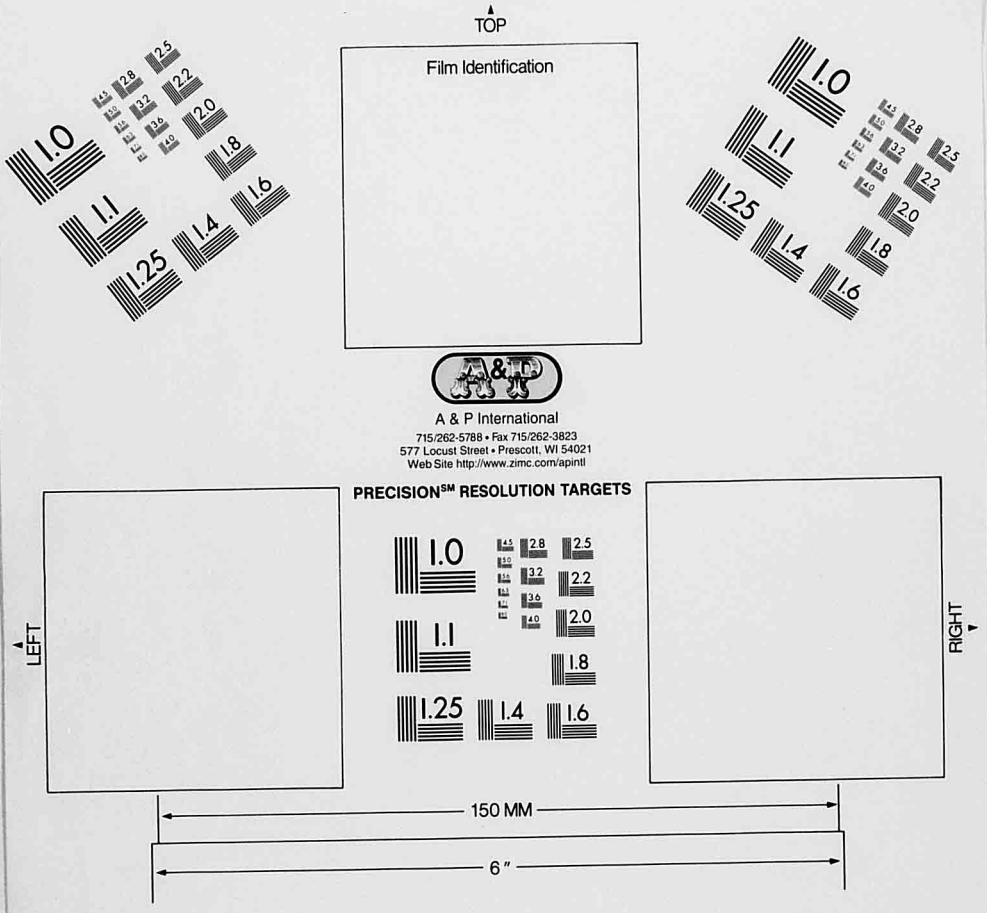
DENSITY TARGET




PA-3 8½″x11″ PAPER PRINTED GENERAL TARGET

REEL
NO.

233

# TITLE OF WORK

STATE OF HAWAII

DEPARTMENT OF ACCOUNTING
AND
GENERAL SERVICES

RECORDS OF THE LEGISLATURE
OF THE TERRITORY OF HAWAII

SERIES 228

RECORDS OF THE CLERKS

1901-1959

REDUCTION 24 – 1

MICROFILMED CHRONOLOGICALLY BY SESSION

SERIES 228

# RECORDS OF THE CLERKS

# LEGISLATURE OF THE TERRITORY OF HAWAII

RECORDS OF THE LEGISLATURE OF THE TERRITORY OF HAWAII

SERIES 228 – RECORDS OF THE CLERKS, 1901 – 1959

Oversize and bound material separated.

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

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

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

There are no restrictions on access to these records.

LINDA LINGLE
GOVERNOR

RUSS K. SAITO
COMPTROLLER

KATHERINE H. THOMASON
DEPUTY COMPTROLLER

**STATE OF HAWAII**
DEPARTMENT OF ACCOUNTING
AND GENERAL SERVICES

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

# AUTHENTICITY CERTIFICATE

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

The records are arranged in the following order:

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

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

5/20/2003
Date

Susan Shaner
Authorizing Officer
State Archivist
Title

# *Advanced Micro-Image Systems Hawaii, Inc.*

05/20/2003

State of Hawaii
Records Management
State Archives

To Whom It May Concern,

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

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

Sincerely,

Dick L. Ching
Vice President

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

# SERIES 228 ARRANGEMENT

1. CHRONOLOGICALLY BY SESSION

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

3. THERE UNDER BY TYPE OF RECORD AS FOLLOWS:

| | | | |
|---|---|---|---|
| a. | Journals | m. | Governor's messages |
| b. | Bills | n. | Executive communications |
| c. | Joint Resolutions | o. | Communications from the other chamber |
| d. | Concurrent Resolutions | p. | Departmental communications |
| e. | Resolutions | q. | Miscellaneous communications |
| f. | Holdover committee reports | r. | Orders |
| g. | Joint Committee reports | s. | Questions |
| h. | Conference committee reports | t. | Answers |
| i. | Special committee reports | u. | Notices |
| j. | Committee of the Whole reports | v. | Miscellaneous |
| k. | Standing committee reports | | |
| l. | Petitions | | |

w. Bills, joint resolutions, and concurrent resolutions from the other chamber but not acted upon

4. THERE UNDER IN NUMERICAL ORDER, IF APPLICABLE

COMMISSIONERS
A. K. SILVA
T. S. SHINN
S. TAKEMOTO

DIRECTOR OF PERSONNEL
AND CLASSIFICATION
W. A. CLARK

276

CIVIL SERVICE COMMISSION
AND
PERSONNEL CLASSIFICATION BOARD
Wailuku, Maui, T. H.

April 6, 1949

House of Representatives
The Twenty-fifth Legislature
Territory of Hawaii
Iolani Palace
Honolulu, T. H.

Honorable Members of the House:

We transmit herewith data requested of this Commission in House Resolution No. 71, which we have just received.

Very truly yours,

Alvin K. Silva, Chairman
Civil Service Commission

AKS/eo

Enc.

## LIST OF EMPLOYEES NOW IN THE SERVICE OF THE COUNTY OF MAUI FOR WHOM THE RESIDENCE CLAUSE HAS BEEN WAIVED.

(a, b)

| No. | Department | Position | Classification Symbol | Date of Employment |
|---|---|---|---|---|
| 1 | Kula Sanatorium | General Superintendent (Doctor) | P - 7 | 2 -10-39 |
| 1 | Kula Sanatorium | Physician | P - 6 | 8 - 1-48 |
| 1 | Kula Sanatorium | Physician | P - 5 | 9 - 2-46 |
| 1 | Kula Sanatorium | Superintendent of Nurses | CAF - 9 | 4 - 2-46 |
| 1 | Kula Sanatorium | Night Nurse | SP - 5 | 8 - 9-46 |
| 2 | Kula Sanatorium | Nurse | SP - 4 | 6 - 1-44 |
| 1 | Kula Sanatorium | Nurse | SP - 4 | 10-29-47 |
| 1 | Kula Sanatorium | Nurse | SP - 4 | 4 -12-48 |
| 1 | Kula Sanatorium | Occupational Therapist | SP - 7 | 12-27-48 |
| 1 | Hana Hospital | Acting Medical Director | P - 4 | 12-16-48 |
| 11 | Total | | | |

(c) PHYSICIANS: We have always had difficulty in securing the services of the local doctors for Kula Sanatorium and the Hana Hospital. Kula Sanatorium, being a TB institution, it seems that the local doctors hesitate accepting employment there and rather go into private practice. Hana Hospital has its difficulty in securing local help because Hana is so isolated.

NURSES: The same difficulty prevails in securing local Nurses to go to Kula Sanatorium or the Hana Hospital, for the reasons noted above.

OCCUPATIONAL THERAPISTS: Local people have never applied. Whenever a vacancy occurred we wrote to the various agencies for qualified personnel and when none was available we recruited from the mainland.

ANESTHETISTS: Qualified personnel is obtained from the Nursing Service Bureau in Honolulu. Not many of our local people take up this field as we usually had to recruit from the mainland.

HON. HIRAM L. FONG, SPEAKER

HON. HEBDEN PORTEUS, VICE-SPEAKER

O. P. SOARES, CLERK

FIRST DISTRICT
JOSEPH G. ANDREWS
JOSEPH R. GARCIA, JR.
THOMAS T. SAKAKIHARA
JOSEPH TAKAO YAMAUCHI

SECOND DISTRICT
ROBERT L. HIND, JR.
EARL A. NIELSEN
AKONI PULE
ESTHER K. RICHARDSON

THIRD DISTRICT
ALFRED AFAT APAKA
ALLAN HART EZELL
E. P. LYDGATE
MANUEL GOMES PASCHOAL
CLARENCE K. SEONG
THOMAS TAKEO TAGAWA

# The Twenty-fifth Legislature

Territory of Hawaii

## House of Representatives

April 8, 1949

FOURTH DISTRICT
FLORA KAAI H[illegible]
SAMUEL M. [illegible]OSE
JACK P. KING
WALTER F. McGUIRE
KENNETH T. OLDS
HEBDEN PORTEUS

FIFTH DISTRICT
HIRAM L. FONG
JOSEPH TAGAKI
CHARLES ERNEST KAUHANE
MITSUYUKI KIDO
STEERE G. NODA
JAMES K. TRASK

SIXTH DISTRICT
MATSUKI ARASHIRO
NORITO KAWAKAMI
A. Q. MARCALLINO
NOBORU MIYAKE

Hiram L. Fong, Speaker
House of Representatives
Honolulu, T. H.

Dear Sir:

The employees of the House Printing Committee wish to have the pleasure of your company and all the members of the House of Representatives of the Twenty-fifth Legislature, at a Luau on Sunday April 24, 1949, 2 o'clock in the afternoon at the Republican Club of Hawaii, 832 A Richards Street.

All members are invited to bring their wives or husbands. Please dress in the usual Hawaiian garb--Aloha shirts for the men and Muumuus or Holokus for the women.

Yours very truly,

Eddie Keawe

EDDIE KEAWE, Head Clerk
Printing Committee

RSVP

# Honolulu Rapid Transit Company

LIMITED

CABLE ADDRESS "TRANSIT" A. B. C. 5TH EDITION

Honolulu 9, Hawaii

P. O. BOX 930

April 1, 1949

278

House of Representatives
Twenty-fifth Legislature
Honolulu, T. H.

Attention: Mr. O. P. Soares, Clerk
House of Representatives

Gentlemen:

In response to House Resolution No. 61, I am enclosing a list of the employees of this company who, according to our records, have been residents of the Territory less than three years.

At the time of their employment, which was cleared by the Public Utilities Commission, it was not reasonable practically to obtain persons with residential qualifications.

In computing length of residence, we have taken into consideration any period of time which an employee, who is a veteran, may have spent in the Territory in the Service.

Respectfully submitted,

F. J. JOHNSON, Vice President
and Operating Manager

FJJ:jm
Encl.

HONOLULU RAPID TRANSIT COMPANY, LIMITED

| NAME | DATE EMPLOYED | CLASSIFICATION | LENGTH OF RESIDENCE AS OF APRIL 1, 1949 |
|---|---|---|---|
| Bogart, Harry | 11--1-48 | Operator | 8 months |
| Farnes, Robert R. | 1--24-49 | Operator | 5 3/4 months |
| McCarthy, Leo V. | 10-31-47 | Operator | 1 year 5 months |
| Myers, Bobby | 7--19-48 | Operator | 2 years 2½ months |
| Palmer, Edward C. | 11--8-48 | Operator | 4 months |
| Roberts, Harley L. | 2---9-49 | Operator | 6 3/4 months |
| Simpson, Robert R. | 8--30-46 | Stock-Inv. Clk. | 2 years 8 months |
| Velardo, Benjamin F. | 3---7-47 | Operator | 2 years 9 3/4 months |

CASTLE & COOKE, LIMITED

P. O. BOX 2990

HONOLULU 2, HAWAII, U.S.A.

SAN FRANCISCO OFFICE
215 MARKET STREET

TELEGRAPHIC ADDRESS
"CASTLECOOK"

Res C
279

April 4, 1949

Mr. O. P. Soares
Clerk, House of Representatives
The Twenty-fifth Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sir:

This will acknowledge your letter of March 28, 1949 transmitting copy of House Resolution No. ~~81~~ 61.

Please be informed that no officer, director or employee of Mahukona Terminals, Limited, has resided in the Territory of Hawaii less than three years.

Very truly yours,

MAHUKONA TERMINALS, LIMITED

L. F. Deacon

Secretary

Hawaii U.S.A. —an integral part of the United States, sharing equally with the 48 states, the nation's obligations— is entitled to statehood now.

TELEGRAPHIC ADDRESS
ALEXBALD

# ALEXANDER & BALDWIN, LTD.

SUGAR · PINEAPPLES · SHIPPING · INSURANCE

SAN FRANCISCO
215 MARKET ST.
SEATTLE
814 2ND AVENUE
PORTLAND
327 S.W. PINE ST.

822 BISHOP STREET
HONOLULU 1, HAWAII, U.S.A.

April 5, 1949.

Mr. O. P. Soares,
Clerk, House of Representatives
Twenty-Fifth Legislature,
Territory of Hawaii.

Dear Sir:

Kauai Electric Company, Limited has asked us to reply to your letter of March 28, 1949 enclosing a copy of House Resolution 61 and to advise you that all the employees of Kauai Electric Company, Limited have been residents of the Territory for at least three years. Among the officers and directors, all have been residents of the Territory for this period with the exception of A. H. Gorie, Assistant Treasurer, who serves in San Francisco and whose residence is in that city. As it is obviously impossible to have an officer continuously abroad whose residence remains in the Territory, his service comes under the provision of Section 4741.

Yours very truly,

ALEXANDER & BALDWIN, LTD.,

By Joel B. Cox
Manager,
Land Department.

JBC:McL
cc: Kauai Electric Co.

Hawaii U.S.A. ☆
. . . an integral part of the United States — sharing equally with the 48 states, the nation's obligations — is entitled to equal rights for her citizens . . . equal treatment for her industries and equal benefits under national laws.

Mutual Telephone Company

TELEPHONE SYSTEMS ON ISLANDS OF OAHU, HAWAII, MAUI, KAUAI AND MOLOKAI
INTERISLAND, SHIP TO SHORE AND TRANSPACIFIC RADIOTELEPHONE
INTERISLAND RADIOTELEGRAPH SERVICE
RADIO AND ELECTRICAL MERCHANDISE

P. O. BOX 2200
ROUTE No. 5

Honolulu, Hawaii
U. S. A.

CABLE ADDRESS
"MUTELCO"

241

April 7, 1949

Hon. Hiram L. Fong, Speaker
House of Representatives - 25th Legislature
Iolani Palace
Honolulu, T.H.

Dear Sir: -

Attached hereto is a list of 32 individuals employed by Mutual Telephone Company who, at the time of their employment, did not have 3 years residence in the Territory of Hawaii. This information is in answer to your request as stated in House Resolution #61.

The individuals concerned are divided into two general groups. In one group are radiocommunication engineers and other technical specialists whom we have recruited from the mainland only after advertising in the local papers and finding no qualified applicants. The other group is composed of women who have had experience as switchboard operators with the Bell Telephone System in various parts of the mainland and who have moved to Hawaii for purely personal reasons. When operators are needed, the experienced operator who has been thoroughly trained is able to fill a position which cannot be filled by inexperienced persons who require several months of training. We are naturally able to capitalize immediately on the services of an experienced operator and are able to render improved service to the public.

We trust that this information fulfills your request and I will be very glad to take any opportunity you may desire to explain in detail the circumstances surrounding the background and experience of each of the individuals listed.

Sincerely yours,

MUTUAL TELEPHONE COMPANY

W. C. Avery

W. C. Avery, President

Encl.

MUTUAL TELEPHONE COMPANY

William E. Alexander
Margaret Clark
Anne O'Neill
S. Crandell
Roger Pierce
Ray Willard
Robert Jones
Theodore Kepner
Robert Masching
Kenneth Neifert
Timothy Pearson
Stanley Pickarski
William Turner
Thomas Young
Ethelyn Carney
Phenice Sloan
Shirley Whittington
Nancy Fowler
Emerson Smith
Lambert Chock
Raymond Schultz
Donna Reynolds
Gay Slavsky

(Operators)
Jessie Breeding
Freida Case
Everely Forward
Dorothy Fraser
Patricia Gelinsky
Alma Horton
Vera Spears
Patricia Thiessen
Helena Rader

DIVISION OF POSTMASTERS

IN REPLYING
REFER TO INITIALS AND DATE
P4:GR

**Post Office Department**
FIRST ASSISTANT POSTMASTER GENERAL
Washington 25, D. C.

March 23, 1949.

Mr. O. P. Soares,
Clerk, House of Representatives,
Honolulu, Hawaii.

Dear Mr. Soares:

The Postmaster General has asked me to reply to your letter dated March 9, 1949, with enclosure of a resolution passed by the House of Representatives of the Territory of Hawaii, requesting the establishment of a post office at Kainaliu, Hawaii.

Enclosed are papers requesting certain necessary information preliminary to the establishment of a post office. If the executed papers are returned to this Bureau the matter will receive further consideration.

Sincerely yours,

V. C. Burke

V. C. Burke
First Assistant Postmaster General.

Encs.

KAINALIU, HAWAII.

1000
*(Revised March 1846)*

# PETITION FOR ESTABLISHMENT OF POST OFFICE

Date _____

To the First Assistant Postmaster General
(Division of Postmasters):

We, the undersigned, heads of families, who will be patrons of the post office, if established, respectfully request the establishment of a post office to be known as _____

_____, _____, _____
*(See remarks below)* *(County)* *(State)*

**Remarks.--As it may be impossible to approve the name above designated, submit in order of preference in blank space below several names for the proposed office. Avoid suggesting any name that has already been given to any office published in the alphabetical list of post offices in the United States Official Postal Guide.**

1 _____ 4 _____ 7 _____

2 _____ 5 _____ 8 _____

3 _____ 6 _____ 9 _____

| NAME OF HEAD OF FAMILY *(Petitioners must sign personally)* | OCCUPATION | NUMBER IN FAMILY OVER 16 YEARS OF AGE |
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*(Additional signatures to be written on other side)*

| NAME OF HEAD OF FAMILY *(Petitioners must sign personally)* | OCCUPATION | NUMBER IS FAMILY OVER 16 YEARS OF AGE |
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**MAIL SUPPLY OF OFFICE NOT ON ROUTE.**

If the proposed office is not on any mail route it must be supplied with mail from some other office by a special carrier who will receive as compensation from the Department an amount equal to two-thirds of the compensation of the postmaster. A member of the postmaster's immediate family can not receive compensation as a carrier. When the post office has been in operation three months the question of providing regular supply to supersede the special supply may be considered by the Second Assistant Postmaster General.

---

**INSTRUCTIONS REGARDING THE CHOICE OF POST OFFICE NAMES.**

Names submitted for the Department's approval should be short and should consist of but one word, without prefixes or additions such as "Old," "East," "Burg," "Center," "City," "Corners," "Creek," "Cross Roads," and the like. Names not meeting these requirements may be approved, however, when they have become associated with the locality through long usage or through historical events that have occurred there.

A post office located at a railroad station should bear the same name as the station, if possible.

KAINALIU, HAWAII.

1021
(Revised 12-1-45)

LOCATION OF POST OFFICE

Division of Postmasters

IN REPLYING MENTION INITIALS AND DATE

# Post Office Department

FIRST ASSISTANT POSTMASTER GENERAL

Washington 25, D. C.

SUBJECT: ☐ Establishment
☐ Reestablishment
☐ Change of site

In order that each post office may be accurately located on postal maps, it is requested that you carefully complete this form and return it promptly to the First Assistant Postmaster General, Division of Postmasters.

Respectfully,

*First Assistant Postmaster General.*

1. Office and State _____ County _____
1a. Any other name by which locality is known _____
2. Township _____ (If applicable, fill in line 3.)
3. _____ quarter of section _____ Township _____ N. or S. _____ Range _____ E. or W. _____
4. Nearest adjoining county _____ How far? Shortest map distance _____ By road _____
4a. If site is being changed: Distance from old site _____ Direction from old site _____
5. Nearest U. S. or State highway _____ Direction from P. O. _____ Distance _____
6. Name of nearest railroad station _____ Name of railroad _____
7. Distance by road to railroad station _____ Direction from post office _____
8. Shortest air distance to nearest tracks _____ Direction from post office _____
9. Streams or bodies of water nearest to the office:

| *Name* | *Direction from post office* | *Distance* |
|---|---|---|
| | | |
| | | |

10. Direction of nearest post offices (one in each general direction):

| *Name* | *County* | *Direction from your post office* | *Distance by road* |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |

11. Method of mail supply _____ From where _____
(Railroad, star route, rural route, etc.)
12. Congressional district: Present site _____ Proposed site _____

_____
(Signature in full)

_____
(Postal title)

_____
(Date)

16—9077-2

**IMPORTANT.**—A map showing the location of the post office must be submitted with the return of this paper. A highway map such as prepared by State, county, or local agencies is preferred, if it can be furnished without expense to the Department. Be sure, however, to mark on it the exact site of the post office, placing a small dot in the proper square or block and on the proper side of the street.

**If no map can be furnished it is necessary to draw a sketch on one of the diagrams below.**

## INSTRUCTIONS

These diagrams are furnished simply to make it easier to draw a sketch that will show correct distances from the post office.

## SQUARE DIAGRAM

Use this diagram if the post office is located in an area described by section, township, and range, and you have filled in line 3 on the other side. Otherwise use the circular diagram.

Place a small dot representing the post office in the proper quarter-section and fill in the blanks for township and range numbers.

Then draw the following features: (Note that one-half inch on the paper equals 1 mile on the ground.)

*a. Adjacent post offices (show with small dots and name).*

*b. Railroads (show by single line with cross marks; name).*

*c. Highways (show by double lines close together and mark U. S. and State numbers; name in margin the post office to which each road leads).*

*d. Rivers, creeks, lakes, etc. (show by wavy lines and name).*

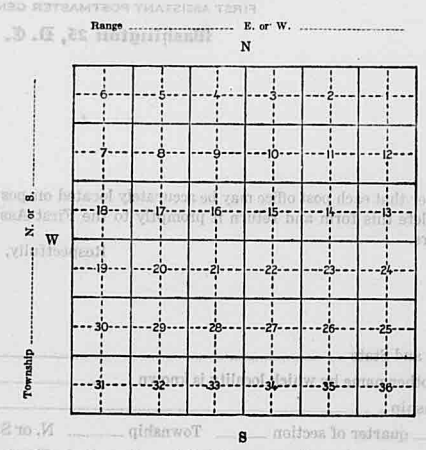
*e. County line (show by dashes).*

## CIRCULAR DIAGRAM

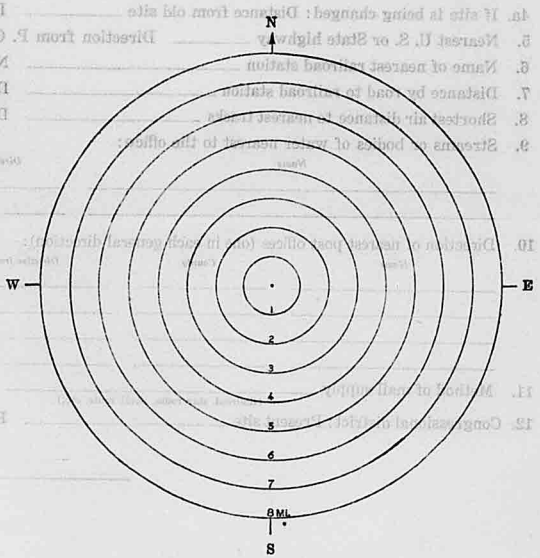
Use this diagram if the post office is NOT located in an area described by section, township, and range.

Let the dot in the center of the circle represent the post office.

Then draw the features *a*, *b*, *c*, *d*, and *e*, as described above. (Note the scale of this diagram: One-quarter inch equals 1 mile.)




Scale: ½ inch equals 1 mile




Scale: ¼ inch equals 1 mile

U. S. GOVERNMENT PRINTING OFFICE 16—9077-1

KAINALIU, HAWAII.

1067A
( Rev. 6-46)

REQUEST FOR INFORMATION REGARDING CANDIDATE FOR APPOINTMENT AS POSTMASTER AT A PROPOSED POST OFFICE

DIVISION OF POSTMASTERS

IN REPLYING REFER TO INITIALS AND DATE

**Post Office Department**

FIRST ASSISTANT POSTMASTER GENERAL

**Washington 25, D. C.**

If you are a candidate for the position of postmaster, please answer the following questions:

Respectfully,

FIRST ASSISTANT POSTMASTER GENERAL.

What is your full name?.....
(If a married woman, so state, giving your own first name, not your husband's.)

What is your present post office address?.....

What is your age?.....

Are you a citizen of the United States?.....

If appointed postmaster, will you conduct the post office in person?.....

What business, if any, will you conduct in connection with the post office?.....

.....

What is your present occupation?.....

Date.....

.....
(Signature of applicant)

JOSEPH R. FARRINGTON
DELEGATE FROM HAWAII

# Congress of the United States
## House of Representatives
### Washington, D. C.

283

April 2, 1949

Mr. O. P. Soares, Clerk
House of Representatives
Territory of Hawaii
Honolulu, T. H.

Dear Mr. Soares:

This will acknowledge receipt of House Concurrent Resolution No. 25 that comes to me with your letter of March 29.

I will bring this resolution to the attention of the House Committee on Public Works, with whom I have already filed a request for a survey of the possibilities of the construction of a breakwater at Keauhou Bay.

Sincerely yours,

J. R. Farrington
Delegate from Hawaii

PHONE 2445

P. O. BOX 25

Hilo Japanese Chamber of Commerce

633 KAMEHAMEHA AVENUE

HILO, HAWAII

April 4, 1949.

Honorable Hiram L. Fong,
Speaker of the House, and
the Honorable Members of the
House of Representatives,
25th Legislature, Terr. of Hawaii,
Iolani Palace, Honolulu, T. H.

Ladies and Gentlemen:

The Hilo Japanese Chamber of Commerce respectfully submits that it endorses and approves a minimum wages of 45¢ to 50¢ for the Island of Hawaii.

It is opposed to the House Bill No. 14, which seeks to increase the minimum wages to 55¢. It is the opinion of this organization that the passage of this act as it is will increase unemployment, the reason being that the employers will discharge the inexperienced workers and retain only the experienced ones. Increasing of the wages, will, as a necessary consequence, create more unemployment.

The undersigned feels that a minimum wages of 45¢ to 50¢ for this island would be within the proper bound of the ability of the employers to meet the situation.

The undersigned do hereby earnestly request that the honorable members of the legislature give this matter serious and fair consideration before acting upon it.

Thanking your kind attention in advance,

Respectfully yours,

The Hilo Japanese Chamber of Commerce,

By _____
Its President.

THE AMERICAN NATIONAL RED CROSS
NATIONAL HEADQUARTERS
WASHINGTON 13, D. C.

285

April 5, 1949

Mr. O. P. Soares, Clerk
House of Representatives
Territory of Hawaii
Honolulu, T. H.

My dear Mr. Soares:

The American National Red Cross is extremely grateful for the kind expressions contained in House Resolution No. 96.

We are proud of the effective and efficient manner in which the members of our Hawaii Chapter handled the flood disasters. While, as always, we supported their efforts with financial grants, it is those local workers, both paid and volunteer, who are deserving of your special commendation.

