or any member thereof, to compel obedience to any process of the board and to require any witness to answer questions put to him as aforesaid, and to punish as a contempt of court any refusal to comply with the court's

order unless good cause is shown therefor. False swearing by any witness before the board shall constitute perjury and shall be punished as such.

Sec. 2778. Same; reports. The board shall keep a record of the names of all persons registered hereunder, and of all moneys received and disbursed by it. The board shall annually on or before July 1, make a report to the governor of the condition of nursing in the Territory, of all its official acts during the preceding year, and of its receipts and disbursements.

Sec. 2779. Exceptions. The provisions of this chapter shall not be construed as prohibiting gratuitous nursing by friends or members of the family, or as prohibiting the incidental care of the sick by domestic servants or persons primarily employed as housekeepers, as long as such persons do not practice nursing within the meaning of this Act, or as prohibiting nursing assistance in the case of an emergency; nor shall it be construed as prohibiting the practice of nursing by students enrolled in accredited schools of nursing or accredited courses for the training of attendants in the course and scope of their duties, nor by graduates of such

schools or courses pending the results of the first licensing examination scheduled by the board following such graduation; nor shall it be construed as prohibiting the practice of nursing in the Territory by any nurse duly licensed or registered in another jurisdiction whose engagement requires him to accompany and care for a patient temporarily residing in the Territory during the period and in the discharge of one such engagement, not to exceed six months in length, provided such person does not represent or hold himself out as a nurse licensed to practice in the Territory, nor shall it be construed as prohibiting the practice by any nurse who is employed by the United States Government or any bureau, division or agency thereof, while in the discharge of his official duties.

Sec. 2780. Penalty. It shall be unlawful for any person to practice, or to offer to practice, nursing in this Territory or to use any title, sign, card, or any device to indicate that such a person is practicing nursing unless such person has been duly licensed and registered under the provisions of this chapter, for the type of nursing, i.e.,as a registered nurse or as a practical nurse, which such person practices or offers to practice or uses such device to indicate such practice, or is excepted from the requirement of licensing under

the provisions of this chapter. Any person violating the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars.

Sec. 2781. Rules and regulations; powers. The board is authorized to adopt and, from time to time, revise such rules and regulations not inconsistent with the law of the Territory, as may be necessary or desirable to enable it to carry into effect the provisions of this Act."

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

INTRODUCED BY:

Thelma M. Skana

Senator, Third Senatorial District

3/22 LD
4/10 Amended LD

S. B. No. 248
S. D. 1

A N A C T

RELATING TO NURSES, AND AMENDING CHAPTER 52 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Chapter 52 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 2770. Definitions. A person practices nursing within the meaning of this chapter who for compensation (a) performs any service requiring the application of principles of the biological, physical and social sciences in the attendance on and care of a sick, invalid, or disabled human being hereinafter called 'patient', such as responsible supervision of a patient, requiring skill in observation of symptoms and reactions and the accurate recording of the facts, and carrying out of treatments and medications as prescribed by a licensed physician, and the application of such procedures in such attendance and care as involve

understanding of cause and effect of disease and treatment in order to safeguard life and health of a patient and others, which shall constitute 'the theory and practice of nursing' as used in this chapter; or (b) performs such duties as are required in the physical care of a patient and in carrying out of medical orders as prescribed by a licensed physician, requiring an understanding of methods of easing and caring for the patient, but not requiring the scientific understanding and trained skill outlined in (a), which shall constitute 'practical nursing' within the meaning of this chapter.

'Board' when used in this chapter shall mean the board for the licensing of nurses.

'An accredited training school for nurses' within the meaning of this chapter shall constitute one which has been investigated and approved by the board.

Sec. 2771. Board of licensing, appointment, tenure. The governor shall appoint a board to consist of five members for the licensing of nurses, four of whom shall be nurses of at least five years' experience and holding diplomas from different training schools for nurses giving at least a two years' course in the theory and practice of nursing in a hospital and one of whom shall be a

physician on the consulting staff of a hospital maintaining a training school for nurses.

Commencing from July 1, 1917, one member shall be appointed to hold office for one year, one for two years, one for three years, one for four years and one for five years. Upon the expiration of the respective terms of the members, their respective successors shall be appointed for a term of five years. Upon a vacancy occurring in the board, a member shall be appointed to fill such vacancy for the remainder of the unexpired term.

Sec. 2772. Organization, meetings. The members of the board shall meet annually on the second Tuesday of July in each year and shall elect a chairman and a secretary who shall hold their respective offices for the term of one year. The board shall hold regular meetings in each year, on the second Tuesday of January, April, July and October, and it may hold such additional meetings at such times as it may determine.

Sec. 2773. Licensing; revocation and suspension of certificates. In order to safeguard life and health, no person shall practice or offer to practice nursing in the Territory of Hawaii for compensation unless licensed or excepted from licensing under this chapter. To receive a license, the applicant shall be required to submit satisfac-

tory proof that he is qualified so to practice. Application for licensing shall be made upon blanks to be furnished by the board and shall be signed and sworn to by the applicant. Each applicant for licensing who shall furnish satisfactory proof that he is at least twenty years of age, is in good physical condition, and in good mental health, is free from any contagious or communicable disease and is of good moral character and mental health shall, upon payment of a fee of five dollars, be examined by the board. Upon such examination and (a) upon being found qualified in the theory and practice of nursing such applicant shall be licensed as a registered nurse with the right to use the title 'registered nurse', and the initials 'R.N.' and shall receive a certificate of such licensing from the board, signed by the chairman and secretary, or (b) upon being found qualified in practical nursing, such applicant shall be licensed as a practical nurse with the right to use the title 'practical nurse', and shall receive a certificate of such licensing from the board, signed by the chairman and secretary.

The board shall have power to waive the examination of any applicant, otherwise qualified, upon satisfactory proof that the applicant has been registered as a nurse in another jurisdiction and has been graduated from a training school for nurses accredited by the League of Nursing Education.

The board after hearing may, by a vote of a majority of its members, revoke any certificate issued by it and cancel the license of any nurse or suspend such certificate for any of the following causes:

1. Wilful betrayal of a professional secret;
2. Conviction of any offense involving moral turpitude;
3. Habitual intemperance;
4. Habitual use of habit-forming drugs, such as opium or any of its derivatives, morphine, heroin or cocaine;
5. Gross carelessness or manifest incapacity;
6. Affliction with a contagious or communicable disease.

In case any license is revoked or suspended for any of the causes named, the holder thereof shall be immediately notified in writing by the board of such revocation or suspension.

Every licensed nurse shall, between July 1 and September 1 of each year, renew his certificate by registering with the board and by paying a renewal fee of one dollar. Every certificate that is not so renewed shall expire on September 1, and shall not be renewed except upon the payment of the lapsed fee.

All expenses of the board shall be paid from the fees received by the board under the provisions of this chapter, and no salary or other expenses

shall be paid out of the treasury of the Territory and all moneys received by the board shall be held by the treasurer as a special fund for meeting the expenses of the board.

Sec. 2774. Examinations. Examinations for registered nurse shall be in part in writing and in part in practical work, and shall include the theory and practice of nursing. Due credit shall be given for examinations in special branches. Examinations for practical nurse may be in part in writing, but shall, in the main, be in practical work.

Sec. 2775. Persons eligible for examination, etc. No person shall be eligible for examination or for licensing as a registered nurse, who shall not furnish satisfactory evidence of having been graduated from an accredited training school for nurses. All applicants for examination must furnish satisfactory evidence of good moral character and of having complied with the provisions of this chapter, relative to qualifications.

Sec. 2776. Exemption from examination. The board shall have power to license from time to time and upon payment of the fee, without examination, (a) as a registered nurse, a person who has been licensed or registered as a registered nurse elsewhere under laws which, in the opinion of the board,

maintain a standard substantially similar to that established under this chapter for registered nurses, and who otherwise meets the standards established by the board, and (b) as a practical nurse, a person who has been licensed elsewhere under laws which in the opinion of the board maintain a standard substantially similar to that established under this chapter and who otherwise meets the standards established by the board.

The board shall also have power, in cases of emergency affecting the health and safety of the community (the existence of which such board shall be entitled, in their discretion, to determine), to waive in writing the requirements of qualifications and examinations established by this chapter, either as to individuals or generally, for a specific time fixed in such waiver.

The board of examiners shall file with the board of health of the Territory, monthly, a complete list of all nurses licensed by the board.

Sec. 2777. Powers and duties of board. The board shall examine and approve curricula and standards for schools and courses preparing persons for licensing under this Act. It shall provide for surveys of such schools and courses at such time as it may deem necessary or desirable. It shall examine applications for license for practical nurses and determine therefrom

and by investigation and examination the individuals' fitness to be entrusted with the care of the sick. It shall examine, license and renew the certificate of license of duly qualified applicants. It shall have power to make investigations concerning all matters touching the enforcement and effect of the provisions of this chapter and the rules and regulations prescribed thereunder, and in the course of such investigations before the board, each member of the board shall have power to administer oaths.

In all investigations made by the board and in all proceedings before it, the board shall have the same powers respecting compelling the attendance of witnesses and the production of documentary evidence and examining witnesses as are possessed by circuit judges at chambers. All subpoenas shall be signed by the chairman of the board.

If any person subpoenaed as a witness to attend before the board, or to produce any books, papers, or records called for by the process of the board, shall fail or refuse to respond thereto, or refuse to answer questions propounded by any member of the board, material to the matter pending before the board, it shall be the duty of any circuit judge, on application by the board, or any member thereof, to compel obedience to any process of the board

and to require any witness to answer questions put to him as aforesaid, and to punish as a contempt of court any refusal to comply with the court's order unless good cause is shown therefor. False swearing by any witness before the board shall constitute perjury and shall be punished as such.

Sec. 2778. Same; reports. The board shall keep a record of the names of all persons registered hereunder, and of all moneys received and disbursed by it. The board shall annually on or before July 1, make a report to the governor of the condition of nursing in the Territory, of all its official acts during the preceding year, and of its receipts and disbursements.

Sec. 2779. Exceptions. The provisions of this chapter shall not be construed as prohibiting gratuitous nursing by friends or members of the family, or as prohibiting the incidental care of the sick by domestic servants or persons primarily employed as housekeepers, as long as such persons do not practice nursing within the meaning of this Act, or as prohibiting nursing assistance in the case of an emergency; nor shall it be construed as prohibiting the practice of nursing by students enrolled in accredited schools of nursing or accredited courses for the training of attendants

in the course and scope of their duties, nor by graduates of such schools or courses pending the results of the first licensing examination scheduled by the board following such graduation; nor shall it be construed as prohibiting the practice of nursing in the Territory by any nurse duly licensed or registered in another jurisdiction whose engagement requires him to accompany and care for a patient temporarily residing in the Territory during the period and in the discharge of one such engagement, not to exceed six months in length, provided such person does not represent or hold himself out as a nurse licensed to practice in the Territory, nor shall it be construed as prohibiting the practice by any nurse who is employed by the United States government or any bureau, division or agency thereof, while in the discharge of his official duties.

Sec. 2780. Penalty. It shall be unlawful for any person to practice, or to offer to practice, nursing in this Territory or to use any title, sign, card, or any device to indicate that such a person is practicing nursing unless such person has been duly licensed and registered under the provisions of this chapter, for the type of

nursing, i. e., as a registered nurse or as a practical nurse, which such person practices or offers to practice or uses such device to indicate such practice, or is excepted from the requirement of licensing under the provisions of this chapter. Any person violating the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars.

Sec. 2781. Rules and regulations; powers. The board is authorized to adopt and, from time to time, revise such rules and regulations not inconsistent with the law of the Territory, as may be necessary or desirable to enable it to carry into effect the provisions of this Act."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu,T.H., April 12, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E S Capellas

President of the Senate

Ellen D'Smythe

Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 25, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M K Pacheco

Speaker, House of Representatives.

Clerk, House of Representatives.

1945 Senate Bill No. 249

The Legislature
of the
Territory of Hawaii

AN ACT

PROVIDING A LIFE PENSION FOR
EDWARD K. SIMMONS.

Introduced March 22, 1945, by
Senator THOMAS PEDRO, JR.

First Reading in Senate March 22, 1945
Referred to Printing Committee March 22, 1945
Second Reading in Senate March 23, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Apr 16 - Com w/bill placed on file

S. B. NO. 249

A N A C T

PROVIDING A LIFE PENSION FOR EDWARD K. SIMMONS.

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

SECTION 1. The treasurer of the Territory shall pay upon warrants issued by the auditor of the Territory, a pension of seventy-five dollars per month for life to Edward K. Simmons.

SECTION 2. Said pension shall be in addition to any amounts received by said Edward K. Simmons under or from the Employees' Retirement System of the Territory of Hawaii.

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

INTRODUCED BY:

Thomas Sedro Jr.

Senator, First Senatorial District

Senate Bill No. 250

1945

The Legislature
of the
Territory of Hawaii

AN ACT

APPROPRIATING TEN THOUSAND DOLLARS FOR THE SURVEY OF A ROAD INTO WAIPIO VALLEY, HAWAII.

Introduced March 22, 1945, by Senator THOMAS PEDRO, JR.

First Reading in Senate March 22, 1945
Referred to Printing Committee " " "
Second Reading in Senate Committee on
Referred to Ways and Means
Third Reading in Senate April 2, 1945

First Reading in House April 3, 1945
Referred to
Second Reading in House April 4, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

S. B. NO. 250

A N A C T

APPROPRIATING five TEN THOUSAND DOLLARS FOR THE SURVEY OF A ROAD INTO WAIPIO VALLEY, HAWAII.

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

SECTION 1. The sum of five ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated from the general funds of the Territory, not otherwise appropriated, for a survey of a road into Waipio Valley, Hawaii.

SECTION 2. Said sum shall be expended upon warrants issued by the territorial auditor upon vouchers approved by the superintendent of public works.

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

INTRODUCED BY:

Thomas Sedor, Jr.

Senator, First Senatorial District

S.B.No. 250
S.D. 3

A N A C T

APPROPRIATING TEN THOUSAND DOLLARS FOR THE SURVEY OF A ROAD INTO WAIPIO VALLEY, HAWAII.

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

SECTION 1. The sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated from the general funds of the Territory, not otherwise appropriated, for a survey of a road into Waipio Valley, Hawaii.

SECTION 2. The superintendent of public works is hereby authorized and directed to make said survey, and said sum shall be expended upon warrants issued by the territorial auditor upon vouchers approved by said superintendent of public works.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 2, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate.

Ellen D Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 24, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M K Pasehoal

Speaker, House of Representatives.

Clerk, House of Representatives.

OK

1945

Senate Bill No. 251

The Legislature
of the
Territory of Hawaii

AN ACT

FOR THE RELIEF OF MRS. RAYMOND C. BROWN.

Introduced March 23, 1945, by

Senator FRANCIS K. SYLVA

First Reading in Senate March 23, 1945
Referred to Printing Committee March 23, 1945
Second Reading in Senate March 26, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Apr. 16
Peace on on file
com whole

Com whole - [illegible]

S. B. NO. 257

A N A C T

FOR THE RELIEF OF MRS. RAYMOND C. BROWN.

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

SECTION 1. There is hereby granted to MRS. RAYMOND C. BROWN, subject to the provisions of Chapter 14, Revised Laws of Hawaii 1945, a life pension of one hundred dollars ($100.00) per month.

SECTION 2. Sufficient funds to cover the expenditures required by this Act are hereby appropriated from the general revenues of the Territory of Hawaii, not otherwise appropriated.

SECTION 3. Said pension shall be payable to said MRS. RAYMOND C. BROWN upon warrant issued by the Treasurer of the Territory.

SECTION 4. This Act shall take effect upon its approval.

Introduced by:

Senator, Third District

March 23, 1945

3/23

1945 Senate Bill No. 252

The Legislature
of the
Territory of Hawaii

AN ACT

FOR THE RELIEF OF MANUEL A MONIZ.

Same as House Bill 527

Introduced March 23, 1945, 19, by
Senator FRANCIS K. SYLVA

First Reading in Senate March 23, 1945
Referred to Printing Committee March 23, 1945
Second Reading in Senate March 24, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

S. B. NO. 252

A N A C T

FOR THE RELIEF OF MANUEL A. MONIZ.

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

SECTION 1. There is hereby granted to MANUEL A. MONIZ, subject to the provisions of Chapter 14, Revised Laws of Hawaii 1945, a life pension of seventy-five dollars ($75.00) per month.

SECTION 2. Sufficient funds to cover the expenditures required by this Act are hereby appropriated from the general revenues of the Territory of Hawaii, not otherwise appropriated.

SECTION 3. Said pension shall be payable to said MANUEL A. MONIZ upon warrant issued by the Treasurer of the Territory.

SECTION 4. This Act shall take effect upon its approval.

Introduced by:

Senator, Third District

March 23, 1945

3/23

1945

Senate Bill No. 253

C. F. Leicester 4931
McCombs

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 4226 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE DEFINITION OF SEASONAL PURSUIT UNDER THE UNEMPLOYMENT COMPENSATION LAW.

Introduced March 23, 1945, by
Senator WM. H. HEEN

First Reading in Senate March 23, 1945
Referred to Printing Committee " " "
Second Reading in Senate March 26, 1945
Referred to Committee on Judiciary
Third Reading in Senate April 6, 1945

First Reading in House April 6, 1945
Referred to
Second Reading in House April 9, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Expired 5/9/45
EPH

S.B. Bill #253

A N A C T

TO AMEND SECTION 4226 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE DEFINITION OF SEASONAL PURSUIT UNDER THE UNEMPLOYMENT COMPENSATION LAW.

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

SECTION 1. Section 4226 of the Revised Laws of Hawaii 1945 is hereby amended by substituting for the words "thirty per centum" in the twelfth line of paragraph (A) thereof the words "fifty per centum".

SECTION 2. The amendment effected by Section 1 of this Act shall be applicable for the purpose of determining the status of an industry or of an occupation within an industry under Section 4226, during the year 1945 and during each subsequent year.

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

Introduced by:

Senator Third District

S.B.No. 253

A N A C T

TO AMEND SECTION 4226 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE DEFINITION OF SEASONAL PURSUIT UNDER THE UNEMPLOYMENT COMPENSATION LAW.

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

SECTION 1. Section 4226 of the Revised Laws of Hawaii 1945 is hereby amended by substituting for the words "thirty per centum" in the twelfth line of paragraph (A) thereof the words "fifty per centum".

SECTION 2. The amendment effected by section 1 of this Act shall be applicable for the purpose of determining the status of an industry or of an occupation within an industry under section 4226, during the year 1945 and during each subsequent year.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu,T.H., April 6, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E. D. Knapellas

President of the Senate

Ellen D. Smythe

Clerk of the Senate

S. B. No. 253
H. D. 1

A N A C T

TO AMEND SECTION 4226 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE DEFINITION OF SEASONAL PURSUIT UNDER THE UNEMPLOYMENT COMPENSATION LAW.

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

SECTION 1. Section 4226 of the Revised Laws of Hawaii 1945 is hereby amended by substituting for the words "thirty per centum" in the twelfth line of paragraph (A) thereof the words "fifty per centum".

SECTION 2. The amendment effected by section 1 of this Act shall be applicable for the purpose of determining the status of an industry or of an occupation within an industry under section 4226, only during the years 1945, 1946 and 1947, or only until six months after the cessation of hostilities in the present war, whichever period is the longer.

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

THE HOUSE OF REPRESENTATIVES OF THE

TERRITORY OF HAWAII

Honolulu, T. H., May 1, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M K Pasehval
Speaker, House of Representatives.

Clerk, House of ~~Representatives~~.

1945

Senate Bill No. 254

The Legislature
of the
Territory of Hawaii

AN ACT

TO PROVIDE FOR THE GRANTING OF CREDITABLE SERVICE OR PRIOR SERVICE CREDIT IN THE EMPLOYEES' RETIREMENT SYSTEM OF THE TERRITORY OF HAWAII TO C. T. STEVENSON AND TO WILLIAM A. GABRIELSON AND TO PRESCRIBE THE CONDITIONS THEREOF.

Labled + Indefinitely Postponed

Introduced March 26, 1945, by

Senator E. S. CAPELLAS

First Reading in Senate	March 26, 1945
Referred to Printing Committee	March 26, 1945
Second Reading in Senate	March 27, 1945
Referred to	COMMITTEE ON WAYS AND MEANS
Third Reading in Senate	April 28, 1945

First Reading in House	
Referred to	
Second Reading in House	
Referred to	
Third Reading in House	

ELLEN D. SMYTHE
Clerk of the Senate

SB 254

A N A C T

TO PROVIDE FOR THE GRANTING OR PRIOR SERVICE CREDIT IN THE EMPLOYEES' RETIREMENT SYSTEM OF THE TERRITORY OF HAWAII TO C. T. STEVENSON AND TO PRESCRIBE THE CONDITIONS THEREOF.

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

SECTION 1. The board of trustees of the employees' retirement system of the Territory of Hawaii is hereby authorized and directed to grant to C. T. Stevenson, Warden of Oahu Prison, creditable service and/or prior service credit to the same extent to which he would have been entitled, had he performed not only the years of service now credited to him as a member of said system with the Territory, but also the additional years of service credited to him in the retirement system for employees of the United States Government prior to January 1, 1941.

Such service credit shall be granted only in the event that said C. T. Stevenson shall pay to the employees' retirement system of this Territory $3,019.00, the sum total of his accumulated contributions to the federal employees' retirement system for federal employees.

Any additional contributions to the pension accumulation fund necessitated by such granting of additional service credit under this Act are hereby assumed as an obligation of the Territory of Hawaii.

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

INTRODUCED BY: E D Capellas

Senator 1st ___ District

3/26/53

1945

Senate Bill No. 255

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 2305 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE BOARD OF HEALTH, THE PHYSICIANS OF THE BOARD OF HEALTH, AND THE PHYSICIANS OF THE COUNTIES, AND TO ANTITOXINS, ANTISERUMS, VACCINES, BIOLOGICS, AND DRUGS, AND TO THE PURCHASING AND KEEPING ON HAND THEREOF BY THE BOARD OF HEALTH, THE ADMINISTRATION AND FURNISHING THEREOF BY THE BOARD OF HEALTH OR BY PHYSICIANS OF THE BOARD OF HEALTH OR OF THE COUNTIES TO CERTAIN PERSONS AND THE REQUIREMENT OF PAYMENT THEREFOR.

Introduced March 26, 1945, by

Senator E. S. CAPELLAS

First Reading in Senate	March 26, 1945
Referred to Printing Committee	March 26, 1945
Second Reading in Senate	March 27, 1945
Referred to	COMMITTEE ON PUBLIC HEALTH
Third Reading in Senate	April 26, 1945

First Reading in House	April 26, 1945
Referred to	
Second Reading in House	April 27, 1945
Referred to	Health Committee
Third Reading in House	

ELLEN D. SMYTHE
Clerk of the Senate

Engrossed 5/3/45

SB 255

AN ACT

TO AMEND SECTION 2305 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE BOARD OF HEALTH, THE PHYSICIANS OF THE BOARD OF HEALTH, AND THE PHYSICIANS OF THE COUNTIES, AND TO ANTITOXINS, ANTISERUMS, VACCINES, BIOLOGICS, AND DRUGS, AND TO THE PURCHASING AND KEEPING ON HAND THEREOF BY THE BOARD OF HEALTH, THE ADMINISTRATION AND FURNISHING THEREOF BY THE BOARD OF HEALTH OR BY PHYSICIANS OF THE BOARD OF HEALTH OR OF THE COUNTIES TO CERTAIN PERSONS AND THE REQUIREMENT OF PAYMENT THEREFOR.

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

SECTION 1. Section 2305 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 2305. Antitoxins, antiserums, vaccines, biologics and drugs. The board is authorized and directed to purchase from time to time out of moneys which may be available to it therefor, and to keep on hand and available for administration under this section in the various counties to persons unable to pay for them antitoxins, antiserums, vaccines and other biologics and drugs of types and in a supply sufficient for the public health, welfare, and safety.

"Such antitoxins, antiserums, vaccines, biologics, and drugs shall by any physician of the board or of any such county be administered free of charge to any person who is in need of them and is unable to pay for

them or shall be furnished free of charge to the attending physician of such person for use in the treatment of such person; provided, however, that the person so benefited, or his estate or personal representatives, if subsequently able to do so, may be required by the board to pay for any such antitoxin, antiserum, vaccine, biologic, or drug furnished free of charge to or for him under this chapter."

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

INTRODUCED BY:

E B Leapellar

Senator 1st, ___ District

S. B. No. 255

A N A C T

TO AMEND SECTION 2305 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE BOARD OF HEALTH, THE PHYSICIANS OF THE BOARD OF HEALTH, AND THE PHYSICIANS OF THE COUNTIES, AND TO ANTITOXINS, ANTISERUMS, VACCINES, BIOLOGICS, AND DRUGS, AND TO THE PURCHASING AND KEEPING ON HAND THEREOF BY THE BOARD OF HEALTH, THE ADMINISTRATION AND FURNISHING THEREOF BY THE BOARD OF HEALTH OR BY PHYSICIANS OF THE BOARD OF HEALTH OR OF THE COUNTIES TO CERTAIN PERSONS AND THE REQUIREMENT OF PAYMENT THEREFOR.

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

SECTION 1. Section 2305 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 2305. Antitoxins, antiserums, vaccines, biologics and drugs. The board is authorized and directed to purchase from time to time out of moneys which may be available

to it therefor, and to keep on hand and available for administration under this section in the various counties to persons unable to pay for them antitoxins, antiserums, vaccines and other biologics and drugs of types and in a supply sufficient for the public health, welfare, and safety.

"Such antitoxins, antiserums, vaccines, biologics, and drugs shall by any physician of the board or of any such county be administered free of charge to any person who is in need of them and is unable to pay for them or shall be furnished free of charge to the attending physician of such person for use in the treatment of such person; provided, however, that the person so benefited, or his estate or personal representatives, if subsequently able to do so, may be required by the board to pay for any such antitoxin, antiserum, vaccine, biologic, or drug furnished free of charge to or for him under this chapter."

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

5/7/98

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 26, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate.

Ellen D. Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE

TERRITORY OF HAWAII

Honolulu, T. H., April 30, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M C Paschoal

Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 256

The Legislature
of the
Territory of Hawaii

AN ACT

TO EXTEND THE LAND LAWS REVISION COMMISSION; AMENDING JOINT RESOLUTION 10 OF THE TWENTY-SECOND LEGISLATURE.

Engrossed 5/5/45

Introduced March 26, 1945, by
Senator E. S. CAPELLAS

First Reading in Senate March 26, 1945
Referred to Printing Committee March 26, 1945
Second Reading in Senate March 27, 1945
Referred to COMMITTEE ON PUBLIC LANDS
Third Reading in Senate April 21, 1945

First Reading in House April 21, 1945
Referred to
Second Reading in House April 23, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

SB 256

A N A C T

TO EXTEND THE LAND LAWS REVISION COMMISSION; AMENDING JOINT RESOLUTION 10 OF THE TWENTY-SECOND LEGISLATURE.

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

SECTION 1. Joint Resolution 10 of the Twenty-second Legislature, regular session of 1943, is hereby amended in the following respects:

(a) By deleting the date "January 1, 1945", which appears in the seventh line of section 1 thereof, and by inserting in lieu thereof "January 1, 1947".

(b) By deleting the figures "1945" which appear in the fourth line of section 3 thereof, and by inserting in lieu thereof "1947".

SECTION 2. This Act shall take effect upon its approval, and shall be applied so as to give continuity to the offices, duties and powers of, and the appropriation for, the members of the land laws revision commission, whether or not this act takes effect prior to the expiration of said Joint Resolution 10 as originally enacted.

INTRODUCED BY:

E. B. Clapellas

Senate, ___ District

S. B. No. 256

A N A C T

TO EXTEND THE LAND LAWS REVISION COMMISSION; AMENDING JOINT RESOLUTION 10 OF THE TWENTY-SECOND LEGISLATURE.

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

SECTION 1. Joint Resolution 10 of the Twenty-Second Legislature, Regular Session of 1943, is hereby amended in the following respects:

(a) By deleting the date "January 1, 1945", which appears in the seventh line of Section 1 thereof, and by inserting in lieu thereof "January 1, 1947".

(b) By deleting the figures "1945" which appear in the fourth line of Section 3 thereof, and by inserting in lieu thereof "1947".

SECTION 2. This Act shall take effect upon its approval, and shall be applied so as to give continuity to

the offices, duties and powers of, and the appropriation for, the members of the land laws revision commission, whether or not this Act takes effect prior to the expiration of said Joint Resolution 10 as originally enacted.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 21, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E S Capellas

President of the Senate.

Ellen D'Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

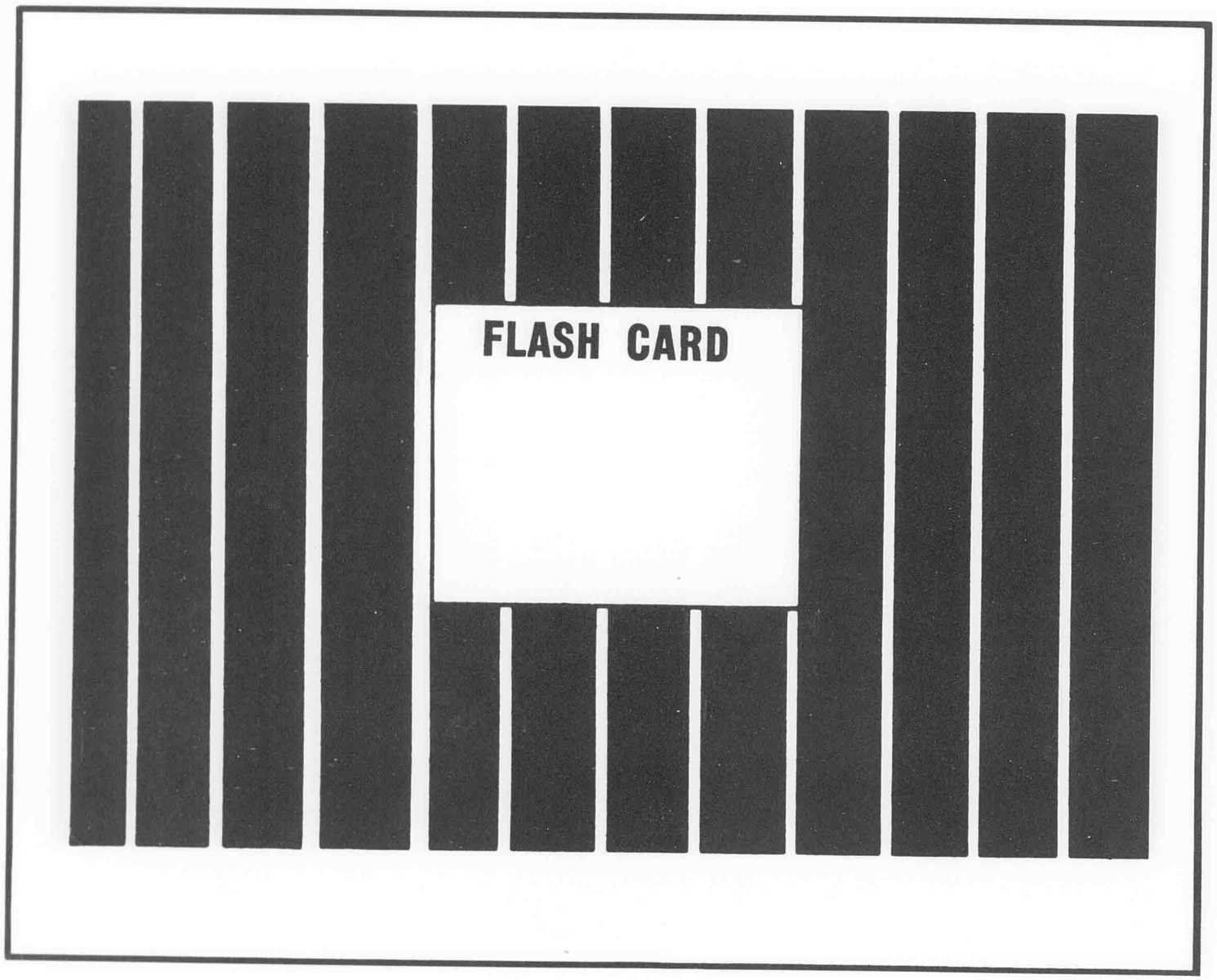
Honolulu, T. H., April 30, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M K Paschoal

Speaker, House of Representatives.

Clerk, House of Representatives.



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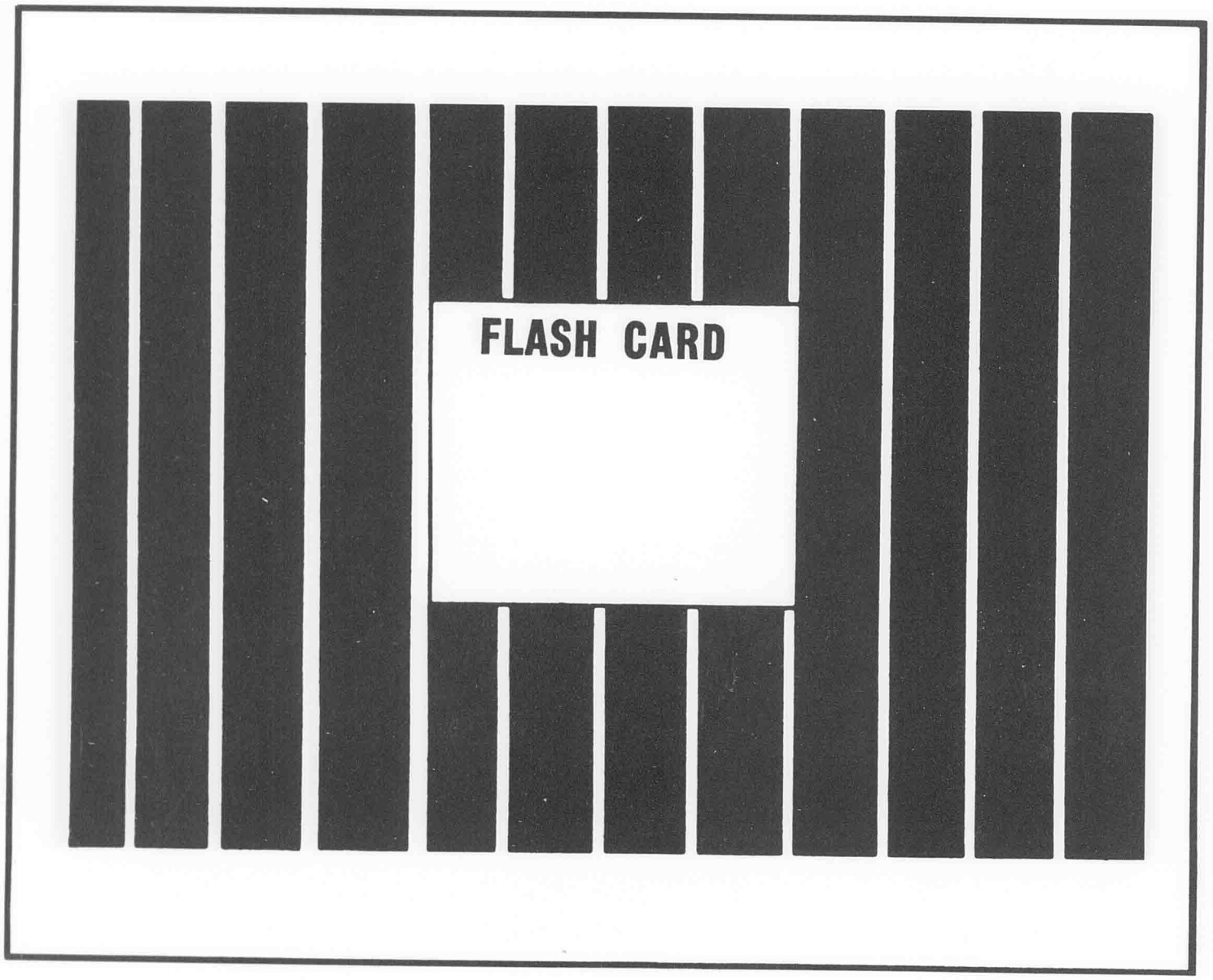

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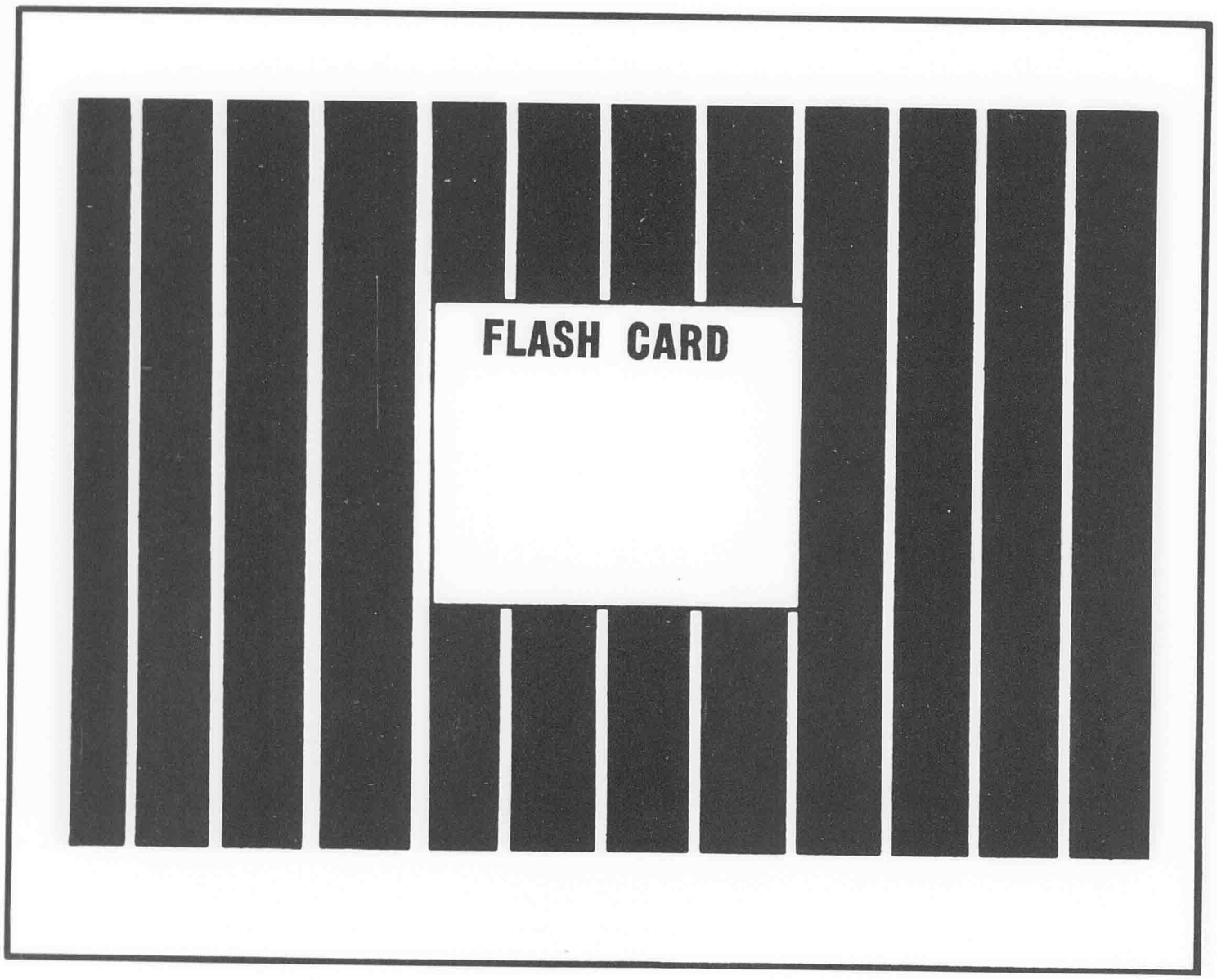

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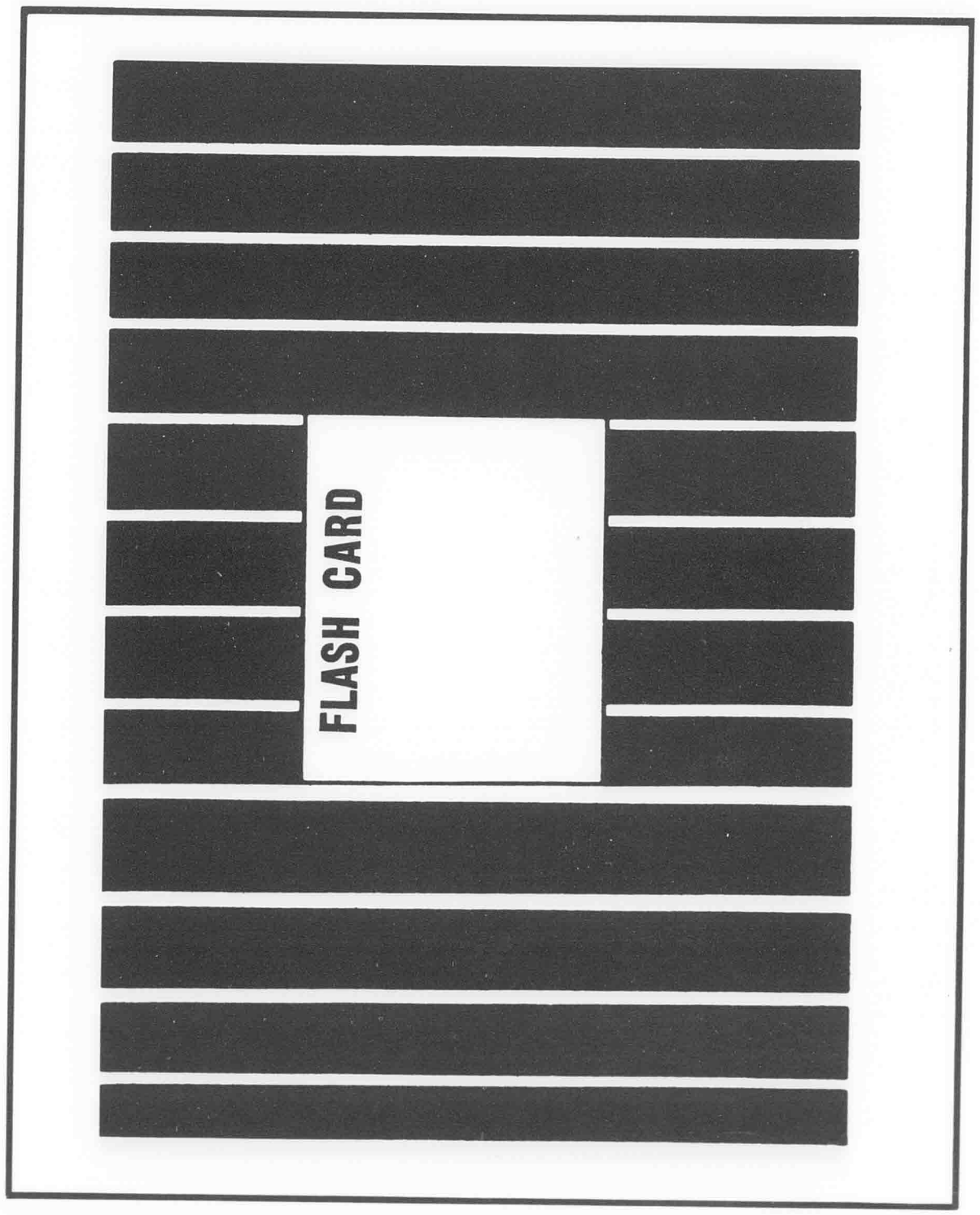

FLASH NO.

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3

1945

Senate Bill No. 257

The Legislature
of the
Territory of Hawaii

AN ACT

TO ENABLE THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO SELL A PORTION OF ALA MOANA PARK TO THE UNITED STATES, OR TO MAKE AN EXCHANGE, AND APPROPRIATING THE PROCEEDS FROM SUCH SALE, OR FROM CONDEMNATION THEREOF, FOR THE ACQUISITION OF OTHER PROPERTY BORDERING ON THE OCEAN FOR PARK PURPOSES.

Introduced March 26, 1945, by
Senator E. S. CAPELLAS

First Reading in Senate March 26, 1945
Referred to Printing Committee March 26, 1945
Second Reading in Senate March 27, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Oahu

SB 257

AN ACT

TO ENABLE THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO SELL A PORTION OF ALA MOANA PARK TO THE UNITED STATES, OR TO MAKE AN EXCHANGE, AND APPROPRIATING THE PROCEEDS FROM SUCH SALE, OR FROM CONDEMNATION THEREOF, FOR THE ACQUISITION OF OTHER PROPERTY BORDERING ON THE OCEAN FOR PARK PURPOSES.

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

SECTION 1. The board of supervisors of the city and county of Honolulu is hereby authorized, notwithstanding any other provision of law and without public auction, to sell to the United States such portion of the Ala Moana park as is required for a quarantine station for the United States public health service and appurtenances thereto, or to exchange such property for other real property bordering on the ocean, suitable for park purposes.

SECTION 2. In the event of such sale or in the event of condemnation of such land the proceeds thereof are hereby appropriated for the acquisition of other real property bordering on the ocean, suitable for park purposes.

SECTION 3. The board of supervisors need not secure the approval of the park board for such sale, but in the event of the acquisition of other land by an exchange, or by expenditure of the proceeds of Ala Moana park land, the land to be acquired shall have been approved by the park board as suitable for park purposes.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

E B Capellas

1st, ___District

3/26
R.

1945

Senate Bill No. 258

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO THE EXAMINATION OF DAIRY CATTLE BY THE BOARD OF COMMISSIONERS OF AGRICULTURE AND FORESTRY.

Introduced March 26, 1945, by
Senator FRANCIS H. I1 BROWN

First Reading in Senate March 26, 1945
Referred to Printing Committee March 26, 1945
Second Reading in Senate March 27, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

agr.

SB 258

AN ACT

RELATING TO THE EXAMINATION OF DAIRY CATTLE BY THE BOARD OF COMMISSIONERS OF AGRICULTURE AND FORESTRY.

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

SECTION 1. The board of commissioners of agriculture and forestry, hereinafter referred to as the board, shall have the exclusive power to examine and to require the examination of dairy cattle with respect to bovine tuberculosis, Brucella infections, and all other infections, contagions and communicable diseases of dairy cattle.

SECTION 2. The board is authorized and directed to prescribe rules and regulations with respect to types of tests to be required, the frequency of such tests, and the pasturing and segregation of tested and untested cattle and of diseased and non-diseased dairy cattle; provided, however, that all dairy cattle shall be tuberculosis tested not less than once a year.

SECTION 3. After any test of dairy cattle, the board shall furnish the owner a statement showing the date of examination, the number and identity of cattle examined, the diseases tested for, the results thereof and any other pertinent facts, and shall furnish the board of health a copy of such statement.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

Frances H.I. Brown-
Senator, 3rd District

2/26

1945

Senate Bill No. 259

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 1076 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO BOVINE TUBERCULOSIS.

Introduced March 26, 1945, by

Senator FRANCIS H. Ii BROWN

First Reading in Senate March 26, 1945
Referred to Printing Committee March 26, 1945
Second Reading in Senate March 27, 1945
Referred to COMMITTEE ON AGRICULTURE, ETC.
Third Reading in Senate April 13, 1945

First Reading in House April 16, 1945
Referred to
Second Reading in House April 17, 1945
Referred to Agriculture Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Approved
4/26/45
EDA

agr

SB259

A N A C T

TO AMEND SECTION 1076 OF THE REVISED LAWS OF HAWAII 1945

RELATING TO BOVINE TUBERCULOSIS.

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

SECTION 1. Section 1076 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Section 1076 - DAIRY AND BREEDING CATTLE; TUBERCULIN TESTS.

All dairy and breeding cattle within the Territory shall be tuberculin tested by the Territorial Veterinarian, his assistant or deputy, as often as in their judgment such testing is necessary in order to prevent, suppress and eradicate bovine tuberculosis. All cattle so tested shall be marked by the Territorial Veterinarian, his assistant or deputy, with some distinguishing mark."

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

INTRODUCED BY Francis H. I. Brown.
Senator, 3rd District.

S. B. No. 259
S. D. 1

A N A C T

TO AMEND SECTION 1076 OF THE REVISED LAWS OF HAWAII 1945

RELATING TO BOVINE TUBERCULOSIS.

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

SECTION 1. Section 1076 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 1076. Dairy and breeding cattle; tuberculin tests. All dairy and breeding cattle within the Territory shall be tuberculin tested by the territorial veterinarian, his assistant or deputy, as often as in their judgment such testing is necessary in order to prevent, suppress and eradicate bovine tuberculosis. All cattle so tested shall be marked by the territorial veterinarian, his assistant or deputy, with some distinguishing mark. Said veterinarian, and his duly authorized agents, may, for the purpose of making such tests, go upon any property where such cattle are kept."

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

4/12/46

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 13, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate.

Ellen D Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 25, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M K Pasehoal

Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 260

Pass

Delegate 500
Governor 500
Secr "
Judges 250

The Legislature
of the
Territory of Hawaii

AN ACT

PROVIDING FOR PAYMENTS OF ADDITIONAL COMPENSATION TO THE DELEGATE TO CONGRESS FROM HAWAII, THE GOVERNOR OF HAWAII AND THE SUPREME AND CIRCUIT COURT JUDGES OF THE TERRITORY.

Introduced March 26, 1945, by
Senator THOMAS PEDRO. JR.

First Reading in Senate March 26, 1945
Referred to Printing Committee " " "
Second Reading in Senate March 27, 1945
Referred to Committee of the Whole Senate
Third Reading in Senate April 10, 1945.

First Reading in House April 11, 1945
Referred to
Second Reading in House April 12, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Expired
5/9/45
ERH
Ass'ly H & Conf. Com
Rep.

S. B. No. 260

A N A C T

PROVIDING FOR PAYMENTS TO THE DELEGATE TO CONGRESS FROM HAWAII.

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

SECTION 1. The treasurer of the Territory is hereby authorized and directed to pay to the Delegate to Congress from Hawaii upon warrants issued by the auditor of said Territory each month, the amount of one thousand two hundred fifty dollars.

SECTION 2. There is hereby appropriated from the general revenues of the Territory, not otherwise appropriated, a sum sufficient to effectuate the purposes of this Act.

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

INTRODUCED BY:

Thomas Sakoda, Jr.
Senator, First Senatorial District

S.B.No. 260
S.D. 4

A N A C T

PROVIDING FOR PAYMENTS OF ADDITIONAL COMPENSATION TO THE DELEGATE TO CONGRESS FROM HAWAII, THE GOVERNOR OF HAWAII AND THE SUPREME AND CIRCUIT COURT JUDGES OF THE TERRITORY.

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

SECTION 1. The treasurer of the Territory is hereby authorized and directed to pay to the delegate to Congress from Hawaii upon warrants which the auditor of said Territory is hereby authorized and directed to issue each month, the sum of five hundred dollars as additional compensation to said delegate for services rendered the people of the Territory.

SECTION 2. The treasurer of the Territory is hereby authorized and directed to pay to the governor of Hawaii, upon warrants which the auditor of the Territory is hereby

authorized and directed to issue each month, the sum of five hundred dollars as additional compensation for his services.

SECTION 3. The treasurer of the Territory is hereby authorized and directed to pay to the several judges of the supreme court and to the several judges of the circuit courts of the Territory of Hawaii, upon warrants which the auditor of the Territory is hereby authorized and directed to issue, each month, the sum of two hundred fifty dollars, as additional compensation for their services.

Section 3-A

SECTION 4. The payment of the sums hereinabove provided shall not be construed to make the recipients officers or employees of the Territory and shall not entitle them to any bonus or to be or become members of any retirement system created under the laws of the Territory.

SECTION 5. Should the compensation payable by the

government of the United States to any of the officers mentioned in (section 1, section 2 or section 3) of this Act be hereafter increased by Act of Congress over the rate payable on the effective date of this Act, the additional monthly compensation payable to such officer under this Act shall be reduced by an amount equal to the amount of the monthly increase of compensation authorized by such Act of Congress.

SECTION 6. There are hereby appropriated from month to month from the general revenues of the Territory not otherwise appropriated such amounts as shall be necessary to effectuate the purposes of this Act.

SECTION 7. This Act shall take effect upon the first day of the calendar month following the date of the approval thereof.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 10, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E S Capellas

President of the Senate.

Ellen D Smythe

Clerk of the Senate.

S. B. No. 260
S. D. 4
H. D. 3

A N A C T

PROVIDING FOR PAYMENTS OF ADDITIONAL COMPENSATION TO THE DELEGATE TO CONGRESS FROM HAWAII, THE GOVERNOR AND SECRETARY OF HAWAII AND JUDGES OF CERTAIN COURTS IN THE TERRITORY.

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

SECTION 1. The treasurer of the Territory is hereby authorized and directed to pay to the delegate to Congress from Hawaii upon warrants which the auditor of said Territory is hereby authorized and directed to issue each month, the sum of five hundred dollars as additional compensation to said delegate for services rendered the people of the Territory.

SECTION 2. The treasurer of the Territory is hereby authorized and directed to pay to the governor of Hawaii, upon warrants which the auditor of the Territory is hereby

authorized and directed to issue each month, the sum of five hundred dollars as additional compensation for his services.

new

SECTION 3. The treasurer of the Territory is hereby authorized and directed to pay to the several judges of the supreme court and to the several judges of the circuit courts of the Territory of Hawaii, and to the several judges of the Federal District Court, upon warrants which the auditor of the Territory is hereby authorized and directed to issue, each month, the sum of two hundred fifty dollars, as additional compensation for their services.

SECTION 3-A. The treasurer of the Territory is hereby authorized and directed to pay to the secretary of Hawaii, upon warrants which the auditor of the Territory is hereby authorized and directed to issue each month, the sum of one hundred eight and thirty-three one-hundredths dollars ($108.33) as additional compensation for his services.

SECTION 4. The payment of the sums hereinabove provided shall not be construed to make the recipients officers or employees of the Territory and shall not entitle them to any bonus or to be or become members of any retirement system created under the laws of the Territory.

SECTION 5. Should the compensation payable by the government of the United States to any of the officers mentioned in the preceding sections of this Act be hereafter increased by Act of Congress over the rate payable on the effective date of this Act, the additional monthly compensation payable to such officer under this Act shall be reduced by an amount equal to the amount of the monthly increase of compensation authorized by such Act of Congress.

SECTION 6. There are hereby appropriated from month to month from the general revenues of the Territory not otherwise appropriated such amounts as shall be necessary to effectuate the purposes of this Act.

SECTION 7. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 8. This Act shall take effect upon the first day of the calendar month following the date of the approval thereof.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., May 3, 1945.

We hereby certify that the foregoing Bill this day passed Final Reading in the House of Representatives of the Territory of Hawaii.

M K Pasahoal
Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 261

The Legislature
of the
Territory of Hawaii

AN ACT

REQUIRING THE TERRITORY TO MAINTAIN FEDERAL HIGHWAYS AND THE BELT ROAD ON THE ISLAND OF HAWAII, AND MAKING AN APPROPRIATION THEREFOR.

Introduced	March 26, 1945, by
Senator	THOMAS PEDRO, JR.
First Reading in Senate	March 26, 1945
Referred to Printing Committee	March 26, 1945
Second Reading in Senate	March 27, 1945
Referred to	
Third Reading in Senate	
First Reading in House	
Referred to	
Second Reading in House	
Referred to	
Third Reading in House	

ELLEN D. SMYTHE
Clerk of the Senate

S. B. NO. 261

A N A C T

REQUIRING THE TERRITORY TO MAINTAIN FEDERAL HIGHWAYS AND THE BELT ROAD ON THE ISLAND OF HAWAII, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. Any other provision of law to the contrary notwithstanding, the Territory of Hawaii shall maintain and pay all maintenance charges upon Federal highways and the Belt Road on the island of Hawaii through the superintendent of public works.

SECTION 2. There is hereby appropriated from the general revenues of the Territory, not otherwise appropriated, a sum sufficient to effectuate the purposes of this Act.

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

INTRODUCED BY:

Thomas Sakai Jr.
Senator, First Senatorial District

3/16

1945

Senate Bill No. 262

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 10414 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO LANDLORD AND TENANT CASES.

Introduced March 26, 1945, by
Senator THELMA M. AKANA

First Reading in Senate March 26, 1945
Referred to Printing Committee " " "
Second Reading in Senate March 27, 1945
Referred to Committee on Judiciary
Third Reading in Senate April 6, 1945.

First Reading in House April 6, 1945
Referred to
Second Reading in House April 9, 1945
Referred to Judiciary Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Crossed 7/5/45 GPR

rr SB 76 r

AN ACT

TO AMEND SECTION 10414 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO LANDLORD AND TENANT CASES.

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

SECTION 1. Section 10414 of the Revised Laws of Hawaii 1945 is hereby amended by adding at the end thereof a new paragraph to read as follows:

"If, upon an appeal by the defendant, the writ of possession shall be stayed, and upon the hearing of the cause on appeal, it shall appear that the appeal was frivolous or was taken for delay only, the plaintiff may recover exemplary damages, and the court may award against the defendant the whole cost of the appeal proceedings, including a reasonable attorney's fee to be fixed by the court. Such damages shall not be limited in amount and may be recovered whether or not the plaintiff by his written complaint sought to recover damages. The allowance of exemplary damages shall not prejudice the plaintiff with respect to any claim for rents, profits, compensatory damages, or other similar claim, in the same or any other proceeding. The provisions of this paragraph may be considered by the magistrate in fixing the amount of the bond."

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

INTRODUCED BY:

Thelma H. Akana
Senator, 3rd District

March 26, 1945

S.B.No. 262

A N A C T

TO AMEND SECTION 10414 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO LANDLORD AND TENANT CASES.

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

SECTION 1. Section 10414 of the Revised Laws of Hawaii 1945 is hereby amended by adding at the end thereof a new paragraph to read as follows:

"If, upon an appeal by the defendant, the writ of possession shall be stayed, and upon the hearing of the cause on appeal, it shall appear that the appeal was frivolous or was taken for delay only, the plaintiff may recover exemplary damages, and the court may award against the defendant the whole cost of the appeal proceedings, including a reasonable attorney's fee to be fixed by the court. Such damages shall not be limited in amount and may be recovered whether or not the plaintiff by his written complaint sought to recover damages. The allowance of exemplary damages shall not prejudice the plaintiff with respect to any claim for rents, profits, compensatory damages,

or other similar claim, in the same or any other proceeding. The provisions of this paragraph may be considered by the magistrate in fixing the amount of the bond."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 6, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E. B. Keapellas

President of the Senate

Ellen D. Smythe

Clerk of the Senate.

S. B. NO. 262
H. D. 1

A N A C T

TO AMEND CHAPTER 216 OF THE REVISED LAWS OF HAWAII 1945,

BY ADDING THERETO A NEW SECTION RELATING TO APPEALS

IN PROCEEDINGS FOR RECOVERY OF POSSESSION OF PREMISES.

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

SECTION 1. Chapter 216 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto a new section to be numbered 10414.01, and to read as follows:

"Sec. 10414.01. Frivolous appeals. If, upon an appeal by the defendant, the writ of possession shall be stayed, and upon the hearing of the cause on appeal, it shall appear that the appeal was frivolous or was taken for delay only, the court may award against the defendant the whole cost of the appeal proceedings, including a reasonable attorney's fee to be fixed by the court. The provisions of this paragraph may be considered by the magistrate or court in fixing the amount of any bond.

This section shall apply to any action for summary possession or other action or proceeding for or involving the recovery of the possession of premises after

the termination of a tenancy. As used in this section the term 'plaintiff' shall mean and include any party seeking recovery of possession of such premises; the term 'defendant' shall mean and include any party in possession of such premises who joins in the appeal; and the term 'appeal' shall mean and include any proceeding for review of the decision, judgment, order or decree of a district magistrate or other court."

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

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 30, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M. Y. Paschoal
Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 263

The Legislature
of the
Territory of Hawaii

AN ACT

APPROPRIATING THE SUM OF TWO HUNDRED THOUSAND DOLLARS ($200,000.00) TO AUGMENT THE EXISTING APPROPRIATION MADE BY ACT 199 OF THE SESSION LAWS OF HAWAII 1941, FOR THE CONSTRUCTION AND EQUIPMENT OF A TREATMENT UNIT AT THE TERRITORIAL HOSPITAL FOR THE MENTALLY ILL AT KANEOHE, OAHU.

Introduced March 25, 1945, by
Senator THELMA M. AKANA

First Reading in Senate March 26, 1945
Referred to Printing Committee " " "
Second Reading in Senate March 27, 1945
Referred to Committee on Ways & Means
Third Reading in Senate April 20,1945.

First Reading in House April 20, 1945
Referred to
Second Reading in House April 21, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Expressed. 5/8/45. EP H House Draft.

S.B 263

AN ACT

APPROPRIATING THE SUM OF NINE HUNDRED EIGHTY FOUR THOUSAND SIX HUNDRED TWENTY-NINE DOLLARS ($984,629.00) TO AUGMENT THE EXISTING APPROPRIATION MADE BY ACT 199 OF THE SESSION LAWS OF HAWAII 1941, FOR THE CONSTRUCTION AND EQUIPMENT OF A TREATMENT UNIT AT THE TERRITORIAL HOSPITAL FOR THE MENTALLY ILL AT KANEOHE, OAHU.

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

SECTION 1. There is hereby appropriated from the general fund of the Territory of Hawaii, the sum of nine hundred eighty four thousand six hundred twenty-nine dollars ($984,629.00), in addition to the sum appropriated by the provisions of Act 199 of the Session Laws of Hawaii 1941, for the construction and equipment of a treatment unit at the territorial hospital for the mentally ill at Kaneohe, Oahu.

SECTION 2. The director of institutions is hereby directed to make any necessary modifications in the plans and specifications heretofore prepared for the construction of said unit.

SECTION 3. The said amount of nine hundred eighty four thousand six hundred twenty-nine dollars ($984,629.00), or so much thereof as may be necessary, shall be disbursed on warrants of the territorial auditor based upon vouchers approved by the director of institutions who shall construct said unit by contract.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY: Thelma Ch. Akana
Senator, 3rd District

March 26, 1945

S.B.No. 263
S.D. 1

A N A C T

APPROPRIATING THE SUM OF TWO HUNDRED THOUSAND DOLLARS ($200,000.00) TO AUGMENT THE EXISTING APPROPRIATION MADE BY ACT 199 OF THE SESSION LAWS OF HAWAII 1941, FOR THE CONSTRUCTION AND EQUIPMENT OF A TREATMENT UNIT AT THE TERRITORIAL HOSPITAL FOR THE MENTALLY ILL AT KANEOHE, OAHU.

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

SECTION 1. There is hereby appropriated from the general fund of the Territory of Hawaii, the sum of two hundred thousand dollars ($200,000.00), in addition to the sum appropriated by the provisions of Act 199 of the Session Laws of Hawaii 1941, for the construction and equipment of a treatment unit at the territorial hospital for the mentally ill at Kaneohe, Oahu.

SECTION 2. The director of institutions is hereby

directed to make any necessary modifications in the plans and specifications heretofore prepared for the construction of said unit.

SECTION 3. The said amount of two hundred thousand dollars ($200,000.00), or so much thereof as may be necessary, shall be disbursed on warrants of the territorial auditor based upon vouchers approved by the director of institutions who shall construct said unit by contract.

SECTION 4. This Act shall take effect upon its approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu,T.H., April 20, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate

Ellen D Smythe

Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., May 4, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 264

The Legislature
of the
Territory of Hawaii

AN ACT

AMENDING SECTION 4019 OF THE REVISED LAWS OF HAWAII 1935 RELATING TO THE CONVEYANCE OF PATIENTS TO THE TERRITORIAL HOSPITAL.

Introduced March 26, 1945, by
Senator THELMA M. AKANA

First Reading in Senate March 26, 1945
Referred to Printing Committee March 26, 1945
Second Reading in Senate March 27, 1945
Referred to Committee on Ways & Means
Third Reading in Senate April 4, 1945.

First Reading in House April 4, 1945
Referred to
Second Reading in House April 5, 1945
Referred to County Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Engrossed
5/7/45
EPH

SB 264

AN ACT

AMENDING SECTION 4019 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE CONVEYANCE OF PATIENTS TO THE TERRITORIAL HOSPITAL

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

SECTION 1. The second and third paragraphs of section 4019 of the Revised Laws of Hawaii 1945 are hereby amended to read as follows:

"Where the patient is committed elsewhere than on the island of Oahu, the cost of conveying him to the territorial hospital, together with the proper expenses of the person accompanying him, shall be borne by the county from which he is committed.

It shall be the duty of the department of institutions to convey from whatever point where he may be to the territorial hospital any person committed thereto on the island of Oahu."

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

INTRODUCED BY:

Thelma M. Okana

Senator, 3rd District

March 26, 1945

3/26
2
3/28
2

S.B.No. 264
S.D. 1

A N A C T

AMENDING SECTION 4019 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE CONVEYANCE OF PATIENTS TO THE TERRITORIAL HOSPITAL.

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

SECTION 1. Section 4019 of the Revised Laws of Hawaii 1945 is hereby amended by substituting for the second and third paragraphs thereof, the following:

"It shall be the duty of the department of institutions to convey to the territorial hospital any person committed thereto and to pay all expenses in connection therewith. If any such person is so committed from a county other than the city and county of Honolulu all the necessary traveling and other expenses of the attendant accompanying such person shall be borne by such county."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu,T.H., April 4, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

President of the Senate

Ellen D. Smythe

Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., May 1, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M K Pasehoal

Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 265

The Legislature
of the
Territory of Hawaii

AN ACT

APPROPRIATING THE SUM OF TWO-HUNDRED FORTY THOUSAND DOLLARS ($240,000.00) FOR THE CONSTRUCTION AND EQUIPMENT OF A HOSPITAL, INCLUDING NECESSARY IMPROVEMENTS TO LAND IN CONJUNCTION THEREWITH, AT WAIMANO HOME, PEARL CITY, OAHU.

Introduced March 26 , 1945 , by

Senator THELMA M. AKANA

First Reading in Senate March 26, 1945
Referred to Printing Committee March 26, 1945
Second Reading in Senate March 27, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

SB 76-S

AN ACT

APPROPRIATING THE SUM OF TWO-HUNDRED FORTY THOUSAND DOLLARS ($240,000.00) FOR THE CONSTRUCTION AND EQUIPMENT OF A HOSPITAL, INCLUDING NECESSARY IMPROVEMENTS TO LAND IN CONJUNCTION THEREWITH, AT WAIMANO HOME, PEARL CITY, OAHU.

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

SECTION 1. There is hereby appropriated from the general fund of the Territory of Hawaii, the sum of two-hundred forty thousand dollars ($240,000.00), for the construction and equipment of a hospital at Waimano Home, Pearl City, Oahu, including necessary improvements to land in connection therewith.

SECTION 2. The director of institutions is hereby directed to prepare plans and specifications for said project.

SECTION 3. The said amount of two-hundred forty thousand dollars ($240,000.00), or so much thereof as may be necessary, shall be disbursed on warrants of the territorial auditor based upon vouchers approved by the director of institutions who shall contract for such construction, improvement and equipment.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:
Thelma Ide Akana
Senator, 3rd District

MARCH 26, 1945

3/26

1945

Senate Bill No. 266

The Legislature
of the
Territory of Hawaii

AN ACT

AMENDING SECTION 4068 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO LIABILITY FOR EXPENSE OF SUPPORT OF PERSONS COMMITTED TO WAIMANO HOME.

Enrolled 5/5/45 EPA

Introduced March 26, 1945, by

Senator THELMA M. AKANA

First Reading in Senate March 26, 1945
Referred to Printing Committee " " "
Second Reading in Senate March 27, 1945
Referred to Committee on Judiciary
Third Reading in Senate April 3, 1945.

First Reading in House April 3, 1945
Referred to
Second Reading in House April 4, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

SB766

AN ACT

AMENDING SECTION 4068 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO LIABILITY FOR EXPENSE OF SUPPORT OF PERSONS COMMITTED TO WAIMANO HOME

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

SECTION 1. Section 4068 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 4068. Liability for expense of support of persons committed; inmates' liability. A parent, guardian, or person liable for the support of any person committed to the home, as provided by sections 4066 and 4067, must pay such sums as are ordered to be paid by the court at the time of commitment or at subsequent times; provided, however, that the parent or guardian of a minor committed to the home shall not be liable for such support after the person committed has reached the age of majority. Every person not indigent committed to the home, and any property of his estate not exempt from execution, shall be liable for the expenses of his support; and the attorney general, whenever requested by the director, shall take such steps as may be appropriate, by suit if necessary, to compel the payment thereof and secure the payment by the attachment or other sequestration of any property of such person not exempt from execution."

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

INTRODUCED BY:

Thelma M. Akana

THELMA M. AKANA

SENATOR, THIRD District

March 26 1945

S.B.No. 266
S D 1

A N A C T

AMENDING SECTION 4068 OF THE REVISED LAWS OF HAWAII 1945

RELATING TO LIABILITY FOR EXPENSE OF SUPPORT OF

PERSONS COMMITTED TO WAIMANO HOME.

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

SECTION 1. Section 4068 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 4068. Liability for expense of support of persons committed; inmates' liability. A parent, guardian, or person liable for the support of any person committed to the home, as provided by sections 4066 and 4067, must pay such sums as the court may, in the light of all the circumstances, order. Such order may be changed from time to time upon a showing of change of circumstances. The parent or guardian of a minor committed to the home shall not be liable for such support after the person committed has reached the age of majority. Every person not indigent committed to the home, and any property of his estate not exempt from execution, shall be

liable for the expenses of his support; and the attorney general, whenever requested by the director, shall take such steps as may be appropriate, by suit if necessary, to compel the payment thereof and secure the payment by the attachment or other sequestration of any property of such person not exempt from execution."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu,T.H., April 3, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate

Ellen D. Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 30, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M G Paschoal

Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 267

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO THE TENURE OF OFFICE OF ELECTED OFFICERS OF THE CITY AND COUNTY OF HONOLULU.

Introduced	March 26, 1945, by
Senator	CHARLES S. CRANE
First Reading in Senate	March 26, 1945
Referred to Printing Committee	March 26, 1945
Second Reading in Senate	March 27, 1945
Referred to	
Third Reading in Senate	
First Reading in House	
Referred to	
Second Reading in House	
Referred to	
Third Reading in House	

ELLEN D. SMYTHE
Clerk of the Senate

S. B. NO. 267

A N A C T

RELATING TO THE TENURE OF OFFICE OF ELECTED OFFICERS OF THE CITY AND COUNTY OF HONOLULU.

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

SECTION 1. Section 6529 of the Revised Laws of Hawaii 1945 is hereby amended by substituting for the words "two years" in the second line thereof, the words "four years".

SECTION 2. This Act shall take effect upon January 1, 1947.

INTRODUCED BY:

Charles S. Crane
Senator, Third Senatorial District

1945

Senate Bill No. 268

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 9781 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO SALARIES OF DISTRICT MAGISTRATES, CLERKS AND OTHER ASSISTANTS OF THE COUNTY OF MAUI.

Introduced March 26, 1945, by Senators A. KAMOKILA CAMPBELL, C. A. CROZIER, HAROLD W. RICE

First Reading in Senate March 26, 1945
Referred to Printing Committee March 26, 1945
Second Reading in Senate March 27, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

SB 268

AN ACT

TO AMEND SECTION 9781 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO SALARIES OF DISTRICT MAGISTRATES, CLERKS AND OTHER ASSISTANTS OF THE COUNTY OF MAUI.

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

SECTION 1. Section 9781 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 9781. Maui. The district magistrates, clerks and other assistants referred to in section 9777, and the salary rates of the district magistrates, are for the county of Maui, as follows:

	Per Month	Per Annum
District magistrate, Lahaina . . .	$ 225.00	$ 2,700.00
Clerk and stenographer, Lahaina		
District magistrate, Wailuku . . .	400.00	4,800.00
Clerk and stenographer, Wailuku		
District magistrate, Makawao . . .	300.00	3,600.00
Clerk and stenographer, Makawao		
District magistrate, Hana	175.00	2,100.00
District magistrate, Molokai . . .	200.00	2,400.00
Clerk, Molokai		
District magistrate, Lanai.	100.00	1,200.00."

SECTION 2. This Act shall take effect on July 1, 1945.

Introduced by: K. Kamokila Campbell

A. L. Crozier

Harold K. Rice

Senators, Second District.

March 26, 1945.

1945 Senate Bill No. 269

The Legislature
of the
Territory of Hawaii

AN ACT

AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE COUNTY OF MAUI TO PAY MR. CHARLES A. BUCHANAN A PENSION.

Introduced March 26, 1945, by
Senator HAROLD W. RICE

First Reading in Senate March 26, 1945
Referred to Printing Committee March 26, 1945
Second Reading in Senate March 27, 1945
Referred to COMMITTEE OF THE WHOLE SENATE
Third Reading in Senate April 26, 1945

First Reading in House April 26,1945
Referred to
Second Reading in House April 27, 1945
Referred to County Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Approved 5/7/45 GPH

S.B. 269

A N A C T

AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE COUNTY OF MAUI TO PAY MR. CHARLES A. BUCHANAN A PENSION.

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

SECTION 1. The board of supervisors of the County of Maui is hereby authorized and directed to pay a pension to Mr. Charles A. Buchanan during the remainder of his natural life, subject to the provisions of Chapter 14 of the Revised Laws of Hawaii 1945, in the sum of Fifty ($50.00) Dollars per month.

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

INTRODUCED BY:

Harold H. Rice

by D

S. B. No. 269

A N A C T

AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE COUNTY OF MAUI TO PAY MR. CHARLES A. BUCHANAN A PENSION.

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

SECTION 1. The board of supervisors of the County of Maui is hereby authorized and directed to pay a pension to Mr. Charles A. Buchanan during the remainder of his natural life, subject to the provisions of Chapter 14 of the Revised Laws of Hawaii 1945, in the sum of fifty dollars ($50.00) per month.

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

5/18

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 26, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E D Capellas

President of the Senate.

Ellen D Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., May 1, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M K Pascual

Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 270

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND ACT 101 OF THE SESSION LAWS OF HAWAII 1921, RELATING TO THE MANUFACTURE, MAINTENANCE, DISTRIBUTION AND SUPPLY OF ELECTRIC CURRENT FOR LIGHT AND POWER WITHIN THE DISTRICTS OF NORTH AND SOUTH HILO AND PUNA, IN THE COUNTY OF HAWAII, SO AS TO EXTEND THE FRANCHISE TO THE DISTRICTS OF KAU AND SOUTH KOHALA, IN SAID COUNTY.

Introduced March 27, , 19 45, by

Senator THOMAS PEDRO, JR., E.S. CAPELLAS
CHARLES H. SILVA & W. H. HILL

First Reading in Senate March 27,1945
Referred to Printing Committee " " "
Second Reading in Senate March 28, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

SB270

A N A C T

TO AMEND ACT 101 OF THE SESSION LAWS OF HAWAII 1921, RELATING TO THE MANUFACTURE, MAINTENANCE, DISTRIBUTION AND SUPPLY OF ELECTRIC CURRENT FOR LIGHT AND POWER WITHIN THE DISTRICTS OF NORTH AND SOUTH HILO AND PUNA, IN THE COUNTY OF HAWAII, SO AS TO EXTEND THE FRANCHISE TO THE DISTRICTS OF KAU AND SOUTH KOHALA, IN SAID COUNTY.

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

Section 1. The title of Act 101 of the Session Laws of Hawaii 1921 is hereby amended to read as follows:

"AN ACT TO AUTHORIZE AND PROVIDE FOR THE MANUFACTURE, MAINTENANCE, DISTRIBUTION AND SUPPLY OF ELECTRIC CURRENT FOR LIGHT AND POWER WITHIN THE DISTRICTS OF NORTH AND SOUTH HILO, PUNA, KAU, AND SOUTH KOHALA, IN THE COUNTY AND TERRITORY OF HAWAII."

Section 2. Section 1 of said Act is hereby amended to read as follows:

"Section 1. Franchise. The right is hereby granted to the Hilo Electric Light Company, Limited, as a body corporate, under that or such other name as the said company may hereafter adopt, and its successors and assigns, to manufacture, sell, furnish, and supply electric light, electric current, or electric power in the Districts of North and South Hilo, Puna, Kau, and South Kohala, on the Island of Hawaii, Territory of Hawaii, for lighting the streets, roads, public and private buildings and property, or for motive power, or for any other purpose which it or they may deem advisable, and from time to time for the purposes above mentioned to construct, maintain, and operate suitable poles, lines, wires, cables, lamps, lamp posts, conductors, conduits, and such other appliances and appurtenances as may from time to time be necessary or convenient for the transmission, distribution or supply of electricity to consumers thereof, under, along, upon and over the streets, sidewalks, roads, squares, bridges, alleys, and lanes in said Districts of North and South Hilo, Puna, Kau, and South Kohala, and to connect the said wires, lines, and conductors with any manufactory, private or public buildings, lamps, lamp posts, or other structure or object and the place or source of supply."

Section 3. Section 3 of said Act is hereby amended to read as follows:

"Section 3. Poles not to interfere with streets. That all poles, lines, wires, cables, lamps, lamp posts, conductors, conduits, and other apparatus constructed, maintained, or operated under, along, upon, or over the streets, sidewalks, roads, squares, bridges, alleys, and lanes in said Districts of North and South Hilo, Puna, Kau and South Kohala, shall be so constructed, and maintained and operated by the corporation as not to interfere unnecessarily with the use of such streets, sidewalks, roads, squares, bridges, alleys and lanes by the public."

Section 4. Section 11 of said Act is hereby amended to read as follows:

"Section 11. Forfeiture of franchise. That if said corporation, its representatives, successors and assigns, shall fail or refuse to do or perform or comply with any of the provisions of this Act or the laws of the Territory of Hawaii, and continue to refuse or fail to perform or comply therewith after reasonable notice given by the public utilities commission of the Territory of Hawaii to comply therewith, said public utilities commission may, with the consent of the governor and of the attorney general, cause proceedings to be instituted before any appropriate tribunal to have the franchise hereby granted and all rights and privileges accruing hereunder forfeited and declared null and void. And in case of a forfeiture of this franchise, the Territory of Hawaii, and County of Hawaii, or any political subdivision thereof, shall have the right to purchase all the property of the corporation within the said Districts of North and South Hilo, Puna, Kau, and South Kohala, at the value thereof, such value to be determined as hereinafter provided; provided, that notice of such desire and intention to purchase is given to the corporation by the Territory of Hawaii or the County of Hawaii or any political subdivision thereof within sixty days after the forfeiture of this franchise."

Section 5. Said Act is hereby further amended by adding thereto a new section, to be numbered "Section 15-A," to read as follows:

"Section 15-A. Time of Commencing Work in the Districts of Kau and South Kohala. The rights hereby granted with respect to the Districts of Kau and South Kohala shall cease and determine as to both of said districts if operations hereunder in either of said districts are not commenced before four (4) years after the approval of this Act by the Congress of the United States, and shall cease and determine as to either of said districts if operations in said district hereunder are not commenced before four (4) years after the approval of this Act by the Congress of the United States, by beginning the construction of buildings or other works for manufacturing, transmitting, or supplying electric current for light and power, or by placing poles and wiring the same, or constructing conduits and laying wires therein, in any of the streets, roads, or other places in said districts, for the purpose of conducting electric current for light and power; and also if sufficient works are not completed and in operation to supply electric current for light and power or if electric current for light and power be not supplied before four (4) years after the approval of this Act by the Congress of the United States."

Section 6. This Act shall take effect upon its approval by the Congress of the United States.

INTRODUCED BY:

Thomas Pedro Jr.
E G Capellas
Charles H. Silva
W H Hill

3/27

1945 Senate Bill No. 271

Engross

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND PARAGRAPH NUMBERED 2 OF SECTION 6521, REVISED LAWS OF HAWAII 1945, RELATING TO THE POWERS AND DUTIES OF THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU.

Engrossed 4/17/45 GDM

Introduced March 27, 19 45, by
Senator CHARLES S. CRANE

First Reading in Senate March 27, 1945
Referred to Printing Committee March 27, 1945
Second Reading in Senate March 28, 1945
Referred to SELECT COMMITTEE OF OAHU SENATORS
Third Reading in Senate April 10, 1945.

First Reading in House April 11, 1945
Referred to
Second Reading in House April 12, 1945
Referred to County Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

S 1327

A N A C T

TO AMEND PARAGRAPH NUMBERED 2 OF SECTION 6521, REVISED LAWS OF HAWAII 1945, RELATING TO THE POWERS AND DUTIES OF THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU.

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

Section 1. Paragraph numbered 2 of Section 6521, Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"2. Use of Streets, etc. To regulate or prohibit the hawking, selling or vending of goods, wares, merchandise, foodstuffs, refreshments, or other kinds of property on or upon, and in general to regulate and control for any and every purpose the use of the streets, highways, public thoroughfares, public places, alleys and sidewalks of the City and County."

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

INTRODUCED BY

Charles S. Crane

S, 3rd District

S. B. No. 271
S. D. 1

A N A C T

TO AMEND PARAGRAPH NUMBERED 2 OF SECTION 6521, REVISED LAWS OF HAWAII 1945, RELATING TO THE POWERS AND DUTIES OF THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU.

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

SECTION 1. Paragraph numbered 2 of Section 6521, Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"2. Use of Streets, etc. To regulate and control for any and every purpose the use of the streets, highways, public thoroughfares, public places, alleys, and sidewalks of the City and County, and without limitation upon the generality of such power, to regulate or prohibit the hawking, selling, or vending of goods, wares, merchandise, foodstuffs, refreshments, or other kinds of property or services thereon."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 10, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E S Capellas

President of the Senate.

Ellen D Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 17, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M K Pasehoal

Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 272

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO EMINENT DOMAIN.

Introduced March 27, , 1945, by
Senator FRANCIS H. Ii BROWN

First Reading in Senate March 27, 1945
Referred to Printing Committee " " "
Second Reading in Senate March 28, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

S. B. NO. 272

A N A C T

RELATING TO EMINENT DOMAIN.

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

SECTION 1. All special rights or powers of or procedures in eminent domain heretofore granted any person, natural or artificial, or provided by statute, charter, or franchise to be exercised by any person, natural or artificial, are hereby repealed and revoked, and every charter or franchise containing such grant or provision is hereby amended to conform to such repeal and revocation. Without prejudice to the generality of the foregoing repeal and revocation, there shall be included therein sections 321 to 326, both inclusive, and 5043 to 5056, both inclusive, of the Revised Laws of Hawaii 1945.

SECTION 2. The right and power of eminent domain is hereby granted to every person, natural or artificial, operating a public utility, as defined in section 4701 of said Revised Laws, which right and power shall only be exercised, in compliance with and under, mutatis mutandis, the conditions and procedures set forth in sections 302, 303, as herein amended,

305, 306, 307, 310, 311, 312, 313, 314, 315, 316, 317, 318 and 319, as herein amended, of said Revised Laws.

SECTION 3. Section 301 of said Revised Laws is hereby amended to read as follows:

"Sec. 301. Taking private property for public use. Private property may be taken for public use upon payment of compensation therefor."

SECTION 4. Section 303 of said Revised Laws is hereby amended to read as follows:

"Sec. 303. Fee simple may be acquired. In the taking of private property for a public use, a fee simple estate may be acquired."

SECTION 5. Section 5057 of said Revised Laws is hereby amended by substituting for the words "the provisions of this chapter" in the second line thereof, the words "the exercise of eminent domain".

SECTION 6. Section 319 of said Revised Laws is hereby amended in the following particulars:

1. By amending the second paragraph of subsection (1) of said section 319 to read as follows:

"No such order of possession shall issue unless (a) it shall be admitted by the defendant, expressly or by failing to deny, that the use for which the property is sought to be condemned is a public use, and (b) the plaintiff shall have paid to the clerk of the court issuing the order, for the use of the persons entitled thereto, the amount

of the estimated compensation or damages stated in the motion for the issuance of such order."

2. By adding to said section 319 a new subsection to be numbered "(5)" which shall read as follows:

"(5) If the defendant, upon motion to put the plaintiff in possession under subsection (1) of this section shall deny that the use for which the property sought to be condemned is a public use, the issue shall be set for immediate trial, and if, upon such trial, the use shall be determined to be a public use, the plaintiff shall be entitled to enter into immediate possession of the premises, in the same manner and to the same extent, as though the defendant had admitted that said use was a public use."

SECTION 7. The amendment of section 301 of said Revised Laws by this Act shall not be interpreted as a legislative declaration that the purposes enumerated in said section before amendment are not public purposes.

SECTION 8. 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 9. For the purposes of construction, this Act shall be considered a part of the Revised Laws of Hawaii 1945, as amended.

SECTION 10. This Act shall take effect upon its approval.

INTRODUCED BY:

Francis K. Li. Brown.
Senator, Third Senatorial District

1945 Senate Bill No. 273

The Legislature
of the
Territory of Hawaii

AN ACT

APPROPRIATING TWENTY-FIVE THOUSAND DOLLARS FOR THE HAWAIIAN HOMES COMMISSION FOR THE SURVEY OF LOTS AND ROADS AT WAIMEA, HAWAII, AND ANAHOLA, KAUAI, AND THE MAKING OF ESTIMATES AND REPORT, AND PROVIDING FOR THE WITHDRAWAL OF SAID LANDS FROM LEASE.

Introduced March 27, 1945, by
Senator s JOHN B. FERNANDES
CHARLES H. SILVA

First Reading in Senate March 27, 1945
Referred to Printing Committee March 27, 1945
Second Reading in Senate March 28, 1945
Referred to COMMITTEE OF THE WHOLE SENATE
Third Reading in Senate April 21, 1945

First Reading in House April 21, 1945
Referred to
Second Reading in House April 23, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Signed
Gov
4/7/45.

S. B. NO. 273

A N A C T

APPROPRIATING TWENTY-FIVE THOUSAND DOLLARS FOR THE HAWAIIAN HOMES COMMISSION FOR THE SURVEY OF LOTS AND ROADS AT WAIMEA, HAWAII, AND ANAHOLA, KAUAI, AND PROVIDING FOR THE WITHDRAWAL OF SAID LANDS FROM LEASE.

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

SECTION 1. The sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated from the general revenues of the Territory of Hawaii not otherwise appropriated, to survey lots and roads in available lands, now under lease, at Waimea, Hawaii, and at Anahola, Kauai.

SECTION 2. The sum hereinabove appropriated or so much thereof as may be necessary, shall be expended upon vouchers approved by the Hawaiian Homes Commission who shall make a survey of lots suitable for lease within such lands under the Hawaiian Homes Commission Act 1920, as amended, and of roadways leading to and serving said lots, with estimates of cost of installing water mains and the service of such other public utilities as such commission may determine to be reasonably feasible.

SECTION 3. Said commission shall make a report of its activities, surveys and conclusions to the session of the Legislature of the Territory of Hawaii following the session at which this Act is enacted.

SECTION 4. Said commission shall also give notice of withdrawal of said lands from lease at the earliest possible moment.

SECTION 5. This Act shall take effect upon its approval.

INTRODUCED BY:

John B Fernandez

Robert H Silva

S. B. No. 273
S. D. 1

A N A C T

APPROPRIATING TWENTY-FIVE THOUSAND DOLLARS FOR THE HAWAIIAN HOMES COMMISSION FOR THE SURVEY OF LOTS AND ROADS AT WAIMEA, HAWAII, AND ANAHOLA, KAUAI, AND THE MAKING OF ESTIMATES AND REPORT, AND PROVIDING FOR THE WITHDRAWAL OF SAID LANDS FROM LEASE.

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

SECTION 1. The sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated from the general revenues of the Territory of Hawaii, not otherwise appropriated, to survey lots and roads in available lands, now under lease, at Waimea, Hawaii, and at Anahola, Kauai, and to make the estimates and report hereinafter required.

SECTION 2. The sum hereinabove appropriated or so much thereof as may be necessary, shall be expended upon vouchers approved by the Hawaiian Homes Commission who shall make a

survey of lots suitable for lease within such lands under the Hawaiian Homes Commission Act 1920, as amended, and of roadways leading to and serving said lots, with estimates of cost of installing water mains and the service of such other public utilities as such commission may determine to be reasonably feasible.

SECTION 3. Said commission shall make a full report of its surveys and findings to the 1947 Session of the Legislature of the Territory of Hawaii, outlining the program which it proposes to follow, and presenting any legislative measures it deems necessary to carry out the purposes of this Act. Said report shall include, inter alia:

1. The survey of lots.

2. The survey of proposed roads.

3. The survey of proposed water mains.

4. The number of prospective applicants.

5. The method of furnishing public utility service.

6. The estimated cost of each of the items covered by the survey in numbers 2, 3, and 5 of this schedule.

No lot provided to be surveyed by Section 2 of this Act shall be in excess of ten acres.

SECTION 4. This Act shall take effect upon its approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 21, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate.

Ellen D. Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., May 1, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M C Pacheco

Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 274

The Legislature
of the
Territory of Hawaii

AN ACT

EXEMPTING CERTAIN HONORABLY DISCHARGED MEMBERS OF THE ARMED FORCES FROM CERTAIN FORMS OF TAXES FOR A LIMITED PERIOD.

Introduced March 27, 1945, by

Senator C. A. CROZIER

First Reading in Senate March 27, 1945
Referred to Printing Committee March 27, 1945
Second Reading in Senate March 28, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

W.O.M.

SB 274

A N A C T

EXEMPTING CERTAIN HONORABLY DISCHARGED MEMBERS OF THE ARMED FORCES FROM CERTAIN FORMS OF TAXES FOR A LIMITED PERIOD.

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

SECTION 1. Any honorably discharged member of the armed forces of the United States of America in the present war who was a resident of Hawaii for not less than five years immediately prior to his entry into the armed forces, who shall own a manufacturing plant commencing operations for the first time in the Territory within a period of one year following the termination of hostilities in the present war, of the raw materials utilized by which at least sixty per cent are grown or produced in the Territory, shall, from such commencement and for the five calendar years following, be exempt from all taxes on the property, both real and personal, actually and solely used in connection with such plant, when the value of such property is not in excess of twenty thousand dollars, and from all general excise taxes upon the business done by such owner in connection with the operation of such plant of limited value.

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

INTRODUCED BY:

C. A. Crozier

C. A. Crozier,
Senator, Second District.

3/27 LP
4/6 LP

1945

Senate Bill No. 275

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 6594 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE AUDITOR, CITY AND COUNTY OF HONOLULU.

Introduced March 28, 19 45, by
Senator CHARLES S. CRANE

First Reading in Senate March 28, 1945
Referred to Printing Committee March 28, 1945
Second Reading in Senate March 29, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

S. B. NO. 275

A N A C T

TO AMEND SECTION 6594 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE AUDITOR, CITY AND COUNTY OF HONOLULU.

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

SECTION 1. Section 6594 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto the following provision at the end of said section, to be worded as follows:

"In all audits and examinations made by the auditor in accordance with this section, it shall be his duty to also examine the business, accounting and other office procedures; to make his recommendations to the controller as to the modifications, revisions and/or changes necessary to promote better accounting control; and, upon the approval of the controller, to make such modifications, revisions and/or changes."

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

INTRODUCED BY:

Charles S. Crane
SENATOR, _____ DISTRICT

March 28, 1945.

1945

Senate Bill No. 276

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND CHAPTER 69 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE CARE, TREATMENT, COMMITMENT, HOSPITALIZATION, TRANSFER AND DISCHARGE OF PERSONS WHO ARE MENTALLY ILL, FEEBLE-MINDED OR HABITUATED TO THE EXCESSIVE USE OF DRUGS OR LIQUOR.

Introduced March 28, 1945, by

Senator THELMA M. AKANA

First Reading in Senate March 28, 1945

Referred to Printing Committee March 28, 1945

Second Reading in Senate March 29, 1945

Referred to

Third Reading in Senate

First Reading in House

Referred to

Second Reading in House

Referred to

Third Reading in House

ELLEN D. SMYTHE

Clerk of the Senate

Health

SB 276

AN ACT

TO AMEND CHAPTER 69 OF THE REVISED LAWS OF HAWAII 1945,

RELATING TO THE CARE, TREATMENT, COMMITMENT,

HOSPITALIZATION, TRANSFER AND DISCHARGE OF PERSONS

WHO ARE MENTALLY ILL, FEEBLE-MINDED OR HA-

BITUATED TO THE EXCESSIVE USE OF DRUGS OR

LIQUOR.

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

SECTION 1. Section 4001 of chapter 69 of the Revised Laws of Hawaii 1945 is hereby amended by substituting for the last sentence thereof the following sentence:

"Every order of or for hospitalization made under this chapter shall be as effective and operative and shall be as binding on the person ordered to be hos-

pitalized, as it would be if it were an order of commitment of such person for hospitalization or an order of commitment of such person to the territorial hospital."

SECTION 2. Section 4002 of said chapter is hereby amended by substituting for the phrase "detention of persons committed thereto as insane, and of persons requiring treatment and care for mental diseases not amounting to insanity, who may be committed or admitted thereto" in the third, fourth and fifth lines thereof the phrase "hospitalization of mentally ill persons".

SECTION 3. Section 4003 of said chapter is hereby amended by:

(a) Substituting for the word "Commitments" in the subtitle thereof the words "Hospitalization orders";

(b) Substituting for the words "committed to" in the second line thereof the words "ordered to be hospitalized in".

SECTION 4. Section 4008 of said chapter is hereby amended by:

(a) Substituting for the word "inmates" in the subtitle thereof the word "patients";

(b) Substituting for the word "committed" in the third and sixth lines thereof the word "admitted"; and

(c) Substituting for the word "inmate" in the sixth line thereof the word "patient".

SECTION 5. Section 4010 is hereby amended by substituting for the word "detention" in the seventh and tenth lines thereof the word "hospitalization".

SECTION 6. Section 4011 of said chapter is hereby amended by substituting for the phrase "or parole patients" in the last line thereof the phrase "patients absolutely or conditionally".

SECTION 7. Section 4013 of said chapter is hereby amended by:

(a) Substituting for the word "Inmates'" in the subtitle thereof the word "Patients'"; and

(b) Substituting for the phrase "committed or admitted to" in the first and second lines thereof the phrase "hospitalized at".

SECTION 8. The subtitle between sections 4014 and 4015 of said chapter is hereby amended to read "COURT ORDERS FOR HOSPITALIZATION".

SECTION 9. Section 4015 of said chapter is hereby amended by:

(a) Amending the subtitle thereof to read: "Court order for hospitalization; application for order; certificate".

(b) Substituting for the word "insane" in the second, fourth, and eighteenth lines thereof the phrase "mentally ill to an extent requiring institutional care";

(c) Substituting for the phrase "committed to" in the third line thereof the phrase "hospitalized in";

(d) Substituting for the phrase "an alleged insane person" in the sixth line thereof the phrase "a person alleged to be mentally ill to an extent requiring institutional care";

(e) Substituting for the phrase "of commitment" in the twelfth and last lines thereof the phrase "for hospitalization"; and

(f) Substituting for the word "insanity" in the thirteenth line thereof the words "mental illness requiring institutional care".

SECTION 10. Section 4016 of said chapter is hereby amended by:

(a) Substituting for the phrase "alleged insane person" in the seventh line thereof the phrase "person alleged to be mentally ill to an extent requiring institutional care".

(b) Substituting for the phrase "the alleged insane person" in the tenth line thereof the phrase "such person".

(c) Deleting the words "alleged insane" in the twelfth and thirteenth lines thereof; and

(d) Substituting for the word "insane" in the fifteenth and sixteenth lines thereof the words "mentally ill".

SECTION 11. Section 4017 of said chapter is hereby amended by:

(a) Amending the subtitle thereof to read as follows: "Determination of mental illness; order for hospitalization";

(b) Substituting for the phrase "alleged insane person" in the third, fourteenth and twenty-fourth lines thereof the phrase "person alleged to be mentally ill to an extent requiring institutional care";

(c) Substituting for the word "insanity" in the fourth and twenty-sixth lines thereof the phrase "mental illness";

(d) Substituting for the word "insane" in the sixth and twenty-sixth lines thereof the phrase "mentally ill to an extent requiring institutional care";

(e) Substituting for the phrase "of commitment" in the sixth and twenty-ninth lines thereof the phrase "for hospitalization";

(f) Substituting for the word "to" in the seventh line thereof the word "at";

(g) Substituting for the phrase "it appears that such insane person" in the seventh line thereof the phrase "the physician's certificate states that such mentally ill person";

(h) Substituting for the phrase "held in temporary detention, as provided in " in the nineteenth line thereof the phrase "hospitalized under";

(i) Substituting for the phrase "his order committing him to" in the twenty-seventh line thereof the phrase "an order for his hospitalization in";

(j) Substituting for the word "commitment" in the thirty-first and thirty-third lines thereof the word "hospitalization";

(k) Substituting for the word "insane" in the thirty-second line thereof the phrase "mentally ill".

SECTION 12. Section 4018 of said chapter is hereby amended by:

(a) Substituting for the phrase "of commitment" in the subtitle and in the third and last lines thereof the phrase "for hospitalization";

(b) Substituting for the word "insane" in the second line thereof the phrase "mentally ill to an extent requiring institutional care"; and

(c) Substituting for the phrase "court of commitment" in the fourth line thereof the phrase "ordering court".

SECTION 13. Section 4019 of said chapter is hereby amended by:

(a) Substituting for the phrase "committed to" in the second line thereof the phrase "ordered to be hospitalized at";

(b) Substituting for the word "patient" in the third line thereof the word "person";

(c) Substituting for the word "hospital" in the third line thereof the phrase "bureau of mental hygiene in Honolulu";

(d) Substituting for the word "committing" in the third and fourth lines thereof the word "ordering";

(e) Amending the second paragraph thereof to read:

"The entire cost of conveying to the bureau of mental hygiene in Honolulu any person ordered by a judge, magistrate, or court to be hospitalized at the territorial hospital, shall be borne by the county in which such order was made."

(f) Amending the third paragraph thereof to read:

"Every mentally ill person who shall be ordered by a judge, magistrate, or court to be hospitalized at the territorial hospital shall be delivered forthwith to the bureau of mental hygiene in Honolulu and may in the discretion of the director of the bureau of

mental hygiene, without further order of any judge, magistrate, or court, be hospitalized at the bureau of mental hygiene for a period of not more than thirty days and then, unless discharged absolutely or conditionally by the director of the bureau of mental hygiene, shall, without further order of any judge, magistrate or court, be conveyed by the department of institutions to the territorial hospital and be hospitalized at the territorial hospital until discharged according to law. Hospitalization under this section at the bureau of mental hygiene shall be at the expense of the bureau of mental hygiene, which may, however, make reasonable charges therefor as set forth in section 2552."

SECTION 14. Section 4020 of said chapter is hereby amended by:

(a) Substituting for the phrase "of commitment" in the third and fifth lines thereof the phrase "for hospitalization";

(b) Substituting for the word "committed" in the fifth line thereof the phrase "ordered to be hospitalized"; and

(c) Substituting for the words "insane within the meaning of this chapter" in the seventh line thereof the phrase "mentally ill to an extent requiring institutional care".

SECTION 15. The subtitle between sections 4020 and 4021 of said chapter is hereby amended to read as follows: "COUNTY MENTAL ILLNESS WARDS; TEMPORARY HOSPITALIZATION".

SECTION 16. Section 4021 of said chapter is hereby amended by:

(a) Substituting for the word "detention" in the subtitle thereof the phrase "mental illness";

(b) Substituting for the word "detention" in the fifth and ninth lines thereof the word "hospitalization";

(c) Substituting for the phrase "committed thereto" in the sixth line thereof the phrase "ordered by a court, judge, or magistrate to be hospitalized therein";

(d) Substituting for the phrase "to be insane pending the disposition of an application for an order of commitment" in the seventh and eighth lines thereof the phrase "in a pending application for an order for hospitalization to be mentally ill to an extent requiring institutional care";

(e) Substituting for the phrase "to be insane" in the eleventh line thereof the phrase "to be mentally ill to an extent requiring institutional care";

(f) Substituting for the word "insane" in the twelfth line of said section the phrase "mentally ill";

(g) Substituting for the word "detained" in the last line thereof the word "hospitalized".

SECTION 17. Section 4022 of said chapter is hereby amended by:

(a) Amending the subtitle of said section to read: "Hospitalization in county mental illness ward; order for temporary hospitalization therein";

(b) Substituting for the word "insane" in the second, eleventh, twelfth, eighteenth, twenty-third, thirty-eighth, forty-second, forty-sixth, forty-ninth, and fifty-second lines thereof the words "mentally ill";

(c) Substituting for the word "sane" in the third line thereof the phrase "mentally well";

(d) Substituting for the phrase "concern the preservation of law" in the fifth and twenty-second lines thereof the phrase "relate to law enforcement";

(e) Substituting for the word "confined" in the sixth, twenty-fourth, thirty-first and forty-seventh lines thereof the word "hospitalized";

(f) Substituting for the word "detention" in the seventh and twenty-fourth lines thereof the phrase "mental illness";

(g) Substituting for the phrase "order of commitment" in the ninth, twenty-sixth and forty-first lines thereof the phrase "order for hospitalization";

(h) Substituting for the phrase "of temporary commitment" in the twenty-seventh, thirty-second, fortieth and forty-first lines thereof the phrase "for temporary hospitalization";

(i) Substituting for the word "release" in the thirtieth line thereof the word "discharge";

(j) Substituting for the word "released" in the thirty-first and forty-third lines thereof the word "discharged";

(k) Substituting for the word "commit" in the thirty-seventh line thereof the phrase "order the hospitalization of";

(l) Substituting for the word "commitment" in the forty-fifth, fiftieth and fifty-first lines thereof the word "hospitalization";

(m) Deleting the phrase "to the hospital" in the forty-second line thereof; and

(n) Deleting from the fifty-first line thereof the phrase "and detention".

SECTION 18. Section 4023 of said chapter is hereby amended by:

(a) Substituting for the word "commitment" in the subtitle thereof the word "action";

(b) Substituting for the word "commitments" in the second and third lines thereof the phrase "orders for hospitalization";

(c) Substituting for the word "insane" in the sixth, eighth, thirteenth, nineteenth, twentieth, and twenty-second lines thereof the phrase "mentally ill";

(d) Substituting for the word "confined" in the seventh line thereof the word "hospitalized";

(e) Substituting for the word "retained" in the thirteenth line thereof the word "hospitalized"; and

(f) Substituting for the word "commitment" in the sixteenth line thereof the word "hospitalization".

SECTION 19. The subtitle between sections 4023 and 4024 of said chapter is hereby amended to read as follows: "HOSPITALIZATION OF VICTIMS OF DRUGS OR LIQUOR".

SECTION 20. Section 4024 of said chapter is hereby amended by:

(a) Amending the subtitle of said section to read: "Persons habituated to excessive user of drugs or liquor".

(b) Substituting for the word "addicted" in the first, seventh, fifteenth, twentieth, forty-ninth and fifty-fifth lines thereof the word "habituated";

(c) Substituting for the phrase "committed to" in the third line thereof the phrase "hospitalized at";

(d) Deleting from the fifth and sixth lines thereof the phrase "adjudging such person to be an addict as aforesaid, and made";

(e) Deleting from the seventh, forty-ninth and fifty-fifth lines thereof the phrase "a patient";

(f) Substituting for the phrase "of commitment" in the thirteenth, twenty-ninth, fifty-first, and fifty-ninth lines thereof the phrase "for hospitalization";

(g) Substituting for the word "drunkenness" in the twenty-third line thereof the phrase "intoxication or narcosis";

(h) Substituting for the phrase "the alleged patient" in the twenty-fifth and twenty-sixth lines thereof the phrase "such person";

(i) Substituting for the word "detention" in the twenty-sixth and fifty-sixth lines thereof the word "hospitalization";

(j) Substituting for the phrase "the patient" in the twenty-eighth, fifty-eighth, and fifty-ninth lines thereof the phrase "such person";

(k) Deleting from the thirty-third line thereof the word "any";

(l) Substituting for the phrase "concern the preservation of law" in the forty-fourth line thereof the phrase "relate to law enforcement";

(m) Substituting for the word "confined" in the forty-fifth line thereof the word "hospitalized";

(n) Substituting for the word "detention" in the forty-sixth line thereof the phrase "mental illness";

(o) Deleting from the forty-ninth and fifty-fifth lines thereof the words "a patient"; and

(p) Substituting for the word "commitment" in the sixty-fifth, sixty-seventh, sixty-eighth and last lines thereof the word "hospitalization".

SECTION 21. Section 4025 of said chapter is hereby amended by:

(a) Substituting for the phrase "of commitment" in the subtitle and the last line of said section the phrase "for hospitalization";

(b) Deleting from the second line of said section the phrase "a patient";

(c) Substituting for the word "addicted" in the third sentence thereof the word "habituated";

(d) Substituting for the word "detention" in the fourth and sixth lines of said section the word "hospitalization"; and

(e) Substituting for the words "committed to the hospital as a patient" in the fifth and sixth lines of said section the words "ordered to be hospitalized at the hospital".

SECTION 22. Section 4026 of said chapter is hereby amended to read as follows:

"Sec. 4026. Appeal from order for hospitalization. Any person ordered by any court or judge to be hospitalized as a person habituated to the excessive use of drugs or liquor or any relative or next friend of such person on his behalf may appeal to the psychiatric

commission from any order for the hospitalization of such person in the manner and subject to the condition set forth in section 4018."

SECTION 23. Section 4029 of said chapter is hereby amended by:

(a) Substituting for the phrase "a commitment for alleged insanity" in the fourth and fifth lines of said section the words "an order of hospitalization for alleged mental illness";

(b) Substituting for the term "alleged insane person" in the sixth line of said section the term "person alleged to be mentally ill to an extent requiring institutional care";

(c) Substituting for the term "sane" in the sixth line of said section the phrase "not mentally ill to an extent requiring institutional care";

(d) Substituting for the word "insanity" in the sixth line thereof the phrase "mental illness requiring institutional care";

(e) Substituting for the term "insane" in the ninth line of said section the phrase "mentally ill to an extent requiring institutional care";

(f) Substituting for the word "committed" in the eleventh line of said section the words "ordered to be hospitalized"; and

(g) Substituting for the word "commitment" in the twelfth line of said section the word "order for hospitalization".

SECTION 24. The subtitle between sections 4032 and 4033 of said chapter is hereby amended to read as follows: "HOSPITALIZATION WITHOUT COURT ORDER".

SECTION 25. Section 4033 of said chapter is hereby amended by:

(a) Substituting for the word "insane" in the subtitle and in the eighth line of said section the term "mentally ill";

(b) Substituting for the phrase "of commitment" in the fifth line thereof the phrase "for hospitalization".

(c) Substituting for the word "detained" in the tenth line of said section the word "hospitalized";

(d) Substituting for the word "detained" in the thirteenth line of said section the phrase "hospitalized after such thirty days";

(e) Substituting for the word "committed" in the thirteenth line of said section the words "ordered to be hospitalized"; and

(f) Substituting for the word "commitments" in the last line of said section the words "orders of hospitalization".

SECTION 26. Section 4034 of said chapter is hereby amended by:

(a) Amending the subtitle of said section to read: "Voluntary hospitalization";

(b) Substituting for the words "committed to the institution" in the fourth line of said section the words "ordered to be hospitalized";

(c) Substituting for the word "addicted" in the tenth line of said section the word "habituated"; and

(d) Substituting for the words "committed to the hospital" in the eleventh line of said section the words "ordered to be hospitalized".

SECTION 27. Section 4035 of said chapter is hereby amended by:

(a) Substituting for the words "a drug or liquor addict" in the seventh line of said section the words "one habituated to the excessive use of drugs or liquor";

(b) Substituting for the word "detained" in the eighth and tenth lines of said section the words "required to be hospitalized";

(c) Substituting for the word "release" in the ninth line of said section the word "discharge";

(d) Substituting for the word "committed" in the tenth line thereof the phrase "ordered to be hospitalized";

(e) Substituting for the word "commitment" in the eleventh line thereof the phrase "orders for hospitalization";

(f) Substituting for the words "an inmate" in the twelfth line of said section the words "a patient"; and

(g) Substituting for the word "addiction" in the twelfth line thereof the word "habituation".

SECTION 28. Section 4036 of said chapter is hereby amended by substituting for the word "insanity" in the first line of said section the words "insanity or mental illness".

SECTION 29. The subtitle between sections 4037 and 4038 of said chapter is hereby amended to read: "DISCHARGE".

SECTION 30. Section 4038 of said chapter is hereby amended by:

(a) Substituting for the words "committed to" in the first, fifth, seventh, tenth, twenty-second, forty-second and forty-third lines of said section the words "ordered to be hospitalized at";

(b) Substituting for the term "an insane person" in the second and twenty-second lines of said section the term "a mentally ill person";

(c) Substituting for the word "addicted" in the fifth line of said section the word "habituated";

(d) Substituting for the term "parole" in the seventh, nineteenth, twenty-seventh, thirty-second, thirty-fourth, thirty-fifth, and forty-first lines of said section the term "conditional discharge";

(e) Substituting for the word "addiction" in the tenth line of said section the word "habituation";

(f) Substituting for the word "commitment" in the twelfth line thereof the phrase "order for hospitalization";

(g) Substituting for the term "sanity" in the twenty-third line of said section the term "good mental health";

(h) Substituting for the term "inmate" in the twenty-sixth line the term "patient";

(i) Substituting for the word "paroled" in the thirtieth line of said section the words "conditionally discharged"; and

(j) Substituting for the phrase "of commitment in the thirtieth and thirty-first lines thereof the phrase "for hospitalization".

SECTION 31. Section 4039 of said chapter is hereby amended by substituting for the word "parole" in the

fourth line thereof the word "conditional discharge".

SECTION 32. Section 4040 of said chapter is hereby amended by:

(a) Substituting for the phrase "committed to the hospital as an insane person" in the second line thereof the phrase "under court order hospitalized as a mentally ill person at the hospital"; and

(b) Substituting for the term "insane" in the sixth line of said section the phrase "mentally ill to an extent requiring institutional care".

SECTION 33. Section 4042 of said chapter is hereby amended by:

(a) Substituting for the word "insane" in the subtitle of said section the phrase "mentally ill"; and

(b) Substituting for the phrase "committed to the hospital" in the second line thereof the phrase "admitted to the hospital without court order".

SECTION 34. Wherever in this Act one word or phrase is required to be substituted for another word or phrase in any line or lines of any section of said chapter 69, the substitution shall be made accordingly in reference to every instance of such word or phrase in such line or lines.

SECTION 35. This Act shall take effect upon its approval.

INTRODUCED BY:

Thelma W. Stearns

Senator, 3rd District

3/28

1945 Senate Bill No. 277

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO THE FINANCING OF HIGHWAYS AND OTHER PUBLIC IMPROVEMENTS OF THE TERRITORY AND THE COUNTIES, INCLUDING MAINTENANCE AS WELL AS NEW INPROVEMENTS, AND INCLUDING FINANCING OF OUTSTANDING BONDS; REPEALING SECTIONS 4970, 4971 AND 4973, AND AMENDING SECTIONS 4972, 5252, 5254, 5260, AND 5924 OF THE REVISED LAWS OF HAWAII 1945.

Introduced March 28, 19 45, by
Senators CHARLES H. SILVA, THELMA M. AKANA, W. H. HILL

First Reading in Senate March 28, 1945
Referred to Printing Committee March 28, 1945
Second Reading in Senate March 29, 1945
Referred to COMMITTEE ON WAYS AND MEANS
Third Reading in Senate April 13, 1945

First Reading in House April 16, 1945
Referred to
Second Reading in House April 17, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

SB. 277

AN ACT

RELATING TO THE FINANCING OF HIGHWAYS AND OTHER PUBLIC IMPROVEMENTS OF THE TERRITORY AND THE COUNTIES, INCLUDING MAINTENANCE AS WELL AS NEW IMPROVEMENTS, AND INCLUDING FINANCING OF OUTSTANDING BONDS: REPEALING SECTIONS 4970, 4971 AND 4973, AND AMENDING SECTIONS 4972, 5252, 5254, 5260, AND 5924 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Sections 4970, 4971 and 4973 of the Revised Laws of Hawaii 1945 are hereby repealed.

SECTION 2. Section 4972 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 4972. Maintenance of federal aid roads. The maintenance work on all roads upon which federal aid funds have been expended shall be performed under the direction and supervision of the territorial highway engineer, either by day labor or by contract, or the territorial highway engineer may have the same performed by the county road department, by day labor or by contract, upon authorization of the board of supervisors of the county concerned. Expenditures for such maintenance work shall be made from the Territorial Highway Fund created by section 5260."

SECTION 3. Section 5252 of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(1) By deleting item (2) from the form of county

budget which appears on page 616, together with the entries relating thereto, or space therefor, under columns I, II and III.

(2) By deleting the second paragraph on page 617, which relates to said item (2).

SECTION 4. Section 5254 of the Revised Laws of Hawaii 1945 is hereby amended by deleting from lines six and fifteen thereof the figure "(2)", together with the comma preceding the same.

SECTION 5. Section 5260 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 5260. Fuel tax, disposition of proceeds.

(a) There are created in the treasury of the Territory six special funds to be known, respectively, as: Fuel Tax Fund-City and County of Honolulu; Fuel Tax Fund-County of Maui; Fuel Tax Fund-County of Hawaii; Fuel Tax Fund-County of Kauai; Territorial Highway Fund; and Territorial Airport Fund.

Forty per cent of the taxes collected under chapter 100 for fuel sold or used within each of the counties or sold in one county for use in another shall be deposited in the four special county fuel tax funds to the credit of the respective counties in which the fuel is sold, used, or to be used, and the remaining sixty per cent shall be deposited in the Territorial Highway Fund; provided, however, that all taxes collected under chapter 100 in respect to gasoline sold for use and used in airplanes shall be set aside in the Territorial Airport Fund. Liquid fuel sold in one county for use in another shall be

allocated to the county in which the same is used.

(b) County fuel tax funds. The treasurer shall allocate the funds deposited in the four respective county fuel tax funds hereinabove created for the following purposes and in the order of priority herein set forth shall pay to the county treasurer as soon as possible the amount in each county fuel tax fund of collections made during any calendar year:

(1) Except as otherwise provided in paragraph (3) of this subsection, such collections shall be allocated for the payment of the interest on term and serial bonds, sinking fund charges on term bonds due during the year of allocation and payments of principal of serial bonds which are due during the year following the year of allocation on all bonds issued by such county for highway purposes, including bonds the payment of the principal and interest of which is required by law to be made out of the permanent improvement fund of the county.

(2) On or before January 31 of each year the tax commissioner shall submit to the board of supervisors of each county an estimate of proceeds from the fuel tax which may be available for the benefit of such county for the calendar year and the board of supervisors of each county shall, in their budget for such year, submitted in accordance with the provisions of section 5252, include such amount or in the event that such amount is more than sufficient for such purpose then shall include such portion thereof as shall be necessary to fully cover the item in the

budget which corresponds to subdivision (1) of this section, as an offset or deduction in column II opposite said item under column I.

(3) Surplus collections in any year in any such fund remaining over and above the estimated amount to be applied in the payment of charges hereinabove set out as shown by the budget submitted in accordance with the provisions of section 5252 shall, as they are received by the treasurer, be paid to the county concerned and shall be deposited in a special fund to be known as the Fuel Tax Highway Fund, and shall be expended only for the construction, maintenance, improvement and repair of public roads and highways in such county, including without restriction of the foregoing purposes, costs of new land therefor, of permanent storm drains under, along, or across highways, and of new bridges, as well as repairs or additions to storm drains or bridges; provided, however, that no expenditures shall be made from said fuel tax highway fund which will jeopardize federal aid for highway construction.

(4) No amounts held or used or paid under subdivision (3) of this section shall be deducted from the total amount used in accordance with the provisions of section 5252 as a basis for calculating the real property tax rate of the several counties concerned.

(c) Territorial Highway Fund. All moneys in the territorial highway fund shall be expendable by the territorial highway department for the design,

construction, reconstruction, repair, and maintenance of, and for engineering and acquisition of rights-of-way for, highways in the Territory upon which federal moneys are expendable or have been expended, pursuant to the provisions of chapter 89, and the Federal Highway Act and legislation supplementary thereto; provided, that, the expenditures from such fund, together with federal aid funds, for new construction work including acquisition of rights-of-way, shall be so apportioned to the counties that, as nearly as practicable and to the extent allowable under the Federal Highway Act and other federal legislation, they shall average, over a three-year period, substantially the following respective percentages, of the total expenditures for such purposes for all counties, for the following respective counties:

City and County of Honolulu	50%
County of Hawaii	24%
County of Maui	15%
County of Kauai	11%

(d) Territorial Airport Fund. The moneys in the territorial airport fund shall be expended by the superintendent of public works for the construction, repair and maintenance of the territorial airports or territorial hangars, including the acquisition of real property and interests therein."

SECTION 6. Section 5924 of the Revised Laws of Hawaii 1945 is hereby amended by inserting therein a new

paragraph following the first full paragraph on page 722, (that is, following the twenty-seventh line on page 722), to read as follows:

"Notwithstanding the foregoing provisions that bond requirements shall be allocated between the counties and the Territory on the basis of the amount of bonds issued by the Territory the proceeds of which have been expended for county purposes and for territorial purposes, there shall be allocated to the Territory all bonds the proceeds of which have been expended for highway purposes."

SECTION 7. The true intent and meaning of this Act is to relieve the counties of any and all obligation to compensate the Territory with respect to territorial bonds issued for highway purposes, including airports, as of the effective date of this Act, and such bond requirements shall be met out of the general fund of the Territory in the manner provided by law with respect to other territorial bonds.

SECTION 8. All laws or parts of laws inconsistent with this Act are hereby amended to conform to this Act.

SECTION 9. This Act shall take effect as of January 1, 1945. For the year 1945 the estimate required to be submitted by the tax commissioner to the board of supervisors of each county, by subsection (b) (2) of section 5260 of the Revised Laws of Hawaii 1945, as amended by this Act, shall be submitted within ten days after the approval of this Act, in lieu of January 31.

INTRODUCED BY:

Senator, 1st District.

Senator, 3rd Dist.

S. B. No. 277
S. D. 2

A N A C T

RELATING TO THE FINANCING OF HIGHWAYS AND OTHER PUBLIC IMPROVEMENTS OF THE TERRITORY AND THE COUNTIES, INCLUDING MAINTENANCE AS WELL AS NEW IMPROVEMENTS, AND INCLUDING FINANCING OF OUTSTANDING BONDS; REPEALING SECTIONS 4970, 4971 AND 4973, AND AMENDING SECTIONS 4972, 5252, 5254, 5260, AND 5924 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Sections 4970, 4971 and 4973 of the Revised Laws of Hawaii 1945 are hereby repealed.

SECTION 2. Section 4972 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 4972. Maintenance of federal aid roads. The maintenance work on all roads upon which federal aid funds have been expended shall be performed under

the direction and supervision of the territorial highway engineer, either by public employment or by contract, or the territorial highway engineer may have the same performed by the county road department, by public employment or by contract, upon authorization of the board of supervisors of the county concerned. Expenditures for such maintenance work shall be made from the Territorial Highway Fund created by section 5260."

SECTION 3. Section 5252 of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(a) By deleting items (2) and (4) from the form of county budget which appears on page 616, together with the entries relating thereto, or space therefor, under columns I, II and III.

(b) By deleting the second and fourth paragraphs on page 617, which relate to said items (2) and (4).

SECTION 4. Section 5254 of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(a) By deleting from lines six and fifteen thereof

the figure "(2)", together with the comma preceding the same.

(b) By deleting from lines nine and eleven thereof the figure "(4)", together with the comma preceding the same.

SECTION 5. Section 5260 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 5260. Fuel tax, disposition of proceeds. (a) There are created in the treasury of the Territory two special funds to be known, respectively, as Territorial Highway Fund and Territorial Airport Fund. All taxes collected under chapter 100 in each calendar year shall be deposited in the territorial highway fund; provided, however, that all taxes collected under chapter 100 in respect to gasoline sold for use and used in airplanes shall be set aside in the territorial airport fund.

(b) Territorial Highway Fund. (1) From the moneys in the territorial highway fund the treasurer of the Territory shall pay to each county treasurer each year, when and as required by such county treasurer, the amount needed by such county for the payment of the interest on term and serial bonds, sinking fund charges on term bonds due during such year, and payments of principal of serial bonds which

are due during the following year, on all bonds issued by such county for highway purposes prior to January 1, 1945, including bonds the payment of the principal and interest of which is required by law to be made out of the permanent improvement fund of the county, and including bonds issued for the refunding of any of the foregoing. Each county treasurer shall hold and use such funds for the aforesaid purposes only, and shall under no circumstances allow any part thereof to be used for any other purpose.

(2) The remaining moneys in the territorial highway fund shall be expendable by the territorial highway department for the design, construction, reconstruction, repair, and maintenance of, and for engineering and acquisition of rights-of-way for, highways in the Territory upon which federal moneys are expendable or have been expended, pursuant to the provisions of chapter 89, and the Federal Highway Act and legislation supplementary thereto; provided, that the expenditures from such fund for new construction work including acquisition of rights-of-way, shall be so apportioned to the counties by the territorial highway engineer that, as nearly as practicable and to the extent allowable under the Federal Highway Act and other federal legislation, there shall be expended for each county after

the deduction of charges for bonds and maintenance, such estimate to be made by the territorial highway engineer except as hereinafter stated, and to be computed on the following basis: There shall be credited to each county the amount of the collections made each year for fuel sold or used within such county, provided that fuel sold in one county for use in another shall be credited to the county in which the same is to be used. The tax commissioner shall estimate the amount of the collections for each county for the year. There shall be charged against each county's credit its bond requirements for the year pursuant to paragraph (1) of this subsection, as determined by the respective county treasurers. The tax commissioner and the county treasurers shall certify such amounts to the territorial highway engineer and the territorial treasurer on or before January 31 of each year. There further shall be charged against each county's credit the cost for the year of repairs and maintenance of federal aid highways in the county, including the cost of equipment, and including the county's share of general administrative overhead prorated in proportion to duel tax collections. If the actual credit of any county for the year, as determined at the close of the calendar year upon the basis of actual collections, repairs and maintenance, exceeds or is less than the expenditure for such county for such year for new construction, such excess shall be added or such deficiency deducted in determining the credit of such county for the

following year.

(c) Territorial Airport Fund. The moneys in the territorial airport fund shall be expended by the superintendent of public works for the construction, repair and maintenance of the territorial airports or territorial hangars, including the acquisition of real property and interests therein."

SECTION 6. Section 5924 of the Revised Laws of Hawaii 1945 is hereby amended by inserting therein a new paragraph following the first full paragraph on page 722, (that is, following the twenty-seventh line on page 722), to read as follows:

"Notwithstanding the foregoing provisions that bond requirements shall be allocated between the counties and the Territory on the basis of the amount of bonds issued by the Territory the proceeds of which have been expended for county purposes and for territorial purposes, there shall be allocated to the Territory all bonds the proceeds of which have been expended for highway purposes."

SECTION 7. The true intent and meaning of this Act is to relieve the counties of any and all obligation to compensate the Territory with respect to territorial bonds issued

for highway purposes, including airports, as of the effective date of this Act, and such bond requirements shall be met out of the general fund of the Territory in the manner provided by law with respect to other territorial bonds.

SECTION 8. All laws or parts of laws inconsistent with this Act are hereby amended to conform to this Act; provided, that nothing in this Act shall be deemed to amend sections 4967 to 4969, inclusive, of the Revised Laws of Hawaii 1945 or to prevent the application of said sections in the cases therein mentioned.

SECTION 9. This Act shall take effect as of January 1, 1945. For the year 1945 the certificates required to be submitted by subsection (b) (2) of section 5260 of the Revised Laws of Hawaii 1945, as amended by this Act, shall be submitted within ten days after the approval of this Act, in lieu of January 31.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 13, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E S Capellas

President of the Senate.

Ellen D Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 26, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Speaker, House of Representatives.

Clerk, House of Representatives.

S. B. No. 277
S. D. 2
H. D. 1

A N A C T

RELATING TO THE FINANCING OF HIGHWAYS AND OTHER PUBLIC IMPROVEMENTS OF THE TERRITORY AND THE COUNTIES, INCLUDING MAINTENANCE AS WELL AS NEW IMPROVEMENTS, AND INCLUDING FINANCING OF OUTSTANDING BONDS; REPEALING SECTIONS 4970, 4971 AND 4973, AND AMENDING SECTIONS 4972, 5252, 5254, 5260, AND 5924 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Sections 4970, 4971 and 4973 of the Revised Laws of Hawaii 1945 are hereby repealed.

SECTION 2. Section 4972 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 4972. Maintenance of federal aid roads. The maintenance work on all roads upon which federal aid funds have been expended shall be performed under the direction and supervision of the territorial

highway engineer, either by public employment or by contract, or the territorial highway engineer may have the same performed by the county road department, by public employment or by contract, upon authorization of the board of supervisors of the county concerned. Expenditures for such maintenance work shall be made from the Territorial Highway Fund created by section 5260."

SECTION 3. Section 5252 of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(a) By deleting items (2) and (4) from the form of county budget which appears on page 616, together with the entries relating thereto, or space therefor, under columns I, II and III.

(b) By deleting the second and fourth paragraphs on page 617, which relate to said items (2) and (4).

SECTION 4. Section 5254 of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(a) By deleting from lines six and fifteen thereof the figure "(2)", together with the comma preceding the same.

(b) By deleting from lines nine and eleven thereof the figure "(4)", together with the comma preceding the same.

SECTION 5. Section 5260 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 5260. Fuel tax, disposition of proceeds. (a) There are created in the treasury of the Territory two special funds to be known, respectively, as Territorial Highway Fund and Territorial Airport Fund. All taxes collected under chapter 100 in each calendar year shall be deposited in the territorial highway fund; provided, however, that all taxes collected under chapter 100 in respect to gasoline sold for use and used in airplanes shall be set aside in the territorial airport fund.

(b) Territorial Highway Fund. (1) From the moneys in the territorial highway fund the treasurer of the territory shall pay to each county treasurer each year, when and as required by such county treasurer, the amount needed by such county for the payment of the interest on term and serial bonds, sinking fund charges on term bonds due during such year, and payments of principal of serial bonds which are due during the following year, on all bonds issued by

such county for highway purposes prior to January 1, 1945, including bonds the payment of the principal and interest of which is required by law to be made out of the permanent improvement fund of the county, and including bonds issued for the refunding of any of the foregoing. Each county treasurer shall hold and use such funds for the aforesaid purposes only, and shall under no circumstances allow any part thereof to be used for any other purpose.

(2) The remaining moneys in the territorial highway fund shall be expendable by the territorial highway department for the design, construction, reconstruction, repair, and maintenance of, and for engineering and acquisition of rights-of-way for, highways in the territory upon which Federal moneys are expendable or have been expended, pursuant to the provisions of chapter 89, and the Federal Highway Act and legislation supplementary thereto; provided that the expenditures from such fund for new construction work including acquisition of rights-of-way, shall be so apportioned to the counties by the territorial highway engineer that, as nearly as practicable and to the extent allowable under the Federal Highway Act and other Federal legislation, there shall be expended for each county each year the estimated amount of its share of the collections remaining after the deduction of charges for bonds and maintenance, such estimate to be made by the

territorial highway engineer except as hereinafter stated, and to be computed on the following basis: There shall be credited to each county the amount of the collections made each year for fuel sold or used within such county, provided that fuel sold in one county for use in another shall be credited to the county in which the same is to be used. The tax commissioner shall estimate the amount of the collections for each county for the year. There shall be charged against the total collections for the entire territory for the year the amount of the bond requirements of the several counties for the year pursuant to paragraph (1) of this subsection, as determined by the respective county treasurers. The tax commissioner and the county treasurers shall certify such amounts to the territorial highway engineer and the territorial treasurer on or before January 31 of each year. There further shall be charged against the total collections for the entire territory for the year the cost for the year of repairs and maintenance of Federal aid highways, including the cost of equipment and general administrative overhead. The balance remaining after the deduction of charges for bonds and maintenance shall be divided among the several counties in proportion to their credits for collections, and the amount so determined for each county shall be deemed its share of the collections remaining after the deduction of

charges for bonds and maintenance. If the actual share of any county for the year, as determined at the close of the calendar year upon the basis of actual collections, repairs and maintenance, exceeds or is less than the expenditure for such county for such year for new construction, such excess shall be added or such deficiency deducted in determining the share of such county for the following year.

(c) Territorial Airport Fund. The moneys in the territorial airport fund shall be expended by the superintendent of public works for the construction, repair and maintenance of the territorial airports or territorial hangars, including the acquisition of real property and interests therein."

SECTION 6. Section 5924 of the Revised Laws of Hawaii 1945 is hereby amended by inserting therein a new paragraph following the first full paragraph on page 722, (that is, following the twenty-seventh line on page 722), to read as follows:

"Notwithstanding the foregoing provisions that bond requirements shall be allocated between the counties and the territory on the basis of the amount of bonds issued by the territory the pro-

ceeds of which have been expended for county purposes and for territorial purposes, there shall be allocated to the territory all bonds the proceeds of which have been expended for highway purposes."

SECTION 7. The true intent and meaning of this Act is to relieve the counties of any and all obligations to compensate the territory with respect to territorial bonds issued for highway purposes, including airports, as of the effective date of this Act, and such bond requirements shall be met out of the general fund of the territory in the manner provided by law with respect to other territorial bonds.

SECTION 8. All laws or parts of laws inconsistent with this Act are hereby amended to conform to this Act; provided that nothing in this Act shall be deemed to amend sections 4967 to 4969, inclusive, of the Revised Laws of Hawaii 1945 or to prevent the application of said sections in the cases therein mentioned.

SECTION 9. This Act shall take effect as of January 1, 1945. For the year 1945 the certificates required to be submitted by subsection (b) (2) of section 5260 of the Revised Laws of Hawaii 1945, as amended by this Act, shall be submitted within ten days after the approval of this Act, in lieu of January 31.

THE HOUSE OF REPRESENTATIVES OF THE

TERRITORY OF HAWAII

Honolulu, T. H., April 26, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M Y Paschoal

Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 278

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO THE ROAD FUND OF THE COUNTIES AND EXPENDITURES THEREFROM; AMENDING SECTIONS 5713, 6007, 6526, AND 6772 OF THE REVISED LAWS OF HAWAII 1945.

Introduced March 28, 1945, by Senators CHARLES H. SILVA, THELMA M. AKANA and W. H. HILL

Passed 4/27/45

First Reading in Senate March 28, 1945
Referred to Printing Committee March 28, 1945
Second Reading in Senate March 29, 1945
Referred to Committee on Ways and Means
Third Reading in Senate April 13, 1945

First Reading in House April 16, 1945
Referred to
Second Reading in House April 17, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

SB 278

AN ACT

RELATING TO THE ROAD FUND OF THE COUNTIES AND EXPENDITURES THEREFROM; AMENDING SECTIONS 5713, 6007, 6526, AND 6772 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Section 5713 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 5713. Road fund. All taxes collected under the provisions of this chapter shall be kept in a fund to be known as the 'road fund' and expended only for the construction, maintenance, improvement and repair of public roads and highways of the county in which the taxes are collected; provided, however, that in the city and county of Honolulu the board of supervisors may appropriate from said revenues up to the sum of one hundred thousand dollars for the police department; provided, further, that no expenditures shall be made out of the revenues paid into the road fund under this section, which will jeopardize federal aid for highway construction."

SECTION 2. Section 6007 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 6007. To road fund. All moneys received by any county from any public utility corporation under the provisions of the franchise granted to such

corporation shall be kept in the road fund created by section 5713 and expended on the construction, maintenance, improvement and repair of public roads and highways of the county in which the same are received, including for the purposes of this section, the installation, maintenance and repair of street lights and power, and other charges for street lighting purposes as well as the replacement of old street lights, and footpaths or sidewalks; provided, further, that in the city and county of Honolulu the board of supervisors may provide for the maintenance of the Honolulu traffic safety commission, and for other purposes and functions connected with the prevention of automobile accidents and preservation of safety upon the highways and streets in the city and county of Honolulu, and for the establishment and maintenance, under the direction of the police department, of one or more vehicle testing stations, from said moneys."

SECTION 3. Section 6526 of the Revised Laws of Hawaii 1945, is hereby amended by deleting the last sentence thereof, which now appears in lines seven to nine inclusive of said section.

SECTION 4. Section 6772 of the Revised Laws of Hawaii 1945 is hereby amended by changing the semi-colon in the fifth line thereof to a period, and by deleting the words: "provided, however, that in making the foregoing appropriation, the board of supervisors may use the road fund up to and not exceeding the sum of seventy-five thousand dollars."

SECTION 5. Sections 1 and 2 of this Act shall take effect upon its approval. Sections 3 and 4 of this Act shall take effect as of January 1, 1945.

INTRODUCED BY:

_____ District

Senator, 3rd Dist.

S. B. No. 278
S. D. 1

A N A C T

RELATING TO THE ROAD FUND OF THE COUNTIES AND EXPENDITURES THEREFROM; AMENDING SECTIONS 5713, 6007, 6526, AND 6772 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Section 5713 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 5713. Road fund. All taxes collected under the provisions of this chapter shall be kept in a fund to be known as the 'road fund' and expended only for the construction, maintenance, improvement and repair of public roads and highways of the county in which the taxes are collected, including without restriction of the foregoing purposes, costs of new land therefor, of permanent storm drains under, along, or across highways, and of new bridges, as well as repairs or additions to storm drains or bridges; provided, however, that in the city and

county of Honolulu the board of supervisors may appropriate from said revenues up to the sum of one hundred thousand dollars for the police department; provided further, that no expenditures shall be made out of the revenues paid into the road fund under this section, which will jeopardize federal aid for highway construction."

SECTION 2. Section 6007 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 6007. To road fund. All moneys received by any county from any public utility corporation under the provisions of the franchise granted to such corporation shall be kept in the road fund created by section 5713 and expended on the construction, maintenance, improvement and repair of public roads and highways of the county in which the same are received, including for the purposes of this section, the installation, maintenance and repair of street lights and power, and other charges for street lighting purposes as well as the replacement of old street lights, and footpaths or sidewalks; provided, further, that in the city and county of Honolulu the board of supervisors may provide for the maintenance of the Honolulu traffic safety commission, and for other

purposes and functions connected with the prevention of automobile accidents and preservation of safety upon the highways and streets in the city and county of Honolulu, and for the establishment and maintenance, under the direction of the police department, of one or more vehicle testing stations, from said moneys."

SECTION 3. Section 6526 of the Revised Laws of Hawaii 1945, is hereby amended by deleting the last sentence thereof, which now appears in lines seven to nine inclusive of said section.

SECTION 4. Section 6772 of the Revised Laws of Hawaii 1945 is hereby amended by changing the semi-colon in the fifth line thereof to a period, and by deleting the words: "provided, however, that in making the foregoing appropriation, the board of supervisors may use the road fund up to and not exceeding the sum of seventy-five thousand dollars."

SECTION 5. Sections 1 and 2 of this Act shall take effect upon its approval. Sections 3 and 4 of this Act shall take effect as of January 1, 1945.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 13, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate

Ellen D'Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 26, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M G Paschoal

Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 279

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND ACT 3 OF THE SESSION LAWS OF 1941 (NOTE 7 OF THE APPENDIX, REVISED LAWS OF HAWAII 1945) AND ACT 168 OF THE SESSION LAWS OF 1943, RELATING TO KEEHI LAGOON SEAPLANE HARBOR AND JOHN RODGERS AIRPORT, AND MAKING AN ADDITIONAL APPROPRIATION.

Introduced March 28, 1945, by
Senator FRANCIS H. Ii BROWN

First Reading in Senate March 28, 1945
Referred to Printing Committee March 28, 1945
Second Reading in Senate March 29, 1945
Referred to COMMITTEE ON WAYS & MEANS
Third Reading in Senate April 5, 1945

First Reading in House April 5, 1945
Referred to
Second Reading in House April 6, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Engrossed
4/20/45
SPW

Senate

SB279

AN ACT

TO AMEND ACT 3 OF THE SESSION LAWS OF 1941 (NOTE 7 OF THE APPENDIX, REVISED LAWS OF HAWAII 1945) AND ACT 168 OF THE SESSION LAWS OF 1943, RELATING TO KEEHI LAGOON SEAPLANE HARBOR AND JOHN RODGERS AIRPORT, AND MAKING AN ADDITIONAL APPROPRIATION

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

SECTION 1. Section 1 of Act 3 of the Session Laws of Hawaii 1941 (note 7 of the Appendix, Revised Laws of Hawaii 1945) is hereby amended in the following respects:

(a) By deleting therefrom the words and figures "one hundred thousand dollars ($100,000.00)" and by inserting in lieu thereof "two hundred thousand dollars".

(b) By amending the last sentence of said section 1 to read as follows:

"Any amounts within this appropriation not needed for property or property interests for the improvement of the seaplane harbor, as determined by the superintendent of public works, may be expended for additions to or improvement of John Rodgers Airport, or for improvements required in connection with the Keehi Lagoon project."

SECTION 2. Act 168 (Series E-184) of the Session Laws of 1943 is hereby amended by amending section 1 thereof to read as follows:

"Section 1. There is hereby appropriated from the general revenues of the Territory not otherwise appropriated, the sum of fifty thousand dollars for any or all of the purposes set forth in Act 3 of the Session

Laws of 1941 (Note 7 of the Appendix, Revised Laws of Hawaii 1945, as amended, or the money so appropriated may be expended for the preparation of plans and specifications for improvements at Keehi Lagoon Seaplane Harbor and John Rodgers Airport, irrespective of whether funds are then available for the completion of such improvements."