The service rendered in this emergency justifies full support of their Red Cross by the people of the islands of Hawaii. It is an organization of true community interest, - for as everyone is a potential recipient of Red Cross assistance so everyone may be a donor to its support.

Your gracious recognition of the humanitarian service rendered will be a tonic to all concerned in its accomplishment.

Gratefully yours,

F. T. Cleverley

Frank T. Cleverley
Administrator for
Foreign Operations

LEON K. STERLING, SR.
City and County Clerk

Deputies
ELLEN D. SMYTHE
EDWARD LEONG
LEILA F. VANNATTA
EMPEROR A. HANAPI

CITY AND COUNTY OF HONOLULU
OFFICE OF THE CITY AND COUNTY CLERK
HONOLULU 43, HAWAII

April 7, 1949

Honorable Hiram L. Fong, Speaker
House of Representatives
25th Legislature
Iolani Palace
Honolulu, T. H.

Sir:

I have the honor to transmit herewith certified copies of Legislative Committee Reports Nos. 9 and 12, together with nine uncertified copies of each report, adopted by the Board of Supervisors of the City and County of Honolulu on April 5, 1949, the contents of which are self-explanatory.

Respectfully submitted,

Leon K. Sterling, Sr.

LEON K. STERLING, SR.
City and County Clerk

encls.
lf

LEGISLATIVE COMMITTEE REPORT NO. 9
(1949)

Honolulu, T. H.
April 5, 1949

Mr. Mayor:

Your Legislative Committee recommends that the Board of Supervisors of the City and County of Honolulu go on record as favoring the passage of the following bills introduced in the House of Representatives of the Territorial Legislature:

H. B. 1094 AN ACT TO AMEND SECTION 10782 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO UNCLAIMED EVIDENCE.

H. B. 1127 AN ACT TO AMEND CHAPTER 138 (PART II) OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE REGISTRATION OF VEHICLES, BY AMENDING SECTION 7336 THEREOF.

Your Committee further recommends that a copy of this Committee Report be forwarded to the Speaker of the House of Representatives of the Territorial Legislature.

ERNEST N. HEEN, Chairman
CHUCK MAU, Member
J. M. ASING, Member
RICHARD M. KAGEYAMA, Member
NOBLE K. KAUHANE, Member
M. D. BEAMER, Member

Adopted:
April 5, 1949
Honolulu, T. H.

- CERTIFICATE -

I hereby certify that the foregoing is a full, true and correct copy of original Legislative Committee Report No. 9, which was adopted by the Board of Supervisors of the City and County of Honolulu on the 5th day of April, A. D. 1949, and now on file and of record in the office of the City and County Clerk.

Given under my hand and seal of the City and County of Honolulu this 7th day of April, A. D. 1949.

Leon K. Sterling Sr.
LEON K. STERLING, SR.
City and County Clerk

LEGISLATIVE COMMITTEE REPORT NO. 12
(1949)

Honolulu, T. H.
April 5, 1949

Mr. Mayor:

Your Legislative Committee recommends that the Board of Supervisors of the City and County of Honolulu go on record as favoring the passage of the following bills introduced in the Senate and in the House of Representatives of the Territorial Legislature:

S. B. 345
H. B. 769 (AN ACT RELATING TO THE ALA WAI GOLF COURSE AT HONOLULU; TRANSFERRING THE MANAGEMENT, OPERATION AND MAINTENANCE OF AND THE APPROPRIATIONS FOR AND THE PERSONNEL EMPLOYED AT THE SAID ALA WAI GOLF COURSE FROM THE FAIR COMMISSION OF HAWAII TO THE CITY AND COUNTY OF HONOLULU.

H. B. 823 AN ACT APPROPRIATING THE SUM OF $60,000.00 FOR IMPROVEMENTS TO THE ALA WAI GOLF COURSE, HONOLULU, OAHU.

H. B. 887 AN ACT REPEALING ACT 202, SESSION LAWS OF HAWAII 1939, AS AMENDED, RELATING TO ALA WAI GOLF COURSE.

Your Committee further recommends that a copy of this Committee Report be transmitted to the President of the Senate and to the Speaker of the House of Representatives of the Legislature of the Territory of Hawaii, and to the Legislative Committee of the Association of Ala Wai Golf Clubs.

ERNEST N. HEEN, Chairman
NOBLE K. KAUHANE, Member
RICHARD M. KAGEYAMA, Member
J. M. ASING, Member
CHUCK MAU, Member
M. D. BEAMER, Member

Date of Adoption:
APRIL 5, 1949
Honolulu, T. H.

- CERTIFICATE -

I hereby certify that the foregoing is a full, true and correct copy of original Legislative Committee Report No. 12, which was adopted by the Board of Supervisors of the City and County of Honolulu on the 5th day of April, A. D. 1949, and now on file and of record in the office of the City and County Clerk.

Given under my hand and seal of the City and County of Honolulu this 7th day of April, A. D. 1949.

Leon K. Sterling Sr.

LEON K. STERLING, SR.
City and County Clerk

J. K. BURGESS, JR.
COUNTY CLERK

OFFICE OF
COUNTY CLERK, COUNTY OF KAUAI
TERRITORY OF HAWAII
LIHUE, KAUAI, HAWAII

R. M. YAMAMOTO
DEPUTY COUNTY CLERK

April 6, 1949

Honorable Hiram L. Fong,
Speaker of the House of
Representatives of the
Twenty-fifth Legislature
of the Territory of Hawaii,
Honolulu, T. H.

Dear Sir:

As directed I enclose herewith certified copy of Resolution No. 29, adopted by the Board of Supervisors of the County of Kauai at a meeting held yesterday.

Very respectfully,

J. K. Burgess, Jr.
County Clerk, County
of Kauai.

/m

Encl.

BILL NO. 29

RESOLUTION NO. 29

WHEREAS the Governor's budget for the biennium period beginning July 1, 1949, provides for an appropriation of $340,000 for the construction of buildings and other facilities necessary for the establishment of a vocation training program for the County of Kauai; and

WHEREAS House Bill No. 546, appropriating the sum of $600,000 will provide money for the establishment or construction of a complete vocational school plant in which there would be a course in commercial education, besides the trades now offered at the present vocational school plant situate at Kalaheo, Kauai; and

WHEREAS the choice of a site for the vocational school is attendant with and concomitant to local problems of accessibility, availability of land, convenience to the public and questions of economy; and

WHEREAS on March 16, 1946, the Supervising Principal of Kauai Public Schools, in a communication to the Board of Supervisors requested, upon recommendation of the Acting Superintendent in charge of Vocational Education W. H. Beers, the acquisition of the corner area lying across the road on the Koloa side of Kauai High School in Lihue, Kauai, whereupon the said Board directed the County Engineer to survey said area of land; and

WHEREAS on November 12, 1948, an action in eminent domain entitled "Territory of Hawaii, by Walter D. Ackerman, Jr., its Attorney General, Plaintiff, vs. Grove Farm Company, Limited, Defendant" Law No. 1766 was filed in the Circuit Court of the Fifth Circuit, Territory of Hawaii, for the acquisition by said plaintiff of 14.80 acres of land situate at Nawiliwili, Lihue, Kauai, all of which was based on Map 1097 prepared by the County Engineer, dated May 14, 1946 covering said area, and on November 26, 1948, the said plaintiff was put in possession of said land

by order of Court upon the payment of $10,732.50, said sum being the amount estimated by the plaintiff to be just compensation or damages for the taking of such real property, and all that remains now for the ultimate transfer of the title of said land to the plaintiff is the decision of the Court at a hearing to be had on said suit for eminent domain; and

WHEREAS the public meeting called in Lihue, Kauai, on Saturday evening, April 2, 1949, attended by certain representatives of the Kauai Chamber of Commerce, with other local civic bodies, including the Hanapepe Civic Association, the local representatives of the Department of Public Instruction, and several prominent residents of Kauai who were not attached to said groups, showed by the expressions that the majority at said meeting favored Lihue as the site for the establishment of said vocational school, Now therefore:

BE IT RESOLVED by the Board of Supervisors of the County of Kauai, Territory of Hawaii, that the provisions of H. B. No. 546 providing a complete vocational school plant as aforesaid, and the Governor's budget for the biennium beginning July 1, 1949, providing for an appropriation of $340,000 for the construction of buildings and other facilities as hereinabove mentioned, or such sum thereof as may be provided therefor, be and the same are hereby approved; and that the site for the establishment of the said vocational school plant be located near the Kauai High School as aforesaid, and

BE IT FURTHER RESOLVED that a duly certified copy of this resolution be forwarded each to the Speaker of the House of Representatives; the President of the Senate; the Superintendent

of the Department of Public Instruction, W. H. Loper; that Supervising Principal of the Kauai Public Schools, James O'Neal, and Honorable Walter D. Ackerman, Jr., Attorney General of the Territory of Hawaii.

INTRODUCED BY:

(Sgd.) J. W. Bertrand
Supervisor

Dated at Lihue, Kauai, T. H.,

April 6, 1949.

---

OFFICE OF THE COUNTY CLERK, COUNTY OF KAUAI
TERRITORY OF HAWAII
LIHUE, KAUAI, HAWAII

CERTIFICATE

I hereby certify that the foregoing is a full, true and correct copy of Bill No. 29, which was adopted as Resolution No. 29, by the Board of Supervisors of the County of Kauai at a meeting held on April 6, 1949, by the following vote of the Board:

For Adoption: Bertrand, Luke, Mizuha, Serizawa, Watase, Ellis - Total 6,
Against Adoption: None - Total 0,
Absent and Not Voting: Ching - Total 1.

J. K. Burgess, Jr.,
County Clerk, County of Kauai.

Dated at Lihue, Kauai, T. H.,
this 6th. day of
April, A. D. 1949.

THE FOLLOWING WAS

# NOT IN FILE

WHEN RECORDS WERE MICROFILMED:

YEAR: 1949

SESSION: REGULAR

CHAMBER: HOUSE

TYPE ITEM: MISCELLANEOUS COMMUNICATION

ITEM NUMBER: 288

(EXPUNGED FROM RECORD)

BEP 48

Senate Bill 44

BEP B119
RR BNPU

U.S. NAVAL COMMUNICATIONS

289

FM BEPC 195A
WASHDC CK 268 TMS GOVT 081736Z
TMS GOVERNOR I M STAINBACK
HONOLULU

WILFRED TSUKIYAMA PRESIDENT
TERRITORIAL SENATE
HONOLULU

HIRAM L FONG SPEAKER
TERRITORIAL HOUSE OF REPRESENTATIVES
HONOLULU

PAUL M ANDERSON PRESIDENT
CHAMBER OF COMMERCE
HONOLULU

DR E C AUCHTER PRESIDENT
PINEAPPLE RESEARCH INSTITUTE
HONOLULU

AGRICULTURAL APPROPRIATIONS BILL AS PASSED BY HOUSE PROVIDES FOR FISCAL YEAR 1950 SAME AMOUNTS APPROPRIATED FOR CURRENT FISCAL YEAR TO COMBAT FRUITFLY STOP THIS INCLUDES FIFTY THOUSAND DOLLARS FOR RESEARCH IN METHODS OF BIOLOGICAL CONTROL UNDER DIRECTION RESEARCH AND MARKETING ADMINISTRATION AND FIFTY THOUSAND TO COMBAT THIS INSECT PEST THROUGH BUREAU ENTOMOLOGY AND PLANT QUARANTINE STOP IN CONFERENCE TODAY WITH S A ROHWER ACTING DIRECTOR BUREAU ENTOMOLOGY AND PLANT QUARANTINE ROY MAGRUDER REPRESENTING RESEARCH AND MARKETING ADMINISTRATION JAMES S DAVIS DIRECTOR DIVISION TERRITORIES OF INTERIOR DEPARTMENT AND ERNEST W GREEN VICE PRESIDENT HAWAIIAN SUGAR PLANTERS ASSOCIATION WAS INFORMED FUNDS FOR BIOLOGICAL CONTROL STUDY PROVIDED RESEARCH AND MARKETING AFINISTRATION ADEQUATE TO CONTINUE WORK IN THIS FIELD BUT FUNDS FOR BUREAU ENTOMOLOGY AND PLANT QUARANTINE ENTIRELY INADEQUATE STOP LATTER NEEDS ANOTHER SEVENTYFIVE THOUSAND OR TOTAL OF ONE HUNDRED TWENTYFIVE THOUSAND AT LEAST STOP AM REQUESTING ADDITIONAL FUNDS OF SENATE APPROPRIATIONS SUBCOMMITTEE OF WHICH SENATOR RUSSELL OF GEORGIA IS CHAIRMAN STOP THIS WILL BE AGGRESSIVELY SUPPORTED BY INTERIOR DEPARTMENT STOP STRONGLY URGE YOU TO MAKE ANY REPRESENTATION BY WIRE OR OTHERWISE TO SENATOR RUSSELL IN SUPPORT THIS REQUEST FOR ADDITIONAL FUNDS THAT YOU MAY DEEM APPROPRIATE STOP EVIDENT FROM RESULTS OF DELIBERATIONS IN HOUSE THAT GREATER EFFORT MUST BE EXERTED TO AWAKEN THOSE CONCERNED HERE OF MENACE OF ORIENTAL FRUITFLY

JOSEPH R FARRINGTON

CFN 1950

98/1526Z APR BEPC

HAWAII · SAMOA · FIJI · NEW ZEALAND · AUSTRALIA

# MATSON NAVIGATION COMPANY

PASSENGER DEPARTMENT
P.O.BOX 899
HONOLULU 8, HAWAII

Misc
790

April 8, 1949

The Twenty-fifth Legislature
Territory of Hawaii
House of Representatives

Re: House Resolution No. 61

Gentlemen:

Matson Navigation Company, a California corporation duly authorized to do business in the Territory of Hawaii, incidentally to the transportation of freight and passengers between the ports of the various states of the United States and ports of foreign countries and the ports of the Territory of Hawaii, uses its ships and employees thereon to transport freight and passengers within the Territory of Hawaii.

The gross income from the transportation of freight within the Territory was respectively .0594487 per centum and .9128473 per centum of the gross income of the Company during the years 1946 and 1947, these being the last years for which records are presently available.

The transportation of freight and passengers within the Territory is performed by the use of equipment and employees who are, at the time of such transportation, simultaneously engaged in the service of the Company in the performance of its principal functions of the transportation of freight and passengers between the ports of the various states of the United States and ports of foreign countries and the ports of the Territory of Hawaii, and at no time is any equipment or any employee engaged solely in the transportation of freight and passengers within the Territory.

Matson Navigation Company respectfully submits that, on the basis of the above facts, furnishing the list of persons as directed by HR No. 61 would constitute an unreasonable burden on the Company in the performance of its principal functions.

Yours very truly,

MATSON NAVIGATION COMPANY

H. A. Mountain
Assistant Secretary

COMMISSIONERS
A. K. SILVA
T. S. SHINN
S. TAKEMOTO

DIRECTOR OF PERSONNEL
AND CLASSIFICATION
W. A. CLARK

CIVIL SERVICE COMMISSION
AND
PERSONNEL CLASSIFICATION BOARD
Wailuku, Maui, T. H.

April 8, 1949

House of Representatives
The Twenty-fifth Legislature
Territory of Hawaii
Iolani Palace
Honolulu, T. H.

Honorable Members of the House:

This will acknowledge receipt of your special delivery letter dated April 7, 1949, requesting for the names of the persons holding the various positions in the County of Maui, and for whom the residence clause has been waived.

We attach hereto a revised list containing all the data requested for in House Resolution No. 71.

We are very sorry to have inconvenienced you in this matter as we had no intentions of submitting an incomplete report. Evidently we have misinterpreted section "a" of said Resolution which reads as follows: "The number of persons and the number of employees for whom the residence clause has been waived because of the lack of qualified local personnel;"

Very truly yours,

Alvin K. Silva, Chairman
Civil Service Commission

AKS/eo

Enc.

## LIST OF EMPLOYEES NOW IN THE SERVICE OF THE COUNTY OF MAUI FOR WHOM THE RESIDENCE CLAUSE HAS BEEN WAIVED.

| (a, b) | No. | Department | Name | Position | Classification Symbol | Date of Employment |
|---|---|---|---|---|---|---|
| | 1 | Kula Sanatorium | Edmund A. Tompkins | General Superintendent (Doctor) | P - 7 | 2 -10-39 |
| | 1 | Kula Sanatorium | Joseph E. Ferkany | Physician | P - 6 | 8 - 1-48 |
| | 1 | Kula Sanatorium | Arthur J. Beland | Physician | P - 5 | 9 - 2-46 |
| | 1 | Kula Sanatorium | Elizabeth C. Sheridan | Superintendent of Nurses | CAF - 9 | 4 - 2-46 |
| | 1 | Kula Sanatorium | Ionia C. Rickey | Night Nurse | SP - 5 | 8 - 9-46 |
| | 2 | Kula Sanatorium | Marian C. Meseroll<br>Charlotte J. Ringrose | Nurse | SP - 4 | 6 - 1-44 |
| | 1 | Kula Sanatorium | Marjorie M. Martin | Nurse | SP - 4 | 10-29-47 |
| | 1 | Kula Sanatorium | Florence M. Wright | Nurse | SP - 4 | 4 -12-48 |
| | 1 | Kula Sanatorium | Nelda Lukins | Occupational Therapist | SP - 7 | 12-27-48 |
| | 1 | Hana Hospital | William A. Allen | Acting Medical Director (Doctor) | P - 4 | 12-16-48 |
| | 11 | Total | | | | |

(c) PHYSICIANS: We have always had difficulty in securing the services of the local doctors for Kula Sanatorium and the Hana Hospital. Kula Sanatorium, being a TB institution, it seems that the local doctors hesitate accepting employment there and rather go into private practice. Hana Hospital has its difficulty in securing local help because Hana is so isolated.

NURSES: The same difficulty prevails in securing local Nurses to go to Kula Sanatorium or the Hana Hospital, for the reasons noted above.

OCCUPATIONAL THERAPISTS: Local people have never applied. Whenever a vacancy occured we wrote to the various agencies for qualified personnel and when none was available we recruited from the mainland.

ANESTHETISTS: Qualified personnel is obtained from the Nursing Service Bureau in Honolulu. Not many of our local people take up this field as we usually had to recruit from the mainland.

LEON K. STERLING, SR.
City and County Clerk

Deputies
ELLEN D. SMYTHE
EDWARD LEONG
LEILA F. VANNATTA
EMPEROR A. HANAPI

792

CITY AND COUNTY OF HONOLULU
OFFICE OF THE CITY AND COUNTY CLERK
HONOLULU 43, HAWAII

April 8, 1949

Copies to Members of County Committee

Honorable Hiram L. Fong
Speaker of the House of Representatives
Twenty-Fifth Legislature of the
Territory of Hawaii
Iolani Palace
Honolulu, T. H.

Dear Sir:

I have the honor to transmit herewith, one certified copy of Resolution No. 128, together with nine uncertified copies of same, adopted by the Board of Supervisors of the City and County of Honolulu, and approved by its Mayor on April 7, 1949, opposing to the proposed taking of Kanewai Park from the City and County of Honolulu and vesting it in the University of Hawaii.

Respectfully submitted,

Leon K. Sterling Sr.

LEON K. STERLING, SR.
City and County Clerk

Encls.

RESOLUTION NO. 128 (1949)

THAT THE CITY AND COUNTY OF HONOLULU IS UNALTERABLY OPPOSED TO THE PROPOSED TAKING OF KANEWAI PARK FROM THE CITY AND COUNTY OF HONOLULU AND VESTING IT IN THE UNIVERSITY OF HAWAII.

WHEREAS, the Supreme Court of the Territory of Hawaii has, by its decision, terminated a long and costly controversy between the University of Hawaii and the City and County of Honolulu over the right to the 15 acres of Kanewai Park land; and

WHEREAS, the uniqueness of this land makes it desirable for park purposes; and

WHEREAS, the Kaimuki Community Council, the St. Louis Heights Improvement Club and the Moiliili Community Association have urged that the controversial 15-acre site be used for park purposes; and

WHEREAS, the University of Hawaii can secure other land for its expansion and development program; and

WHEREAS, House Bill No. 1183, Session Laws of 1949, seeks to divest the City and County of Honolulu of this 15-acre Kanewai Park site and to vest the right, title, interest and control therein in the University of Hawaii;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU:

That the City and County of Honolulu is unalterably opposed to the proposed taking of the 15-acre Kanewai Park land from the City and County of Honolulu and vesting it in the University of Hawaii.

BE IT FURTHER RESOLVED that the Clerk be and he is hereby directed to forward copies of this Resolution to:

1. The Honorable Ingram M. Stainback, Governor of the Territory of Hawaii;

2. Senator Wilfred Tsukiyama, President of the Territorial Senate;

3. Representative Hiram Fong, Speaker of the Territorial House of Representatives;

4. President of the Kaimuki Community Council;

5. St. Louis Heights Improvement Club;

6. President of the Moiliili Community Association.

INTRODUCED BY:

(S) RICHARD M. KAGEYAMA, Supervisor
(S) M. D. BEAMER, Supervisor
(S) NOBLE K. KAUHANE, Supervisor
(S) CHUCK MAU, Supervisor
(S) J. M. ASING, Supervisor
(S) ERNEST N. HEEN, Supervisor

DATE OF INTRODUCTION:
April 5, 1949
Honolulu, T. H.

APPROVED: April 7, 1949
(S) JOHN H. WILSON, Mayor
City and County of Honolulu.

- CERTIFICATE -

I hereby certify that the foregoing is a full, true and correct copy of original Resolution No. 128, adopted by the Board of Supervisors of the City and County of Honolulu on the 5th day of April, A.D. 1949, and approved by its Mayor on the 7th day of April, A.D. 1949, and now on file and of record.

Given under my hand and seal of the City and County of Honolulu this 8th day of April, A.D. 1949.

LEON K. STERLING, SR.
City and County Clerk

OFFICE OF THE VICE PRESIDENT
WASHINGTON

293

March 28, 1949

Mr. O. P. Soares, Clerk,
House of Representatives,
Honolulu, T. H.

My dear Mr. Soares:

This will acknowledge receipt of your letter of March 25, enclosing copy of House Concurrent Resolution No. 43, adopted by the 25th Legislature of the Territory of Hawaii, requesting the Congress of the United States to repeal the Federal taxes on the transportation of persons and property as each affects inter-island transportation in Hawaii and transportation between Hawaii and the Mainland United States.

Very sincerely yours,

Alben W. Barkley

EC.

JOSEPH R. FARRINGTON
DELEGATE FROM HAWAII

# Congress of the United States
## House of Representatives
### Washington, D. C.

April 7, 1949

294

Mr. O.P. Soares, Clerk
Territorial House of Representatives
Iolani Palace
Honolulu, T.H.

Dear O.P.:

This will acknowledge receipt of your letter of March 28th with which you forwarded copy of House Concurrent Resolution No. 39.

I will undertake an inquiry to ascertain just what steps can appropriately be taken by the Battle Monuments Commission to give this proposal consideration.

Yours sincerely,

Joe Farrington

J.R. Farrington
Delegate from Hawaii

495

RESOLUTION

WHEREAS, the undersigned Federation of Hawaiian Organizations is composed of Hawaiian Civic Club, Hale O Na Alii, Kamehameha Lodge, Ahahui Kaahumanu, Kamehameha Alumni, Kamehameha Alumnae and Daughters & Sons of Hawaiian Warriors, which said organizations are the leading Hawaiian organizations in the Territory of Hawaii; and

WHEREAS, it has come to the attention of the Federation of Hawaiian Organizations from time to time that Iolani Palace is unsuited for its present use as a building to house certain Territorial offices and departments thereof; and

WHEREAS, the wooden buildings located on the Iolani Palace grounds were erected and installed as temporary war time construction; and

WHEREAS, the said wooden buildings are wholly unsuited for use in housing offices of certain Territorial departments; and

WHEREAS, it has been proposed from time to time that a building or buildings of permanent construction be erected for housing Territorial departments and offices and for a suitable and appropriate legislative building for the Legislature of the Territory of Hawaii; and

WHEREAS, the pride and honor of the people of the Territory of Hawaii would best be served by instituting promptly and appropriate program for the erection of a new building or buildings to carry out the above purposes and to remove as soon as practicable the temporary wooden structures from Iolani Palace grounds; and

WHEREAS, Iolani Palace should thereafter be restored, preserved and dedicated as a public museum;

NOW, THEREFORE, BE IT RESOLVED by the Federation of Hawaiian Organizations that the Twenty-fifth Legislature of the Territory of Hawaii be urged to institute immediately a program for the construction of a suitable building or buildings for an appropriate legislative building for the Legislature of the Territory of Hawaii and to house the various offices and departments of the Territory of Hawaii now located in Iolani Palace and in the temporary buildings on Iolani Palace grounds, and that forthwith upon the completion of said building program the temporary buildings on Iolani Palace grounds be removed, and that thereafter Iolani Palace be restored, preserved and dedicated as a public museum.

BE IT FURTHER RESOLVED that copies of this resolution be sent to the Senate and House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii.

FEDERATION OF HAWAIIAN
ORGANIZATIONS

BY West Maui Hawaiian Civic Club
Samuel K. Mookini, Pres.

Euicho C. Chung, Pastor
C. H. Ahn, Parish Visitor

Telephone 64023

First Korean Methodist Church
1639 KEEAUMOKU STREET
Honolulu 4, Hawaii

296

April 10, 1949

The Honorable Hiram L. Fong,
Speaker of the House of Representative,
Iolani Palace,
Honolulu, T. H.

Dear Mr. Fong:

We, the undersigned are officers of the First Korean Methodist Church, and we represent the members of the church.

We wish to to express our indignation to the hasty method used by the Senate in passing Senate Bill #660 concerning the horse-racing and gambling.

We do not feel that the action of the Senate is a fair representation of the public opinion of the Territory. Therefore, we strongly request and urge that the House, through its proper channel, arrange for a public hearing before voting on the bill. This will give the public a chance to voice its opinion.

Trusting that you and the House will give this protest your immediate consideration, we remain,

Yours truly,

Ha Soo Whang
Ha Soo Whang, Lay leader

Chang Ho Ahn
Chang Ho Ahn, Secretary

Kyung Soon Cha
Kyung Soon Cha, Treasurer

Euicho C. Chung
Euicho C. Chung, Pastor

# REPUBLICAN CLUB OF HAWAII

842 RICHARDS ST., HONOLULU 2, T. H.
P. O. BOX 700 TELEPHONE 59956

EUGENE H. BEEBE
PRESIDENT

MARY L. NOONAN
RECORDING SECRETARY

T. G. SINGLEHURST
TREASURER

247

April 9, 1949

The Honorable Hiram L. Fong
Speaker, House of Representatives
Twenty-fifth Legislature
Territory of Hawaii
Honolulu

Sir:

As instructed at the regular monthly meeting of the Board of Directors of the Republican Club of Hawaii, held last night, April 8th, I herewith forward to you a copy of the Resolution in support of the Closed Primary, which resolution was unanimously adopted at the meeting.

Respectfully,

Eugene H. Beebe

Eugene H. Beebe
President.

RESOLUTION

RESOLVED, that the Directors of the Republican Club of Hawaii go on record,

1 - As being strongly in favor of a closed primary law,

2 - And of endorsing the stand taken by both the Democrat and Republican parties in supporting such a measure,

3 - And that all legislators of both parties be urged to demonstrate their faith in and support of the American two-party system by working diligently and unselfishly and honestly for the passage in 1949 of a law which will establish the closed primary system of nomination.

Honolulu, T. H.
April 8, 1949

# THE YOUNG MEN'S CHRISTIAN ASSOCIATION

OFFICERS
Theodore F. Trent, President
J. Ballard Atherton, Vice Pres.
Mitsuyoshi Fukuda, Secretary
Richard H. Wheeler, Treasurer
Hung Wai Ching, Ass't. Treas.