SECTION 3. The appropriations made by said Act 3 of the Session Laws of 1941 and said Act 168 of the Session Laws of 1943, as amended, shall be in addition to and not in lieu of any other appropriations which may be available for the same purposes.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

Francis H.I. Brown .
Senator, 3rd District

S. B. No. 279

A N A C T

TO AMEND ACT 3 OF THE SESSION LAWS OF 1941 (NOTE 7 OF THE APPENDIX, REVISED LAWS OF HAWAII 1945) AND ACT 168 OF THE SESSION LAWS OF 1943, RELATING TO KEEHI LAGOON SEAPLANE HARBOR AND JOHN RODGERS AIRPORT, AND MAKING AN ADDITIONAL APPROPRIATION.

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

SECTION 1. Section 1 of Act 3 of the Session Laws of Hawaii 1941 (note 7 of the Appendix, Revised Laws of Hawaii 1945) is hereby amended in the following respects:

(a) By deleting therefrom the words and figures "one hundred thousand dollars ($100,000.00)" and by inserting in lieu thereof "two hundred thousand dollars".

(b) By amending the last sentence of said section 1 to read as follows:

"Any amounts within this appropriation not needed for property or property

interests for the improvement of the seaplane harbor, as determined by the superintendent of public works, may be expended for additions to or improvement of John Rodgers Airport, or for improvements required in connection with the Keehi Lagoon project."

SECTION 2. Act 168 (Series E-184) of the Session Laws of 1943 is hereby amended by amending section 1 thereof to read as follows:

"Section 1. There is hereby appropriated from the general revenues of the Territory not otherwise appropriated, the sum of fifty thousand dollars for any or all of the purposes set forth in Act 3 of the Session Laws of 1941 (note 7 of the Appendix, Revised Laws of Hawaii 1945, as amended, or the money so appropriated may be expended for the preparation of plans and specifications for improvements at Keehi Lagoon Seaplane Harbor and John Rodgers Airport, irrespective of whether funds are then available for the completion of such improvements."

SECTION 3. The appropriations made by said Act 3 of the Session Laws of 1941 and said Act 168 of the Session

Laws of 1943, as amended, shall be in addition to and not in lieu of any other appropriations which may be available for the same purposes.

SECTION 4. This Act shall take effect upon its approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 5, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Leapelaa

President of the Senate.

Ellen D Smythes

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 24, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M G Paschoal

Speaker, House of Representatives.

Clerk

Clerk, House of Representatives.

1945

Senate Bill No. 280

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 12334 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO JUVENILE CRIME PREVENTION BUREAUS.

Introduced March 28, 1945, by

Senator THOMAS PEDRO, JR.

First Reading in Senate March 28, 1945.
Referred to Printing Committee March 28, 1945
Second Reading in Senate March 29, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Jud -

SB. 780

AN ACT

TO AMEND SECTION 12334 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO JUVENILE CRIME PREVENTION BUREAUS.

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

Section 1. Section 12334 of the Revised Laws of Hawaii 1945 is hereby amended as follows:

"Section 12334. Duties and powers; reports. It shall be the duty of the juvenile crime prevention bureau to direct its attention specifically to the suppression, prevention and investigation of crimes committed by minors under the age of eighteen years, and any police officer shall have the power and authority to take and detain any such minor at said bureau or other suitable places for questioning and investigation provided, however, that no such questioning and investigation shall be held and conducted except in the presence of a probation officer. If it shall appear upon conclusion of such investigation that such minor has committed a crime, he shall be referred to a proper agency for treatment, and a written report of the findings of the officer shall be submitted to said agency."

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

INTRODUCED BY:

Thomas Sobrinho Jr.

Senator, First District.

1945

Senate Bill No. 281

The Legislature of the Territory of Hawaii

AN ACT

TO AMEND SECTION 9503 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO APPEALS FROM DECISIONS, JUDGMENTS, ORDERS OR DECREES OF CIRCUIT JUDGES IN CHAMBERS.

Enrolled 5/7/45 GRH

Introduced March 28, 1945, by

Senator THOMAS PEDRO, JR.

First Reading in Senate March 28, 1945
Referred to Printing Committee " " "
Second Reading in Senate March 29, 1945
Referred to Committee on Judiciary
Third Reading in Senate April 6, 1945

First Reading in House April 6, 1945
Referred to
Second Reading in House April 9, 1945
Referred to Judiciary Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

S. B. NO. 281

A N A C T

TO AMEND SECTION 9503 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO APPEALS FROM DECISIONS, JUDGMENTS, ORDERS OR DECREES OF CIRCUIT JUDGES AT CHAMBERS.

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

SECTION 1. Section 9503 of the Revised Laws of Hawaii 1945 is hereby amended by amending the first paragraph thereof to read as follows:

"Sec. 9503. From circuit judges in chambers. Appeals shall be allowed from all decisions, judgments, orders or decrees of circuit judges in chambers, to the supreme court, except in cases in which the appellant is entitled to appeal to a jury, whenever the party appealing shall file notice of his appeal, and pay the costs accrued within ten days after the filing of the decision, judgment, order or decree appealed from; provided, however, that in any case in which the law allows an appeal from the decision, judgment, order or decree of a judge in chambers to be tried before a jury, the judge whose decision, judgment, order or decree is appealed from shall not preside at the trial of such appeal before a jury."

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

INTRODUCED BY:

Thomas Sakakihara, Jr.

Senator, First District.

S.B.No. 281
S.D. 1

A N A C T

TO AMEND SECTION 9503 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO APPEALS FROM DECISIONS, JUDGMENTS, ORDERS OR DECREES OF CIRCUIT JUDGES IN CHAMBERS.

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

SECTION 1. Section 9503 of the Revised Laws of Hawaii 1945 is hereby amended by amending the first paragraph thereof to read as follows:

"Sec. 9503. From circuit judges in chambers. Appeals shall be allowed from all decisions, judgments, orders or decrees of circuit judges in chambers, to the supreme court, except in cases in which the appellant is entitled to appeal to a jury, whenever the party appealing shall file notice of his appeal, and pay the costs accrued within ten days after the filing of the decision, judgment, order or decree appealed from; provided, however, that in any case in which the law allows an appeal from the decision, judgment, order or decree of a judge in chambers to be tried before

a jury, the judge whose decision, judgment, order or decree is appealed from shall not preside at the trial of such appeal before a jury."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 6, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E S Capellas

President of the Senate

Ellen D Smythe

Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., May 1, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M G Paschoal

Speaker, House of Representatives.

Clerk, House of Representatives.

1945 Senate Bill No. 282

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO THE EXAMINATION OF AN ADVERSE PARTY IN CIVIL ACTIONS.

Engrossed 5/7/45 SD

Introduced	March 28, 19 45, by
Senator	WM.H.HEEN
First Reading in Senate	March 28, 1945
Referred to Printing Committee	" " "
Second Reading in Senate	March 29, 1945
Referred to	Committee on Judiciary
Third Reading in Senate	April 6, 1945
First Reading in House	April 6, 1945
Referred to	
Second Reading in House	April 9, 1945
Referred to	Judiciary Committee
Third Reading in House	

ELLEN D. SMYTHE
Clerk of the Senate

S. B. NO. 282

A N A C T

RELATING TO THE EXAMINATION OF AN ADVERSE PARTY IN CIVIL ACTIONS.

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

SECTION 1. A party to the record in any civil action or proceeding or a person for whose immediate benefit such action or proceeding is prosecuted or defended, or the directors, officers, superintendent or managing agent of any corporation which is a party to the record, may be examined by the adverse party as if under cross-examination, subject to the rules applicable to the examination of other witnesses. The party calling such adverse witness shall not be bound by his testimony, and the testimony given by such witness may be rebutted by the party calling him for such examination by other evidence. Such witness, when so called, may be examined by his own counsel, but only as to the matters testified to on such examination.

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

INTRODUCED BY:

Senator, Third Senatorial District

S.B.No. 282

A N A C T

RELATING TO THE EXAMINATION OF AN ADVERSE PARTY IN CIVIL ACTIONS.

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

SECTION 1. A party to the record in any civil action or proceeding or a person for whose immediate benefit such action or proceeding is prosecuted or defended, or the directors, officers, superintendent or managing agent of any corporation which is a party to the record, may be examined by the adverse party as if under cross-examination, subject to the rules applicable to the examination of other witnesses. The party calling such adverse witness shall not be bound by his testimony, and the testimony given by such witness may be rebutted by the party calling him for such examination by other evidence. Such witness, when so called, may be examined by his own counsel, but only as to the matters testified to on such examination.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 6, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate

Ellen D'Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE

TERRITORY OF HAWAII.

Honolulu, T. H., May 1, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M G Paschoal

Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 283

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO STATUTORY CONSTRUCTION.

Introduced March 28, 1945, by

Senator WM. H. HEEN

First Reading in Senate March 28, 1945
Referred to Printing Committee " " "
Second Reading in Senate March 29, 1945
Referred to Committee on Judiciary
Third Reading in Senate April 10, 1945

First Reading in House April 11, 1945
Referred to
Second Reading in House April 12, 1945
Referred to Judiciary Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Signed 5/7/45 GPA

S. B. NO. 283

AN ACT

RELATING TO STATUTORY CONSTRUCTION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 14 of the Revised Laws of Hawaii 1945 is hereby amended by substituting for the words and punctuation "where, from the subject matter, the sense and connection in which the words are used, such construction appears to be intended", in the fourth, fifth and sixth lines thereof, the words "unless otherwise expressed or obviously intended".

SECTION 2. Section 15 of the Revised Laws of Hawaii 1945 is hereby amended by substituting for the words and punctuation "where the subject matter, sense and connection require such construction", in the second and third lines thereof, the words "unless otherwise expressed or obviously intended".

SECTION 3. Section 16 of said Revised Laws is hereby amended by substituting for the words and punctuation "where it appears, from the subject matter, the sense and connection in which such words are used, that such construction is intended", in the fifth, sixth and seventh lines thereof, the words "unless otherwise expressed or obviously intended."

SECTION 4. The sections of said Revised Laws amended by this Act and all other provisions of said Revised Laws relating to general statutory construction, shall apply not merely to laws now in force but to all that shall hereafter be enacted unless otherwise expressly provided.

SECTION 5. This Act shall take effect upon its approval.

INTRODUCED BY:

Senator 31st Senatorial District

S.B.No. 283

A N A C T

RELATING TO STATUTORY CONSTRUCTION.

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

SECTION 1. Section 14 of the Revised Laws of Hawaii 1945 is hereby amended by substituting for the words and punctuation "where, from the subject matter, the sense and connection in which the words are used, such construction appears to be intended", in the fourth, fifth and sixth lines thereof, the words "unless otherwise expressed or obviously intended".

SECTION 2. Section 15 of the Revised Laws of Hawaii 1945 is hereby amended by substituting for the words and punctuation "where the subject matter, sense and connection require such construction", in the second and third lines thereof, the words "unless otherwise expressed or obviously intended".

SECTION 3. Section 16 of said Revised Laws is hereby amended by substituting for the words and punctuation "where it appears, from the subject matter, the sense and connection in which such words are used, that such construction is intended", in the fifth, sixth and seventh lines thereof, the words "unless otherwise expressed or obviously intended".

SECTION 4. The sections of said Revised Laws amended by this Act and all other provisions of said Revised Laws relating to general statutory construction, shall apply not merely to laws now in force but to all that shall hereafter be enacted unless otherwise expressly provided.

SECTION 5. This Act shall take effect upon its approval.

5/8/82

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu,T.H., April 10, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E S Capellas

President of the Senate

Ellen D Smyth

Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H., May 1, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M C Paschoal

Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 284

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND CHAPTER 78 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO PUBLIC LANDS, BY ADDING A NEW SECTION THERETO TO BE KNOWN AS SECTION 4521.01.

Introduced March 28, , 19 45, by
Senator WM.H.HEEN

First Reading in Senate March 28, 1945
Referred to Printing Committee " " "
Second Reading in Senate March 29, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Lands

SB284

A N A C T

TO AMEND CHAPTER 78 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO PUBLIC LANDS, BY ADDING A NEW SECTION THERETO TO BE KNOWN AS SECTION 4521.01.

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

Section 1. Chapter 78 of the Revised Laws of Hawaii 1945, relating to public lands, is hereby amended by adding thereto a new section to be known as Section 4521.01, reading as follows:

"Sec. 4521.01. Withdrawal of property pursuant to terms of instrument of conveyance; appraisal. When any instrument of sale or conveyance or other transfer of possession of or title to public lands shall contain any provision by way of exception, reservation or otherwise, authorizing the government to take title to or possession of any portion of such lands and any improvements thereon for the purpose or purposes stated in such instrument, and no funds are available for the payment of any compensation provided therein, the commissioner of public lands may, with the approval of the governor, receive and use for the purpose of paying the compensation therefor, where such compensation is necessary, moneys given or advanced therefor from other than government funds. Any moneys so given or advanced shall not constitute a government realization nor be paid into the territorial treasury as such, but shall be held and used by the commissioner only for the purpose for which it was paid or advanced.

"When any appraisal is required, the same shall be made as provided in Section 4521."

Section 2. This Act shall take effect upon its approval and shall apply to all instruments of sale or conveyance or other transfer of possession of or title to public lands heretofore as well as hereafter made.

INTRODUCED BY

S _____, 2nd District

3/22.

1945

Senate Bill No. 285

The Legislature
of the
Territory of Hawaii

AN ACT

MAKING AN APPROPRIATION FOR THE EMPLOYEES' RETIREMENT SYSTEM ON ACCOUNT OF THE ACCRUED LIABILITY FOR TERRITORIAL EMPLOYEES.

Introduced March 28 , 1945 , by
Senator ERNEST N. HEEN

First Reading in Senate March 28, 1945
Referred to Printing Committee March 28, 1945
Second Reading in Senate March 29, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

A N A C T

MAKING AN APPROPRIATION FOR THE EMPLOYEES' RETIREMENT SYSTEM ON ACCOUNT OF THE ACCRUED LIABILITY FOR TERRITORIAL EMPLOYEES.

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

Whereas, the actuary of the employees' retirement system has estimated that as of June 30, 1945, the amount of four million nine hundred and twenty six thousand dollars ($4,926,000.00) represents the Territory's financial obligation to the employees' retirement system on account of the accrued liability for territorial employees; and

Whereas, the amount of seven hundred thousand one hundred and seventy five dollars ($700,175.00) is contained in the budget and will be provided for the partial liquidation of this obligation during the next biennium; and

Whereas, if the Territory's policy of such partial liquidation is continued, total liquidation of the obligation will not be effected until the year 1985; and

Whereas, it is to the great financial advantage of the Territory, and will effect a savings of millions of dollars, if the obligation is completely liquidated at this time by a lump sum payment; now therefore,

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

SECTION 1. The sum of four million two hundred twenty nine thousand four hundred and twenty five dollars ($4,229,425.00) is hereby appropriated out of the general fund of the Territory for the liquidation of the Territory's financial obligation to the employees' retirement

system on account of the accrued liability for territorial employees. This sum shall be in addition to all sums appropriated for this purpose by the general appropriation act.

SECTION 2. This Act shall take effect July 1, 1945.

INTRODUCED BY:

Ernest M Lee

Senator, 3rd District

1945 Senate Bill No. 286

The Legislature
of the
Territory of Hawaii

AN ACT

AMENDING SECTION 9771 AND REPEALING SECTIONS 9772, 9773, 9774, 9775 AND 9776 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO PERSONNEL AND EXPENSES OF CIRCUIT COURTS.

Introduced March 29 , 1945 , by
Senator HAROLD W. RICE

First Reading in Senate March 29, 1945
Referred to Printing Committee March 29, 1945
Second Reading in Senate March 30, 1945
Referred to COMMITTEE ON WAYS & MEANS
Third Reading in Senate April 6, 1945

First Reading in House April 6, 1945
Referred to
Second Reading in House April 9, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

S.B. 286

AN ACT

AMENDING SECTION 9771 AND REPEALING SECTIONS 9772, 9773, 9774, 9775 AND 9776 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO PERSONNEL AND EXPENSES OF CIRCUIT COURTS.

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

SECTION 1. Section 9771 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 9771. Personnel and expenses of circuit courts. The Territory of Hawaii shall pay the expenses of the several circuit courts and the salaries of such officers and employees as may be required by such courts, including without prejudice to the generality of the foregoing expenses for dependent and delinquent children, and for institutions for their care. The judge or judges of the several circuit courts shall appoint such officers and employees as may be required by such courts and for which appropriations shall have been made by the legislature; provided, that the officers and employees of the division of domestic relations, first circuit, including without prejudice to the generality of the foregoing juvenile probation officers, truant officers, and personnel of the detention home, shall be appointed by the judge of the court of domestic relations, under whose supervision the appropriations for such division shall be expended. With the exception of one clerk for each judge, such officers and employees shall be members of the civil service system of the Territory of Hawaii and shall be chosen in con-

formity with the provisions of part one of chapter two hereof. The compensation for and classification of the positions held by such persons shall be in accordance with the provisions of part one of chapter three hereof. Provided, however, that all officers and employees of the several circuit courts employed in the service of such courts upon June 30, 1945, who have completed six months of satisfactory service are hereby given permanent appointments in the civil service system of the Territory of Hawaii without further examination. All other employees are hereby given probationary appointment in the civil service system of the Territory of Hawaii, and upon completion of six months of satisfactory service shall receive permanent appointments in the civil service system of the Territory without further examination. Provided further, however, that the foregoing two sentences shall not apply to one clerk for each judge designated by such judge as not a member of the civil service system."

SECTION 2. Sections 9772, 9773, 9774, 9775 and 9776 of the Revised Laws of Hawaii 1945 are hereby repealed.

SECTION 3. All laws inconsistent with section one hereof are hereby amended to conform thereto.

SECTION 4. This Act shall take effect on June 30, 1945.

INTRODUCED BY:

Harold H. Rice

S, 2nd District

S. B. No. 286

A N A C T

AMENDING SECTION 9771 AND REPEALING SECTIONS 9772, 9773, 9774, 9775 AND 9776 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO PERSONNEL AND EXPENSES OF CIRCUIT COURTS.

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

SECTION 1. Section 9771 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 9771. Personnel and expenses of circuit courts. The Territory of Hawaii shall pay the expenses of the several circuit courts and the salaries of such officers and employees as may be required by such courts, including without prejudice to the generality of the foregoing expenses for dependent and delinquent children, and for institutions for their care. The judge or judges of the several circuit courts shall appoint such officers and employees as may be required by such courts and for which appropriations shall have been made by the legislature; provided, that the officers and employees of the division of domestic relations,

first circuit, including without prejudice to the generality of the foregoing juvenile probation officers, truant officers, and personnel of the detention home, shall be appointed by the judge of the court of domestic relations, under whose supervision the appropriations for such division shall be expended. With the exception of one clerk for each judge, such officers and employees shall be members of the civil service system of the Territory of Hawaii and shall be chosen in conformity with the provisions of part one of chapter two hereof. The compensation for and classification of the positions held by such persons shall be in accordance with the provisions of part one of chapter three hereof. Provided, however, that all officers and employees of the several circuit courts employed in the service of such courts upon June 30, 1945, who have completed six months of satisfactory service are hereby given permanent appointments in the civil service system of the Territory of Hawaii without further examination. All other employees are hereby given probationary appointment in the civil service system of the Territory of Hawaii, and upon completion of six months of satisfactory service shall receive permanent appointments in the civil service system of the Territory with-

out further examination. Provided further, however, that the foregoing two sentences shall not apply to one clerk for each judge designated by such judge as not a member of the civil service system."

SECTION 2. Sections 9772, 9773, 9774, 9775 and 9776 of the Revised Laws of Hawaii 1945 are hereby repealed.

SECTION 3. All laws inconsistent with section one hereof are hereby amended to conform thereto.

SECTION 4. This Act shall take effect on June 30, 1945.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 6, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate.

Ellen W Smythe

Clerk of the Senate.

S. B. No. 286
H. D. 1

Signed 4-16-47

A N A C T

AMENDING SECTION 9771 AND REPEALING SECTIONS 9772, 9773, 9774, 9775 AND 9776 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO PERSONNEL AND EXPENSES OF CIRCUIT COURTS, AND PROVIDING FOR TRANSFER OF PERSONNEL AND PROPERTY REQUIRED FOR SUCH COURTS.

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

SECTION 1. Section 9771 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 9771. Personnel and expenses of circuit courts. The Territory of Hawaii shall pay the expenses of the several circuit courts and the salaries of such officers and employees as may be required by such courts, including without prejudice to the generality of the foregoing expenses of such courts for dependent and delinquent children, and for institutions for their care. The judge or judges of the several circuit courts shall appoint such officers and employees as may be required by such courts and for which appropriations shall have been made by

the legislature; provided, that the officers and employees of the division of domestic relations, first circuit, including without prejudice to the generality of the foregoing juvenile probation officers, truant officers, and personnel of the detention home, shall be appointed by the judge of the court of domestic relations, under whose supervision the appropriations for such division shall be expended. With the exception of one clerk for each judge, such officers and employees shall be members of the civil service system of the Territory of Hawaii and shall be chosen in conformity with the provisions of part one of chapter two hereof. The compensation for and classification of the positions held by such persons shall be in accordance with the provisions of part one of chapter three hereof."

SECTION 2. Sections 9772, 9773, 9774, 9775 and 9776 of the Revised Laws of Hawaii 1945 are hereby repealed.

SECTION 3. Transition provisions. (a) All employees of the several circuit courts employed in the service of such courts upon June 30, 1945, who have completed six months of satisfactory service are hereby given permanent appointments in the civil service system of the Territory

of Hawaii without further examination. All other employees of said courts employed on June 30, 1945, are hereby given probationary appointment in the civil service system of the Territory of Hawaii, and upon completion of six months of satisfactory service shall receive permanent appointments in the civil service system of the territory without further examination. Provided further, however, that this subsection shall not apply to one clerk for each judge designated by such judge as not a member of the civil service system.

(b) The civil service commission, as the personnel classification board for the territory, shall by rule or otherwise make appropriate provisions whereby the employees of the circuit courts employed on June 30, 1945, may be accorded as nearly as practicable the same treatment as if they had, on the effective date of this Act, been transferred from positions in the classified service of the territory and immediately prior to such transfers had

been receiving for such positions the rates of compensation actually received by them on June 30, 1945. No such employee shall suffer a reduction in his rate of compensation by reason of his being placed under part one of chapter three of the Revised Laws of Hawaii 1945. The increment date of each employee of such courts who was in service and entitled to an increment on January 1, 1945 shall not be changed by reason of his transfer to the territorial service, notwithstanding any other provision of law. All employees of the circuit courts employed on June 30, 1945 shall be given credit for the vacation and sick leave already earned or accumulated by them, and the counties shall pay into the treasury of the territory to the credit of the appropriations for the respective circuit courts the amounts of the credits for vacations (but not sick leaves) earned or accumulated at the rates of compensation as of June 30, 1945.

(c) Contributions of the government to the employees' retirement system for employees of such courts employed

on June 30, 1945 shall be prorated between the counties and the territory as of June 30, 1945.

(d) All land, buildings, fixtures, furniture, furnishings, libraries and supplies, in the use or custody of or under the control of the several circuit courts on June 30, 1945 shall continue in such use, custody and control, except such portion of the premises of the Detention Home, City and County of Honolulu, as with the approval of the judges of the circuit court, first circuit, shall be required by the board of supervisors of said city and county for other purposes.

SECTION 4. All laws inconsistent with section one hereof are hereby amended to conform thereto.

SECTION 5. This Act shall take effect on June 30, 1945.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 12, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M G Paschoal
Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 287

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND CHAPTER 47 OF THE REVISED LAWS OF HAWAII 1945, BY ADDING THERETO A NEW SECTION TO BE NUMBERES 2552.01, REQUIRING ALL TERRITORIAL OR COUNTY PHYSICIANS TO REFER TO THE BUREAU OF MENTAL HYGIENE FOR PSYCHIATRIC EXAMINATION, EVALUATION, TREATMENT, AND DISPOSITION CERTAIN INDIGENT PATIENTS.

Introduced March 29, 1945, by
Senator THELMA M. AKANA

First Reading in Senate March 29, 1945
Referred to Printing Committee March 29, 1945
Second Reading in Senate
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

SB 287

AN ACT

TO AMEND CHAPTER 47 OF THE REVISED LAWS OF HAWAII 1945, BY ADDING THERETO A NEW SECTION TO BE NUMBERED 2552.01, REQUIRING ALL TERRITORIAL OR COUNTY PHYSICIANS TO REFER TO THE BUREAU OF MENTAL HYGIENE FOR PSYCHIATRIC EXAMINATION, EVALUATION, TREATMENT, AND DISPOSITION OF CERTAIN INDIGENT PATIENTS.

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

SECTION 1. Chapter 47 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto a section to be numbered section 2552.01 and to read:

"Sec. 2552.01. Referral, evaluation, treatment, and disposition. If any territorial or county physician shall as such physician have any indigent patient whom he suspects may be mentally ill and indigent, he shall refer such patient to the bureau of mental hygiene for psychiatric examination, evaluation, treatment and disposition."

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

INTRODUCED BY:

Frelina M. Skana

Senator, 3rd District

3/29 2
3/30 2

1945

Senate Bill No. 288

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO REPORTS OF SEROLOGIC TESTS FOR SYPHILLIS, AND AMENDING SECTION 2311 OF THE REVISED LAWS OF HAWAII 1945.

Introduced March 29, 1945, by
Senator THELMA M. AKANA

First Reading in Senate March 29, 1945
Referred to Printing Committee " " "
Second Reading in Senate April 2, 1945
Referred to Committee on Public Health
Third Reading in Senate April 11, 1945.

First Reading in House April 12, 1945
Referred to
Second Reading in House April 16, 1945
Referred to Health Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Exposed 4/26/25 [illegible]

JC

SB288

AN ACT

TO AMEND SECTION 2311 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE REPORTS AND COPIES OF THE REPORTS OF THE SEROLOGIC TEST FOR SYPHILIS REQUIRED BY SECTIONS 2310 TO 2315, BOTH INCLUSIVE, OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Section 2311 of the Revised Laws of Hawaii 1945 is hereby amended by deleting from the tenth line thereof the words "and triplicate".

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

INTRODUCED BY:

Thelma U. Akana

Senator, 3rd District

3/27

S.B.No. 288
S.D.1

A N A C T

RELATING TO REPORTS OF SEROLOGIC TESTS FOR SYPHILIS, AND AMENDING SECTION 2311 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Section 2311 of the Revised Laws of Hawaii 1945 is hereby amended by amending the penultimate sentence thereof to read as follows:

"The duplicate copy of such report shall be forwarded to the board of health."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu,T.H., April 11, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E S Capellas

President of the Senate

Ellen D Smythe

Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 25, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M G Pascival

Speaker, House of Representatives.

Clerk, House of Representatives.

1945 Senate Bill No. 289

Engrossed

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND CHAPTER 35 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE BOARD OF HEALTH AND ITS POWERS

Introduced March 29, 1945, by Senator

First Reading in Senate March 29, 1945
Referred to Printing Committee " " "
Second Reading in Senate April 2, 1945
Referred to Committee on Judiciary
Third Reading in Senate April 21, 1945

First Reading in House April 23, 1945
Referred to
Second Reading in House April 24, 1945
Referred to Health Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Engrossed 4/29/45 EPK

58

SB289

AN ACT

TO AMEND CHAPTER 35 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE BOARD OF HEALTH AND ITS POWER TO MAKE AND ADOPT RULES AND REGULATIONS AND TO ISSUE, DENY, SUSPEND AND REVOKE LICENSES AND PERMITS.

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

SECTION 1. Chapter 35 of the Revised Laws of Hawaii 1945 is hereby amended as follows:

a. By amending section 2012 thereof:

(1) By inserting immediately after the comma immediately after the word "publication" in the third line of said section the word "which";

(2) By substituting a comma for the word "and" immediately following the word "persons" in the fourth line.

b. By amending section 2015 thereof:

(1) By substituting for the words "mosquito larvae exist" in the fifth line of said section the words "mosquitoes breed or may breed";

(2) By amending the paragraph numbered 3 in said section to read as follows:

"3. Location, air space, ventilation, sanitation, drainage, sewage disposal, and other health conditions of buildings, courts, construction projects, excavations, pools, water courses, areas, and alleys;";

(3) By substituting for the term "Poisonous drugs" in the paragraph numbered 15 in said section the term "Poisons";

(4) Substituting a semicolon for the period at the end of the paragraph numbered 16 in said section;

(5) By adding to, and at the end of, said section 2015 new paragraphs to be numbered and to read as follows:

"17. Places of business, industry, employment, commerce, and processes, materials, tools, machinery, and methods of work done therein, and places of public gathering, recreation, or entertainment;

"18. Restaurants, food shops and stores, lunch wagons, lunch counters, soda fountains, vehicles used for the sale or distribution of food, and other places and things in or on which food, whether cooked or uncooked, is sold or offered for sale, or distributed or offered for distribution."

c. By amending section 2017 thereof:

(1) By substituting for the phrase "midwives, laboratory technicians" in the fifth line of said section the phrase "midwives, masseurs, masseuses, laboratory directors, laboratory technicians";

(2) By substituting for the word "revoke" in the eighteenth line of said section the words "revoke or suspend";

(3) By substituting for the word "revoked" in the twenty-third line of said section the words "revoked or suspended".

d. By adding to and at the end of said chapter 35 a new section to be numbered 2021 and to read as follows:

"Sec. 2021. Licenses and permits. a. In every instance in which by law the board of health, with the

approval of the governor, shall be authorized to adopt rules and regulations for the regulation of any trade, profession, occupation, activity, enterprise, process, condition, place, building, or other thing the board of health shall be authorized in and by such rules and regulations to require any person carrying on, operating, owning, possessing, using, controlling, or creating, as the case may be, such trade, profession, occupation, activity, enterprise, process, condition, place, building, or other thing to obtain and have a valid and unrevoked and unsuspended license or permit so to do and may in and by such rules and regulations prohibit any person from so doing except according to the provisions of such rules and regulations and may provide in such rules and regulations for the causes for which the board of health may revoke or suspend such license or permit and may in such rules and regulations provide that such license or permit shall be valid, subject to revocation or suspension, only for a term or until a date named or fixed by such rules and regulations and may, after the licensee or permittee of such license or permit shall have had due notice and an opportunity to be heard and to present evidence in his defense, revoke or suspend such license or permit for any such cause.

"The board of health shall be authorized to make provisions in such rules and regulations relative to the qualifications of persons to whom such licenses or permits may be issued and the methods of application for,

and issuance of, such licenses or permits, and shall be authorized to refuse to issue any such license or permit to any person who shall fail to fulfil such qualifications.

"b. In every instance in which the board of health shall by law be authorized to issue any license or permit, the board of health shall be authorized to adopt, with the approval of the governor, rules and regulations which shall provide for the causes for which any such license or permit may be suspended or revoked by the board of health and shall be authorized, after the licensee or permittee of such license or permit shall have had due notice and an opportunity to be heard and to present evidence in his defense, to suspend or revoke any such license or permit for any such cause."

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

INTRODUCED BY:

_____

3rd District

S.B.No. 289
S.D. 2

A N A C T

TO AMEND CHAPTER 35 OF THE REVISED LAWS OF HAWAII 1945,

RELATING TO THE BOARD OF HEALTH AND ITS POWERS.

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

SECTION 1. Chapter 35 of the Revised Laws of Hawaii 1945 is hereby amended as follows:

a. By amending section 2012 thereof:

(1) By inserting immediately after the comma immediately after the word "publication" in the third line of said section the word "which";

(2) By substituting a comma for the word "and" immediately following the word "person" in the fourth line.

b. By amending section 2015 thereof:

(1) By substituting for the words "mosquito larvae exist" in the fifth line of said section the words "mosquitoes breed or may breed";

(2) By amending the paragraph numbered 3 in said section to read as follows:

"3. Location, air space, ventilation, sanitation, drainage, sewage disposal, and other health conditions of buildings, courts, construction projects, excavations, pools, water courses, areas, and alleys;";

(3) By substituting for the term "Poisonous drugs" in the paragraph numbered 15 in said section the term "Poisons";

(4) Substituting a semicolon for the period at the end of the paragraph numbered 16 in said section;

(5) By adding to, and at the end of, said section 2015 new paragraphs to be numbered and to read as follows:

"17. Places of business, industry, employment, commerce, and processes, materials, tools, machinery, and methods of work done therein, and places of pub-

lic gathering, recreation, or entertainment;

"18. Restaurants, food shops and stores, lunch wagons, lunch counters, soda fountains, vehicles used for the sale or distribution of food, and other places and things in or on which food, whether cooked or uncooked, is sold or offered for sale, or distributed or offered for distribution."

c. By amending section 2017 thereof:

(1) By substituting for the phrase "midwives, laboratory technicians" in the fifth line of said section the phrase "midwives, masseurs, masseuses, laboratory directors, laboratory technicians";

(2) By substituting for the word "revoke" in the eighteenth line of said section the words "revoke or suspend";

(3) By substituting for the word "revoked" in the twenty-third line of said section the words "revoked or suspended".

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 21, 1945.

We hereby certify that the foregoing bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E S Capellas

President of the Senate.

Ellen D Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 28, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M G Paschoal

Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 290

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO LIQUOR LICENSES

Introduced March 29, , 1945, by

Senator ERNEST N. HEEN

First Reading in Senate March 29, 1945
Referred to Printing Committee " " "
Second Reading in Senate
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE

Clerk of the Senate

S. B. NO. 290

A N A C T

RELATING TO LIQUOR LICENSES.

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

SECTION 1. No retail license shall be issued or renewed to any person, natural or artificial, holding a wholesale liquor license, to sell intoxicating liquor at retail upon more than one licensed premises within any county of the Territory of Hawaii.

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

INTRODUCED BY:

Ernest Wilson

Senator, Third Senatorial District

3/29

1945

Senate Bill No. 291

The Legislature
of the
Territory of Hawaii

AN ACT

PROVIDING FOR THE ACQUISITION OF AN AMBULANCE FOR THE DISTRICT OF HANA, ISLAND OF MAUI, PROVIDING AN APPROPRIATION THEREFOR, AND AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE COUNTY OF MAUI TO MAINTAIN THE SAME.

Introduced March 29 , 19 45, by

Senator s: C.A. C ROZIER and HAROLD W.RICE

First Reading in Senate March 29, 1945
Referred to Printing Committee " " "
Second Reading in Senate
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

S.B. 291

A N A C T

PROVIDING FOR THE ACQUISITION OF AN AMBULANCE FOR THE DISTRICT OF HANA, ISLAND OF MAUI, PROVIDING AN APPROPRIATION THEREFOR, AND AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE COUNTY OF MAUI TO MAINTAIN THE SAME.

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

SECTION 1. There is hereby appropriated the sum of five thousand dollars or so much thereof as may be necessary, from the general revenues of the territory of Hawaii, not otherwise appropriated, for the purchase of an ambulance for the transportation of sick and injured persons.

SECTION 2. Such ambulance will be stationed at Hana, Maui and shall be available for the transportation of any sick or injured persons within the district of Hana and the adjacent countryside, to any hospital on the Island of Maui.

SECTION 3. The board of supervisors of the county of Maui is hereby authorized and directed to maintain said ambulance, and to provide a sufficient number of drivers so that said ambulance shall be on call twenty-four hours every day, and to make the necessary appropriations therefor.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

C. A. Crozier

Harold W. Rice

H. W. Rice
Senators, Second District

3/29

1945 Senate Bill No. 292

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 2581 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO PRIVATE INSTITUTIONS FOR THE CUSTODY AND TREATMENT OF PERSONS WITH MENTAL DISORDERS, MENTAL DEFECTIVES AND OTHER INCOMPETENT PERSONS.

Introduced March 29, 1945, by
Senator THELMA M. AKANA

First Reading in Senate March 29, 1945
Referred to Printing Committee " " "
Second Reading in Senate April 2, 1945
Referred to Committee on Public Health
Third Reading in Senate April 11, 1945.

First Reading in House April 12, 1945
Referred to
Second Reading in House April 16, 1945
Referred to Health Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Compared 4/26/45 ERT

SB 292

AN ACT

TO AMEND SECTION 2581 OF THE REVISED LAWS OF HAWAII 1945 BY SUBSTITUTING FOR THE PHRASE "THE COMMISSIONER OF PUBLIC HEALTH" IN THE TWENTY-FIRST LINE THEREOF THE PHRASE "THE PRESIDENT OF THE BOARD OF HEALTH"

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

SECTION 1. Section 2581 of the Revised Laws of Hawaii 1945 is hereby amended by substituting for the phrase "the commissioner of public health" in the twenty-first line thereof the phrase "the president of the board of health".

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

INTRODUCED BY:
Thelma M. Ikana
Senator, 3rd District

3/30

S.B.No. 292
S.D. 1

A N A C T

TO AMEND SECTION 2581 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO PRIVATE INSTITUTIONS FOR THE CUSTODY AND TREATMENT OF PERSONS WITH MENTAL DISORDERS, MENTAL DEFECTIVES AND OTHER INCOMPETENT PERSONS.

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

SECTION 1. Section 2581 of the Revised Laws of Hawaii 1945 is hereby amended by substituting for the phrase "the commissioner of public health" in the twenty-first line thereof the phrase "the president of the board of health".

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 11, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E S Capellas

President of the Senate

Ellen D Smythe

Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 26, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M G Pascoal

Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 293

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND CHAPTER 305 OF THE REVISED LAWS OF HAWAII 1945 BY SUBSTITUTING THEREIN FOR THE WORD "INSANE" THE PHRASE "MENTALLY HANDICAPPED" AND SUBSTITUTING IN FOUR PLACES THEREIN FOR THE WORD "AN" THE WORD "A" AND BY DEFINING THEREIN THE PHRASE "MENTALLY HANDICAPPED PERSON".

Introduced March 29, 1945, by
Senator THELMA M. AKANA

First Reading in Senate March 29, 1945
Referred to Printing Committee March 29, 1945
Second Reading in Senate April 2, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Health

SB 293

AN ACT

TO AMEND CHAPTER 305 OF THE REVISED LAWS OF HAWAII 1945 BY SUBSTITUTING THEREIN FOR THE WORD "INSANE" THE PHRASE "MENTALLY HANDICAPPED" AND SUBSTITUTING IN FOUR PLACES THEREIN FOR THE WORD "AN" THE WORD "A" AND BY DEFINING THEREIN THE PHRASE "MENTALLY HANDICAPPED PERSON".

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

SECTION 1. Chapter 305 of the Revised Laws of Hawaii 1945 is hereby amended by substituting for the word "insane" wherever it appears in the second, fourth, and tenth lines of section 12504 thereof, in the subtitle between sections 12507 and 12508 thereof, in the first line of section 12508 thereof, in the subtitle and the second, fourth, seventh, eleventh, and thirteenth lines of section 12509 thereof, in the first line of section 12510 thereof, in the first, fourth, and seventeenth lines of section 12511 thereof, in the last line of section 12515 thereof, in the subtitle and the second line of section 12516 thereof, in the subtitle and the third and fifth lines of section 12523 thereof, in the third line of section 12529 thereof, in the subtitle and the fourth line of section 12530 thereof, in the second line of section 12533 thereof, and in the first and sixth lines of section 12548 thereof, the phrase "mentally handicapped".

SECTION 2. Said chapter 305 is hereby amended by substituting for the word "an" wherever it appears in

the first line of section 12510 thereof, in the last line of section 12515 thereof, in the second line of section 12516 thereof, and in the subtitle of section 12523 thereof, the word "a".

SECTION 3. Said chapter 305 is hereby amended by substituting for the phrase "idiot, non-compos, lunatic and distracted person" in the second line of section 12508 thereof the phrase "every person who is feeble-minded or mentally ill to an extent warranting or requiring the appointment of a guardian for him under this chapter".

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:
Thelma M. Okana
Senator, 3rd District

3/30
2

1945

Senate Bill No. 294

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND CHAPTER 233 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE DISPOSITION OF MENTALLY IRRESPONSIBLE PERSONS INDICTED FOR, OR ACQUITTED OF, CRIME.

Introduced	March 29, 1945, by
Senator	THELMA M. AKANA
First Reading in Senate	March 29, 1945
Referred to Printing Committee	March 29, 1945
Second Reading in Senate	April 2, 1945
Referred to	
Third Reading in Senate	
First Reading in House	
Referred to	
Second Reading in House	
Referred to	
Third Reading in House	

ELLEN D. SMYTHE
Clerk of the Senate

Jud

SB. 294.

AN ACT

TO AMEND CHAPTER 233 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE DISPOSITION OF MENTALLY IRRESPONSIBLE PERSONS INDICTED FOR, OR ACQUITTED OF, CRIME

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

SECTION 1. The subtitle between sections 10825 and 10826 of chapter 233 of the Revised Laws of Hawaii 1945 is hereby amended to read: "MENTALLY ILL OR FEEBLE-MINDED DEFENDANTS".

SECTION 2. Section 10826 of said chapter is hereby amended by:

(a) Amending the subtitle thereof to read: "Examination as to mental responsibility of persons indicted for felony";

(b) Substituting for the phrase "a capital offense, or whenever any person who is known to have been indicted for any other offense more than once or to have been previously convicted of a felony is indicted by a grand jury or bound over for trial in any circuit court of the Territory", in the second, third, fourth, fifth, and sixth lines thereof the words "a felony";

(c) Substituting for the word "insanity" in the eleventh line thereof the phrase "mental illness or defect";

(d) Deleting the words "then present insanity or" in the twentieth line thereof;

(e) Substituting for the word "insane" in the twenty-third line thereof the phrase "mentally irresponsible"; and

(f) Substituting for the phrase "commit him to the territorial hospital" in the twenty-third line thereof the phrase "order him to be hospitalized at the territorial hospital or elsewhere as the court may direct".

SECTION 3. Section 10827 of said chapter is hereby amended by:

(a) Amending the subtitle thereof to read: "Submission of question of mental responsibility to jury";

(b) Substituting for the word "insane" in the second, fifth, twelfth, and fourteenth lines thereof the phrase "mentally irresponsible";

(c) Substituting for the phrase "an insane" in the ninth and sixteenth lines thereof the phrase "a mentally irresponsible";

(d) Substituting for the phrase "commit such person to the territorial hospital" in the eighth, fifteenth, and sixteenth lines thereof the phrase "order such person to be hospitalized at the territorial hospital or elsewhere as the court may direct";

(e) Substituting for the word "insanity" in the tenth and last lines thereof the phrase "mental irresponsibility"; and

(f) Substituting for the word "sanity" in the thirteenth line thereof the words "mental responsibility".

SECTION 4. Section 10828 of said chapter is hereby amended by:

(a) Amending the subtitle thereof to read "Mental irresponsibility at time of offense";

(b) Substituting for the word "insane" in the third, fifth, and seventh lines thereof the phrase "mentally irresponsible";

(c) Substituting for the word "insanity" in the sixth and last lines thereof the phrase "mental irresponsibility";

(d) Substituting for the phrase "commit such person to the territorial hospital" in the eighth and ninth lines thereof the phrase "order such person to be hospitalized at the territorial hospital or elsewhere as the court may direct"; and

(e) Substituting for the phrase "an insane" in the ninth line thereof the phrase "a mentally irresponsible".

SECTION 5. Section 10829 of said chapter is hereby amended by:

(a) Substituting for the word "Commitment" in the subtitle thereof the word "Hospitalization";

(b) Substituting for the phrase "insanity or mental derangement" in the third line thereof the phrase "mental irresponsibility";

(c) Substituting for the phrase "commit such person to the territorial hospital" in the fourth and fifth lines thereof the phrase "order such person to be hospitalized at the territorial hospital or elsewhere as the court may direct"; and

(d) Substituting for the phrase "an insane" in the fifth line thereof the phrase "a mentally irresponsible".

3/30

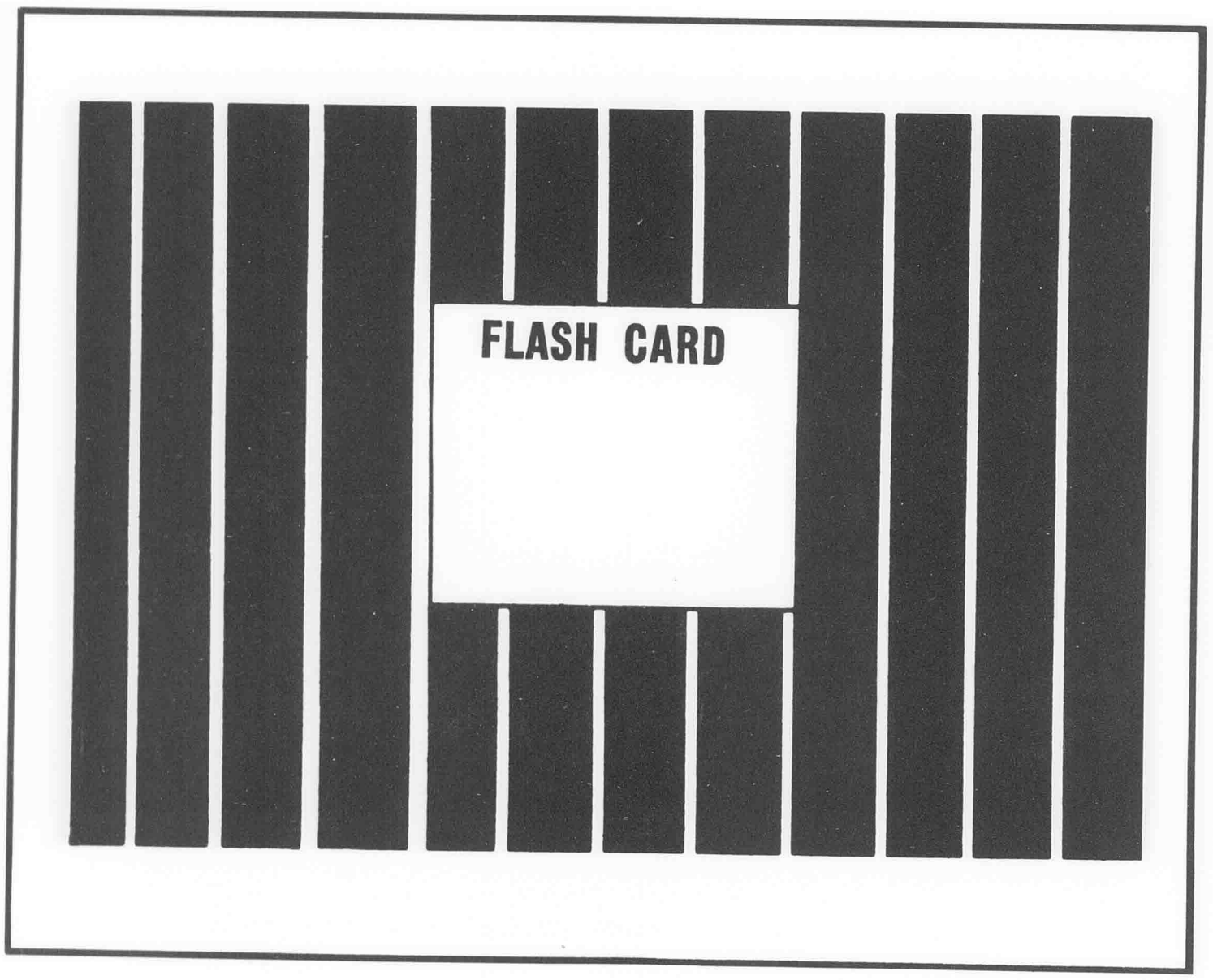
SECTION 6. Said chapter is hereby amended to include a new section to be numbered 10829.01 and to read:

"Sec. 10829.01. Definitions. As used in this subtitle, the phrase 'mentally irresponsible' shall mean not responsible for one's acts, because of feeble-mindedness, mental illness, or both, and the phrase 'mental irresponsibility' shall mean lack of responsibility for one's acts, because of feeble-mindedness, mental illness, or both."

SECTION 7. This Act shall take effect upon its approval.

(See 6 not read)

INTRODUCED BY:
Thelma M. Thomas
Senator, 5th District



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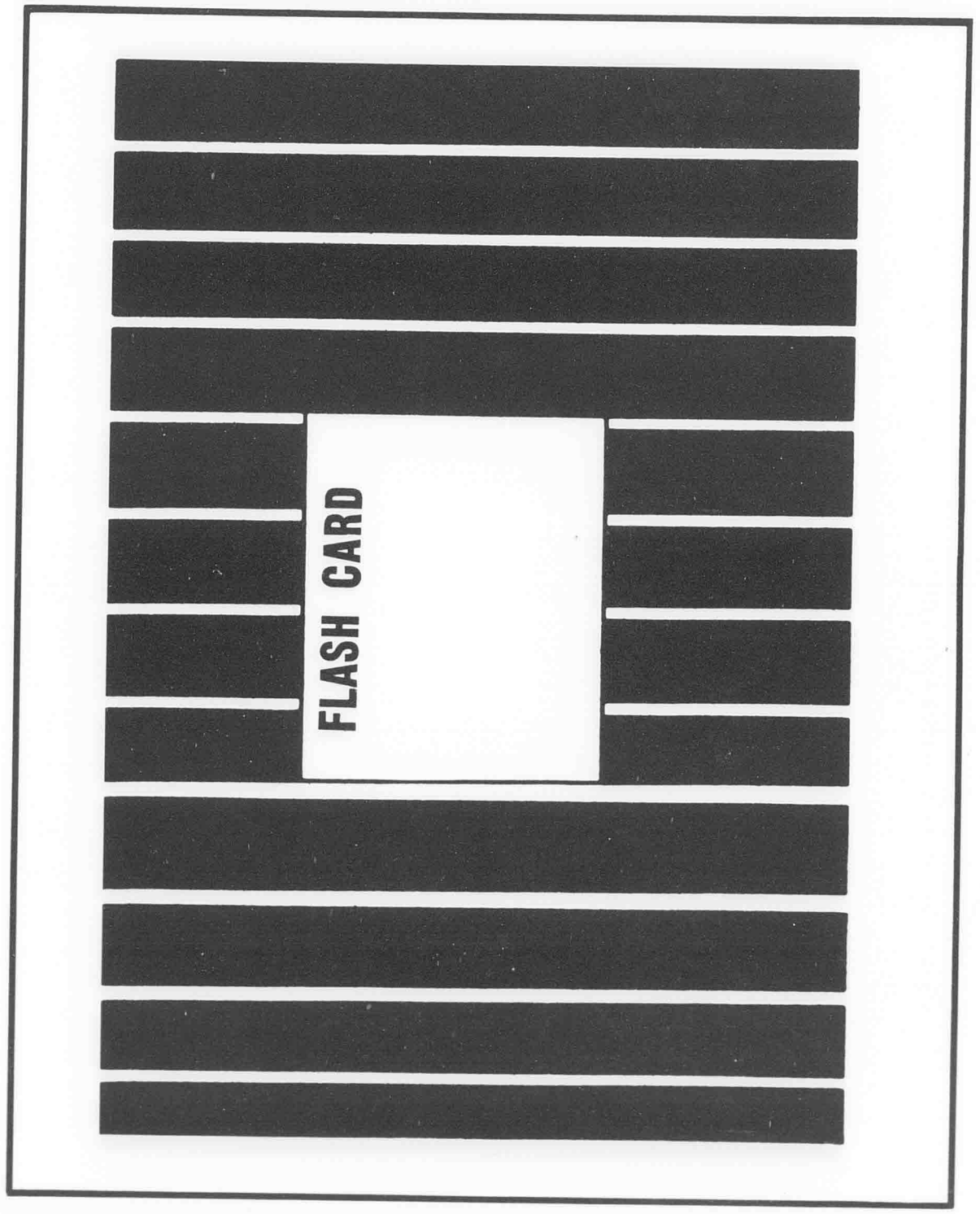

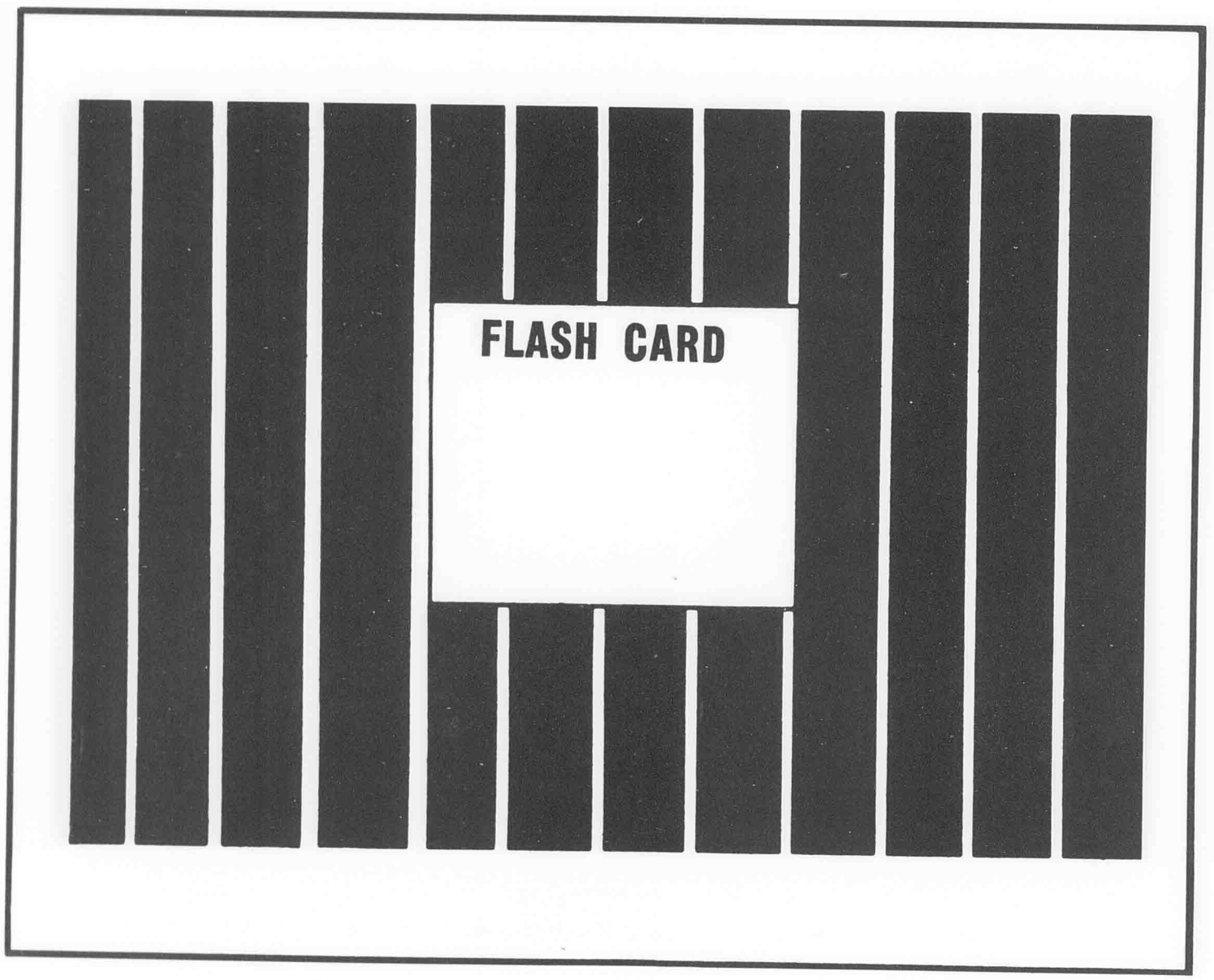

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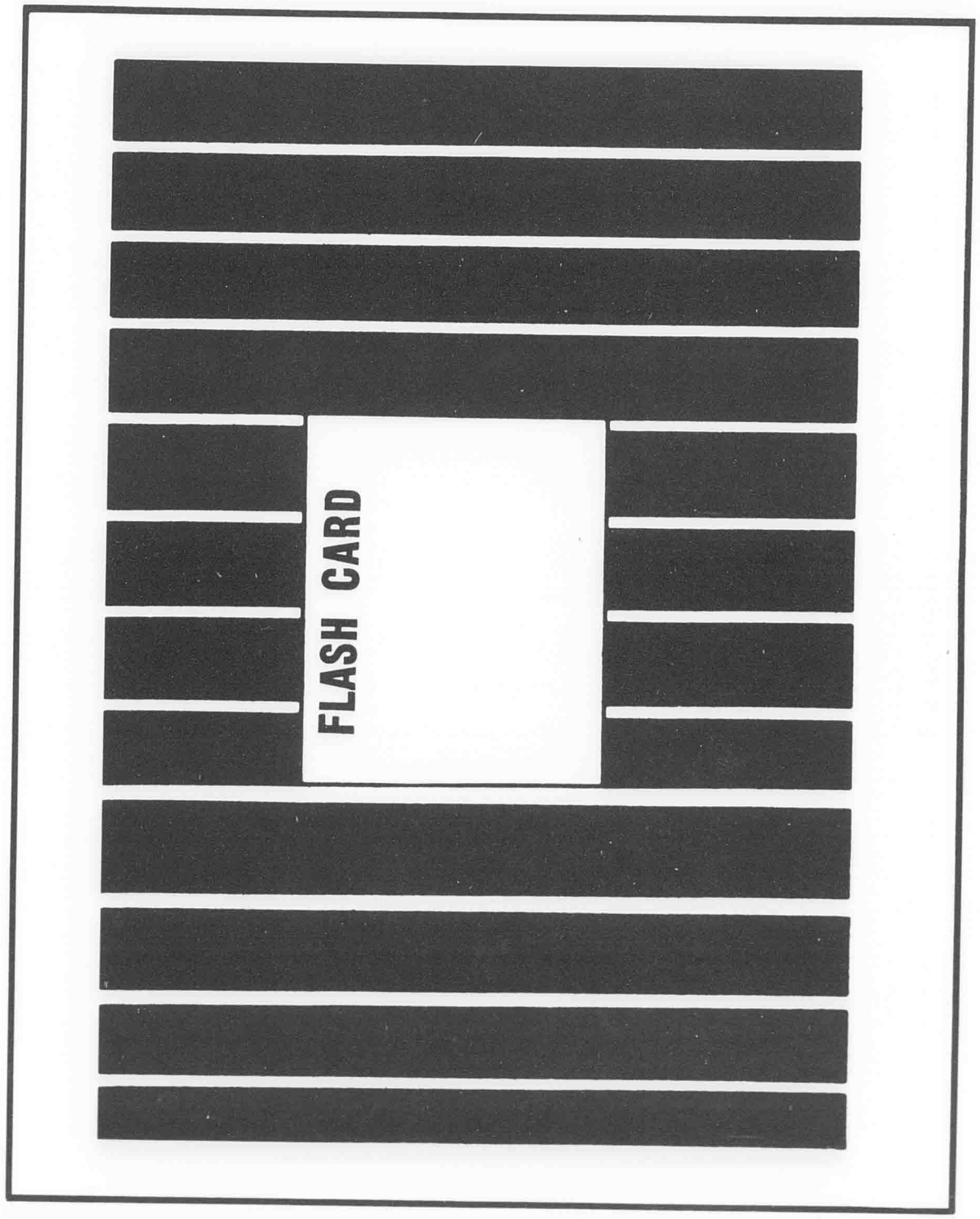

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FLASH NO. 4

1945

Senate Bill No. 295

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO THE EXCHANGE OF TERRITORIAL EMPLOYEES.

Introduced	March 29, 1945, by
Senator	THELMA M. AKANA

First Reading in Senate	March 29, 1945
Referred to Printing Committee	March 29, 1945
Second Reading in Senate	April 2, 1945
Referred to	
Third Reading in Senate	

First Reading in House	
Referred to	
Second Reading in House	
Referred to	
Third Reading in House	

ELLEN D. SMYTHE
Clerk of the Senate

S. B. NO. 295

AN ACT

RELATING TO THE EXCHANGE OF TERRITORIAL EMPLOYEES.

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

SECTION 1. The Director of the Department of Public Welfare is authorized to contract for the exchange of social workers of the Territory with social workers of any state, country or territory. Social workers of the Territory so exchanged shall be paid their regular salaries out of funds appropriated for the pay of social workers of the Territory.

The qualifications of all social workers from any such state, country or territory so exchanged shall be equal to those of the social workers exchanged by the Territory. In the selection of social workers in the Territory for exchange, preference shall be given to persons born in the Territory. The requirements of citizenship shall not apply to any social worker coming to the Territory from any foreign state, country or territory under any such contract of exchange.

SECTION 2. All social workers exchanged by the Territory under the provisions of Section 1 of this Act shall furnish their own transportation to and from the state, country or territory with which exchanged.

No compensation shall be paid by the Territory to social workers exchanged from any state, country or territory, but in any case where the exchanged social worker sent from Hawaii becomes incapacitated or, for any reason, leaves the exchange position permanently, the Department of Public Welfare may pay the visiting exchange social worker an amount not to exceed the salary rating of the social worker on exchange from Hawaii, such arrangement to continue until the end of the current year or until such time as some satisfactory adjustment has been made.

SECTION 3. No contract shall be made by the Director of the Department of Public Welfare under the provisions of Section 1 hereof, or by the Superintendent of Public Instruction under the provisions of Section 1750 of the Revised Laws of Hawaii 1945, or by the President of the Board of Health under the provisions of Section 2014 of the Revised Laws of Hawaii 1945 which will result in the sending of a social worker, or teacher, or personnel of the health department employed by the Territory to a state, country or territory in which he had his residence before coming to the Territory of Hawaii.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:
Thelma M. Akana
THELMA M. AKANA
SENATOR, THIRD DISTRICT

MARCH 29, 1945.

1945

Senate Bill No. 296

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 2531 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO MEDICINAL USE OF HAWAIIAN HERBS AND PLANTS.

Introduced April 2, 19 45, by
Senator A. KAMOKILA CAMPBELL

First Reading in Senate April 2, 1945
Referred to Printing Committee " " "
Second Reading in Senate April 3, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Health

SB. 296

AN ACT

TO AMEND SECTION 2531 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO MEDICINAL USE OF HAWAIIAN HERBS AND PLANTS.

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

SECTION 1. Section 2531 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 2531. Permit issued by president of board of health. The president of the board of health is authorized and empowered to issue a permit to any person applying for the same to prescribe, administer, apply and use medicines made from Hawaiian herbs and plants grown in the Territory, to which may be added chemical preservatives, commercial flavoring extracts, cocoanut oil, honey, salycilic acid, petrolatum, sulphur and alaea."

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

Introduced by
A. Kamokila Campbell
Senator, Second District.

April 2, 1945.

1945

Senate Bill No. 297

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO JUDICIAL NOTICE
OF ORDINANCES

Introduced April 2 , 19 45 by
Senator ERNEST N. HEEN

First Reading in Senate April 2, 1945
Referred to Printing Committee " " "
Second Reading in Senate April 3, 1945
Referred to Committee on Judiciary
Third Reading in Senate April 6, 1945

First Reading in House April 6, 1945
Referred to
Second Reading in House April 9, 1945
Referred to Judiciary Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Signed 5/7/45 EPR

S. B. NO. 297

A N A C T

RELATING TO JUDICIAL NOTICE OF ORDINANCES.

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

SECTION 1. Section 9886 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto an additional paragraph which shall read as follows:

"A certified copy or copies of an ordinance or ordinances of any county may be filed by the clerk of such county with the clerk of any court of record and thereafter any judge of such court may take judicial notice of said ordinance and its contents in any cause without requiring such certified copy to be filed or introduced as an exhibit in such cause."

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

INTRODUCED BY:

Ernest Lee

Senator, Third Senatorial District

S.B.No. 297
S.D. 1

A N A C T

RELATING TO JUDICIAL NOTICE OF ORDINANCES.

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

SECTION 1. Section 9886 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto an additional paragraph which shall read as follows:

"A certified copy or copies of an ordinance or ordinances of any county may be filed by the clerk of such county with any court or magistrate and thereafter such court or magistrate may take judicial notice of said ordinance or ordinances and the contents thereof in any cause, without requiring such certified copy or copies to be filed or introduced as exhibits in such cause."

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

1945

Senate Bill No. 298

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM OF THE TERRITORY OF HAWAII, AND AMENDING SECTION 701 OF THE REVISED LAWS OF HAWAII 1945.

Introduced April 2, 1945, by

Senators: LEM GOMES & JOHN B. FERNANDES

First Reading in Senate April 2, 1945
Referred to Printing Committee " " "
Second Reading in Senate April 3, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

W OM

S. B. No. 298

A N A C T

RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM OF THE TERRITORY OF HAWAII, AND AMENDING SECTION 701 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Section 701 of the Revised Laws of Hawaii 1945 is hereby amended by amending the definition of "average final compensation" therein to read as follows:

" 'Average final compensation': the average annual compensation pay or salary earnable by a member (a) during his last five years of service as an employee, or (b), if he has had less than five years of service, then during his actual years of service."

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

INTRODUCED BY:

Senator, Fourth Senatorial District

1945 Senate Bill No. 299

The Legislature
of the
Territory of Hawaii

AN ACT

AUTHORIZING BANKS, BUILDING AND LOAN ASSOCIATIONS, INSURANCE COMPANIES AND TRUST COMPANIES TO MAKE CERTAIN LOANS WHICH ARE GUARANTEED BY THE ADMINISTRATOR OF VETERANS AFFAIRS UNDER THE SERVICEMEN'S READJUSTMENT ACT OF 1944.

Introduced April 2, 1945, by
Senator HAROLD W. RICE

First Reading in Senate April 2, 1945
Referred to Printing Committee April 2, 1945
Second Reading in Senate April 3, 1945
Referred to COMMITTEE ON WAYS & MEANS
Third Reading in Senate April 6, 1945

First Reading in House April 6, 1945
Referred to
Second Reading in House April 9, 1945
Referred to Judiciary Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

S.B. 299

A N A C T

AUTHORIZING BANKS, BUILDING AND LOAN ASSOCIATIONS, INSURANCE COMPANIES AND TRUST COMPANIES TO MAKE CERTAIN LOANS WHICH ARE GUARANTEED BY THE ADMINISTRATOR OF VETERANS AFFAIRS UNDER THE SERVICEMEN'S READJUSTMENT ACT OF 1944.

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

SECTION 1. Section 8438 of the Revised Laws of Hawaii 1945, is hereby amended by substituting a semi-colon for the period at the end of the first paragraph thereof and adding thereto the following:

"further, they are authorized to make such loans upon the security of real property or interests in real property as are guaranteed by the Administrator of Veterans Affairs pursuant to the Servicemen's Readjustment Act of 1944, or for which there is a commitment to so guarantee."

SECTION 2. This Act shall take effect upon approval.

INTRODUCED BY:

Harold H. Rice

Senate, 2nd, District

H.B. 515

S. B. No. 299

A N A C T

AUTHORIZING BANKS, BUILDING AND LOAN ASSOCIATIONS, INSURANCE COMPANIES AND TRUST COMPANIES TO MAKE CERTAIN LOANS WHICH ARE GUARANTEED BY THE ADMINISTRATOR OF VETERANS AFFAIRS UNDER THE SERVICEMEN'S READJUSTMENT ACT OF 1944.

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

SECTION 1. Section 8438 of the Revised Laws of Hawaii 1945, is hereby amended by substituting a semi-colon for the period at the end of the first paragraph thereof and adding thereto the following:

> "further, they are authorized to make such loans upon the security of real property or interests in real property as are guaranteed by the Administrator of Veterans Affairs pursuant to the Servicemen's Readjustment Act of 1944, or for which there is a commitment to so guarantee."

SECTION 2. This Act shall take effect upon approval.

5/801

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 6, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate.

Ellen D Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE

TERRITORY OF HAWAII

Honolulu, T. H., May 1, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M K Paschoal

Speaker, House of Representatives.

Clerk, House of Representatives.

1945 Senate Bill No. 300

The Legislature
of the
Territory of Hawaii

AN ACT

AMENDING SECTIONS 703 AND 708 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM, AND PROVIDING FOR RETENTION OF MEMBERSHIP IN THE SYSTEM UPON SEPARATION AFTER MORE THAN FIVE YEARS SERVICE.

Introduced April 2, 1945, by
Senator HAROLD W. RICE

First Reading in Senate April 2, 1945
Referred to Printing Committee " " "
Second Reading in Senate April 3, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

W Thy

A N A C T S. B. 300

AMENDING SECTIONS 703 AND 708 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM, AND PROVIDING FOR RETENTION OF MEMBERSHIP IN THE SYSTEM UPON SEPARATION AFTER MORE THAN FIVE YEARS SERVICE.

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

SECTION 1. Section 703, paragraph 4, of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"4. Should any member become a beneficiary or die or withdraw his accumulated contributions as provided in paragraph 10 of section 708, he shall thereupon cease to be a member of the retirement system. An employee whose membership ceases upon separation from the service after less than five years of service shall upon reemployment in a position included in the provisions of the retirement system, have the right of reentry into the retirement system with credit for years of prior service, or the pension provided by section 708 subsection 2 (b).

SECTION 2. Section 708 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto a new paragraph after paragraph 2 to be numbered paragraph "2a" and to read as follows:

"2a. Should any officer or employee to whom this Act applies, after having served for a total period of not less than five years before becoming eligible for retirement become separated from the service, either voluntarily or involuntarily, such officer or employee

shall remain a member of the retirement system and shall be paid a deferred annuity beginning at age sixty, computed as provided in paragraph 2 of section 708. Should an annuitant under the provisions of this section be reemployed in a position included in the provisions of the retirement system, the annuity and right to a deferred annuity as provided herein shall cease as of the date of such employment, but may again be effective upon future separation, if the annuitant then falls within the same class. Interest shall be allowed on the amount credited to such separated officer's or employee's individual account in the Annuity Savings Fund at three per centum compounded annually until the beginning date of annuity."

SECTION 3. Paragraph 10 of section 708 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"10. Should a member cease to be an employee, except by death or retirement, after less than five years of service, unless he shall exercise the option hereinafter contained, there shall be returned to him the amount of his accumulated contributions standing to the credit of his individual account in the Annuity Savings Fund. Such employee, separated from the service after less than five years of service, may remain a member of the retirement system upon exercising an option to leave his accumulated contributions in the Annuity Savings Fund."

SECTION 4. Nothing in this Act shall be so construed as to prohibit the refund, with interest thereon,

of any voluntary contributions made prior to the effective date of this Act.

SECTION 5. This Act shall take effect upon its approval.

INTRODUCED BY:

Harold H. Rice
2nd Dist

1945

Senate Bill No. 301

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND CHAPTER 94 OF THE REVISED LAWS OF HAWAII 1945 BY AMENDING SECTION 5104 THEREOF AND BY ADDING THERETO A NEW SECTION RELATING TO INVESTIGATIONS BY THE TAX COMMISSIONER.

Introduced April 2, 1945, by

Senator WM.H.HEEN

Engrossed 5-7-45 H

First Reading in Senate April 2, 1945
Referred to Printing Committee " " "
Second Reading in Senate April 3, 1945
Referred to Committee on Judiciary
Third Reading in Senate April 24, 1945.

First Reading in House April 24, 1945
Referred to Finance Committee
Second Reading in House
Referred to
Third Reading in House

Clerk of the Senate

SB. 301

AN ACT

TO AMEND CHAPTER 94 OF THE REVISED LAWS OF HAWAII 1945 BY AMENDING SECTION 5104 THEREOF AND BY ADDING THERETO TWO NEW SECTIONS RELATING TO INVESTIGATIONS BY THE TAX COMMISSIONER, TAX LIENS AND THE ENFORCEMENT THEREOF.

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

SECTION 1. Chapter 94 of the Revised Laws of Hawaii 1945 is hereby amended by amending paragraph numbered 9 of section 5104 thereof to read as follows:

"9. Inspection, examination of records: To inspect and examine the records of all public officers without charge, and to examine the books and papers of account of any person for the purpose of enabling him to obtain all information that could in any manner aid him in discharging his duties under any tax law."

SECTION 2. Chapter 94 of the Revised Laws of Hawaii 1945 is hereby further amended by adding thereto a new section to be numbered 5110.01 and to read as follows:

"Sec. 5110.01. Hearings and subpoenas. The commissioner, and any representative of the commissioner 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 commissioner or other person con-

ducting 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 commissioner or other person conducting such hearing, or to produce any books, papers, documents or records pursuant thereto, the commissioner 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 commissioner 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 commissioner, from any moneys available for expenses of the commissioner.

The provisions of this section shall be in addition to all other provisions of law, and shall apply to any tax within the jurisdiction of the commissioner."

Delete

SECTION 3. Chapter 94 of the Revised Laws of Hawaii 1945 is hereby further amended by adding thereto a new section to be numbered 5133.01 and to read as follows:

"Sec. 5133.01. Liens for taxes. (a) If any person liable to pay any tax neglects or refuses to pay the same after demand, the amount (including any interest, penalty, or addition to such tax) shall be a lien in favor of the Territory upon all property and rights to property, whether real or personal, belonging to such person. Unless another date is specifically fixed by law, the lien shall arise at the time the tax in question becomes delinquent and shall continue for six years or until the liability for such amount is satisfied.

(b) Such lien shall not be valid as against any mortgagee, purchaser, judgment creditor or other lienor, until notice thereof has been filed by the commissioner in the manner provided by chapter 311 with reference to federal tax lien notices. The provisions of chapter 311 shall apply to the liens provided for by this section in the same manner as the same apply to the federal tax liens therein mentioned.

(c) Even though notice of a lien provided in this section has been filed in the manner prescribed in subsection (b) of this section, the lien shall not be valid with respect to a security, as hereinafter defined, as

against any mortgagee, pledgee, or purchaser of such security, for an adequate and full consideration in money or money's worth, if at the time of such mortgage, pledge, or purchase such mortgagee, pledgee, or purchaser is without notice or knowledge of the existence of such lien. As used in this subsection the term 'security' means any bond, debenture, note, or certificate, or other evidence of indebtedness, issued by any corporation (including one issued by a government or political subdivision thereof), with interest coupons or in registered form, share of stock, voting trust certificate, or any certificate of interest or participation in, certificate of deposit or receipt for, temporary or interim certificate for, or warrant or right to subscribe to or purchase, any of the foregoing; negotiable instrument; or money.

(d) The commissioner:

(1) May issue a certificate of release of the lien if he finds that the liability for the amount assessed together with all penalties, interest, or additions to the tax, has been satisfied or has become unenforceable;

(2) May issue a certificate of release of the lien if there is furnished to and accepted by him a bond running to the Territory that is conditioned upon the payment of such amount, and that is in accordance with such requirements relating to terms, conditions, and form of the bond and sureties thereon, as may be specified by him;

(3) May issue a certificate of discharge

of any part of the property subject to the lien if he finds that the fair market value of that part of such property remaining subject to the lien is at least double the amount of the liability remaining unsatisfied in respect of the tax and the amount of all prior liens upon such property;

(4) May issue a certificate of discharge of any part of the property subject to the lien if there is paid over to the collector in part satisfaction of the liability in respect of such tax an amount determined by the commissioner, which shall not be less than the value, as determined by him, of the interest of the Territory in the part to be so discharged. In determining such value the commissioner shall give consideration to the fair market value of the part to be so discharged and to such liens thereon as have priority to the lien of the Territory.

(e) A certificate of release or of partial discharge issued under this section shall be held conclusive that the lien upon the property covered by the certificate is extinguished.

(f) The rights of the Territory under the provisions of this section may be enforced by attachment, garnishment, execution, distraint, intervention, or any other remedy available for the collection of taxes, whether or not the property is in the hands of the delinquent taxpayer, or by bill in equity.

(g) The provisions of this section shall apply to all taxes due the Territory under any statute administered by the tax commissioner, and are in addi-

tion to any other remedies or liens provided by law."

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

_____

5, 3 District

S.B.No. 301
S.D. 1

A N A C T

TO AMEND CHAPTER 94 OF THE REVISED LAWS OF HAWAII 1945 BY AMENDING SECTION 5104 THEREOF AND BY ADDING THERETO A NEW SECTION RELATING TO INVESTIGATIONS BY THE TAX COMMISSIONER.

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

SECTION 1. Chapter 94 of the Revised Laws of Hawaii 1945 is hereby amended by amending paragraph numbered 9 of section 5104 thereof to read as follows:

"9. Inspection, examination of records. To inspect and examine the records of all public officers without charge, and to examine the books and papers of account of any person for the purpose of enabling him to obtain all information that could in any manner aid him in discharging his duties under any tax law."

SECTION 2. Chapter 94 of the Revised Laws of Hawaii 1945 is hereby further amended by adding thereto a new sec-

tion to be numbered 5110.01 and to read as follows:

"Sec. 5110.01. Hearings and subpoenas. The commissioner, and any representative of the commissioner 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 commissioner 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 commissioner or other person conducting such hearing, or to produce any books, papers, documents or records pursuant thereto, the commissioner 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 commissioner 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 commissioner, from any moneys available for expenses of the commissioner.

The provisions of this section shall be in addition to all other provisions of law, and shall apply to any tax within the jurisdiction of the commissioner."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 27, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E. B. Capellas

President of the Senate.

Ellen D. Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., May 1, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M. C. Paschoal

Speaker, House of Representatives.

Clerk, House of Representatives.

1945

Senate Bill No. 302

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 6645 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE POWERS AND DUTIES OF THE CITY PLANNING COMMISSION OF THE CITY AND COUNTY OF HONOLULU.

Introduced April 2, 1945, by
Senator WM.H.HEEN

First Reading in Senate April 2, 1945
Referred to Printing Committee " " "
Second Reading in Senate April 3, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Oahu

S. B. No. 302

AN ACT

TO AMEND SECTION 6645 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE POWERS AND DUTIES 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 6645 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 6645. Applications for changes in ordinances and for new ordinances. Any application for a change in any ordinance or for any new ordinances, referred to in the preceding section, may be filed with the commission by the owner or lessee holding under a recorded lease (the unexpired term of which is more than five years from the date of the filing of such application) of any real estate affected by such ordinance or resolution, or to be affected by the proposed changes, upon depositing with the commission the sum of one hundred dollars to cover the cost of publication of notice of public hearing. Upon the filing of such application, the commission shall fix the day for the public hearing therefore and shall publish notice of such hearing at least once in each of two consecutive weeks (two insertions) in some newspaper of general circulation, the date of the hearing to be not less than fifteen days after the first publication. Such notice shall require that all protests against the proposed change which shall be filed with the commission at or before the time of hearing.

Immediately following the fixing of the date for the public hearing of the application, the applicant shall send a notice setting forth the time and place of the hearing by registered mail to a majority of the persons being the owners or lessees holding under recorded leases (the unexpired term of which is more than five years from the date of the filing of such application) of real estate situated within a distance of seven hundred fifty feet from the nearest point of the real estate owned or held by the applicant. If, upon such hearing, the majority of such owners and such lessees shall have duly filed their protests against the proposed change, the application shall be denied, otherwise the same shall be granted."

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

INTRODUCED BY

Senator, Third Senatorial District

Senate Bill No. 303

Fn 900

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO THE POSSESSION AND SALE IN THE TERRITORY OF HAWAII OF FISH, SHELLFISH, CRUSTACEANS, OR OTHER MARINE ANIMALS OR PRODUCTS.

Enrosed
4/27/45
CPH

Introduced April 2, 1945, by
Senator WM.H.HEEN

First Reading in Senate April 2, 1945
Referred to Printing Committee " " "
Second Reading in Senate April 3, 1945
Referred to Committee on Agriculture etc
Third Reading in Senate April 13, 1945

First Reading in House April 16, 1945
Referred to
Second Reading in House April 17, 1945
Referred to Agriculture Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

S. B. NO. 303

A N A C T

RELATING TO THE POSSESSION AND SALE IN THE TERRITORY OF HAWAII OF FISH, SHELLFISH, CRUSTACEANS, OR OTHER MARINE ANIMALS OR PRODUCTS.

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

SECTION 1. Any other provision of law to the contrary notwithstanding, wherever the possession or sale of fish, shellfish, crustaceans, or other marine animals or products shall be forbidden by statute, such ban shall not apply where such fish, shellfish, crustaceans, or other marine animals or products shall have been taken from waters not within the jurisdiction of the Territory of Hawaii, and the possession and sale thereof shall have been licensed by the board of agriculture and forestry under such rules and regulations as such board may provide.

SECTION 2. The board of agriculture and forestry is hereby authorized to issue licenses for the possession and sale, within said Territory, of fish, shellfish, crustaceans, or other marine animals or products, of any size and at any time, if such fish, shellfish, crustaceans, or other marine animals or products shall not have been taken within waters subject to the jurisdiction of said Territory, and to make appropriate rules and regulations governing such

possession and sale and the issuance, suspension or revocation of such licenses and the terms for which they shall be effective.

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

INTRODUCED BY:

Senator, Third Senatorial District

S.B.No. 303

A N A C T

RELATING TO THE POSSESSION AND SALE IN THE TERRITORY OF HAWAII OF FISH, SHELLFISH, CRUSTACEANS, OR OTHER MARINE ANIMALS OR PRODUCTS.

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

SECTION 1. Any other provision of law to the contrary notwithstanding, wherever the possession or sale of fish, shellfish, crustaceans, or other marine animals or products shall be forbidden by statute, such ban shall not apply where such fish, shellfish, crustaceans, or other marine animals or products shall have been taken from waters not within the jurisdiction of the Territory of Hawaii, and the possession and sale thereof shall have been licensed by the board of agriculture and forestry under such rules and regulations as such board may provide.

SECTION 2. The board of agriculture and forestry is

hereby authorized to issue licenses for the possession and sale, within said Territory, of fish, shellfish, crustaceans, or other marine animals or products, of any size and at any time, if such fish, shellfish, crustaceans, or other marine animals or products shall not have been taken within waters subject to the jurisdiction of said Territory, and to make appropriate rules and regulations governing such possession and sale and the issuance, suspension or revocation of such licenses and the terms for which they shall be effective.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu,T.H., April 13, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E S Capellas

President of the Senate

Ellen D'Smythe

Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE

TERRITORY OF HAWAII

Honolulu, T. H., April 27, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M G Paschoal

Speaker, House of Representatives.

Clerk, House of Representatives.

OK

Senate Bill No. 304

The Legislature
of the
Territory of Hawaii

AN ACT

REQUIRING THE BOARD OF SUPERVISORS
OF THE CITY AND COUNTY OF HONOLULU
TO PROVIDE A PENSION FOR FRED WILHELM.

Introduced April 3, 1945, by
Senator FRANCIS H. Ii BROWN

First Reading in Senate April 3, 1945
Referred to Printing Committee April 3, 1945
Second Reading in Senate April 4, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Yabled
Apr 20

S. B. NO. 304

A N A C T

REQUIRING THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO PROVIDE A PENSION FOR FRED WILHELM.

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

SECTION 1. The board of supervisors of the city and county of Honolulu are hereby authorized and directed to provide a monthly pension in the amount of one hundred seventy-five dollars for life for Fred Wilhelm and to make the necessary appropriation therefor.

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

INTRODUCED BY:

Francis H. Ii. Brown.
Senator, Third Senatorial District

4/3

Senate Bill No. 305

g.m.

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 4930 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO AIRPORTS, CHARGES FOR USE THEREOF AND EXPENDITURES THEREFROM.

Introduced April 3 , 1945, by

Senator FRANCIS K. SYLVA

First Reading in Senate April 3, 1945
Referred to Printing Committee April 3, 1945
Second Reading in Senate April 4, 1945
Referred to COMMITTEE ON WAYS AND MEANS
Third Reading in Senate April 17, 1945

First Reading in House April 17, 1945
Referred to
Second Reading in House April 18, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

7

SB 305

AN ACT

TO AMEND SECTION 4930 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO AIRPORTS, CHARGES FOR USE THEREOF AND EXPENDITURES THEREFROM.

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

SECTION 1. Section 4930 of the Revised Laws of Hawaii 1945 is hereby amended by amending paragraph numbered 4 thereof to read as follows:

"4. The exclusive control and operation of all territorially owned or leased airports, including without prejudice to the generality of the foregoing the power to grant leases and licenses, to determine the rents payable therefor and the other conditions thereof, and to fix and collect reasonable landing fees for aircraft and other reasonable charges for the use and enjoyment of the airports and the services and facilities furnished in connection therewith, for the purpose of meeting the expenses of operation and maintenance of the airports, for which purpose the revenues from such fees and charges are hereby appropriated to be expended by the superintendent of public works."

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

INTRODUCED BY:

Ben, 3rd District

S. B. No. 305

A N A C T

TO AMEND SECTION 4930 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO AIRPORTS, CHARGES FOR USE THEREOF AND EXPENDITURES THEREFROM.

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

SECTION 1. Section 4930 of the Revised Laws of Hawaii 1945 is hereby amended by amending paragraph numbered 4 thereof to read as follows:

"4. The exclusive control and operation of all territorially owned or leased airports, including without prejudice to the generality of the foregoing the power to grant leases and licenses, to determine the rents payable therefor and the other conditions thereof, and to fix and collect reasonable landing fees for aircraft and other reasonable charges for the use and enjoyment of the airports and the services and facilities furnished in connection therewith, for the purpose of meeting the expenses of operation and maintenance of the airports, for which purpose the revenues from such fees and charges are hereby appropriated to be expended by the superintendent of public works."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 17, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate.

Ellen D'Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 30, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M K Pasebroal

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 306

g.m.

The Legislature
of the
Territory of Hawaii

AN ACT

TO EMPOWER THE SUPERINTENDENT OF PUBLIC WORKS TO PROMULGATE, ADMINISTER, AND ENFORCE AIRPORT ZONING REGULATIONS LIMITING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY, IN THE VICINITY OF AIRPORTS, AND TO ACQUIRE, BY PURCHASE, GRANT, OR CONDEMNATION, AIR RIGHTS AND OTHER INTERESTS IN LAND; AND TO PROVIDE PENALTIES AND REMEDIES FOR VIOLATIONS OF THIS ACT OR OF ANY REGULATION MADE UNDER THE AUTHORITY CONFERRED HEREIN.

Introduced April 3 , 1945 , by
Senator FRANCIS K. SYLVA

First Reading in Senate April 3, 1945
Referred to Printing Committee April 3, 1945
Second Reading in Senate April 4, 1945
Referred to COMMITTEE ON WAYS AND MEANS
Third Reading in Senate April 21, 1945

First Reading in House April 23, 1945
Referred to
Second Reading in House April 24, 1945
Referred to Judiciary Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

SB 306

AN ACT

TO EMPOWER THE SUPERINTENDENT OF PUBLIC WORKS TO PROMULGATE, ADMINISTER, AND ENFORCE AIRPORT ZONING REGULATIONS LIMITING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY, IN THE VICINITY OF AIRPORTS, AND TO ACQUIRE, BY PURCHASE, GRANT, OR CONDEMNATION, AIR RIGHTS AND OTHER INTERESTS IN LAND; AND TO PROVIDE PENALTIES AND REMEDIES FOR VIOLATIONS OF THIS ACT OR OF ANY REGULATION MADE UNDER THE AUTHORITY CONFERRED HEREIN.

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

SECTION 1. Definitions. As used in this Act, unless the context otherwise requires:

(1) "Airport" means any area of land or water designed and set aside for the landing and taking-off of aircraft and utilized or to be utilized in the interest of the public for such purposes.

(2) "Airport hazard" means any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking-off at an airport or is otherwise hazardous to such landing or taking-off of aircraft, and "approach protection" means protection against an airport hazard.

(3) "Airport hazard area" means any area of land or water upon which an airport hazard might be established if not prevented as provided in this Act.

(4) "Person" means any individual, firm copartnership, corporation, company, association, joint stock association, or any trustee, receiver, assignee, or other similar representative thereof; or the Territory or any of its political subdivisions, or agencies thereof.

(5) "Structure" means any object constructed or installed by man, including, but without limitation, buildings, towers, smoke-stacks, and overhead transmission lines.

(6) "Superintendent" means the superintendent of public works, or his authorized representative.

(7) "Tree" means any object of natural growth.

SECTION 2. Airport hazards contrary to public interest. It is hereby found that an airport hazard endangers the lives and property of users of the airport and of occupants of land in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking-off and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein. Accordingly, it is hereby declared: (a) that the creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the airport in question; (b) that it is therefore necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards be prevented; and (c) that this should be accomplished, to the extent legally possible, by exercise of the police power, without compensation. It is further declared that both the prevention of the creation

or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes.

SECTION 3. Power to adopt airport zoning regulations. In order to prevent the creation or establishment of airport hazards, the superintendent may adopt, administer, and enforce, under the police power and in the manner and upon the conditions hereinafter prescribed, airport zoning regulations for any airport hazard area in the Territory, which regulations may divide such area into zones, and, within such zones, specify the land uses permitted and regulate and restrict the height to which structures and trees may be erected or allowed to grow, subject to the provisions of section 6.

SECTION 4. Relation to comprehensive zoning regulations. In the event of conflict between any airport zoning regulations adopted under this Act and any ordinances or other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, and whether such other regulations were adopted by or under the authority of the Territory or by or under the authority of a county, the more stringent limitation or requirement shall govern and prevail, the provisions of section 6637 of the Revised Laws of Hawaii 1945 notwithstanding.

SECTION 5. Procedure for adoption of zoning regulations. (1) Notice and hearing. Prior to the adoption of airport

zoning regulations a public hearing shall be held, after notice as provided in section 466 of the Revised Laws of Hawaii 1945, except that such notice shall be published not less than fifteen days before the date set for the hearing.

(2) Recommendations for zoning. At least ninety days prior to the public hearing on the initial zoning of any airport hazard area under this Act, the superintendent shall notify the city planning commission for the city and county of Honolulu, in the case of an airport hazard area within said city and county, the territorial planning board, and any boards or commissions of a similar nature which may be concerned, and such boards and commissions may file with the superintendent their recommendations as to the boundaries of the various zones to be established and the regulations to be adopted therefor. Such commissions shall make preliminary recommendations and hold public hearings thereon before submitting their final recommendations. The superintendent shall give due consideration to recommendations so filed within the ninety day period, shall make the same available to the public, and at the time of submission of the regulations adopted by him to the governor, shall also transmit such recommendations with his comments thereon.

SECTION 6. Airport Zoning requirements. (1) Reasonableness. All airport zoning regulations adopted under this Act shall be subject to the approval of the governor. Such regulations shall be reasonable and none shall impose any requirement or restriction which is not reasonably necessary to effectuate the purposes of this Act. In determining what regulations he may adopt, the superintendent

shall consider, among other things, the character of the flying operations expected to be conducted at the airport, the nature of the terrain within the airport hazard area, the character of the neighborhood, and the uses to whichthe property to be zoned is put and adaptable.

(2) Non-conforming uses. No airport zoning regulations adopted under this Act shall require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations when adopted or amended, or otherwise interfere with the continuance of any non-conforming use, except as provided in section 7.

SECTION 7. Permits and variances. (1) Permits. Any airport zoning regulations adopted under this Act may require that before any new structure or use may be constructed or established, and before any existing use or structure may be substantially changed or substantially altered or repaired, a permit be obtained authorizing such structure, change, alteration, or repair. In any event, however, all such regulations shall provide that before any non-conforming structure or tree may be replaced, substantially altered or repaired, rebuilt, or replanted, a permit must be secured from the superintendent authorizing such replacement, change or repair. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming structure or tree or non-conforming use to be made or become higher or become a greater hazard to air navigation than it was when the applicable regulation was adopted or than it is when the application for a permit is made. Except as provided herein, all applications for permits shall be granted.

(2) Variances. Any person desiring to erect any structure, or increase the height of any structure, or permit the growth of any tree, or otherwise use his property in violation of airport zoning regulations adopted under this Act, may apply to the Board of Adjustment created by section 10, for a variance from the zoning regulations in question. Such variances shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of the regulations and this Act; provided, that any variance may be allowed subject to any reasonable conditions that the board of adjustment may deem necessary to effectuate the purposes of this Act.

(3) Hazard marking and lighting. In granting any permit or variance under this section, the superintendent or board of adjustment may, if it deems such action advisable to effectuate the purposes of this Act and reasonable in the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question to permit the Territory, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

SECTION 8. Appeals. (1) Any person aggrieved, or taxpayer affected, by any order, requirement, determination, or decision of the superintendent made in his administration of airport zoning regulations adopted under this Act (all of

which are hereafter referred to as the "decision") may appeal therefrom to the board of adjustment created by section 10.

(2) All appeals taken under this section must be taken within twenty days after a copy of the decision was mailed or delivered to the applicant concerned, by filing with the superintendent and with the board, a notice of appeal specifying the grounds thereof. The superintendent shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken, or copies thereof. The superintendent shall be a party to the proceedings before the board.

(3) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the superintendent certifies to the board, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such cases proceedings shall not be stayed otherwise than by order of the board on notice to the superintendent and on due cause shown.

(4) The board shall give public notice and due notice to the parties in interest, and decide the appeal within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

(5) The board may, in conformity with the provisions of this Act, reverse or affirm wholly or partly, or modify the decision appealed from and may make such decision as ought to be made, and to that end shall have all the powers of the superintendent.

SECTION 9. Administration of airport zoning regulations. All airport zoning regulations adopted under this Act shall provide for the administration and enforcement of such regulations by the superintendent, whose duties shall include that of hearing and deciding upon all applications for permits under section 7 (1), but the superintendent shall not have or exercise any of the powers delegated to the board of adjustment by section 7 (2).

SECTION 10. Board of adjustment. (1) There shall be a board of adjustment, consisting of three members appointed by the governor in the manner provided by section 80 of the Organic Act, for a term of five years and until their successors are appointed and qualify; provided, however, that of the first members appointed under the provisions of this Act, one shall be appointed for a term of three years, one for a term of four years, and one for a term of five years. Any vacancy shall be filled by appointment for the remainder of the unexpired term. The governor shall designate one of the members of said board as chairman. Section 482 of the Revised Laws of Hawaii 1945 (quorum) and section 84 of the Organic Act and section 9573 of said revised laws (disqualification) shall apply to said board and the members thereof. The governor may appoint an acting member to serve in the event of the temporary absence from the Territory, illness or disqualification of a member.

Members of the city planning commission of the city and county of Honolulu, the territorial planning board, and boards and commissions of a similar nature, and members of

boards or commissions of which the superintendent is a member or chairman, shall be eligible to appointment to said board of adjustment, any provision of law to the contrary notwithstanding.

(2) The board of adjustment shall have and exercise the following powers:

(a) To hear and decide appeals from any decision made by the superintendent in the enforcement of the airport zoning regulations, as provided in section 8.

(b) To hear and decide any special exceptions to the terms of the airport zoning regulations upon which such board may be required to pass under such regulations.

(c) To hear and decide specific variances under section 7(2).

(3) Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the board shall be public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of all of its official actions, all of which shall immediately be filed in the office of the board and shall be a public record.

SECTION 11. Judicial review. (1) The superintendent or any person aggrieved, or taxpayer affected, by any decision of the board of adjustment, may appeal from such decision to a judge of the circuit court at chambers of the circuit in which the airport hazard area is situated, by filing with such court

a petition for review thereof, setting forth that the decision is illegal in whole or in part and specifying the grounds of illegality. Such appeal shall be perfected within thirty days after the decision is filed in the office of the board and a copy thereof mailed or delivered to the applicant concerned and the superintendent.

(2) Such petition for review shall name as parties respondent all of the parties to the proceeding before the board of adjustment, including the superintendent if he is not the petitioner. The petition for review shall be served upon the parties respondent in such manner as may be prescribed by the court and the proceedings thereon shall be as prescribed by the court.

(3) The taking of such appeal shall not stay proceedings upon the decision appealed from, but the court may, on application and notice to the parties and on due cause shown, grant a restraining order upon such terms and conditions as he may prescribe.

(4) The board of adjustment shall be notified of such petition by the clerk of the court, and shall certify and file with the court a copy of the record, in such form and including such matters and within such time as may be prescribed by the court.

(5) In any proceeding for a review by a court the jurisdiction of such court shall be confined to questions of law and no objection to a decision of the board shall be considered by the court unless such objection shall have been urged before the board, or, if it was not so urged, unless there were reasonable grounds for failure to do so. No

additional evidence shall be received by the court but the court may order additional evidence to be taken before the board, and the board may, after hearing such additional evidence, modify its decision, and the board shall file such modified decision, together with a transcript of the additional record, with the court.

(6) Proceedings for review by the supreme court may be taken and had in the same manner, but not inconsistent with the provisions of this Act, as is provided for a review of an order or decree of a circuit judge at chambers.

(7) Upon the final termination of any such judicial review, the board shall enter a decision in accordance with the mandate of the court.

(8) In any case in which airport zoning regulations adopted under this Act, although generally reasonable, are finally held by a court to interfere with the use or enjoyment of a particular structure or parcel of land to such an extent, or to be so onerous in their application to such a structure or parcel of land, as to constitute a taking or deprivation of that property in violation of the Organic Act or the Constitution of the United States, the superintendent may proceed to provide the necessary approach protection with respect to such structure or parcel of land pursuant to clause (2) of section 13, and such holding shall not affect the application of such regulations to other structures and parcels of land.

SECTION 12. Enforcement and remedies. Each violation of subsection (1) of section 7 of this Act, or of any regulations,

orders, or rulings promulgated or made pursuant to this Act, shall constitute a misdemeanor and shall be punishable by a fine of not more than $1000 or imprisonment for not more than ninety days or by both such fine and imprisonment. In addition the superintendent may institute in any court of competent jurisdiction, an action in the name of the Territory to prevent, restrain, correct or abate any violation of this Act, or of airport zoning regulations adopted under this Act, or of any order or ruling made in connection with their administration or enforcement, and the court shall adjudge to the plaintiff such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of this Act and of the regulations adopted and orders and rulings made pursuant thereto.

SECTION 13. Acquisition of air rights. In any case in which (1) it is desired to remove, lower, or otherwise terminate a non-conforming structure or use; or (2) the approach protection necessary cannot, because of constitutional limitations, be provided by airport zoning regulations under this Act; or (3) it appears advisable that the necessary approach protection be provided by acquisition of property rights rather than by airport zoning regulations, the superintendent, on behalf of the Territory may acquire, by purchase, grant, or condemnation in the manner provided by chapter 8 of the Revised Laws of Hawaii 1945, such air right, avigation easement, or other estate or interest in the property or non-conforming structure or use in question as may be necessary to effectuate the purposes of this Act, all of which shall be deemed to be

necessary to be acquired for the establishment and maintenance of landing fields and landing harbors for airships within the meaning of section 301 of the Revised Laws of Hawaii 1945.

SECTION 14. Severability. 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 15. Short title. This Act shall be known and may be cited as the "Airport Zoning Act".

SECTION 16. Amendment of other laws. All acts or parts of acts which are inconsistent with the provisions of this Act are hereby amended to conform herewith.

SECTION 17. Effective date. This Act shall take effect upon its approval.

INTRODUCED BY:

_____

_____ District

Honolulu, T. H.

4/18/46

S. B. No. 306
S. D. 1

A N A C T

TO EMPOWER THE SUPERINTENDENT OF PUBLIC WORKS TO PROMULGATE, ADMINISTER, AND ENFORCE AIRPORT ZONING REGULATIONS LIMITING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY, IN THE VICINITY OF AIRPORTS, AND TO ACQUIRE, BY PURCHASE, GRANT, OR CONDEMNATION, AIR RIGHTS AND OTHER INTERESTS IN LAND; AND TO PROVIDE PENALTIES AND REMEDIES FOR VIOLATIONS OF THIS ACT OR OF ANY REGULATION MADE UNDER THE AUTHORITY CONFERRED HEREIN.

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

SECTION 1. Definitions. As used in this Act, unless the context otherwise requires:

(1) "Airport" means any area of land or water designed and set aside for the landing and taking-off of aircraft and utilized or to be utilized in the interest of the public for

such purposes.

(2) "Airport hazard" means any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking-off at an airport or is otherwise hazardous to such landing or taking-off of aircraft, and "approach protection" means protection against an airport hazard.

(3) "Airport hazard area" means any area of land or water upon which an airport hazard might be established if not prevented as provided in this Act.

(4) "Person" means any individual, firm, copartnership, corporation, company, association, joint stock association, or any trustee, receiver, assignee, or other similar representative thereof; or the Territory or any of its political subdivisions, or agencies thereof.

(5) "Structure" means any object constructed or installed by man, including, but without limitation, buildings, towers, smoke-stacks, and overhead transmission lines.

(6) "Superintendent" means the superintendent of public works, or his authorized representative.

(7) "Tree" means any object of natural growth.

SECTION 2. Airport hazards contrary to public interest. It is hereby found that an airport hazard endangers the lives and property of users of the airport and of occupants of land in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking-off and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein. Accordingly, it is hereby declared: (a) that the creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the airport in question; (b) that it is therefore necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards be prevented; and (c) that this should be accomplished, to the extent legally possible,

by exercise of the police power, without compensation. It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes.

SECTION 3. Power to adopt airport zoning regulations. In order to prevent the creation or establishment of airport hazards, the superintendent may adopt, administer, and enforce, under the police power and in the manner and upon the conditions hereinafter prescribed, airport zoning regulations for any airport hazard area in the Territory, which regulations may divide such area into zones, and, within such zones, specify the land uses permitted and regulate and restrict the height to which structures and trees may be erected or allowed to grow, subject to the provisions of section 6.

SECTION 4. Relation to comprehensive zoning regulations. In the event of conflict between any airport zoning

regulations adopted under this Act and any ordinances or other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, and whether such other regulations were adopted by or under the authority of the Territory or by or under the authority of a county, the more stringent limitation or requirement shall govern and prevail, the provisions of section 6637 of the Revised Laws of Hawaii 1945 notwithstanding.

SECTION 5. Procedure for adoption of zoning regulations.

(1) Notice and hearing. Prior to the adoption of airport zoning regulations a public hearing shall be held, after notice as provided in section 466 of the Revised Laws of Hawaii 1945, except that such notice shall be published not less than fifteen days before the date set for the hearing.

(2) Recommendations for zoning. At least ninety days prior to the public hearing on the initial zoning of any

airport hazard area under this Act, the superintendent shall notify the city planning commission for the city and county of Honolulu, in the case of an airport hazard area within said city and county, the territorial planning board, and any boards or commissions of a similar nature which may be concerned, and such boards and commissions may file with the superintendent their recommendations as to the boundaries of the various zones to be established and the regulations to be adopted therefor. Such commissions shall make preliminary recommendations and hold public hearings thereon before submitting their final recommendations. The superintendent shall give due consideration to recommendations so filed within the ninety day period, shall make the same available to the public, and at the time of submission of the regulations adopted by him to the governor, shall also transmit such recommendations with his comments thereon.

SECTION 6. Airport zoning requirements. (1) Reasonableness. All airport zoning regulations adopted under

this Act shall be subject to the approval of the governor. Such regulations shall be reasonable and none shall impose any requirement or restriction which is not reasonably necessary to effectuate the purposes of this Act. In determining what regulations he may adopt, the superintendent shall consider, among other things, the character of the flying operations expected to be conducted at the airport, the nature of the terrain within the airport hazard area, the character of the neighborhood, and the uses to which the property to be zoned is put and adaptable.

(2) Non-conforming uses. No airport zoning regulations adopted under this Act shall require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations when adopted or amended, or otherwise interfere with the continuance of any non-conforming use, except as provided in section 7.

SECTION 7. Permits and variances. (1) Permits. Any airport zoning regulations adopted under this Act may require

that before any new structure or use may be constructed or established, and before any existing use or structure may be substantially changed or substantially altered or repaired, a permit be obtained authorizing such structure, change, alteration, or repair. In any event, however, all such regulations shall provide that before any non-conforming structure or tree may be replaced, substantially altered or repaired, rebuilt, or replanted, a permit must be secured from the superintendent authorizing such replacement, change or repair. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming structure or tree or non-conforming use to be made or become higher or become a greater hazard to air navigation than it was when the applicable regulation was adopted or than it is when the application for a permit is made. Except as provided herein, all applications for permits shall be granted.

(2) Variances. Any person desiring to erect any structure, or increase the height of any structure, or permit

the growth of any tree, or otherwise use his property in violation of airport zoning regulations adopted under this Act, may apply to the board of adjustment created by section 10, for a variance from the zoning regulations in question. Such variances shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of the regulations and this Act; provided, that any variance may be allowed subject to any reasonable conditions that the board of adjustment may deem necessary to effectuate the purposes of this Act.

(3) Hazard markings and lighting. In granting any permit or variance under this section, the superintendent or board of adjustment may, if it deems such action advisable to effectuate the purposes of this Act and reasonable in the circumstances, so condition such permit or variance as to

require the owner of the structure or tree in question to permit the Territory, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

SECTION 8. Appeals. (1) Any person aggrieved by any order, requirement, determination, or decision of the superintendent made in his administration of airport zoning regulations adopted under this Act (all of which are hereafter referred to as the "decision") may appeal therefrom to the board of adjustment created by section 10.

(2) All appeals taken under this section must be taken within twenty days after a copy of the decision was mailed or delivered to the applicant concerned, by filing with the superintendent and with the board, a notice of appeal specifying the grounds thereof. The superintendent shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken, or copies thereof.

The superintendent shall be a party to the proceedings before the board.

(3) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the superintendent certifies to the board, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such cases proceedings shall not be stayed otherwise than by order of the board on notice to the superintendent and on due cause shown.

(4) The board shall give public notice and due notice to the parties in interest, and decide the appeal within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

(5) The board may, in conformity with the provisions of this Act, reverse or affirm wholly or partly, or modify the decision appealed from and may make such decision as ought to be made, and to that end shall have all the powers

of the superintendent.

SECTION 9. Administration of airport zoning regulations. All airport zoning regulations adopted under this Act shall provide for the administration and enforcement of such regulations by the superintendent, whose duties shall include that of hearing and deciding upon all applications for permits under section 7 (1), but the superintendent shall not have or exercise any of the powers delegated to the board of adjustment by section 7 (2).

SECTION 10. Board of adjustment. (1) There shall be a board of adjustment, consisting of three members appointed by the governor in the manner provided by section 80 of the Organic Act, for a term of five years and until their successors are appointed and qualify; provided, however, that of the first members appointed under the provisions of this Act, one shall be appointed for a term of three years, one for a term of four years, and one for a term of five years. Any vacancy shall be filled by appointment for the remainder of

the unexpired term. The governor shall designate one of the members of said board as chairman. Section 482 of the Revised Laws of Hawaii 1945 (quorum) and section 84 of the Organic Act and section 9573 of said Revised Laws (disqualification) shall apply to said board and the members thereof. The governor may appoint an acting member to serve in the event of the temporary absence from the Territory, illness or disqualification of a member.

Members of the city planning commission of the city and county of Honolulu, the territorial planning board, and boards and commissions of a similar nature, and members of boards or commissions of which the superintendent is a member or chairman, shall be eligible to appointment to said board of adjustment, any provision of law to the contrary notwithstanding.

(2) The board (of adjustment) shall have and exercise the following powers:

(a) To hear and decide appeals from any decision made by the superintendent in the enforcement of the

airport zoning regulations, as provided in section 8.

(b) To hear and decide any special exceptions to the terms of the airport zoning regulations upon which such board may be required to pass under such regulations.

(c) To hear and decide specific variances under section 7(2).

(d) To determine whether there is a right to compensation or damages, and if so, the amount thereof, and to award such damages, as provided by section 11.

(3) Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the board shall be public. The board shall keep minutes of its proceedings, showing the vote of each

member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of all of its official actions, all of which shall immediately be filed in the office of the board and shall be a public record.

SECTION 11. Judicial review; right of compensation. (1) The supreintendent or any person aggrieved by any decision of the board of adjustment, may appeal from such decision to the Supreme Court of the Territory by filing with such court a petition for review thereof, setting forth that the decision is illegal in whole or in part and specifying the ground of illegality. Such appeal shall be perfected within thirty days after the decision is filed in the office of the board and a copy thereof mailed or delivered to the applicant concerned and the superintendent. Such petition for review shall name as parties respondent all of the parties to the proceeding before the

board of adjustment, including the superintendent if he is not the petitioner. The petition for review shall be served upon the parties respondent in such manner as may be prescribed by the court and the proceedings thereon shall be as prescribed by the court. The taking of such appeal shall not stay proceedings upon the decision appealed from, but the court may, on application and notice to the parties and on due cause shown, grant a restraining order upon such terms and conditions as it may prescribe. The board of adjustment shall be notified of such petition by the clerk of the court, and shall certify and file with the court a copy of the record, in such form and including such matters and within such time as may be prescribed by the court.

In any such proceeding for a judicial review, the jurisdiction of the court shall be confined to questions of law. No additional evidence shall be received by the court but the

court may order additional evidence to be taken before the board, and the board may, after hearing such additional evidence, modify its decision, and the board shall file such modified decision, together with a transcript of the additional record, with the court. Upon the final termination of any such judicial review, the board shall enter a decision in accordance with the mandate of the court.

(2) Any person who appeals from a decision of the superintendent to the board (of adjustment) under section 8, or who files with the board an application for a variance or exception, may at his option include in the notice of appeal or application a request for determination, in the event the appeal or application is denied, in whole or in part, of his right to compensation or damages, and the amount thereof, if he be so entitled. In such event the board shall include in its decision a determination of such questions in accordance with subsection (4) of this section and section 314 of the

Revised Laws of Hawaii 1945, but its decision thereon shall not be final if either the superintendent, or such person, shall serve notice on the other, within the time allowed by subsection (1) for a petition for judicial review, that he requires a court determination of such questions, or any of them. If such notice is served by either party, the judicial review allowed by subsection (1) shall be had in the suit provided for by subsection (3) and not otherwise. If no such notice is served and no petition for judicial review is filed, or if a petition for judicial review is filed, then upon the final termination thereof and the entry of a decision (if required) in accordance with the mandate of the Supreme Court, the award of compensation or damages so made, if any, shall be paid by the superintendent out of any money available in the territorial airport fund created by section 5260 of the Revised Laws of Hawaii 1945, as soon as such amount becomes available in said fund, or out of any appropriation available for the acquisition of land or

interests therein for the airport concerned.

(3) If the superintendent or any party shall serve notice that he requires a court determination of the right to compensation or damages, or the amount thereof, as provided by subsection (2), or if any party notwithstanding he did not invoke action on such questions by the board of adjustment, shall serve notice on the superintendent within the time allowed by subsection (1) for a petition for judicial review, that he requires a court determination of the right to compensation or damages, and the amount thereof if he be so entitled, the superintendent, within thirty days thereafter, or such further time as may be allowed by the court, shall file an action for the determination of such questions with the circuit court of the circuit in which the airport hazard area is situated, and the judicial review allowed by subsection (1) shall be had in the same action, in lieu of direct review by the Supreme Court. Failure to

file such action shall be deemed an abandonment of the application of the airport zoning regulations to the structure or parcel of land to which the decision of the board applies. Such action shall be heard and determined as if it were a condemnation suit filed on behalf of the Territory as provided by section 13, except that the court shall determine, if the point is put in issue by the superintendent, whether or not the party is entitled to compensation or damages. The right, if any, to compensation or damages shall be deemed to have accrued as of the date of the filing with the superintendent or the board, as the case may be, of the application for a permit, variance, or exception.

(4) In any proceeding before the board or any court proceeding under this section a party shall be deemed entitled to compensation or damages if the decision of the board (of adjustment) interferes with his use or enjoyment of a particular structure or parcel of land to such an ex-

tent, or is so onerous in its application to such a structure or parcel of land, as to constitute a taking or deprivation of that property in violation of the Organic Act or the Constitution of the United States, but not otherwise, and no compensation or damages shall be awarded if the airport zoning regulations, as applied, represent a lawful exercise of the police power not calling for the payment of compensation or damages.

(5) If the defendant recovers compensation or damages and the Territory fails to pay the amount assessed within two years after final judgment, as provided by section 316 of the Revised Laws of Hawaii 1945, the same shall be deemed an abandonment of the application of the airport zoning regulations to the structure or parcel of land to which the decision of the board applies, and in such event, or upon abandonment of the application of such regulations to such structure or parcel of land in any other manner, the party aggrieved, if he would have been entitled to compensation or damages

had the application of the regulations not been so abandoned, shall be entitled to have his damages adjudged under section 318 of the Revised Laws of Hawaii 1945, and may institute an action for that purpose if no action has been filed by the superintendent. Such damages shall be paid by the superintendent of public works out of any money available in the territorial airport fund created by section 5260 of the Revised Laws of Hawaii 1945, as soon as such amount becomes available in said fund.

(6) In the event it should be finally held by the board (of adjustment) or by a court, upon any proceeding for review or for the determination of the right to compensation or damages, brought under this section, that any airport zoning regulation adopted under this Act, or any decision of the board (of adjustment) hereunder, interferes with the use or enjoyment of a particular structure or parcel of land to such an extent, or is so onerous in its application to such

a structure or parcel of land, as to constitute a taking or deprivation of that property in violation of the Organic Act or the Constitution of the United States, the party in whose favor such decision is made shall be allowed by the board or court his reasonable expenses of the proceeding, not exceeding five thousand dollars in any one proceeding, which shall be paid by the superintendent of public works out of any money available in the territorial airport fund created by section 5260 of the Revised Laws of Hawaii 1945, as soon as such amount becomes available in said fund. For the purposes of this section "one proceeding" shall be deemed to include all of the proceedings from the time of the application for a permit, variance or exception to the time of the final decision or judgment of the court to which report is last had by either of the parties.

(7) In any case in which airport zoning regulations adopted under this Act, although generally reasonable, are

finally held to interfere with the use or enjoyment of a particular structure or parcel of land to such an extent, or to be so onerous in their application to such a structure or parcel of land, as to constitute a taking or deprivation of that property in violation of the Organic Act or the Constitution of the United States, such holding shall not affect the application of such regulations to other structures and parcels of land.

SECTION 12. Enforcement and remedies. Each wilful violation of subsection (1) of section 7 of this Act, or of any regulations, orders, or rulings promulgated or made pursuant to this Act, shall constitute a misdemeanor and shall be punishable by a fine of not more than $1000 or imprisonment for not more than ninety days or by both such fine and imprisonment. In addition the superintendent may institute in any court of competent jurisdiction, an action in the name of the Territory to prevent, restrain, correct

or abate any violation of this Act, or of airport zoning regulations adopted under this Act, or of any order or ruling made in connection with their administration or enforcement, and the court shall adjudge to the plaintiff such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of this Act and of the regulations adopted and orders and rulings made pursuant thereto.

SECTION 13. Acquisition of air rights. In any case in which (1) it is desired to remove, lower, or otherwise terminate a non-conforming structure or use; or (2) the approach protection necessary cannot, because of constitutional limitations, be provided by airport zoning regulations under this Act; or (3) it appears advisable that the necessary approach protection be provided by acquisition of property rights rather than by airport zoning regulations,

the superintendent, on behalf of the Territory may acquire, by purchase, grant, or condemnation in the manner provided by chapter 8 of the Revised Laws of Hawaii 1945, such air right, avigation easement, or other estate or interest in the property or non-conforming structure or use in question as may be necessary to effectuate the purposes of this Act, all of which shall be deemed to be necessary to be acquired for the establishment and maintenance of landing fields and landing harbors for airships within the meaning of section 301 of the Revised Laws of Hawaii 1945.

SECTION 14. Severability. 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 15. Short title. This Act shall be known and may be cited as the "Airport Zoning Act".

SECTION 16. Amendment of other laws. All acts or parts of acts which are inconsistent with the provisions of this Act are hereby amended to conform herewith.

SECTION 17. Effective date. This Act shall take effect upon its approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 21, 1945.

We hereby certify that the foregoing bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E S Capellas
President of the Senate.

Ellen D'Smythe
Clerk of the Senate.

H. B. No. 306
S. D. 1
H. D. 1

A N A C T

TO CREATE AN AIRPORT ZONING BOARD WITH POWER TO PROMULGATE AIRPORT ZONING REGULATIONS LIMITING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY, IN THE VICINITY OF AIRPORTS, TO PROVIDE FOR THE ADMINISTRATION AND ENFORCEMENT OF SUCH REGULATIONS, AND TO AUTHORIZE THE SUPERINTENDENT OF PUBLIC WORKS TO ACQUIRE, BY PURCHASE, GRANT, OR CONDEMNATION, AIR RIGHTS AND OTHER INTERESTS IN LAND; TO PROVIDE PENALTIES AND REMEDIES FOR VIOLATIONS OF THIS ACT OR OF ANY REGULATION MADE UNDER THE AUTHORITY CONFERRED HEREIN ; AND PROVIDING FUNDS FOR THE ADMINISTRATION OF THIS ACT.

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

SECTION 1. Definitions. As used in this Act, unless the context otherwise requires:

(1) "Airport" means any area of land or water designed

and set aside for the landing and taking-off of aircraft and utilized or to be utilized in the interest of the public for such purposes.

(2) "Airport hazard" means any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking-off at an airport or is otherwise hazardous to such landing or taking-off of aircraft, and "approach protection" means protection against an airport hazard.

(3) "Airport hazard area" means any area of land or water upon which an airport hazard might be established if not prevented as provided in this Act.

(4) "Board" means the airport zoning board created by section 10.

(5) "Person" means any individual, firm, copartnership, corporation, company, association, joint stock association, or any trustee, receiver, assignee, or other similar representative thereof; or the Territory or any of its political

subdivisions, or agencies thereof.

(6) "Structure" means any object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines.

(7) "Superintendent" means the superintendent of public works.

(8) "Tree" means any object of natural growth.

SECTION 2. Airport hazards contrary to public interest. It is hereby found that an airport hazard endangers the lives and property of users of the airport and of occupants of land in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking-off and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein. Accordingly, it is hereby declared: (a) that the creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the airport in question; (b) that it is therefore

necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards be prevented; and (c) that this should be accomplished, to the extent legally possible, by exercise of the police power, without compensation. It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes.

SECTION 3. Power to adopt airport zoning regulations. In order to prevent the creation or establishment of airport hazards, the board may adopt, under the police power and in the manner and upon the conditions hereinafter prescribed, airport zoning regulations for any airport hazard area in the Territory, which regulations may divide such area into zones, and, within such zones, specify the land uses permitted and regulate and restrict the height to which

structures and trees may be erected or allowed to grow, subject to the provisions of section 6.

SECTION 4. Relation to comprehensive zoning regulations. In the event of conflict between any airport zoning regulations adopted under this Act and any ordinances or other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, and whether such other regulations were adopted by or under the authority of the Territory or by or under the authority of a county, the more stringent limitation or requirement shall govern and prevail, the provisions of section 6637 of the Revised Laws of Hawaii 1945 notwithstanding.

SECTION 5. Procedure for adoption of zoning regulations. (1) Notice and hearing. Prior to the adoption or amendment of airport zoning regulations a public hearing shall be held, after notice as provided in section 466 of the Revised Laws of

Hawaii 1945, except that such notice shall be published not less than fifteen days before the date set for the hearing.

(2) Recommendations for zoning. Prior to the adoption or amendment of airport zoning regulations under this Act the superintendent shall submit to the board his recommendations with respect thereto. At least ninety days prior to the public hearing on the initial zoning of any airport hazard area, the superintendent shall notify the city planning commission for the City and County of Honolulu, in the case of an airport hazard area within said city and county, the territorial planning board, and any boards or commissions of a similar nature which may be concerned, and thirty days before such public hearing such boards and commissions may file with the superintendent their recommendations as to the boundaries of the various zones to be established and the regulations to be adopted therefor. The superintendent shall give due consideration to recommendations so filed, and at the time of submission of his recommendations to the board shall also transmit such recommendations with his comments thereon. All recommendations filed with or transmitted

to the board shall be considered by it and shall be made available to the governor and the public.

SECTION 6. Airport zoning requirements. (1) Reasonableness; publication. All airport zoning regulations adopted under this Act, and any amendment thereof, shall be subject to the approval of the governor, and when so approved and published in a newspaper of general circulation in the Territory, or in the county in which the airport hazard area is situated, shall have the force and effect of law. Such regulations shall be reasonable and none shall impose any requirement or restriction which is not reasonably necessary to effectuate the purposes of this Act. In determining what regulations it may adopt, the board shall consider, among other things, the character of the flying operations expected to be conducted at the airport, the nature of the terrain within the airport hazard area, the character of the neighborhood, and the uses to which the property to be zoned is put and adaptable.

(2) Non-conforming uses. No airport zoning regulations adopted under this Act shall require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations when adopted or amended, or otherwise interfere with the continuance of any non-conforming use, except as provided in section 7.

SECTION 7. Permits and variances. (1) Permits. Any airport zoning regulations adopted under this Act may require that before any new structure or use may be constructed or established, and before any existing use or structure may be substantially changed or substantially altered or repaired, a permit be obtained authorizing such structure, change, alteration, or repair. In any event, however, all such regulations shall provide that before any non-conforming structure or tree may be replaced, substantially altered or repaired, rebuilt, or replanted, a permit must be secured from the superintendent authorizing such replacement, change or repair. No permit shall be granted that would allow the establishment

or creation of an airport hazard or permit a non-conforming structure or tree or non-conforming use to be made or become higher or become a greater hazard to air navigation than it was when the applicable regulation was adopted or than it is when the application for a permit is made. Except as provided herein, all applications for permits shall be granted.

(2) Variances. Any person desiring to erect any structure, or increase the height of any structure, or permit the growth of any tree, or otherwise use his property in violation of airport zoning regulations adopted under this Act, may apply to the board for a variance from the zoning regulations in question. Such variances shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of the regulations and this Act; provided that any variance may be allowed subject to any reasonable conditions

that the board may deem necessary to effectuate the purposes of this Act.

(3) Hazard markings and lighting. In granting any permit or variance under this section, the superintendent or board of adjustment may, if it deems such action advisable to effectuate the purposes of this Act and reasonable in the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question to permit the Territory, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

SECTION 8. Appeals. (1) Any person aggrieved by any order, requirement, determination, or decision of the superintendent made in his administration of airport zoning regulations adopted under this Act (all of which are hereafter referred to as the "decision") may appeal therefrom to the board.

(2) All appeals taken under this section must be taken within twenty days after a copy of the decision was mailed or delivered to the applicant concerned, by filing with the superintendent and with the board a notice of appeal specifying the grounds thereof. The superintendent shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken, or copies thereof. The superintendent shall be a party to the proceedings before the board.

(3) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the superintendent certifies to the board, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such cases proceedings shall not be stayed otherwise than by order of the board on notice to the superintendent and on due cause shown.

(4) The board shall give public notice and due notice

to the parties in interest, and decide the appeal within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

(5) The board may, in conformity with the provisions of this Act, reverse or affirm wholly or partly, or modify the decision appealed from and may make such decision as ought to be made, and to that end shall have all the powers of the superintendent.

SECTION 9. Administration of airport zoning regulations. All airport zoning regulations adopted under this Act shall provide for the administration and enforcement of such regulations by the superintendent, whose duties shall include that of hearing and deciding upon all applications for permits under section 7 (1), but the superintendent shall not have or exercise any of the powers delegated to the board by section 7 (2).

SECTION 10. Airport zoning board. (1) There shall

be an airport zoning board, consisting of three members appointed by the governor in the manner provided by section 80 of the Organic Act, for a term of five years and until their successors are appointed and qualify; provided, however, that of the first members appointed under the provisions of this Act, one shall be appointed for a term of three years, one for a term of four years, and one for a term of five years. Thereafter every appointment shall be for a term of five years commencing from the date of expiration of the preceding term. Any vacancy shall be filled by appointment for the remainder of the unexpired term. The governor shall designate one of the members of said board as chairman. Section 482 of the Revised Laws of Hawaii 1945 (quorum) and section 84 of the Organic Act and section 9573 of said Revised Laws (disqualification) shall apply to said board and the members thereof. The governor may appoint an acting member to serve in the event of the temporary absence from the Territory, illness or disqualification of a member.

The members of the board shall be paid for their services at the rate of fifteen dollars per day for each day's actual attendance upon their duties but not exceeding seventy-five dollars per member in any one month. They shall also be paid such reasonable traveling and other expenses as may be incurred in the discharge of their duties. Office accommodations, clerical services and the services of a reporter when necessary shall be furnished by the superintendent, who shall pay for such services, and also the compensation and other expenses of the board, out of any funds available for meeting the expenses of operation or maintenance of airports.

Members of the city planning commission of the city and county of Honolulu, the territorial planning board, and boards and commissions of a similar nature, and members of boards or commissions of which the superintendent is a member or chairman, the functions of which are not incompatible with the functions of the airport zoning board, shall be eligible to appointment to said board.

(2) The board shall have and exercise the following powers:

(a) To hear and decide appeals from any decision made by the superintendent in the enforcement of the airport zoning regulations, as provided in section 8.

(b) To hear and decide any special exceptions to the terms of the airport zoning regulations upon which such board may be required to pass under such regulations.

(c) To hear and decide specific variances under section 7 (2).

(d) To determine whether there is a right to compensation or damages and, if so, the amount thereof, and to award such damages, as provided by section 11.

(3) Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses, and the production of books, papers and records. Any circuit

court or judge thereof shall have power to enforce by proper proceedings the attendance and testimony of such witnesses and the production of such books, papers and records. Witnesses shall be allowed their fees and mileage as in cases in the circuit courts.

(4) All hearings of the board shall be public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of all of its official actions, all of which shall immediately be filed in the office of the board and shall be a public record.

SECTION 11. Judicial review; right of compensation. (1) The superintendent or any person aggrieved by any decision of the board may appeal from such decision to the Supreme Court of the Territory by filing with such court a petition for review thereof, setting forth the grounds of

appeal. Such appeal shall be perfected within thirty days after the decision is filed in the office of the board and a copy thereof mailed or delivered to the applicant concerned and the superintendent, or within such further time as may be allowed by the court. The superintendent and the applicant shall be the parties to the review proceeding. The petition for review shall be served upon the respondent in such manner as may be prescribed by the court and the proceedings thereon shall be as prescribed by the court. The court may, on application and notice to the parties and on due cause shown, grant a stay or restraining order upon such terms and conditions as it may prescribe. The board shall be notified of such petition by the clerk of the court, and shall certify and file with the court a copy of the record, in such form and including such matters and within such time as may be prescribed by the court.

In any such proceeding for a judicial review, the jurisdiction of the court shall be confined to questions of law.

No additional evidence shall be received by the court but the court may order additional evidence to be taken before the board, and the board may, after hearing such additional evidence, modify its decision, and the board shall file such modified decision, together with a transcript of the additional record, with the court. Upon the final termination of any such judicial review, the board shall enter a decision in accordance with the mandate of the court.

(2) Any person who appeals from a decision of the superintendent to the board under section 8, or who files with the board an application for a variance or exception, may at his option include in the notice of appeal or application a request for determination, in the event the appeal or application is denied, in whole or in part, of his right to compensation or damages, and the amount thereof, if he be so entitled. In such event the board shall include in its decision a determination of such questions in accordance with subsection (4) or this section and section 314 of the Revised Laws of Hawaii

1945, but its decision thereon shall not be final if either the superintendent, or such person, shall serve notice on the other, within thirty days after the decision of the board is filed and a copy thereof mailed or delivered to the applicant concerned and the superintendent, that he requires a court determination of such questions, or any of them. If such notice is served by either party, the judicial review allowed by subsection (1) shall be had in the suit provided for by subsection (3) and not otherwise. If no such notice is served and no petition for judicial review is filed, or if a petition for judicial review is filed, then upon the final termination thereof and the entry of a decision (if required) in accordance with the mandate of the Supreme Court, the award of compensation or damages so made, if any, shall be paid by the superintendent out of any money available in the territorial airport fund created by section 5260 of the Revised Laws of Hawaii 1945, as soon as such amount becomes available in said fund, or out of any appropriation available for the acquisition of land or

interests therein for the airport concerned.

(3) If the superintendent or any party shall serve notice that he requires a court determination of the right to compensation or damages, or the amount thereof, as provided by subsection (2), or if any party, notwithstanding he did not invoke action on such questions by the board, shall serve notice on the superintendent, within thirty days after the decision of the board is filed and a copy thereof mailed or delivered to the applicant concerned and the superintendent, that he requires a court determination of the right to compensation or damages, and the amount thereof if he be so entitled, the superintendent, within thirty days thereafter, or such further time as may be allowed by the court, shall file an action for the determination of such questions with the circuit court of the circuit in which the airport hazard area is situated, and the judicial review allowed by subsection (1) shall be had in the same action, in lieu of direct review by the Supreme Court. Failure to file such action shall be

deemed an abandonment of the application of the airport zoning regulations to the structure or parcel of land to which the decision of the board applies. Such action shall be heard and determined as if it were a condemnation suit filed on behalf of the Territory as provided by section 13, except that the court shall first review the decision of the board, if such review is sought by either party, and shall determine, if the point is put in issue by the superintendent, whether or not the party is entitled to compensation or damages. The right, if any, to compensation or damages shall be deemed to have accrued as of the date of the filing with the superintendent or the board, as the case may be, of the application for a permit, variance, or exception.

(4) In any proceeding before the board or any court proceeding under this section a party shall be deemed entitled to compensation or damages if the decision of the board interferes with his use or enjoyment of a particular structure or parcel of land to such an extent, or is so

onerous in its application to such a structure or parcel of land, as to constitute a taking or deprivation of that property in violation of the Organic Act or the Constitution of the United States, but not otherwise, and no compensation or damages shall be awarded if the airport zoning regulations, as applied, represent a lawful exercise of the police power not calling for the payment of compensation or damages.

(5) If the defendant recovers compensation or damages and the Territory fails to pay the amount assessed within two years after final judgment, as provided by section 316 of the Revised Laws of Hawaii 1945, the same shall be deemed an abandonment of the application of the airport zoning regulations to the structure or parcel of land to which the decision of the board applies, and in such event, or upon abandonment of the application of such regulations to such structure or parcel of land in any other manner, the party aggrieved, if he would have been entitled to compensation

or damages had the application of the regulations not been so abandoned, shall be entitled to have his damages adjudged under section 318 of the Revised Laws of Hawaii 1945, and may institute an action for that purpose if no action has been filed by the superintendent. Such damages shall be paid by the superintendent of public works out of any money available in the territorial airport fund created by section 5260 of the Revised Laws of Hawaii 1945, as soon as such amount becomes available in said fund.

(6) In the event it should be finally held by the board or by a court, upon any proceeding for review or for the determination of the right to compensation or damages, brought under this section, that any airport zoning regulation adopted under this Act, or any decision of the board hereunder, interferes with the use or enjoyment of a particular structure or parcel of land to such an extent, or is so onerous in its application to such a structure or parcel of land, as to constitute a taking or deprivation of that property in violation of the Organic Act or the Constitution

of the United States, the party in whose favor such decision is made shall be allowed by the board or court his reasonable expenses of the proceeding, not exceeding five thousand dollars in any one proceeding, which shall be paid by the superintendent of public works out of any money available in the territorial airport fund created by section 5260 of the Revised Laws of Hawaii 1945, as soon as such amount becomes available in said fund. For the purposes of this section "one proceeding" shall be deemed to include all of the proceedings from the time of the application for a permit, variance or exception to the time of the final decision or judgment of the court to which ~~report~~ record is last had by either of the parties.

(7) In any case in which airport zoning regulations adopted under this Act, although generally reasonable, are finally held to interfere with the use or enjoyment of a particular structure or parcel of land to such an extent, or to be so onerous in their application to such a structure or parcel of land, as to constitute a taking or de-

privation of that property in violation of the Organic Act or the Constitution of the United States, such holding shall not affect the application of such regulations to other structures and parcels of land.

SECTION 12. Enforcement and remedies. Each wilful violation of subsection (1) of section 7 of this Act, or of any regulations, orders, or rulings promulgated or made pursuant to this Act, shall constitute a misdemeanor and shall be punishable by a fine of not more than $1000 or imprisonment for not more than ninety days or by both such fine and imprisonment. In addition the superintendent may institute, in any court of competent jurisdiction, an action in the name of the Territory to prevent, restrain, correct or abate any violation of this Act, or of airport zoning regulations adopted under this Act, or of any order or ruling made in connection with their administration or enforcement, and the court shall adjudge to the plaintiff such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and

circumstances of the case, in order fully to effectuate the purposes of this Act and of the regulations adopted and orders and rulings made pursuant thereto.

SECTION 13. Acquisition of air rights. In any case in which (1) it is desired to remove, lower, or otherwise terminate a non-conforming structure or use; or (2) the approach protection necessary cannot, because of constitutional limitations, be provided by airport zoning regulations under this Act; or (3) it appears advisable that the necessary approach protection be provided by acquisition of property rights rather than by airport zoning regulations, the superintendent, on behalf of the Territory may acquire, by purchase, grant, or condemnation in the manner provided by chapter 8 of the Revised Laws of Hawaii 1945, such air right, avigation easement, or other estate or interest in the property or non-conforming structure or use in question as may be necessary or proper to effectuate the purposes of this Act, including acquisition of a fee simple estate.

SECTION 14. Severability. 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 unconstituional or invalid.

SECTION 15. Short title. This Act shall be known and may be cited as the "Airport Zoning Act".

SECTION 16. Amendment of other laws. All acts or parts of acts which are inconsistent with the provisions of this Act are hereby amended to conform herewith.

SECTION 17. Effective date. This Act shall take effect upon its approval.

THE HOUSE OF REPRESENTATIVES OF THE

TERRITORY OF HAWAII

Honolulu, T. H., April 30, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M G Paschoal
Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 307

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO CERTAIN SPECIFIC EXEMPTIONS FROM TAXATION OF PROPERTY OF THE VETERANS OF FOREIGN WARS AND AMENDING SECTION 5151 OF THE REVISED LAWS OF HAWAII 1945.

Introduced April 3, 19 45, by
Senator FRANCIS K. SYLVA

First Reading in Senate April 3, 1945
Referred to Printing Committee April 3, 1945
Second Reading in Senate April 4, 1945
Referred to COMMITTEE ON WAYS AND MEANS
Third Reading in Senate April 27, 1945

First Reading in House April 27, 1945
Referred to
Second Reading in House April 28, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Engrossed 5-7-45

H

SB 307

AN ACT

RELATING TO CERTAIN SPECIFIC EXEMPTIONS FROM TAXATION OF PROPERTY OF THE VETERANS OF FOREIGN WARS AND AMENDING SECTION 5151 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Section 5151 of the Revised Laws of Hawaii 1945, is hereby amended by amending item 55, thereof, to read as follows:

"All property owned or used exclusively by the Veterans of Foreign Wars of the United States in the Territory."

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

INTRODUCED BY:

Francis Sylva

Senator, 3rd ~~th~~ District.

Honolulu, T. H.
Apl 3, 1945

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24/1/36
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S. B. No. 307

A N A C T

RELATING TO CERTAIN SPECIFIC EXEMPTIONS FROM TAXATION OF PROPERTY OF THE VETERANS OF FOREIGN WARS AND AMENDING SECTION 5151 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Section 5151 of the Revised Laws of Hawaii 1945, is hereby amended by amending item 55, thereof, to read as follows:

"All property owned or used exclusively by the Veterans of Foreign Wars of the United States in the Territory."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 27, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E S Capellas

President of the Senate.

Ellen D. Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H., May 1, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M Y Paschoal

Speaker, House of Representatives.

[illegible]

Clerk, House of Representatives.

Senate Bill No. 308

The Legislature
of the
Territory of Hawaii

AN ACT

AMENDING SECTION 5154 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO REAL PROPERTY EXEMPT FROM TAXATION.

Signed 4/25/45 GRH

Introduced April 3 , 1945 , by
Senator C. A. CROZIER

First Reading in Senate April 3, 1945
Referred to Printing Committee April 3, 1945
Second Reading in Senate April 4, 1945
Referred to COMMITTEE ON WAYS AND MEANS
Third Reading in Senate April 17, 1945

First Reading in House April 17, 1945
Referred to
Second Reading in House April 18, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

S. B. NO. 308

A N A C T

AMENDING SECTION 5154 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO REAL PROPERTY EXEMPT FROM TAXATION.

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

SECTION 1. Section 5154 of the Revised Laws of Hawaii 1945 is hereby amended by amending subsection 4 thereof by substituting for the words "the city and county of Honolulu", in the third and fourth lines of said subsection, the words "any county".

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

INTRODUCED BY:

Senator, Second Senatorial District

S. B. No. 308

A N A C T

AMENDING SECTION 5154 OF THE REVISED LAWS OF HAWAII 1945,

RELATING TO REAL PROPERTY EXEMPT FROM TAXATION.

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

SECTION 1. Section 5154 of the Revised Laws of Hawaii 1945 is hereby amended by amending subsection 4 thereof by substituting for the words "the city and county of Honolulu", in the third and fourth lines of said subsection, the words "any county".

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 17, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E D Crapellas

President of the Senate.

Ellen D Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 24, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M K Pasehoal

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 309

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO DEEDS OF REAL PROPERTY AND THE RECORDATION OR REGISTRATION THEREOF, REQUIRING THE TRUE CONSIDERATION AND THE ADDRESS OF THE GRANTEE TO BE SET FORTH IN SUCH DEEDS OR FURNISHED BY SEPARATE WRITTEN STATEMENT.

Introduced April 3 , 1945 , by
Senator WM. H. HEEN

First Reading in Senate April 3, 1945
Referred to Printing Committee April 3, 1945
Second Reading in Senate April 4, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Jud

SB 309

A N A C T

RELATING TO DEEDS OF REAL PROPERTY AND THE RECORDATION OR REGISTRATION THEREOF, REQUIRING THE TRUE CONSIDERATION AND THE ADDRESS OF THE GRANTEE TO BE SET FORTH IN SUCH DEEDS OR FURNISHED BY SEPARATE WRITTEN STATEMENT.