P. O. BOX 459
HONOLULU 9, HAWAII

GENERAL OFFICES
Henry G. Ellis, General Secretary
Phone 55395

Sheldon E. Swenson, Asst. Gen. Sec'y
Phone 66751

298

Wahiawa, Oahu, T.H.
April 11th, 1949

Honorable Hiram L. Fong
Speaker, House of Representatives
25th Legislature, Territory of
Hawaii, U. S. A.

Sir:

The members of the Board of Managers of the Wahiawa Branch YMCA take this opportunity to acquaint you of their concern relative to the proposed Bill S. B. 660, dealing with legalized pari-mutuel wagers on horse-racing in the Territory.

We wish to register our strong protest, not only with respect to the nature of this Bill, but also the manner in which it was passed in the Senate. We believe the methods used to obtain passage of this Bill were a violation of democratic parliamentary procedure on the part of the elected representatives of the people.

It is our earnest request that the House give due consideration to such protests as have been or will be registered in opposition to the Bill itself. It is our considered opinion that such a controversial issue as that dealt with in S.B.660 should be accorded a public hearing.

Respectfully yours,

Theodore A. Kemaly, Chmn.
Board of Managers

114 No. Kam Hwy.
Wahiawa, Oahu.

# Wesley Methodist Church


**James C. Baker**
Bishop
Los Angeles Area

952 Punahou Street
Honolulu 14, Hawaii

**Philip A. Solbjor, Pastor**

**Leonard Oechsli**
Superintendent
Hawaii Methodist Mission


April 11,1949

249

Honorable Hiram L. Fong, Speaker
House of Representatives
Twenty-fifth Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sir:

Both the Official Board and the members of the congregation of Wesley Methodist Church have gone on record in one regular and one special meeting as being unalterably opposed to S.B. 600 which is now before the House of Representives for consideration.

We would prefer the outright defeat of the bill. If this seems impossible we urge that a public hearing may be heard so individuals and organizations may make their protests.

We are convinced that there is more than a moral issue involved. Business suffers and juvenile delinquency together with many other social evils thrive in places where gambling is legalized.

Very truly yours,

The Official Board
The Congregation
Wesley Methodist Church

Philip A. Solbjor

Philip A. Solbjor, Pastor

opposing SB 660 (not 600)
by Gene Chang - Archives
1-19-51
See H. Journal pgs 1294
& 2568

# *Wesley Methodist Church*

952 Punahou Street
Honolulu 14, Hawaii

**James C. Baker**
Bishop
Los Angeles Area

**Philip A. Solbjor, Pastor**

**Leonard Oechsli**
Superintendent
Hawaii Methodist Mission

April 10, 1949

380

Honorable Hiram L. Fong, Speaker
House of Representatives
Twenty-fifth Legislature
Honolulu, Hawaii

Dear Sir:

We the members of the Methodist Youth Fellowship of Wesley Methodist Church of Honolulu are very much interested in and concerned about S.B. 660 which was passed by the Senate and which will be passed to the House of Representatives for their consideration.

We highly commend you for the stand you took against the pari-mutuel racing bill in the last session of the legislature. The proponenents of the bill who are ready to vote for it again in this session will no doubt present many arguments in favor of it. We trust that you will continue your opposition to the bill, and request that a public hearing be held.

According to an article in the "Honolulu Star Bulletin" on March 5, 1949, several of the Legislators are willing to vote in favor of the bill, if it can be proven that the finances of the Territory will be helped substantially. While it may be true that tax receipts may be large, we sincerely believe that the general economy of the Territory would be adversely affected. We also point to the fact that money which would normally be used for services and goods such as food, clothing, shelter, and medical care is diverted to unworthy purposes. Business in a community in and around where pari-mutuel is permitted shows a definite decline, and businessmen have greater difficulties in collecting outstanding bills. While it is true that some who patronize pari-mutuel might be able to afford such expenditures of money, we believe that greater numbers are not financially able to take such chances.

There are many other arguments that can be given in opposition to this bill and we are ready and willing to present such arguments in writing or in a public hearing, should it be necessary.

Sincerely yours,
David Harada
David Harada
President, Wesley Methodist Church
Methodist Youth Fellowship




# *We, The Women of Hawaii*

P. O. Box 3107 • Honolulu 2, Hawaii

April 9, 1949

To The Members of The House of Representatives
Territory of Hawaii
Iolani Palace
Honolulu, T. H.

Gentlemen:

This will inform you that at the April meeting of We, The Women of Hawaii, the membership voted overwhelmingly in favor of the Closed Primary as set forth in HB 322.

It is our feeling that Hawaii should immediately align herself with the great majority of the states now having some form of a closed or partisan primary, and we trust that without further prompting, the legislators will fulfill their party pledges as well as their obligation to the voters who have given conclusive evidence of their desire for a Closed Primary.

We look to you to pass this legislation which is one of the progressive steps toward preserving the two-party system of government in Hawaii at a time when our government both in the Territory and in the nation stands definitely in need of courageous, forward-looking and honest action.

Very truly yours,

Bernice L. Rippee

Bernice L. Rippee, Sec. Corr.
WE, THE WOMEN OF HAWAII

# *Wesley Methodist Church*

952 Punahou Street
Honolulu 14, Hawaii

**James C. Baker**
Bishop
Los Angeles Area

**Philip A. Solbjor, Pastor**

**Leonard Oechsli**
Superintendent
Hawaii Methodist Mission

April 10, 1949

Honorable Hiram L. Fong, Speaker
House of Representatives
Twenty-fifth Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sir:

At a meeting of the Women's Society of Christian Service of the Wesley Methodist Church, held on Sunday, April 10, the members decided to go on record as opposing the passage of S. B. 660.

It has been shown in Mainland communities where pari-mutuel betting has existed that definite harms have come to many phases of community life. Businessmen have complained that it has been more difficult to get people to pay their bills when due. We also feel that pari-mutuel betting contributes to juvenile delinquency and that it would attract the type of tourist who is not really interested in the finer things that Hawaii has to offer. We sincerely hope that a public hearing will be held so that individuals and organizations opposed to the passage of this bill may be heard.

When the similar bill was introduced in the Legislature two years ago, a public hearing was held. We remember the fairness shown by you at the hearing and wish to thank you for the support you gave at that time.

Very truly yours,

WOMEN'S SOCIETY OF CHRISTIAN SERVICE

Grace Ginoza

Grace Ginoza, President

Community Methodist Church
Wahiawa, Oahu
Hawaii

GEORGE H. NORTON, JR.
MINISTER

307

April 10, 1949

The Honorable Hiram L. Fong,
Speaker of the House of Representatives,
Iolani Palace,
Honolulu, T. H.

Dear Speaker Fong:

We the members of the Wahiawa Community Methodist Church were very much concerned and highly indignant when we heard how the Senate bill #660 concerning horse-racing and gambling was "steam-rolled" through the Senate.

At a speaial meeting of the Congregation following the regular worship service this morning, it was unanimously agreed by all of those present that the Senate action did not at all represent public opinion throughout the territory. A resolution was accordingly adopted asking the House of Representatives through its Speaker and/or its appropriate committees to arrange a public hearing giving an opportunity for the public to thoroughly voice its opinion on this bill before it is voted upon in the House.

Furthermore, we voted to instruct our representative, the Honorable Joseph Itagaki, to oppose the measure insofar as he is able.

Trusting that both you and the House will give this and similar protests immediate consideration, we remain,

Sincerely yours,

Elvis Rhoades

Elvis Rhoades, Lay leader.

Allen W. Klingman

Allen Klingman, Secretary

Robert Singleton

Robert Singleton, Treasurer.

C. C. Wise

C. C. Wise, Chairman of the
Board of Trustees.

304

To the Honorable Hiram Fong
Speaker of the House of Representatives
Territory of Hawaii

We the members of the congregation of the Harris Memorial Methodist Church of Honolulu, do hereby protest against the action of the Senate of the Legislature of the Territory of Hawaii, in refusing to grant a hearing on Senate Bill No. 660 relating to horse-racing and parimutual gambling in the Territory;

And do hereby respectfully petition the members of the House of Representatives of the Legislature of the Territory, that they would grant a public hearing on the above mentioned Senate Bill No. 660 in accordance with the democratic procedures which allow the public to express their opinions regarding proposed legislation.

Adopted
April 10, 1949

Presiding, Leonard Oechsli

Leonard Oechsli
Superintendent

# The Honolulu Council of Churches

HONOLULU 5, T. H., U. S. A.
P. O. BOX 1972 • TELEPHONE 57367

ROLAND SAGUM
President

REV. HAROLD JOW
First Vice-President

JOHN C. LUIZ
Second Vice-President

SHELDON E. SWENSON
Recording Secretary

JAMES WILSON
Treasurer

REV. E. L. WHITTEMORE
Executive Director

April 8, 1949

10-30

The Honorable Hiram L. Fong
Speaker, House of Representatives
Iolani Palace
Honolulu, T. H.

Dear Sir:

I have been directed by the Social Action Committee of the Honolulu Council of Churches to inform you that at its meeting on April 4, 1949, it voted to go on record in support of H.B. 1027, known as the Local Option Act of 1949. Our Committee sincerely hopes that the Judiciary Committee of the House will bring this bill up for early consideration and that we may be informed as to when it will be on the agenda of that Committee so that a representative of our group may be present to speak in support of it.

Very sincerely yours,

Edward L. Whittemore

Edward L. Whittemore, Director
Honolulu Council of Churches

ELW:ts

# HONOLULU AUTOMOBILE CLUB

HEADQUARTERS: DILLINGHAM TRANSPORTATION BUILDING

TELEPHONE 85[illegible]
BISHOP & QUEEN STREETS
HONOLULU 16, HAWAII

April 8, 1949

Honorable Hiram Fong
Speaker of the House of Representatives
of the Territory of Hawaii
Honolulu, T. H.

Sir:

The Board of Directors of the Honolulu Automobile Club wish to go on record with your Honorable Body as protesting House Bill #815 an act "To Amend Section 7323, Revised Laws Of Hawaii 1945, Relating To Mandatory Revocation Of Chauffeur's License."

The Honolulu Automobile Club definitely feels that this House Bill #815 is an attempt to weaken our present drunk driving laws, and we protest any amendment to our present law controlling drunk drivers or to lessen its effectiveness.

We, therefore, earnestly urge that your Honorable Body seriously consider and study this House Bill #815, which, if passed might undo the very idea of our present law working towards the safety of our citizens in the Territory of Hawaii.

Respectfully

J. G. Zabriskie, President
And The Board Of Directors
Honolulu Automobile Club

JGZ:RC

HENRY D. APPENZELLER, D. D.
MINISTER

1020 S. BERETANIA ST.
TELEPHONE 56253

# First Methodist Church

BERETANIA AND VICTORIA
HONOLULU 14, T. H.

April 9, 1949

To the Legislature of the Territory of Hawaii
Members of the House of Representatives:

In the interest of the public good, the First Methodist Church of Honolulu protests the passage of Senate Bill 660 on parimutuel betting, and requests a public hearing on the matter.

Respectfully yours,

Henry D. Appenzeller
Minister

Cecil C. Martin
Treasurer

WILFORD D. GODBOLD
City and County Attorney

Misc 3p 86

CITY AND COUNTY OF HONOLULU
OFFICE OF THE CITY AND COUNTY ATTORNEY
HONOLULU 13, HAWAII

April 9, 1949

Honorable Hiram L. Fong
Speaker of the House of Representatives
Twenty-fifth Legislature
Territory of Hawaii
Honolulu, Hawaii

Sir:

On March 10th the City and County Clerk transmitted a bill entitled:

AN ACT MAKING APPROPRIATIONS FOR PUBLIC SCHOOL IMPROVEMENTS AND PROVIDING FOR THE ISSUANCE OF PUBLIC IMPROVEMENT BONDS.

This was accompanied with our explanatory letter of March 9, 1949 addressed to the Chairman and Members of the Committee on Finance.

The Legislative Committee of the Board of Supervisors now requests an amendment to this proposed bill by inserting a new item, which may be designated as No. 16, to read as follows:

"Kailua School - Acquisition of land and improvements and/or moving of structures $70,000.00"

Respectfully yours,

LEGISLATIVE COMMITTEE,
BOARD OF SUPERVISORS

BY Wilford D. Godbold
WILFORD D. GODBOLD
City and County Attorney

I am against that Hila Hila H.B. 1080.

Is it our fault if the government people are too slow in making the Kihei Harbor? If that was the company I work for the boss fire me out because I don't obey orders?

Eddie Sing
13-3rd

29


THIS SIDE OF CARD IS FOR ADDRESS
KIHEI
APR 7
12 M
1949
HAWAII
Honorable Hiram L. Fong
Speaker of The House
Honolulu

Please help us get some water for Kihei. For over 2 weeks we have been without water during the day. We get water at night only. We have to,haul our drinking water from the plantation camp. If we don't get water pretty soon, we will have to do our laundry at the plantation camp also.

Several families including mine have been ~~in~~ bathing in brackish water which we get from our wells.

Please kokua us people in Kihei, Maui.

Yours truly

J Ventura

79


Misc Com
309
KIHEI
APR 7
12 M
1949
HAWAII
THIS SIDE OF CARD IS FOR ADDRESS
Honorable Hiram L. Fong
Speaker of The House
Honolulu

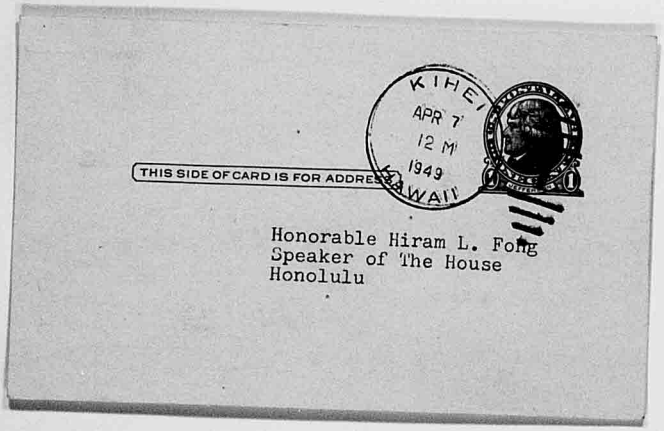
Iam against H.B. 1080.

I want the Kihei Boat Harbor constructed immediatley.

I want to know as to why no work has been done to date.

I. da Pua

13-3rd




Honorable Hiram L. Fong
Speaker of The House
Honolulu

I am against H.B. 1080.

I want the Kihei Boat Harbor constructed immediatley.

Whose fault is it that no work has been done?

Vincent Soubi

13-3rd

25 SIMILAR POSTCARDS WEEDED
1995/1/17

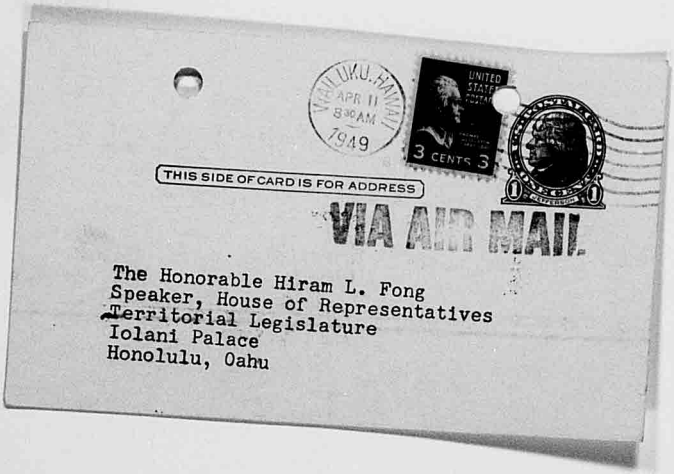

THIS SIDE OF CARD IS FOR ADDRESS
KIH
APR
12 M
1949
HAWAII
Honorable Hiram L. Fong
Speaker of The House
Honolulu

I want you to know that I favor the passage of the pari-mutuel racing bill, and ask you to do everything possible to see that the Territorial House of Representatives acts favorably on this matter.

Mrs M. F. Calmes

3rd District
Maui County

Mrs 310


WAILUKU, HAWAII
APR 11
8:30 AM
1949
UNITED STATES
3 CENTS 3
THIS SIDE OF CARD IS FOR ADDRESS
VIA AIR MAIL
The Honorable Hiram L. Fong
Speaker, House of Representatives
Territorial Legislature
Iolani Palace
Honolulu, Oahu

I want you to know that I favor the passage of the pari-mutuel racing bill, and ask you to do everything possible to see that the Territorial House of Representatives acts favorably on this matter.

Mar 31 D

Anne Whitemore

3rd District
Maui County

253 more cards needed
1995/1/13


WAILUKU, HAWAII
APR 11
8:30 AM
1949
UNITED STATES POSTAGE
3 CENTS 3
THIS SIDE OF CARD IS FOR ADDRE
VIA AIR MAIL
The Honorable Hiram L. Fong
Speaker, House of Representatives
Territorial Legislature
Iolani Palace
Honolulu, Oahu

# KOOLAUPOKO LIONS CLUB

Misc 311 Co

LIBERTY + INTELLIGENCE + INTERNATIONAL LIONS CLUB + OUR + NATIONS + SAFETY

P. O. BOX 545 LANIKAI, HAWAII

April 12, 1949.

Honorable Hiram L. Fong,
Speaker, and Members of the House of Representatives.

Sirs:

Enclosed herewith is a copy of a letter that has been written to the Honolulu Star-Bulletin and Honolulu Advertiser in reference to the Tunnel Project under consideration which is self explanatory.

We ask you as representatives of the people to work for the best interest of all of the people. The Koolaupoko Lions Club Civic Improvement Committee after a thorough investigation of the tunnel project feel that the expression we have made are the expressions of the majority of the population of Windward Oahu.

Respectfully,

Edwin S. Heise,
Chairman.
Civic Improvement Committee.

Misc 311

# KOOLAUPOKO LIONS CLUB

LIBERTY + INTELLIGENCE + INTERNATIONAL LIONS CLUB + OUR + NATIONS + SAFETY

P. O. BOX 545 LANIKAI, HAWAII

April 12, 1949.

Editor, Honolulu Star-Bulletin,
Honolulu, Hawaii.

**TUNNELS**

Since there is a good deal of propaganda for the Kalihi Tunnel by those who will not be directly affected by the building of a tunnel, except for benefits derived by promotional developments, consideration should be given to those who live on the Windward side of the Island, who,

1st. - Unanimously approve the construction of approaches to the Nuuanu Pali Road.

2nd. - Favor the building of a tunnel "when and where", after completion of the approach roads to the Pali, there is immediate need for a tunnel.

The Koolaupoko Lions Club Civic Improvement Committee, therefore, requests the Legislature now in session to:

1 - Table Senate Joint Resolution No. 22 and request they lend their support to Territorial Highway Commission to proceed with their program to improve the approach roads to the Nuuanu Pali.

2 - To vote against Senate Bill No. 358.

Various schemes and plans have been offered as ways and means to finance the Kalihi Tunnel and until such time that a feasible plan is offered to finance the Kalihi Tunnel, provided there is need for action for the construction of a tunnel, the finances received from Gasoline Tax for Territorial Road Improvements should not be used for a project that has not the approval of the majority of Windward Oahu population at the present time.

Koolaupoko Lions Club ~~Civic Improvement Committee~~,
Edwin S. Heise, Chairman.

COPY TO PRESIDENT OF THE SENATE
COPY TO SPEAKER OF THE HOUSE

Dear Mr. Fong,

I strongly favor a public hearing for S.B. 660, the bill legalizing gambling on horse racing. It is certainly unfair for our legislature — men whom we elected and who represent us — to push thru anything as controversial and as questionable as this bill without a hearing from the public! The action of the Senate in passing this bill with such obvious pressure tactics makes me wonder whether we are still a democracy or not. As a citizen of this community I strongly urge that the House call for a public hearing on this issue.

Sincerely,
Lillian Jew

M 312

FOR GOD AND HOME AND EVERY LAND

W. C. T. U.

313

To: Honorable Hiram Fong
Speaker, House of Representatives
Territory of Hawaii

Dear Sir:

This is to inform you that we of the Woman's Christian Temperance Union do vigorously protest the passage of the pari-mutuel gambling bill. We strongly oppose the bill because we sincerely believe its passage will be a curse on the people of this territory.

Thank you for your careful consideration of this measure.

Yours very truly,

April 11, 1949

(Mrs.) Beulah N. Macdonald
1512 Spreckels

314

Kahuku Community Methodist Church
Kahuku, Oahu, Hawaii
April 10, 1949

The Honorable Hiram Fong
Speaker, House of Representatives
Territory of Hawaii
Honolulu, Hawaii

Dear Sir:

I should like to express for myself and others of our church congregation a strong protest against the Senate Bill No. 660 which would make possible legalized horse race gambling within the territory. Opposed in principle to this practice as destructive of the best interests of community life, we particularly object to the method by which the bill was passed in the Senate last Saturday. As it is now referred to the House for passage, we would strongly urge upon you as Speaker of the House, the importance of securing a public hearing of this matter in which all sides of the question may be fairly presented. Steam-roller tactics it seems to us better become dictatorships than democracies.

Thank you for your thoughtful consideration and action upon this question.

Respectfully yours,

Paul B. Billings

Paul B. Billings, Pastor

315

April 11, 1949

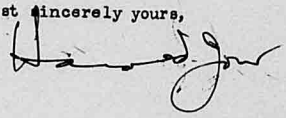
Mr. Hiram L. Fong, Speaker,
House of Representatives,
Iolani Palace,
Honolulu, T. H.

Dear Mr. Fong:

Speaking as a private citizen, I wish to register my whole-hearted disapproval of SB 660 legalizing gambling on horse racing. Frankly, I am disgusted at the Senate for their utter disregard of public welfare by "railroading" this bill through. I have lost my faith in the senator from Oahu who was party to such action.

My suggestion is the suggestion of all those who desire fair play and good sportsmanship on both sides, and that is, arrange for a public hearing.

Most sincerely yours,



316

P. O. Box 1611
Honolulu 6, T. H.
April 11, 1949

Honorable Hiram L. Fong, Speaker
Territorial House of Representatives

Dear Mr. Fong:

Several hundred Baptists representing the various churches of the Hawaii Baptist Convention in this city assembled at the Nuuanu Baptist Church Sunday evening directed me to write to you and your colleagues in the House expressing the hope that you will prevent passage of the malicious horse racing bill which has been railroaded through the Territorial Senate. We sincerely believe that all who have the welfare of Hawaii at heart and who have given the matter any study at all will be opposed to turning Hawaii into a paradise for gamblers, racketeers and thugs.

We shall greatly appreciate your efforts in preventing this evil legislation from becoming law.

Especially will we appreciate that an opportunity be given for a public hearing on this measure before the final vote is taken in your body.

I am inclosing a copy of a letter addressed to the members of the Senate.

Yours very truly,

By Joe W. Bailey
Joe W. Bailey, President
Hawaii Baptist Convention

P. O. Box 1611
Honolulu 6, T. H.
April 11, 1949

Honorable Wilfred C. Tsukiyama
President, Territorial Senate

Dear Senator Tsukiyama:

Several hundred Baptists representing the various Baptist Churches of the Hawaii Baptist Convention in Honolulu assembled at the Nuuanu Baptist Church last Sunday night directed me to send a letter of commendation to you and Senators Blaisdell, Heen, Akana, Lee, and Aguiar for the splendid stand that you took in opposing the horse racing bill which we believe to be opposed by every fair-minded citizen of this community. The arguments against this malicious measure are too well-known to be repeated here. Let it suffice to say that the thousands of communicants of the Hawaii Baptist Convention are grateful to you and your colleagues for your opposition to the measure.

I was directed at the same time to express the disapproval of the malicious legislation and to condemn the high-handed manner in which it was railroaded through the Territorial Senate. The crime, for it is exactly that, becomes all the greater when we realize that many bills relating to the public welfare are lying untouched in Senate Committees, where, in all probability, many of them will die for lack of attention.

We especially want to express the indignation we feel toward the one Senator from Oahu who played a major part in sponsoring this bill and driving it through the Senate. Most of our people, at the time of election, had confidence in Senator Dillingham since we believed he could be relied upon to cast his vote for the welfare of the Territory. Instead, by his action, he has belied that confidence and together with his colleagues was lured b. the gamblers' "mess of pottage" to sell the people of Hawaii down the river. Sofar as we are concerned, he has been weighed in the balances of statesmanship and has been found wanting. Should he aspire to office again at the hands of the electorate, we shall move within our own sphere and among our friends to do what we can to prevent his election. This we shall do, prompted not by malice or by retaliation, but purely by the feeling that he cannot be trusted to handle public affairs. His explanation as quoted in the press that he

voted for an "enabling act only" seems to us to be only a cowardly subterfuge. We feel that he prefers to be the champion of racketeers, gamblers and thugs which will turn this peaceful community into a resort for all that is evil.

It should be added that at the same time of the mass meeting at the Nuuanu Church, the Wahiawa Baptist Church called a meeting at Wahiawa and have directed me to include their opposition to the measure in this letter to you.

Again I should like to assure you of our very sincere appreciation for the opposition to the measure which you showed.

Very sincerely,

By Joe W. Bailey
Joe W. Bailey, President
Hawaii Baptist Convention

# CENTRAL LABOR COUNCIL OF HONOLULU

AFFILIATED WITH THE AMERICAN FEDERATION OF LABOR

TELEPHONE 6585
209 McCANDLESS BLDG.
HONOLULU 16, T. H.

April 12, 1949.

Hon. Hiram L. Fong,
Speaker of the House,
Territorial Legislature,
Iolani Palace,
Honolulu, T. H.

Dear Sir:

The Central Labor Council , A. F. of L., joins other civic and community organizations in asking for a public hearing on S. B. No. 660, dealing with pari-mutuel betting on horse racing.

It is our honest opinion that no action should be taken on S. B. No. 660 by the House of Representatives until the public have been given an opportunity to present their views.

An acknowledgement of this communication is respectfully requested.

Respectfully,

CENTRAL LABOR COUNCIL, A. F. of L.

A. S. Reile, Secretary

Honolulu Chapter
AMERICANS FOR DEMOCRATIC ACTION
P. O. Box 2497
Honolulu, T. H.

318

April 11, 1949

Honorable Hiram Fong, Speaker
House of Representatives
Iolani Palace
Honolulu, T. H.

Dear Sir:

AMERICANS FOR DEMOCRATIC ACTION request that an open hearing be held on Senate Bill 660.

While this organization has not taken a position with regard to this bill, we feel that the considerable controversy that has arisen warrants a public hearing. This organization believes that the fullest opportunity should be given to the expression of all points of view in accordance with democratic principles.

It is respectfully requested that the undersigned be notified of the time and place of any open hearing that may be held on this bill.

Respectfully,

Stephen G. Mark

Rev. Stephen G. Mark
President

RETAIL BOARD
OF THE
CHAMBER OF COMMERCE OF HONOLULU
ESTABLISHED 1850

ARTHUR E. JONES
PRESIDENT

E. H. RHODES
VICE PRESIDENT

HONOLULU 13, HAWAII.
TELEPHONE 66181

THOMAS R. SHIELDS
EXECUTIVE SECRETARY

319

April 11, 1949

The Speaker and Members
House of Representatives, Session of 1949
Honolulu, Hawaii

Gentlemen:

On behalf of the members of the Retail Board of the Chamber of Commerce of Honolulu, we respectfully ask that a Public Hearing be held on Senate Bill 660 now before the House.

It is our feeling that the merchants of this community would suffer immeasurably if this bill were to become a law. It is imperative to the welfare and economy of these Islands that all parties concerned be given an opportunity to express themselves on this bill.