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

SECTION 1. Whenever a deed of real property is offered for recordation or registration in the bureau of conveyances or the office of the assistant registrar of the land court, the true consideration shall be set forth therein, or, if not set forth, the deed shall be accompanied by a written statement, executed by the grantor or the grantee, or by any one of the grantors or grantees, which statement shall set forth the true consideration. When the deed conveys property by way of gift, a recital in the deed of a nominal consideration shall, for the purposes hereof, be deemed to set forth the true consideration, even though the said nominal consideration is not actually paid, and no accompanying statement shall be necessary.

Whenever a deed to real property is offered for recordation or registration with no accompanying statement, and the United States Internal Revenue documentary stamps placed thereon indicate that the consideration stated in the deed is not the true consideration, the said deed shall be refused recordation or registration until a statement is submitted, setting forth the true consideration or otherwise explaining the discrepancy.

SECTION 2. Whenever a deed to real property is offered for recordation in the bureau of conveyances, a residence, business or post office address of the grantee or each of the grantees shall be set forth therein, or if not set forth, the deed shall be accompanied by a written statement, executed by the grantor or the grantee, or by any one of the grantors or grantees, which statement shall set forth one of the said addresses of the grantee or each grantee. Otherwise, the deed may be refused recordation if

if in the opinion of the registrar of the bureau of conveyances the said address or addresses are not readily ascertainable.

SECTION 3. Written statements provided for by this Act need not be verified. However, any person who wilfully falsifies such a statement, or who, knowing a deed does not state the true consideration, submits and causes it to be recorded or registered in violation of this Act with a wilful and deliberate intent to evade the provisions of this Act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed one thousand dollars.

SECTION 4. When any deed is recorded or registered in violation of the provisions of this Act, the fact that it is in violation shall not in any manner affect its validity or affect the notice which recordation or registration imparts.

SECTION 5. All written statements submitted pursuant to the provisions of this Act shall, upon receipt thereof, be transmitted to the tax commissioner of the Territory of Hawaii.

SECTION 6. This Act shall take effect July 1, 1945.

INTRODUCED BY:

Senator, 3rd District

Senate Bill No. 310

The Legislature
of the
Territory of Hawaii

AN ACT

MAKING THE DROPPING, THROWING OR TOSSING OF A LIGHTED CIGARETTE, CIGAR OR LIVE COAL UPON A PUBLIC HIGHWAY OR PUBLIC PLACE, OR FROM SUCH HIGHWAY OR PUBLIC PLACE TO PRIVATE PROPERTY A MISDEMEANOR, AND PROVIDING A PENALTY THEREFOR.

Introduced April 3 , 1945 , by
Senator CHARLES H. SILVA

First Reading in Senate April 3, 1945
Referred to Printing Committee April 3, 1945
Second Reading in Senate April 4, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Jud -

S. B. NO. 310

A N A C T

MAKING THE DROPPING, THROWING OR TOSSING OF A LIGHTED CIGARETTE, CIGAR OR LIVE COAL UPON A PUBLIC HIGHWAY OR PUBLIC PLACE, OR FROM SUCH HIGHWAY OR PUBLIC PLACE TO PRIVATE PROPERTY A MISDEMEANOR, AND PROVIDING A PENALTY THEREFOR.

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

SECTION 1. Any person dropping, throwing or tossing a lighted cigarette, cigar or live coal upon a public highway or public place, or from such highway or public place to private property shall be guilty of a misdemeanor and upon conviction shall be punishable by a fine of not more than Twenty dollars, or by ten days imprisonment, or by both such fine and imprisonment.

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

INTRODUCED BY:

Senator, First Senatorial District

Senate Bill No. 311

The Legislature
of the
Territory of Hawaii

AN ACT

CREATING A RETIREMENT AND PENSION COMMISSION, PRESCRIBING ITS DUTIES, AND MAKING AN APPROPRIATION.

Introduced April 4 , 1945 , by

Senator WM. H. HEEN

First Reading in Senate April 4, 1945
Referred to Printing Committee April 4, 1945
Second Reading in Senate April 5, 1945
Referred to COMMITTEE ON WAYS AND MEANS
Third Reading in Senate April 17, 1945.

First Reading in House April 17, 1945
Referred to
Second Reading in House April 18, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

S. B. 311

AN ACT

CREATING A RETIREMENT AND PENSION COMMISSION, PRESCRIBING ITS DUTIES, AND MAKING AN APPROPRIATION.

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

SECTION 1. There is hereby created a commission to be known as the Territorial Retirement and Pension Commission, consisting of three members who shall be appointed by the Governor in the manner prescribed by section 80 of the Organic Act and shall hold office for four years or until their successors are appointed and qualified. Public officers and employees shall be eligible to serve as members of said commission. The Governor shall designate one of the members of the commission as chairman thereof.

SECTION 2. The members of the commission shall serve without pay, but they and their stenographic, clerical and professional assistants shall be entitled to their reasonable and necessary traveling expenses incurred in the discharge of their duties and, when required to travel from any island to another island in the Territory in the performance of such duties, shall be allowed, in addition to transportation fares, ten dollars a day to cover all other expenses.

SECTION 3. The commission shall engage, by employment or by contract, such stenographic, clerical and professional assistance as may be necessary or advisable for the proper performance of the duties herein committed to such commission. Such employees and assistants shall not be subject to the civil service or classification laws of said Territory, nor be included in any retirement system.

The commission with the approval of the Governor shall be entitled to call upon all territorial and county officials for such assistance as is needed and may hold public meetings in each of the counties, after duly published notice thereof, whenever deemed desirable or necessary.

SECTION 4. It shall be the duty of said commission to collect and collate information concerning the operation of all territorial and county retirement or pension systems, and of specific pensions, to investigate and study methods of integrating all of said systems and said pensions into one system to be operated by said Territory upon a sound actuarial basis with general classifications of present, former, and future employees and officers of the Territory and counties, and to prepare and recommend such legislative measures as may be deemed advisable or necessary to effectuate the conclusions reached as the result of its studies and investigations.

SECTION 5. There is hereby appropriated from the general revenues of the Territory, not otherwise appropriated, the sum of fifty thousand dollars, or so much thereof as may be necessary, for the purposes of this Act. Said amount shall be expended upon vouchers approved by the chairman of said commission.

SECTION 6. This Act shall take effect upon approval.

INTRODUCED BY:

Senator, Third Senatorial District

S. B. No. 311

A N A C T

CREATING A RETIREMENT AND PENSION COMMISSION, PRESCRIBING ITS DUTIES, AND MAKING AN APPROPRIATION.

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

SECTION 1. There is hereby created a commission to be known as the Territorial Retirement and Pension Commission, consisting of three members who shall be appointed by the Governor in the manner prescribed by Section 80 of the Organic Act and shall hold office for four years or until their successors are appointed and qualified. Public officers and employees shall be eligible to serve as members of said commission. The Governor shall designate one of the members of the commission as chairman thereof.

SECTION 2. The members of the commission shall serve without pay, but they and their stenographic, clerical and professional assistants shall be entitled to their reason-

able and necessary traveling expenses incurred in the discharge of their duties and, when required to travel from any island to another island in the Territory in the performance of such duties, shall be allowed, in addition to transportation fares, ten dollars a day to cover all other expenses.

SECTION 3. The commission shall engage, by employment or by contract, such stenographic, clerical and professional assistance as may be necessary or advisable for the proper performance of the duties herein committed to such commission. Such employees and assistants shall not be subject to the civil service or classification laws of said Territory, nor be included in any retirement system.

The commission with the approval of the Governor shall be entitled to call upon all territorial and county officials for such assistance as is needed and may hold public meetings in each of the counties, after duly published notice thereof, whenever deemed desirable or necessary.

SECTION 4. It shall be the duty of said commission to collect and collate information concerning the operation of all territorial and county retirement or pension systems, and of specific pensions, to investigate and study methods of integrating all of said systems and said pensions into one system to be operated by said Territory upon a sound actuarial basis with general classifications of present, former, and future employees and officers of the Territory and counties, and to prepare and recommend such legislative measures as may be deemed advisable or necessary to effectuate the conclusions reached as the result of its studies and investigations.

SECTION 5. There is hereby appropriated from the general revenues of the Territory, not otherwise appropriated, the sum of fifty thousand dollars, or so much thereof as may be necessary, for the purposes of this Act. Said amount shall be expended upon vouchers approved by the chairman of

said commission.

SECTION 6. This Act shall take effect upon approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 17, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate.

Ellen D. Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 30, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M M Paschoal

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 312

The Legislature
of the
Territory of Hawaii

AN ACT

AMENDING SECTION 233, 8098, 8099, 8100, 8101, 8102, 8104, 9117, 11365 AND 11371 OF THE REVISED LAWS OF HAWAII 1945, SO THAT THE IMPRISONMENT PROVIDED THEREIN SHALL BE AT HARD LABOR.

Introduced April 4 , 19 45, by

Senator WM. H. HEEN

First Reading in Senate April 4, 1945
Referred to Printing Committee April 4, 1945
Second Reading in Senate April 5, 1945
Referred to COMMITTEE ON JUDICIARY
Third Reading in Senate April 13, 1945

First Reading in House April 16, 1945
Referred to
Second Reading in House April 17, 1945
Referred to Judiciary Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Engrossed 5-7-45

S 1312

AN ACT

AMENDING SECTIONS 233, 8098, 8099, 8100, 8101, 8102, 8104 AND 9117 OF THE REVISED LAWS OF HAWAII 1945, SO THAT THE IMPRISONMENT PROVIDED THEREIN SHALL BE AT HARD LABOR.

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

SECTION 1. Sections 233, 8098, 8099, 8100, 8101, 8102, 8104 and 9117 of the Revised Laws of Hawaii 1945 are hereby amended by adding the words "at hard labor" after the word "imprisonment" wherever it shall appear in each of said sections.

and 11365 - 11371

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

INTRODUCED BY:

[signature]

[illegible], 3rd District

S. B. No. 312
S. D. 1

A N A C T

AMENDING SECTIONS 233, 8098, 8099, 8100, 8101, 8102, 8104, 9117, 11365 AND 11371 OF THE REVISED LAWS OF HAWAII 1945, SO THAT THE IMPRISONMENT PROVIDED THEREIN SHALL BE AT HARD LABOR.

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

SECTION 1. Sections 233, 8098, 8099, 8100, 8101, 8102, 8104 and 9117 of the Revised Laws of Hawaii 1945 are hereby amended by adding the words "at hard labor" after the word "imprisonment" wherever it shall appear in each of said sections.

SECTION 2. The first paragraph of section 11365 of the Revised Laws of Hawaii 1945 is hereby amended by adding the words "at hard labor" after the word "imprisonment" in line four of said paragraph.

SECTION 3. Section 11371 of the Revised Laws of Hawaii

1945 is hereby amended by adding the words "at hard labor" after the word "imprisoned" appearing in the next to the last line of said section.

SECTION 4. This Act shall take effect upon its approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 13, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate.

Ellen D Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE

TERRITORY OF HAWAII

Honolulu, T. H., May 1, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M G Paschoal

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 313

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO THE LIABILITIES OF PERSONS DEALING WITH FIDUCIARIES, AND TO MAKE UNIFORM THE LAW WITH REFERENCE THERETO, AND REPEALING ALL LAWS INCONSISTENT THEREWITH.

Introduced April 4 , 19 45, by
Senator WM. H. HEEN

First Reading in Senate April 4, 1945
Referred to Printing Committee April 4, 1945
Second Reading in Senate April 5, 1945
Referred to COMMITTEE ON JUDICIARY
Third Reading in Senate April 21, 1945

First Reading in House April 21, 1945
Referred to
Second Reading in House April 23, 1945
Referred to Judiciary Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

S.B. 313

Bill

A N A C T

RELATING TO THE LIABILITIES OF PERSONS DEALING WITH FIDUCIARIES, AND TO MAKE UNIFORM THE LAW WITH REFERENCE THERETO, AND REPEALING ALL LAWS INCONSISTENT THEREWITH.

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

SECTION 1. Definition of terms. (1) In this act unless the context or subject-matter otherwise requires:

"Bank" includes any person or association of persons, whether incorporated or not, carrying on the business of banking.

"Fiduciary" includes a trustee under any trust, expressed, implied, resulting or constructive, executor, administrator, guardian, conservator, curator, receiver, trustee in bankruptcy, assignee for the benefit of creditors, partner, agent, officer of a corporation, public or private, public officer, or any other person acting in a fiduciary capacity for any person, trust or estate.

"Person" includes a corporation, partnership, or other association, or two or more persons having a joint or common interest.

"Principal" includes any person to whom a fiduciary as such owes an obligation.

(2) A thing is done "in good faith" within the meaning of this act, when it is in fact done honestly, whether it be done negligently or not.

SECTION 2. Application of payments made to

fiduciaries. A person who in good faith pays or transfers to a fiduciary any money or other property which the fiduciary as such is authorized to receive, is not responsible for the proper application thereof by the fiduciary; and any right or title acquired from the fiduciary in consideration of such payment or transfer is not invalid in consequence of a misapplication by the fiduciary.

SECTION 3. Registration of transfer of securities held by fiduciaries. If a fiduciary in whose name are registered any shares of stock, bonds or other securities of any corporation, public or private, or company or other association, or of any trust, transfers the same, such corporation or company or other association, or any of the managers of the trust, or its or their transfer agent, is not bound to inquire whether the fiduciary is committing a breach of his obligation as fiduciary in making the transfer, or to see to the performance of the fiduciary obligation, and is liable for registering such transfer only where registration of the transfer is made with actual knowledge that the fiduciary is committing a breach of his obligation as fiduciary in making the transfer, or with knowledge of such facts that the action in registering the transfer amounts to bad faith.

SECTION 4. Transfer of negotiable instrument by fiduciary. If any negotiable instrument payable or indorsed to a fiduciary as such is indorsed by the fiduciary, or if any negotiable instrument payable or indorsed to his principal is indorsed by a fiduciary empowered to indorse such instrument on behalf of his principal, the indorsee is not bound to inquire whether the fiduciary is committing a breach of

his obligation as fiduciary in indorsing or delivering the instrument and is not chargeable with notice that the fiduciary is committing a breach of his obligation as fiduciary unless he takes the instrument with actual knowledge of such breach or with knowledge of such facts that his action in taking the instrument amounts to bad faith. If, however, such instrument is transferred by the fiduciary in payment of or as security for a personal debt of the fiduciary to the actual knowledge of the creditor, or is transferred in any transaction known by the transferee to be for the personal benefit of the fiduciary, the creditor or other transferee is liable to the principal if the fiduciary in fact commits a breach of his obligation as fiduciary in transferring the instrument.

SECTION 5. Check drawn by fiduciary payable to third person. If a check or other bill of exchange is drawn by a fiduciary as such, or in the name of his principal by a fiduciary empowered to draw such instrument in the name of his principal, the payee is not bound to inquire whether the fiduciary is committing a breach of his obligation as fiduciary in drawing or delivering the instrument, and is not chargeable with notice that the fiduciary is committing a breach of his obligation as fiduciary unless he takes the instrument with actual knowledge of such breach or with knowledge of such facts that his action in taking the instrument amounts to bad faith. If, however, such instrument is payable to a personal creditor of the fiduciary and delivered to the creditor in payment of or as security for a personal debt of the fiduciary to the actual

knowledge of the creditor, or is drawn and delivered in any transaction known by the payee to be for the personal benefit of the fiduciary, the creditor or other payee is liable to the principal if the fiduciary in fact commits a breach of his obligation as fiduciary in drawing or delivering the instrument.

SECTION 6. Check drawn by and payable to fiduciary. If a check or other bill of exchange is drawn by a fiduciary as such or in the name of his principal by a fiduciary empowered to draw such instrument in the name of his principal, payable to the fiduciary personally, or payable to a third person and by him transferred to the fiduciary, and is thereafter transferred by the fiduciary, whether in payment of a personal debt of the fiduciary or otherwise, the transferee is not bound to inquire whether the fiduciary is committing a breach of his obligation as fiduciary in transferring the instrument, and is not chargeable with notice that the fiduciary is committing a breach of his obligation as fiduciary unless he takes the instrument with actual knowledge of such breach or with knowledge of such facts that his action in taking the instrument amounts to bad faith.

SECTION 7. Deposit in name of fiduciary as such. If a deposit is made in a bank to the credit of a fiduciary as such, the bank is authorized to pay the amount of the deposit or any part thereof upon the check of the fiduciary, signed with the name in which such deposit is entered, without being liable to the principal, unless the bank pays

the check with actual knowledge that the fiduciary is committing a breach of his obligation as fiduciary in drawing the check or with knowledge of such facts that its action in paying the check amounts to bad faith. If, however, such a check is payable to the drawee bank and is delivered to it in payment of or as security for a personal debt of the fiduciary to it, the bank is liable to the principal if the fiduciary in fact commits a breach of his obligation as fiduciary in drawing or delivering the check.

SECTION 8. Deposit in name of principal. If a check is drawn upon the account of his principal in a bank by a fiduciary who is empowered to draw checks upon his principal's account, the bank is authorized to pay such check without being liable to the principal, unless the bank pays the check with actual knowledge that the fiduciary is committing a breach of his obligation as fiduciary in drawing such check, or with knowledge of such facts that its action in paying the check amounts to bad faith. If, however, such a check is payable to the drawee bank and is delivered to it in payment of or as security for a personal debt of the fiduciary to it, the bank is liable to the principal if the fiduciary in fact commits a breach of his obligation as fiduciary in drawing or delivering the check.

SECTION 9. Deposit in fiduciary's personal account. If a fiduciary makes a deposit in a bank to his personal credit of checks drawn by him upon an account in his own name as fiduciary, or of checks payable to him as fiduciary,

or of checks drawn by him upon an account in the name of his principal if he is empowered to draw checks thereon, or of checks payable to his principal and indorsed by him, if he is empowered to indorse such checks, or if he otherwise makes a deposit of funds held by him as fiduciary, the bank receiving such deposit is not bound to inquire whether the fiduciary is committing thereby a breach of his obligation as fiduciary; and the bank is authorized to pay the amount of the deposit or any part thereof upon the personal check of the fiduciary without being liable to the principal, unless the bank receives the deposit or pays the check with actual knowledge that the fiduciary is committing a breach of his obligation as fiduciary in making such deposit or in drawing such check, or with knowledge of such facts that its action in receiving the deposit or paying the check amounts to bad faith.

SECTION 10. Deposit in names of two or more trustees. When a deposit is made in a bank in the name of two or more persons as trustees and a check is drawn upon the trust account by any trustee or trustees authorized by the other trustee or trustees to draw checks upon the trust account, neither the payee nor other holder nor the bank is bound to inquire whether it is a breach of trust to authorize such trustee or trustees to draw checks upon the trust account, and is not liable unless the circumstances be such that the action of the payee or other holder or the bank amounts to bad faith.

SECTION 11. Act not retroactive. The provisions of this act shall not apply to transactions taking place prior to the time when it takes effect.

SECTION 12. Cases not provided for in act. In any case not provided for in this act the rules of law and equity, including the law merchant and those rules of law and equity relating to trusts, agency, negotiable instruments and banking, shall continue to apply.

SECTION 13. Uniformity of interpretation. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

SECTION 14. Short title. This act may be cited as the Uniform Fiduciaries Act.

SECTION 15. Inconsistent laws repealed. All acts or parts of acts inconsistent with this act are hereby repealed.

SECTION 16. Time of taking effect. This act shall take effect upon its approval.

Introduced by;

S - 3rd Dist

A N A C T

RELATING TO THE LIABILITIES OF PERSONS DEALING WITH FIDUCIARIES, AND TO MAKE UNIFORM THE LAW WITH REFERENCE THERETO, AND REPEALING ALL LAWS INCONSISTENT THEREWITH.

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

SECTION 1. Definition of terms. (1) In this Act unless the context or subject-matter otherwise requires:

"Bank" includes any person or association of persons, whether incorporated or not, carrying on the business of banking.

"Fiduciary" includes a trustee under any trust, expressed, implied, resulting or constructive, executor, administrator, guardian, conservator, curator, receiver, trustee in bankruptcy, assignee for the benefit of creditors, partner, agent, officer of a corporation, public or private, public officer, or any other person acting in a fiduciary

capacity for any person, trust or estate.

"Person" includes a corporation, partnership, or other association, or two or more persons having a joint or common interest.

"Principal" includes any person to whom a fiduciary as such owes an obligation.

(2) A thing is done "in good faith" within the meaning of this Act, when it is in fact done honestly, whether it be done negligently or not.

SECTION 2. Application of payments made to fiduciaries. A person who in good faith pays or transfers to a fiduciary any money or other property which the fiduciary as such is authorized to receive, is not responsible for the proper application thereof by the fiduciary; and any right or title acquired from the fiduciary in consideration of such payment or transfer is not invalid in consequence of a misapplication by the fiduciary.

SECTION 3. Registration of transfer of securities held by fiduciaries. If a fiduciary in whose name are registered

any shares of stock, bonds or other securities of any corporation, public or private, or company or other association, or of any trust, transfers the same, such corporation or company or other association, or any of the managers of the trust, or its or their transfer agent, is not bound to inquire whether the fiduciary is committing a breach of his obligation as fiduciary in making the transfer, or to see to the performance of the fiduciary obligation, and is liable for registering such transfer only where registration of the transfer is made with actual knowledge that the fiduciary is committing a breach of his obligation as fiduciary in making the transfer, or with knowledge of such facts that the action in registering the transfer amounts to bad faith.

SECTION 4. Transfer of negotiable instrument by fiduciary. If any negotiable instrument payable or indorsed to a fiduciary as such is indorsed by the fiduciary, or if any negotiable instrument payable or indorsed to his principal is indorsed by a fiduciary empowered to indorse such instru-

ment on behalf of his principal, the indorsee is not bound to inquire whether the fiduciary is committing a breach of his obligation as fiduciary in indorsing or delivering the instrument and is not chargeable with notice that the fiduciary is committing a breach of his obligation as fiduciary unless he takes the instrument with actual knowledge of such breach or with knowledge of such facts that his action in taking the instrument amounts to bad faith. If, however, such instrument is transferred by the fiduciary in payment of or as security for a personal debt of the fiduciary to the actual knowledge of the creditor, or is transferred in any transaction known by the transferee to be for the personal benefit of the fiduciary, the creditor or other transferee is liable to the principal if the fiduciary in fact commits a breach of his obligation as fiduciary in transferring the instrument.

SECTION 5. Check drawn by fiduciary payable to third person. If a check or other bill of exchange is drawn by a fiduciary as such, or in the name of his principal by a fidu-

ciary empowered to draw such instrument in the name of his principal, the payee is not bound to inquire whether the fiduciary is committing a breach of his obligation as fiduciary in drawing or delivering the instrument, and is not chargeable with notice that the fiduciary is committing a breach of his obligation as fiduciary unless he takes the instrument with actual knowledge of such breach or with knowledge of such facts that his action in taking the instrument amounts to bad faith. If, however, such instrument is payable to a personal creditor of the fiduciary and delivered to the creditor in payment of or as security for a personal debt of the fiduciary to the actual knowledge of the creditor, or is drawn and delivered in any transaction known by the payee to be for the personal benefit of the fiduciary, the creditor or other payee is liable to the principal if the fiduciary in fact commits a breach of his obligation as fiduciary in drawing or delivering the instrument.

SECTION 6. Check drawn by and payable to fiduciary. If a check or other bill of exchange is drawn by a fiduciary

as such or in the name of his principal by a fiduciary empowered to draw such instrument in the name of his principal, payable to the fiduciary personally, or payable to a third person and by him transferred to the fiduciary, and is thereafter transferred by the fiduciary, whether in payment of a personal debt of the fiduciary or otherwise, the transferee is not bound to inquire whether the fiduciary is committing a breach of his obligation as fiduciary in transferring the instrument, and is not chargeable with notice that the fiduciary is committing a breach of his obligation as fiduciary unless he takes the instrument with actual knowledge of such breach or with knowledge of such facts that his action in taking the instrument amounts to bad faith.

SECTION 7. Deposit in name of fiduciary as such. If a deposit is made in a bank to the credit of a fiduciary as such, the bank is authorized to pay the amount of the deposit or any part thereof upon the check of the fiduciary, signed with the name in which such deposit is entered, without being liable to

the principal, unless the bank pays the check with actual knowledge that the fiduciary is committing a breach of his obligation as fiduciary in drawing the check or with knowledge of such facts that its action in paying the check amounts to bad faith. If, however, such a check is payable to the drawee bank and is delivered to it in payment of or as security for a personal debt of the fiduciary to it, the bank is liable to the principal if the fiduciary in fact commits a breach of his obligation as fiduciary in drawing or delivering the check.

SECTION 8. Deposit in name of principal. If a check is drawn upon the account of his principal in a bank by a fiduciary who is empowered to draw checks upon his principal's account, the bank is authorized to pay such check without being liable to the principal, unless the bank pays the check with actual knowledge that the fiduciary is committing a breach of his obligation as fiduciary in drawing such check, or with knowledge of such facts that its action in paying the check amounts to bad faith. If, however, such a check is payable to the drawee bank and is delivered to it in payment of or as security

for a personal debt of the fiduciary to it, the bank is liable to the principal if the fiduciary in fact commits a breach of his obligation as fiduciary in drawing or delivering the check.

SECTION 9. Deposit in fiduciary's personal account. If a fiduciary makes a deposit in a bank to his personal credit of checks drawn by him upon an account in his own name as fiduciary, or of checks payable to him as fiduciary, or of checks drawn by him upon an account in the name of his principal if he is empowered to draw checks thereon, or of checks payable to his principal and indorsed by him, if he is empowered to indorse such checks, or if he otherwise makes a deposit of funds held by him as fiduciary, the bank receiving such deposit is not bound to inquire whether the fiduciary is committing thereby a breach of his obligation as fiduciary; and the bank is authorized to pay the amount of the deposit or any part thereof upon the personal check of the fiduciary without being liable to the principal, unless the bank receives the deposit or pays the check with actual knowledge that the fiduciary is committing a breach of his obligation as fiduciary in making such deposit or in drawing

such check, or with knowledge of such facts that its action in receiving the deposit or paying the check amounts to bad faith.

SECTION 10. Deposit in names of two or more trustees. When a deposit is made in a bank in the name of two or more persons as trustees and a check is drawn upon the trust account by any trustee or trustees authorized by the other trustee or trustees to draw checks upon the trust account, neither the payee nor other holder nor the bank is bound to inquire whether it is a breach of trust to authorize such trustee or trustees to draw checks upon the trust account, and is not liable unless the circumstances be such that the action of the payee or other holder or the bank amounts to bad faith.

SECTION 11. Act not retroactive. The provisions of this Act shall not apply to transactions taking place prior to the time when it takes effect.

SECTION 12. Cases not provided for in Act. In any case not provided for in this Act the rules of law and equity, including the law merchant and those rules of law and equity relating to trusts, agency, negotiable instruments and banking,

shall continue to apply.

SECTION 13. Uniformity of interpretation. This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

SECTION 14. Short title. This Act may be cited as the Uniform Fiduciaries Act.

SECTION 15. Inconsistent laws repealed. All acts or parts of acts inconsistent with this Act are hereby repealed.

SECTION 16. Time of taking effect. This Act shall take effect upon its approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 21, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Leapeclas

President of the Senate.

Ellen D Smyth

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H., May 1, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M K Paschoal

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 314

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO HOME EXEMPTION FROM THE REAL PROPERTY TAX.

Introduced	April 4, 1945, 19, by
Senator	THELMA M. AKANA

First Reading in Senate	April 4, 1945
Referred to Printing Committee	April 4, 1945
Second Reading in Senate	April 5, 1945
Referred to	
Third Reading in Senate	

First Reading in House	
Referred to	
Second Reading in House	
Referred to	
Third Reading in House	

ELLEN D. SMYTHE
Clerk of the Senate

S. B. NO. 1314

A N A C T

RELATING TO HOME EXEMPTION FROM THE REAL PROPERTY TAX.

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

SECTION 1. Until the termination of the defense period which commenced December 7, 1941, within the meaning of the Hawaii Defense Act, chapter 325, Revised Laws of Hawaii 1945, by proclamation of the governor or until hostilities in the present war shall have been officially declared terminated, whichever is the earlier, for the purposes of section 5149 of the Revised Laws of Hawaii 1945, the word "home" shall, in addition to the inclusions provided by said section 5149, include houses where the owner sublets not more than three rooms to a tenant or tenants.

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

INTRODUCED BY:

Thelma H. Akana

Senator, Third Senatorial District

Senate Bill No. 315

The Legislature
of the
Territory of Hawaii

AN ACT

REQUIRING THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO PROVIDE A PENSION FOR KATE DE MELLO.

Introduced April 5 , 19 45, by

Senator THELMA M. AKANA

First Reading in Senate April 5, 1945
Referred to Printing Committee " " "
Second Reading in Senate April 6, 1945
Referred to Committee of the Whole Senate
Third Reading in Senate April 21, 1945.

First Reading in House April 21, 1945
Referred to
Second Reading in House April 23, 1945
Referred to County Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Engrossed 5-4-45 H.

S. B. No. 315

AN ACT

REQUIRING THAT CERTAIN PENSIONS BE GRANTED 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 is hereby authorized and directed to pay each month the sums set opposite the following names to such persons throughout their natural lives:

Kate DeMello $50.00
John Costa Pimental 50.00

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

INTRODUCED BY:

Thelma M. Akana

THELMA M. AKANA
SENATOR, THIRD DISTRICT

APRIL 5, 1945.

S.B.No. 315
S.D. 1

A N A C T

REQUIRING THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO PROVIDE A PENSION FOR KATE DE MELLO.

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 directed to provide a monthly pension in the amount of fifty dollars for life for Kate De Mello and to make the necessary appropriation therefor.

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

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THE SENATE OF THE TERRITORY OF HAWAII

Honolulu,T.H., April 21, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E D Keapellas

President of the Senate

Ellen D'Smythe

Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., May 1, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M G Paschoal

Speaker, House of Representatives.

Clerk

Clerk, House of Representatives.

Senate Bill No. 316

The Legislature
of the
Territory of Hawaii

AN ACT

MAKING AN APPROPRIATION FOR RESERVOIRS AT WAILUKU AND KAHULUI IN THE COUNTY OF MAUI.

Introduced April 5, 1945, by
Senator C. A. CROZIER

First Reading in Senate April 5, 1945
Referred to Printing Committee April 5, 1945
Second Reading in Senate April 6, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

WRM

S. B. NO. 316

A N A C T

MAKING AN APPROPRIATION FOR RESERVOIRS AT WAILUKU AND KAHULUI IN THE COUNTY OF MAUI.

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

SECTION 1. There is hereby appropriated the sum of one hundred thousand dollars from the general revenues of the Territory of Hawaii, not otherwise appropriated, for the construction of reservoirs at Wailuku and Kahului, county of Maui.

SECTION 2. The sum hereinabove appropriated shall be paid by the territorial treasurer upon warrant of the territorial auditor, who is hereby directed to issue the same, to the county of Maui to be deposited in said county's general fund for the purpose for which said sum is herein appropriated.

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

INTRODUCED BY:

Senator, Second Senatorial District

Senate Bill No. 317

The Legislature
of the
Territory of Hawaii

AN ACT

MAKING AN APPROPRIATION FOR RESERVOIRS AT KULA IN THE COUNTY OF MAUI.

Introduced April 5 , 1945, by

Senator C. A. CROZIER

First Reading in Senate April 5, 1945
Referred to Printing Committee April 5, 1945
Second Reading in Senate April 6, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

W+M

S. B. NO. 317

A N A C T

MAKING AN APPROPRIATION FOR RESERVOIRS AT KULA IN THE COUNTY OF MAUI.

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

SECTION 1. There is hereby appropriated the sum of one hundred thousand dollars from the general revenues of the Territory of Hawaii, not otherwise appropriated, for the construction of reservoirs at Kula, county of Maui.

SECTION 2. The sum hereinabove appropriated shall be paid by the territorial treasurer upon warrant of the territorial auditor, who is hereby directed to issue the same, to the county of Maui to be deposited in said county's general fund for the purpose for which said sum is herein appropriated.

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

INTRODUCED BY:

Senator, Second Senatorial District

Senate Bill No. 318

The Legislature
of the
Territory of Hawaii

AN ACT

MAKING AN APPROPRIATION FOR A SEWER SYSTEM AT LAHAINA IN THE COUNTY OF MAUI.

Introduced April 5, 19 45, by

Senator C. A. CROZIER

First Reading in Senate April 5, 1945
Referred to Printing Committee April 5, 1945
Second Reading in Senate April 6, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

S. B. NO. 318

A N A C T

MAKING AN APPROPRIATION FOR A SEWER SYSTEM AT LAHAINA IN THE COUNTY OF MAUI.

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

SECTION 1. There is hereby appropriated the sum of five hundred thousand dollars from the general revenues of the Territory of Hawaii, not otherwise appropriated, for the construction of a sewer system at Lahaina, county of Maui.

SECTION 2. The sum hereinabove appropriated shall be paid by the territorial treasurer upon warrant of the territorial auditor, who is hereby directed to issue the same, to the county of Maui to be deposited in said county's general fund for the purpose for which said sum is herein appropriated.

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

INTRODUCED BY:

C. C. Crozier

Senator, Second Senatorial District

Senate Bill No. 319

The Legislature
of the
Territory of Hawaii

AN ACT

TO AID IN THE CREATION OF JOBS FOR VETERANS OF WORLD WAR II WHO ARE RESIDENTS OF THE TERRITORY OF HAWAII, BY PROVIDING FOR THE PAYMENT OF REIMBURSEMENT FOR PART SALARY OR WAGES PAYMENTS BY EMPLOYERS OF VETERANS, CREATING THE VETERANS' EMPLOYMENT FUND, AND MAKING AN APPROPRIATION OF $5,000,000 THEREFOR.

Introduced April 5, 1945, by
Senator FRANCIS K. SYLVA

First Reading in Senate April 5, 1945
Referred to Printing Committee April 5, 1945
Second Reading in Senate April 6, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

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319

AN ACT

TO AID IN THE CREATION OF JOBS FOR VETERANS OF WORLD WAR II WHO ARE RESIDENTS OF THE TERRITORY OF HAWAII, BY PROVIDING FOR THE PAYMENT OF REIMBURSEMENT FOR PART SALARY OR WAGE PAYMENTS BY EMPLOYERS OF VETERANS, CREATING THE VETERANS' EMPLOYMENT FUND, AND MAKING AN APPROPRIATION OF $5,000,000 THEREFOR.

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

SECTION 1. The purpose of this Act is hereby declared to be to aid and encourage private employers in the Territory of Hawaii to employ veterans in existing vacancies and to create additional employment for veterans of World War II, by the payment from Territorial funds of grants for part salary or wages for the employment of such veterans.

SECTION 2. The term "Veteran" as used in this Act shall mean any person who shall have served in the active military or naval service of the United States at any time on or after September 16, 1940, and prior to the termination of the present war and who shall have been discharged or released therefrom under conditions other than dishonorable after active service of 30 days or more. The term veteran shall mean, in addition, any veteran as defined in this section, who is, at the time of employment under this Act, and who shall have been for a period of at least five years prior to entering the military or naval service of the United States, a legal resident of the Territory of Hawaii. The term "employer" as used in this Act shall mean any person, corporation or firm in the Territory of Hawaii, other than a governmental agency, who shall register with the Treasurer of the Territory certifying that they are an employer of one or more veterans as defined in this Act.

SECTION 3. For the purpose of encouraging the employment of veterans there shall be paid to any employer of veterans, subject to the limitations of this Act, an amount to be used for part salary or wages for such veterans employed, calculated as follows: For each one dollar of salary or wages up to a maximum of $60 per month paid by any private employer to a veteran, the

Territory shall match with an equal amount to be paid to such veteran as salary or wages. For salary or wages in excess of $60 per month paid by any employer to such veterans, the Territory shall pay additional amounts in the ratio of one dollar less than $60 per month for each two dollars paid by the employer above $60 per month; provided, that in no case shall the payment of the Territory exceed $60 per month on account of the employment of any one veteran employed; and provided further, that any employer who is registered for reimbursement or payment from the territory shall receive such reimbursement on account of only one veteran if his total number of employees is not more than four, and in case his total number of employees is more than four, then he shall be entitled to receive such reimbursement for the employment of veterans in the ratio of one for each four of the total number of his full time employees.

SECTION 4. Such additional amounts to be paid by the Territory of Hawaii on account of the employment of veterans shall be paid by the employer to the veteran each month, or more frequently if it is the practice of the employer to pay more frequently, in the form of regular salary or wages the same as salary or wages paid to other regular employees of the employer. For each payment made to a veteran for which claim for reimbursement from the territory is to be made by the employer, the veteran shall give to the employer a receipt showing the amount for which reimbursement is to be claimed.

SECTION 5. Reimbursement to employers on account of the employment of veterans as provided in this Act shall be made by the Treasurer of the Territory by direct payment to the employer upon presentation of a proper receipt from the veteran employed showing that the amounts so claimed have been paid to him, or reimbursement to the employer may be made by the Treasurer by the deposit of funds in the bank of the employer, for payment by the bank of the employer, upon presentation of the receipts of veterans employed.

SECTION 6. There is hereby created a fund to be known as the "Veterans' Employment Fund" from which reimbursement to employers on account of the employment of veterans as provided in this Act shall be made, and there is

hereby appropriated to the Veterans' Employment Fund from the general revenues of the Territory the sum of five million ($5,000,000.00) dollars.

SECTION 7. This Act shall be administered by the Treasurer of the Territory who shall report annually to the Governor and to the Legislature of the Territory and who shall have the following powers and duties: (a) to register employers for the purpose of establishing eligibility for claims to reimbursement as provided in this Act, (b) to approve payment of amounts from the Veterans' Employment Fund as reimbursement to employers as provided in this Act, (c) to approve for payment from the Veterans' Employment Fund, necessary expenses for the administration of this Act, and (d) to make such rules and regulations as shall be necessary for the enforcement of this Act and the administration of the provisions hereof.

SECTION 8. This Act shall take effect upon its approval.

INTRODUCED BY:

FRANCIS K. SYLVA,
Senator, Third District.

CHA[redacted]
Senator, Third District.

Honolulu, T. H.
April 5, 1949

Senate Bill No. 320

Pas

gm.

The Legislature
of the
Territory of Hawaii

AN ACT

AMENDING SECTION 13106 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE PAYMENT BY THE TERRITORY OF FUNERAL EXPENSES IN CONNECTION WITH THE BURIAL OF VETERANS.

Introduced April 5 , 1945 , by

Senator WM. H. HEEN

First Reading in Senate April 5, 1945
Referred to Printing Committee April 5, 1945
Second Reading in Senate April 6, 1945
Referred to COMMITTEE ON WAYS AND MEANS
Third Reading in Senate April 17, 1945

First Reading in House April 17, 1945
Referred to
Second Reading in House April 18, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

SB #320

AN ACT

AMENDING SECTION 13106 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE PAYMENT BY THE TERRITORY OF FUNERAL EXPENSES IN CONNECTION WITH THE BURIAL OF VETERANS

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

SECTION 1. The first paragraph of section 13106 of the Revised Laws of Hawaii 1945 is hereby amended by deleting therefrom the words "the manager, United States Veterans Administration." appearing at the end of said paragraph and inserting in lieu thereof the following "any officer or employee of the board of health who shall be designated by the board of health to sign such vouchers."

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

INTRODUCED BY:

S, 3rd District

S. B. No. 320

A N A C T

AMENDING SECTION 13106 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE PAYMENT BY THE TERRITORY OF FUNERAL EXPENSES IN CONNECTION WITH THE BURIAL OF VETERANS.

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

SECTION 1. The first paragraph of section 13106 of the Revised Laws of Hawaii 1945 is hereby amended by deleting therefrom the words "the manager, United States Veterans Administration." appearing at the end of said paragraph and inserting in lieu thereof the following "any officer or employee of the board of health who shall be designated by the board of health to sign such vouchers."

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

5/5/

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 17, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate.

Ellen D Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 30, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M C Paschal

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 321

The Legislature
of the
Territory of Hawaii

AN ACT

PROVIDING CERTAIN EXEMPTIONS FROM PROPERTY TAXES OF REAL PROPERTY OWNED BY DISABLED VETERANS.

Introduced April 5 , 1945, by

Senator WM. H. HEEN

First Reading in Senate April 5, 1945
Referred to Printing Committee April 5, 1945
Second Reading in Senate April 6, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

WTM

SB #321

AN ACT

PROVIDING CERTAIN EXEMPTIONS FROM PROPERTY TAXES OF REAL PROPERTY OWNED BY DISABLED VETERANS

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

SECTION 1. Real property owned by any person who shall have served in the military or naval service of the United States during any period when the United States was at war, and who shall have been discharged or released therefrom and who shall have a disability of 40% or more, as determined by the United States Veterans Administration, incurred in service in line of duty, shall be totally exempt from property taxes on that portion of the value thereof not in excess of three thousand dollars. The exemption herein provided shall be in addition to the total amount of any exemption allowed by law with respect to homes or otherwise.

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

INTRODUCED BY: _____

_____, 3rd District

Senate Bill No. 322

gsm.

The Legislature
of the
Territory of Hawaii

AN ACT

APPROPRIATING TWO THOUSAND SEVENTY-THREE AND 68/100 DOLLARS FROM THE TERRITORIAL GENERAL FUND FOR THE RELIEF OF THE ROMAN CATHOLIC CHURCH IN THE TERRITORY OF HAWAII.

Introduced April 5, , 19 45, by
Senator s CLEM GOMES, W. H. HILL, CHARLES H. SILVA, FRANCIS K. SYLVA, THOMAS PEDRO, JR. JOHN B. FERNANDES FRANCIS H. Ii BROWN

First Reading in Senate April 5, 1945
Referred to Printing Committee April 5, 1945
Second Reading in Senate April 6, 1945
Referred to COMMITTEE ON WAYS & MEANS
Third Reading in Senate April 11, 1945.

First Reading in House April 12, 1945
Referred to
Second Reading in House April 16, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

S. B. NO. 322

A N A C T

APPROPRIATING TWO THOUSAND SEVENTY-THREE AND 68/100 DOLLARS FROM THE TERRITORIAL GENERAL FUND FOR THE RELIEF OF THE ROMAN CATHOLIC CHURCH IN THE TERRITORY OF HAWAII.

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

SECTION 1. That there is hereby appropriated from the general revenues of the Territory of Hawaii, not otherwise appropriated, the sum of Two Thousand Seventy-Three and 68/100 Dollars, ($2,073.68), for the relief of the Roman Catholic Church in the Territory of Hawaii, by way of refund of all payments made by the Roman Catholic Church in the Territory of Hawaii on the purchase price and interest up to March 14, 1945, paid to the Office of the Commissioner of Public Lands on account of Special Sale Agreement No. 2193 for the purchase of land at Hilo as a new site for the St. Mary's and St. Joseph's Schools, which land has been found to be unsuitable for the purposes for which it was purchased.

SECTION 2. The sum hereby appropriated shall be paid upon vouchers approved by the Commissioner of Public Lands after the surrender to him by the Roman Catholic Church in the Territory of Hawaii of all of its interest in Special Sale Agreement No. 2193, which surrender and cancellation of such agreement is hereby approved.

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

INTRODUCED BY:

Senators, 5th District.

April 5th 1945.

S. B. No. 322

A N A C T

APPROPRIATING TWO THOUSAND SEVENTY-THREE AND 68/100 DOLLARS FROM THE TERRITORIAL GENERAL FUND FOR THE RELIEF OF THE ROMAN CATHOLIC CHURCH IN THE TERRITORY OF HAWAII.

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

SECTION 1. That there is hereby appropriated from the general revenues of the Territory of Hawaii, not otherwise appropriated, the sum of two thousand seventy-three and 68/100 dollars, for the relief of the Roman Catholic Church in the Territory of Hawaii, by way of refund of all payments made by the Roman Catholic Church in the Territory of Hawaii on the purchase price and interest up to March 14, 1945, paid to the Office of the Commissioner of Public Lands on account of Special Sale Agreement No. 2193 for the purchase of land at Hilo as a new site for the

St. Mary's and St. Joseph's Schools, which land has been found to be unsuitable for the purposes for which it was purchased.

SECTION 2. The sum hereby appropriated shall be paid upon vouchers approved by the Commissioner of Public Lands after the surrender to him by the Roman Catholic Church in the Territory of Hawaii of all of its interest in Special Sale Agreement No. 2193, which surrender and cancellation of such agreement is hereby approved.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu,T.H., April 11, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate

Ellen D Smythe

Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 30, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M K Paschoal

Speaker, House of Representatives.

Clerk, House of Representatives.

8P

Senate Bill No. 323

The Legislature
of the
Territory of Hawaii

AN ACT

TO ESTABLISH AND REGULATE A PROGRAM OF ADULT EDUCATION UNDER THE DIRECTION AND SUPERVISION OF THE DEPARTMENT OF PUBLIC INSTRUCTION.

Introduced April 5 , 19 45, by

Senators CLEM GOMES, THELMA M. AKANA

First Reading in Senate April 5, 1945
Referred to Printing Committee April 5, 1945
Second Reading in Senate April 6, 1945
Referred to COMMITTEE ON EDUCATION
Third Reading in Senate April 13, 1945

First Reading in House April 16, 1945
Referred to
Second Reading in House April 17, 1945
Referred to Education Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

S. B. NO. 323

A N A C T

TO ESTABLISH AND REGULATE A PROGRAM OF ADULT EDUCATION UNDER THE DIRECTION AND SUPERVISION OF THE DEPARTMENT OF PUBLIC INSTRUCTION.

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

SECTION 1. Declaration of Principles. The welfare of a community is decided by the quality of its people rather than by the number and value of its material possessions. Education is basic in determining cultural qualities and occupational efficiency. If education is provided only for the youth of the community, with no provisions to meet the needs of adults, the over-all growth of society must be slow, since the progress of youth may be largely neutralized by the almost complete lack of educational growth, if not by actual deterioration, of large groups in the adult population. The Federal Census of 1940 revealed that Hawaii has a high percentage of adults who are either illiterates or are near-illiterates. These people cannot read bulletins describing how to farm or garden; they cannot understand the directions on a bottle of medicine; they cannot read the daily newspaper or even highway directions. If they are citizens, they must ask election officials to assist them in voting. It is obvious, therefore, that if Hawaii is to make progress, illiterates should receive simple instruction in reading and in language; workers in all fields of endeavor should be encouraged to improve their efficiency; and all citizens should have an opportunity to gain a better understanding of American institutions. On the mainland, this principle has been recognized by practically all of the leading States and programs of instruction for adults have been provided. This should be done in Hawaii.

SECTION 2. Adult Education Authorized. To provide an opportunity for this up-grading of the people of Hawaii, the Superintendent and Commissioners of Public Instruction are authorized and directed to establish and regulate a program of adult education to be conducted, wherever feasible, in public school buildings and to use public school equipment, under conditions determined by said Commissioners, when such equipment is needed.

SECTION 3. Scope of Courses Offered. As rapidly as facilities are available and interest is developed, courses shall be initiated in the following areas:

a. Basic Elementary Education. A foundation program in reading and speaking English, writing, arithmetic and basic skills for persons with no schooling or only primary grade training.

b. Advanced Elementary Education. A program in advanced elementary education for those persons who have completed four to eight years of schooling and who desire to obtain more complete mastery of the fundamentals.

c. Secondary Education. A program of secondary education for those adults who, in youth, quit school or for some reason had their education curtailed and who now desire to continue their work.

d. Homemaking and Parent Education. A program in homemaking and parent education for all those parents and other adults who have had some formal education, but practically no training in family life, including child care, nursing, budgeting, and other instruction basic to homemaking.

e. Citizenship Training. A program of understanding and enlightenment in civic duties, responsibilities and obligations for all citizens who desire to keep pace with today's community, national and world developments and who realize the necessity of continuing study for the adequate fulfillment of their civic functions.

f. Business and Vocational Education. A program that will assist in the continuing readjustments and changing responsibilities of workers in agriculture, business, trades and industry, especially for those conditions which will be in effect in the immediate post-war period.

g. Rehabilitation Training for Service Men and Women. A program of adult education, in cooperation with all other interests and needs of many of the twenty thousand service men and women in Hawaii who will be benefitted by the GI Bill.

h. Cultural Opportunities. A program of adult education that will meet the interests and desires of those people who wish to enrich and to broaden their cultural, recreational and social interests.

SECTION 4. Advisory Council. The Governor, with the advice of the Superintendent of Public Instruction, shall appoint an advisory council for adult education composed of fifteen or more representatives of industry, labor, civic organizations and education. Members of this council shall serve without compensation, but they shall be reimbursed for actual expenses contracted in the performance of their duties.

SECTION 5. Financing the Program. The financial support for this program shall be in part from fees collected from students enrolled, who are regularly employed, and in part out of public funds appropriated for this purpose. Fees shall be set in accordance with the recommendations of the advisory council and may be collected from students regularly enrolled; provided, that no fee shall be charged of students who are not working for wages,

or of discharged veterans. Administrative and supervisory costs, costs of instruction and all other necessary expenses not covered by fees and other authorized charges shall be paid for out of funds appropriated for this purpose.

SECTION 6. Appropriation. For the purpose of carrying out the intent of this bill, there is hereby appropriated out of funds not otherwise obligated the amount of forty thousand dollars ($40,000.00) to be disbursed by the Department of Public Instruction.

SECTION 7. This Act shall take effect July 1, 1945.

INTRODUCED BY:

Steve Pomes

Senator, Fourth District

Thelma M. Okana

Senator 3rd District

S. B. No. 323
S. D. 1

A N A C T

TO ESTABLISH AND REGULATE A PROGRAM OF ADULT EDUCATION UNDER THE DIRECTION AND SUPERVISION OF THE DEPARTMENT OF PUBLIC INSTRUCTION.

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

SECTION 1. Adult Education Authorized. To provide increased opportunity for the people of Hawaii, the Superintendent and Commissioners of Public Instruction are authorized and directed to establish and regulate a program of adult education of less than college grade to be conducted, wherever feasible, in public school buildings and to use public school equipment, under conditions determined by said Commissioners, when such equipment is needed.

SECTION 2. Scope of Courses Offered. As rapidly as facilities are available and interest is developed, courses shall be initiated in the following fields:

a. Basis Elementary Education. A foundation program in reading and speaking English, writing and arithmetic for persons with no schooling or only primary grade training.

b. Advanced Elementary Education. A program in advanced elementary education for those persons who have completed four to eight years of schooling and who desire to obtain more complete mastery of the fundamentals.

c. Secondary Education. A program of secondary education for those adults who, in youth, left school or for some reason had their education curtailed and who now desire to continue their education.

d. Homemaking and Parent Education. A program in homemaking and parent education for all those parents and other adults who desire training in family life, including child care, nursing, budgeting, and other instruction basic to homemaking.

e. Civic Training. A program of understanding and enlightenment in civic duties, responsibilities and obligations for all persons who desire to keep pace with today's

community, national and world developments and who realize the necessity of continuing study for the adequate fulfillment of their civic functions.

f. Business and Vocational Education. A program that will assist in the continuing readjustments and changing responsibilities of workers in agriculture, business, trades, and industry.

g. Cultural Opportunities. A program of adult education that will meet the interests and desires of those people who wish to enrich and to broaden their cultural, recreational and social interests.

SECTION 3. Advisory Council. This program is placed under the (Superintendent and Commissioners) Department of Public Instruction who shall appoint an advisory council for adult education composed of fifteen or more representatives of industry, labor, civic organizations and education.

SECTION 4. Financing the Program. The financial support for this program shall (in) be part from fees collected

from students enrolled, who are regularly employed, and in part out of public funds appropriated for this purpose. Fees shall be set in accordance with the recommendations of the advisory council and may be collected from students regularly enrolled; provided, that no fee shall be charged of students who are not working for wages, or of discharged veterans unless such fees are paid out of federal funds. Administrative and supervisory costs, costs of instruction and all other necessary expenses not covered by fees and other authorized charges shall be paid for out of funds appropriated for this purpose.

Section 5. (New as input)

SECTION ~~5~~ 6. This Act shall take effect July 1, 1945.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 13, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E. B. Capellas

President of the Senate.

Ellen D. Smythe

Clerk of the Senate.

S. B. No. 323
S. D. 1
H. D. 1

A N A C T

TO ESTABLISH AND REGULATE A PROGRAM OF ADULT EDUCATION UNDER THE DIRECTION AND SUPERVISION OF THE DEPARTMENT OF PUBLIC INSTRUCTION.

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

SECTION 1. Adult Education Authorized. To provide increased opportunity for the people of Hawaii, the Department of Public Instruction is authorized and directed to establish and regulate a program of adult education of less than college grade to be conducted, wherever feasible, in public school buildings and to use public school equipment, under conditions determined by said Commissioners, when such equipment is needed.

SECTION 2. Scope of Courses Offered. As rapidly as facilities are available and interest is developed,

courses shall be initiated in the following fields:

a. Basis Elementary Education. A foundation program in reading and speaking English, writing and arithmetic for persons with no schooling or only primary grade training.

b. Advanced Elementary Education. A program in advanced elementary education for those persons who have completed four to eight years of schooling and who desire to obtain more complete mastery of the fundamentals.

c. Secondary Education. A program of secondary education for those adults who, in youth, left school or for some reason had their education curtailed and who now desire to continue their education.

d. Homemaking and Parent Education. A program in homemaking and parent education for all those parents and other adults who desire training in family life, including child care, nursing, budgeting, and other instruction

basic to homemaking.

e. Civic Training. A program of understanding and enlightenment in civic duties, responsibilities and obligations for all persons who desire to keep pace with today's community, national and world developmentsand who realize the necessity of continuing study for the adequate fulfillment of their civic functions.

f. Business and Vocational Education. A program that will assist in the continuing readjustments and changing responsibilities of workers in agriculture, business, trades, and industry.

g. Cultural Opportunities. A program of adult education that will meet the interests and desires of those people who wish to enrich and to broaden their cultural, recreational and social interests.

SECTION 3. Advisory Council. This program is placed under the Department of Public Instruction who shall appoint

an advisory council for adult education composed of fifteen or more representatives of industry, labor, civic organizations and education.

SECTION 4. Financing the Program. The financial support for this program shall be in part from fees collected from students enrolled, who are regularly employed, and in part out of public funds appropriated for this purpose. Fees shall be set in accordance with the recommendations of the advisory council and may be collected from students regularly enrolled; provided, that no fee shall be charged of students who are not working for wages, or of discharged veterans unless such fees are paid out of federal funds. Administrative and supervisory costs, costs of instruction and all other necessary expenses not covered by fees and other authorized charges shall be paid for out of funds appropriated for this purpose.

SECTION 5. The promotion, direction, and supervision

of the adult vocational education program shall continue under the Vocational Division of the Department.

SECTION 6. This Act shall take effect July 1, 1945.

THE HOUSE OF REPRESENTATIVES OF THE

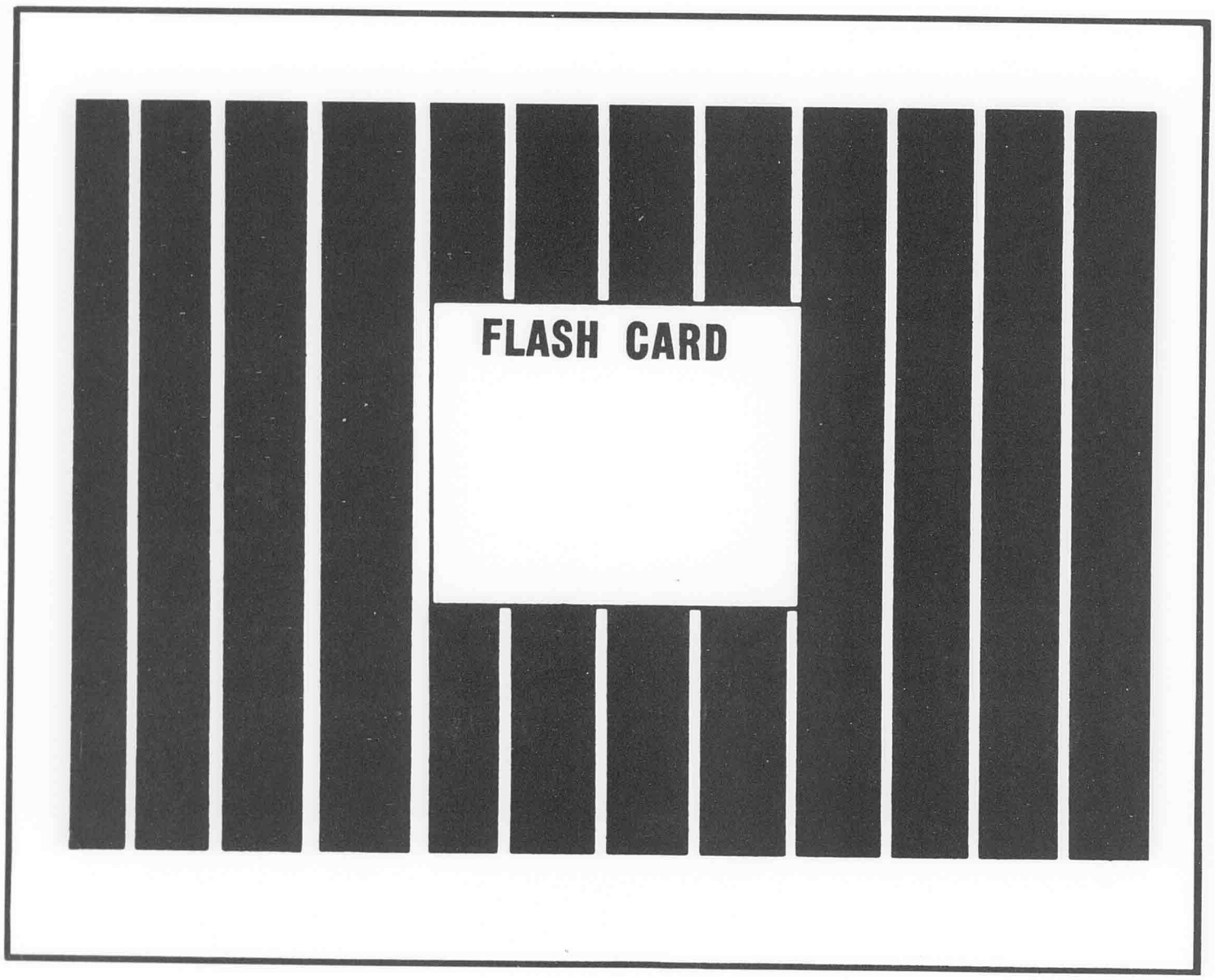
TERRITORY OF HAWAII

Honolulu, T. H., April 25, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M K Pacheval
Speaker, House of Representatives.

Clerk, House of Representatives.



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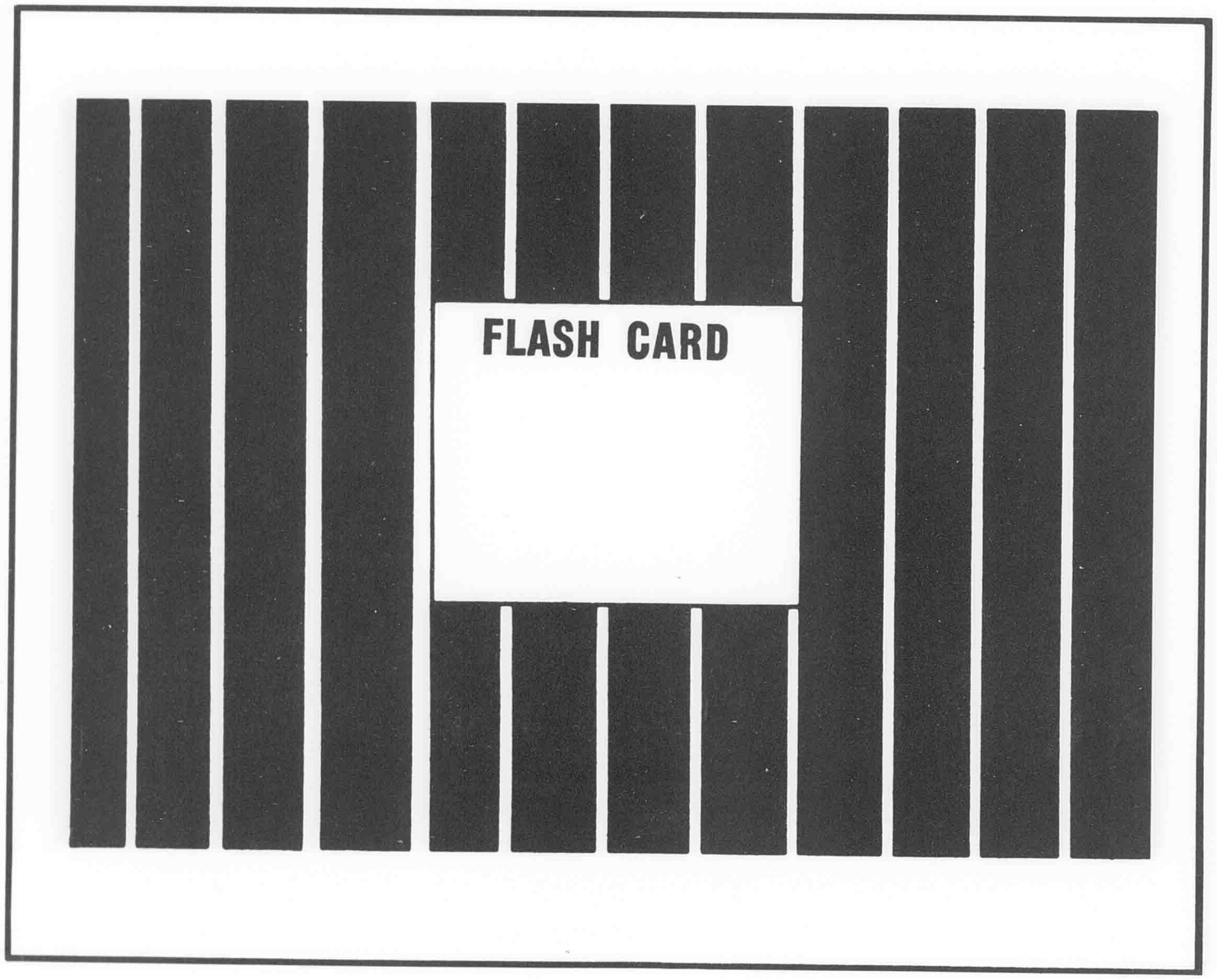

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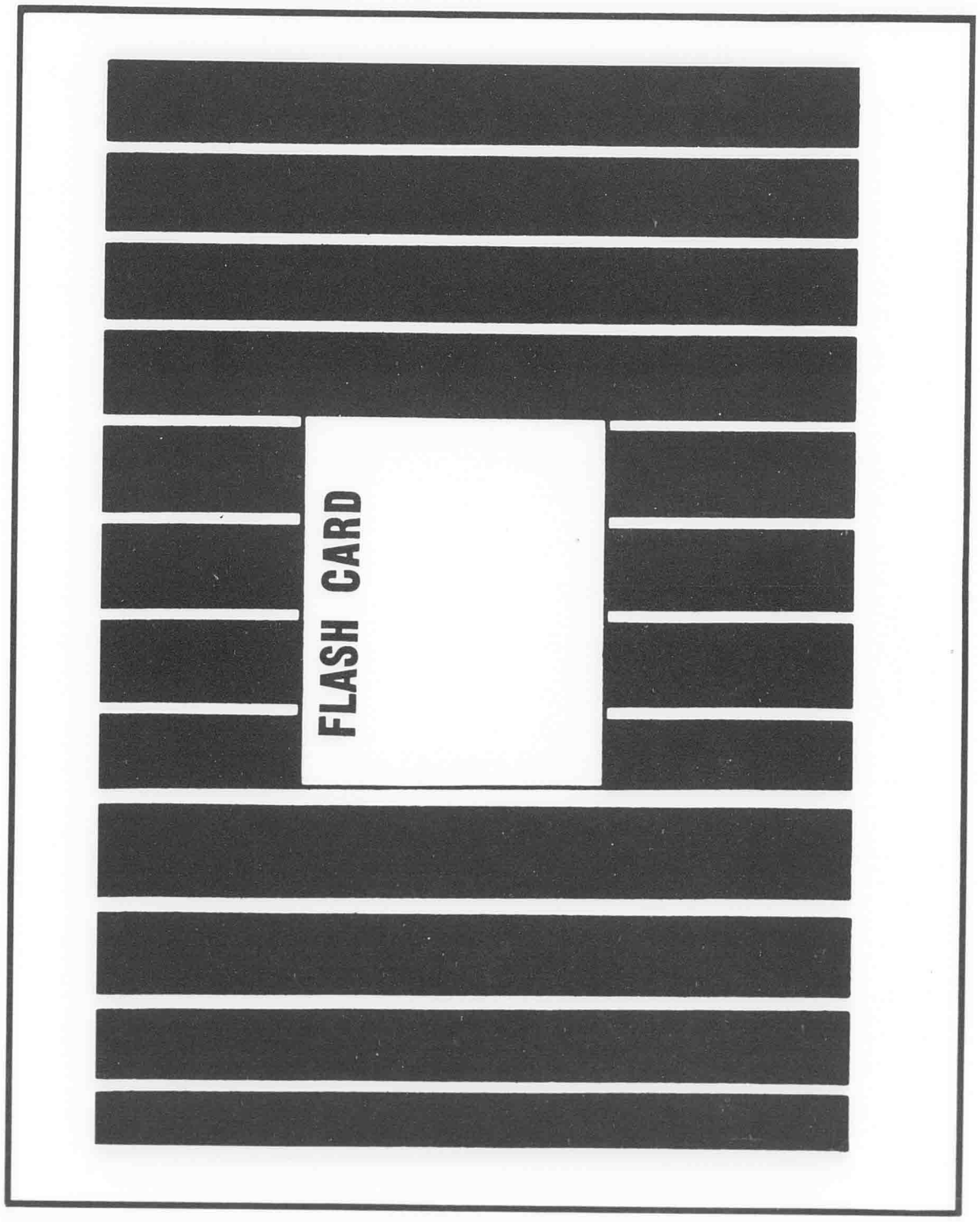

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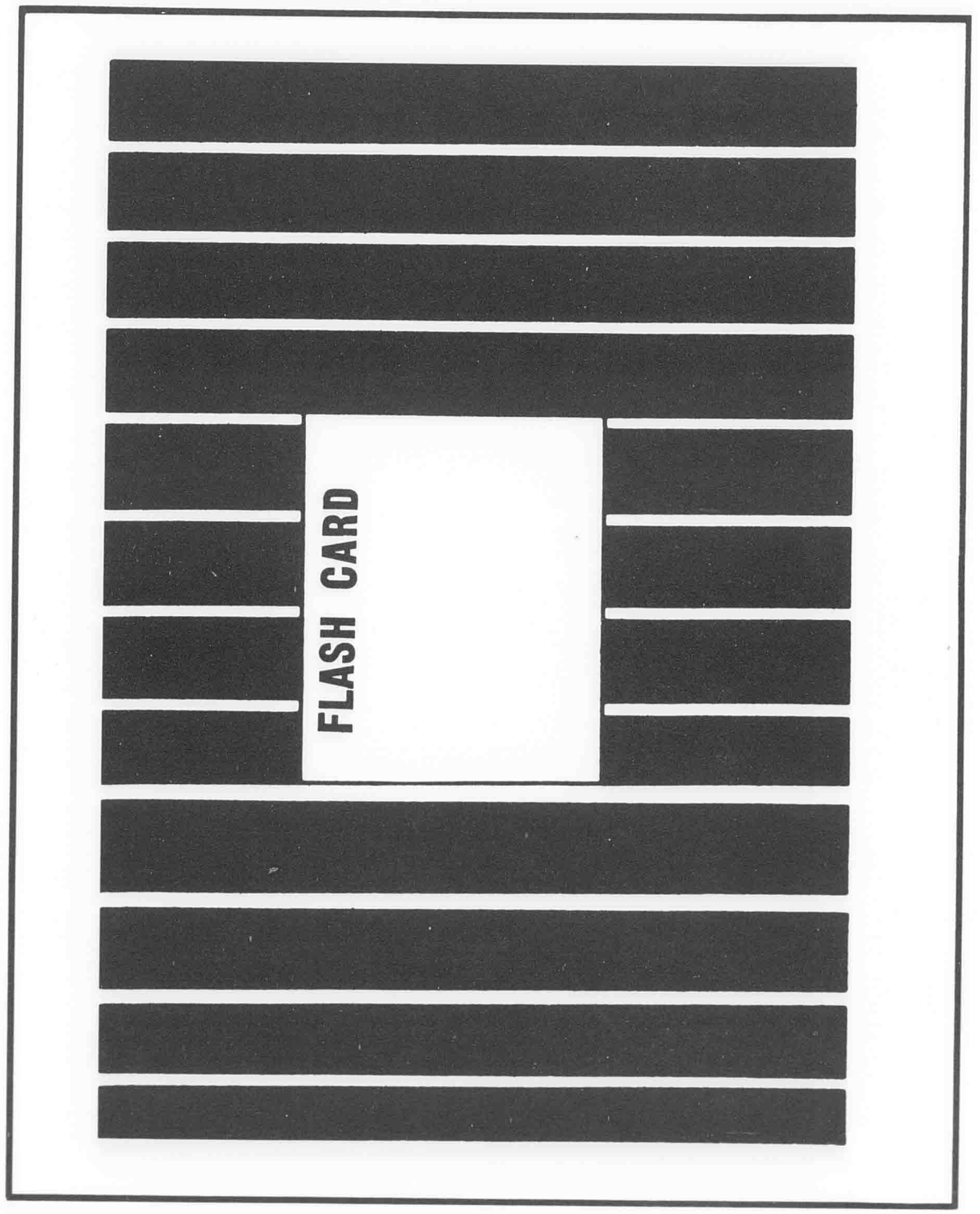

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5

Senate Bill No. 324

The Legislature
of the
Territory of Hawaii

AN ACT

PROVIDING A PENSION OF FIFTY DOLLARS PER MONTH FOR LIFE TO CLARENCE W. MACFARLANE

Engrossed 5-7-45 H

Introduced April 6 , 1945, by

Senator HAROLD W. RICE

First Reading in Senate April 6, 1945
Referred to Printing Committee " " "
Second Reading in Senate April 9, 1945
Referred to Com. of the Whole on Pensions
Third Reading in Senate April 26 1945

First Reading in House April 26, 1945
Referred to
Second Reading in House April 27, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE

Clerk of the Senate

SB324

AN ACT

50.00

PROVIDING A PENSION OF $75.00 PER MONTH FOR LIFE TO CLARENCE W. MACFARLANE.

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

SECTION 1. The treasurer of the territory is authorized and directed to pay each month to Clarence W. Macfarlane, and continuing throughout his natural life, upon warrants which the territorial auditor is authorized and directed to issue, a pension in the sum of $75.00, and money to cover said pension is hereby appropriated from the general fund of the territory.

SECTION 2. This act shall take effect on July 1, 1945.

INTRODUCED BY:

Harold K. Rice

Senate 2nd District

-S.B.No. 324
S.D. 1

AN A C T

PROVIDING A PENSION OF FIFTY DOLLARS PER MONTH FOR LIFE TO CLARENCE W. MACFARLANE.

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

SECTION 1. The treasurer of the Territory is authorized and directed to pay each month to Clarence W. Macfarlane, and continuing throughout his natural life, upon warrants which the territorial auditor is authorized and directed to issue, a pension in the sum of fifty dollars, and money to cover said pension is hereby appropriated from the general fund of the Territory.

SECTION 2. This Act shall take effect on July 1, 1945.

5/7/45

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu,T.H., April 26, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E D Scapellas

President of the Senate

Ellen D'Smythe

Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE

TERRITORY OF HAWAII

Honolulu, T. H., May 1, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M K Paschoal

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 325

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 2552 OF THE REVISED LAWS OF HAWAII 1945, PROVIDING FOR REQUIRED HOSPITALIZATION, UNDER COURT ORDER AND OTHERWISE, OF CERTAIN PERSONS IN THE BUREAU OF MENTAL HYGIENE AND ITS IN-PATIENT MENTAL HYGIENE CLINIC AND FOR COURT ORDERS FOR SUCH HOSPITALIZATION.

Introduced April 6, 1945, by
Senator A. KAMOKILA CAMPBELL

First Reading in Senate April 6, 1945
Referred to Printing Committee April 6, 1945
Second Reading in Senate April 9, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Heath

H.B. 325

AN ACT

TO AMEND SECTION 2552 OF THE REVISED LAWS OF HAWAII 1945, PROVIDING FOR REQUIRED HOSPITALIZATION, UNDER COURT ORDER AND OTHERWISE, OF CERTAIN PERSONS IN THE BUREAU OF MENTAL HYGIENE AND ITS IN-PATIENT MENTAL HYGIENE CLINIC AND FOR COURT ORDERS FOR SUCH HOSPITALIZATION.

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

SECTION 1. The last paragraph of section 2552 of the Revised Laws of Hawaii 1945 is hereby amended to read:

"Any person who is admitted to the in-patient mental hygiene clinic for examination, study, diagnosis, or treatment may, if mentally ill, be required to be hospitalized therein until he is discharged therefrom or until he is hospitalized elsewhere; but any person whose discharge from such clinic is in writing demanded of the director, either by such person or by any other person, shall immediately be discharged from such clinic unless in the opinion of the director he is mentally ill, and shall in any event be discharged from such clinic within forty-eight hours (exclusive of Sundays and holidays) after such demand unless an application for the hospitalization of such person shall be pending in a court of competent jurisdiction or unless an order for the hospitalization of such person shall be in

effect. An order for the hospitalization at such clinic or at the bureau of mental hygiene of a person mentally ill to an extent requiring institutional care may be obtained in the same manner, and shall be of the same effect and of the same appealable nature, as an order which may be obtained under sections 4015, 4016, and 4017 for the hospitalization of such a person at the territorial hospital."

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

INTRODUCED BY:

R. Kamokila Campbell

Senator, 2nd District

April 6, 1945.

Senate Bill No. 326

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 6101 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO EMINENT DOMAIN.

Introduced April 6, 1945, by
Senator CHARLES S. CRANE

First Reading in Senate	April 6, 1945
Referred to Printing Committee	April 6, 1945
Second Reading in Senate	April 9, 1945
Referred to	
Third Reading in Senate	
First Reading in House	
Referred to	
Second Reading in House	
Referred to	
Third Reading in House	

ELLEN D. SMYTHE
Clerk of the Senate

S BILL NO. 376 Crane

AN ACT

TO AMEND SECTION 6101 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO EMINENT DOMAIN.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 6101 of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"Sec. 6101. Purposes for taking property. Each county shall have the following specific powers: To take private property for the purpose of establishing, laying out, extending and widening streets, avenues, boulevards, alleys and other public highways and roads; for pumping stations, water works, reservoirs, wells, schools, hospitals, jails, courthouses, police and fire stations, city halls, office and other public buildings, cemeteries, parks, playgrounds and public squares, public off-street parking facilities and accommodations, public rest rooms and comfort stations, land from which to obtain earth, gravel, stones and other material for the construction of roads and other public works and for rights-of-way for drains, sewers, pipe lines, aqueducts and other conduits for distributing water to the public, and also to take such excess over that needed for such public use or public improvement in cases where small remnants would otherwise be left or where other justifiable cause necessitates such taking to protect and preserve the contemplated improvement or public policy demands such taking in connection with such improvement, and to sell or lease such excess property with such restrictions as may be dictated by considerations of public policy in order to protect and

preserve such improvement; provided, however, that when any such excess property shall be disposed of by any county it shall be first offered to the abutting owner or owners for a reasonable length of time and at a reasonable price and if such owner or owners fail to take the same than it may be sold at public auction."

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

INTRODUCED BY:

Charles S. Crane
Senator 3rd District

DATE OF INTRODUCTION:
Apl 6, 1945

4/7

Senate Bill No. 327

The Legislature
of the
Territory of Hawaii

AN ACT

TO AUTHORIZE THE CITY PLANNING COMMISSION FOR THE CITY AND COUNTY OF HONOLULU TO INVESTIGATE, STUDY AND SURVEY BLIGHTED AREAS WITHIN THE CITY OF HONOLULU, AND TO SUBMIT TO THE LEGISLATURE OF THE TERRITORY ITS REPORT THEREON AND RECOMMEND NECESSARY LEGISLATION TO REDEVELOP SUCH BLIGHTED AREAS, AND PROVIDING POWERS TO PERFORM THE FOREGOING DUTIES.

Introduced	April 6 , 1945 , by
Senator	CHARLES S. CRANE
First Reading in Senate	April 6, 1945
Referred to Printing Committee	April 6, 1945
Second Reading in Senate	April 9, 1945
Referred to	
Third Reading in Senate	
First Reading in House	
Referred to	
Second Reading in House	
Referred to	
Third Reading in House	

ELLEN D. SMYTHE
Clerk of the Senate

Oahu

S BILL NO. 327

AN ACT

TO AUTHORIZE THE CITY PLANNING COMMISSION FOR THE CITY AND COUNTY OF HONOLULU TO INVESTIGATE, STUDY AND SURVEY BLIGHTED AREAS WITHIN THE CITY OF HONOLULU, AND TO SUBMIT TO THE LEGISLATURE OF THE TERRITORY ITS REPORT THEREON AND RECOMMEND NECESSARY LEGISLATION TO REDEVELOP SUCH BLIGHTED AREAS, AND PROVIDING POWERS TO PERFORM THE FOREGOING DUTIES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The City Planning Commission for the City and County of Honolulu, in addition to the duties imposed upon it by any other law, is hereby directed and authorized to investigate, study and survey blighted areas within the City of Honolulu as defined by law and to submit to the next regular or special session of the Legislature its report of such investigation, study and survey of such blighted areas and recommend any legislation subject to approval of the Board of Supervisors as it shall determine to be necessary to redevelop such blighted area or areas.

SECTION 2. The Commission, in conducting such investigation, study and survey, may hold public hearings at any place in the City of Honolulu and shall have power to administer oaths and take testimony. The Commission shall have access to such books, papers, records and documents of each and every office, officer, board, bureau, body, department, division, authority, district or other agency of the Territory and the City and County of Honolulu which are necessary in the performance of its duties hereunder.

SECTION 3. The members of the Commission shall receive no compensation but shall be entitled to be reimbursed for the actual and necessary expenses incurred by them in the performance of their duties. Subject to the applicable provisions of the civil service and classification law, the Commission shall have power to appoint and remove such assistants, employees and experts as it shall deem necessary, and to fix their compensation.

SECTION 4. The duties and powers of the Commission provided

for herein shall cease on the date of the adjournment sine die of the regular session of the 1947 Legislature.

SECTION 5. The Board of Supervisors of the City and County of Honolulu is hereby authorized, empowered and directed to appropriate and make available to the Commission a sum of money sufficient to defray the expenses of the Commission in the performance of its duties under this Act. Such moneys shall be paid out of the Treasury of the City and County of Honolulu on the certificate of the Chairman of the Commission after audit by and on the warrant of the Auditor of the City and County of Honolulu.

SECTION 6. This Act shall take effect upon its approval.

INTRODUCED BY:

Charles L. Crouch

Senator 3rd District

April 6, 1945

Senate Bill No. 328

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND CHAPTER 127 OF THE REVISED LAWS OF HAWAII 1945, BY ADDING THERETO A NEW SECTION TO BE NUMBERED SECTION 6543A, PROVIDING FOR ADDITIONAL COMPENSATION TO BE PAID TO ACTING HEAD OF ANY DEPARTMENT OF THE CITY AND COUNTY OF HONOLULU.

Introduced April 6, 1945, by
Senator CHARLES S. CRANE

First Reading in Senate April 6, 1945
Referred to Printing Committee April 6, 1945
Second Reading in Senate April 9, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Oahu

S BILL NO. 328

AN ACT

TO AMEND CHAPTER 127 OF THE REVISED LAWS OF HAWAII 1945, BY ADDING THERETO A NEW SECTION TO BE NUMBERED SECTION 6543A, PROVIDING FOR ADDITIONAL COMPENSATION TO BE PAID TO ACTING HEAD OF ANY DEPARTMENT OF THE CITY AND COUNTY OF HONOLULU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 127 of the Revised Laws of Hawaii 1945, is hereby amended by adding thereto a new section to be numbered section 6543A, which shall read as follows:

"Sec. 6543A. Additional compensation for acting department heads. Any other law to the contrary notwithstanding, any city and county officer, deputy or employee, who may be duly designated to act as the head of any department of the city and county during the temporary absence or illness of the head of such department and who continuously acts as such department head for a period exceeding thirty days, shall be entitled during such period to such additional compensation which shall be equal to the difference between the amount paid to the head of such department during such period, or the amount which the head of such department would have been entitled to if he had performed his duties during such period, and the amount of the salary provided for such period for the regular position of such officer, deputy or employee."

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

INTRODUCED BY:

Charles D. Crane
Senator 3rd District

DATE OF INTRODUCTION: April 6, 1945

Senate Bill No. 329

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND CHAPTER 190 OF THE REVISED LAWS OF HAWAII 1945 BY ADDING THERETO A NEW SECTION TO BE NUMBERED SEC. 9671A, TO PROVIDE FOR THE APPOINTMENT AND JURISDICTION OF A DISTRICT MAGISTRATE FOR THE DISTRICT OF HONOLULU TO PRESIDE OVER THE TRAFFIC COURT; AND TO AMEND SECTION 9778 OF THE REVISED LAWS OF HAWAII 1945, TO PROVIDE COMPENSATION FOR SUCH DISTRICT MAGISTRATE.

Introduced April 6 , 1945, by

Senator CHARLES S. CRANE

First Reading in Senate April 6, 1945
Referred to Printing Committee April 6, 1945
Second Reading in Senate April 9, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Oahu

S BILL NO. 329

AN ACT

TO AMEND CHAPTER 190 OF THE REVISED LAWS OF HAWAII 1945 BY ADDING THERETO A NEW SECTION TO BE NUMBERED SEC. 9671A, TO PROVIDE FOR THE APPOINTMENT AND JURISDICTION OF A DISTRICT MAGISTRATE FOR THE DISTRICT OF HONOLULU TO PRESIDE OVER THE TRAFFIC COURT; AND TO AMEND SECTION 9778 OF THE REVISED LAWS OF HAWAII 1945, TO PROVIDE COMPENSATION FOR SUCH DISTRICT MAGISTRATE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 190 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto a new section to be numbered Section 9671A, reading as follows:

"Sec. 9671A. Appointment and jurisdiction of District Magistrate of Traffic Court of Honolulu. In addition to the district magistrates provided for in the preceding section there shall be appointed, according to the provisions thereof, a district magistrate for the district of Honolulu who shall preside over a court to be known as the "traffic court." The district magistrate of the Traffic Court shall have concurrent jurisdiction with the district magistrates of the District Court of Honolulu over all violations of any traffic law, ordinance or regulation."

SECTION 2. Section 9778 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto in the first paragraph thereof the following:

	Per Month	Per Annum
Traffic court magistrate, Honolulu	$450.00	$5400.00

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

INTRODUCED BY:

Charles S. Crane
Senator 3rd District

DATE OF INTRODUCTION:

April 6, 1945

Senate Bill No. 330

no amendments

The Legislature
of the
Territory of Hawaii

AN ACT

DIRECTING THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO ACQUIRE CERTAIN PROPERTY BORDERING ON THE OCEAN AS AN ADDITION TO WAIKIKI BEACH PARK AREA, AND PROVIDING MEANS OF RAISING THE NECESSARY FUNDS THEREFOR.

Introduced April 6, 1945, by
Senator CHARLES S. CRANE

First Reading in Senate April 6, 1945
Referred to Printing Committee April 6, 1945
Second Reading in Senate April 9, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Oahu

S BILL NO. 330

AN ACT

DIRECTING THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO ACQUIRE CERTAIN PROPERTY BORDERING ON THE OCEAN AS AN ADDITION TO WAIKIKI BEACH PARK AREA, AND PROVIDING MEANS OF RAISING THE NECESSARY FUNDS THEREFOR.

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 directed to acquire, with all feasible speed, either by purchase or condemnation, those certain parcels of land bordering on the ocean described in the real property tax maps of the Territory of Hawaii as parcels numbered 4 and 5 of zone 3, section 1, plat 30, of the first taxation division, as an addition to the Waikiki beach park area. Any amount of money necessary for so acquiring any of said parcels shall be raised by the city and county during either or both of the two years following the acquisition of such parcel, by including such amount in the city and county budget submitted pursuant to section 5252 of the Revised Laws of Hawaii 1945, and thereupon the same shall be included in the real property tax rate for such year or years; and any provision of said section 5252 or of any other law to the contrary notwithstanding, the real property tax rate limit for such year or years for said city and county shall be and hereby is increased over and above that fixed by said section or otherwise fixed by law, by such amount as shall be included for the purposes of this Act in such budget for such year or years.

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

INTRODUCED BY:

Charles S. Kearns
Senator 3rd District

April 6, 1945
DATE OF INTRODUCTION:

Senate Bill No. 331

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTIONS 5252 AND 5254 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO COUNTY BUDGETS AND DISPOSITION OF REAL PROPERTY TAX, RESPECTIVELY.

Introduced April 6, 1945, by
Senator CHARLES S. CRANE

First Reading in Senate April 6, 1945
Referred to Printing Committee April 6, 1945
Second Reading in Senate April 9, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

down

S BILL NO. 331

AN ACT

TO AMEND SECTIONS 5252 AND 5254 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO COUNTY BUDGETS AND DISPOSITION OF REAL PROPERTY TAX, RESPECTIVELY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 5252 of the Revised Laws of Hawaii 1945, is hereby amended in the following respects:

1. By amending the 17th paragraph thereof, being the fifth full paragraph appearing on page 618 of the Revised Laws of Hawaii 1945, by deleting therefrom the following provisions in the first part of said paragraph:

"If, however, the amount shown in item (10) under column III of the budget for any county shall exceed, in the case of:

(a) The city and county of Honolulu, the sum of ..$4,000,000.00

(b) The county of Maui, the sum of 770,000.00

(c) The county of Hawaii, the sum of 1,200,000.00

(d) The county of Kauai, the sum of 550,000.00

the amount shown by the item shall be reduced to the amount last hereinabove stated for such county."

And further by amending the remaining provisions in said paragraph so that said paragraph reads as follows:

"No deduction shall be made by the treasurer from any item of such budget. Insofar as the validity of the tax rate shall be concerned, the provisions of this section shall be deemed directory, and no informality and no other defect whatsoever, whether in form or substance, in such budget, shall invalidate or be deemed to invalidate said budget or any tax rate based thereon."

2. By amending the 18th paragraph thereof, being the sixth full paragraph appearing on page 618 of the Revised Laws of Hawaii 1945, to read as follows:

"If the board of supervisors shall fail to transmit a budget within the time hereinabove required, the treasurer shall adopt, as a basis for fixing the real property tax rate for the county, a figure equal to ten per centum less than the amount set forth in item (10) under column III of the budget for such county for the preceding year."

SECTION 2. Section 5254 of the Revised Laws of Hawaii 1945, is hereby amended in the following respects:

1. By deleting the following words appearing in lines 9 and 10 of the second paragraph thereof:

"or the amount fixed by section 5252 as the limit of the amount to be raised by real property taxes for such county, whichever is the smaller."

2. By deleting the following sentence from the third paragraph thereof:

"If the amount of the total county requirements set forth in item (10) under column III of the budget shall be in excess of the county's maximum limit fixed by section 5252, to be raised by real property taxes, the treasurer shall first reduce said requirements to the amount of said tax rate limit as provided by section 5252 and shall then deduct from said reduced amount the amount of such excess collections pursuant to this paragraph."

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

INTRODUCED BY:

Charles S. Serrano
Senator 3rd District

DATE OF INTRODUCTION:

April 7, 1945

#17

Senate Bill No. 332

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO THE ADMINISTRATION OF SMALL ESTATES OF NON-RESIDENTS WHO DIE WITHIN THE TERRITORY DURING THE PERIOD OF THE PRESENT WAR.

Introduced April 6, 19 45, by

Senator WM.H.HEEN

First Reading in Senate April 6, 1945
Referred to Printing Committee " " "
Second Reading in Senate April 9, 1945
Referred to Committee on Judiciary
Third Reading in Senate April 13, 1945

First Reading in House April 16, 1945
Referred to
Second Reading in House April 17, 1945
Referred to Judiciary Committee
Third Reading in House

ELLEN D. SMYTHE

Clerk of the Senate

Engrossed
4/7/45
ERH

SB332

AN ACT

RELATING TO THE ADMINISTRATION OF SMALL ESTATES OF NON-RESIDENTS WHO DIE WITHIN THE TERRITORY DURING THE PERIOD OF THE PRESENT WAR

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

SECTION 1. Upon the death of any person temporarily within the Territory, testate or intestate, leaving only personal property within the Territory of a value not in excess of three thousand dollars, where an executor, administrator or ancillary administrator has not been appointed within the Territory, the clerk of the circuit court of a circuit in which the decedent had personal property at the time of his death may, upon the verified petition of such clerk or of any person interested, be appointed administrator or ancillary administrator, and as such administer the estate, in the manner provided in sections 12037 to 12043, both inclusive; provided, that where the clerk acts as ancillary administrator, distribution of the balance of the estate remaining after payment of claims and charges may be made to the domiciliary executor or administrator; and provided further, that this section shall apply only to the estates of persons who die in the Territory during the duration of the present war and six months thereafter.

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

INTRODUCED BY: _____

Senator _____, 32nd District

S.B.No. 332

A N A C T

RELATING TO THE ADMINISTRATION OF SMALL ESTATES OF NON-RESIDENTS WHO DIE WITHIN THE TERRITORY DURING THE PERIOD OF THE PRESENT WAR.

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

SECTION 1. Upon the death of any person temporarily within the Territory, testate or intestate, leaving only personal property within the Territory of a value not in excess of three thousand dollars, where an executor, administrator or ancillary administrator has not been appointed within the Territory, the clerk of the circuit court of a circuit in which the decedent had personal property at the time of his death may, upon the verified petition of such clerk or of any person interested, be appointed administrator or ancillary administrator, and as such administrator the estate, in the manner provided in

sections 12037 to 12043, both inclusive; provided, that where the clerk acts as ancillary administrator, distribution of the balance of the estate remaining after payment of claims and charges may be made to the domiciliary executor or administrator; and provided further, that this section shall apply only to the estates of persons who die in the Territory during the duration of the present war and six months thereafter.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu,T.H., April 13, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E S Kapellas

President of the Senate

Ellen D Smythe

Clerk of the Senate

S. B. NO. 332
H. D. 1

A N A C T

RELATING TO THE ADMINISTRATION OF SMALL ESTATES OF NON-RESIDENTS WHO DIE WITHIN THE TERRITORY DURING THE PERIOD OF THE PRESENT WAR.

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

SECTION 1. Upon the death of any person temporarily within the territory, testate or intestate, leaving only personal property within the territory of a value not in excess of one thousand five hundred dollars, where an executor, administrator or ancillary administrator has not been appointed within the territory, the clerk of the circuit court of a circuit in which the decedent had personal property at the time of his death may, upon the verified petition of such clerk or of any person interested, be appointed administrator or ancillary administrator, and as such administer the estate, in the manner provided in sections 12037 to 12043, both in-

clusive; provided, that where the clerk acts as ancillary administrator, distribution of the balance of the estate remaining after payment of claims and charges may be made to the domiciliary executor or administrator; and provided further, that this section shall apply only to the estates of persons who die in the territory during the duration of the present war and six months thereafter.

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

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., May 1, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M G Paschoal
Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 333

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND THAT PORTION OF CHAPTER 290 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE ADMINISTRATION OF SMALL ESTATES BY AMENDING SECTION 12037 THEREOF AND ADDING THERETO A NEW SECTION NUMBERED 12037A.

Filed

Introduced April 6 , 1945, by

Senator WM. H. HEEN

First Reading in Senate April 6, 1945
Referred to Printing Committee April 6, 1945
Second Reading in Senate April 9, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Jud

S.B. 333

AN ACT

TO AMEND THAT PORTION OF CHAPTER 290 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE ADMINISTRATION OF SMALL ESTATES BY AMENDING SECTION 12037 THEREOF AND ADDING THERETO A NEW SECTION NUMBERED 12037A.

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

SECTION 1. Chapter 290 of the Revised Laws of Hawaii 1945 is hereby amended by amending section 12037 thereof to read as follows:

"Sec. 12037. Clerk of circuit court to administer. Whenever by reason of the death of any person domiciled or residing in the Territory, testate or intestate, there shall be money or funds due and payable to the estate of such person or other property belonging to such estate of a total value not exceeding one thousand five hundred dollars, and an executor or administrator of such estate has not been appointed, the clerk of the circuit court of the circuit in which such person was residing or domiciled at the time of his death may, upon the verified petition of such clerk or of any person interested, obtain an order authorizing him to administer such estate, and as such administrator he shall collect and receive such money, funds or other property of such estate and administer the same. Such order may be made without notice or hearing if it shall appear from the verified petition or any affidavit in support thereof,

that sufficient grounds exist therefor; provided, however, that proof of such grounds shall, nevertheless, be made at the hearing for the determination of the persons entitled to distribution provided for by section 12041, or at any other hearing. Except as otherwise specifically required or authorized by law or where he may be interested as an heir, legatee or devisee, no clerk of any circuit court shall act as administrator of any estate where the value of the same, wheresoever situate, is in excess of one thousand five hundred dollars; but this prohibition shall not prohibit the clerk from proceeding with the administration of any estate valued in excess of one thousand five hundred dollars where such excess first becomes known subsequent to his appointment as administrator, provided such excess does not exceed five hundred dollars. No fees shall be allowed the clerk. In any case in which a clerk has been appointed as administrator under this section, but because of the excess value of the estate is prohibited from proceeding with the administration, the court shall forthwith, without regard to the provision of sections 12012 or 12013, appoint any suitable person as administrator and direct the clerk to deliver to such administrator all property of the estate in his hands. Such administrator shall administer the estate in accordance with the provisions of sections

12014 to 12031, and shall pay all costs required by section 9745, including those set forth in paragraph 1. (a) thereof."

SECTION 2. Chapter 290 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto a new section numbered 12037A, to read as follows:

"Sec. 12037A. Payment of creditors claims; deductions therefrom. The clerk shall deduct and retain as a collection fee from any sum otherwise payable to a creditor of a small estate administered by the clerk, an amount equal to 10 per cent of the amount found to be payable to such creditor. Amounts thus deducted and retained shall be paid by the clerk to the treasurer of the Territory and shall thereupon become a territorial realization. Payment to a creditor of 90 per cent of the amount otherwise payable to him shall fully discharge the liability to him of the estate and of the clerk as administrator."

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

INTRODUCED BY:

Senator, 3rd District

Senate Bill No. 334

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO THE ADMINISTRATION OF VETERANS ESTATES.

Introduced April 6, 19 45, by
Senator WM. H. HEEN

First Reading in Senate April 6, 1945
Referred to Printing Committee April 6, 1945
Second Reading in Senate April 9, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

S.B. 334

AN ACT

RELATING TO THE ADMINISTRATION OF VETERANS ESTATES.

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

SECTION 1. Chapter 290 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto a new section numbered section 12037C, to read as follows:

"Sec. 12037C. Clerk of circuit court to administer veterans estates. Whenever by reason of the death of any person domiciled or residing in the Territory who has served in the military or naval service of the United States during any period when the United States was at war, testate or intestate, there shall be money or funds due and payable to the estate of such person or other property belonging to such estate of a total value not exceeding five thousand dollars, and an executor or administrator of such estate has not been appointed, the clerk of the circuit court of the circuit in which such person was residing or domiciled at the time of his death may, upon the verified petition of such clerk or of any person interested, obtain an order authorizing him to administer such estate, in the manner provided in sections 12037 to 12043, both inclusive.

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

INTRODUCED BY:

Senator, 3rd District

Senate Bill No. 335

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND THAT PORTION OF CHAPTER 290 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE ADMINISTRATION OF SMALL ESTATES BY ADDING THERETO A NEW SECTION NUMBERED 12037B.

V

3/7/45

Introduced	April 6, 1945, by
Senator	WM. H. HEEN
First Reading in Senate	April 6, 1945
Referred to Printing Committee	April 6, 1945
Second Reading in Senate	April 9, 1945
Referred to	COMMITTEE ON JUDICIARY
Third Reading in Senate	April 13, 1945
First Reading in House	April 16, 1945
Referred to	
Second Reading in House	April 17, 1945
Referred to	Judiciary Committee
Third Reading in House	

ELLEN D. SMYTHE
Clerk of the Senate

SB 335

AN ACT

TO AMEND THAT PORTION OF CHAPTER 290 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE ADMINISTRATION OF SMALL ESTATES BY ADDING THERETO A NEW SECTION NUMBERED 12037B

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

SECTION 1. Chapter 290 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto a new section numbered 12037B, to read as follows:

"Sec. 12037B. Estates of non-resident members of the military or naval service of the United States. Upon the death of any member of the military or naval service of the United States not resident or domiciled in the Territory, testate or intestate, leaving only personal property within the Territory of a value not in excess of three thousand dollars, where an executor, administrator or ancillary administrator has not been appointed within the Territory, the clerk of the circuit court of a circuit in which the decedent had personal property at the time of his death may, upon the verified petition of such clerk or of any person interested, be appointed administrator or ancillary administrator, and as such administer the estate, in the manner provided in sections 12037 to 12043, both inclusive; provided, that where the clerk acts as ancillary administrator, distribution

of the balance of the estate remaining after payment of claims and charges may be made to the domiciliary executor or administrator."

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

INTRODUCED BY:

Senator, 3rd District

April 6, 1945

S. B. No. 335

AN ACT

TO AMEND THAT PORTION OF CHAPTER 290 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE ADMINISTRATION OF SMALL ESTATES BY ADDING THERETO A NEW SECTION NUMBERED 12037B.

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

SECTION 1. Chapter 290 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto a new section numbered 12037B, to read as follows:

"Sec. 12037B. Estates of non-resident members of the military or naval service of the United States. Upon the death of any member of the military or naval service of the United States not resident or domiciled in the Territory, testate or intestate, leaving only personal property within the Territory of a value not in excess of three thousand dollars, where an executor, administrator or ancillary administrator has not been appointed within the Territory, the clerk of the circuit court of a circuit in

which the decedent had personal property at the time of his death may, upon the verified petition of such clerk or of any person interested, be appointed administrator or ancillary administrator, and as such administer the estate, in the manner provided in sections 12037 to 12043, both inclusive; provided, that where the clerk acts as ancillary administrator, distribution of the balance of the estate remaining after payment of claims and charges may be made to the domiciliary executor or administrator."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 13, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E. B. Capellas

President of the Senate.

Ellen D. Smythe

Clerk of the Senate.

S. B. No. 335
H. D. 1

A N A C T

TO AMEND THAT PORTION OF CHAPTER 290 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE ADMINISTRATION OF SMALL ESTATES BY ADDING THERETO A NEW SECTION NUMBERED 12037.02.

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

SECTION 1. Chapter 290 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto a new section numbered 12037.02, to read as follows:

"Sec. 12037.02. Estates of non-resident members of the military or naval service of the United States. Upon the death of any member of the military or naval service of the United States not resident or domiciled in the territory, testate or intestate, leaving only personal property within the territory of a value not in excess of one thousand five hundred dollars, where an executor, administrator or ancillary administrator has not been appointed within the territory, the clerk of the circuit court of a circuit in which the decedent

had personal property at the time of his death may, upon the verified petition of such clerk or of any person interested, be appointed administrator or ancillary administrator, and as such administer the estate, in the manner provided in sections 12037 to 12043, both inclusive; provided, that where the clerk acts as ancillary administrator, distribution of the balance of the estate remaining after payment of claims and charges may be made to the domiciliary executor or administrator."

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

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., May 1, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M K Paschoal
Speaker, House of Representatives.

Soares
Clerk, House of Representatives.

Senate Bill No. 336

g.m.

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTIONS 6220 AND 6559 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO COUNTY ELECTIONS.

Introduced April 6 , 1945, by

Senator ERNEST N. HEEN

First Reading in Senate April 6, 1945
Referred to Printing Committee April 6, 1945
Second Reading in Senate April 9, 1945
Referred to COMMITTEE ON JUDICIARY
Third Reading in Senate April 13, 1945

First Reading in House April 16, 1945
Referred to
Second Reading in House April 17, 1945
Referred to County Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

S. B. NO. 336

A N A C T

TO AMEND SECTIONS 6220 AND 6559 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO COUNTY ELECTIONS.

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

SECTION 1. Section 6220 of the Revised Laws of Hawaii 1945 is hereby amended by adding, at the end of said section, the following sentence:

"After July 1 of the year following any general election, the ballots may be destroyed by the county clerk."

SECTION 2. Section 6559 of said Revised Laws is hereby amended by adding at the end of said section, the following sentence:

"After July 1 of the year following any general election, the ballots may be destroyed by the city and county clerk."

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

INTRODUCED BY:

Ernest Kai

Senator, Third Senatorial District

S. B. No. 336

A N A C T

TO AMEND SECTIONS 6220 AND 6559 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO COUNTY ELECTIONS.

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

SECTION 1. Section 6220 of the Revised Laws of Hawaii 1945 is hereby amended by adding, at the end of said section, the following sentence:

"After July 1 of the year following any general election, the ballots may be destroyed by the county clerk."

SECTION 2. Section 6559 of said Revised Laws is hereby amended by adding at the end of said section, the following sentence:

"After July 1 of the year following any general election, the ballots may be destroyed by the city and county clerk."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 13, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate.

Ellen D Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 30, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M G Paschoal

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 337

The Legislature
of the
Territory of Hawaii

AN ACT

GRANTING A PENSION TO FIRE CHIEF WALLACE W. BLAISDELL, AND PROVIDING FOR ITS PAYMENT.

Introduced April 9, 1945, by Senators: CHARLES S. CRANE, FRANCIS H. I'i BROWN, FRANCIS K. SYLVA & THELMA M. AKANA

First Reading in Senate April 9, 1945
Referred to Printing Committee " " "
Second Reading in Senate April 10, 1945
Referred to Committee of the Whole Senate
Third Reading in Senate April 23, 1945

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Indefinitely postponed

SB# 337

AN ACT

GRANTING A PENSION TO FIRE CHIEF WALLACE W. BLAISDEL, AND PROVIDING FOR ITS PAYMENT.

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

SECTION 1. Fire Chief, Wallace W. Blaisdel, of the City and County of Honolulu is hereby granted, upon his retirement, a life pension, payable monthly, in the amount of seventy-five percent of the salary he shall be enjoying at the time of his retirement, which pension shall be in lieu of any to which he would otherwise be entitled by law, and shall be payable from the pension fund for policemen, firemen and bandsmen of the City and County of Honolulu.

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

INTRODUCED BY:

Charles S. Crane
SENATOR, THIRD DISTRICT

Francis H. Jr. Brown
SENATOR, THIRD DISTRICT

Francis P. Sylva
SENATOR, THIRD DISTRICT

Thelma H. Skaua
SENATOR, THIRD DISTRICT

SENATOR, THIRD DISTRICT

SENATOR, THIRD DISTRICT

4/9 L.
4/20 L.

Senate Bill No. 338

The Legislature
of the
Territory of Hawaii

AN ACT

APPROPRIATING TO THE CITY AND COUNTY OF HONOLULU THE SUM OF $150,000.00 FOR THE CONSTRUCTION AND MAINTENANCE OF CHANNELS, WHETHER NATURAL OR ARTIFICAL, INCLUDING THEIR EXISTS TO THE OCEAN IN SUITABLE CONDITION TO CARRY OFF STORM WATERS.

Introduced April 9, 1945, by
Senator CHARLES S. CRANE

First Reading in Senate April 9, 1945
Referred to Printing Committee April 9, 1945
Second Reading in Senate April 10, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

S BILL NO. 338

AN ACT

APPROPRIATING TO THE CITY AND COUNTY OF HONOLULU THE SUM OF $150,000.00 FOR THE CONSTRUCTION AND MAINTENANCE OF CHANNELS, WHETHER NATURAL OR ARTIFICIAL, INCLUDING THEIR EXITS TO THE OCEAN IN SUITABLE CONDITION TO CARRY OFF STORM WATERS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of $150,000.00 is hereby appropriated out of the general revenues of the Territory of Hawaii which shall be paid by the treasurer upon a warrant issued by the auditor to the treasurer of the City and County of Honolulu.

SECTION 2. Said sum shall be used by the city and county of Honolulu to construct and maintain channels, whether natural or artificial, including their exits to the ocean in suitable condition to carry off storm waters and to remove from such channels and from the shores and beaches any debris which is likely to create an unsanitary condition or otherwise become a public nuisance.

SECTION 3. This Act shall not become effective unless Senate Bill No. 241 becomes law.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

Charles S Serrano
Senator Third District

DATE OF INTRODUCTION:

49

Senate Bill No. 339

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO PUBLIC PARKS, RECREATION AND PLAYGROUNDS, AMENDING CHAPTER 130 OF THE REVISED LAWS OF HAWAII 1945, AND REPEALING ALL LAWS, ORDINANCES, RULES AND REGULATIONS IN CONFLICT WITH THIS ACT.

Introduced April 9 , 1945 , by
Senator CHARLES S. CRANE

First Reading in Senate April 9, 1945
Referred to Printing Committee April 9, 1945
Second Reading in Senate April 10, 1945
Referred to SELECT COM. OF OAHU SENATORS
Third Reading in Senate April 25, 1945

First Reading in House April 25, 1945
Referred to
Second Reading in House April 26, 1945
Referred to County Commitee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

S BILL NO. 339

AN ACT

RELATING TO PUBLIC PARKS, RECREATION AND PLAYGROUNDS, AMENDING CHAPTER 130 OF THE REVISED LAWS OF HAWAII 1945, AND REPEALING ALL LAWS, ORDINANCES, RULES AND REGULATIONS IN CONFLICT WITH THIS ACT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 6761 of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"Section 6761. Board of Public Parks and Recreation Established. There is hereby created a Board which shall be known as 'Board of Public Parks and Recreation of the City and County of Honolulu.' The Board shall consist of nine members, eight of whom shall be appointed by the Mayor with the approval of the Board of Supervisors. One of the members so appointed shall be designated annually by the Mayor as Chairman of the Board. The Superintendent of Public Instruction of the Territory of Hawaii or such person as may be designated by him shall be ex officio a member of the Board."

SECTION 2. Section 6762 of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"Section 6762. Term of Office. The term of office of the appointive members of the Board shall be three years from and after the date of their respective appointments; provided, however, that of the members first to be appointed under the provisions of this Act, three shall be appointed for a term ending December 31, 1946, three for a term ending December 31, 1947, and two for a term ending December 31, 1948."

SECTION 3. Section 6763 of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"Section 6763. Quorum. Five members of the Board shall constitute a quorum for the exercise of the powers or authority conferred upon it; but the concurrence of at least five members shall be necessary to make any action of the Board valid."

SECTION 4. Section 6768 of the Revised Laws of Hawaii

1945, is hereby amended to read as follows:

"Section 6768. Parks, Recreation and Playgrounds in Charge of Board. All public parks, public recreation grounds and public playgrounds in the City and County of Honolulu owned by said City and County or in its possession or control other than Makiki Valley Park or reservation, together with all equipment, supplies and paraphernalia, and all real or personal property of whatsoever nature used in connection with the same, shall be under the control and management of the Board of Public Parks and Recreation, including without prejudice to the generality of the foregoing, all personal and other property now in the possession and control of the Recreation Commission of the City and County of Honolulu.

The Board shall determine the value of all permanent improvements to parks, recreation grounds and playgrounds and in this regard shall determine the additional property that may be acquired from time to time and the kind and nature of improvements to be constructed on the same.

The Board shall also have full and complete authority over the trimming and removal of all shade trees, hedges and shrubs growing on the public streets of the district of Honolulu and the planting of the same upon such streets, and concurrently with the respective property owners shall have full and complete authority over the trimming and removal of all shade trees, hedges and shrubs growing over the public streets of such district."

SECTION 5. Section 6769 of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"Section 6769. Purchases and Sale of Public Parks and Recreational Property; Contracts. The Board of Supervisors is empowered and authorized to purchase, sell, exchange or otherwise dispose 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 purchase, sell, exchange or otherwise dispose of park or recreational

property in the absence of such approval, by the affirmative vote of at least five of its members. All proceeds of any such sale shall be deposited with the City and County Treasurer and all such proceeds from the sale of real property shall be expended only for the acquisition of other real property for park and recreational purposes, and all such proceeds from the sale of such personal property shall be expended only for the acquisition of other personal property for park or recreational purposes.

The Board of Public Parks and Recreation shall have power to contract for work and to purchase supplies, materials and equipment, the cost of all of which shall be paid from funds it may have on hand either by appropriation from the Board of Supervisors or otherwise.

All contracts shall be executed in the name of the Board of Public Parks and Recreation and shall be signed by the Chairman or Acting Chairman. The Board of Public Parks and Recreation shall also have authority to contract for the importation of or to import for the purpose of keeping and to keep in captivity foreign birds for educational and scientific purposes, subject to the rules and regulations of the Board of Agriculture and Forestry relative to the importation and keeping in captivity of such birds."

SECTION 6. Section 6770 of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"Section 6770. Appointment of Employees. The Board shall appoint and fix the compensation of a full time superintendent who shall not be subject to Civil Service and shall appoint such other employees as it may deem necessary and fix their compensation subject to the provisions of Chapters 2 and 3."

SECTION 7. Section 6772 of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"Section 6772. Appropriations. The Board of Supervisors shall appropriate for the use of the Board of Public Parks and Recreation from the general funds of the City and County a sum of not less than than $350,000.00 per annum, to be made available in equal monthly amounts for the maintenance and development of parks,

playgrounds and other recreational facilities; provided, however, that in making the foregoing appropriation the Board of Supervisors may use the Road Fund up to but not exceeding the sum of $75,000.00. The Board of Supervisors may, from time to time in its discretion, appropriate from the proper funds moneys to be used by the Board of Public Parks and Recreation in the furtherance of its parks, playgrounds and other recreational facilities development plans. Any unexpended balance of the appropriation made under this section remaining at the end of any calendar year shall be deducted from the amount to be appropriated from the ensuing year."

SECTION 8. Section 6774 of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"Section 6774. Income from Operation of Parks, Playgrounds and Recreational Facilities. The Board of Public Parks and Recreation is authorized to rent or grant concessions to any park or playground areas or improvements that may be deemed by it to be in the interest of the City and all revenues derived from concessions shall be deposited in the general fund and shall be appropriated by the Board of Supervisors for the use of the Board of Public Parks and Recreation in addition to any other appropriations required by law to be made for said Board. Any unexpended balances of such special revenues existing at the end of any fiscal year shall be reappropriated for the use of the Board of Public Parks and Recreation during the next succeeding year."

SECTION 9. Chapter 130 of the Revised Laws of Hawaii 1945, is hereby further amended by substituting for the term "park board" the term "Board of Public Parks and Recreation." It is provided further, that wherever in this Act the word "board" is used reference is thereby made to the Board of Public Parks and Recreation established by this Act and that wherever the term "park" or "parks" is used, unless it clearly appears to be otherwise intended, parks, recreational grounds and playgrounds are included in the term.

SECTION 10. All laws, ordinances, rules and regulations

in conflict with this Act are hereby repealed.

SECTION 11. This Act shall take effect on January 1, 1946.

INTRODUCED BY

Charles S. Deane

8-3-D

DATE OF INTRODUCTION:

S. B. No. 339

A N A C T

RELATING TO PUBLIC PARKS, RECREATION AND PLAYGROUNDS, AMENDING CHAPTER 130 OF THE REVISED LAWS OF HAWAII 1945, AND REPEALING ALL LAWS, ORDINANCES, RULES AND REGULATIONS IN CONFLICT WITH THIS ACT.

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

SECTION 1. Section 6761 of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"Sec. 6761. Board of Public Parks and Recreation established. There is hereby created a Board which shall be known as 'Board of Public Parks and Recreation of the City and County of Honolulu.' The Board shall consist of nine members, eight of whom shall be appointed by the Mayor with the approval of the Board of Supervisors. One of the members so appointed shall be designated annually by the Mayor as Chairman of the Board. The superintendent of Public Instruction of the Territory of Hawaii or such person as may be designated by him shall be ex officio a member of the board."

SECTION 2. Section 6762 of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"Sec. 6762. Term of Office. The term of office of the appointive members of the Board shall be three years from and after the date of their respective appointments; provided, however, that of the members first to be appointed under the provisions of this Act, three shall be appointed for a term ending December 31, 1946, three for a term ending December 31, 1947, and two for a term ending December 31, 1948."

SECTION 3. Section 6763 of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"Sec. 6763. Quorum. Five members of the board shall constitute a quorum for the exercise of the powers or authority conferred upon it; but the concurrence of at least five members shall be necessary to make any action of the board valid."

SECTION 4. Section 6768 of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"Sec. 6768. Parks, Recreation and Playgrounds in charge of board. All public parks,

public recreation grounds and public playgrounds in the City and County of Honolulu owned by said city and county or in its possession or control other than Makiki Valley Park or reservation, together with all equipment, supplies and paraphernalia, and all real or personal property of whatsoever nature used in connection with the same, shall be under the control and management of the Board of Public Parks and Recreation, including without prejudice to the generality of the foregoing, all personal and other property now in the possession and control of the Recreation Commission of the City and County of Honolulu.

The board shall determine the value of all permanent improvements to parks, recreation grounds and playgrounds and in this regard shall determine the additional property that may be acquired from time to time and the kind and nature of improvements to be constructed on the same.

The board shall also have full and complete authority over the trimming and removal of all shade trees, hedges and shrubs growing on the public streets of the district of Honolulu and the planting of the same upon such streets, and concurrently with the respective property owners shall have full and complete authority over the trimming and removal of all shade trees, hedges and shrubs growing over the public streets of such district."

SECTION 5. Section 6769 of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"Sec. 6769. Purchases and sale of Public Parks and recreational property; contracts. The Board of Supervisors is empowered and authorized to purchase, sell, exchange or otherwise dispose 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 purchase, sell, exchange or otherwise dispose of park or recreational property in the absence of such approval, by the affirmative vote of at least five of its members. All proceeds of any such sale shall be deposited with the city and county treasurer and all such proceeds from the sale of real property shall be expended only for the acquisition of other real property for park and recreational purposes, and all such proceeds from the sale of such personal property shall be expended only for the acquisition of other personal property for park or recreational purposes.

The Board of Public Parks and Recreation shall have power to contract for work and to purchase supplies, materials and equipment, the cost of all of which shall be paid from funds it may have on hand either by appropriation from the Board of Supervisors or otherwise.

All contracts shall be executed in the name of the Board of Public Parks and Recreation and shall be signed by the chairman or acting chairman. The Board of Public Parks and Recreation shall also have authority to contract for the importation of or to import for the purpose of keeping and to keep in captivity foreign birds for educational and scientific purposes, subject to the rules and regulations of the Board of Agriculture and Forestry relative to the importation and keeping in captivity of such birds."

SECTION 6. Section 6770 of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"Sec. 6770. Appointment of employees. The board shall appoint and fix the compensation of a full time superintendent who shall not be subject to civil service and shall appoint such other employees as it may deem necessary and fix their compensation subject to the provisions of Chapters 2 and 3."

SECTION 7. Section 6772 of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"Sec. 6772. Appropriations. The Board of Supervisors shall appropriate for the use

of the Board of Public Parks and Recreation from the general funds of the city and county a sum of not less than $350,000.00 per annum, to be made available in equal monthly amounts for the maintenance and development of parks, playgrounds and other recreational facilities. The Board of Supervisors may, from time to time in its discretion, appropriate from the proper funds moneys to be used by the Board of Public Parks and Recreation in the furtherance of its parks, playgrounds and other recreational facilities development plans. Any unexpended balance of the appropriation made under this section remaining at the end of any calendar year shall be deducted from the amount to be appropriated from the ensuing year."

SECTION 8. Section 6774 of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"Sec. 6774. Income from operation of parks, playgrounds and recreational facilities. The Board of Public Parks and Recreation is authorized to rent or grant concessions to any park or playground areas or improvements that may be deemed by it to be in the interest of the city and all revenues derived from concessions shall

be deposited in the general fund and shall be appropriated by the Board of Supervisors for the use of the Board of Public Parks and Recreation in addition to any other appropriations required by law to be made for said board. Any unexpended balances of such special revenues existing at the end of any fiscal year shall be reappropriated for the use of the Board of Public Parks and Recreation during the next succeeding year."

SECTION 9. Chapter 130 of the Revised Laws of Hawaii 1945, is hereby further amended by substituting for the term "park board" the term "Board of Public Parks and Recreation." It is provided further, that wherever in this Act the word "board" is used reference is thereby made to the Board of Public Parks and Recreation established by this Act and that wherever the term "park" or "parks" is used, unless it clearly appears to be otherwise intended, parks, recreational grounds and playgrounds are included in the term.

SECTION 10. All laws, ordinances, rules and regulations in conflict with this Act are hereby repealed.

SECTION 11. This Act shall take effect on January 1, 1946,

but the appointive members of the Board may be appointed prior to said date.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 25, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Clapellas

President of the Senate.

Ellen D Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 30, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Speaker, House of Representatives.

Clerk, House of Representatives.

S. B. No. 339
H. D. 1

A N A C T

RELATING TO PUBLIC PARKS, RECREATION AND PLAYGROUNDS, AMENDING CHAPTER 130 OF THE REVISED LAWS OF HAWAII 1945, AND REPEALING ALL LAWS, ORDINANCES, RULES AND REGULATIONS IN CONFLICT WITH THIS ACT.

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

SECTION 1. Section 6761 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 6761. Board of Public Parks and Recreation established. There is hereby created a Board which shall be known as 'Board of Public Parks and Recreation of the City and County of Honolulu.' The Board shall consist of nine members, eight of whom shall be appointed by the Mayor with the approval of the Board of Supervisors. One of the members so appointed shall be designated annually by the Mayor as Chairman of the Board. The superintendent of Public Instruction of the Territory of Hawaii or such person as may be designated by him shall be ex officio a member of the board."

SECTION 2. Section 6762 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 6762. Term of Office. The term of office of the appointive members of the Board shall be three years from and after the date of their respective appointments; provided, however, that of the members first to be appointed under the provisions of this Act, three shall be appointed for a term ending December 31, 1946, three for a term ending December 31, 1947, and two for a term ending December 31, 1948."

SECTION 3. Section 6763 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 6763. Quorum. Five members of the Board shall constitute a quorum for the exercise of the powers or authority conferred upon it; but the concurrence of at least five members shall be necessary to make any action of the Board valid."

SECTION 4. Section 6768 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 6768. Parks, Recreation and Playgrounds

in charge of Board. All public parks, public recreation grounds and public playgrounds in the City and County of Honolulu owned by said city and county or in its possession or control other than Makiki Valley Park or reservation, together with all equipment, supplies and paraphernalia, and all real or personal property of whatsoever nature used in connection with the same, shall be under the control and management of the Board of Public Parks and Recreation, including without prejudice to the generality of the foregoing, all personal and other property now in the possession and control of the Recreation Commission of the City and County of Honolulu.

The Board shall determine the value of all permanent improvements to parks, recreation grounds and playgrounds and in this regard shall determine the additional property that may be acquired from time to time and the kind and nature of improvements to be constructed on the same.

The Board shall also have full and complete authority over the trimming and removal of all shade trees, hedges and shrubs growing on the public streets of the district of Honolulu and the planting of the same upon such streets, and concurrently with the respective property owners shall have full and complete authority over the trimming and removal of all

shade trees, hedges and shrubs growing over the public streets of such district."

SECTION 5. Section 6769 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 6769. Purchases and sale of Public Parks and recreational property; contracts. The Board of Supervisors is empowered and authorized to purchase, sell, exchange or otherwise dispose 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 purchase, sell, exchange or otherwise dispose of park or recreational property in the absence of such approval, by the affirmative vote of at least five of its members. All proceeds of any such sale shall be deposited with the city and county treasurer and all such proceeds from the sale of real property shall be expended only for the acquisition of other real property for park and recreational purposes, and all such proceeds from the sale of such personal property shall be expended only for the acquisition of other personal property for park or recreational purposes.

The Board of Public Parks and Recreation shall

have power to contract for work and to purchase supplies, materials and equipment, the cost of all of which shall be paid from funds it may have on hand either by appropriation from the Board of Supervisors or otherwise.

All contracts shall be executed in the name of the Board of Public Parks and Recreation and shall be signed by the chairman or acting chairman. The Board of Public Parks and Recreation shall also have authority to contract for the importation of or to import for the purpose of keeping and to keep in captivity foreign birds for educational and scientific purposes, subject to the rules and regulations of the Board of Agriculture and Forestry relative to the importation and keeping in captivity of such birds."

SECTION 6. Section 6770 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 6770. Appointment of employees. The Board shall appoint and fix the compensation of a full time superintendent who shall not be subject to civil service and shall appoint such other employees as it may deem necessary and fix their compensation subject to the provisions of Chapters 2 and 3."

SECTION 7. Section 6772 of the Revised Laws of Hawaii

1945 is hereby amended to read as follows:

"Sec. 6772. Appropriations. The Board of Supervisors shall appropriate for the use of the Board of Public Parks and Recreation from the general funds of the city and county a sum of not less than $350,000.00 per annum, to be made available in equal monthly amounts for the maintenance and development of parks, playgrounds and other recreational facilities. The Board of Supervisors may, from time to time in its discretion, appropriate from the proper funds moneys to be used by the Board of Public Parks and Recreation in the furtherance of its parks, playgrounds and other recreational facilities development plans. Any unexpended balance of the appropriation made under this section remaining at the end of any calendar year shall be deducted from the amount to be appropriated from the ensuing year."

SECTION 8. Section 6774 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 6774. Income from operation of parks, playgrounds and recreational facilities. The Board of Public Parks and Recreation is authorized to rent or grant, to citizens only, concessions to any park or playground areas or improvements that may be deemed by it to be in the interest of the city and all revenues

derived from concessions shall be deposited in the general fund and shall be appropriated by the Board of Supervisors for the use of the Board of Public Parks and Recreation in addition to any other appropriations required by law to be made for said Board. Any unexpended balances of such special revenues existing at the end of any fiscal year shall be reappropriated for the use of the Board of Public Parks and Recreation during the next succeeding year."

SECTION 9. Chapter 130 of the Revised Laws of Hawaii 1945 is hereby further amended by substituting for the term "park board" the term "Board of Public Parks and Recreation." It is provided further, that wherever in this Act the word "board" is used reference is thereby made to the Board of Public Parks and Recreation established by this Act and that wherever the term "park" or "parks" is used, unless it clearly appears to be otherwise intended, parks, recreational grounds and playgrounds are included in the term.

SECTION 10. All laws, ordinances, rules and regulations in conflict with this Act are hereby repealed.

SECTION 11. This Act shall take effect on January 1, 1946, but the appointive members of the Board may be appointed prior to said date.

5/8/45

THE HOUSE OF REPRESENTATIVES OF THE

TERRITORY OF HAWAII

Honolulu, T. H., May 1, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M. C. Pacheco

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 340

Ayers

The Legislature
of the
Territory of Hawaii

AN ACT

AUTHORIZING AND PROVIDING FOR THE INVESTMENT OF COUNTY MONEYS IN CERTAIN SECURITIES AND THE SAFE-KEEPING OF SAME.

Introduced April 9 , 19 45, by

Senator HAROLD W. RICE

First Reading in Senate April 9, 1945
Referred to Printing Committee " " "
Second Reading in Senate April 10 , 1945
Referred to Committee on Ways & Means
Third Reading in Senate April 13, 1945.

Engrossed 4/20/45 ERH

First Reading in House April 16, 1945
Referred to
Second Reading in House April 17, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE

Clerk of the Senate

H.B. 340

AN ACT

AUTHORIZING AND PROVIDING FOR THE INVESTMENT OF COUNTY MONEYS IN CERTAIN SECURITIES AND THE SAFEKEEPING OF SAME.

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

SECTION 1. Chapter 116 of the Revised Laws of Hawaii 1945 is hereby amended by adding two new sections thereto, to be numbered Sections 6008.01 and 6008.02, and to read as follows:

"Sec. 6008.01. Short term investment of county moneys. The treasurer of each of the various counties shall have authority, with the approval of the board of supervisors, to invest any county moneys which are in excess of the amounts necessary for the meeting of immediate requirements, and for which there is no other specific authorization to invest, and when in the judgment of the board of supervisors such action will not impede or hamper the necessary financial operations of the county, in any security authorized by Section 6065 for the investment of county sinking fund moneys, provided the said security is due to mature not more than three years from the date of investment. The income derived therefrom shall be deposited in such fund or funds as the board of supervisors shall direct, and the board of supervisors of each county shall make the necessary appropriations and provide out of the proper funds of the county for the expenses of purchase, safekeeping, sale and redemption, and all other expenses attributable to such investments.

Sec. 6008.02. Deposit of securities with mainland depositories. The treasurer of each of the various counties shall, with the approval of the board of supervisors, have the authority to deposit securities owned by the county in mainland depositories. Such securities shall be subject to all the terms, conditions and authorizations of the depository agreement which the treasurer may have or may make with any

such mainland depository. Further, the treasurer of each of the various counties shall have the authority, with the approval of the board of supervisors, and with the consent of the treasurer of the Territory, to place such securities under the control of the treasurer of the Territory for safekeeping in mainland depositories. Such securities shall be subject to all the terms, conditions and authorizations of any depository agreement which the treasurer of the Territory may have or make with any mainland depository, and all expenses thereof shall be borne by the county concerned. Moneys received by any mainland depository, on behalf of the county, or on behalf of the treasurer of the Territory for the county, from the sale or redemption of securities, or as interest, shall not for a period of thirty days after the receipt thereof by the depository be considered as deposits within the meaning of Chapter 113, and moneys placed with such depositories for the purchase of securities shall not be considered as deposits within the meaning of Chapter 113."

SECTION 2. This Act shall take effect upon approval.

INTRODUCED BY:

Harold H. Rice

Senator, 3rd District

S.B.No. 340

A N A C T

AUTHORIZING AND PROVIDING FOR THE INVESTMENT OF COUNTY MONEYS IN CERTAIN SECURITIES AND THE SAFEKEEPING OF SAME.

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

SECTION 1. Chapter 116 of the Revised Laws of Hawaii 1945 is hereby amended by adding two new sections thereto, to be numbered sections 6008.01 and 6008.02, and to read as follows:

"Sec. 6008.01. Short term investment of county moneys. The treasurer of each of the various counties shall have authority, with the approval of the board of supervisors, to invest any county moneys which are in excess of the amounts necessary for the meeting of immediate requirements, and for which there is no other specific authorization to invest, and when in the judgment of the board of supervisors such action will not impede or hamper the necessary financial operations of the county, in any security authorized by section 6065 for the investment of county sinking

fund moneys, provided the said security is due to mature not more than three years from the date of investment. The income derived therefrom shall be deposited in such fund or funds as the board of supervisors shall direct, and the board of supervisors of each county shall make the necessary appropriations and provide out of the proper funds of the county for the expenses of purchase, safekeeping, sale and redemption, and all other expenses attributable to such investments.

Sec. 6008.02. Deposit of securities with mainland depositories. The treasurer of each of the various counties shall, with the approval of the board of supervisors, have the authority to deposit securities owned by the county in mainland depositories. Such securities shall be subject to all the terms, conditions and authorizations of the depository agreement which the treasurer may have or may make with any such mainland depository. Further, the treasurer of each of the various counties shall have the authority, with the approval of the board of supervisors, and with the consent of the treasurer of the Territory, to place such securities under the control of the treasurer of the Territory for safekeeping in mainland depositories. Such securities shall be subject to all the terms, conditions and authoriza-

tions of any depository agreement which the treasurer of the Territory may have or make with any mainland depository, and all expenses thereof shall be borne by the county concerned. Moneys received by any mainland depository, on behalf of the county, or on behalf of the treasurer of the Territory for the county, from the sale or redemption of securities, or as interest, shall not for a period of thirty days after the receipt thereof by the depository be considered as deposits within the meaning of chapter 113, and moneys placed with such depositories for the purchase of securities shall not be considered as deposits within the meaning of chapter 113."

SECTION 2. This Act shall take effect upon approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu,T.H., April 13, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E S Capellas

President of the Senate

Ellen D Smythe

Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE

TERRITORY OF HAWAII

Honolulu, T. H., April 21, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M G Paschoal

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 341

Engrossed

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO THE FIVE-HUNDRED DOLLAR SHORTAGE EXISTING FOR MANY YEARS IN THE TERRITORIAL TREASURY.

Introduced April 9 , 1945 , by

Senator HAROLD W. RICE

Engrossed 4/12/45 SMT

First Reading in Senate April 9, 1945
Referred to Printing Committee " " "
Second Reading in Senate April 10, 1945
Referred to Committee on Ways & Means
Third Reading in Senate April 13, 1945

First Reading in House April 16, 1945
Referred to
Second Reading in House April 17, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

S.B. 341

A N A C T

RELATING TO THE FIVE HUNDRED DOLLAR
SHORTAGE EXISTING FOR MANY YEARS IN
THE TERRITORIAL TREASURY.

Whereas, a five hundred dollar ($500.00) shortage has existed in the territorial treasury since the year 1940; and

Whereas, the Territory has been unsuccessful in judicial proceedings to fix the responsibility for the said shortage, and has no further legal recourse in the matter; now therefore,

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

SECTION 1. The auditor and the treasurer are hereby authorized to cancel the said shortage and adjust their records accordingly. The sum of five hundred dollars ($500.00) is appropriated for this purpose.

SECTION 2. This Act shall take effect upon approval.

INTRODUCED BY:

Harold H. Rice
Senator, 7th District

S.B.No. 341

A N A C T

RELATING TO THE FIVE HUNDRED DOLLAR SHORTAGE EXISTING FOR MANY YEARS IN THE TERRITORIAL TREASURY.

WHEREAS, a five-hundred dollar ($500.00) shortage has existed in the territorial treasury since the year 1940; and

WHEREAS, the Territory has been unsuccessful in judicial proceedings to fix the responsibility for the said shortage, and has no further legal recourse in the matter; now therefore,

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

SECTION 1. The auditor and the treasurer are hereby authorized to cancel the said shortage and adjust their records accordingly. The sum of five hundred dollars

($500.00) is appropriated for this purpose.

SECTION 2. This Act shall take effect upon approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 13, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E S Capellas

President of the Senate

Ellen D Smeltzer

Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 21, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M G Paschal

Speaker, House of Representatives.

Clerk, House of ~~Representatives~~.

Senate Bill No. 342

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 9890 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO CERTIFICATION OF AND FEES FOR COPIES OF RECORDS IN THE PUBLIC ARCHIVES.

Enrossed 6/26/45 EPH

Introduced April 9, 1945, by
Senator WM. H. HEEN

First Reading in Senate April 9, 1945
Referred to Printing Committee April 9, 1945
Second Reading in Senate April 10, 1945
Referred to COMMITTEE ON JUDICIARY
Third Reading in Senate April 13, 1945

First Reading in House April 16, 1945
Referred to
Second Reading in House April 17, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

S. B. 342

A N A C T

TO AMEND SECTION 9890 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO CERTIFICATION OF AND FEES FOR COPIES OF RECORDS IN THE PUBLIC ARCHIVES.

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

SECTION 1. Section 9890 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Section 9890. Certificate to same. The secretary of the Territory, as chairman of the board of commissioners of public archives, or the commissioner of public archives in case the board is abolished, and the librarian or other officer performing the duties of librarian or custodian of the public archives, are severally authorized and empowered to certify, as true and correct, copies or reproductions of any of the books, documents, papers, writings or other records, or excerpts therefrom, in their custody. Fees shall be charged as follows:

For comparing any copy of any record privately made as to its correctness, five cents for each 100 words or fraction thereof;

For copying any record, sixty cents for each 100 words or fraction thereof;

For searching of a ship's manifest as to an arrival, seventy-five cents;

For each hour or fraction thereof, required in research or in transporting

and safeguarding records required to be temporarily removed from the Archives Building for any purpose, and not covered hereinabove, one dollar;

For a photographic, photostatic or other similarly reproduced copy of any record, the cost thereof;

For the certification as to the correctness of any copy, twenty-five cents.

The above fees shall not be charged where the work involved is required by any department or branch of the federal, territorial or county governments".

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

INTRODUCED BY

Senator, Third Senatorial District

S. B. No. 342

A N A C T

TO AMEND SECTION 9890 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO CERTIFICATION OF AND FEES FOR COPIES OF RECORDS IN THE PUBLIC ARCHIVES.

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

SECTION 1. Section 9890 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 9890. Certificate to same. The secretary of the Territory, as chairman of the board of commissioners of public archives, or the commissioner of public archives in case the board is abolished, and the librarian or other officer performing the duties of librarian or custodian of the public archives, are severally authorized and empowered to certify, as true and correct, copies or reproductions of any of the books, documents, papers, writings or other records, or excerpts therefrom, in their custody. Fees shall be charged as follows:

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For copying any record, sixty cents for each 100 words or fraction thereof;

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For a photographic, photostatic or other similarly reproduced copy of any record, the cost thereof;

For the certification as to the correctness of any copy, twenty-five cents.

The above fees shall not be charged where the work involved is required by any department or branch of the federal, territorial or county governments".

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 13, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate.

Ellen D Sweetser

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 26, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M G Paschoal

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 343

g.w.

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 31 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE BOARD OF COMMISSIONERS OF PUBLIC ARCHIVES.

Introduced	April 9, 1945, by
Senator	WM. H. HEEN

First Reading in Senate	April 9, 1945
Referred to Printing Committee	April 9, 1945
Second Reading in Senate	April 10, 1945
Referred to	COMMITTEE ON JUDICIARY
Third Reading in Senate	April 13, 1945

First Reading in House	April 16, 1945
Referred to	
Second Reading in House	April 17, 1945
Referred to	Judiciary Committee
Third Reading in House	

ELLEN D. SMYTHE
Clerk of the Senate

S. B. 343

A N A C T

TO AMEND SECTION 31 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE BOARD OF COMMISSIONERS OF PUBLIC ARCHIVES.

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

SECTION 1. Section 31 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto at the end thereof a new sentence to read as follows:

"The board may adopt and use a seal and may adopt, and amend or revise from time to time, such rules and regulations as it may consider expedient for the conduct of its business."

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

INTRODUCED BY:

Senator, Third Senatorial District

S. B. No. 343

A N A C T

TO AMEND SECTION 31 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE BOARD OF COMMISSIONERS OF PUBLIC ARCHIVES.

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

SECTION 1. Section 31 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto at the end thereof a new sentence to read as follows:

"The board may adopt and use a seal and may adopt, and amend or revise from time to time, such rules and regulations as it may consider expedient for the conduct of its business."

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

1/15/48

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 13, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate.

Ellen D'Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 30, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M K Pascual

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 344

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND CHAPTER 15 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM OF THE TERRITORY.

Introduced April 10 , 1945 , by
Senator ERNEST N. HEEN

First Reading in Senate April 10, 1945
Referred to Printing Committee April 10, 1945
Second Reading in Senate April 11, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

S.B. 344

AN ACT

TO AMEND CHAPTER 15 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM OF THE TERRITORY.

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

SECTION 1. Chapter 15 of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(a) By deleting from line 5 of subsection 5 of section 708 the words "through no negligence on his part" and the commas preceding and following said words, by substituting a comma for the semi-colon in line 5 of said subsection and by inserting a comma in line 6 of said subsection after the letters "vided" and inserting thereafter the following:

"however, that neither intoxication of the member, nor the wilful intention of the member to injure himself or to injure another, was a contributing cause of the accident, and provided, further,".

(b) By inserting in line 7 of subsection 9 of section 708 after the word "that" the words "neither intoxication of the member, nor the wilful intention of the member to injure himself or to injure another, was a contributing cause of the death and that", and by deleting from line 8 of said subsection the words "and not caused by negligence on the part of the member".

(c) By substituting a semi-colon for the period at the end of subsection 10 of section 708 and adding thereafter the following proviso:

"and <u>provided</u>, further, that no member who has attained the age of fity-five years and who desires to continue his membership subsequent to his separation from service shall be permitted to withdraw any part of the amount of his accumulated contributions, nor shall he be paid any part thereof until his retirement or death."

(d) By deleting from lines 4 and 5 of subsection 1 of section 709 the clause "who is a member of the system" and the comma following said clause and by substituting a semi-colon for the period at the end of said subsection and adding thereafter the following proviso:

"<u>provided</u>, however, that for the purposes of this section, the term "service retirement allowance" shall mean an allowance computed as provided in subsection 2 of section 708 and shall not apply to an optional allowance computed as provided in subsection 11 of said section;"

(e) By deleting from the respective lines of subsection 7 of section 712 the following phrases and punctuation:

(1) lines 4 to 6, inclusive, "segregated between the respective funds of such county out of which the compensation of such employees is paid" and the comma thereafter;

(2) line 16, "by the board"; and

(3) lines 20 and 21, "on the basis of the segregation certified to the county by the board" and the comma thereafter.

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

INTRODUCED BY:

Ernest Lee

Senator, 3rd District

Senate Bill No. 345

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND CHAPTER 61 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE HAWAII HOUSING AUTHORITY, ITS CREATION, POWERS AND DUTIES, BY AMENDING SECTION 3524 THEREOF RELATING TO THE ISSUANCE OF BONDS BY THE HAWAII HOUSING AUTHORITY, AND BY ADDING THERETO THREE NEW SECTIONS TO BE NUMBERED SECTIONS 3536, 3537 AND 3538 RELATING TO ADDITIONAL POWERS OF THE HAWAII HOUSING AUTHORITY WITH RESPECT TO RURAL HOUSING, PAYMENTS BY THE HAWAII HOUSING AUTHORITY TO PUBLIC BODIES, AND CERTAIN AGREEMENTS TO SECURE FEDERAL CONTRIBUTIONS.