Respectfully submitted,

Arthur E. Jones

Arthur E. Jones
President

cc: Representative A.Q. Marcalino, Chairman of the House Judiciary Committee

Honolulu Consumers Council
P. O. Box 337
HONOLULU 9, HAWAII

320

April 11, 1949

The Honorable Hiram L. Fong
Speaker, House of Representatives
Iolani Palace
Honolulu, T. H.

Dear Sir:

The Honolulu Consumers Council requests a public hearing on S. B. 660 and asks to be notified of the date of hearing.

Very truly yours,

Mildred Towle

Miss Mildred Towle
Secretary

REV. HAROLD JOW
PASTOR

REV. WING YOU CHONG
ASSOCIATE

# BERETANIA CHURCH OF CHRIST

74 N. BERETANIA STREET • TELEPHONE 68418

HONOLULU 18, HAWAII

321

April 11, 1949

Mr. Hiram L. Fong, Speaker,
House of Representatives,
Honolulu, T. H.

Dear Mr. Fong:

We wish to register our opposition to SB 660 legalizing gambling on horse racing. As a church striving to improve and serve this community, we feel that passage of this bill will lead the way to a host of unwholesome and unhealthy activities among our people. We registered our united opposition to a similar bill introduced in the 1947 legislature, and we take the same stand of opposition to SB 660.

We sincerely urge that before the House of Representatives take further action on this controversial bill, a public hearing be scheduled immediately, so that both sides of the issue may be heard.

Most sincerely yours,

Kwai Fong Chow

Kwai Fong Chow, chairman,
Social Action Committee,
United Church of Christ
(formerly Beretania Church of Christ)
467 Judd Street, Honolulu

RETAIL CREDIT MANAGERS' ASSOCIATION
813 ALAKEA STREET HONOLULU, HAWAII

OFFICERS
SPENCER MURPHY, PRESIDENT
JOSEPH K. TOM, VICE-PRESIDENT
ALVIN A. SMITH, SECRETARY-TREASURER

DIRECTORS
JOSEPH D. AIKEN
HAWAIIAN ELECTRIC COMPANY
DAN E. DORMAN
BISHOP NATIONAL BANK
WARREN C. JOHNSON
SCHUMANN CARRIAGE COMPANY
HERBERT C. RESLER
THE LIBERTY HOUSE
CLARENCE R. SHORT
AMERICAN FACTORS
R. WATUMULL
EAST INDIA STORE

AFFILIATED WITH
NATIONAL RETAIL CREDIT ASSOCIATION
CREDIT BUREAU OF HAWAII

April 11, 1949

House of Representatives
Territory of Hawaii

Attention: Hon. Hiram Fong, Speaker

Gentlemen:

Enclosed herewith is a copy of the resolution expressing the protest of the Honolulu Retail Credit Managers' Association against the passage of Senate Bill 660, which provides for wagering on horse races under the pari mutuel system.

Our opposition is based on the effect such wagering will have on credits and collections in this community.

Sincerely,

J. K. Tom

President

RESOLUTION

WHEREAS; there has been introduced in the Twenty-fifth Legislature of the Territory of Hawaii, Senate Bill 660, to enact into law, provision for wagering on horse races under the system known as pari mutuel method of wagering; and

WHEREAS; should such proposal be enacted into a law, the public will be encouraged to participate in such type of gambling which subsequently will lead to the diversion of their available cash from retail purchases of consumer goods and home necessities; and

WHEREAS; such situation inevitably creates an unhealthy credit problem leading to delinquent payments of accounts

THEREFORE, BE IT RESOLVED by the members of Honolulu Retail Credit Managers' Association that we individually and as a body do hereby protest against the passage of such Bill, and request that same be voted against for the reasons herein given, and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Twenty-fifth Legislature of the Territory of Hawaii, the Honolulu Chamber of Commerce, and the Press.

Secretary

Signed: Warren C. Johnson

HAWAII CONGRESS OF PARENTS AND TEACHERS

HONOLULU, T. H.

377

April 11, 1949.

The House of Representatives;
Mr. Hiram L. Fong, Speaker
Territorial Legislature,
Iolani Palace,
Honolulu T. H.

Memebers of the Legislature:

The Hawaii Congress of Parents and Teachers has repeatedly taken a stand against gambling in any form as being detrimental to the character building of youth.

As Chairman of the Spiritual and Character Education Committee of the Hawaii Congress of Parents and Teachers, I wish to call your attention to these repeated declarations and urge upon the members of the House of Representatives, a most careful consideration of Senate Bill 660. It is respectfully urged that the defeat of this measure will remove a threat to the character training of young people.

Respectfully submitted,

John Field Mulholland

John Field Mulholland,
Chairman, Spiritual and Character
Education Committee.

1951 Vancouver Drive,
Honolulu, T. H. April 11, 1949.

Hon. O. P. Soares,
Clerk of the House of Representatives,
Capitol Bldg.

Dear Mr. Soares:

I hereby register my protest against the passage of Senate Bill 660 legalizing pari-mutuel wagering on horse races in Hawaii, believing it to be inimical to the best interests of the Territory and harmful to its economy.

It is respectfully requested that a public hearing be given this question with sufficient notice to the community.

Sincerely yours,

Ann Y. Satterthwaite

203-D Saratoga Rd.
Honolulu 15, T.H.
April 11, 1967

To Speaker Hiram L. Fong
House of Representatives
Honolulu, T. H.

Dear Sir:

As a voter and tax payer I wish to express my opposition to bill SB 660, legalizing gambling on racing. I deplore the manner in which the bill was rushed through the Senate. I hope the House will grant a Public Hearing before taking any further action on the bill.

Yours truly,
Elisabeth Carey.

YOUNG WOMEN'S
CHRISTIAN ASSOCIATION

TELEPHONE 6001 - 1040 RICHARDS STREET
P. O. BOX 337 - HONOLULU 9, HAWAII

April 11, 1949

327

The Honorable Hiram L. Fong
Speaker of the House of Representatives
Iolani Palace
Honolulu, T. H.

Dear Sir:

Because of the known effects of legalized betting on horse racing on the welfare and business of a community, the Board of Directors of the Young Women's Christian Association, elected representatives of a membership of approximately three thousand women, requests a public hearing on S.B. 660 and asks to be notified of the date of hearing.

Very truly yours,

Winifred M. Mitchell
Mrs. Donald Mitchell
Acting President, YWCA

Ula B. Sheecha
Mrs. Ula B. Sheecha
Chairman
Public Affairs Committee

April 11 - 1949

Mr. O. P. Soares,
Clerk

Dear Sir:

Our organization Women's Panhellenic of Hawaii, affiliated with the National Organization, and comprising some 75 members, locally, feel that it is only fair to have an open meeting to discuss Senate Bill 660. Thus the public will have a fair opportunity to be heard so that the will of the majority may be expressed.

Sincerely yours,
M. Nordman
President

The Church of the Crossroads
(CONGREGATIONAL - CHRISTIAN)
Honolulu 33, Hawaii

1212 University Avenue
Telephones: Office 92604 • Preschool 92285

MINISTER
Reverend Charles C. Hoskinson

328

April 12, 1949

The Honorable Hiram Fong
Speaker, House of Representatives
Honolulu, T. H.

Dear Mr. Fong:

The Board of Deacons and Deaconesses of this church met on Monday evening, April 11, and considered the action of the Senate in passing Senate Bill No. 660 to make possible pari-mutual betting in the territory. Because this bill is now before the House of Representatives, the Board unanimously voted to instruct me to send you a letter to express the hope:

1) that the bill would be referred to committee; and

2) that a public hearing will be held to give those who favor the bill and those who oppose it an opportunity to state their reasons fully.

On behalf of the Board, therefore, I am writing to ask you to support this request.

The members of the Board present at this meeting who unanimously voted to send you this letter are as follows:

Mr. Isami Fujii, chairman,
Mr. Walter Goto,
Mr. Anthony Hirakami,
Mr. Alfonso Avecilla,
Mrs. Thomas Higuchi
Mrs. U. Watada,
Miss Elizabeth Carey,
Miss Miyuki Murakami,
Mrs. Alfred Dang.

Respectfully yours,

Charles C. Hoskinson

Charles C. Hoskinson

CCH/hk

# We, The Women of Hawaii

P. O. Box 3107 • Honolulu 2, Hawaii



329

April 12, 1949

To the Honorable Speaker and
Members of the House of Representatives
25th Biennial Session
Honolulu, T. H.

Gentlemen:

The undersigned, president of We, The Women of Hawaii, respectfully requests a public hearing on Senate Bill No. 660, which creates an act "TO PROVIDE FOR THE REGULATION AND LICENSING BY THE SEVERAL COUNTIES OF HORSE RACING AND HORSE RACE MEETINGS WITH WAGERING ON THE RESULTS THEREOF; TO PROVIDE FOR THE CREATION OF COUNTY RACING COMMISSIONS FOR THE REGULATION, LICENSING AND SUPERVISION OF SAID HORSE RACING AND WAGERING THEREON; AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ACT."

This organization numbers approximately 700 women, from every walk of life, and thus broadly represents the people of the Territory of Hawaii and their families.

The organization wishes to present to the members of the House of Representatives its opposition to the passage of Senate Bill No. 660, which would legalize horse race gambling or any form of gambling in the Territory of Hawaii, or any measure which would open the way to legalizing such gambling.

It is, therefore, respectfully requested that Senate Bill No. 660 be deferred until adequate opportunity has been given the organization and the many others who are equally opposed to such measures to be heard both in speech and in writing, and that third reading of said bill be deferred until a public hearing is called and ample notice given prior to the public hearing.

Respectfully,

WE, THE WOMEN OF HAWAII

By Mary K. Robinson
President

MKR/wt

330

April 12, 1949

Mr. Hiram L. Fong
Speaker, House of Representatives
Territory of Hawaii

Dear Mr. Fong,

Must we suffer at the hands of a few selfish men? As a citizen, I demand that we have a public hearing on the horse race gambling bill. I am against such a bill and feel that if pari-mutuel betting is legalized, it will endanger the welfare of the people and the territory.

Yours sincerely,
Mrs. Muriel R. Gee
2247 Aulii St.
Honolulu, Hawaii

Honolulu, T. H.
April 12, 1949

331

Honorable Hiram L. Fong and
Members of the House of Representatives
Iolani Palace
Honolulu, T. H.

Gentlemen:

My husband, John Buel Guard and I, Edith O. Guard, wish to go on record that we are unalterably opposed to Senate Bill 660, legalizing gambling on racing, and we wish to ask that a public hearing be heard on same.

It is our feeling that any member of the Legislature who votes in favor of such a measure should not be returned to office.

Very truly yours,
Edith O. Guard
Edith O. Guard

J. B. Guard

P. O. BOX 210
TELEPHONES
OFFICE 885195
DISPATCHING OFFICE 82784
YARD 82768

Cable Address: "RENNY"
CODES
WATKINS
SCOTTS 9TH ED.
A.I.
A.B.C.

# McCabe Hamilton & Renny Co. Ltd.

"THE STEVEDORES"
SINCE 1900
224 MOKAUEA ST.
HONOLULU 17, T. H.

232

April 12, 1949

Honorable Hiram L. Fong and
Members of the House of Representatives
Iolani Palace
Honolulu, T. H.

Gentlemen:

As Manager of McCabe, Hamilton & Renny Co., Ltd., I wish to go on record that we are definitely opposed to Senate Bill #660, legalizing gambling on racing, and wish to record that we will appreciate it if the honorable members of your House take definite action to kill this bill, for the reason that we feel that this bill, if enacted, would be unquestionably detrimental to the welfare of the men and families of this firm.

From all indications, the future financial situation of the Territory of Hawaii is not any too promising and the enactment of the above-mentioned bill certainly would not add favorably to it, but would be a direct drain on the resources of our men and their families.

Very truly yours,

McCABE, HAMILTON & RENNY CO., LTD.

J. B. Guard
Manager and Treasurer

333

April 12, 1949.

Hon. Hiram Fong, Speaker
House of Representatives
Honolulu, Hawaii

Dear Sir:

The Soroptimist Club of Honolulu wishes to be recorded as one of the many civic groups concerned about the passage of S. B. #660 through the Senate without permitting the people an opportunity to voice their objections. We, therefore, request that the House of Representatives call a public hearing on this bill, which will authorize the counties to legalize race-track gambling.

The Soroptimist Club has a membership of thirty-eight women executives in business and the professions.

Respectfully yours,

Margaret E. Newman

President,
Soroptimist Club of Honolulu.

# CHAMBER OF COMMERCE OF HONOLULU

ESTABLISHED 1850

PAUL H. ANDERSON
PRESIDENT

URBAN E. WILD
FIRST VICE PRESIDENT

FARRANT L. TURNER
SECOND VICE PRESIDENT

JOHN A. HAMILTON
EXECUTIVE VICE PRESIDENT

HONOLULU 13, HAWAII.
TELEPHONE 66181

334

RETAIL BOARD

ARTHUR E. JONES
PRESIDENT

E. H. RHODES
VICE PRESIDENT

THOMAS R. SHIELDS
EXECUTIVE SECRETARY

April 12, 1949

Honorable Hiram Fong, Speaker
and Members of the House of Representatives
Territorial Legislature
Iolani Palace,
Honolulu, Hawaii

Ladies and Gentlemen:

The Directors of the Chamber of Commerce of Honolulu are convinced that legalized gambling is bad. This includes pari-mutuel systems in connection with horse racing. Communities where legalized gambling exists have found that the people who least can afford to engage in gambling are always the ones who are hurt the worst.

For this reason this Chamber joins with large numbers of community agencies and organizations that are concerned with the welfare of Hawaii and strongly opposes Senate Bill No. 660.

It is very well and publicly known that this issue is strongly opposed in many quarters and is highly controversial. This Chamber therefore believes that to proceed to final vote upon an issue so controversial without due public hearing while the bill was in the Senate is believed by this Chamber to make it necessary to have such public hearing before an appropriate committee of the House. We join with other civic organizations in requesting a public hearing on the issue.

Respectfully yours,

Paul H. Anderson

Paul H. Anderson
President

NB

LUTHERAN CHURCH OF HONOLULU
448 SO. BERETANIA ST.
HONOLULU 43, HAWAII

April 12,1949

335

To the members of the House of Representatives

R.e. Senate Bill 660

Gentlemen:

We, the members of the Honolulu Ministerial Union, comprising the clergy of all the Protestant Churches of the city of Honolulu, register our protest against the obvious disregard of your body, our representatives, to act upon this most controversial bill, namely Senate Bill 660 legalizing pari-mutuel betting on horse races. We demand to be heard. We believe that you are our servants, and that your deliberations are for the mutual benefit of us all. It becomes obvious that you have not informed yourselves of our feelings in this matter, so we must request a public hearing in order that the people may be heard.

Cordially

H. Edward Hamme

H. Edward Hamme - President

Puunene, Maui, T.H.
April 12, 1949

346

To the Speaker & Members of the
House of Representatives,
Iolani Palace,
Honolulu, Oahu, T.H.

Gentlemen:

THE OFFICERS AND MEMBERS OF THE PUUNENE DEMOCRATIC AND REPUBLICAN PRECINCT CLUBS URGE THE IMMEDIATE PASSAGE OF THE PARI-MUTUEL BILL.

The predominant factor in favor of PARI-MUTUEL prevails by a wide margin amongst the people of Puunene.

Upon the strength of this finding we have joined in common bond to endorse the wishes of the majority of the people in the Puunene Community, by urging the passage of the PARI-MUTUEL BILL.

Respectfully yours

Robert K. Murasaki
President, 13th Precinct Democratic Club

Joseph F. Xavier
President, 13th Precinct Republican Club

HONOLULU COUNTY CHRISTIAN ENDEAVOR UNION
P. O. Box 150
Honolulu 10, T.H.

337

House of Representative
Territory Legislature
Honolulu, T.H.

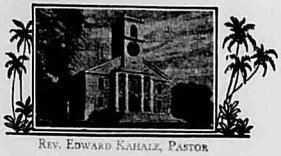
Gentlemen:

I am writing this letter in behalf of the Honolulu County Christian Endeavor Union in opposing strongly, Senate Bill 660, legalizing of gambling at horse races.

We demand that there be a public hearing on this Bill before further measures are taken.

Sincerely,

Shizuko Sasaki
President, Honolulu County C.E.



REV. EDWARD KAHALE, PASTOR

KAWAIAHAO CHURCH

OFFICE HOURS: 8 A. M. - 4 P. M.
TELEPHONE 3267
HONOLULU, HAWAII

338

April 12, 1949

House of Representatives,
Territory of Hawaii,
Honolulu, T. H.

Gentlemen:

We hereby express our protest — a hundred per cent — against the much discussed gambling bill which recently passed the Territorial Senate and is now before the House. Please defeat the passage of the bill.

Yours for the preservation of the life of Hawaii in righteousness — "Ua mau ke ea o ka aina i ka pono."

KAWAIAHAO CHURCH

By Edward B. Kahale
pastor

# Moiliili Community Association

TELEPHONE ~~91463~~ 991463
2535 SOUTH KING STREET
HONOLULU 36, HAWAII

April 11, 1949 339

House of Representatives
Iolani Palace
Honolulu, Hawaii

Gentlemen:

Please place on record the firm stand of the Moiliili Community Association against SB 660, legalizing gambling on racing.

We are convinced that our day to day efforts to prevent delinquency among our neighborhood boys and girls would be severely handicapped by a legalization of gambling.

We hereby request a hearing to express our views in full.

Sincerely yours,

Robert B. Aitken

Robert B. Aitken
Executive Secretary

Honolulu Star-Bulletin,
ESTABLISHED 1882
EVENING DAILY EXCEPT SUNDAY
HONOLULU 2, HAWAII, U.S.A.
POST OFFICE BOX 3080
TELEGRAPHIC ADDRESS "STARBUL"

320

April 12, 1949

Hon. Speaker and Members
of the House of Representatives
Territory of Hawaii
Iolani Palace
Honolulu, T. H.

Gentlemen:

This is to request that Senate Bill 660 relating to horse race gambling be referred to a committee of the House and that adequate and appropriate opportunity be given for a public hearing thereon.

Notice of this public hearing should be given sufficiently far in advance so that the many organizations and individuals interested may be able to attend, and time should be given to them to be fully heard. I personally request an opportunity to be heard on the bill.

Respectfully yours,

Riley H. Allen

Riley H. Allen
Editor

RHA:hlc

353 A Sewers Rd.
Honolulu
April 11, 1949

324

Members of the House of Representatives
Territory of Hawaii

Gentlemen and Mesdames:

This is to register a protest against the passage of the enabling act for pari mutuel betting in the Territory.

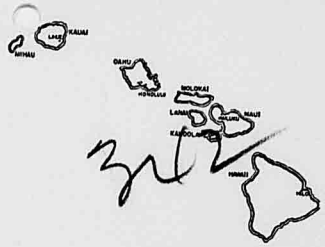
I hope the members of the House will carefully consider this proposed measure and vote against the licensing of another "racket" in the Territory.

Sincerely,

(Mrs.) Florence M. Edmondson

*We, The Women of Hawaii*

P. O. Box 3107 • Honolulu 2, Hawaii



April 9, 1949

Honorable Hiram L. Fong
Speaker of the House
Twenty-fifth Legislature
Iolani Palace
Honolulu, T. H.

Dear Sir:

At a recent meeting of We, The Women of Hawaii, the members voted to oppose the pari-mutuel bill because they felt that such legislation is detrimental to the community.

Inasmuch as the organization firmly believes pari-mutuel gambling is not to the best interests of the Territory, we would appreciate having you extend the courtesy of notifying us if there is to be a public hearing on this bill so we could further express our views.

Very truly yours,

Bernice L. Rippee

Bernice L. Rippee, Corr. Sec.
WE, THE WOMEN OF HAWAII

347

# The Honolulu Council of Churches

HONOLULU 5, T. H., U. S. A.
P. O. BOX 1972 • TELEPHONE ~~5787~~ 8545

ROLAND SAGUM
President

REV. HAROLD JOW
First Vice-President

JOHN C. LUIZ
Second Vice-President

SHELDON E. SWENSON
Recording Secretary

JAMES WILSON
Treasurer

REV. E. L. WHITTEMORE
Executive Director

343

April 9, 1949

The Honorable Hiram L. Fong
Speaker of the House of Representatives
Iolani Palace
Honolulu, T.H.

Dear Sir,

The Board of Directors of the Honolulu Council of Churches at its meeting yesterday, April 8, 1949, instructed me to write you expressing its unanimous hope that the House of Representatives will not act hastily on Senate Bill 660, having to do with Pari-mutuel gambling, and most earnestly requesting that the House of Representatives grant a Public Hearing on this important and controversial legislation.

We shall appreciate hearing from you at the earliest possible moment as to when such a Public Hearing may be scheduled so that representatives of the many organizations and individuals opposed to this Bill may be notified and be able to attend.

Very sincerely yours,

Edward L. Whittemore

Edward L. Whittemore, Director
Honolulu Council of Churches

The PROPELLER CLUB of the United States

PORT OF HONOLULU

TO PROMOTE, FURTHER AND SUPPORT AN AMERICAN MERCHANT MARINE

TO AID THE DEVELOPMENT OF RIVERS, GREAT LAKES AND HARBOR IMPROVEMENTS

P. O. Box 1476
Honolulu 6, T. H.

April 13, 1949

Representative Hiram L. Fong
Representative Fifth District
Speaker of The House
25th Legislature
Iolani Palace
Honolulu, T. H.

Honorable Representative:

At a regular monthly general meeting held April 6, 1949 The members of the Propeller Club of the United States, Port of Honolulu, considered the matter of Senate Bill 155, referring to construction of a new Freight Terminal at Pier 2, Honolulu Harbor. After a general discussion, it was duly moved and seconded that the Propeller Club, Port of Honolulu, request the House of Representatives of the 25th Legislature hold a Public Hearing on this highly controversial Bill in order that all interested persons might properly state their stand before the Honorable Members of the House of Representatives. The Motion was passed by an overwhelming majority vote.

It has been brought to our attention that Senate Bill 155 passed third reading in the Senate on April 12,1949, and we accordingly request, in accordance with the wishes of The Propeller Club Port of Honolulu, that the House of Representatives of the 25th Legislature hold a Public Hearing on Senate Bill 155.

Respectfully,

Warren S. Titus
First Vice-President
The Propeller Club of the U. S.
Port of Honolulu

"Honolulu---Crossroads of the Pacific"

DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
WASHINGTON

1 April 1949

file

Dear Mr. Soares:

In the absence of the Secretary of the Navy, I am acknowledging receipt of your letter of March 28th and the enclosed House Concurrent Resolution No. 39.

Your letter and enclosure will be brought to the Secretary's attention upon his return to the city.

Sincerely yours,

D. T. HAMMOND
Commander, U. S. Navy
Administrative Officer

Mr. O. P. Soares
Clerk, House of Representatives
Honolulu, T. H.

April 11, 1949

To:

Honorable members, House of Representatives and Territorial Senate
All Licensed Real Estate Brokers and Salesmen
All members of the Honolulu Realty Board

Re: House Bill 384--Bonding Requirements
Introduced by Kenneth T. Olds--
Signed by 15 Legislators.

The two letters enclosed are sent you in an endeavor to clarify "misleading statements," pertaining to bond requirements under House Bill 384, which statements were written and testified to as follows:

(1) "Informational Letter to all Licensed Brokers and Salesmen--dated 6 April, signed by E. A. Bolles, Chairman, David K. Bent, member and Eaton H. Magoon, member, The Real Estate License Commission of the Territory of Hawaii.

(2) Letter "An Important Message to all members of the Honolulu Realty Board," dated April 5, and signed by E. A. Bolles, President, Honolulu Realty Board.

(3) Public testimony given before the House Judiciary Committee on April 6, by certain licensees opposed to the bond, who told the Committee in words in substance and effect that "90% of those in the real estate business in Hawaii would be unable to qualify for such a bond, since the Bonding Companies would require quick-asset collateral of each applicant amounting to two to three times the face value of the bond."

That these statements are misleading and were made with intent to mislead some 1650 real estate licensees, 141 members of the Honolulu Realty Board, the members of the House Judiciary Committee, and the people of the Territory as a whole, is confirmed and verified by the two letters enclosed.

Since House Bill 384 affects the general welfare of over a half million residents here in the Territory, I feel it my duty as an elected representative of the people, to present the true facts in regard to bonding requirements under this Bill.

I suggest that you read these letters carefully, then decide for yourself whether or not you have been misled, either by circularized letter or by word of mouth.

Respectfully submitted,

Kenneth T. Olds
Representative - Fourth District
25th Legislature, Terr. of Hawaii
Honolulu (4)

KTO:b

BOARD OF UNDERWRITERS OF HAWAII
320 DILLINGHAM TRANSP. BLDG.
HONOLULU 16, T. H.

April 8, 1949

The Honorable Kenneth T. Olds
House of Representatives
Territory of Hawaii
Honolulu, T. H.

Dear Sir:

You have requested a letter which in a general way will clarify some apparently existing thoughts regarding the attitude of Surety companies relative to the bond requirements which are incorporated into House Bill 384. It should be understood that any comments made in this letter are intended to refer strictly to problems of underwriting the bonds and are not intended to indicate any position on the part of the Insurance industry either for or against this proposed Act, nor the bond, nor House Bills 445, 446 and 447.

We would like you to have for reference this factual information, particularly as it will conflict with statements contained in a recent informational letter circularized by the Real Estate License Commission to all licensed brokers and salesmen, your copy of which is returned herewith. These statements as they refer to the proposed bond requirement are definitely misleading. We quote the particular portion which needs clarifying:

> "Your Commission has inquired into the feasibility and practicability of the proposed $10,000.00 bonding provision, and is informed by the local Board of Surety Bond Underwriters that the underwriters commonly require quick assets collateral amounting to two to three times the face value of the bonds of all applicants. This underwriting requirement alone would seem to render this proposal highly restrictive and unsatisfactory, SINCE ABOUT 90% OF THE PERSONS IN THE REAL ESTATE BUSINESS WOULD FAIL TO QUALIFY FOR SUCH A BOND."

The above indicates that in most cases a person, in order to secure a bond, would have to put up cash collateral with the Surety company amounting to two to three times the amount of the bond, and further that this requirement alone would make it impossible for about 90% of the applicants for licenses to qualify.

We should first clarify what the Surety companies mean when they speak of collateral as compared to "quick-assets". When they speak of collateral, they mean cash or negotiable Government bonds which are placed in the custody of the Surety company by the applicant and which would be used by the Surety company to reimburse it for any loss it might pay under the bond.

On the other hand, the requirement "quick-assets" means, in the Surety business, that an applicant, in order to qualify for a bond, would have to have a solid financial background, which in Surety company parlance means assets which can be quickly disposed of so that if the individual were faced with the necessity of paying a claim, he would be in a position to do so, thereby eliminating the need of a claim being made under the bond.

From the above, you will see that the use of the words "quick-asset collateral" appearing in the circular letter mentioned are very misleading.

Under date of February 16, 1949, this Committee addressed a letter to the Real Estate License Commission, a copy of which is enclosed, and we strongly suggest that you review it carefully as it gives the factual information which was actually placed in the hands of the Real Estate License Commission, and indicates the thoughts of the Surety companies doing business in the Territory in general. It must be borne in mind that each company has its own underwriting requirements, some of which are very different. For instance, one company might be willing to bond a certain real estate broker on the basis of the financial statement of the broker and other information regarding his background and business activities, without the requirement of the broker placing any cash collateral with the Surety company, whereas another company might be willing to issue the same bond only on the basis of cash collateral.

A word of explanation might be in order as to how collateral is handled by the Surety companies. The applicant places the cash or bonds in the hands of the Surety company and receives a receipt for it. He, at the same time, signs and agreement to the effect that in the event there should be any loss under the bond, the company, at its discretion, use this collateral to apply against such loss. The collateral is held by the company for a period during which any claim may be made under the bond. If interest-bearing bonds are used as collateral, such interest is credited to the owner of the collateral.