Engrossed 5-11-45

Introduced April 10 , 19 45, by

Senator CHARLES S. CRANE

First Reading in Senate	April 10, 1945
Referred to Printing Committee	April 10, 1945
Second Reading in Senate	April 11, 1945
Referred to	COMMITTEE ON WAYS AND MEANS
Third Reading in Senate	April 28, 1945

First Reading in House	April 28, 1945
Referred to	Judiciary Committee
Second Reading in House	
Referred to	
Third Reading in House	

ELLEN D. SMYTHE
Clerk of the Senate

Senate Bill No. 345

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND CHAPTER 61 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE HAWAII HOUSING AUTHORITY, ITS CREATION, POWERS AND DUTIES, BY AMENDING SECTION 3524 THEREOF RELATING TO THE ISSUANCE OF BONDS BY THE HAWAII HOUSING AUTHORITY, AND BY ADDING THERETO THREE NEW SECTIONS TO BE NUMBERED SECTIONS 3536, 3537 AND 3538 RELATING TO ADDITIONAL POWERS OF THE HAWAII HOUSING AUTHORITY WITH RESPECT TO RURAL HOUSING, PAYMENTS BY THE HAWAII HOUSING AUTHORITY TO PUBLIC BODIES, AND CERTAIN AGREEMENTS TO SECURE FEDERAL CONTRIBUTIONS.

Engrossed 5-4-45

Introduced April 10 , 19 45, by

Senator CHARLES S. CRANE

First Reading in Senate	April 10, 1945
Referred to Printing Committee	April 10, 1945
Second Reading in Senate	April 11, 1945
Referred to	COMMITTEE ON WAYS AND MEANS
Third Reading in Senate	April 28, 1945

First Reading in House	April 28, 1945
Referred to	Judiciary Committee
Second Reading in House	
Referred to	
Third Reading in House	

ELLEN D. SMYTHE
Clerk of the Senate

SB 345

AN ACT

TO AMEND CHAPTER 61 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE HAWAII HOUSING AUTHORITY, ITS CREATION, POWERS AND DUTIES, BY AMENDING SECTION 3524 THEREOF RELATING TO THE ISSUANCE OF BONDS BY THE HAWAII HOUSING AUTHORITY, AND BY ADDING THERETO THREE NEW SECTIONS TO BE NUMBERED SECTIONS 3536, 3537 AND 3538 RELATING TO ADDITIONAL POWERS OF THE HAWAII HOUSING AUTHORITY WITH RESPECT TO RURAL HOUSING, PAYMENTS BY THE HAWAII HOUSING AUTHORITY TO PUBLIC BODIES, AND CERTAIN AGREEMENTS TO SECURE FEDERAL CONTRIBUTIONS.

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

SECTION 1. Section 3524 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 3524. Bonds. The authority may with the approval of the governor 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. The authority may issue such types of bonds as it may determine, including bonds on which the principal and interest are payable: (a) exclusively from the income and revenues of the housing project financed with the proceeds of such bonds, or with such proceeds together with a grant from the federal govern-

ment in aid of such project; (b) exclusively from the income and revenues of certain designated housing projects whether or not they were financed in whole or in part with the proceeds of such bonds; or (c) from its revenues generally. Any of such bonds may be additionally secured by a pledge of any revenues or a mortgage of any housing 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 2. Chapter 61 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto three new sections to be numbered sections 3536, 3537 and 3538, to read as follows:

"Sec. 3536. Powers with respect to rural housing. The authority shall have power to sell or rent dwellings outside of cities and to make or accept such conveyances or leases as it deems necessary to carry out the rural housing purposes of this Act. With respect to such housing, the authority shall not be subject to the tenant selection limitations provided in clause (a) of section 3532.

"No dwelling shall be provided on a farm by the authority unless it has determined that, by reason of the character of the farm with respect to which the dwelling is to be constructed and the manner

of its operation, the farmer is likely successfully to carry out the undertakings required of him under his purchase agreement or lease.

"Until a purchaser makes full payment for a dwelling which is constructed by the authority on a farm, such dwelling shall continue to be the property of the authority regardless of the title to the land on which it is constructed, and such dwelling shall be exempt from taxation in the same manner as other property of the authority. Any document making land available for use by the authority shall be admitted to record, and accordingly constitute notice, in the same manner as a deed or other instrument relating to real estate."

"Sec. 3537. Agreements to secure federal contributions. In addition to the powers conferred upon the authority by other provisions of this Act, the authority in any contract for annual contributions with the federal government may obligate itself (which obligation shall be specifically enforceable and shall not constitute a mortgage, notwithstanding any other laws) to convey to the federal government the project to which such contract relates, upon the occurrence of a substantial default with respect to the covenants or conditions to which the authority is subject; such contract may provide further that in case of such conveyance, the federal government may complete, operate, manage, lease, convey or otherwise deal with the project in accordance with the

terms of such contract: Provided, that the contract requires that, as soon as practicable after the federal government is satisfied that all defaults by reason of which it shall have acquired the project have been cured and that the project will thereafter be operated in accordance with the terms of the contract, the federal government shall reconvey to the authority the project as then constituted."

"Sec. 3538. Payments to public bodies. The authority may agree to make such payments to the Territory, or any political subdivisions thereof (which payments such bodies are hereby authorized to accept) as the authority finds consistent with the maintenance of the low-rent character of housing projects or the achievement of the purposes of this Act."

SECTION 3. Severability clause. 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 4. Act controlling. In so far as the provisions of this Act are inconsistent with the provisions of any other law, the provisions of this Act shall be controlling.

SECTION 5. Effective date. This Act shall take effect upon its approval.

INTRODUCED BY:

Charles S. Crane

Senator, 3rd District

Honolulu, T. H.

April 27, 1945

S. B. No. 345

A N A C T

TO AMEND CHAPTER 61 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE HAWAII HOUSING AUTHORITY, ITS CREATION, POWERS AND DUTIES, BY AMENDING SECTION 3524 THEREOF RELATING TO THE ISSUANCE OF BONDS BY THE HAWAII HOUSING AUTHORITY, AND BY ADDING THERETO THREE NEW SECTIONS TO BE NUMBERED SECTIONS 3536, 3537 AND 3538 RELATING TO ADDITIONAL POWERS OF THE HAWAII HOUSING AUTHORITY WITH RESPECT TO RURAL HOUSING, PAYMENTS BY THE HAWAII HOUSING AUTHORITY TO PUBLIC BODIES, AND CERTAIN AGREEMENTS TO SECURE FEDERAL CONTRIBUTIONS.

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

SECTION 1. Section 3524 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 3524. Bonds. The authority may with the approval of the governor 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. The authority may issue such types of bonds as it may determine, including bonds on which the principal and interest are payable: (a) exclusively from the income and revenues of the housing project financed with the proceeds of such bonds, or with such proceeds together with a grant from the federal government in aid of such project; (b) exclusively from the income and revenues of certain designated housing projects whether or not they were financed in whole or in part with the proceeds of such bonds; or (c) from its revenues generally. Any of such bonds may be additionally secured by a pledge of any revenues or a mortgage of any housing 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 2. Chapter 61 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto three new sections to be numbered sections 3536, 3537 and 3538, to read as follows:

"Sec. 3536. Powers with respect to rural housing. The authority shall have power to sell

or rent dwellings outside of cities and to make or accept such conveyances or leases as it deems necessary to carry out the rural housing purposes of this Act. With respect to such housing, the authority shall not be subject to the tenant selection limitations provided in clause (a) of section 3532.

"No dwelling shall be provided on a farm by the authority unless it has determined that, by reason of the character of the farm with respect to which the dwelling is to be constructed and the manner of its operation, the farmer is likely successfully to carry out the undertakings required of him under his purchase agreement or lease.

"Until a purchaser makes full payment for a dwelling which is constructed by the authority on a farm, such dwelling shall continue to be the property of the authority regardless of the title to the land on which it is constructed, and such dwelling shall be exempt from taxation in the same manner as other property of the authority. Any document making land available for use by the authority shall be admitted to record, and accordingly constitute notice, in the same manner as a deed or other instrument relating to real estate."

"Sec. 3537. Agreements to secure federal contributions. In addition to the powers conferred upon the authority by other provisions of this Act,

the authority in any contract for annual contributions with the federal government may obligate itself (which obligation shall be specifically enforceable and shall not constitute a mortgage, notwithstanding any other laws) to convey to the federal government the project to which such contract relates, upon the occurrence of a substantial default with respect to the covenants or conditions to which the authority is subject; such contract may provide further that in case of such conveyance, the federal government may complete, operate, manage, lease, convey or otherwise deal with the project in accordance with the terms of such contract: Provided, that the contract requires that, as soon as practicable after the federal government is satisfied that all defaults by reason of which it shall have acquired the project have been cured and that the project will thereafter be operated in accordance with the terms of the contract, the federal government shall reconvey to the authority the project as then constituted."

"Sec. 3538. Payments to public bodies. The authority may agree to make such payments to the Territory, or any political subdivisions thereof (which payments such bodies are hereby authorized to accept) as the authority finds consistent with the maintenance of the low-rent character of housing projects or the achievement of the purposes of this Act."

SECTION 3. Severability clause. 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 4. Act controlling. In so far as the provisions of this Act are inconsistent with the provisions of any other law, the provisions of this Act shall be controlling.

SECTION 5. Effective date. This Act shall take effect upon its approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 28, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate.

Ellen S Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., May 1, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M K Pasehral

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 346

Original

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO THE UNIVERSITY OF HAWAII AND AMENDING SECTIONS 1942, 1943 AND 1947 OF THE REVISED LAWS OF HAWAII 1945.

Introduced April 10 , 1945, by
Senator CLEM GOMES

First Reading in Senate April 10, 1945
Referred to Printing Committee April 10, 1945
Second Reading in Senate April 11, 1945
Referred to COMMITTEE ON EDUCATION
Third Reading in Senate April 17, 1945

First Reading in House April 17, 1945
Referred to
Second Reading in House April 18, 1945
Referred to Education Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Engrossed
4/29/45
ERH

E

S.B. 346

A N A C T

TO AMEND SECTIONS 1942, 1943 AND 1947 OF THE REVISED LAWS OF HAWAII 1945; RELATING TO THE MEMBERSHIP, OFFICERS AND MEETINGS OF, AND THE DELEGATION OF POWER BY, THE BOARD OF REGENTS, UNIVERSITY OF HAWAII.

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

SECTION 1. Sections 1942, 1943 and 1947 of the Revised Laws of Hawaii 1945 are hereby amended by:

(a) Substituting for the clause "thereafter every appointment shall be for a term of four years, commencing from the date of the expiration of the preceding term" in the twelfth, thirteenth, and fourteenth lines of said section 1942 the clause "subsequently each member shall be appointed for a term to expire four years after the named expiration date of the preceding term of appointment; but every member may serve beyond the expiration date of his term of appointment until his successor has been appointed and has qualified";

(b) Substituting for the words "on" in the fifteenth line of said section 1942 the phrase "at its first meeting on or after";

(c) Substituting for the phrase "for the ensuing year" in the seventeenth line of said section 1942 the phrase "until the adjournment of its first meeting on or after July 1st of the next year or thereafter until their successors are appointed and have qualified";

(d) Substituting for the word "monthly" in the twentieth lineof said section 1942 the phrase "ten times annually";

(e) Inserting in said section 1943, between the second and third sentences thereof, a new sentence to read: "It shall have power to authorize any officer elected or appointed by it to approve and sign on its behalf any voucher or other document which the board shall have power to approve and sign".

(f) Substituting for the word "regents" in the fourth line of said section 1947 the phrase "regents or by an officer elected or appointed by the board under section 1943 and authorized by the board to approve such vouchers on behalf of the board."

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

INTRODUCED BY:

Glenn Pomes

Senator, 4th District

4/10/2

S. B. No. 346
S. D. 1

A N A C T

RELATING TO THE UNIVERSITY OF HAWAII AND AMENDING SECTIONS 1942, 1943 AND 1947 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Section 1942 of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"Sec. 1942. Regents appointment, tenure; qualifications; meetings. The affairs of the university shall be under the general management and control of the board of regents consisting of nine members of whom seven shall be appointed and may be removed by the governor in the manner prescribed by Section 80 of the Organic Act and one shall be the superintendent of public instruction, ex officio, and one shall be the president of the university, ex officio. Of the seven members appointed by the governor, one shall be a resident of the County of Hawaii, one a resident of the County of Maui, and one, a resident of the County of Kauai. At least one member shall be a graduate

of the university. Except as otherwise provided by statute, territorial officers shall be eligible to appointment and membership. Three of the members shall be appointed for a term to expire March 31, 1945, and four for a term to expire March 31, 1947; subsequently each member shall be appointed for a term to expire four years after the named expiration date of his term of appointment; but every member may serve beyond the expiration date of his term of appointment until his successor has been appointed and has qualified. Any vacancy occurring before the expiration of a term shall be filled for the unexpired term. The board shall at its first meeting after June 30th, elect a chairman, vice-chairman, and a secretary (who shall not be a member of the board), who shall serve until adjournment of its first meeting after June 30th of the next year or thereafter until their successors are appointed and have qualified and whose election shall be immediately certified by the board to the secretary of the Territory. The president of the university shall act as executive officer of the board. The board shall meet not less often than ten times annually, and may from time to time meet in each of the counties of Hawaii, Maui and Kauai.

The members of the board shall serve without pay but shall be entitled to their traveling expenses within the Territory when attending meetings

of the board or when actually engaged in business relating to the work of the board."

SECTION 2. Section 1943 of said Revised Laws is hereby amended by inserting in said section between the second and third sentences thereof, a new sentence to read: "It shall have power to authorize any officer elected or appointed by it to approve and sign on its behalf any voucher or other document which the board shall have power to approve and sign."

SECTION 3. Section 1947 of said Revised Laws is hereby amended by substituting for the word "regents" in the fourth line of said section the phrase "regents or by an officer elected or appointed by the board under section 1943 and authorized by the board to approve such vouchers on behalf of the board."

SECTION 4. This Act shall take effect upon its approval.

4/30

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 17, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E. Sleapellas

President of the Senate.

Ellen D. Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 28, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M. G. Paschoal

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 347

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 9757 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING INTER ALIA TO FEES AND EXPENSES OF EXECUTORS, ADMINISTRATORS, TRUSTEES AND GUARDIANS.

Introduced April 10, 1945, by
Senator WM. H. HEEN

First Reading in Senate April 10, 1945
Referred to Printing Committee April 10, 1945
Second Reading in Senate April 11, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

S. B. NO. 347

A N A C T

TO AMEND SECTION 9757 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING INTER ALIA TO FEES AND EXPENSES OF EXECUTORS, ADMINISTRATORS, TRUSTEES AND GUARDIANS.

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

SECTION 1. Section 9757 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding one new paragraph to the portion of said section entitled: "Fees and expenses of executors, administrators, trustees and guardians:", said new paragraph to read as follows:

"Any one of two or more co-executors, co-administrators, co-trustees or co-guardians who are entitled to compensation under the provisions of this section, may apply to the court having jurisdiction over the allowance of said compensation for a ruling as to the division of said compensation between the applicant and the co-fiduciary or co-fiduciaries of the applicant, and the court shall thereupon divide said compensation as it shall deem just and reasonable."

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

INTRODUCED BY:

Senator, Third Senatorial District

With O'Sull

Tabled

Senate Bill No. 348

The Legislature
of the
Territory of Hawaii

AN ACT

PROVIDING FOR THE PENSIONING OF TREASURER OF THE CITY AND COUNTY OF HONOLULU, TERRITORY OF HAWAII.

Filed April 25

Introduced April 10, 1945, by
Senator CHARLES S. CRANE

First Reading in Senate April 10, 1945
Referred to Printing Committee April 10, 1945
Second Reading in Senate April 11, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

S. B. No. 348

A N A C T

PROVIDING FOR THE PENSIONING OF TREASURER OF THE CITY AND COUNTY OF HONOLULU, TERRITORY OF HAWAII.

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

SECTION 1. City and County of Honolulu is hereby authorized and directed to add to any pension or retirement allowance which D. L. Conkling, Treasurer of the City and County of Honolulu, shall be entitled to receive from the Retirement System of the Territory of Hawaii, such sum monthly as will provide that said D. L. Conkling on retirement will receive the sum of Five Hundred Dollars ($500.00) per month.

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

INTRODUCED BY:

Charles S. Crane
Senator, Third Senatorial District

Honolulu, T. H.

April 10, 1945.

2/14

Senate Bill No. 349

g.m.

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND CHAPTER 69 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE TERRITORIAL HOSPITAL, BY INSERTING THEREIN A NEW SECTION TO BE DESIGNATED SECTION 4013.01 RELATING TO THE DISPOSITION OF PROCEEDS FOR EXPENSES ATTENDING THE RECEPTION, MAINTENANCE AND CARE OF NON-INDIGENT PERSONS.

Introduced April 10 , 1945, by
Senator FRANCIS K. SYLVA

First Reading in Senate April 10, 1945
Referred to Printing Committee April 10, 1945
Second Reading in Senate April 11, 1945
Referred to COMMITTEE ON WAYS AND MEANS
Third Reading in Senate April 17, 1945

First Reading in House April 17, 1945
Referred to
Second Reading in House April 18, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

SB 349

AN ACT

TO AMEND CHAPTER 69 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE TERRITORIAL HOSPITAL, BY INSERTING THEREIN A NEW SECTION TO BE DESIGNATED SECTION 4013.01 RELATING TO THE DISPOSITION OF PROCEEDS FOR EXPENSES ATTENDING THE RECEPTION, MAINTANANCE AND CARE OF NON-INDIGENT PERSONS

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

SECTION 1. Chapter 69 of the Revised Laws of Hawaii 1945 is hereby amended by inserting therein one new section to be designated section 4013.01 and to read as follows:

"Sec. 4013.01. Fund for structures and permanent improvements to land. All moneys received pursuant to the provisions of section 4013 shall be paid into the territorial treasury into a special fund to be known as the 'Structures and Permanent Improvements to Land Fund'. Moneys in said funds shall be expendable by the director for the erection of structures and other permanent improvements to land at the hospital."

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

INTRODUCED BY:

Sen. 3rd District

S. B. No. 349

A N A C T

TO AMEND CHAPTER 69 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE TERRITORIAL HOSPITAL, BY INSERTING THEREIN A NEW SECTION TO BE DESIGNATED SECTION 4013.01 RELATING TO THE DISPOSITION OF PROCEEDS FOR EXPENSES ATTENDING THE RECEPTION, MAINTENANCE AND CARE OF NON-INDIGENT PERSONS.

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

SECTION 1. Chapter 69 of the Revised Laws of Hawaii 1945 is hereby amended by inserting therein one new section to be designated section 4013.01 and to read as follows:

"Sec. 4013.01. Fund for structures and permanent improvements to land. All moneys received pursuant to the provisions of section 4013 shall be paid into the territorial treasury into a special fund to be known as the 'Structures and Permanent Improvements to Land Fund'. Moneys in said funds

shall be expendable by the director for the erection of structures and other permanent improvements to land at the hospital."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 17, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate.

Ellen D Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 30, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M G Paschoal

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 350

The Legislature
of the
Territory of Hawaii

AN ACT

TO REPEAL SECTION 1238 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO OPELU FISHING.

No amendments

Introduced April 10, 19 45, by

Senator CHARLES H. SILVA

First Reading in Senate April 10, 1945
Referred to Printing Committee April 10, 1945
Second Reading in Senate April 11, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Ayes

S. B. NO. 350

A N A C T

TO REPEAL SECTION 1238 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO OPELU FISHING.

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

SECTION 1. Section 1238 of the Revised Laws of Hawaii 1945 is hereby repealed.

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

INTRODUCED BY:

Senator, First Senatorial District

1238
1944

Senate Bill No. 351

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO REAL ESTATE BROKERS, AND AMENDING SECTIONS 7737 AND 7738 OF THE REVISED LAWS OF HAWAII 1945.

Introduced	April 10 , 1945 , by
Senators	CLEM GOMES JOHN B. FERNANDES

First Reading in Senate	April 10, 1945
Referred to Printing Committee	April 10, 1945
Second Reading in Senate	April 11, 1945
Referred to	
Third Reading in Senate	

First Reading in House	
Referred to	
Second Reading in House	
Referred to	
Third Reading in House	

ELLEN D. SMYTHE

Clerk of the Senate

S. B. NO. 351

AN ACT

RELATING TO REAL ESTATE BROKERS, AND AMENDING SECTIONS 7737 AND 7738 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Section 7737 of the Revised Laws of Hawaii 1945 is hereby amended by amending subsection 6 thereof to read as follows:

"6. To any person as a broker unless he shall have had six months' experience as a licensed salesman in the Territory."

SECTION 2. Section 7738 of said Revised Laws is hereby amended by amending the first paragraph thereof to read as follows:

"Sec. 7738. Applications; fees. Every applicant for a license under this chapter shall file an application with the commission in such form and setting forth such information as may be prescribed or required by the commission, and shall furnish such additional information bearing upon the issuance of such license as it shall require. No applicant for a license (as a broker) shall be required to pass an examination. Every application shall be sworn to before an officer authorized to administer oaths. In the case of a copartnership or corporation any member or officer thereof may sign the application and verify the same on behalf of the applicant."

SECTION 3. This Act shall take effect

upon its approval.

INTRODUCED BY:

Senator, ~~Third~~ Fourth Senatorial District

Senate Bill No. 352

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO THE WAGES OF LABORERS ON PUBLIC WORKS AND AMENDING SECTION 362 OF THE REVISED LAWS OF HAWAII 1945.

Introduced April 10 , 1945 , by
Senator CLEM GOMES

First Reading in Senate April 10, 1945
Referred to Printing Committee April 10, 1945
Second Reading in Senate April 11, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

S. B. NO. 35

A N A C T

RELATING TO THE WAGES OF LABORERS ON PUBLIC WORKS AND AMENDING SECTION 362 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Section 362 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 362. Wages of laborers on public works. The pay for each working day, except Sunday, of each laborer engaged in constructing or repairing roads, bridges or streets, waterworks and other works, by contract or otherwise, for the Territory, or for any political subdivision thereof, shall be not less than an amount which shall equal seventy cents for each of the number of hours worked, not in excess of eight in any one day. The pay of such laborer shall be at the rate of one dollar and five cents for each hour worked over eight hours in any one day, or over forty hours in any one week. If work be required upon Sunday, the pay of each laborer shall be at the rate of one dollar and forty cents for each hour of work upon Sunday, whether or not the hours worked upon Sunday are in excess of a forty-hour work week for such laborer."

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

INTRODUCED BY:

Senator, Fourth Senatorial District

Senate Bill No. 353

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 4467 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO WORKMEN'S COMPENSATION.

Introduced April 10 , 19 45, by
Senator CHARLES H. SILVA

Engrossed 5-4-45 F

First Reading in Senate April 10, 1945
Referred to Printing Committee April 10, 1945
Second Reading in Senate April 11, 1945
Referred to COMMITTEE ON JUDICIARY
Third Reading in Senate April 19, 1945

First Reading in House April 20, 1945
Referred to
Second Reading in House April 21, 1945
Referred to Judiciary Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

SB353

A N A C T

TO AMEND SECTION 4467 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO WORKMEN'S COMPENSATION.

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

SECTION 1. Section 4467 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 4467. Termination; retroactive effect. This subtitle shall cease to be in effect six months after the president of the United States shall have proclaimed the termination of the present war, except that claims for injuries suffered prior to the expiration of this subtitle may be filed and proceedings had thereon after such expiration, subject to the other provisions of this chapter. Nothing in this section shall be construed to terminate the appropriation made in section 4466 or any award for compensation made before the expiration of this subtitle or made thereafter for injuries suffered before such expiration. The benefits of this subtitle shall apply and be extended to cover any person who, on or after December 7, 1941, was a member of the Hawaii territorial guard or any other voluntary organization mentioned in section 4464 and suffered injury or death and who would have been covered by this subtitle if it had been in effect on or after December 7, 1941."

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

INTRODUCED BY:

Charles L. Silva

Senator, 5th District

S. B. No. 353

A N A C T

TO AMEND SECTION 4467 OF THE REVISED LAWS OF HAWAII 1945,

RELATING TO WORKMEN'S COMPENSATION.

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

SECTION 1. Section 4467 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 4467. Termination; retroactive effect. This subtitle shall cease to be in effect six months after the president of the United States shall have proclaimed the termination of the present war, except that claims for injuries suffered prior to the expiration of this subtitle may be filed and proceedings had thereon after such expiration, subject to the other provisions of this chapter. Nothing in this section shall be construed to terminate the appropriation made in section 4466 or any award for compensation made before the expiration of this subtitle or made thereafter for injuries suffered before such expiration. The benefits of this subtitle shall apply and be

extended to cover any person who, on or after December 7, 1941, was a member of the Hawaii Territorial Guard or any other voluntary organization mentioned in section 4464 and suffered injury or death and who would have been covered by this subtitle if it had been in effect on or after December 7, 1941."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 19, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E D Kapellas

President of the Senate.

Ellen D. Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., May 1, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M K Paschoal

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 354

The Legislature
of the
Territory of Hawaii

AN ACT

AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE COUNTY OF HAWAII TO PAY FIVE HUNDRED TWENTY DOLLARS TO HIDEO KAWAHARA.

Engrossed S.B. 354

Introduced	April 11, 1945, by
Senator	W. H. HILL
First Reading in Senate	April 11, 1945
Referred to Printing Committee	April 11, 1945
Second Reading in Senate	April 12, 1945
Referred to	SELECT COM. OF HAWAII SENATORS
Third Reading in Senate	April 18, 1945
First Reading in House	April 18, 1945
Referred to	
Second Reading in House	April 19, 1945
Referred to	County Committee
Third Reading in House	

ELLEN D. SMYTHE
Clerk of the Senate

S. B. NO. 354

A N A C T

AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE COUNTY OF HAWAII TO PAY FIVE HUNDRED TWENTY DOLLARS TO HIDEO KAWAHARA.

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

SECTION 1. The board of supervisors of the county of Hawaii is hereby authorized and directed to pay to Hideo Kawahara the sum of five hundred twenty dollars for use of his car for the benefit of the county under oral agreement with officers of the county.

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

INTRODUCED BY:

Senator, First Senatorial District

S. B. No. 354

A N A C T

AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE COUNTY OF HAWAII TO PAY FIVE HUNDRED TWENTY DOLLARS TO HIDEO KAWAHARA.

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

SECTION 1. The board of supervisors of the county of Hawaii is hereby authorized and directed to pay to Hideo Kawahara the sum of five hundred twenty dollars for use of his car for the benefit of the county under oral agreement with officers of the county.

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

5/17
2

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 18, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate.

Ellen D. Smythes

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., May 1, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M K Pascual

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 355

The Legislature
of the
Territory of Hawaii

AN ACT

TO AUTHORIZE THE COMMISSIONERS OF PUBLIC INSTRUCTION TO ESTABLISH AND MAINTAIN FOUR CENTERS FOR INSTRUCTION IN COMMERCIAL AND BUSINESS EDUCATION.

Introduced April 11 , 1945, by

Senators JOHN B. FERNANDES, CLEM GOMES

First Reading in Senate April 11, 1945
Referred to Printing Committee April 11, 1945
Second Reading in Senate April 12, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Ellen

SB 355

A N A C T

TO AUTHORIZE THE COMMISSIONERS OF PUBLIC INSTRUCTION TO ESTABLISH AND MAINTAIN FOUR CENTERS FOR INSTRUCTION IN COMMERCIAL AND BUSINESS EDUCATION.

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

SECTION 1. Declaration of Policy. It is hereby declared to be the policy of the Territory to develop, extend and improve the commercial programs offered in the public senior high schools and to extend this program by establishing in each County or City and County a center in which one or more years of commercial vocational and business education will be offered.

SECTION 2. Advisory Committee. The Commissioners of Public Instruction are authorized and directed to appoint an advisory committee of nine or more members on business education to be made up of representatives of employers, labor, civic organizations and education. The members of such a committee shall serve without pay, but shall be reimbursed for any expenses contracted in the performance of thier duties.

SECTION 3. Equipment and Supplies. For the purchase of supply and equipment items necessary to establish this program, there is hereby appropriated out of territorial funds not otherwise obligated the sum of Eighty Thousand ($80,000.00) Dollars to be disbursed under the direction of the Department of Public Instruction.

SECTION 4. This Act shall take effect on July 1, 1945.

Honolulu, T. H.

April 11 1945.

Introduced by:
John B. Fernandez
Senators, 4th. Senatorial District.

Senate Bill No. 356

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO LIMITATION OF CRIMINAL ACTIONS; AMENDING SECTION 10691 OF THE REVISED LAWS OF HAWAII 1945.

Introduced April 11, 1945, by

Senator JOHN B. FERNANDES

First Reading in Senate April 11, 1945
Referred to Printing Committee April 11, 1945
Second Reading in Senate April 12, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

S. B. No. 356

A N A C T

RELATING TO LIMITATION OF CRIMINAL ACTIONS; AMENDING SECTION 10691 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Section 10691 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 10691. Two years; exceptions. No person shall be prosecuted for any offense under the laws of the territory, except murder in the first and second degrees, manslaughter, rape, arson in the first and second degrees, burglary in the first and second degrees, forgery, robbery in the first and second degrees, and larceny in the first degree, unless the prosecution for the offense be commenced within two years next after the commission thereof; but nothing herein contained shall bar any prosecution against any person who shall flee from justice, or absent himself from the territory, or so secrete himself that he cannot be found by the officers of the law, so that process cannot be served upon him."

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

INTRODUCED BY:

John B Fernandez

Senator, 4th District.

Honolulu, T. H.,
April 11, 1945.

4/11

Senate Bill No. 357

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO SIDEWALKS AND AMENDING SECTIONS 6130 AND 6135 OF THE REVISED LAWS OF HAWAII 1945.

Introduced April 11 , 1945, by
Senator FRANCIS K. SYLVA

First Reading in Senate April 11, 1945
Referred to Printing Committee April 11, 1945
Second Reading in Senate April 12, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

~~Just~~ Oahu

S.B.NO. 337

A N A C T

RELATING TO SIDEWALKS AND AMENDING SECTIONS 6130 AND 6135 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Section 6130 of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"Sec. 6130. Honolulu, Wahiawa, Hilo. After the establishment of the grades of streets in Honolulu, Wahiawa and Hilo, as by law prescribed, the board may require the owners of the land adjoining any street, the grade of which has been established, to construct, maintain and repair sidewalks, including curbs, in accordance with the grade of the street and to comply with the regulations regarding the material and construction of the same."

SECTION 2. Section 6135 of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"Sec. 6135. Owners to clean sidewalks. After the establishment of the grades of streets within the city of Honolulu and Wahiawa and the construction of streets and adjacent sidewalks under chapter 129, every property owner whose frontage abuts or adjoins such streets and sidewalks shall, after the construction of such streets and sidewalks, continuously maintain, and keep clean, passable and free from weeds and noxious growths the whole of such sidewalk as may abut or front upon his premises and property."

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

INTRODUCED BY

Senator, Third District

4/11/49

Senate Bill No. 358

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO THE BOXING COMMISSION AND AMENDING SECTION 7553 OF THE REVISED LAWS OF HAWAII 1945.

Engrossed 5-4-45 H

Introduced	April 11, 1945, by
Senator	FRANCIS K. SYLVA

First Reading in Senate	April 11, 1945
Referred to Printing Committee	April 11, 1945
Second Reading in Senate	April 12, 1945
Referred to	COMMITTEE ON JUDICIARY
Third Reading in Senate	April 27, 1945

First Reading in House	April 27, 1945
Referred to	
Second Reading in House	April 28, 1945
Referred to	Finance Committee
Third Reading in House	

ELLEN D. SMYTHE
Clerk of the Senate

S. B. NO. 958

A N A C T

RELATING TO THE BOXING COMMISSION AND AMENDING SECTION 7553 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Section 7553 of the Revised Laws of Hawaii 1945 is hereby amended by substituting for the last paragraph thereof the following:

"The members of the commission shall be allowed their reasonable expenses for travel and other costs necessarily incidental to the discharge of their duties and shall each receive and be paid compensation for their services at the rate of ten dollars per day for each day's actual attendance upon their duties, but the members of the commission shall not receive more than (one hundred) fifty dollars each per month on account of such compensation."

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

INTRODUCED BY:

Francis J. Sylva

Senator, Third Senatorial District

S. B. No. 358
S. D. 1

A N A C T

RELATING TO THE BOXING COMMISSION AND AMENDING SECTION 7553 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Section 7553 of the Revised Laws of Hawaii 1945 is hereby amended by substituting for the last paragraph thereof the following:

"The members of the commission shall be allowed their reasonable expenses for travel and other costs necessarily incidental to the discharge of their duties and shall each receive and be paid compensation for their services at the rate of ten dollars per day for each day's actual attendance upon their duties, but the members of the commission shall not receive more than fifty dollars each per month on account of such compensation."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 27, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas
President of the Senate.

Ellen D. Smythe
Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., May 1, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M K Paschoal
Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 359

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND THAT PORTION OF CHAPTER 290 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE ADMINISTRATION OF SMALL ESTATES BY ADDING THERETO A NEW SECTION NUMBERED 12037A.

Introduced April 11 , 19 45, by

Senator WM. H. HEEN

First Reading in Senate April 11, 1945
Referred to Printing Committee April 11, 1945
Second Reading in Senate April 12, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

SB 359

A N A C T

TO AMEND THAT PORTION OF CHAPTER 290 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE ADMINISTRATION OF SMALL ESTATES BY ADDING THERETO A NEW SECTION NUMBERED 12037A.

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

SECTION 1. Chapter 290 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto a new section numbered 12037A, to read as follows:

"Sec. 12037A. Estates of non-resident decedents; when administration unnecessary. - When any person dies, leaving a deposit in any bank, or equity in shares in any building and loan association, doing business in this territory, or any unpaid wages due from any corporation, firm, individual, association or partnership located in this territory, or is entitled to a death benefit payable from any fraternal order without having named a beneficiary entitled under the by-laws and regulations of such order to receive such death benefit, and the amount of such bank deposit, equity in such shares, unpaid wages or death benefit does not exceed, in the aggregate, the sum of fifteen hundred dollars, and no will of such decedent is presented for probate and administration is not granted on his estate within sixty days after his death, such bank, building and loan association, corporation, firm, individual, fraternal order, association or partnership may, in its discretion, on application of the surviving husband or wife or, if none, of the next of kin of such decedent, pay the amount of such deposit, equity in such shares, unpaid wages or benefit to such husband, wife or next of kin, or, on like application of the funeral director who buried such decedent, with an affidavit that such funeral director has a lawful

preferred claim for funeral expenses,pay the amount of such claim to such funeral director, or the portion thereof covered by such deposit, equity in such shares, unpaid wages or death benefit, and such payment shall, to the extent of the amount so paid, discharge such bank, corporation, firm, individual, fraternal order, association or partnership from liability to any person on account of such deposit, equity in such shares, unpaid wages or death benefit; but any person to whom such payment has been made shall be liable for the amount thereof to the executor or administrator of the estate of the decedent thereafter appointed. As a condition of such payment, such bank, corporation, firm, individual, association, partnership, or order may require proof as to the parties in interest, the filing of appropriate waivers, the execution of a bond of indemnity and a receipt for such payment."

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

Introduced by:

Senator 3rd Dist

April 10, 1945.

Senate Bill No. 360

g.m.

The Legislature
of the
Territory of Hawaii

AN ACT

AMENDING CHAPTER 103 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO INHERITANCE AND ESTATE TAXES.

Introduced April 11, 1945, by
Senator WM. H. HEEN

First Reading in Senate April 11, 1945
Referred to Printing Committee April 11, 1945
Second Reading in Senate April 12, 1945
Referred to COMMITTEE ON JUDICIARY
Third Reading in Senate April 23, 1945

First Reading in House April 24, 1945
Referred to
Second Reading in House April 25, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

S/B 360

AN ACT

AMENDING CHAPTER 103 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO INHERITANCE AND ESTATE TAXES.

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

SECTION 1. Chapter 103 of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(1) By amending section 5553 to read as follows:

"Sec. 5553. Same, joint holdings. Whenever property, real or personal, including joint deposits in banks or other institutions or depositories, is held in joint tenancy by two or more persons, upon the death of one of such persons the right of the surviving joint tenant or joint tenants to the immediate acquisition, possession and enjoyment of such property shall be deemed a transfer taxable under the provisions of this chapter in the same manner as though the whole property to which such transfer relates had belonged absolutely to the deceased joint tenant and had been devised or bequeathed to the survivor or survivors by the deceased by will, excepting therefrom such part thereof as may be proved by the survivor or survivors (1) to have originally belonged to him or them and not the deceased, or (2) to be his or their proportionate share of a gift, devise, or bequest to the joint tenants made by some third person. When the surviving joint tenant, or one of the surviving joint tenants, was the spouse of the decedent at the time of his death, only one half of the property so deemed transferred to said surviving spouse after the application of the foregoing exceptions shall, for the purposes of this section, be subject to tax. This section shall apply

to tenancies by the entirety as well as to joint tenancies."

(2) By amending section 5555 by deleting the last sentence of said section.

(3) By amending section 5556 by changing the period at the end thereof to a semi-colon and by adding thereto the following:

"provided, that this section shall not be deemed to apply in a case of a trust, the trustee of which has the power to augment the income payable to any beneficiary of the trust out of principal, if such power (1) is not exercisable by or subject to the control of such beneficiary either alone or in conjunction with any other person, and (2) is so limited that the values of the rights, interests, or estates of the several donees nevertheless are presently ascertainable."

(4) By amending sections 5562 and 5563 thereof to read as follows:

"Sec. 5562. Resident decedents; credits. Whenever the estate of any decedent who, at the time of death, was a resident of the Territory shall be subject to an estate tax under the federal estate tax law, the tax imposed by sections 5552-5556 shall be increased by the imposition of an additional tax, which shall be calculated as follows:

(1) Where no constitutionally valid estate, inheritance, legacy or succession taxes are payable to any state or to any other territory or to the District of Columbia in respect of property included in the

gross estate, by deducting the tax imposed by said sections from the credit of eighty per centum allowed by the federal estate tax law.

(2) Where constitutionally valid estate, inheritance, legacy or succession taxes are actually paid to any state or to any other territory or to the District of Columbia in respect of property included in the gross estate, by adding such taxes to the tax imposed by said sections and deducting the total from the credit of eighty per centum allowed by the federal estate tax law; provided, that the deduction for such taxes actually paid to any state or other territory of the United States or the District of Columbia shall only be allowed if the payment thereof and claim for credit therefor is made within three years after the date of the decedent's death, except that the treasurer may, for good cause shown, extend the period for the payment of such taxes and the making of such claim.

For the purposes of this section and section 5563 the term 'gross estate' shall be deemed to refer to the gross estate subject to federal estate tax.

Sec. 5563. Non-resident decedents. An additional tax is imposed upon or in respect of the transfer of so much of the net estate of every person who, at the time of death, was a non-resident of the Territory as consists of real property situated and tangible personal property having an actual situs in the Territory, the amount of such additional tax to be calculated as follows: Ascertain the portion of the credit of eighty per centum allowed by the federal estate tax law which is attributable

to the real property situated and the tangible personal property having an actual situs in the Territory by multiplying the credit of eighty per centum by a fraction the denominator of which shall be the value, as determined for federal estate tax purposes, of the gross estate, and the numerator of which shall be the value, as determined for federal estate tax purposes, of the real property situated and the tangible personal property having an actual situs in the Territory. From such portion of the eighty per cent credit deduct the amount of the tax imposed by sections 5552-5556."

(5) By amending section 5567 to read as follows:

"Sec. 5567. Payable when; penalty for non-payment. All taxes imposed by this chapter, unless otherwise herein provided for, shall be due and payable at the death of the decedent, and if the same are paid within eighteen months, no interest shall be charged and collected thereon, but if not so paid interest at the rate of eight per centum per annum shall be charged and collected from the date of death; provided, that 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 in all cases where the executors, administrators or trustees do not pay such tax within eighteen months from the date of the death of the decedent, the treasurer may apply to the circuit judge having jurisdiction of the decedent's estate in the Territory for an order requiring the said executors, administrators or trustees to furnish a bond for the payment of same, and if after notice and hearing the circuit judge shall

find that the said tax has not been paid, an order shall be entered requiring the executors, administrators or trustees to execute a bond to the Territory in the amount of the tax, the interest then due thereon and such further amount as the court shall find necessary to fully protect the Territory, with a corporate surety licensed in the Territory, conditioned for the payment of the tax and all interest which may eventually be due thereon. When it shall appear to the court that the tax is not then susceptible of exact calculation, the court shall estimate the amount of the tax for the purposes of this section."

(6) By amending section 5568 by changing the words "ten per centum" wherever they appear therein to read "eight per centum", and by changing the words "seven per centum" appearing therein to read "five per centum".

(7) By amending section 5573 thereof to read as follows:

"Sec. 5573. Duties of safe deposit companies, trust companies, banks, corporations, partnerships, persons, etc. No safe deposit company, trust company, bank, corporation or other institution, partnership, or person, having possession or control of any property of a decedent, or property standing in the name of a decedent and one or more persons as joint tenants or tenants by the entirety, shall deliver, transfer or pay the same to the executors, administrators or legal representatives of the decedent, or to the surviving joint tenants or tenant by the entirety, or to any other person, or upon the order or request of any of the foregoing, with-

out retaining a sufficient portion or amount thereof to pay any tax and the interest thereon which may thereafter be assessed or become due on account of the said property, unless the treasurer consents thereto in writing; provided, however, when the decedent was at the time of his death a resident of the Territory, and the delivery, transfer or payment is made to, or at the order of, the executor, administrator or other legal representative of the decedent, and does not consist of the contents of a safe deposit box, or of property standing in the name of the decedent and one or more persons as joint tenants or tenants by the entirety, it shall not be necessary to so retain assets for the payment of taxes and interest, or to obtain the said consent of the treasurer, if the safe deposit company, trust company, bank, corporation or other institution, partnership, or person, immediately upon the delivery, transfer or payment, notifies the treasurer thereof in writing, stating the name of the decedent, the name of the executor, administrator, or other legal representative of the decedent, to whom, or at whose order, the delivery, transfer or payment was made, the date of same, and a description of the property. The word 'property' as used in this section shall mean property of every kind and nature, including shares of the capital stock of, or other interests in, or claims against, the safe deposit company, trust company, bank, corporation or other institution, partnership, or person, making the delivery, transfer or payment.

It shall be lawful for the treasurer, personally

or by representative, to examine the property which is about to be or has been delivered, transferred or paid. Failure to allow such examination or failure to conform to the provisions of this section shall render the safe deposit company, trust company, bank, corporation or other institution, partnership, or person, liable to a payment of twice the amount of the tax and interest due or thereafter to become due upon the property delivered, transferred or paid in violation hereof, and the liability shall be enforced in an action brought in accordance with the provisions of section 5587.

SECTION 2. This Act shall take effect as follows:

(1) Subsections (1) to (4) inclusive of section 1 of this Act shall take effect upon the approval of this Act as to decedents dying after said effective date, but sections 5553, 5555, 5556, 5562, and 5563 of the Revised Laws of Hawaii 1945 as such sections stood prior to the amendments made by subsections (1) to (4) inclusive of section 1 of this Act shall apply in cases of decedents dying on or prior to said effective date.

(2) Subsections (5) and (6) of section 1 of this Act shall take effect on the first day of the calendar month following the date of the approval of this Act and shall apply to all interest thereafter accruing irrespective of the date of death of the decedent, but shall not apply to interest already accrued.

(3) Subsection (7) of section 1 of this Act shall take effect on July 1, 1945.

INTRODUCED BY:

Senator, 2nd District

S. B. No. 360

A N A C T

AMENDING CHAPTER 103 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO INHERITANCE AND ESTATE TAXES.

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

SECTION 1. Chapter 103 of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(1) By amending section 5553 to read as follows:

"Sec. 5553. Same, joint holdings. Whenever property, real or personal, including joint deposits in banks or other institutions or depositories, is held in joint tenancy by two or more persons, upon the death of one of such persons the right of the surviving joint tenant or joint tenants to the immediate acquisition, possession and enjoyment of such property shall be deemed a transfer taxable under the provisions of this chapter in the same manner as though the whole property to which such transfer relates had belonged absolutely to the

deceased joint tenant and had been devised or bequeathed to the survivor or suvivors by the deceased by will, excepting therefrom such part thereof as may be proved by the survivor or survivors (1) to have originally belonged to him or them and not the deceased, or (2) to be his or their proportionate share of a gift, devise, or bequest to the joint tenants made by some third person. When the surviving joint tenant, or one of the surviving joint tenants, was the spouse of the decedent at the time of his death, only one half of the property so deemed transferred to said surviving spouse after the application of the foregoing exceptions shall, for the purposes of this section, be subject to tax. This section shall apply to tenancies by the entirety as well as to joint tenancies."

(2) By amending section 5555 by deleting the last sentence of said section.

(3) By amending section 5556 by changing the period at the end thereof to a semi-colon and by adding thereto the following:

"provided, that this section shall not be deemed

to apply in a case of a trust, the trustee of which has the power to augment the income payable to any beneficiary of the trust out of principal, if such power (1) is not exercisable by or subject to the control of such beneficiary either alone or in conjunction with any other person, and (2) is so limited that the values of the rights, interests, or estates of the several donees nevertheless are presently ascertainable."

(4) By amending sections 5562 and 5563 thereof to read as follows:

"Sec. 5562. Resident decedents; credits. Whenever the estate of any decedent who, at the time of death, was a resident of the Territory shall be subject to an estate tax under the federal estate tax law, the tax imposed by sections 5552-5556 shall be increased by the imposition of an additional tax, which shall be calculated as follows:

(1) Where no constitutionally valid estate, inheritance, legacy or succession taxes are payable to any state or to any other territory or to the District of Columbia in respect of property included in the gross estate, by deducting the tax imposed by said sections from the credit of eighty

per centum allowed by the federal estate tax law.

(2) Where constitutionally valid estate, inheritance, legacy or succession taxes are actually paid to any state or to any other territory or to the District of Columbia in respect of property included in the gross estate, by adding such taxes to the tax imposed by said sections and deducting the total from the credit of eighty per centum allowed by the federal estate tax law; provided, that the deduction for such taxes actually paid to any state or other territory of the United States or the District of Columbia shall only be allowed if the payment thereof and claim for credit therefor is made within three years after the date of the decedent's death, except that the treasurer may, for good cause shown, extend the period for the payment of such taxes and the making of such claim.

For the purposes of this section and section 5563 the term 'gross estate' shall be deemed to refer to the gross estate subject to federal estate tax.

Sec. 5563. Non-resident decedents. An additional tax is imposed upon or in respect of the transfer of so much of the net estate of every person who, at the time of death, was a non-resident

of the Territory as consists of real property situated and tangible personal property having an actual situs in the Territory, the amount of such additional tax to be calculated as follows: Ascertain the portion of the credit of eighty per centum allowed by the federal estate tax law which is attributable to the real property situated and the tangible personal property having an actual situs in the Territory by multiplying the credit of eighty per centum by a fraction the denominator of which shall be the value, as determined for federal estate tax purposes, of the gross estate, and the numerator of which shall be the value, as determined for federal estate tax purposes, of the real property situated and the tangible personal property having an actual situs in the Territory. From such portion of the eighty per cent credit deduct the amount of the tax imposed by sections 5552-5556."

(5) By amending section 5567 to read as follows:

"Sec. 5567. Payable when; penalty for nonpayment. All taxes imposed by this chapter, unless otherwise herein provided for, shall be due and payable at the death of the decedent, and if the same are paid within eighteen months, no in-

terest shall be charged and collected thereon, but if not so paid interest at the rate of eight per centum per annum shall be charged and collected from the date of death; provided, that 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 in all cases where the executors, administrators or trustees do not pay such tax within eighteen months from the date of the death of the decedent, the treasurer may apply to the circuit judge having jurisdiction of the decedent's estate in the Territory for an order requiring the said executors, administrators or trustees to furnish a bond for the payment of same, and if after notice and hearing the circuit judge shall find that the said tax has not been paid, an order shall be entered requiring the executors, administrators or trustees to execute a bond to the Territory in the amount of the tax, the interest then due thereon and such further amount as the court shall find necessary to fully protect the Territory, [with a corporate surety licensed in the Territory,] conditioned for the payment of the tax and all interest which may eventually be due thereon. When it shall appear to the court that the tax is not

Insert 1

then susceptible of exact calculation, the court shall estimate the amount of the tax for the purposesof this section."

(6) By amending section 5568 by changing the words "ten per centum" wherever they appear therein to read "eight per centum", and by changing the words "seven per centum" appearing therein to read "five per centum".

(7) By amending section 5573 thereof to read as follows:

"Sec. 5573. Duties of safe deposit companies, trust companies, banks, corporations, partnerships, persons, etc. No safe deposit company, trust company, bank, corporation or other institution, partnership, or person, having possession or control of any property of a decedent, or property standing in the name of a decedent and one or more persons as joint tenants or tenants by the entirety, shall deliver, transfer or pay the same to the executors, administrators or legal representatives of the decedent, or to the surviving joint tenants or tenant by the entirety, or to any other person, or upon the order or request of any of the foregoing, without retaining a sufficient portion or amount thereof to pay any tax and the interest thereon

which may thereafter be assessed or become due on account of the said property, unless the treasurer consents thereto in writing; provided, however, when the decedent was at the time of his death a resident of the Territory, and the delivery, transfer or payment is made to, or at the order of, the executor, administrator or other legal representative of the decedent, and does not consist of the contents of a safe deposit box, or of property standing in the name of the decedent and one or more persons as joint tenants or tenants by the entirety, it shall not be necessary to so retain assets for the payment of taxes and interest, or to obtain the said consent of the treasurer, if the safe deposit company, trust company, bank, corporation or other institution, partnership, or person, immediately upon the delivery, transfer or payment, notifies the treasurer thereof in writing, stating the name of the decedent, the name of the executor, administrator, or other legal representative of the decedent, to whom, or at whose order, the delivery, transfer or payment was made, the date of same, and a description of the property. The word 'property' as used in this section shall mean property of every kind and nature, including

shares of the capital stock of, or other interests in, or claims against, the safe deposit company, trust company, bank, corporation or other institution, partnership, or person, making the delivery, transfer or payment.

It shall be lawful for the treasurer, personally or by representative, to examine the property which is about to be or has been delivered, transferred or paid. Failure to allow such examination or failure to conform to the provisions of this section shall render the safe deposit company, trust company, bank, corporation or other institution, partnership, or person, liable to a payment of twice the amount of the tax and interest due or thereafter to become due upon the property delivered, transferred or paid in violation hereof, and the liability shall be enforced in an action brought in accordance with the provisions of section 5587.

SECTION 2. This Act shall take effect as follows:

(1) Subsections (1) to (4) inclusive of section 1 of this Act shall take effect upon the approval of this Act as to decedents dying after said effective date, but sections

5553, 5555, 5556, 5562, and 5563 of the Revised Laws of Hawaii 1945 as such sections stood prior to the amendments made by subsections (1) to (4) inclusive of section 1 of this Act shall apply in cases of decedents dying on or prior to said effective date.

(2) Subsections (5) and (6) of section 1 of this Act shall take effect on the first day of the calendar month following the date of the approval of this Act and shall apply to all interest thereafter accruing irrespective of the date of death of the decedent, but shall not apply to interest already accrued.

(3) Subsection (7) of section 1 of this Act shall take effect on July 1, 1945.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 23, 1945.

We hereby certify that the foregoing bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E S Kapeliela

President of the Senate.

Ellen D Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE

TERRITORY OF HAWAII

Honolulu, T. H., May 1, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M K Paschoal

Speaker, House of Representatives.

Clerk, House of Representatives.

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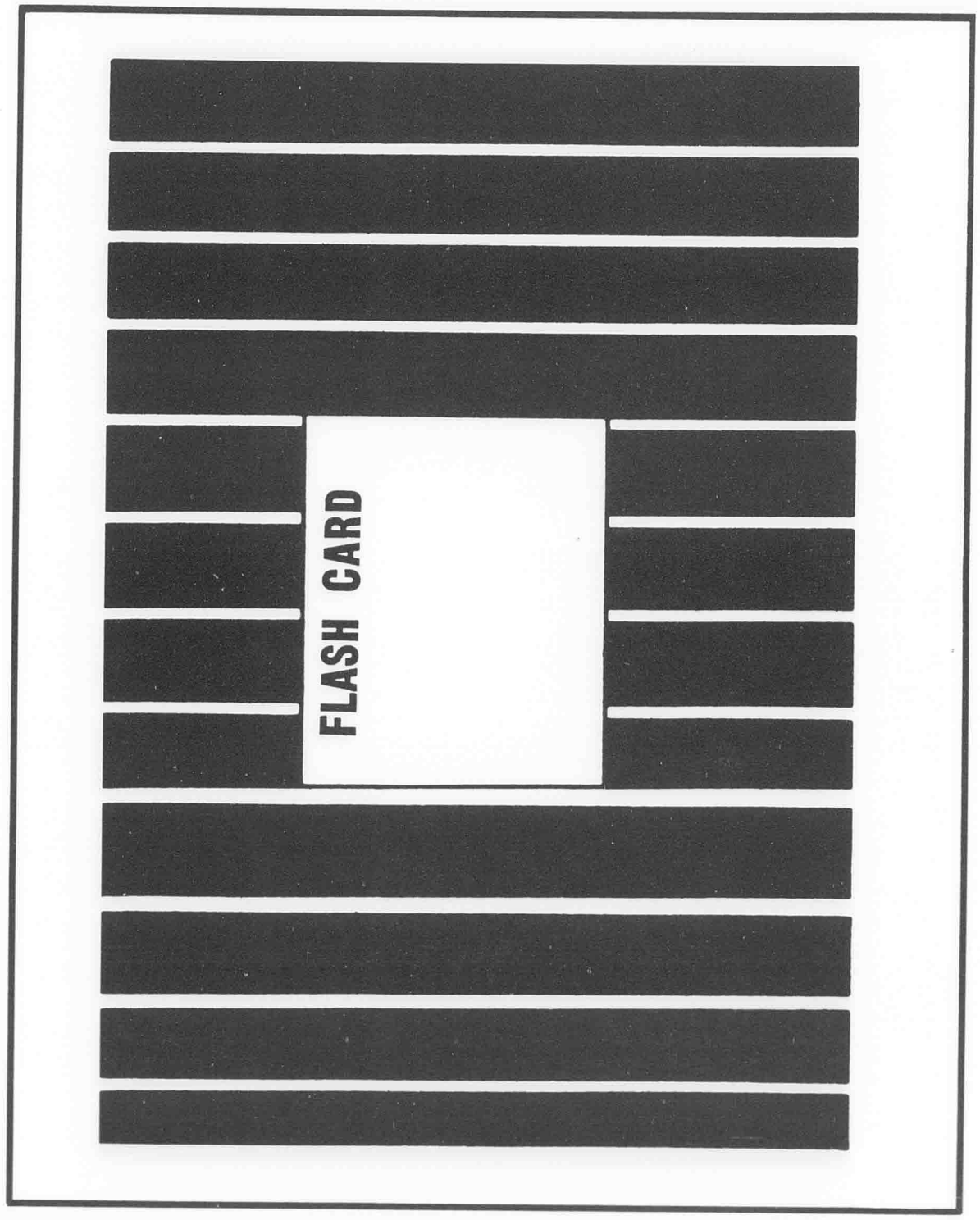

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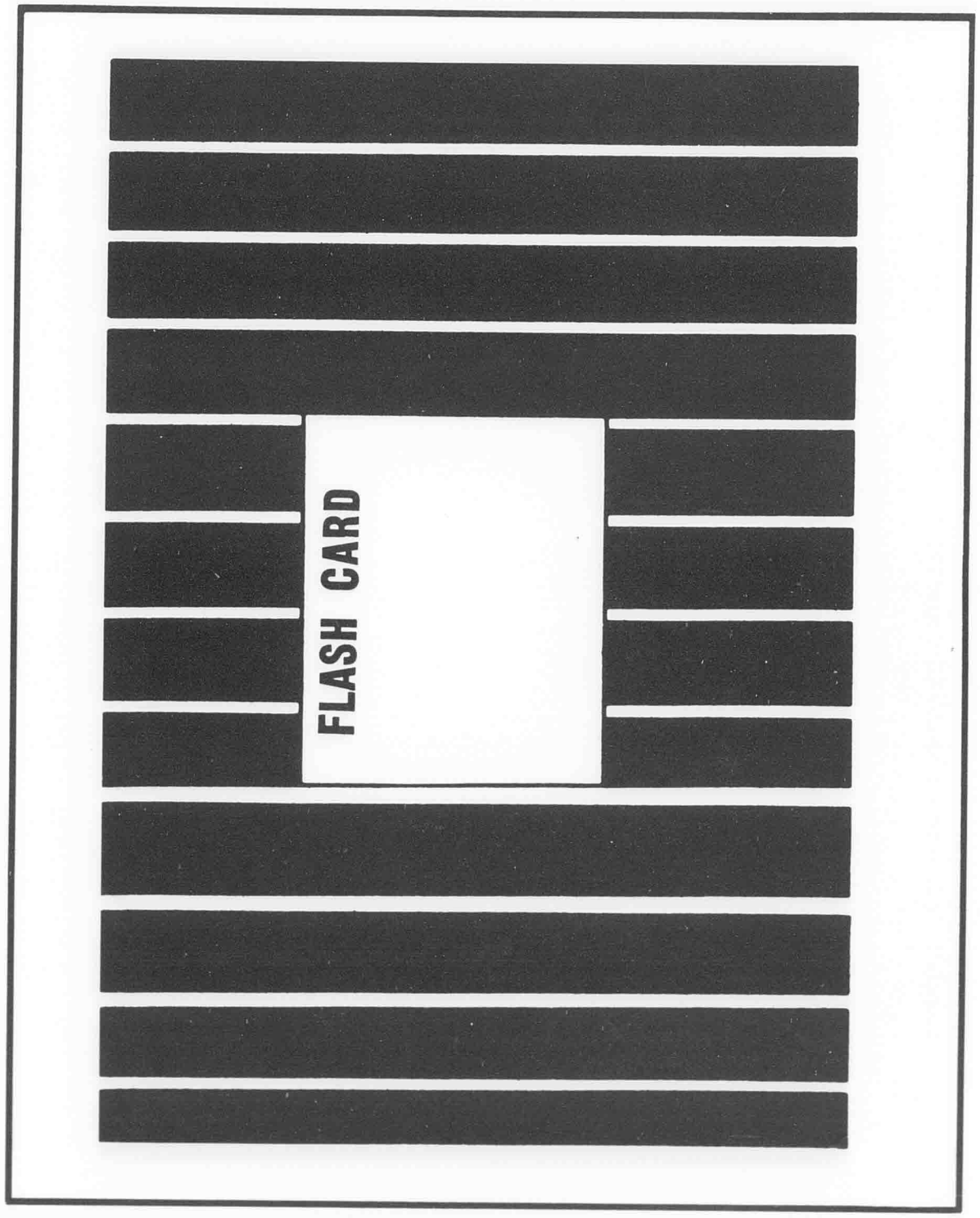

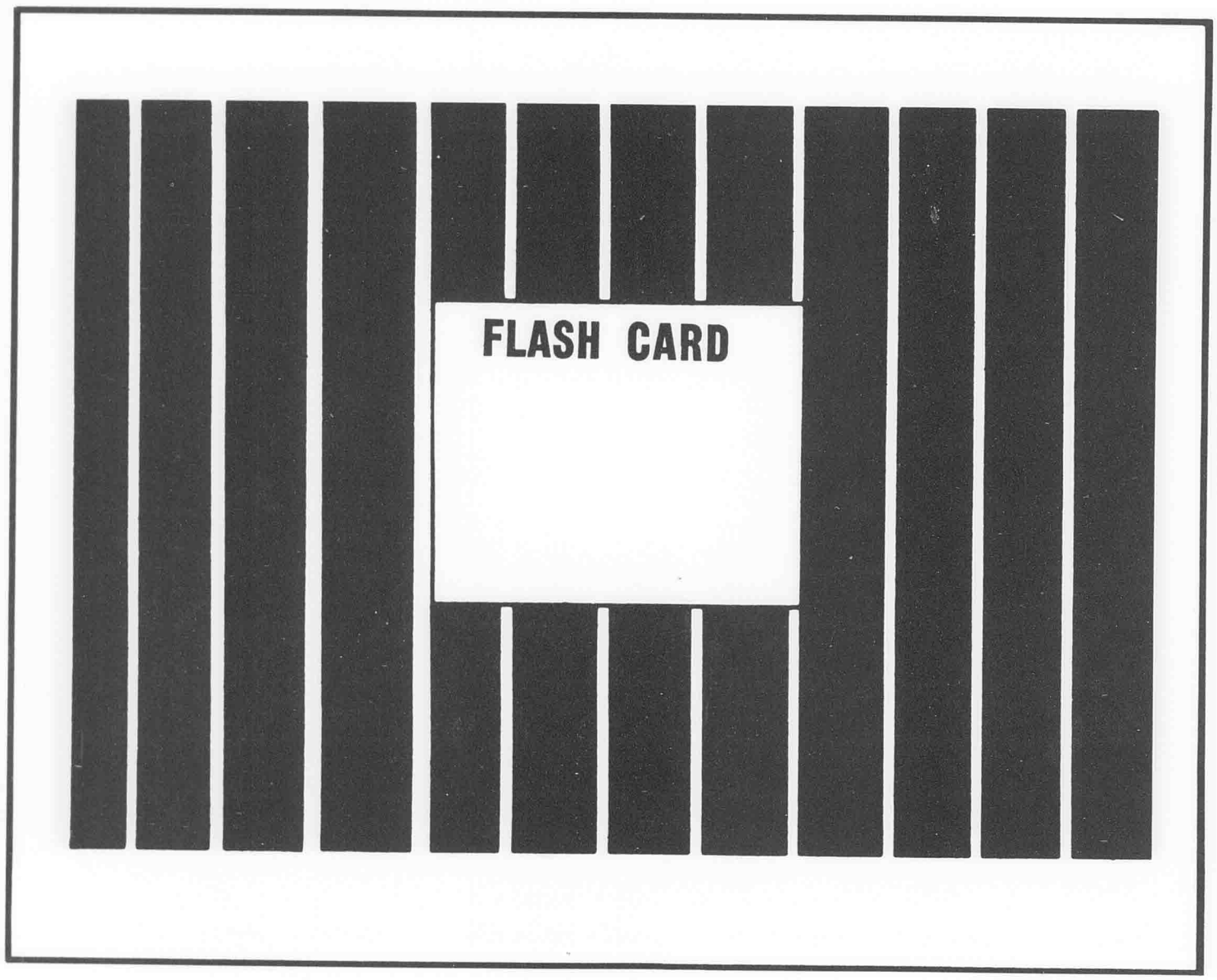

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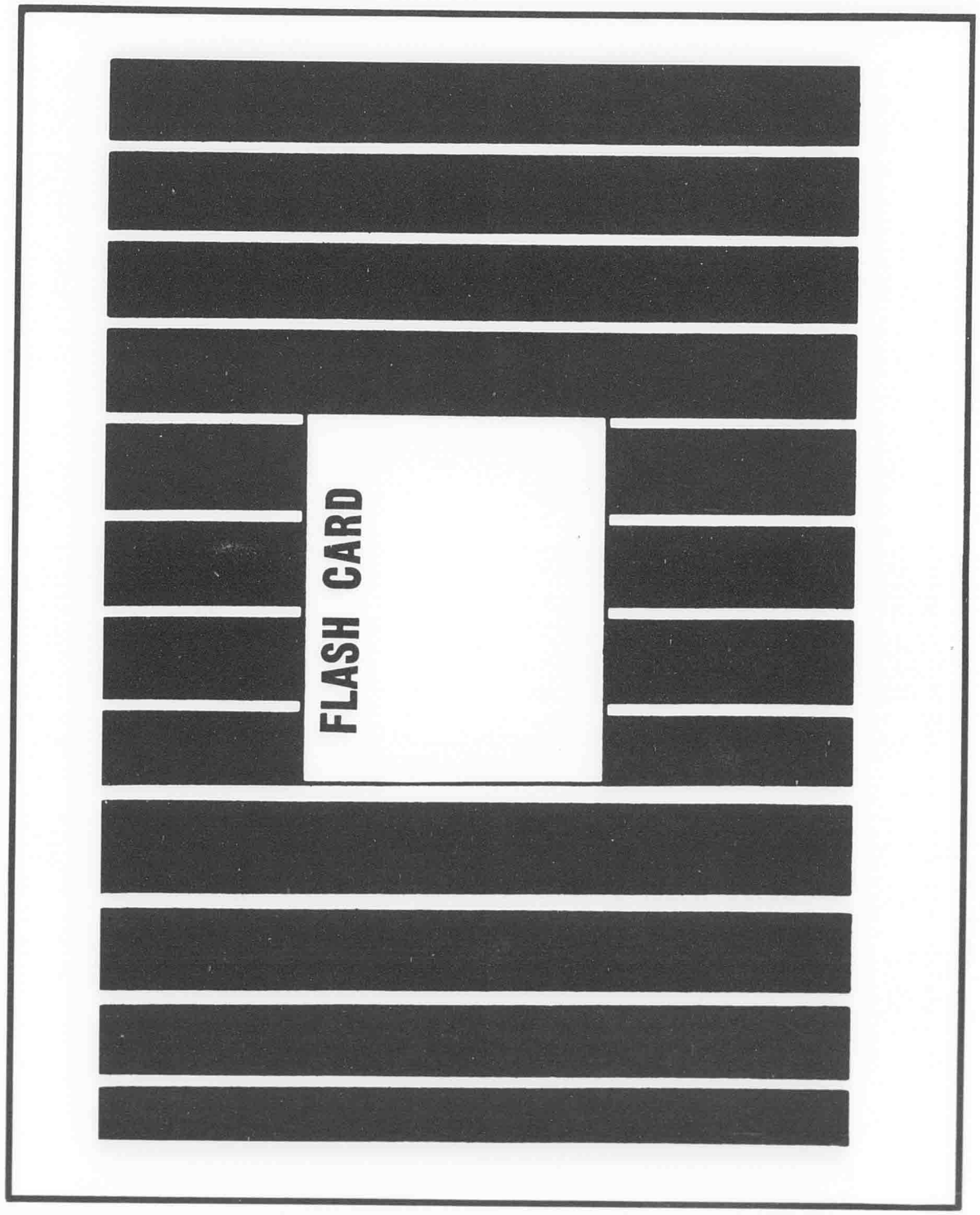

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6

Senate Bill No. 361

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO WATER LICENSES ISSUED BY THE COMMISSIONER OF PUBLIC LANDS.

Introduced April 11 , 1945, by

Senator C. A. CROZIER

First Reading in Senate April 11, 1945
Referred to Printing Committee April 11, 1945
Second Reading in Senate April 12, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Lands

S. B. NO. 361

A N A C T

RELATING TO WATER LICENSES ISSUED BY THE COMMISSIONER OF PUBLIC LANDS.

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

SECTION 1. All water licenses issued by the commissioner of public lands, granting to any person, natural or artificial, the right to the use of government owned water, issued after the passage of this Act, shall be deemed subject to the condition, whether or not stipulated in the license, that the licensee shall, upon the demand of the board of supervisors of any county, grant to the county the right to use free of charge any water which said board of supervisors deems necessary adequately to supply the needs of any water system operated by such county, which demand, however, shall be subordinate to any demand made by the Hawaiian Homes Commission under the provisions of section 221 of the Hawaiian Homes Commission Act, 1920.

SECTION 2. "The needs of any water system", within the meaning of section 1 hereof, shall include water for exchange for an equal gallonage nearer to the system of said county.

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

INTRODUCED BY:

Senator, Second Senatorial District

Senate Bill No. 362

Engross

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO THE TERRITORIAL INSURANCE FUND, PROVIDING FOR TRANSFERS THERETO IN THE EVENT OF ITS DEPLETION.

Introduced April 11, 1945, by
Senator HAROLD W. RICE

First Reading in Senate April 11, 1945
Referred to Printing Committee April 11, 1945
Second Reading in Senate April 12, 1945
Referred to COMMITTEE ON WAYS AND MEANS
Third Reading in Senate April 17, 1945

First Reading in House April 17, 1945
Referred to
Second Reading in House April 18, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Engrossed
4/22/45
EPD

S.B. 362
S.D.1.

AN ACT

RELATING TO THE TERRITORIAL INSURANCE FUND, PROVIDING FOR TRANSFERS THERETO IN THE EVENT OF ITS DEPLETION.

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

SECTION 1. Chapter 114 of the Revised Laws of Hawaii 1945 is hereby amended by adding a new section at the end thereof to read as follows:

Report Leg. 5873 etc.

"If the monetary requirements for the repair or replacement of any building or other property, or the payment of claims found to be due under Chapter 77, or for any other lawful claim or charge upon the insurance fund, shall, at any time, be in excess of the total of cash, securities and investments to the credit of the territorial insurance fund, the treasurer, with the approval of the governor, is authorized to transfer to the said insurance fund (1) sufficient moneys to offset such excess of liabilities, plus an additional sum not to exceed five thousand dollars. Such transfer shall be made from any moneys which may be available in the general fund and all amounts necessary for any such transfer are hereby appropriated."

SECTION 2. This Act shall take effect upon approval.

INTRODUCED BY:

Harold St. Sur
S., 2nd District

2/15/49

S. B. No. 362
S. D. 1

A N A C T

RELATING TO THE TERRITORIAL INSURANCE FUND, PROVIDING FOR TRANSFERS THERETO IN THE EVENT OF ITS DEPLETION.

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

SECTION 1. Chapter 114 of the Revised Laws of Hawaii 1945 is hereby amended by adding a new section at the end thereof to be designated section 5873 and to read as follows:

"Sec. 5873. Additional appropriation to fund. If the monetary requirements for the repair or replacement of any building or other property, or the payment of claims found to be due under Chapter 77, or for any other lawful claim or charge upon the insurance fund, shall, at any time, be in excess of the total of cash, securities and investments to the credit of the territorial insurance fund, the treasurer, with the approval of the governor, is authorized to transfer to the said insurance fund (1) sufficient moneys to offset such excess of liabilities,

plus an additional sum not to exceed five thousand dollars. Such transfer shall be made from any moneys which may be available in the general fund and all amounts necessary for any such transfer are hereby appropriated."

SECTION 2. This Act shall take effect upon approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 17, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E S Capellas

President of the Senate.

Ellen D. Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE

TERRITORY OF HAWAII

Honolulu, T. H., April 21, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M K Pascoal

Speaker, House of Representatives.

Clerk

Clerk, House of Representatives.

Senate Bill No. 363

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND CHAPTERS 99 AND 101 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE RATES OF THE CONSUMPTION TAX AND GENERAL EXCISE TAX, BY AMENDING SECTIONS 5374, 5455, AND 5467, AND BY SUSPENDING SECTION 5454.

Introduced April 11 , 1945 , by

Senator s ERNEST N. HEEN, CLEM GOMES

First Reading in Senate April 11, 1945
Referred to Printing Committee April 11, 1945
Second Reading in Senate April 12, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

SB 363

AN ACT

TO AMEND CHAPTERS 99 AND 101 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE RATES OF THE CONSUMPTION TAX AND GENERAL EXCISE TAX, BY AMENDING SECTIONS 5374, 5455, AND 5467, AND BY SUSPENDING SECTION 5454.

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

SECTION 1. Section 5374 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 5374. Rate of tax. The rate of the tax hereby imposed shall be two per cent."

SECTION 2. Section 5454 of the Revised Laws of Hawaii is hereby suspended.

SECTION 3. Section 5455 of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

1. By amending subsection A thereof by deleting from the twelfth and thirteenth lines thereof, wherever the same appear, the words "one and one-quarter per cent", and by inserting in lieu of the words deleted, wherever the same formerly appeared, the following:

"two per cent".

2. By amending subsection B thereof by deleting from the fifth line thereof the words "one and one-quarter per cent" and by inserting in lieu thereof the following:

"two per cent".

3. By amending subsection C thereof by deleting from the third line thereof the words "one and one-quarter per cent" and by inserting in lieu thereof the following:

"two per cent".

4. By amending subsection D thereof by deleting from the sixth line thereof the words "one and one-quarter per cent" and by inserting in lieu thereof the following:

"two per cent".

5. By amending subsection E thereof by deleting from the fourth line the words "one and one-quarter per cent" and by inserting in lieu thereof the following:

"two per cent".

6. By amending subsection F thereof by deleting from the fourth line the words "one and one-quarter per cent" and by inserting in lieu thereof the following:

"two per cent".

7. By amending subsection G thereof by deleting from the fifth line the words "one and one-quarter per cent" and by inserting in lieu thereof the following:

"two per cent".

SECTION 4. Section 5467 of the Revised Laws of Hawaii 1945 is hereby amended by deleting from the last sentence thereof the words "one and one-quarter per cent rate", which appear in the thirteenth line from the top of page 653 of the Revised Laws of Hawaii 1945, and by inserting in lieu of the words deleted the following:

"two per cent rate".

SECTION 5. This Act shall not take effect unless Senate Bill 125 of the twenty-third legislature, regular session, is enacted and becomes law. If said Senate Bill 125 is enacted and becomes law, this Act shall take effect on July 1, 1945, and shall apply to taxes accruing on and after said date, until the expiration date hereinafter provided for.

Whenever the tax commissioner shall determine that the two per cent tax rate provided for by this Act has raised six million dollars ($6,000,000) over and above the sum which would have been raised from consumption taxes

and general excise taxes if this Act had not been passed, or that such extra sum of six million dollars ($6,000,000) will be raised by such tax rate within the current calendar half year, he shall transmit such determination to the governor, who, if he approves the same, shall issue a proclamation fixing the expiration date of this Act as of the end of the current calendar half year, that is, June 30 or December 31, as the case may be.

Upon the expiration of this Act in the manner aforesaid all of the sections of the Revised Laws of Hawaii 1945 amended or suspended by this Act shall be restored to and shall thereafter apply in the form in which they stood prior to the enactment of this Act, or if any of such sections have been amended or repealed by other acts of the twenty-third legislature, regular session, whether heretofore or hereafter enacted, then in accordance with such acts; provided, that the expiration of 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 expiration of this Act, nor as affecting the liability of any person to prosecution for any misdemeanor or other criminal offense committed prior to the expiration of this Act, and all such taxes, interest, fines, penalties, forfeitures, liabilities, obligations, misdemeanors and other offenses may be 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 expired.

INTRODUCED BY:

Senator 3rd District

Senate Bill No. 364

g.m.

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 5151 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO REAL PROPERTY TAX EXEMPTIONS.

Introduced April 12 , 19 45, by

Senator E. S. CAPELLAS

First Reading in Senate	April 12, 1945
Referred to Printing Committee	April 12, 1945
Second Reading in Senate	April 13, 1945
Referred to	COMMITTEE ON WAYS AND MEANS
Third Reading in Senate	April 27, 1945

First Reading in House	April 28, 1945
Referred to	Finance Committee
Second Reading in House	
Referred to	
Third Reading in House	

ELLEN D. SMYTHE
Clerk of the Senate

SB 364

AN ACT

TO AMEND SECTION 5151 OF THE REVISED LAWS OF HAWAII 1945,
RELATING TO REAL PROPERTY TAX EXEMPTIONS.

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

SECTION 1. Section 5151 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto a new paragraph reading as follows:

"61-B. The property situate in Nuuanu Valley and at Waikiki belonging to Iolani School, an eleemosynary corporation, so long as the same is used only for educational, religious, hospital or governmental purposes."

SECTION 2. This Act shall take effect upon its approval and shall operate retroactively so as to include and nullify the assessment for the year 1944, and the tax commissioner is authorized to refund to said Trustees the amount of the tax paid by them on said Waikiki property in the year 1944.

INTRODUCED BY:

E B Capellas

Senator, 1st District.

S.B.No. 364
S.D. 1

A N A C T

TO AMEND SECTION 5151 OF THE REVISED LAWS OF HAWAII 1945,

RELATING TO REAL PROPERTY TAX EXEMPTIONS.

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

SECTION 1. Section 5151 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto a new paragraph reading as follows:

"61-B. The property situate in Nuuanu Valley and at Waikiki belonging to Iolani School, an eleemosynary corporation, so long as the same is used only for educational, religious, hospital or governmental purposes."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 27, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate.

Ellen D Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE

TERRITORY OF HAWAII

Honolulu, T. H., May 1, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M K Paschoal

Speaker, House of Representatives.

Clerk, House of Representatives.

with OSull.

Talked

Senate Bill No. 365

The Legislature
of the
Territory of Hawaii

AN ACT

PROVIDING A PENSION OF ONE HUNDRED DOLLARS PER MONTH TO PERRY MYERS SMOOT.

Filed April 25

Introduced April 12, 1945, by

Senator CHARLES S. CRANE

First Reading in Senate April 12, 1945
Referred to Printing Committee April 12, 1945
Second Reading in Senate April 13, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

7 35 + 20 <

S. B. NO. 36 S

A N A C T

PROVIDING A PENSION OF ONE HUNDRED DOLLARS PER MONTH TO PERRY MYERS SMOOT.

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

SECTION 1. In the event that Perry Myers Smoot is retired from the office of adjutant general of Hawaii upon or before January first, 1946, the treasurer of the Territory is authorized and directed to pay upon warrants which the auditor of the Territory is authorized and directed to issue each month, beginning with the last day of the month following said retirement, for the term of his ~~live~~ life, to Perry Myers Smoot, the sum of one hundred dollars.

SECTION 2. The amounts necessary to make such payments are hereby appropriated for such purpose out of the general revenues of the Territory of Hawaii.

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

INTRODUCED BY:

Charles S. Crane
Senator, Third Senatorial District

Senate Bill No. 366

g.m.

The Legislature
of the
Territory of Hawaii

AN ACT

APPROPRIATING SIX THOUSAND DOLLARS FOR SURVEYS AND PLANS FOR A CABLE-WAY OR TROLLEY-WAY AT KALAUPAPA, MOLOKAI

Introduced April 12, 19 45 by
Senators: FRANCIS K. SYLVA, RICE, FERNANDES, BROWN, AKANA, CROZIER and HILL

First Reading in Senate April 12, 1945
Referred to Printing Committee " " "
Second Reading in Senate April 13, 1945.
Referred to .....
Third Reading in Senate April 16, 1945

First Reading in House April 16, 1945
Referred to
Second Reading in House April 17, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

S.B. 366

AN ACT

APPROPRIATING SIX THOUSAND DOLLARS FOR SURVEYS AND PLANS FOR A CABLE-WAY OR TROLLEY-WAY AT KALAUPAPA, MOLOKAI.

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 six thousand dollars ($6,000.00) for the survey and preparation of plans for a cable-way or trolley-way from the top of the pali above Kalaupapa into Kalaupapa Settlement, Molokai.

SECTION 2. The superintendent of public works shall have charge of the survey and the preparation of the plans and the moneys herein appropriated shall be expended upon warrants drawn by the auditor of the Territory of Hawaii upon vouchers approved by the superintendent of public works.

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

INTRODUCED BY:

Francis Sylva

Harold W. Rice ~~District.~~

John B. Fernandez

Francis H. Ii Brown

Thelma W. Okana

C. A. Crozier

W. H. Hio

4/12

S.B.No. 366

A N A C T

APPROPRIATING SIX THOUSAND DOLLARS FOR SURVEYS AND PLANS FOR A CABLE-WAY OR TROLLEY-WAY AT KALAUPAPA, MOLOKAI.

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 six thousand dollars for the survey and preparation of plans for a cable-way or trolley-way from the top of the pali above Kalaupapa into Kalaupapa Settlement, Molokai.

SECTION 2. The superintendent of public works shall have charge of the survey and the preparation of the plans and the moneys herein appropriated shall be expended upon warrants drawn by the auditor of the Territory of Hawaii upon vouchers approved by the superintendent of public works.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu,T.H., April 16, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Capellas

President of the Senate

Ellen D'Smythe

Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 30, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M Y Pascual

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 367

Engrossed

The Legislature
of the
Territory of Hawaii

AN ACT

APPROPRIATING ONE HUNDRED THOUSAND DOLLARS FOR THE REPAIR AND RECONSTRUCTION OF THE HAWAII BELT ROAD DAMAGED BY STORM.

Introduced April 12, 1945, by

Senators: CHARLES H. SILVA, RICE, FERNANDEZ, FRANCIS K. SYLVA, BROWN AKANA AND HILL

First Reading in Senate April 12, 1945
Referred to Printing Committee " " "
Second Reading in Senate April 13, 1945
Referred to ....
Third Reading in Senate April 16, 1945

First Reading in House April 16, 1945
Referred to
Second Reading in House
Referred to
Third Reading in House

Enrossed 4/18/45 ERH.

85

ELLEN D. SMYTHE
Clerk of the Senate

SB 367

AN ACT

APPROPRIATING ONE HUNDRED THOUSAND DOLLARS FOR THE REPAIRS AND RECONSTRUCTION OF THE HAWAII BELT ROAD DAMAGED BY STORMS.

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 one hundred thousand dollars ($100,000.00), or so much thereof as may be necessary, for the repair and reconstruction to the highway and bridges on the Hawaii Belt Road, Kapapala section and Pahala section, including engineering, inspection, and other related costs, which were recently damaged by severe storms.

SECTION 2. The foregoing appropriation shall be expended in conjunction with Federal Aid funds provided by the Federal Aid Highway Act as amended, or any other Acts or rules and regulations pertaining thereto. The money appropriated shall be expended upon warrants drawn by the auditor of the Territory of Hawaii upon vouchers approved by the superintendent of public works.

SECTION 3. Any funds remaining upon the completion of the aforesaid work shall revert to the general fund of the Territory.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

Charles A. Silva

Harold K. Rice

John P. Fernandez District.

Francis Sylva

Francis H. Li. Brown.

Thelma M. Shaw

H. W. Hill

S.B.No. 367
S.D. 1

A N A C T

APPROPRIATING ONE HUNDRED THOUSAND DOLLARS FOR THE REPAIR AND RECONSTRUCTION OF THE HAWAII BELT ROAD DAMAGED BY STORMS.

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 one hundred thousand dollars ($100,000.00), or so much thereof as may be necessary, for the repair and reconstruction to the highway and bridges on the Hawaii Belt Road, Kapapala section and Pahala section, including engineering, inspection, and other related costs, which were recently damaged by severe storms.

SECTION 2. The foregoing appropriation shall be expended in conjunction with Federal Aid funds provided by the Federal Aid Highway Act as amended, or any other Acts or

rules and regulations pertaining thereto. The money appropriated shall be expended upon warrants drawn by the auditor of the Territory of Hawaii upon vouchers approved by the superintendent of public works.

SECTION 3. Any funds remaining upon the completion of the aforesaid work shall revert to the general fund of the Territory.

SECTION 4. This Act shall take effect upon its approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 16, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E S Capellas

President of the Senate

Ellen D. Smythe

Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 18, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M G Paschoal

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 368

g.m.

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO THE BUSINESS OF INSURANCE, AMENDING THE INSURANCE LAWS OF THE TERRITORY.

Introduced April 12, 1945, by
Senator WM. H. HEEN

First Reading in Senate April 12, 1945
Referred to Printing Committee April 12, 1945
Second Reading in Senate April 13, 1945
Referred to COMMITTEE ON JUDICIARY
Third Reading in Senate April 20, 1945

First Reading in House April 20, 1945
Referred to
Second Reading in House April 21, 1945
Referred to Judiciary Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

S.B. 368

A N A C T

RELATING TO THE BUSINESS OF INSURANCE,

AMENDING THE INSURANCE LAWS OF THE TERRITORY.

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

SECTION 1. Chapter 161 of the Revised Laws of Hawaii, 1945, is hereby amended in the following respects:

(1) By amending Section 8460 thereof to read as follows:

"Sec. 8460. Fees. The commissioner shall require payment in advance of the following fees:

Filing all applications required to be filed by this chapter	$ 1.00
Filing charter, articles of association or other controlling instrument	25.00
Filing any amendments to above	5.00
Filing resolution consenting to service of process upon commissioner	1.00
Filing name and address of resident agent authorized to accept process	1.00
Filing annual convention form	10.00
Filing certificate of compliance	10.00
Filing surety bond	1.00
Depositing securities or filing certificate of deposit of securities	10.00
Filing power of attorney authorizing appointment of subagents and solicitors	1.00
Issuing certificate of authority	10.00
Issuing renewal certificate of authority	10.00
Filing annual statement of business transacted in the Territory	10.00
Each general agent's license for each company represented	2.00
Each subagent's license issued or renewed	2.00
Each solicitor's license issued or renewed	2.00
Furnishing copies of papers filed in the office, per folio	.25
Certifying copies, each	1.00

All moneys collected under this section shall be deposited by the treasurer of the Territory in the general fund."

(2) By amending Section 8487 in the following respects:

(a) By deleting the words "less return premiums and reinsurance in companies authorized to do business in the Territory when the reinsurance is placed through or with local agents;" appearing in the 14th, 15th and 16th lines of said Section, and substituting

in lieu thereof the following: "less return premiums (but not including dividends paid or credited to policyholders), and less any reinsurance (the tax upon such business being payable by the direct writing company);"

(b) By deleting the words "and reinsurance in companies authorized to do business in the Territory when the reinsurance is placed through or with local agents," appearing in the 21st and 22nd lines of said Section, and substituting in lieu thereof the following: "and reinsurance (the tax upon such business being payable by the direct writing company),".

(3) By adding a new section thereto, to be numbered 8490.01, and to read as follows:

"Sec. 8490.01. Restrictions on the powers of insurance of domestic companies. Subject to the exceptions herein set forth, no domestic company shall enter into a contract of insurance upon the life or person of a resident of, or property or operations located in, a reciprocal state unless it has qualified itself for the doing of business in that state and is authorized pursuant to the laws of that state to transact such insurance therein.

The exceptions to the provisions of this section are the following:

(a) Contracts entered into where the prospective insurant is present in the Territory of Hawaii, or is present in a state in which the domestic insurance company is qualified and authorized to transact insurance, when signing the application.

(b) Contracts of reinsurance.

(c) The issuance of certificates under a lawfully transacted group life or group disability policy, where the master policy was entered into in the Territory of Hawaii or in a state in which the domestic insurance company was then qualified and authorized to transact insurance.

(d) The renewal or continuance in force, with or without modification, of insurance contracts otherwise lawful and which were not originally executed in violation of this section.

As used in this section, the term "reciprocal state" means

a state the laws of which prohibit an insurer domiciled therein from insuring the lives or persons of residents of, or property or operations located in, the Territory of Hawaii unless it then holds a valid and subsisting certificate of authority issued by the insurance commissioner of the Territory of Hawaii. The prohibition in said laws may be subject to the exceptions hereinabove set forth. The insurance commissioner, upon the application of any domestic insurance company, shall inform the said company whether or not any particular state is a reciprocal state.

As used in this section, the term "state" means and includes any state, territory (the Territory of Hawaii excluded) or insular possession of the United States, the District of Columbia, and the Commonwealth of the Philippines."

(4) By amending subparagraph (3) of Section 8504 to read as follows:

"(3) That pending examination as herein provided or qualification in accordance with the provisions of subsection (4) of this section, the commissioner may issue a temporary license to an applicant to act as a general agent, subagent or solicitor, effective for a period not extending beyond ten days after the results of the next succeeding examination are announced, if such applicant be otherwise qualified and be certified by an official, or licensed representative, of a company. No further temporary license shall be issued to any person failing to pass the next succeeding examination or failing to so qualify."

(5) By amending the second paragraph of Section 8506 to read as follows:

"All examinations provided for by this section shall be conducted under the procedure prescribed from time to time by the commissioner. The commissioner may appoint an examiner or examiners for the purposes of any examination. In addition to such special examinations as the commissioner may order, four examinations shall be held each year at such times during the first half of February, May, August and November, and at such places, as may be designated by the commissioner, notice of which

shall be published in English in a Honolulu daily newspaper of general circulation in the Territory at least twenty days prior to the examination; provided, in lieu of published notice, the commissioner may give written notice by registered letter mailed to each applicant at least twenty days prior to the examination. Printed copies of a manual of questions pertaining to the examination, published under the direction of the commissioner, shall be made available to all companies, general agents or subagents for use of their prospective applicants in preparing for the examination. The questions to be asked shall be based upon the questions contained in the manual. Success in passing the examination shall be determined by the commissioner or by the examiners appointed by him.

(6) By amending subsection 1 of Section 8514 to read as follows:

"1. New York form. The standard fire insurance policy of the State of New York, as authorized and in effect in the State of New York on December 31, 1943, is established as the standard form of fire insurance policy for the Territory, and no fire insurance policy shall be issued in the Territory in any other than the aforesaid form with such additions as are allowed by the terms of this chapter; provided, that nothing herein shall affect the validity of any policy otherwise valid or of any claim thereunder against an insurance company; provided further,, that this subsection shall not refer to or include policies written upon automobiles."

(7) By amending subparagraph (3) of Section 8541 to read as follows:

"3. Scope of contract; incontestability. A provision that the policy shall constitute the entire contract between the parties and shall be incontestable after it has been in force during the life time of the insured for a period of two years from its date, except for non-payment of premiums and except for violations of the conditions of the policy relating to naval or military service; that all statements made by the insured shall, in the absence of fraud, be deemed representations and not warranties; and that no such statement or statements shall be used in defense of a claim under the policy unless contained in a written application and unless a copy of the statement or statements be endorsed upon or attached to the policy

when issued."

(8) By amending Section 8545 by adding a new paragraph at the end thereof to read as follows:

"When the terms of any life or endowment policy or annuity contract require that the proceeds thereof be retained by the company upon the death of the insured, or other maturity of the policy or contract, for payment to any beneficiary other than the insured in accordance with a settlement plan selected by the insured, such beneficiary shall have no right or power, and he shall not be permitted by any company, to commute, encumber, alienate, assign or otherwise anticipate his interests under the plan if such right or power is expressly denied him by the terms of the contract or policy. If such beneficiary under the settlement plan is or was the wife or husband of the insured, or a child, parent or other person dependent upon the insured, his interests thereunder, in any case and irrespective of whether or not the contract or policy permits or denies him the right or power to commute, encumber, alienate, assign or otherwise anticipate, shall be exempt from execution, attachment, garnishment or other process for his debts or liabilities incurred after the effective date of this Act."

SECTION 2. This Act shall take effect July 1, 1945.

INTRODUCED BY:

Senate, 3rd District

S. B. No. 368

A N A C T

RELATING TO THE BUSINESS OF INSURANCE, AMENDING THE INSURANCE LAWS OF THE TERRITORY.

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

SECTION 1. Chapter 161 of the Revised Laws of Hawaii 1945, is hereby amended in the following respects:

(1) By amending Section 8460 thereof to read as follows:

"Sec. 8460. Fees. The commissioner shall require payment in advance of the following fees:

Filing all applications required to be filed by this chapter.....	$ 1.00
Filing charter, articles of association or other controlling instrument....	25.00
Filing any amendments to above.....	5.00
Filing resolution consenting to service of process upon commissioner.....	1.00
Filing name and address of resident agent authorized to accept process.....	1.00
Filing annual convention form.....	10.00

Filing certificare of compliance.....	10.00
Filing surety bond.....	1.00
Depositing securities or filing certificate of deposit of securities.....	10.00
Filing power of attorney authorizing appointment of subagents and solicitors.....	1.00
Issuing certificate of authority.....	10.00
Issuing renewal certificate of authority	10.00
Filing annual statement of business transacted in the Territory.....	10.00
Each general agent's license for each company represented.....	2.00
Each subagent's license issued or renewed.....	2.00
Each solicitor's license issued or renewed.....	2.00
Furnishing copies of papers filed in the office, per folio.....	.25
Certifying copies, each.....	1.00

All moneys collected under this section shall be deposited by the treasurer of the Territory in the general fund."

(2) By amending Section 8487 in the following respects:

(a) By deleting the words "less return premiums and reinsurance in companies authorized to do business in

the Territory when the reinsurance is placed through or with local agents;" appearing in the 14th, 15th and 16th lines of said section, and substituting in lieu thereof the following: "less return premiums (but not including dividends paid or credited to policyholders), and less any reinsurance (the tax upon such business being payable by the direct writing company);"

(b) By deleting the words "and reinsurance in companies authorized to do business in the Territory when the reinsurance is placed through or with local agents," appearing in the 21st and 22nd lines of said section, and substituting in lieu thereof the following: "an reinsurance (the tax upon such business being payable by the direct writing company),".

(3) By adding a new section thereto, to be numbered 8490.01, and to read as follows:

"Sec. 8490.01. Restrictions on the powers of insurance of domestic companies. Subject to the exceptions herein set forth, no domestic company shall enter into a contract of insurance upon the

life or person of a resident of, or property or operations located in, a reciprocal state unless it has qualified itself for the doing of business in that state and is authorized pursuant to the laws of that state to transact such insurance therein.

The exceptions to the provisions of this section are the following:

(a) Contracts entered into where the prospective insurant is present in the Territory of Hawaii, or is present in a state in which the domestic insurance company is qualified and authorized to transact insurance, when signing the application.

(b) Contracts of reinsurance.

(c) The issuance of certificates under a lawfully transacted group life or group disability policy, where the master policy was entered into in the Territory of Hawaii or in a state in which the domestic insurance company was then qualified and authorized to transact insurance.

(d) The renewal or continuance in force, with or without modification, of insurance contracts otherwise lawful and which were not originally executed in violation of this section.

As used in this section, the term "reciprocal state" means a state the laws of which prohibit an

insurer domiciled therein from insuring the lives or persons of residents of, or property or operations located in, the Territory of Hawaii unless it then holds a valid and subsisting certificate of authority issued by the insurance commissioner of the Territory of Hawaii. The prohibition in said laws may be subject to the exceptions hereinabove set forth. The insurance commissioner, upon the application of any domestic insurance company, shall inform the said company whether or not any particular state is a reciprocal state.

As used in this section, the term "state" means and includes any state, territory (the Territory of Hawaii excluded) or insular possession of the United States, the District of Columbia, and the Commonwealth of the Philippines."

(4) By amending subparagraph (3) of Section 8504 to read as follows:

"(3) That pending examination as herein provided or qualification in accordance with the provisions of subsection (4) of this section, the commissioner may issue a temporary license to an applicant to act as a general agent, subagent or solicitor, effective for a period not extending beyond ten days after the results of the next succeeding examination are announced, if such applicant be otherwise qualified and be certi-

fied by an official, or licensed representative, of a company. No further temporary license shall be issued to any person failing to pass the next succeeding examination or failing to so qualify."

(5) By amending the second paragraph of Section 8506 to read as follows:

"All examinations provided for by this section shall be conducted under the procedure prescribed from time to time by the commissioner. The commissioner may appoint an examiner or examiners for the purposes of any examination. In addition to such special examinations as the commissioner may order, four examinations shall be held each year at such times during the first half of February, May, August and November, and at such places, as may be designated by the commissioner, notice of which shall be published in English in a Honolulu daily newspaper of general circulation in the Territory at least twenty days prior to the examination; provided, in lieu of published notice, the commissioner may give written notice by registered letter mailed to each applicant at least twenty days prior to the examination. Printed copies of a manual of questions pertaining to the examination, published under the direction of the commissioner, shall

be made available to all companies, general agents or subagents for use of their prospective applicants in preparing for the examination. The questions to be asked shall be based upon the questions contained in the manual. Success in passing the examination shall be determined by the commissioner or by the examiners appointed by him.

(6) By amending subsection 1 of Section 8514 to read as follows:

"1. New York form. The standard fire insurance policy of the State of New York, as authorized and in effect in the State of New York on December 31, 1943, is established as the standard form of fire insurance policy for the Territory, and no fire insurance policy shall be issued in the Territory in any other than the aforesaid form with such additions as are allowed by the terms of this chapter; provided, that nothing herein shall affect the validity of any policy otherwise valid or of any claim thereunder against an insurance company; provided further, that this subsection shall not refer to or include policies written upon automobiles."

(7) By amending subparagraph (3) of Section 8541 to read as follows:

"3. Scope of contract; incontestability. A provision that the policy shall constitute the entire contract between the parties and shall be incontestable after it has been in force during the life time of the insured for a period of two years from its date, except for non-payment of premiums and except for violations of the conditions of the policy relating to naval or military service; that all statements made by the insured shall, in the absence of fraud, be deemed representations and not warranties; and that no such statement or statements shall be used in defense of a claim under the policy unless contained in a written application and unless a copy of the statement or statements be endorsed upon or attached to the policy when issued."

(8) By amending Section 8545 by adding a new paragraph at the end thereof to read as follows:

"When the terms of any life or endowment policy or annuity contract require that the proceeds thereof be retained by the company upon the death of the insured, or other maturity of the policy or contract, for payment to any beneficiary other than the insured in accordance with a settlement plan selected by the insured, such beneficiary shall have no right or power, and he shall not be permitted by any company, to commute, encumber, assign or otherwise anticipate his interests under the plan if such right or power is

expressly denied him by the terms of the contract or policy. If such beneficiary under the settlement plan is or was the wife or husband of the insured, or a child, parent or other person dependent upon the insured, his interests thereunder, in any case and irrespective of whether or not the contract or policy permits or denies him the right or power to commute, encumber, alienate, assign or otherwise anticipate, shall be exempt from execution, attachment, garnishment or other process for his debts or liabilities incurred after the effective date of this Act."

SECTION 2. This Act shall take effect July 1, 1945.

5/8-2

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 20, 1945.

We hereby certify that the foregoing bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Chapellas

President of the Senate.

Ellen D Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., May 1, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M K Paschoal

Speaker, House of Representatives.

Clerk, House of Representatives.

With a Bill

tabled

Senate Bill No. 369

The Legislature
of the
Territory of Hawaii

AN ACT

AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO PAY TO MARY ANN WRIGHT A PENSION OF $50.00 A MONTH.

Filed April 25

Introduced April 12, 1945, by
Senator ERNEST N. HEEN

First Reading in Senate April 12, 1945
Referred to Printing Committee April 12, 1945
Second Reading in Senate April 13, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

SB 369

AN ACT

AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO PAY TO MARY ANN WRIGHT A PENSION OF $50.00 A MONTH.

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 directed to pay each month, beginning with the month of May, 1945, a pension of $50.00 to MARY ANN WRIGHT, such pension to cease upon her death.

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

INTRODUCED BY:

Senator, 3rd Dist.

H 832

Senate Bill No. 370

The Legislature
of the
Territory of Hawaii

AN ACT

RELATING TO RECORDATION AND REGISTRATION IN THE BUREAU OF CONVEYANCES AND THE OFFICE OF THE ASSISTANT REGISTRAR OF THE LAND COURT.

Introduced April 13 , 19 45, by
Senator HAROLD W. RICE

First Reading in Senate	April 13, 1945
Referred to Printing Committee	April 13, 1945
Second Reading in Senate	April 16, 1945
Referred to	COMMITTEE ON WAYS AND MEANS
Third Reading in Senate	April 27, 1945

First Reading in House	April 27, 1945
Referred to	
Second Reading in House	April 28, 1945
Referred to	Judiciary Committee
Third Reading in House	

ELLEN D. SMYTHE
Clerk of the Senate

SB 370

A N A C T

RELATING TO RECORDATION AND REGISTRATION IN THE BUREAU OF CONVEYANCES AND THE OFFICE OF THE ASSISTANT REGISTRAR OF THE LAND COURT.

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

SECTION 1. Section 12661 of the Revised Laws of Hawaii 1945, is hereby amended by deleting the last paragraph thereof.

SECTION 2. Section 12705 of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"Sec. 12705. Schedule. Except where otherwise provided the fees payable under this chapter shall be as follows:

1. For every application to bring land under this chapter, including indexing and recording the same, and transmitting to registrar, when filed with assistant registrar, three dollars.

2. For every plan filed, one dollar.

3. For indexing any instrument recorded while application for registration is pending, twenty-five cents.

4. For examining title, ten dollars and two-tenths of one per centum of the assessed value of the land and improvements on the basis of the last assessment for taxation.

5. For checking survey and map as to form and mathematical correctness but not on the ground, one dollar and fifty cents an hour.

6. For approving subdivision of registered land, and for checking same as to form and mathematical correctness but not on the ground, one dollar and fifty cents an hour.

7. For all services by a sheriff or other police officer under this chapter, the same fees as are now provided by law for like services.

8. For each instrument affecting a title not reported in applicant's filed abstract of title, two dollars.

9. For filing an amended application, one dollar.

10. For each notice by publication, twenty-five cents.

11. For entering any general default, one dollar.

12. For filing any answer, one dollar, to be paid by the party filing the same.

13. For every subpoena, one dollar.

14. For swearing each witness, ten cents.

15. For entering any discontinuance, one dollar.

16. For filing appeal and notice of appeal, one dollar.

17. For entry of order dismissing application, or decree of registration, and sending memorandum to assistant registrar, one dollar.

18. For copy of decree of registration, one dollar.

19. For entry of original certificate of title and issuing owner's duplicate certificate, or for making and entering a new certificate of title including issue of one owner's duplicate, five dollars if contained within four pages. For each additional page or fraction thereof, one dollar.

20. For each owner's duplicate certificate after the first, two dollars if contained within four pages. For each additional page or fraction thereof, one dollar.

21. For the registration of every instrument, including entering, indexing, filing, attesting registration, and making and attesting memorandum on certificates not in excess of four, two dollars and fifty cents, except where herein otherwise provided, and fifty cents for each additional memorandum on certificates in excess of four required by any one instrument.

22. For the certification of a copy of any instrument, the same fees as are provided by section 12728.

23. For filing and registering an adverse claim, three dollars.

24. For entering statement of change of residence and postoffice address, including indorsing and attesting same on a duplicate certificate, one dollar.

25. For entering any note in the entry book or in the registration book, one dollar.

26. For registration of a suggestion of death, fact of marriage, order for subdivision or notice of issue of an order in bankruptcy, one dollar.

27. For filing any petition after original registration, one dollar.

28. For filing any order after original registration, one dollar.

29. In all cases not expressly provided for by law the fees of all public officers for any official duty or service under this chapter shall be at a rate established by the court.

30. For any application made by or in the name of the Territory, or any political subdivision thereof, any proceedings had upon such application or any dealing with registered land by the Territory, or any political subdivision thereof, as owner, no fees shall be charged."

SECTION 3. Section 12-730 of the Revised Laws of Hawaii, 1945, is hereby amended by adding a new paragraph thereto, to be inserted between the first and second paragraphs thereof, and to read as follows:

"The registrar or his deputy may refuse to accept for record any document of a size larger than 8½ inches by 13 inches, or which contains a schedule or inventory sheet in excess of such size."

SECTION 4. This Act shall take effect upon approval.

INTRODUCED BY:

Harold K. Rice

Douglas, Md District

S.B.No. 370

A N A C T

RELATING TO RECORDATION AND REGISTRATION IN THE BUREAU OF CONVEYANCES AND THE OFFICE OF THE ASSISTANT REGISTRAR OF THE LAND COURT.

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

SECTION 1. Section 12661 of the Revised Laws of Hawaii 1945 is hereby amended by deleting the last paragraph thereof.

SECTION 2. Section 12705 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 12705. Schedule. Except where otherwise provided the fees payable under this chapter shall be as follows:

1. For every application to bring land under this chapter, including indexing and recording the same, and transmitting to registrar, when filed with assistant registrar, three dollars.

2. For every plan filed, one dollar

3. For indexing any instrument recorded while application for registration is pending, twenty-five cents.

4. For examining title, ten dollars and two-tenths of one per centum of the assessed value of the land and improvements on the basis of the last assessment for taxation.

5. For checking survey and map as to form and mathematical correctness but not on the ground, one dollar and fifty cents an hour.

6. For approving subdivision of registered land, and for checking same as to form and mathematical correctness but not on the ground, one dollar and fifty cents an hour.

7. For all services by a sheriff or other police officer under this chapter, the same fees as are now provided by law for like services.

8. For each instrument affecting a title not reported in applicant's filed abstract of title, two dollars.

9. For filing an amended application, one dollar.

10. For each notice by publication, twenty-five cents.

11. For entering any general default, one dollar.

12. For filing any answer, one dollar, to be paid by the party filing the same.

13. For every subpoena, one dollar.

14. For swearing each witness, ten cents.

15. For entering any discontinuance, one dollar.

16. For filing appeal and notice of appeal, one dollar.

17. For entry of order dismissing application, or decree of registration, and sending memorandum to assistant registrar, one dollar.

18. For copy of decree of registration, one dollar.

19. For entry of original certificate of title and issuing owner's duplicate certificate, or for making and entering a new certificate of title including issue of one owner's duplicate, five dollars if contained within four pages. For each additional page or fraction thereof, one dollar.

20. For each owner's duplicate certificate after the first, two dollars if contained within four pages. For each additional page or fraction thereof, one dollar.

21. For the registration of every instrument, including entering, indexing, filing, attesting registration, and making and attesting memorandum on certificates not in excess of four, two dollars and fifty cents, except where herein otherwise provided, and fifty cents for each additional memorandum on certificates in excess of four required by any one instrument.

22. For the certification of a copy of any instrument, the same fees as are provided by section 12728.

23. For filing and registering an adverse claim, three dollars.

24. For entering statement of change of residence and post office address, including indorsing and attesting same on a duplicate certificate, one dollar.

25. For entering any note in the entry book or in the registration book, one dollar.

26. For registration of a suggestion of death, fact of marriage, order for subdivision or notice of issue of an order in bankruptcy, one dollar.

27. For filing any petition after original registration, one dollar.

28. For filing any order after original registration, one dollar.

29. In all cases not expressly provided for by law the fees of all public officers for any official duty or service under this chapter shall be at a rate established by the court.

30. For any application made by or in the name of the Territory, or any political subdivision thereof, any proceedings had upon such application or any dealing with registered land by the Territory, or any political subdivision thereof, as owner, no fees shall be charged."

SECTION 3. Section 12730 of the Revised Laws of Hawaii 1945 is hereby amended by adding a new paragraph thereto, to be inserted between the first and second paragraphs thereof,

and to read as follows:

"The registrar or his deputy may refuse to accept for record any document of a size larger than 8½ inches by 13 inches, or which contains a schedule or inventory sheet in excess of such size."

SECTION 4. This Act shall take effect upon approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 27, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Leapelaa

President of the Senate.

Ellen D Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H., May 1, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M G Paschoal

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 371

The Legislature
of the
Territory of Hawaii

AN ACT

PROVIDING FOR THE SURVEY AND CONSTRUCTION OF A CONNECTING ROAD IN THE POHAKEA HOMESTEADS, PAAUILO, HAMAKUA, HAWAII, AND APPROPRIATING FIVE THOUSAND DOLLARS FOR SUCH PURPOSE.

Introduced April 13 , 1945 , by
Senator E. S. CAPELLAS

First Reading in Senate April 13, 1945
Referred to Printing Committee April 13, 1945
Second Reading in Senate April 16, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

S. B. NO. 371

A N A C T

PROVIDING FOR THE SURVEY AND CONSTRUCTION OF A CONNECTING ROAD IN THE POHAKEA HOMESTEADS, PAAUILO, HAMAKUA, HAWAII, AND APPROPRIATING FIVE THOUSAND DOLLARS FOR SUCH PURPOSE.

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

SECTION 1. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated from the general revenues of the Territory of Hawaii, not otherwise appropriated, for the survey and construction of a road running approximately on the line between Pohakea Homestead Lots 36 and 38 and connecting the main homestead road with the road on Plat 12, Second Series Paauilo Homesteads, shown on tax map Third Division, Zone 4, Sec. 3, Plat 11.

SECTION 2. The territorial superintendent of public works is hereby authorized and directed to survey and construct said road, and the moneys hereinabove appropriated shall be expended upon warrants which the territorial auditor is authorized and directed to issue based on vouchers approved by said superintendent.

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

INTRODUCED BY:

E B Capellas

Senator, First Senatorial District

Senate Bill No. 372

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The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND CHAPTER 127 OF THE REVISED LAWS OF HAWAII 1945 BY ADDING THERETO A NEW SECTION TO BE NUMBERED 6527A, TO PROVIDE FOR THE CONSTRUCTION AND OPERATION OF PUBLIC OFF-STREET PARKING FACILITIES IN THE DISTRICT OF HONOLULU.

Introduced April 13 , 19 45, by
Senator CHARLES S. CRANE

First Reading in Senate April 13, 1945
Referred to Printing Committee April 13, 1945
Second Reading in Senate April 16, 1945
Referred to SELECT COM. OF OAHU SENATORS
Third Reading in Senate April 25, 1945

First Reading in House April 25, 1945
Referred to
Second Reading in House April 26, 1945
Referred to County Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

S BILL NO. 377

AN ACT

TO AMEND CHAPTER 127 OF THE REVISED LAWS OF HAWAII 1945 BY ADDING THERETO A NEW SECTION TO BE NUMBERED 6527A, TO PROVIDE FOR THE CONSTRUCTION AND OPERATION OF PUBLIC OFF-STREET PARKING FACILITIES IN THE DISTRICT OF HONOLULU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 127 of the Revised Laws of Hawaii 1945, is hereby amended by adding thereto a new section to be numbered section 6527A, reading as follows:

"Sec. 6527A. Public off-street parking facilities; method of construction; procedure; operation. The board of supervisors of the city and county shall have power to acquire, improve, construct, maintain, repair and operate public off-street parking facilities in the district of Honolulu. The term 'public off-street parking facilities' shall mean and include land necessary or convenient for public off-street parking, rights of way, streets or alleys necessary or convenient for ingress to or egress from such public off-street parking facilities, buildings, equipment or any other property necessary or convenient for off-street parking purposes. Unless it clearly appears from the context of a provision in Chapter 129, Revised Laws of Hawaii 1945, relating to improvement by assessment, that the same is inapplicable, the provisions of said Chapter 129 applicable to the acquisition, improvement and construction of a storm drainage system shall apply to the acquisition, improvement and construction of public off-street parking facilities and the board for the purpose of acquiring, improving and/or constructing such public off-street parking facilities may, in accordance with the procedure established by the provisions of Chapter 129 applicable

S BILL NO. 377

AN ACT

TO AMEND CHAPTER 127 OF THE REVISED LAWS OF HAWAII 1945 BY ADDING THERETO A NEW SECTION TO BE NUMBERED 6527A, TO PROVIDE FOR THE CONSTRUCTION AND OPERATION OF PUBLIC OFF-STREET PARKING FACILITIES IN THE DISTRICT OF HONOLULU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 127 of the Revised Laws of Hawaii 1945, is hereby amended by adding thereto a new section to be numbered section 6527A, reading as follows:

"Sec. 6527A. Public off-street parking facilities; method of construction; procedure; operation. The board of supervisors of the city and county shall have power to acquire, improve, construct, maintain, repair and operate public off-street parking facilities in the district of Honolulu. The term 'public off-street parking facilities' shall mean and include land necessary or convenient for public off-street parking, rights of way, streets or alleys necessary or convenient for ingress to or egress from such public off-street parking facilities, buildings, equipment or any other property necessary or convenient for off-street parking purposes. Unless it clearly appears from the context of a provision in Chapter 129, Revised Laws of Hawaii 1945, relating to improvement by assessment, that the same is inapplicable, the provisions of said Chapter 129 applicable to the acquisition, improvement and construction of a storm drainage system shall apply to the acquisition, improvement and construction of public off-street parking facilities and the board for the purpose of acquiring, improving and/or constructing such public off-street parking facilities may, in accordance with the procedure established by the provisions of Chapter 129 applicable

to the construction of a storm drainage system, create within the district of Honolulu one or more public off-street parking districts, acquire, improve and/or construct public off-street parking facilities, levy assessments against the land within such public off-street parking district either on a frontage basis or according to the area of such land or on both area and frontage basis to pay the entire cost and expenses of the acquisition, improvement and/or construction of such facilities, collect and enforce all assessments levied, and issue, sell and pay bonds which may be necessary to provide the funds to pay the cost of such facilities; provided that land owned by or in the possession of the United States or any of its agencies, or the Territory or any of its political subdivisions or agencies which cannot lawfully be made subject to the assessments provided for herein, or any other land which in the judgment of the board will not be benefited by the acquisition, improvement and/or construction of such facilities, shall not be included within such district; and provided, further, that no land to be acquired hereunder for public off-street parking facilities shall be assessed.

All of the provisions of Chapter 129 relating to assessments and bonds shall be applicable to any assessment made or bonds issued under the provisions of this section."

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

INTRODUCED BY:

Charles S. Crane
Senator Third District

DATE OF INTRODUCTION:

April 13, 1945

S. B. No. 372

A N A C T

TO AMEND CHAPTER 127 OF THE REVISED LAWS OF HAWAII 1945 BY ADDING THERETO A NEW SECTION TO BE NUMBERED 6527A, TO PROVIDE FOR THE CONSTRUCTION AND OPERATION OF PUBLIC OFF-STREET PARKING FACILITIES IN THE DISTRICT OF HONOLULU.

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

SECTION 1. Chapter 127 of the Revised Laws of Hawaii 1945, is hereby amended by adding thereto a new section to be numbered section 6527A, reading as follows:

"Sec. 6527A. Public off-street parking facilities; method of construction; procedure; operation. The board of supervisors of the city and county shall have power to acquire, improve, construct, maintain, repair and operate public off-street parking facilities in the district of Honolulu. The term 'public off-street parking facilities' shall mean and include land necessary or convenient for public off-street parking, rights of way, streets or alleys necessary or convenient for ingress to or egress from such public off-

street parking facilities, buildings, equipment or any other property necessary or convenient for off-street parking purposes. Unless it clearly appears from the context of a provision in Chapter 129, Revised Laws of Hawaii 1945, relating to improvement by assessment, that the same is inapplicable, the provisions of said Chapter 129 applicable to the acquisition, improvement and construction of a storm drainage system shall apply to the acquisition, improvement and construction of public off-street parking facilities and the board for the purpose of acquiring, improving and/or constructing such public off-street parking facilities may, in accordance with the procedure established by the provisions of Chapter 129 applicable to the construction of a storm drainage system, create within the district of Honolulu one or more public off-street parking districts, acquire, improve and/or construct public off-street parking facilities, levy assessments against the land within such public off-street parking district either on a frontage basis or according to the area of such land or on both area and frontage basis to pay the entire cost and expenses of the acquisition, improvement and/or construction of such facilities, collect and enforce all assessments levied, and issue, sell and pay bonds which may be necessary to provide the funds to pay the cost of such facilities; provided that land owned

by or in the possession of the United States or any of its agencies, or the Territory or any of its political subdivisions or agencies which cannot lawfully be made subject to the assessments provided for herein, or any other land which in the judgment of the board will not be benefited by the acquisition, improvement and/or construction of such facilities, shall not be included within such district; and provided, further, that no land to be acquired hereunder for public off-street parking facilities shall be assessed.

All of the provisions of Chapter 129 relating to assessments and bonds shall be applicable to any assessment made or bonds issued under the provisions of this section."

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

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THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 25, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E G Capellas

President of the Senate.

Ellen D Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 30, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M K Paschoal

Speaker, House of Representatives.

E Lark

Clerk, House of Representatives.

Senate Bill No. 373

The Legislature
of the
Territory of Hawaii

AN ACT

TO PROVIDE FOR THE GRANTING OF PRIOR SERVICE CREDIT IN THE EMPLOYEES' RETIREMENT SYSTEM OF THE TERRITORY OF HAWAII TO E. A. K. WILLIAMS AND TO PRESCRIBE THE CONDITIONS THEREOF.

Introduced April 13 , 1945, by
Senator CHARLES S. CRANE

First Reading in Senate April 13, 1945
Referred to Printing Committee April 13, 1945
Second Reading in Senate April 16, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Worn

S B 373

AN ACT

TO PROVIDE FOR THE GRANTING OF PRIOR SERVICE CREDIT IN THE EMPLOYEES' RETIREMENT SYSTEM OF THE TERRITORY OF HAWAII TO E. A. K. WILLIAMS AND TO PRESCRIBE THE CONDITIONS THEREOF.

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

SECTION 1. The board of trustees of the employees' retirement system of the Territory of Hawaii is hereby authorized and directed to grant to E. A. K. Williams, Second Deputy City and County Auditor, creditable service and/or prior service credit to the same extent to which he would have been entitled, had he performed not only the years of service now credited to him as a member of said system with the City and County of Honolulu, but also the additional years of service credited to him in the retirement system for employees of the United States Government, Custom Service, prior to January 1, 1929.

Such service credit shall be granted only in the event that said E. A. K. Williams shall pay to the employees' retirement system of this Territory the sum equal to his total accumulated contributions to the federal employees' retirement system for federal employees.

Any additional contributions to the pension accumulation fund necessitated by such granting of additional service credit under this Act are hereby assumed as an obligation of the Territory of Hawaii.

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

INTRODUCED BY

Charles S. Crane
Senator Third District

H 13 62

Senate Bill No. 374.

The Legislature
of the
Territory of Hawaii

AN ACT

APPROPRIATING THE SUM OF FIVE THOUSAND DOLLARS ($5,000.00) FOR THE PURCHASE OF OIL PORTRAITS BY GEORGE BURROUGHS TORREY OF JOSEPH B. POINDEXTER AND LAWRENCE M. JUDD, FORMER GOVERNORS OF HAWAII.

Introduced April 16, 19 45, by
Senator ERNEST N. HEEN

First Reading in Senate April 16, 1945
Referred to Printing Committee " " "
Second Reading in Senate April 17, 1945
Referred to Committee on Ways and Means
Third Reading in Senate April 20, 1945

First Reading in House April 20,1945
Referred to
Second Reading in House April 21, 1945
Referred to Finance Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

SENATE BILL NO. 374

AN ACT APPROPRIATING THE SUM OF FIVE THOUSAND DOLLARS ($5,000.00) FOR THE PURCHASE OF PAINTINGS BY GEORGE BURROUGHS TORREY OF GOVERNOR JOSEPH B. POINDEXTER AND GOVERNOR LAWRENCE M. JUDD.

Be It Enacted By The Legislature Of The Territory of Hawaii:

SECTION 1. There is hereby appropriated from the general revenues of the Territory, not otherwise appropriated, the sum of Five Thousand Dollars ($5,000.00) for the purchase of oil portraits by George Burroughs Torrey of the Honorable Joseph B. Poindexter and the Honorable Lawrence M. Judd, former Governors of Hawaii.

SECTION 2. The sum so appropriated shall be expended upon warrants issued by the auditor upon vouchers approved by the superintendent of public works.

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

INTRODUCED BY:

Ernest Kai

SENATOR, Third Senatorial District,
March 27, 1945.

S.B.No. 374
S.D. 1

A N A C T

APPROPRIATING THE SUM OF FIVE THOUSAND DOLLARS ($5,000.00) FOR THE PURCHASE OF OIL PORTRAITS BY GEORGE BURROUGHS TORREY OF JOSEPH B. POINDEXTER AND LAWRENCE M. JUDD, FORMER GOVERNORS OF HAWAII, add

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

SECTION 1. There is hereby appropriated from the general revenues of the Territory, not otherwise appropriated, the sum of five thousand dollars ($5,000.00) for the purchase of oil portraits by George Burroughs Torrey of Joseph B. Poindexter and Lawrence M. Judd, former governors of Hawaii, add.

SECTION 2. The sum so appropriated shall be expended upon warrants issued by the auditor upon vouchers approved by the superintendent of public works.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu,T.H., April 20, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E B Clapellas

President of the Senate

Ellen D. Smythe

Clerk of the Senate

S. B. No. 374
S. D. 1
H. D. 1

A N A C T

APPROPRIATING THE SUM OF FIVE THOUSAND DOLLARS ($5,000.00) FOR THE PURCHASE OF OIL PORTRAITS BY GEORGE BURROUGHS TORREY OF JOSEPH B. POINDEXTER AND LAWRENCE M. JUDD, FORMER GOVERNORS OF HAWAII, AND THE SUM OF TWO THOUSAND DOLLARS ($2,000.00) FOR THE PURCHASE OF AN OIL PORTRAIT OF CAPTAIN HENRI BERGER.

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

SECTION 1. There is hereby appropriated from the general revenues of the Territory, not otherwise appropriated, the sum of five thousand dollars ($5,000.00) for the purchase of oil portraits by George Burroughs Torrey of Joseph B. Poindexter and Lawrence M. Judd, former governors of Hawaii, and the sum of two thousand dollars ($2,000.00) for the purchase of an oil portrait by Arthur W. Emerson of Captain Henri Berger.

SECTION 2. The sums so appropriated shall be expended

upon warrants issued by the auditor upon vouchers approved by the superintendent of public works.

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

THE HOUSE OF REPRESENTATIVES OF THE

TERRITORY OF HAWAII

Honolulu, T. H., April 30, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M. Y. Pascual

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 375

The Legislature
of the
Territory of Hawaii

AN ACT

FOR THE RELIEF OF THE WAIMEA JAPANESE ASSOCIATION AND THE HANAPEPE JAPANESE SCHOOL ASSOCIATION.

Introduced	April 16, 1945, by
Senators	CLEM GOMES and JOHN B. FERNANDES

First Reading in Senate	April 16, 1945
Referred to Printing Committee	April 16, 1945
Second Reading in Senate	April 17, 1945
Referred to	
Third Reading in Senate	

First Reading in House	
Referred to	
Second Reading in House	
Referred to	
Third Reading in House	

ELLEN D. SMYTHE
Clerk of the Senate

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S. B. NO. 375

A N A C T

FOR THE RELIEF OF THE WAIMEA JAPANESE ASSOCIATION AND THE HANAPEPE JAPANESE SCHOOL ASSOCIATION.

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

SECTION 1. All taxes, both current and delinquent, upon land of the Waimea Japanese Association (tax key, 4th taxation division, 1-6-08-03 and 1-6-09-11) and of the Hanapepe Japanese School Association (tax key, 4th taxation division, 1-9-10-19) are hereby remitted and discharged and no taxes shall hereafter be assessed against said properties while the same are under lease at a nominal consideration to the United States of America or any governmental branch thereof.

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

INTRODUCED BY:

Senator, Fourth Senatorial District

Senate Bill No. 376

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTION 7031 OF CHAPTER 133 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO AUCTIONEERS.

Introduced April 16, 1945, by
Senator WM. H. HEEN

First Reading in Senate April 16, 1945
Referred to Printing Committee April 16, 1945
Second Reading in Senate April 17, 1945
Referred to
Third Reading in Senate

First Reading in House
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Jud

S. B. NO. 376

A N A C T

TO AMEND SECTION 7031 OF CHAPTER 133 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO AUCTIONEERS.

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

SECTION 1. Section 7031 of chapter 133 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 7031. Auctioneer's charges. Every auctioneer may charge a commission, not in excess of five per centum on all sales and collections involving real property or interests therein and the actual amounts paid by him for advertising the sale of any such property sold, and any other expenses that may be especially agreed upon between him and the owner of such property to be sold, and may deduct such commission and expenses from the proceeds of any such sale, and not in excess of twenty per centum on all sales and collections involving personal property."

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

INTRODUCED BY:

Senator, 3rd District.

Senate Bill No. 377

The Legislature
of the
Territory of Hawaii

AN ACT

TO AMEND SECTIONS 1894, 1895 AND 1896 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO VOCATIONAL EDUCATION AND REHABILITATION.

Introduced April 16 , 1945, by

Senator HAROLD W. RICE

First Reading in Senate April 16, 1945
Referred to Printing Committee " " "
Second Reading in Senate April 17, 1945
Referred to Committee on Education
Third Reading in Senate April 20, 1945

First Reading in House April 20, 1945
Referred to
Second Reading in House April 21, 1945
Referred to Education Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

S B337

AN ACT

TO AMEND SECTION 1894, 1895, AND 1896 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO VOCATIONAL EDUCATION AND REHABILITATION.

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

SECTION 1. Sections 1894, 1895, and 1896 are hereby amended to read:

"Sec. 1894. Territorial plan. The territorial board of vocational education shall submit to the Federal Security Administrator, at such times and in such manner as may be necessary and proper for the Territory to obtain payments under the federal Vocational Rehabilitation Act, a territorial plan for vocational rehabilitation of disabled individuals.

"Sec. 1895. Cooperation with federal government. In order that the Territory may properly receive the full benefit of the federal Vocational Rehabilitation Act the territorial board of vocational education shall enter into agreements with the Federal Security Administrator, cooperate with the Federal Security Administrator and do all other acts and things necessary and proper for the Territory so to receive such benefit.

"Sec. 1896. Right to transfer title. The territorial board of vocational education shall have the right to transfer to disabled individuals in the course of its vocational rehabilitation work the title and ownership of occupational tools and equipment and

prosthenic devices required by such individuals for their vocational education or rehabilitation."

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

INTRODUCED BY:

Harold H. Rice

Senator Seaving District

S.B.No. 377
S.D. 1

A N A C T

TO AMEND SECTIONS 1894, 1895 AND 1896 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO VOCATIONAL EDUCATION AND REHABILITATION.

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

SECTION 1. Section 1894 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 1894. Territorial plan. The territorial board of vocational education shall submit to the Federal Security Administrator, at such times and in such manner as may be necessary and proper for the Territory to obtain payments under the federal Vocational Rehabilitation Act, a territorial plan for vocational rehabilitation of disabled individuals."

SECTION 2. Section 1895 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 1895. Cooperation with federal government. In order that the Territory may properly receive the full benefit of the federal Vocational

Rehabilitation Act the territorial board of vocational education shall enter into agreements with the Federal Security Administrator, cooperate with the Federal Security Administrator and do all other acts and things necessary and proper for the Territory so to receive such benefit."

SECTION 3. Section 1896 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 1896. Right to transfer title. The territorial board of vocational education shall have the right to transfer to disabled individuals in the course of its vocational rehabilitation work the title and ownership of occupational tools and equipment and prosthetic devices required by such individuals for their vocational education or rehabilitation."

SECTION 4. This Act shall take effect upon its approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu,T.H., April 20, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E L Capellas

President of the Senate

Ellen D'Smythe

Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 28, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M K Pasehral

Speaker, House of Representatives.

Clerk, ~~House of Representatives~~.

Senate Bill No. 378

g.m.

The Legislature
of the
Territory of Hawaii

AN ACT

TO EXTEND THE BENEFITS OF THE MUNICIPAL AND COUNTY PENSION SYSTEMS AND AUTHORIZING AND DIRECTING APPROPRIATIONS THEREFOR.

Introduced	April 16, 1945, by
Senator s	ERNEST N. HEEN CHARLES H. SILVA

First Reading in Senate	April 16, 1945
Referred to Printing Committee	April 16, 1945
Second Reading in Senate	April 17, 1945
Referred to	COMMITTEE ON WAYS AND MEANS
Third Reading in Senate	April 20, 1945

First Reading in House	April 20, 1945
Referred to	
Second Reading in House	April 21, 1945
Referred to	County Committee
Third Reading in House	

ELLEN D. SMYTHE
Clerk of the Senate

S.B. 378

AN ACT

TO EXTEND THE BENEFITS OF THE MUNICIPAL AND COUNTY PENSION SYSTEMS AND AUTHORIZING AND DIRECTING APPROPRIATIONS THEREFOR.

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

SECTION 1. Any provision of part II of chapter 121 or any other part, chapter or section of the Revised Laws of Hawaii 1945 to the contrary notwithstanding, the pension board of each county (which term shall include the city and county of Honolulu) shall have full authority to grant pensions to former employees of such county upon the following conditions: (1) That he was required to, and did, become a member of the employees' retirement system after having been in the service and employment of the county for a period of not less than ten years; (2) that he has attained the age of sixty years, or through illness or injury sustained without his fault or negligence in the performance of duty in his service for the county has become incapable of sustained remunerative work; (3) that he has ceased to be an employee of such county and is not a member of the employees' retirement system; and (4) that he is not the recipient or beneficiary of any allowance or benefit from the employees' retirement system or any pension from the Territory or any county.

SECTION 2. No pension granted under the provisions of section 1 of this Act shall exceed the annual amount of one-seventieth of the average annual salary or

compensation received by the person to whom such pension is granted during his last ten years of his employment by the county, multiplied by the number of years during which he was in the employment or service of such county prior to his becoming a member of the employees' retirement system; provided, however, that the pension granted to a person who has not attained the age of sixty years but through illness or injury sustained without his fault or negligence in the performance of duty in his service for the county has become incapable of sustained remunerative work shall be nine-tenths of the amount computed in the manner hereinabove prescribed.

SECTION 3. The provisions of this Act shall not apply to any person who is in the service or employment of the Territory or any county on or after the effective date of this Act.

SECTION 4. The respective boards of supervisors of the several counties are hereby authorized and directed to appropriate for the remainder of the current fiscal period and annually thereafter for each subsequent fiscal period a sum sufficient to cover the payment of the pensions granted under the provisions of this Act; provided, however, that the board of water supply of the city and county of Honolulu shall appropriate sufficient funds to cover pensions granted under the provisions of this Act as a result of employment in the service of said board of water supply.

SECTION 5. This Act shall take effect upon its approval.

INTRODUCED BY:

Senator, 3rd District

1st Rep. Dist.

A N A C T

TO EXTEND THE BENEFITS OF THE MUNICIPAL AND COUNTY PENSION SYSTEMS AND AUTHORIZING AND DIRECTING APPROPRIATIONS THEREFOR.

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

SECTION 1. Any provision of part II of chapter 121 or any other part, chapter or section of the Revised Laws of Hawaii 1945 to the contrary notwithstanding, the pension board of each county (which term shall include the city and county of Honolulu) shall have full authority to grant pensions to former employees of such county upon the following conditions: (1) That he was required to, and did, become a member of the employees' retirement system after having been in the service and employment of the county for a period of not less than ten years; (2) that he has attained the age of sixty years, or through illness or injury sustained without his fault or negligence in the performance of duty in his service for the

county has become incapable of sustained remunerative work; (3) that he has ceased to be an employee of such county and is not a member of the employees' retirement system; and (4) that he is not the recipient or beneficiary of any allowance or benefit from the employees' retirement system or any pension from the Territory or any county.

SECTION 2. No pension granted under the provisions of Section 1 of this Act shall exceed the annual amount of one-seventieth of the average annual salary or compensation received by the person to whom such pension is granted during his last ten years of his employment by the county, multiplied by the number of years during which he was in the employment or service of such county prior to his becoming a member of the employees' retirement system; provided, however, that the pension granted to a person who has not attained the age of sixty years but through illness or injury sustained without his fault or negligence in the performance of duty in his service for the county has become incapable of sustained re-

munerative work shall be nine-tenths of the amount computed in the manner hereinabove prescribed.

SECTION 3. The provisions of this Act shall not apply to any person who is in the service or employment of the Territory or any county on or after the effective date of this Act.

SECTION 4. The respective boards of supervisors of the several counties are hereby authorized and directed to appropriate for the remainder of the current fiscal period and annually thereafter for each subsequent fiscal period a sum sufficient to cover the payment of the pensions granted under the provisions of this Act; provided, however, that the board of water supply of the city and county of Honolulu shall appropriate sufficient funds to cover pensions granted under the provisions of this Act as a result of employment in the service of said board of water supply.

SECTION 5. This Act shall take effect upon its approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 20, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E D Capellas

President of the Senate.

Ellen D Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., May 1, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M K Pascoal

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 379

Congress

The Legislature
of the
Territory of Hawaii

AN ACT

TO AUTHORIZE THE BUREAU OF SIGHT CONSERVATION AND WORK WITH THE BLIND TO PROVIDE VOCATIONAL REHABILITATION FOR BLIND PERSONS.

Introduced April 16 , 19 45 by

Senator HAROLD W. RICE

First Reading in Senate April 16, 1945
Referred to Printing Committee " " "
Second Reading in Senate April 17, 1945
Referred to Committee on Education
Third Reading in Senate April 21, 1945

First Reading in House April 21, 1945
Referred to
Second Reading in House April 23, 1945
Referred to Education Committee
Third Reading in House

ELLEN D. SMYTHE
Clerk of the Senate

Engrossed 4/29/45 ERR

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S.B. 379

AN ACT

TO AUTHORIZE THE BUREAU OF SIGHT CONSERVATION AND WORK WITH THE BLIND TO PROVIDE VOCATIONAL REHABILITATION FOR BLIND PERSONS.

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

SECTION 1. The bureau of sight conservation and work with the blind shall be authorized to provide vocational rehabilitation for blind persons.

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

INTRODUCED BY:

Harold H. Rice

Senator, 3rd District

S.B.No. 379

A N A C T

TO AUTHORIZE THE BUREAU OF SIGHT CONSERVATION AND WORK WITH THE BLIND TO PROVIDE VOCATIONAL REHABILITATION FOR BLIND PERSONS.

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

SECTION 1. The bureau of sight conservation and work with the blind shall be authorized to provide vocational rehabilitation for blind persons.

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

4/30/48

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu,T.H., April 21, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Territory of Hawaii.

E. B. Capellas

President of the Senate

Ellen D. Smythe

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII.

Honolulu, T. H., April 28, 1945.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

M. K. Paschoal

Speaker, House of Representatives.

Clerk, House of Representatives.

8½" .75 cu ft.

STATE OF HAWAII
PUBLIC ARCHIVES

MICROFILM CERTIFICATE

REEL 199

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FLASH	TITLE	DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES RECORDS OF THE LEGISLATURE OF THE TERRITORY OF HAWAII SERIES 228 - RECORDS OF THE CLERKS, 1901 - 1959 Microfilmed Chronologically by Session
START	1945 REGULAR SESSION, SENATE, SENATE BILLS #131	
1	" " " , " , " " #186	
2	" " " , " , " " #219	
3	" " " , " , " " #257	
4	" " " , " , " " #295	
5	" " " , " , " " #324	
6	" " " , " , " " #361	
END	" " " , " , " " #379	

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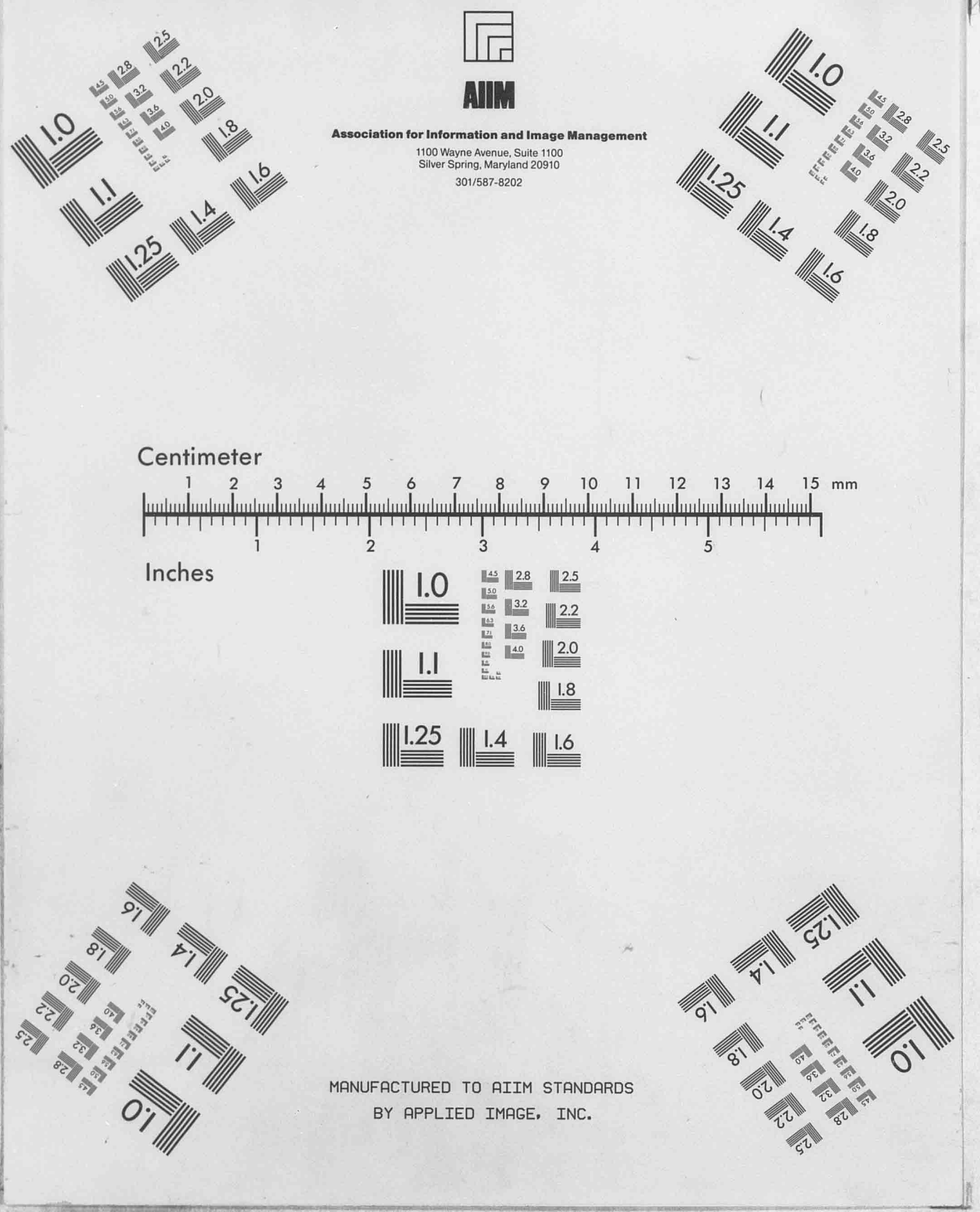
Nicholas Camp

Camera Operator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