We hope that the foregoing will be of assistance to you.

Very truly yours,

H. A. Dobbs, Chairman
Special Surety Committee
Board of Underwriters of Hawaii

HAD:dd
Encl.-2

February 16, 1949

The Real Estate License Commission
Territory of Hawaii
Post Office Box 1141
Honolulu 7, T. H.

Attention: Mr. Alton H. Kingman, Jr.
Executive Secretary

Gentlemen:

We regret the delay in replying to your letter of September 16, 1948, addressed to the Board of Underwriters of Hawaii regarding the practicability of requiring a bond of real estate brokers and salesmen in order to qualify them to operate in the Territory of Hawaii. We have now completed our study of this matter and are pleased to submit the following answers to your questions as outlined and numbered in your communication.

(1) It will be possible for surety companies to write financial bonds for real estate brokers under the proposed draft, subject to the individual and personal qualifications of the applicants for license. This means that the applicant would have to be of good moral character, capable of honestly operating as a real estate broker or salesman under the terms of the law, and also that he be able financially to meet his obligations as might arise in the business or under the law.

(2) The actual wording of the approved and acceptable form of bond should be included in the statute and further, that form should include a provision for cancellation by the surety company. It is recommended that such cancellation clause read approximately as follows:

> "The Surety may terminate this bond at any time as to losses occurring after a date specified in a written notice, served by ordinary mail upon the commission and the principal, at the address shown hereinabove, which date of termination shall not be less than 30 days after the date of said notice."

It is important that the cancellation clause be included in the bond so that the companies will be able to write them more freely. If no cancellation clause is included it may be extremely difficult for many applicants to secure their bonds. A full copy of bond form suggested by this association is enclosed.

(3) The surety companies cannot set any minimum standards of financial security and personal background in order to qualify an applicant for a bond. Each case would be underwritten on its merits.

(4) The rate for this type of bond would be $10.00 per $1000.00 annually. Normally, collateral is requested only when the applicant is not eligible otherwise, in which case collateral is usually requested in the full amount of the bond.

(5) We recommend that bonds be required in amount of $5,000.00 for real estate brokers and $1,000.00 for real estate salesmen.

Any additional information you may require in connection with this subject will be furnished upon request.

Yours very truly,
/s/ H. A. Dobbs, Chairman
Special Surety Committee
Board of Underwriters of Hawaii

FORM 6

RADIOGRAM

# GLOBE WIRELESS

Telephone
59511
59512

Alakea and Hotel Streets

HONOLULU

USF257/FH INTL COLLECT

SANFRANCISCO CALIF VIA GLOBE 61 APR 12 1949 1047A 1949 APR 12 AM 9:11

TO P SOARES

CLERK 25TH LEGISLATURE HONOLULU

CAN SECURE RESERVATION PAN AMERICAN APRIL 19TH OR APRIL 24TH LATTER DATE PREFERABLE TO ME TO APPEAR APRIL 25TH BEFORE JOINT SESSION HOUSE AND SENATE TO EXPLAIN ROAD CAMP SYSTEM IT BEING UNDERSTOOD THAT ALL MY SERVICES TRAVEL COST AND PERSONAL EXPENSES WOULD BE PAID BY ME KINDLY CONFIRM DATES

J H ALCO

*For fast, accurate service — reply* **"VIA GLOBE"**

This message is received by Globe Wireless and delivered to the addressee subject to all of the terms and conditions set forth in the Tariffs on file with the regulatory body having jurisdiction thereof. All Globe Wireless tariffs are available for public inspection at each business office of the Company. Acceptance of this message constitutes agreement thereto.

HAWAIIAN AIRLINES LIMITED
INTER-ISLAND BUILDING
P. O. BOX 3287
HONOLULU 1, HAWAII, U.S.A.

CABLE ADDRESS:
"HAWAIR"

TELEPHONE:
57926

Misc
3
348

April 11, 1949

Mr. O. P. Soares, Clerk
House of Representatives
The Twenty-Fifth Legislature
Honolulu, T. H.

Dear Sir:

Pursuant to House Resolution No. 61 we are now filing with you a list of the names of our employees with less than three years' residence in the Territory.

Very truly yours,

Alex Smith

Alex Smith
Vice President

AS:dg
Enclosure

HAWAIIAN AIRLINES LIMITED
HONOLULU 1. HAWAII. U.S.A.

## EMPLOYEES WITH LESS THAN THREE YEARS RESIDENCE IN THE TERRITORY

Bertram, Wade E.
Chan, Jimmie Q.
Chenoweth, James A.
Chezem, Fred
Clink, Robert
Clinkenbeard, Russell E.
Coleman, Harold L.
Derby, Frank
Eldridge, Fred L.
Elliott, Marie
Fitch, Chester H.
Garver, Earl C.
Gillette, James R., Jr.
Graham, William
Groom, Joe W.
Hardy, Claude W.
Kennington, Gordon B.
Langbehn, Henry W.
Langbehn, William N.
Linkem, Gerald
Littorin, Irving
McCarthy, Dennis J.
Minke, John, Jr.
Muldoon, Mary Jo
Neal, Bryant
Pepin, Emile J.
Pestal, Lawrence R.
Reiner, Thomas A.
Robertson, James C.
Ross, Estelle
Sheets, Merle D.
Shoulders, Elfie E.
Simpson, George N.
Smith, Willard E.
Tam, Mini Yuke
Wilhelm, Agnes

DIVISION OF
BUDGET AND ADMINISTRATIVE SERVICES

**Post Office Department**
FIRST ASSISTANT POSTMASTER GENERAL
Washington 25, D. C.

IN REPLYING
PLEASE REFER TO INITIALS AND DATE

file
309

April 1, 1949.

Mr. O. P. Soares,
Clerk,
House of Representatives,
Honolulu, Territory of Hawaii.

Dear Mr. Soares:

This will acknowledge receipt of your letter dated March 23, addressed to the Postmaster General, with which you transmitted House Concurrent Resolution No. 12 adopted by the Twenty-fifth Legislature of the Territory of Hawaii.

While it is not practical for the Post Office Department to take the action requested by this resolution I appreciate your consideration in sending it to me.

Sincerely yours,

V. C. Burke
First Assistant Postmaster General.

CNB:BBP

Dear Sir:

In the past we have been among your supporters at Election time so we feel that it is proper for us, at this time to ask YOUR support in eliminating the 1% Compensating Tax by passing S.B. #40 and H. B. #418.

The Compensating tax discriminates against local retail merchants, purchasing from local residents, in favor of branches of Mainland Chain Stores who buy through Central offices. The Chains escape the 1% compensating tax.

We strongly urge the repeal of the Compensating Tax through the enactment of S.B. #40 and H.B. #418.

Very truly yours,

BEN FRANKLIN STORES

By

File
351

2810 Oahu Ave.
Honolulu 15
April 11, 1949

Dear Sir:

The parents of the Cerebral Palsy Council wish to extend an invitation to the members of the House of Representatives to visit our demonstration and treatment centre at Kapahulu and to thus acquaint themselves with what is being accomplished there for our cerebral palsy children.

Please let me know the date of your visit so that I can be present.

Very sincerely

Mrs. Archibald Baird
Chairman of the Council

Mrs Archibald Baird

Paauilo, Hawaii
April 11, 1949

H. B. 718

The Honorable Hiram L. Fong
The House of Representatives
Iolani Palace
Honolulu, T. H.

Your Honor:

In September, 1945, Paauilo School burned to the ground. Ever since that time, the school has been housed in temporary army barracks, made of canec and wire netting. The Hawaii Island Legislators have all seen this disgraceful condition, and last October we were assured that a sufficient appropriation to complete our new school would be made this year.

At the present time, with funds from the fire insurance, some Federal money and an additional appropriation of $50,000 from the 1947 Legislature, six classrooms are under construction, to be ready by September, 1949.

This, however, is only a small portion of the amount necessary to complete the school. We now have, literally, only six classrooms. We need an additional appropriation of $240,000 to build the following necessary items:

1. Principal's Office and Administration Room
2. Library
3. Cafeteria
4. One additional classroom
5. Teachers rest rooms; one for women, one for men
6. Toilets and showers for boys and girls
7. Shop and Agricultural Building
8. Covered passages between the classrooms
9. Garage to house the farm machinery
10. Health room
11. Grading, utilities and equipment

There are <u>no frills</u> in this school. We are asking for only the bare essentials. We have operated for four years with no covered passages between the buildings, in a district where we have 100 inches average rainfall each year, most of it during the school months. Our children average about eight colds per year per child, almost one a month for the school year.

House Bill Number 718, relating to an appropriation of $240,000 to complete Paauilo School, has been introduced by Representatives Garcia, Pule, Sakakihara, and Yamauchi and has passed first reading, and is soon to come up for second reading.

We understand that there is a move on foot to try to meet the pressing demands of the Hamakua Coast by appropriating $750,000 to be divided among these three vital projects, Paauilo School, Laupahoehoe School and Honokaa Hospital. We are not satisfied with this proposal, nor can we believe that it will be satisfactory to Laupahoehoe School or Honokaa Hospital.

We are urging that Paauilo School funds be mandated for that special purpose. We have asked for nothing else from the Territory this year except the funds to build that school. We cannot operate a school of 320 children, involving two kindergartens, six elementary grades and three intermediate grades with six classrooms.

We have been promised that the money will be appropriated, but the time is running out and we have had no assurance that the funds will be made available. We expect that our Legislators will abide by their promises.

We represent a community of over 1500 people and our school is of vital concern to us. We most earnestly solicit your support for House Bill 718.

Very truly yours,

M. S. Ramos, Jr.
President Paauilo P.T.A. M. S. Ramos Jr.

Marjorie B. Robertson Marjorie B. Robertson

E. O. Evans E O Evans

Manuel Gabriel Manuel Gabriel

Hiroshi Hiramoto Hiroshi Hiramoto

Finlay Munro Finlay F Munro

R. Shinseki R Shinseki

Harry Y. Uyeda Harry Y. Uyeda

Severo F. Carrido
Business Agent for
I.L.W.U. Paauilo Severo F. Carrido

Thomas W. Orlin Thomas W Orlin

THE FOREIGN SERVICE
OF THE
REPUBLIC OF THE PHILIPPINES

PHILIPPINE CONSULATE GENERAL
HONOLULU, T. H.

April 9, 1949

The Honorable,
The Speaker, House of Representatives,
Territorial Legislature,
Honolulu, T. H.

S i r:

In connection with the letter of Honorable A. Quitoriano, Consul of the Republic of the Philippines, expressing opposition to Senate Bill No. 266, I have the honor to request that, if and when a public hearing is held in connection therewith, I be given an opportunity to expound our views in support of the contentions of Mr. Quitoriano.

Very truly yours,

RIZAL G. ADORABLE
Executive Officer and Counsel
on Labor

RGA/ra

Re SB 266

448 P Road Daman
Tract, Honolulu
April 12th, 1949

Hon. Rep. Hiram Fong
Speaker, House of Representatives
and Members of the House of Representatives

Sirs:

The residents of Daman Tract at a special meeting sponsored by the Democratic Precinct Club, 11th of the 5th, held at the Kaloaloa School Auditorium on Monday, April 11, 1949, went on record supporting H. B. No. 26 relating to Home Exemptions, and H. B. No. 322, relating to Closed Primaries.

Inclosed herewith are petitions which were signed by persons in attendance at the meeting, urging passage of the two bills referred to heretofore.

Respectfully submitted
Henry B. Kukona
Henry B. Kukona, President
Democratic Precinct Club
11th of the 5th

Henry B Kukona and 20 others

**PETITION**

The undersigned urge the prompt passage of House Bill 322, titled An Act to Amend Chapter 7 of the Revised Laws of Hawaii, 1945, to provide for A Closed Primary Election.

| NAME | ADDRESS |
|---|---|
| Henry B. Kukona | 448 P-Road Damon Tract |
| Dora Kukona | " " " |
| Joseph G. Lukenich | 3355 Nimitz Highway |
| Yoshiko Fujioka | 3355 Nimitz Highway |
| Mildred T. Fujioka | 3355 Nimitz Highway |
| Helen F. Lukenich | 3355 Nimitz Hiway |
| Robert T. Naipe | 548 Airport Rd. |
| Henry Fernandez | " " " |
| H. O. Bryant | 480 J. Road |
| Julia Bryant | 480 J. Road |
| V. Puaala | 3158 Kaimana Rd. |
| William Puaala | " " " |
| Fred M. Kuhlmann | 3158 " " |
| Alfred Natad | 3140 " " |
| John Kaohiai | 3199 Kaimana Rd |
| Sergio Payapaya | 3139 Kaimana Rd |
| Mr Levi le Maka | 393 - P. Rd Damon tract |
| Allen C. Leng | 556 N Rd, Damon Tract |

**PETITION**

The undersigned urge the prompt passage of House Bill 322, titled An Act to Amend Chapter 7 of the Revised Laws of Hawaii, 1945, to provide for A Closed Primary Election.

| NAME | ADDRESS |
|---|---|
| E. A. Arneho | 3319 Kaimana Rd. |
| V. M. Arneho | 3319 Kaimana Rd. |
| Wilfred M. Ohn | 1151 A. 16th Ave. |
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RCA COMMUNICATIONS, INC.
A SERVICE OF RADIO CORPORATION OF AMERICA
223 S. KING STREET, HONOLULU TEL. 52521

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LC REPRESENTATIVE HIRAM L FONG SPEAKER

HOUSE OF REPRESENTATIVES

HONOLULU

THIS ORGANIZATION RESPECTFULLY REQUESTS FAVORABLE CONSIDERATION REPEAL EGG STAMPING LAW YOU WILL RECALL MEMORIIZATION HAWAIIAN LEGISLATURE BY CALIFORNIA LEGISLATURE TWO YEARS AGO ASKING SIMILAR ACTION FEEL PRESENT TERRITORIAL EGG LAW WILL ACHIEVE GOAL DESIRED WHICH UNDERSTAND BEING ADEQUATELY ENFORCED

C P TANNER ASSISTANT GENERAL MANAGER

SANFRANCISCO CHAMBER OF COMMERCE

CFM LC L C P

KAIMUKI HIGH SCHOOL
631 - 18th AVENUE : : TELEPHONE 79486
HONOLULU 14, HAWAII

EB
356

April 9, 1949

To the Honorable Hiram L. Fong, Speaker,
and Members of the House of Representatives
Territory of Hawaii
Honolulu, Hawaii

Gentlemen:

Enclosed is a revised copy of a Declaration which was presented at a Student Representative Assembly meeting held on April 5, 1949, attended by thirty three students and two advisors, at Kaimuki High School.

In another Student Representative Assembly meeting held on April 7, 1949, attended by forty four students and three advisors, a motion was unanimously passed that copies of the revised Declaration be prepared and mailed to each of the persons listed on the Declaration, provided that at least a majority of the members would sign the Declaration on Friday, April 8, 1949.

We are therefore sending you this attached copy of the signed Declaration.

Respectfully yours,

Henry Au Hoy
Henry Au Hoy, President Student Body

Nancy Oyama
Nancy Oyama, Secretary Student Body

Approved:

Dallas C. McLaren
Dallas C. McLaren, Principal

K[illegible]KI HIGH SCHOOL STUDENT GOVERN[illegible]
Honolulu, Hawaii

April 8, 1949

DECLARATION

Because we are students of Kaimuki High School and loyal American citizens devoted to the American way of life;

Because there appears to be some damage to our school reputation because of a student speech given in a school assembly in November, 1948, which speech did not and does not represent our school or our beliefs and attitudes;

Because the ideas of communism play no part in our lives, and any assumption to the contrary is unfair, unjust and with no basis in fact;

Because Kaimuki High School has been on record since 1947-1948 as favoring statehood;

Because the speech and publicity given to it may have injured the cause of statehood for Hawaii;

Therefore, we the undersigned representatives of the student body of Kaimuki High School respectfully submit the following declaration:

We resent and we reject all implications that communism has any hold whatsoever on the students of Kaimuki High School, and we reaffirm our undivided loyalty to the United States of America and our devotion to the American way of life.

And we therefore are sending copies of this declaration to the following:

The Honorable Ingram M. Stainback, Governor of Hawaii
The Honorable Wilfred C. Tsukiyama, President of the Senate, Territory of Hawaii
The Honorable Hiram L. Fong, Speaker of the House of Representatives, Territory of Hawaii
The Honorable Alben W. Barkley, Vice-President of The United States of America and President of the Senate of the United States of America
The Honorable Samuel Rayburn, Speaker of the House of Representatives of The United States of America
The Honorable Joseph R. Farrington, Delegate to Congress from Hawaii
Dr. W. Harold Loper, Superintendent of Public Instruction, Territory of Hawaii
Mr. Edward N. Sylva, Chairman, Board of Commissioners of Public Instruction, Territory of Hawaii
Mr. Julius Krug, Secretary, Department of Interior, of the United States of America
Mr. Robert M. Faulkner, Supervising Principal of Honolulu Schools, Territory of Hawaii

| | SIGNED: | TITLE: |
|---|---|---|
| 1. | Henry Au Hoy | Student Government President |
| 2. | Walter Ito | Student Government Vice Pres. |
| 3. | Nancy Ozuma | Student Government Secretary |
| 4. | James Mohaia | Student Government Treasurer |
| 5. | Robert Sasaki | Sergeant-at-arms |
| 6. | Fujiko Zukeran | Inter School Council Chairman |

| | SIGNED: | TITLE: |
|---|---|---|
| 7. | Yuriko Hisano | Rm. 7. Representative |
| 8. | Alice Sakai | Rm. 19 representative |
| 9. | Helen Higa | Rm. 38 Representative |
| 10. | Thelma Kaneshiro | Rm. 9 Representative |
| 11. | Dorothy Haitsuka | Rm. 15 - Representative |
| 12. | Lillian Okuhara | Rm 143 Representative |
| 13. | Sadie Ono | Chairman, Archives Committee |
| 14. | Edna Yamamoto | Chairman, Assembly Board Committee |
| 15. | Helen Fuchise | Room 4 - Representative |
| 16. | Robert Greitas | Police Chief |
| 17. | William Kaneshiro | Representative Lib. |
| 18. | Leighton Anderson | Representative Room 7 |
| 19. | Gasper, George | Cof E Representative |
| 20. | Joyce Matsuda | Room 11 Representative |
| 21. | Sottie Kobayashi | Room 9 Representative |
| 22. | James Hara | Rm. 26 Representative |
| 23. | Dirley Hamamoto | Junior Class President |
| 24. | Herman Ring | Rm. 34 Representative |
| 25. | Jean Kanhiwamura | Cof. F Representative |
| 26. | Patsy Minatodani | Rm. 21 Representative |
| 27. | Jane Jo | Annual Editor |
| 28. | Neil Omura | Identification Bureau Chairman |
| 29. | Mabel L Kam | Handbook Committee Chairman |
| 30. | Nancy Onaga | Newspaper Editor |
| 31. | Harold Abe | Rm 31 Representative |
| 32. | M. Freitas | Room 16 Representative |
| 33. | Ai Wun Young | Representative |
| 34. | Katherine Niau | Rm. 18 Homeroom Representative |
| 35. | Violet Oki | Rm. 17 Homeroom Representative |

| | SIGNED: | TITLE: |
|---|---|---|
| 36. | Irene Kuraoka | Rm. 24 Representative |
| 37. | Veronica Lim | Rm. 24 Representative |
| 38. | Grace Oshima | Rm. 24 Representative |
| 39. | Rebecca Goodness | Rm 34 Jr. Advisor |
| 40. | Cathryn M. Lewis | Senior class advisor |
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# HAWAII RESTAURANT and DISPENSERS ASSOCIATION

ROOM 18, PANTHEON BUILDING · TELEPHONE 56249 · HONOLULU 9, HAWAII

April 12, 1949

S 357

The Honorable Hiram L. Fong
Speaker, House of Representatives
Territorial Legislature
Iolani Palace
Honolulu, Hawaii

Dear Sir:

The Hawaii Restaurant and Dispensers Association strongly protests the passage of SB 497 - Local Option. In support of this opposition we set forth the following brief, sound facts.

1. One of the most serious problems which the Legislature is confronted with is seeking new sources of revenue from taxes. Local Option would materially decrease one large source of tax revenue.

2. The unemployment problem is increasing daily in the Territory and a tremendous number of individuals would be unnecessarily added to this burden on the community.

3. The "Dry" status of certain areas has been proved to be unsatisfactory throughout the continental United States. 81 per cent of the nation's population is now living in areas where alcoholic beverages may be legally sold. The relatively small number of changes during the recent nation-wide election indicates that the Repeal of the 18th Amendment is working satisfactorily for the great majority of American people. A total of 1,557 Local Option elections in 28 states, involving a population of 7,150,036 were held during 1948. The vast majority of these resulted in areas maintaining their former status.

4. Local Option is an infringement upon the rights of free enterprise and is strictly discriminatory.

5. Under our existing laws we have individual option, sustaining the dignity of the individual and according him the right to regulate his personal desires. Local Option would deprive individuals of their democratic rights as American citizens.

6. Local Option is the first step back down the road to Prohibition. No community minded citizen can desire the return to bootlegging and gangsterism, or the uncontrolled manufacture of poisonous liquor which often brought blindness, injury, and death.

7. Public hearings are always scheduled before a license is issued and the decision of the Liquor Commission is in accord with the voice of the majority.

8. If Local Option were to exist in certain areas business would necessarily be driven into a ghetto type area with positive adverse repercussions. We believe this is the intent and purpose of this proposed legislation which would necessarily result in the return of Prohibition.

Very truly yours,

HAWAII RESTAURANT AND DISPENSERS ASSOCIATION

By Corinne von Wedelstaedt
Corinne von Wedelstaedt
Executive Secretary

CvW:em

# HAWAII RESTAURANT and DISPENSERS ASSOCIATION

ROOM 18, PANTHEON BUILDING · TELEPHONE 56249 · HONOLULU 9, HAWAII

April 11, 1949

The Honorable Hiram L. Fong
Speaker, House of Representatives
Territorial Legislature
Iolani Palace
Honolulu, Hawaii

Dear Sir:

The Hawaii Restaurant and Dispensers Association, representing the majority of the restaurants, hotels and liquor dispensers on the island of Oahu, wish to set forth the following in support of HB 851, introduced by Representative A. Q. Marcillino, to regulate the consumption of liquor.

It is of vital importance to the people of the Territory of Hawaii that immediate action be taken during this session of the Legislature to plug the gap in the law which allows the operation of uncontrolled consumption of liquor in places of public resort after the legal closing hour for the dispensing of liquor.

The purpose and intent of the repeal of the 18th Amendment was that the vending of alcoholic beverages should, in all its aspects, be rigidly controlled by law.

To our knowledge, there is no group or Association of citizens who has gone on record against the passage of this bill. HB 851, as drafted by the Attorney General, thoroughly and adequately takes care of this situation in addition to controlling the problems of the consumption of liquor by Minors.

We feel it is your duty, as Legislators and public servants, to immediately eliminate this present disgraceful condition existing throughout the Territory by enacting into law HB 851.

Yours very truly,

HAWAII RESTAURANT AND DISPENSERS ASSOCIATION

By Corinne von Wedelstaedt
Corinne von Wedelstaedt
Executive Secretary

CvW:em

RESOLUTION

WHEREAS, the undersigned Federation of Hawaiian Organizations is composed of Hawaiian Civic Club, Hale O Na Alii, Kamehameha Lodge, Ahahui Kaahumanu, Kamehameha Alumni, Kamehameha Alumnae and Daughters & Sons of Hawaiian Warriors, which said organizations are the leading Hawaiian organizations in the Territory of Hawaii; and

WHEREAS, it has come to the attention of the Federation of Hawaiian Organizations from time to time that Iolani Palace is unsuited for its present use as a building to house certain Territorial offices and departments thereof; and

WHEREAS, the wooden buildings located on the Iolani Palace grounds were erected and installed as a temporary war time construction; and

WHEREAS, it has been proposed from time to time that a building or buildings of permanent construction be erected for housing Territorial departments and offices and for a suitable and appropriate legislative building for the Legislature of the Territory of Hawaii; and

WHEREAS, the pride and honor of the people of the Territory of Hawaii would best be served by instituting promptly and appropriate program for the erection of a new building or buildings to carry out the above purposes and to remove as soon as practicable the temporary wooden structures from Iolani Palace grounds; and

WHEREAS, Iolani Palace should thereafter be restored, preserved and dedicated as a public museum;

NOW, THEREFORE, BE IT RESOLVED by the Federation of Hawaiian Organizations that the Twenty-fifth Legislature of the Territory of Hawaii be urged to institute immediately a program for the construction of a suitable building or buildings for an appropriate legislative building for the Legislature of the Territory of Hawaii and to house the various offices and departments of the Territory of Hawaii now located in Iolani Palace and in the temporary buildings on Iolani Palace grounds, and that forthwith upon the completion of said building program the temporary buildings on Iolani Palace grounds be removed, and that thereafter Iolani Palace be restored, preserved and dedicated as a public museum.

BE IT FURTHER RESOLVED that copies of this resolution be sent to the Senate and House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii.

AHAHUI KAAHUMANU, HELU 4,
Wailuku, Maui

Alan Adams
President

Tabitha Akiu
Secretary

THE WHITE HOUSE
WASHINGTON

360

March 29, 1949

My dear Mr. Soares:

The President has asked me to acknowledge your letter of March twenty-fifth with the enclosed certified copy of House Concurrent Resolution No. 43 passed by the Twenty-fifth Legislature of the Territory of Hawaii. He appreciates your courtesy in sending this Resolution to him.

Very sincerely yours,

William D. Hassett

WILLIAM D. HASSETT
Secretary to the President

Honorable O. P. Soares,
Clerk,
House of Representatives,
Twenty-fifth Legislature of the
Territory of Hawaii,
Honolulu, T. H.

THE WHITE HOUSE
WASHINGTON

3761

April 11, 1949

My dear Mr. Soares:

The President has received your letter of April fifth with the enclosed certified copy of House Concurrent Resolution No. 28 adopted by the Twenty-fifth Legislature of the Territory of Hawaii. He appreciates your courtesy in sending this Resolution to him.

Very sincerely yours,

William D. Hassett

WILLIAM D. HASSETT
Secretary to the President

Honorable O. P. Soares,
Clerk,
House of Representatives,
Twenty-fifth Legislature of the
Territory of Hawaii,
Honolulu, T. H.

OLIN D. JOHNSTON, S. C., CHAIRMAN
KENNETH MC KELLAR, TENN.
HERBERT R. O'CONOR, MD.
RUSSELL B. LONG, LA.
MATTHEW M. NEELY, W. VA.
J. ALLEN FREAR, JR., DEL.
WILLIAM LANGER, [illegible]AK.
RALPH E. FLANDERS, VT.
RAYMOND E. BALDWIN, CONN.
EDWARD J. THYE, MINN.
ZALES N. ECTON, MONT.
ROBERT C. HENDRICKSON, N. J.
J. AUSTIN LATIMER, CHIEF CLERK

**United States Senate**

COMMITTEE ON POST OFFICE
AND CIVIL SERVICE

362

March 29, 1949

Mr. O. P. Soares
Clerk, House of Representatives
Territory of Hawaii
Honolulu, T. H.

Dear Mr. Soares:

The Chairman has referred to me your letter of March 23, enclosing a Concurrent Resolution of the House of Representatives of the Territory of Hawaii in regard to retroactive 25% payments for postal employees in Hawaii.

We are placing this on file in the Committee for appropriate use should legislation be placed with us dealing with this subject.

With best wishes, I am

Sincerely yours,

J. Austin Latimer
Staff Director and
Chief Clerk

JAL/dl

OFFICE OF THE VICE PRESIDENT
WASHINGTON

363

April 1, 1949

Mr. O. P. Soares, Clerk,
House of Representatives,
Honolulu, T. H.

My dear Mr. Soares:

This will acknowledge receipt of your letter of March 28, transmitting House Concurrent Resolution No. 39, adopted by the 25th Legislature of the Territory of Hawaii, urging the Congress of the United States to appropriate funds for an appropriate memorial at Pearl Harbor to perpetuate the memory of those brave men who died that Amerca may remain free.

Very sincerely yours,

Alben W. Barkley

EC.

SAM RAYBURN
4TH DISTRICT, TEXAS

The Speaker's Rooms
House of Representatives, U. S.
Washington, D. C.

March 30, 1949

Honorable O. P. Soares, Clerk
House of Representatives
Legislature of Hawaii
Honolulu, T. H.

Dear Mr. Soares:

I have for acknowledgment your letter of March 25, 1949, transmitting House Concurrent Resolution No. 43, adopted by the Twenty-fifth Legislature of the Territory of Hawaii.

Yours very sincerely,

Sam Rayburn

OFFICE OF THE VICE PRESIDENT
WASHINGTON

365

April 2, 1949

Mr. O. P. Soares,
Clerk, House of Representatives,
Honolulu, T. H.

My dear Mr. Soares:

This will acknowledge receipt of your letter of March 29, transmitting House Concurrent Resolution No. 25, which was adopted by the Twenty-fifth Legislature of the Territory of Hawaii, requesting the Congress to initiate a survey of the possibilities of the construction of a breakwater at Keauhou Bay, North Kona, County of Hawaii, T. H.

Very sincerely yours,

Alben W. Barkley

EC.

EIGHTY-FIRST CONGR

TOM MURRAY, TENN., CHAIRMAN

JAMES H. MORRISON, LA.
GEORGE P. MILLER, CALIF.
JAMES C. DAVIS, GA.
JOHN BELL WILLIAMS, MISS.
JOHN A. WHITAKER, KY.
THURMAN C. CROOK, IND.
RAYMOND W. KARST, MO.
HOMER THORNBERRY, TEX.
JAMES V. BUCKLEY, ILL.
F. ERTEL CARLYLE, N. C.
EUGENE J. MC CARTHY, MINN.
A. S. HERLONG, JR., FLA.
CHESTER C. GORSKI, N. Y.
GEORGE M. RHODES, PA.

EDWARD H. REES, KANS.
HAROLD C. HAGEN, MINN.
ROBERT J. CORBETT, PA.
KATHARINE ST. GEORGE, N. Y.
ANTONI N. SADLAK, CONN.
EDWARD H. JENISON, ILL.
USHER L. BURDICK, N. DAK.
GARDNER R. WITHROW, WIS.
H. R. GROSS, IOWA
JAMES S. GOLDEN, KY.

**House of Representatives, U. S.**
COMMITTEE ON
POST OFFICE AND CIVIL SERVICE
**Washington, D. C.**

366

March 30, 1949

Honorable O. P. Soares, Clerk,
House of Representatives,
Territory of Hawaii.

Dear Mr. Soares:

This will acknowledge House Concurrent Resolution No. 12, which was adopted by the Twenty-fifth Legislature of the Territory of Hawaii.

I will be pleased to bring this matter to the attention of the Committee at an appropriate time.

Sincerely yours,

Tom Murray

Tom Murray, Chairman.

h

OFFICE OF THE VICE PRESIDENT
WASHINGTON

April 1, 1949

37

Mr. O. P. Soares, Clerk,
House of Representatives,
Honolulu, T. H.

My dear Mr. Soares:

This will acknowledge receipt of your letter of March 28, transmitting House Concurrent Resolution No. 37, adopted by the 25th Legislature of the Territory of Hawaii, memorializing the Congress of the United States of America to amend Section 16 of the Hawaiian Organic Act.

Very sincerely yours,

Alben W. Barkley

EC.

SAM RAYBURN
4TH DISTRICT, TEXAS

The Speaker's Rooms
House of Representatives, U. S.
Washington, D. C.

3/28

April 1, 1949

Honorable O. P. Soares, Clerk
House of Representatives
Territory of Hawaii
Honolulu, T. H.

Dear Mr. Soares:

I have for acknowledgment your letter of March 28, 1949, transmitting House Concurrent Resolution No. 39, which has been adopted by the Twenty-fifth Legislature of the Territory of Hawaii.

Yours very sincerely,

Sam Rayburn

SAM RAYBURN
4TH DISTRICT, TEXAS

The Speaker's Rooms
House of Representatives, U. S.
Washington, D. C.

3/69

April 1, 1949

Honorable O. P. Soares, Clerk
House of Representatives
Territory of Hawaii
Honolulu, T. H.

Dear Mr. Soares:

I have for acknowledgment your letter of March 28, 1949, transmitting House Concurrent Resolution No. 37, which was adopted by the Twenty-fifth Legislature of the Territory of Hawaii.

Yours very sincerely,

Sam Rayburn

CASTLE & COOKE, LIMITED

P. O. BOX 2990

HONOLULU 2, HAWAII, U.S.A.

SAN FRANCISCO OFFICE
215 MARKET STREET

TELEGRAPHIC ADDRESS
"CASTLECOOK"

Misc 370

April 13, 1949

Mr. O. P. Soares
Clerk, House of Representatives
The Twenty-fifth Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sir:

This will acknowledge your letter of March 28, 1949 transmitting copy of House Resolution No. ~~91~~ 61.

Mr. George G. Montgomery, in charge of the San Francisco office of Castle & Cooke, Limited, is a Vice President of Wahiawa Water Company, Limited, and Mr. J. C. Kelley, also of that office, is an Assistant Treasurer. They hold such offices for the purpose of providing formal corporate representation for Wahiawa Water Company, Limited, on the mainland, in connection with securities transactions, execution of instruments and related functions. They receive no compensation from Wahiawa Water Company, Limited, for such services.

No other officers or employees of the subject corporation have resided within the Territory of Hawaii less than three years.

Very truly yours,

WAHIAWA WATER COMPANY, LIMITED

L. T. Deacon

Secretary

Hawaii U.S.A. —an integral part of the United States, sharing equally with the 48 states, the nation's obligations— is entitled to statehood now.

CASTLE & COOKE, LIMITED
P. O. BOX 2990
HONOLULU 2, HAWAII, U.S.A.
SAN FRANCISCO OFFICE
215 MARKET STREET
TELEGRAPHIC ADDRESS
"CASTLECOOK"

Misc
371

April 13, 1949

Mr. O. P. Soares
Clerk, House of Representatives
The Twenty-fifth Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sir:

This will acknowledge your letter of March 28, 1949 transmitting copy of House Resolution No. ~~91~~ 61.

Mr. George G. Montgomery, in charge of the San Francisco office of Castle & Cooke, Limited, is a Vice President of Kohala Ditch Company, Limited, and Mr. J. C. Kelley, also of that office, is an Assistant Treasurer. They hold such offices for the purpose of providing formal corporate representation for Kohala Ditch Company, Limited, on the mainland, in connection with securities transactions, execution of instruments and related functions. They receive no compensation from Kohala Ditch Company, Limited, for such services.

No other officers or employees of the subject corporation have resided within the Territory of Hawaii less than three years.

Very truly yours,

KOHALA DITCH COMPANY, LIMITED

L. T. Deacon.

Secretary

Hawaii U.S.A. —an integral part of the United States, sharing equally with the 48 states, the nation's obligations— is entitled to statehood now.

# THE REAL ESTATE LICENSE COMMISSION
## OF THE TERRITORY OF HAWAII

HONOLULU 7, T. H.

272

P. O. BOX 1141

April 14, 1949

MEMBERS:
EDWARD A. BOLLES
CHAIRMAN
DAVID K. BENT
EATON H. MAGOON

Honorable Hiram L. Fong
Speaker of the House of Representatives
Iolani Palace
Honolulu, T. H.

Sir:

Receipt is acknowledged of House Resolution No. 108 transmitted to this Commission on April 13, 1949 by Mr. O. P. Soares, Clerk, House of Representatives.

This will advise you that the contents of House Resolution No. 108 have been carefully perused by all members of this Commission, and steps have been taken to immediately initiate a thorough investigation into the matters which were the subject of said Resolution.

The case of GEORGE A. MIGITA, specified in House Resolution No. 108, has been under investigation by this Commission since March 31, 1949. On April 13, 1949, a formal hearing was held on this case. Several other complaint cases were also heard at this hearing.

If desired, the Commission will be glad to transmit to the House of Representatives the complete, official report of the MIGITA hearing, together with the final decision of the Real Estate License Commission respecting this case.

A full investigative report concerning the holding of real estate licenses by brokers or salesmen in the Territory who have been convicted of crimes involving moral turpitude will also be transmitted to the House of Representatives, as soon as this investigation has been completed.

Respectfully yours,

THE REAL ESTATE LICENSE COMMISSION
OF THE TERRITORY OF HAWAII

Edward A. Bolles

Edward A. Bolles, Chairman

David K. Bent

David K. Bent, Member

Eaton H. Magoon

Eaton H. Magoon, Member

HILO CHRISTIAN WORKERS' FELLOWSHIP 373

HILO, T. H.

11 April 1949

Speaker of the House
Territorial Legislature
Honolulu, T. H.

Honorable Sir:

On behalf of our group which comprise almost all the Protestant Christian workers in this city, we wish to request a public hearing on the pari-mutuel bill now before the House.

Because of the widespread opposition to the bill by many individuals and groups, we feel that in a democracy all voices should be heard in so critical an issue as pari-mutuel betting.

Yours very truly,

Richard Wong

Rev. Richard Wong, President

374

Honorable Speaker and Members
of the House of Representatives:

RESOLUTION

Whereas, the merit system, as exemplified by the "Rule of Three" is the only honest and efficient public service which gives the taxpaying public its money's worth, and any other system is only an open or camouflaged spoils system,

Be It Resolved, Therefore, that this organization is for the "Rule of Three" and unalterably opposed to the present system of approving the appointment of friends and relatives, no matter how low their grades with which they squeezed through a civil service examination.

Respectfully submitted,
HAWAII CIVIL LIBERTIES COMMITTEE
Robert Greene
Robert Greene, Chairman

LEON K. STERLING, SR.
City and County Clerk

Deputies
ELLEN D. SMYTHE
EDWARD LEONG
LEILA F. VANNATTA
EMPEROR A. HANAPI

315

CITY AND COUNTY OF HONOLULU
OFFICE OF THE CITY AND COUNTY CLERK
HONOLULU 43, HAWAII

April 14, 1949

Honorable Hiram L. Fong, Speaker
House of Representatives
25th Legislature
Iolani Palace
Honolulu, T. H.

Sir:

I have the honor to transmit herewith for your consideration, one certified and nine uncertified copies of Legislative Committee Report No. 13, adopted by the Board of Supervisors on April 12, 1949, urging the tabling of House Bill No. 649.

Respectfully submitted,

Leon K. Sterling Sr.

LEON K. STERLING, SR.
City and County Clerk

encls.
lf

LEGISLATIVE COMMITTEE REPORT NO. 13
(1949)

Honolulu, T. H.
April 12, 1949

Mr. Mayor:

Your Legislative Committee recommends that the Board of Supervisors of the City and County of Honolulu go on record as urging the tabling of House Bill No. 649, entitled "An Act to Amend Chapter 235 of the Revised Laws of Hawaii 1945, Relating to Inquests, Coroners and Coroner's Physicians", which bill has been referred to the House Committee on Judiciary.

Your Committee further recommends that a copy of this Report be forwarded to the Speaker of the House of Representatives of the Territorial Legislature.

ERNEST N. HEEN, Chairman
CHUCK MAU, Member
J. M. ASING, Member
RICHARD M. KAGEYAMA, Member
M. D. BEAMER, Member
NOBLE K. KAUHANE, Member

Date of Adoption
April 12, 1949
Honolulu, T. H.

- CERTIFICATE -

I hereby certify that the foregoing is a full, true and correct copy of original Committee Report No. 13, which was adopted by the Board of Supervisors of the City and County of Honolulu on April 12, 1949, and now on file and of record in the office of the City and County Clerk.

Given under my hand and seal of the City and County of Honolulu this 14th day of April, A. D. 1949.

LEON K. STERLING, SR.
City and County Clerk

Honolulu, T.H.
April 12, 1949

Mr. Mayor:

Your Legislative Committee recommends that the Board of Supervisors of the City and County of Honolulu go on record as urging the tabling of House Bill No. 649, entitled "An Act to Amend Chapter 235 of the Revised Laws of Hawaii 1945, Relating to Inquests, Coroners and Coroner's Physicians", which bill has been referred to the House Committee on Judiciary.

Your Committee further recommends that a copy of this Report be forwarded to the Speaker of the House of Representatives of the Territorial Legislature.

ERNEST N. HEEN, CHAIRMAN
CHUCK MAU, MEMBER
J. M. ASING, MEMBER
RICHARD M. KAGEYAMA
M. D. BEAMER, MEMBER
NOBLE K. KAUHANE, MEMBER

I did not copy this page, because it is identical with the Legislative Committee Report No. 13

CITY AND COUNTY OF HONOLULU
BOARD OF SUPERVISORS

The foregoing is a copy of Committee Report this day ADOPTED by the Board of Supervisors of the City and County of Honolulu.

Honolulu, T. H. April 12, 1949

Leon K. Sterling Sr.

LEON K. STERLING SR.
City and County Clerk

Reference :
Resolution No.
Bill No.

COMMITTEE
REPORT NO.
13

Mis C 376

# Oahu Railway and Land Company

CABLE ADDRESS "ORAL"

Honolulu, Hawaii

OFFICE OF THE PRESIDENT

April 7, 1949

Mr. O. P. Soares, Clerk
House of Representatives
The Twenty-fifth Legislature
Territory of Hawaii
Honolulu, Hawaii

Dear Sir:

This is to acknowledge your communication of March 28, 1949, addressed to this Company, enclosing a copy of H.R. No. 61.

In compliance with the request, we have to advise you that there are in the employ of this Company two persons who have not been continuous residents of the Territory for the last three years. These are: Miss Jean Potter and Mrs. Margaret Walton.

Yours respectfully

OAHU RAILWAY AND LAND COMPANY

W. F. Dillingham

W. F. Dillingham, President

h

DIVISION OF
BUDGET AND ADMINISTRATIVE SERVICES

**Post Office Department**
FIRST ASSISTANT POSTMASTER GENERAL
Washington 25, D. C.

IN REPLYING
MENTION INITIALS AND DATE

37

April 4, 1949.

Hon. O. P. Soares,
Clerk,
House of Representatives,
Honolulu, Territory of Hawaii.

Dear Mr. Soares:

The President has requested me to acknowledge receipt of House Concurrent Resolution No. 12 which you forwarded to him under date of March 23, 1949.

This resolution is identical to the one concerning which I wrote you on April 1.

Sincerely yours,

V. C. Burke

V. C. Burke
First Assistant Postmaster General.

CNB:BBP

Misc 378
2

# RESOLUTION

WHEREAS, there have been presented to and are now up for consideration before the 25th Legislature of the Territory of Hawaii currently assembled, SJR 14 and HJR 31, both dealing with the development of farm lands at Kamuela (Waimea, Hawaii); and

WHEREAS, the lands to be developed are Hawaiian Home lands particularly referred to as the lands of Puukapu, District of South Kohala, Island of Hawaii; and

WHEREAS, the intent and purposes of SJR 14 and HJR 31 are to withdraw the area of land required for an irrigation project from the control of the Hawaiian Homes Commission so that it shall thereafter be administered by a board to be established upon the passage of either bill; and

WHEREAS, the use of these lands as farm lands shall be available to all persons to be selected by the board above referred to with very little regard to blood qualifications; and

WHEREAS, the Executive Council of Hawaiian Civic Clubs is of the opinion that all of the above reasons are not in conformity with the intent and purposes of the Hawaiian Homes Commission Act, 1920, as amended, and present-day conditions;

NOW, THEREFORE, BE IT RESOLVED BY THE EXECUTIVE COUNCIL OF HAWAIIAN CIVIC CLUBS that it objects to the passage of either SJR 14 or HJR 31 and it appeals to the members of the 25th Legislature of the Territory of Hawaii that they exert all of their energy to table both joint resolutions for the following reasons:

1. The Hawaiian Homes Commission Act, as amended, already and sufficiently provides that should any of the lands under the control of the Hawaiian Homes Commission not be needed by it

for subdivision purposes that these same lands may be transferred to the control of the Commissioner of Public Lands, who in turn can only let said lands to the public under general leases;

2. That a precedent will be established should these lands be permitted to be withdrawn from the control of the Hawaiian Homes Commission.

3. That the joint resolutions above referred to do not guarantee the return of these lands to the control of the Hawaiian Homes Commission at the expiration of the 50-year period during which they are to be administered by the board heretofore referred;

4. That the irrigation project was initiated under war-time conditions when the need for fresh island produce was urgent because of the increased population then living or stationed in the Territory; but this condition is entirely changed today with the development of additional farm lands on Oahu after the closing of the Waianae and Waimanalo plantations and the steady decrease in military personnel in the islands from full strength down to maintenance status;

5. That there is a possibility that produce harvested from these lands and increased acreages throughout the islands may be so heavy that it will glut the produce market to the dismay of farmers, their financial backers, wholesalers, retailers and the eventual loss of the entire investment in this project by the government.

BE IT FURTHER RESOLVED THAT copies of this resolution be forwarded to the Honorable Governor of Hawaii, the Honorable President of the Senate, and the Honorable Speaker of the House of Representatives of the

25th Legislature, Territory of Hawaii, the Hawaiian Homes Commission and members of the Executive Council of Hawaiian Civic Clubs.

Dated at Honolulu, T. H., this 13th day of March, 1949.

Introduced by:

Franklin K. Baker Jr.

This is to certify that the foregoing Resolution was duly adopted by the Executive Council of Hawaiian Civic Clubs at its meeting held March 13, 1949.

Leon K. Sterling Jr.
President, Executive Council of
Hawaiian Civic Clubs

Members of the Executive Council of Hawaiian Civic Clubs:

Hawaiian Civic Club of Honolulu
Hawaiian Civic Club of Koolaupoko
Hawaiian Civic Club of Koolauloa
Hawaiian Civic Club of Waialua
Hawaiian Civic Club of Nanaikapono (Nakauli)
Hawaiian Civic Club of Pearl City (Ewa)
Hawaiian Civic Club of Waianamalo
Junior Hawaiian Civic Club of Honolulu
Junior Hawaiian Civic Club of Koolaupoko

THE FOLLOWING WAS

# NOT IN FILE

WHEN RECORDS WERE MICROFILMED:

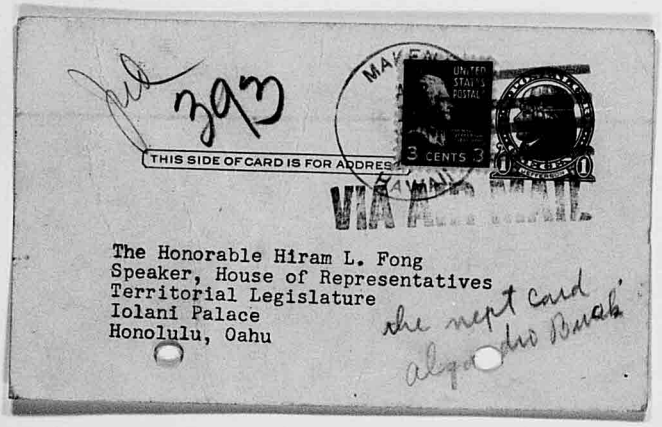
YEAR: 1949

SESSION: REGULAR

CHAMBER: HOUSE

TYPE ITEM: MISCELLANEOUS COMMUNICATION

ITEM NUMBER: 379 - 392

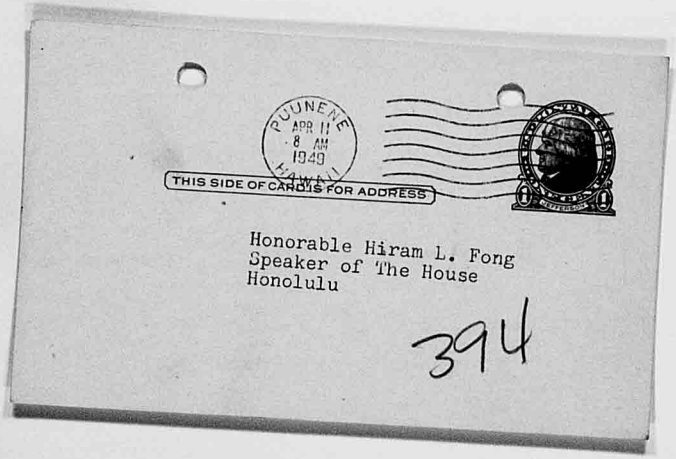

393
THIS SIDE OF CARD IS FOR ADDRES
UNITED STATES POSTAL
3 CENTS 3
The Honorable Hiram L. Fong
Speaker, House of Representatives
Territorial Legislature
Iolani Palace
Honolulu, Oahu
the next card
also to Burns

I want you to know that I favor the passage of the pari-mutuel racing bill, and ask you to do everything possible to see that the Territorial House of Representatives acts favorably on this matter.

Shigeo Maeda

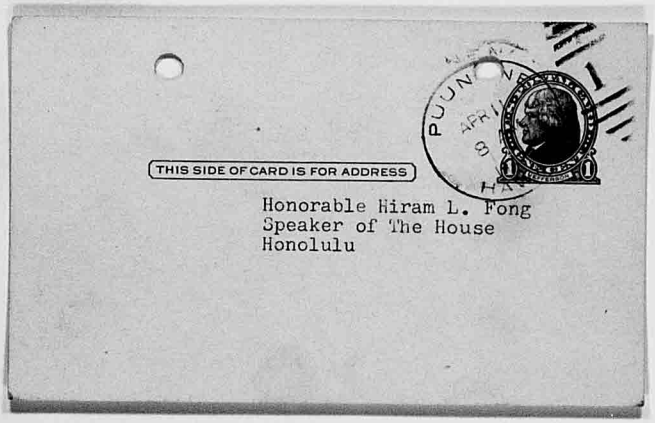
3rd District
Maui County

50 ADDITIONAL CARDS WE GO GO
1995/1/13


PUUNENE
APR 11
8 AM
1949
HAWAII
THIS SIDE OF CARD IS FOR ADDRESS
Honorable Hiram L. Fong
Speaker of The House
Honolulu
394

GIVE ME KIHEI BOAT HARBOR ANY DAY.
Put men and money to work. Build
right awa y.

Helen Watimar

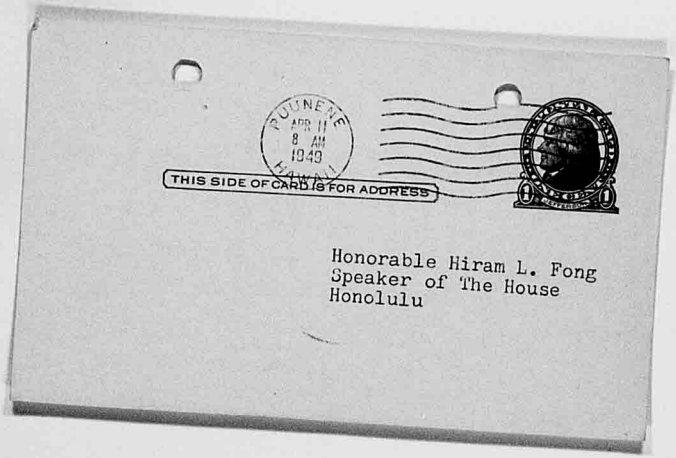


THIS SIDE OF CARD IS FOR ADDRESS

Honorable Hiram L. Fong
Speaker of The House
Honolulu

I am for Kihei Boat Harbor.

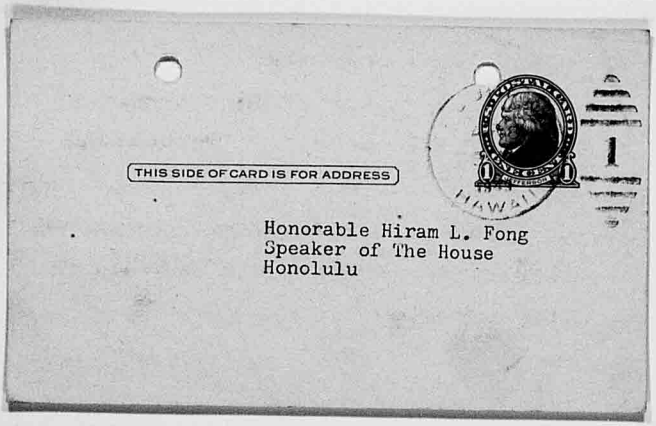
Masashi Yamada

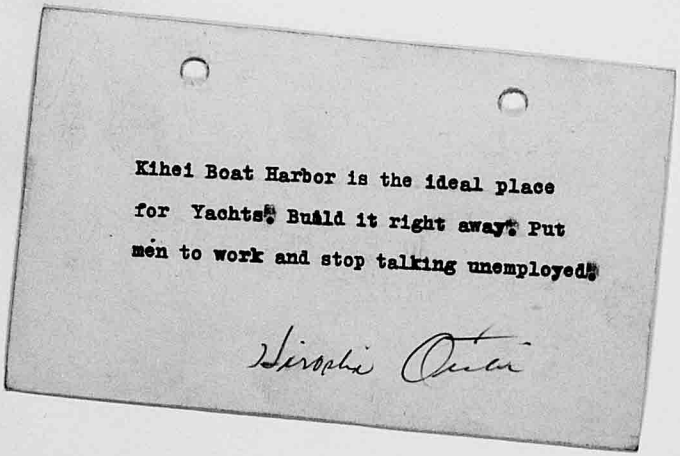



Honorable Hiram L. Fong
Speaker of The House
Honolulu

I am for Kihei Boat Harbor.

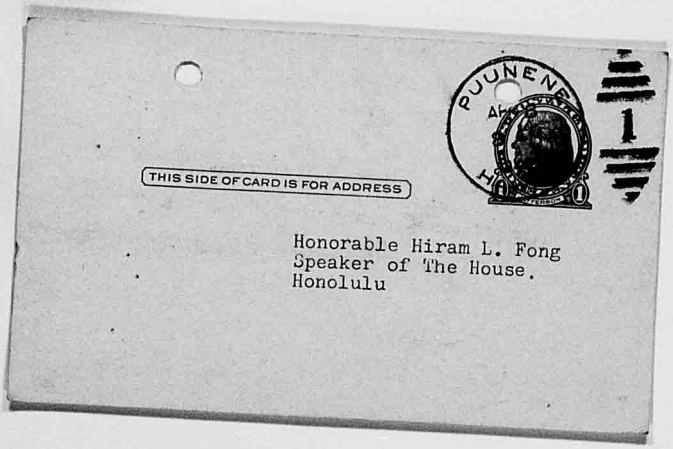
Flourdo Cadiz


THIS SIDE OF CARD IS FOR ADDRESS
1
Honorable Hiram L. Fong
Speaker of The House
Honolulu



Kihei Boat Harbor is the ideal place for Yachts. Build it right away. Put men to work and stop talking unemployed.

Hiroshi Otani


THIS SIDE OF CARD IS FOR ADDRESS
PUUNENE
1
Honorable Hiram L. Fong
Speaker of The House.
Honolulu

I am opposed to House Bill 1080 because :

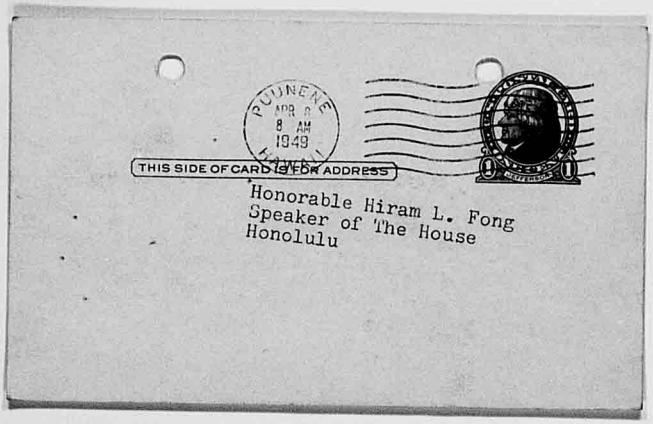
1st it creates hatred between communities.

2nd it is not the fault of the Public if ~~the~~

those in charge of the project fell down on the job. They should be jacked up or fired. As they are not loyal to their oath and trust.

Build Kihei Boat Harbor and Build Maalaea ,Lahaina McGregor's and if you want some more named let me know.

Zenichi Arakawa


PUUNENE
APR 6
8 AM
1949
HAWAII
THIS SIDE OF CARD IS FOR ADDRESS
Honorable Hiram L. Fong
Speaker of The House
Honolulu

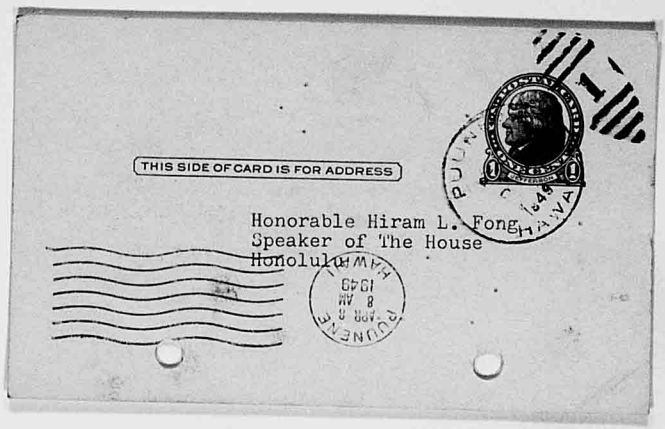
Lets have more boat Harbors. I for one
am for Kihei Boat Harbor. If my friends in
Maalaea want one lets give them one too.
I am against dividing our people on Maui.
I am for putting men and money to work.

Aloha Glenn Jarden


JUNEAU
8 AM
1949
HAWAII
THIS SIDE OF CARD IS FOR ADDRESS
Honorable Hiram L. Fong
Speaker of The House
Honolulu

I am opposed to H.B.1080 because it creates ill feeling between communities. It is very discrimantory. I hate discrimantions. Build the Boat Harbor at Kihei. If they want one at Maala ea give them one too. Give the unemployed jobs. Millions was spent during the Hated war why not spend for peaceful projec

Robert Medeiros



THIS SIDE OF CARD IS FOR ADDRESS

Honorable Hiram L. Fong
Speaker of The House
Honolulu

Never mind who introduced H.B. 1080.
I am against discrinatory legislation. It creates bad feeling amongst communities. It breeds hatred suspicion and throws brother against brother.
Give Kihei a Boat Harbor- Give Maala ea one,
Give Lahaina one too. The more Harbors the more boats come to Maui. Lets get going. Give the unemployed more jobs.

13-3 L.A. Gielow




Honorable Hiram L. Fong
Speaker of The House
Honolulu

I am opposed to H.B. 1080.

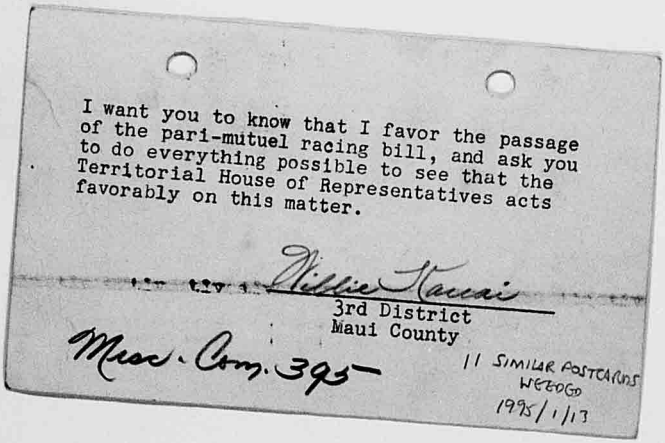
I want Kihei Harbor built right away.

Put the unemployed to work wiki wiki.

Clarence Hunter

121 SIMILAR POSITIONS
WEGOED
1995/1/17


295
UNITED STATES POSTAGE
3 CENTS 3
THIS SIDE OF CARD IS FOR ADDRESS
A.M.
VIA AIR MAIL
The Honorable Hiram L. Fong
Speaker, House of Representatives
Territorial Legislature
Iolani Palace
Honolulu, Oahu

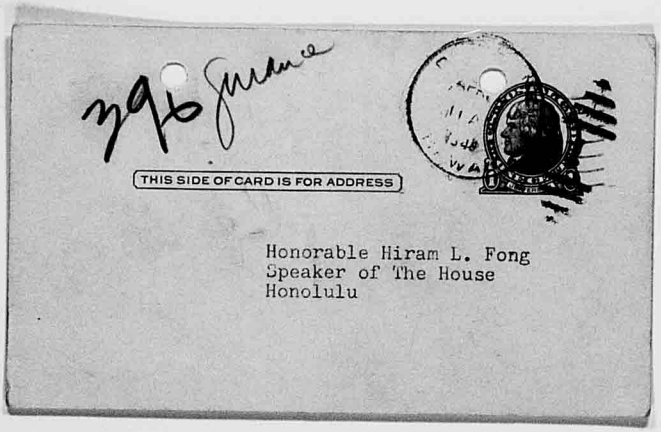


I want you to know that I favor the passage of the pari-mutuel racing bill, and ask you to do everything possible to see that the Territorial House of Representatives acts favorably on this matter.

Willie Kauai
3rd District
Maui County

Misc. Com. 395

11 SIMILAR POSTCARDS
WEEDED
1995/1/13


THIS SIDE OF CARD IS FOR ADDRESS
Honorable Hiram L. Fong
Speaker of The House
Honolulu

I am for Kihei Boat Harbor.

Vincent Leandro

Mus. Com. 396

19 SIMILAR POST CARDS WEEDED 1995/1/13

American Association of Social Workers

HAWAII CHAPTER

Honolulu, Hawaii

P. O. Box 1720

April 13, 1949

397

The House of Representatives
Twenty-Fifth Legislature
Iolani Palace
Honolulu, Hawaii

Gentlemen:

The Legislative Committee of the American Association of Social Workers notes that there has been considerable legislation introduced in the present Legislature which would change present organizational setup of some of the institutions and agencies dealing with welfare and rehabilitation matters. We believe that this is a good idea but some of the changes proposed for enactment at this Legislature have not been given sufficient study and the action proposed might complicate the situation without meeting the difficulties which it is designed to remedy.

May we suggest that such matters as the reorganization of the Department of Public Welfare, any reorganization in the Department of Institutions, changes in the setup of the Bureau of Sight Conservation and any legislation dealing with social welfare and health problems be studied by the Holdover Committee with the idea of carefully preparing legislation for the next session.

Our Association stands ready to serve on any study committees which the Holdover Committee might set up for this purpose.

Sincerely yours,

(Mrs.) Beatrice Kord

Chairman, American Association
of Social Workers

BK:ft

FIRST CHURCH OF CHRIST, SCIENTIST,
IN HONOLULU
1508 PUNAHOU ST.

CABLE AND WIRELESS ADDRESS
"HONOSCA"

HONOLULU, T.H., HAWAII

398

April 12, 1949

To the Honorable Speaker,
and Members of the House of Representatives
Twenty-Sixth Legislature
Territory of Hawaii

Gentlemen:

This church wishes to register its protest against legislation now being considered, known as SB 660, which would legalize betting or gambling on horse racing, on the grounds that it is injurious to the public morals.

We would like to point out that even in its mildest form, legalized gambling has always brought an undesirable element to a city, and Honolulu would be no exception. Money would be taken from the regular channels of trade, such as the grocery store, department store, and other retail markets, and put into the hands of those who come here for only 30 or 45 days and will then return to the Mainland.

The welfare of the community as a whole should be of primary importance in considering any legislation, and we feel that nothing but distress and suffering could result from such detrimental action as passing SB 660. For the good of the average man, whom this bill would permit to be victimized, we ask that this legislation be defeated.

Sincerely yours,

BOARD OF DIRECTORS

Marjorie Shadduck

(Mrs.) Marjorie Shadduck
Clerk

P. O. BOX 355

WIRELESS ADDRESS "MAUELECT"

# MAUI ELECTRIC COMPANY, LTD.

LIGHT, POWER, HEAT

ELECTRICAL SUPPLIES

WAILUKU, MAUI, HAWAII
U. S. A.

April 14, 1949

The 25th Legislature
House of Representative
Honolulu, Oahu

Gentlemen:

As directed by House Resolution No. 61, which was forwarded by your letter of March 28, 1949, listed below are employees who do not meet the three years residence requirement of Section 4741 of the Revised Laws of Hawaii 1945:

| Name | Veteran Status | Job | Date Hired | Date First Arrived in Territory |
|---|---|---|---|---|
| Edward Williamson | Yes | Turbine Operator | 6/21/48 | 6/48 |
| George M. Hawkins | Yes | Watch Engineer (Power Plant) | 4/28/48 | 1/48 |
| Howard J. Gee | Yes | Fireman Helper | 1/10/49 | 8/47 |
| Carmel White | Yes | Fireman | 1/5/49 | 10/48 |
| Ernest Smith | No | Turbine Operator | 3/9/49 | 9/48 |
| Alvin P. Beech | Yes | Truck Driver | 1/26/48 | 6/48 |
| Kenneth O. Zartman | Yes | Intermediate Lineman 1/c | 10/21/48 | 10/48 |

In each case the individual hired was the only acceptable applicant for the job after public advertisement in local and Honolulu papers and inquiry through the Territorial Employment Service.

Yours very truly,

MAUI ELECTRIC COMPANY, LTD.

W. K. Watkins, Manager

WKW/RRL/fm

HONOLULU COUNCIL OF SOCIAL AGENCIES
TELEPHONE 67749
516-17-18 HAWAIIAN TRUST BUILDING
HONOLULU 48, HAWAII

ORRIN W. ROBINSON, PRESIDENT

FERRIS F. LAUNE, PH. D., SECRETARY

April 12, 1949

H00

The House of Representatives
Twenty-Fifth Legislature
Iolani Palace
Honolulu, T. H.

Gentlemen:

The Honolulu Council of Social Agencies has been very much impressed by the desire of the Legislature to improve the general governmental setup, particularly as regards some of the welfare institutions and agencies, as represented by bills introduced into the Legislature. We are very strongly of the opinion that some of the changes that have been proposed may have some merit but believe that they can be made only after careful study of all of the angles involved. We are, therefore, pleased to see that the Legislature is proposing to provide for a holdover committee which can study matters of this sort during the intervening months before the next Legislature is called.

The Honolulu Council of Social Agencies is an organization made up of some 50 of the private and public agencies interested in health and welfare in the community and is constantly in touch with the work in these fields. When the Holdover Committee is established, we should be very glad to offer our services in consultation on matters in this field and if any Citizens' Committees are set up to make special studies for the Holdover Committee, we should be very pleased to be represented on such committees and to give such service as our resources permit.

Very truly yours,

Ferris F. Laune

FERRIS F. LAUNE,
SECRETARY

FFL:mf

Paauilo, Hawaii
April 13, 1949

401

TO THE HONORABLE CLERK:

May I call to your attention the importance of H.B.718 requesting an appropriation of $240,000 to complete the unfinished portion of our school at Paauilo, Hawaii.

The Legislators from the Big Island are aware of this need and that portion of the Paauilo School that is now under construction.

Our school was burned to the ground in 1945 and ever since that time we have been housed in army barracks made of canec partially enclosed in one-fourth inch wire netting. Colds among the student body and faculty have been rampant, hospitalization of students as well as teachers, numerous absenteeism unduly necessary due to the constant rains, windy days and chilling weather conditions.

At the present time, with funds from the fire insurance, some Federal money and an additional appropriation of $50,000 from the 1947 Legislature, nine classrooms are now under construction, the same to be made ready by the Fall opening of school in September of 1949.

The above mentioned construction takes care of only a small portion of the whole plant. We need an additional appropriation of $240,000 to build the following unfinished portion of our school as originally proposed:

1. Principal's office and administration room
2. Library
3. Cafeteria to serve at least 350 persons
4. One additional classroom
5. Toilets and showers for boys and girls
6. Teachers rest rooms: one for men and one for women
7. Shop and Agriculture building
8. Covered passages between each of the three main portions of building
9. Garage to house and storage space the farm machinery and other equipment
10. Health room
11. Grading and utilities (need of complete new classroom and rest room and office furniture, shelves, etc.)

There are no frills to this school and we humbly beg you to consider our need and request for monies to complete our school.

We, the Parents and Citizens of Hawaii ask that school funds be mandated for this special purpose and the same not be made a part of any general appropriation to our County.

We have not asked for any other monies from the Territory this year for our Community, except funds to complete the remaining portion of our school. Our present school enrollment is 320 students.

If at all possible, please bear with us and help us.

Sincerely,
PAAUILO SCHOOL P.T.A.

M. L. Ramos Jr.
President

YOUNG WOMEN'S
CHRISTIAN ASSOCIATION

TELEPHONE 6001 - 1040 RICHARDS STREET
P. O. BOX 337 - HONOLULU 9, HAWAII

April 16, 1949

402

Honorable Hiram L. Fong
Speaker, House of Representatives
Iolani Palace
Honolulu, T. H.

Dear Sir:

The Board of Directors of the Honolulu Young Women's Christian Association is deeply concerned with the welfare of youth of our community and therefore is opposed to H.B. 957. We believe that any extension of closing hours of business for licensed premises is not in the best interest of our young people.

Very truly yours,

Winifred M. Mitchell
Mrs. Donald Mitchell
Acting President, YWCA

Ula B. Sheecha
Mrs. Ula B. Sheecha
Chairman
Public Affairs Committee

# HAWAII RESTAURANT and DISPENSERS ASSOCIATION

ROOM 18, PANTHEON BUILDING · TELEPHONES 56249-59299 · HONOLULU 9, HAWAII

April 14, 1949

HB 552

The Honorable Hiram L. Fong
Speaker, House of Representatives
Territorial Legislature
Iolani Palace
Honolulu, Hawaii

Dear Representative Fong:

The Hawaii Restaurant and Dispensers Association is well aware of the necessity of taxation and the need for increased revenue. However, it is our sincere opinion that an increase in the taxes of liquor will defeat this purpose. It is felt that our opinion can best be substantiated by the statements of a few of our nation's outstanding leaders. The Association is confident that if the following comments are given careful consideration by each and every Legislator there will be no doubt in their minds as to the detrimental effects any increase in liquor taxes would create.

The Association wishes to go on record as being strongly opposed to any increase in liquor taxation whatsoever and the passage of HB 552 is therefore vigorously opposed. Those portions of SB 483 and 810, changing the liquor tax application from the retail to the wholesale level, would raise the liquor tax. We recommend that a percentage be adopted which will not increase the existing amount of taxes.

It is requested that the following quotations receive your careful attention:

From the Beverage Bulletin, San Francisco, California, "Representative John D. Dingell of Michigan, Majority Member of the Ways and Means Committee on March 1, 1949 warned that in seeking to raise additional revenue through increased liquor taxation the states may defeat their own objective and at the same time reduce Federal revenues."

"I have noted lately, reports of increased bootlegging activity throughout the U.S. This illegal, non-taxable traffic may be expected to increase further if liquor taxes are increased at state levels."

"Taxation of Liquor is estimated to yield $2,419,000,000 of Federal revenue in fiscal 1950. Further inroads of the states in this field are sure to discourage production and reduce tax revenue. Liquor taxes are now at an all time peak of $9.00 per Gal. Federal tax, plus a tax of 50 cents to $4.00 a gallon imposed

by the states. My feeling is that taxation of this commodity as a safeguard against illicit distilling and bootlegging should be reduced and I have proposed legislation to do this by eliminating the wartime increase and reducing the Federal tax to $6.00 proof gallon, which would still be three times the tax in effect with repeal. Federal tax reduction however, will be of doubtful value if an increase is to be offset by increases at the state level."

"Liquor taxation, whether Federal, state or local, is largely a levy against production and the leisure time and pleasure of America's working men and women. It is in the field of excise taxes such as this that we perhaps can give the greatest relief to our citizens without jeopardizing the soundness of state and Federal finances."

R-L NEWS OF NEW YORK - February 1949 - "Vice Admiral F.E.M. Whiting, USN (Ret.), president of Licensed Beverage Industries, said last week that legislative proposals in some states to increase liquor taxes received a setback when Governor Thomas E. Dewey of New York in his budget message opposed increases in the state excise tax on various consumer products including spirits."

"The reason cited by Governor Dewey for his position was that these state excises had reached a point where they now serve to 'REDUCE REVENUE AND INJURE THE ECONOMY IN AN IRREPARABLE WAY'."

"Admiral Whiting pointed out that 'Governor Dewey's message has recognized that taxes have already been expanded to the point where moonshining is encouraged, therefore creating manifold enforcement problems. The decision not to further increase state excise is definitely in the interest of sound social policy'."

Beverage Bulletin, March 1949 - "Consumption of distilled spirits in 1949 dropped 5.8 percent below the 1947 figure. This marks the second successive year that consumption was down from the preceding year. Along with the falling off in consumption, Federal excise revenues on distilled spirits last year were 9.6 per cent below 1947 receipts."

In view of the general leveling off of economic conditions we feel that with the existing high level of taxes imposed upon the liquor industry locally (one of the highest in the United States) every effort should be put forth to decrease rather than increase further taxation.

Very truly yours,

HAWAII RESTAURANT AND DISPENSERS ASSOCIATION

By Corinne von Wedelstaedt

Corinne von Wedelstaedt
Executive Secretary

CvW:em

# HAWAII RESTAURANT and DISPENSERS ASSOCIATION

ROOM 18, PANTHEON BUILDING · TELEPHONE 56249 · HONOLULU 9, HAWAII

April 13, 1949

404

The Honorable Hiram L. Fong
Speaker, House of Representatives
Territorial Legislature
Iolani Palace
Honolulu, Hawaii

Dear Representative Fong:

The Hawaii Restaurant and Dispensers Association is of the emphatic belief that HB 960 and SB 507, exempting the YMCA's and YWCA's from the payment of real property taxes, is extremely dangerous and highly unfair to all business enterprises in the entire Territory.

1. Should these two bills be enacted into law, it would open the door for all tax free organizations to ask for the same privileges as granted to the YMCA's or YWCA's and would make it their right to do so.

2. This Association foresees the possibility of ruinous and unfair competition to non-tax free organizations conducting cafeterias or restaurants in close proximity to those conducted on tax free property. In the case of the YWCA cafeteria, it is acknowledged that this commercial enterprise is conducted in a very beautiful and very expensive building. The ground floor, down town location, with its beautiful surroundings make it an ideal site for the type of operation to which it is now put. Should a competitor invest a comparable amount of money to build a similar cafeteria in a comparable down town location, he would have to either invest a huge sum of money or would have to pay an extremely high rent to the owner of such a building.

3. Should the "Y's" be allowed to help finance their operations by pure commercialism, on tax free property, certainly other institutions now enjoying the tax free privilege should be accorded the same considerations. This would then "open the door" for all to enter into any type of business enterprise, on a tax free basis, with advantages that are not available to comparable commercial business.

4. Eleemosynary institutions are supported by the public and should continue to be supported by the public as a whole. However, they should not be allowed to enter into competition with the business firms, who along with the public, are supporting these institutions.

The restaurant and liquor dispensing industry, a majority of whom are members of this Association, are one of the largest, single, annual contributors to the "Y's", through the Honolulu Community Chest. Their contributions are handled through the office of the Association. Therefore, we are not minimizing the value of these organizations. However, we sincerely believe that the YMCA's and YWCA's should be kept eleemosynary institutions, supported by the public and not allowed to become commercial enterprises.

The foregoing points substantiate the fact that these bills are highly discriminatory, unjust, unfair and unsound. We are confident that you, as a member of a governing body, representing the democratic rights and interests of the public at large, will defeat the passage of these two bills or any amendments thereto.

Yours very truly,

HAWAII RESTAURANT AND DISPENSERS ASSOCIATION

By Corinne von Wedelstaedt
Corinne von Wedelstaedt
Executive Secretary

CvW:em

405

247-B Beach Walk
Honolulu, Hawaii
April 14, 1949

Mr. Hiram L. Fong, Speaker of
the House of Representatives
Iolani Palace
Honolulu, Hawaii

Re: Senate Bill 488

Dear Sir:

I am writing to you to register a protest against the passage by the Legislature of a Senate Bill 488 which concerns the Department of Public Welfare.

As a citizen and taxpayer, I am firmly convinced that passage of this Bill will increase the expenditures made by the Department for public assistance. This conviction is based upon the fact that the measure proposed by Senate Bill 488 has been tried out by various states on the mainland and has been proven to be a mistaken and costly way of administering Public Welfare. As in any other line of specialized work, Public Welfare can best be administered by a person who has experience in the field and is fully aware through his experience of all the factors which must be taken into consideration in running efficiently the Department of Public Welfare.

From the standpoint of giving assistance to people who need such help, the Department of Public Welfare will be seriously handicapped by the section of the Bill which removes the safeguard of privacy from the individual case records. Without this safeguard physicians, lawyers, other social agencies and many other professional persons and organizations will be unable and unwilling to cooperate in giving the Department information which may be necessary to determine eligibility for assistance.

I request that these matters be taken into consideration before passage of the Bill and recommend that the whole matter of the administration of the Department of Public Welfare be given much more consideration and study before any drastic changes are made in the present organization.

Sincerely,

Rosemary Hayes

(Miss) ROSEMARY HAYES

*Honolulu Consumers Council*
P. O. Box 337
HONOLULU 9, HAWAII

Com
406

April 13, 1949

The Honorable Hiram L. Fong
Speaker, House of Representatives
Iolani Palace
Honolulu,T. H.

Dear Sir:

The Honolulu Consumers Council supports H.B. 411 RELATING TO BUTTER. We believe that this legislation is in the interest of the consumer, the retailer who sells butter, the wholesaler, and manufacturer. The consumer wants to know and has a right to know the grade, weight, and manufacturer of the butter he buys. We believe that the manufacturer of a good product would benefit by the enactment of this bill.

The Honolulu Consumers Council asks that HB 411 be brought before the House of Representatives and urge that favorable action be taken.

Very truly yours,

Mildred Towle

Miss Mildred Towle
Secretary

HAWAII CIVIL LIBERTIES COMMITTEE
P.O. Box 2120
Honolulu, T. H.

407

April 13, 1949

Honorable Hiram Fong, Speaker
and Members of the House of Representatives
House of Representatives, T. H.
Iolani Palace, Honolulu

Re: House Bill No. 89 - To Assure Equal Rights in Places of Public Accommodation, Resort or Amusement

Dear Honorable Speaker and
Members of the House of Representatives:

The Constitution of the United States provides that all persons shall enjoy full and equal privileges regardless of race, religion, or descent.

This is the basis of a democracy. Each and every person as a human being of this earth is entitled to his share of this democracy. Hawaii, as a Territory of the United States and in assuming the same basic concepts of democracy as the United States, is bound to afford to its people the same basic rights of equality.

The Hawaii Civil Liberties Committee in a survey has proved that discrimination does exist in Hawaii.* Rank discrimination because of color or national descent was shown in a number of public places such as bars, hotels, restaurants, and public places of entertainment and amusement. Such discrimination is a disgrace to the democratic concept of equality for all.

The passage of House Bill No. 89 is of the utmost importance if this condition is to be rectified.

We respectfully request that you, as representatives pledged to support, protect, and further the good of the people of Hawaii, approve and pass House Bill No. 89 -- a bill which is strongly needed to insure such equal rights as are the heritage of the people.

Respectfully yours,

HAWAII CIVIL LIBERTIES COMMITTEE

Robert Greene

Robert Greene
Chairman

FV RG

*Note: Substantial evidence documenting the H.C.L.C. survey can be furnished upon request.

# THE HAWAII EDUCATION ASSOCIATION

ROOM 1, SCHUMAN BUILDING • PHONE 59116
205 MERCHANT STREET
HONOLULU 1, HAWAII, U.S.A.

CLARENCE B. DYSON, PRESIDENT
LILLIAN A. GIVENS, 1ST VICE-PRES.
CLAYTON W. WHITCOMB, 2ND VICE-PRES.
ERNEST SPILLNER, 3RD VICE-PRES.

JAMES R. McDONOUGH
EXECUTIVE SECRETARY

A. KEAKEALANI LEE
RECORDING SECRETARY

ISAMU MIYOSHI
TREASURER

408

April 16, 1949

The Honorable Hiram L. Fong
Speaker of the House of Representatives
25th Territorial Legislature
Iolani Palace
Honolulu, T. H.

Dear Mr. Speaker:

I respectfully submit herewith a resolution adopted by the Hawaii Education Association April 14, 1949 opposing the enactment of S. B. 660.

Truly yours,

James R. McDonough

James R. McDonough
Executive Secretary

JRM:lko

## A RESOLUTION

WHEREAS, the Hawaii Education Association is vitally concerned with all matters having to do with the welfare of youth, and

WHEREAS, it is the conviction of members of this association that the legalization of betting on horse races will inevitably work to the detriment of youth and to an increase in juvenile delinquency, and

WHEREAS, it is apparent that mainland communities which have legalized such betting have suffered impairment in general moral tone of the community,

THEREFORE, BE IT RESOLVED that the Hawaii Education Association in convention assembled this 14th day of April 1949 express its opposition to S.B.660 and urge that it either not be reported out by the Judiciary Committee of the House, or that it be defeated on the floor of the House, and

BE IT FURTHER RESOLVED that if the bill should be passed by the Legislature, this association respectfully urge the Governor of Hawaii to veto the bill, and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Speaker of the House of Representatives, to the Chairman and to each member of the Judiciary Committee of the House, to the Governor of Hawaii, and to the daily papers of Honolulu.

HAWAII EDUCATION ASSOCIATION
Adopted April 14, 1949

American Veterans Committee(AVC)
Territory of Hawaii, Chapter # 7
1671 Ua Drive
Honolulu 31, T. H.

409

Speaker of the House of Representatives
Twenty-Fifth Legislature
Territory of Hawaii
Iolani Palace
Honolulu, T. H.

Mr. Speaker:

We respectfully request that your Committee on Finance consider the following House Bills at the earliest possible moment: House Bills No. 402, 551, 797, 967, 979,1064, and 1115. These measures are non-controversial to the extent that all of the veterans organizations represented on the Island of Oahu are in agreement that these are good bills. We'd like to direct your attention to the fact that the appropriations required in connection with these measures are nominal.

Yours very truly,

Rod Gudgel
Rod Gudgel
Secretary

# THE YOUNG MEN'S CHRISTIAN ASSOCIATION

OFFICERS
Theodore F. Trent, President
J. Ballard Atherton, Vice Pres.
Mitsuyoshi Fukuda, Secretary
Richard H. Wheeler, Treasurer
Hung Wai Ching, Ass't. Treas.

P. O. BOX 459
HONOLULU 9, HAWAII

GENERAL OFFICES
Henry G. Ellis, General Secretary
Phone 55895
Sheldon E. Swanson, Assoc. Gen. Sec'y.
Phone 66751

H 10

April 15, 1949

To the Honorable Speaker, and
Representatives of the Territorial Legislature
Twenty-fifth Biennial Session
Iolani Palace
Honolulu, Hawaii

Gentlemen:

The Board of Directors of the YMCA of Honolulu, representing its 9,584 members, has today taken action by majority vote, as follows:

We wish to place before you our strong protest against legislation to legalize gambling, and particularly to place urgent protest against the Senate Bill which proposes to legalize Pari-mutuel betting. It is also part of our action to request the opportunity of appearing at a hearing on the proposed Senate Bill.

Your best consideration of the action herein described is fully anticipated.

Yours very sincerely,

THE YMCA OF HONOLULU

Theodore F. Trent

Theodore F. Trent
President

TFT/je

4. SB660

PACIFIC STATES BUTTER, EGG,



TRINITY 0415

CHEESE AND POULTRY ASSOCIATION

EXECUTIVE OFFICES
1304 E. SEVENTH ST. LOS ANGELES 21, CALIF.

April 14, 1949

AIRMAIL

Hon. Hiram L. Fong, Speaker
House of Representatives
Honolulu, T. H.

Dear Mr. Fong:

At the 25th Annual Meeting of the Pacific States Butter, Egg, Cheese and Poultry Association held in Los Angeles, March 15, 1949, the Board of Directors unanimously passed the following resolution and instructed me to transmit it to you and Senator Wilfred C. Tsukiyama:

> WHEREAS the present laws of the Territory of Hawaii require that all shell eggs imported into the Territory be individually marked with place of origin
>
> AND WHEREAS this constitutes a discriminatory trade barrier between the Mainland United States and the Territory of Hawaii
>
> THEREFORE BE IT RESOLVED, that the Hawaiian Legislature respectfully be requested to consider and modify these laws so that shell eggs produced in the Mainland United States shall be exempt from requirements for marking of origin on each egg imported into the Territory of Hawaii.

This Association has over two hundred active members, including leading processors and distributors, in the eight Western States and several hundred associate members stretching to the Atlantic Seaboard.

Realizing the strains on our present economy in all parts of the United States, as well as pressures of prices and taxes on the consumer's food budget, our industry is seeking every means to do a more efficient job of distribution and in the most economical way. With costs and expenses of every kind at present levels, we feel every obstructive or unnecessary operation should be dispensed with if we are to reduce the spread between the farmer and the consumer and improve standards of living.

We, therefore, respectfully invite your earnest consideration of the above request.

Sincerely yours,

Henry D. Greene

Henry D. Greene
Executive Secretary

Misc Corr.
417

April 16, 1949.

Dear Sir.

We as Property Owners would appriciate if we could have a PUBLIC HEARING to get the FACT straight regarding the REAL ESTATE BILL. Thanking you in advance for your kind attention.

Yours Truly
George M. Masaki.

# HONOLULU REALTY BOARD

95-B MERCHANT STREET
HONOLULU, HAWAII
TELEPHONE 66502

Misc Com. 413

April 18, 1949

The Honorable Speaker
The Honorable Vice-Speaker
and Honorable Members of the
House of Representatives
Iolani Palace, Honolulu, T. H.

Gentlemen:

The Honolulu Realty Board is vitally concerned over pending legislation now in the House relative to strengthening the real estate laws of the Territory.

The Honolulu Realty Board has been sponsoring House Bills 445, 446 and 447 which we believe will result in the greatest benefit to the real estate profession.

May the members of the Honolulu Realty Board urge, as strongly as possible, that every effort be made to pass House Bills 445, 446 and 447.

If no action is taken on these bills during the 25th Legislative Session, irreperable damage will be done the real estate profession.

Very truly yours,

HONOLULU REALTY BOARD

By E. A. Bolles
E. A. Bolles, President

By Lindsley Austin
Lindsley Austin,
Executive Secretary

Misc. Com 414

WILLIAM P. ODOM

CANTERBURY HOUSE
GREAT NECK, L.I., N.Y.

TELEPHONE
GREAT NECK 2-7310

April 6, 1949

The House of Representatives
The Twenty-Fifth Legislature
Territory of Hawaii

Gentlemen:

I feel honored to have received your resolution commending my recent flight in the "Waikiki Beech" from Honolulu to Teterboro, New Jersey.

I am leaving shortly on a nation-wide tour with the airplane and several million people will again be reminded of the many wonderful advantages of vacationing in Hawaii.

I am very enthusiastic about Hawaii and hope to return soon.

Best regards.

Sincerely yours,

Bill Odom

Bill Odom

WPO:ch

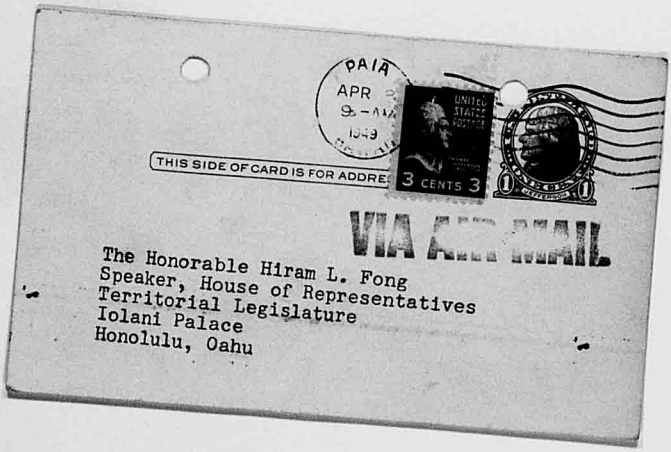
misc Com
414


PAIA
APR
1949
THIS SIDE OF CARD IS FOR ADDRESS
UNITED STATES POSTAGE
3 CENTS 3
VIA AIR MAIL
The Honorable Hiram L. Fong
Speaker, House of Representatives
Territorial Legislature
Iolani Palace
Honolulu, Oahu

I want you to know that I favor the passage of the pari-mutuel racing bill, and ask you to do everything possible to see that the Territorial House of Representatives acts favorably on this matter.

Flora Villanueva
3rd District
Maui County

415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1949
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UNITED STATES POSTAGE
3 CENTS 3
VIA AIR MAIL
The Honorable Hiram L. Fong
Speaker, House of Representatives
Territorial Legislature
Iolani Palace
Honolulu, Oahu

I want you to know that I favor the passage of the pari-mutuel racing bill, and ask you to do everything possible to see that the Territorial House of Representatives acts favorably on this matter.

Pablo Sol
3rd District
Maui County

415

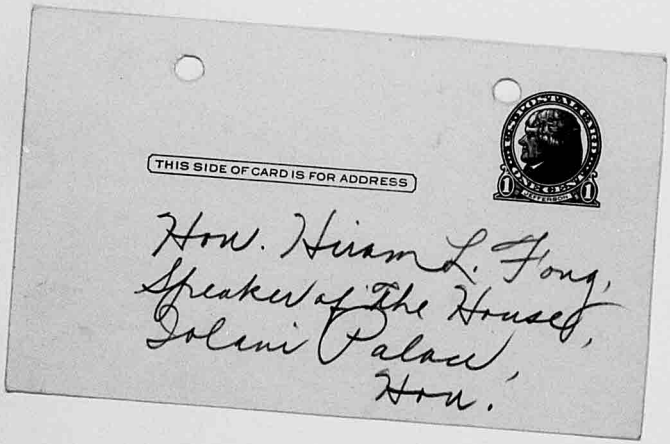
THIS SIDE OF CARD IS FOR ADDRESS

Hon. Hiram L. Fong
Speaker of the House of Representatives
Iolani Palace, Honolulu

Please pass the Pari Mutual Bill. I am in favor of giving it a two year trial. Put men & money to work cut down taxes.

George Uwe Dodlani

416



THIS SIDE OF CARD IS FOR ADDRESS

Hon. Hiram L. Fong,
Speaker of the House,
Iolani Palace,
Hon.

Please pass the Pari Mutuel Bill
I am in favor of giving
it a two year try.
Put men and money to
work. Help to cut down taxes

Edmund H Rogers

416

THIS SIDE OF CARD IS FOR ADDRESS



Hon. Hiram L. Fong
Speaker of the House of Representatives
Iolani Palace, Honolulu

Please pass the Pari Mutuel Bill. I am in favor of giving it a two year trial. Put men & money to work Help to cut down taxes.

Joyce Ito

416

THIS SIDE OF CARD IS FOR ADDRESS



Hon. Hiram L. Fong
Speaker of the House of Representatives
Iolani Palace, Honolulu

Please pass the Pari Mutual Bill. I am in favor of giving it a two year trial. Put men & money to work Help to cut down taxes

John Sica

416

THIS SIDE OF CARD IS FOR ADDRESS



Hon. Hiram L. Fong
Speaker of the House of Representatives
Iolani Palace, Honolulu

Please pass the Pari Mutuel 416
Bill. I am in favor of
giving it a two year trial.
Put men & money to work
Cut down taxes

H. R. Dutro Sr.

THIS SIDE OF CARD IS FOR ADDRESS

Hon. Hiram L. Fong
Speaker, House of Representatives
Iolani Palace
Honolulu

417

PLEASE PASS THE PARI-MUTUEL BILL.....

PUT MEN AND MONEY TO WORK!!!!

Manuel G. Gracia

Misc. 417

318 SIMILAR POSTCARDS WEEDED 1995/1/13

KAUAI MINISTERIAL ASSOCIATION
LIHUE, KAUAI

414

STATEMENT OF OPPOSITION
TO SENATE BILL 660
LEGALIZING PARI-MUTUEL GAMBLING IN HAWAII

Honorable Speaker of the House of Representatives
25th Biennial Session,
Iolani Palace, Honolulu

Honorable Speaker,

The Kauai Ministerial Association (Congregational) wishes to express its unalterable opposition to any legislation which legalizes gambling and, particularly, to Senate Bill 660 which proposes to authorize the establishment of the pari-mutuel betting system for horse racing in the several counties. We respectfully urge your support to vote down Senate Bill 660.

Respectfully yours,

Mitsuo Aoki

Mitsuo Aoki, Minister

418

418

SAM RAYBURN
4TH DISTRICT, TEXAS

The Speaker's Rooms
House of Representatives, U. S.
Washington, D. C.

419

April 8, 1949

Honorable O. P. Soares, Clerk
House of Representatives
Territory of Hawaii
Honolulu, T. H.

Dear Mr. Soares:

I have for acknowledgment your letter of April 4, 1949, transmitting House Concurrent Resolution No. 2, which has been adopted by the Legislature of the Territory of Hawaii.

Yours very sincerely,

Sam Rayburn

419

KAPAA COMMUNITY CHURCH
KAPAA, KAUAI

420

STATEMENT OF OPPOSITION
TO SENATE BILL 660
LEGALIZING PARI-MUTUEL GAMBLING IN HAWAII

To the Honorable Speaker and Members of the House of Representatives,
25th Biennial Session, Iolani Palace
Honolulu, Hawaii

We, the members and pastor of the Kapaa Community Church, take this means of expressing our unalterable opposition to any legislation which legalizes gambling and, particularly, to Senate Bill 660 which proposes to authorize the establishment of the pari-mutuel betting system for horse racing in the several counties. We respectfully urge your honorable body to vote down Senate Bill 660.

Respectfully yours,

Mitsuo Aoki

Mitsuo Aoki, Pastor

420

WAILUKU UNION CHURCH
WAILUKU, MAUI, T. H.

RICHARD H. RITTER, Pastor

421

April 18, 1949.

The Speaker of the House of Representatives,
Territory of Hawaii.

Dear Sir:

I am enclosing herewith a statement in regard to the Pari-Mutuel betting bill which is now under consideration by your House.

This statement was signed by seventy-six persons, most of them members of our church, the other day. No propaganda was used or pressure put upon them. Although I, quite naturally, being a Christian minister and solicitous for the moral welfare of our youth, am opposed to this and any other bill legalizing gambling, I had no idea how strong the opposition was until I circulated this petition. People were eager to sign it. Feeling runs very high. I can see that it will be difficult for any House of Representatives to continue to hold the respect of people like these were this bill to be passed.

I am sure that you will put this statement into the proper hands. Thanking you for your assistance in this regard, I am,

Sincerely yours,

Richard H. Ritter

Richard H. Ritter.

421

STATEMENT OF OPPOSITION
TO SENATE BILL 660
LEGALIZING PARI-MUTUEL GAMBLING IN HAWAII

To the Honorable Speaker and Members of the House of Representatives,

25th Biennial Session, Iolani Palace, Honolulu, T. H.

The undersigned, all residents of the Territory of Hawaii, take this means of expressing our unalterable opposition to any legislation which legalizes gambling and, particularly, to Senate Bill 660 which proposes to authorize the establishment of the pari-mutuel betting system for horse racing in the several counties. We respectfully urge your honorable body to vote down Senate Bill 660.

Each signature to this petition has been made by the individual whose signature appears, and each signer separately and individually has expressed his or her opposition to Senate Bill 660.

Wailuku Union — Church or Religious Organization

Wailuku Maui — Address

Rev Richard Ritter — Pastor, Minister or other Officer

| | |
|---|---|
| Robert P. Bruce | Minnie Pogue |
| Clement Lee | Cory Pogue |
| Emma L. Ritter | W L Tom |
| Ruth L. Tom | Mrs F L Hoogs |
| Geo. Nichols | R H Savage |
| Lorraine Nichols | Mrs. B. N. Savage |
| Daniel T. Klow | Mrs J M Johnson |

Jim Fleming
Betty Fleming
Wm. C. Davis
Demetrio Tampoma
Mrs. Harriet Wong
Lois Bruce
Mrs. Ung Kwai
Oline Y. Takesue
Carolyn Takesue
Georgey Zane
Jean Bruce
Myrtle L. Crockett
Harriet Dankroger
Alex Anderson
Lola Anderson
Mew Kun Goo
Dr. E. H. Goo
Mrs. A. W. Jackson
A. W. Jackson
E. T. Dankroger
Georgia Y. Mujojima
Mitsuo Mujojima
C. Mujojima

E. L. Harker
C. P. Brace
Elsie Nicoll
H. D. Sweeney
Ruth Massot
Geo. T. H. Goo
Grace Crockett
J. F. Fleming M.D.
Esther Ruth Harker
Lesley Ann Bruce
Kenneth D. McNeill
Grace Hooga
Mrs. L. P. Skinner
Edgar C. Laird
Mrs Laird
Carol Brace
Mrs. C. Brace
Ward Fleming
Bob Craft
Alta D. Craft
Rebecca K. Wernert

STATEMENT OF OPPOSITION
TO SENATE BILL 660
LEGALIZING PARI-MUTUEL GAMBLING IN HAWAII

To the Honorable Speaker and Members of the House of Representatives,

25th Biennial Session, Iolani Palace, Honolulu, T. H.

The undersigned, all residents of the Territory of Hawaii, take this means of expressing our unalterable opposition to any legislation which legalizes gambling and, particularly, to Senate Bill 660 which proposes to authorize the establishment of the pari-mutuel betting system for horse racing in the several counties. We respectfully urge your honorable body to vote down Senate Bill 660.

Each signature to this petition has been made by the individual whose signature appears, and each signer separately and individually has expressed his or her opposition to Senate Bill 660.

Wailuku Union Church or Religious Organization

Wailuku Maui Address

Rev. Richard Ritter Pastor, Minister or other Officer

Frederick F. Driftmier, Punahou School, Harvey Ruth

Elizabeth S. Sampson Lydia Lee

Katherine Low Tam Hoy

Mrs. Evelyn L. Ruth Annie V. Crockett

Mrs Wm. C. Davis Lucy T. Goo

Helen Tom Agnes Tam Hoy

Frank Crockett Donald Low

Buddy Jas
Amelia Tam Hoy
F. E. Skinner
Jean Ritter

(76 signatures)

ENGINEERING ASSOCIATION OF HAWAII
TERRITORY OF HAWAII
HONOLULU

422

OFFICERS:
M. R. HEFTY, PRESIDENT
CHARLES PENHALLOW, 1ST VICE-PRESIDENT
R. M. TOWILL, 2ND VICE-PRESIDENT
MARSH W. BULL, SECRETARY-TREASURER
ADDRESS ALL COMMUNICATIONS
TO THE SECRETARY
P. O. BOX 3256
HONOLULU, T. H.
TELEPHONE 55871

DIRECTORS:
E. M. deHARNE
G. C. WALLACE
L. L. GOWANS
G. K. HOUGHTAILING

April 18, 1949

Honorable Hiram L. Fong
Speaker of the House
Iolani Palace
Honolulu, T. H.

Honorable Sir:

The Directors of the Engineering Association of Hawaii at a meeting held Wednesday April 14, 1949, voted unanimously in favor of Senate Bill #68 relating to the amendment Chapter 146 of the Revised Laws of Hawaii 1945.

It is felt that this change is highly desirable and our Directors have gone on record to this effect.

Yours very truly

ENGINEERING ASSN. of HAWAII

Marsh W. Bull
Secretary-Treasurer

MWB:gg

407

DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
WASHINGTON

4-23

8 April 1949

Dear Mr. Soares:

In the absence of the Secretary from the city I am acknowledging receipt of your letter of April 4th, with enclosed House Concurrent Resolution No. 2, relative to the reductions in force of civilian personnel at Ford Island, Pearl Harbor, and other naval, military and air installations in the Terriotry of Hawaii.

Your letter and enclosed Resolution have been forwarded to appropriate Navy Department officials for their information.

Sincerely yours,

D. T. Hammond

D. T. HAMMOND
Commander, U.S.Navy
Administrative Officer

Mr. O. P. Soares
Clerk
House of Representatives
Honolulu 4, T. H.

403

PLEASE PASS THE PARI-MUTUEL BILL.....

PUT MEN AND MONEY TO WORK!!!!

Rhoda Gonemaker

Miss 424


WAILUKU, HAWAII
APR 18
8:30 AM
1949
THIS SIDE OF CARD IS FOR ADDRESS
Hon. Hiram L. Fong
Speaker, House of Representatives
Iolani Palace
Honolulu

SAM RAYBURN
4TH DISTRICT, TEXAS

The Speaker's Rooms
House of Representatives, U. S.
Washington, D. C.

April 5, 1949

H 425

Honorable O. P. Soares, Clerk
House of Representatives
Territory of Hawaii
Honolulu, T. H.

Dear Mr. Soares:

I have for acknowledgment your letter of March 29, 1949, transmitting House Concurrent Resolution No. 25, adopted by the Twenty-fifth Legislature of the Territory of Hawaii.

Yours very sincerely,

Sam Rayburn

4/25

Dear Si

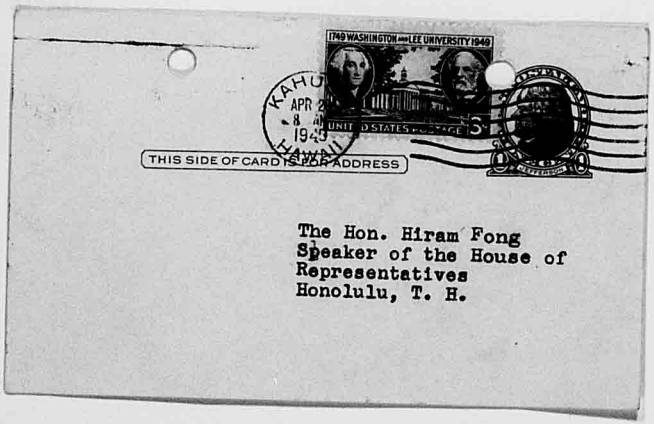
426

Vote NO for Senate Bill 660 on Pari-Mutuel.

Yours truly,

Matsuko Takahashi

Misc. 426




The Hon. Hiram Fong
Speaker of the House of
Representatives
Honolulu, T. H.

Henry D. Appenzeller, D.D., Minister
Margaret Sigafoose
Director of Religious Education
Mary Bethel Tinker, Organist - Director
The Parsonage, 1020 S. Beretania St.
Tel. 56253

# First Methodist Church

Beretania & Victoria, Honolulu, T.H.

Merrill L. Warne, Chairman, Official Board
Louis A. Henke, Pres. Trustees
Ray Burner, Financial Secretary
Cecil C. Martin, Treasurer
The Parish House, 1028 S. Beretania St.
Tel. 66857

April 21, 1949

Hon. Hiram L. Fong,
Speaker of the House of Representatives,
Iolani Palace,
Honolulu T H

Dear Mr. Speaker:

At a meeting of the Official Board of the First Methodist Church of Honolulu on April 20, 1949, the following resolution was adopted unanimously:

Be it resolved that the House of Representatives of the Legislature of Hawaii be advised thru its Speaker, Hon. Hiram L Fong, of unalterable and determined opposition of the First Methodist Church of Honolulu T H, comprising an active membership of some 460, to the passage and enactment into law of S.B 660 as inconsistent with Christian ideals and community standards and contrary to the best interests of the people of Hawaii. It is therefore the expressed wish and sentiment of this Board that this measure be defeated.

Very truly yours

Miles H. Gray

MILES H. GRAY
Chairman of Committee

427

THE WHITE HOUSE
WASHINGTON

J-A

April 16, 1949

My dear Mr. Soares:

The President has asked me to acknowledge your letter of April eleventh with the accompanying certified copy of House Concurrent Resolution No. 34 adopted by the Twenty-fifth Legislature of the Territory of Hawaii. He appreciates your courtesy in sending this Resolution to him.

Very sincerely yours,

William D. Hassett

WILLIAM D. HASSETT
Secretary to the President

Honorable O. P. Soares,
Clerk,
House of Representatives,
Territory of Hawaii,
Honolulu, T.H.

4/18

April 19, 1949

Hon. Hiram Fong and Members,
House of Representatives,
Territory of Hawaii.

Gentlemen:

The editorial in the Star Bulletin April 18, 1949 advising against passage of SJR 27 has prompted me to write this letter. The importance of the resolution to establish a special investigating committee is clear. As the editorial points out such a plan has several threats and dangers to the community.

I believe that a public hearing before the House or before the House Judiciary Committee is needed. Such a public meeting would make possible for the body to hear and weigh the validity of arguments on both sides.

May I suggest that an open hearing on this proposal will be scheduled soon.

Respectfully,
Stephen Murin
1658 A Pikoi St.
Honolulu, T.H.

459

4/30

Honolulu, T. H.
April 19, 1949

Mr. Speaker and members,
House of Representatives,
Territory of Hawaii,
Iolani Palace,
Honolulu, T. H.

Gentlemen:

Senate Joint Resolution number 27 to establish an Un-American Activities Committee in the Territory of Hawaii has yet to be considered by the House of Representatives. Because this bill is of such grave importance and because it is causing deep concern among individuals representing all shades of political opinion, the Hawaii Civil Liberties Committee urges you to schedule a public hearing before you take final action.

The Hawaii Civil Liberties Committee, as a progressive, non-political organization, is strongly opposed to Senate Joint Resolution number 27. At the same time it has become clear that other organizations, as well as individuals representing large groups of citizens, are also opposed to the passage of this bill.

Because it is so important for the members of the House to consider representative opinion in regard to controversial legislation, the Hawaii Civil Liberties Committee at its membership meeting of April 18, 1949 directed me to request the calling of an open hearing on Senate Joint Resolution number 27.

Respectfully,

Robert Greene

Robert Greene
Chairman,
Hawaii Civil Liberties Committee

RG:em

4/30

DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
WASHINGTON

431

11 April 1949

Dear Mr. Soares:

Your letter of April 5th, to the Secretary of the Navy, with enclosed Resolution No. 28, relative to the possibility of the wharfage facilities at Kaneohe Naval Air Station being made available to the Territory of Hawaii, has been received.

The Secretary has asked me to tell you that he has forwarded your letter and Resolution to appropriate Navy Department officials for their information.

Sincerely yours,

D. T. Hammond

D. T. HAMMOND
Commander, U.S.Navy
Administrative Officer

Mr. O. P. Soares
Clerk, House of Representatives
Honolulu, T. H.

431

OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON

8 April 1949

432

Dear Mr. Soares:

The Secretary of Defense has asked me to acknowledge your letter of 4 April transmitting to him House Concurrent Resolution No. 2 adopted by the Legislature of the Territory of Hawaii.

The Secretary is bringing your resolution to the attention of the Secretaries of the Army, Navy, and Air Force.

Sincerely yours,

C. J. Barry
Administrative Secretary

O. P. Soares, Esq.,
Clerk, House of Representatives
Twenty-fifth Legislature
Territory of Hawaii
Honolulu, T. H.

432

JOSEPH R. FARRINGTON
DELEGATE FROM HAWAII

# Congress of the United States
## House of Representatives
### Washington, D. C.

433

April 9, 1949

Mr. O. P. Soares, Clerk
House of Representatives
Territorial Legislature
Honolulu, T. H.

Dear Mr. Soares:

This will acknowledge receipt of

House Concurrent Resolution No. 28,

transmitted under date of April 5.

Sincerely yours,

J. R. Farrington
Delegate from Hawaii

4/33

April 18-1949.

H 34

Speaker & Members
of the House of Representatives

Dear Friends.

This communication is to add one more objection to the many you have already received regarding the Pari-mutuel horse racing bill.

I cannot see any advantage to the Territory that could be derived from its passing. It would only bring undesirables to the Territory. It does not interest our tourist trade. They are looking for something definitely Hawaiian. Our Climate, our flowers, our beaches our Hawaiian hospitality is the principal factor that really counts with tourists not drinking, gambling etc.

I feel very sure that

434

those men and women for whom we voted at the last election will hesitate to pass any law that would be so detrimental to our young America here in the Islands.
Legalized gambling and wide open bars till 2 o'clock in the morning is definitely a curse to any locality. Lets protect our simple Hawaiian Charm.

Sincerely.
Mrs James R. Mahaffy.
Madge Mahaffy
Moana Hotel.

THE WHITE HOUSE
WASHINGTON

435

April 18, 1949

My dear Mr. Soares:

The President has received your letter of April eleventh with the enclosed certified copy of House Concurrent Resolution No. 29 passed by the Twenty-fifth Session of the Legislature of the Territory of Hawaii. He appreciates your courtesy in sending this Resolution to him.

Very sincerely yours,

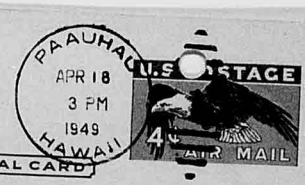
William D. Hassett

WILLIAM D. HASSETT
Secretary to the President

Honorable O. P. Soares,
Clerk,
House of Representatives,
The Twenty-fifth Legislature,
Honolulu,
Hawaii.

436

Crosson
Box 66
Paauhau
Hawaii




AIR MAIL—POSTAL CARD

Speaker, House of Representatives, T. of Hawaii

Iolani Palace

Honolulu, T. H.

Box 66
Paauhau
Hawaii
April 18, 1949

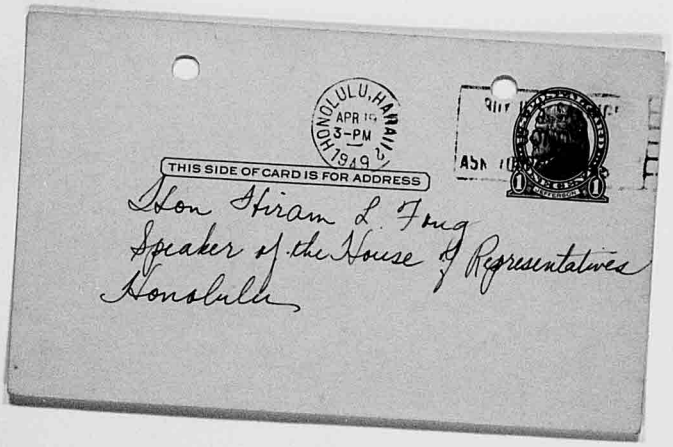
Sir:

It is my understanding that the House of Representatives is planning a public hearing on the issue of pari-mutual betting on horse racing. Since it is impossible for me to attend, I want to state now and loudly, "NO!". As a school-teacher I dread the many bad influences we already have for our children -- let's not have them introduced to the scum of the earth that always follows legal betting at race tracks.

With sincere hope,

John Crosson

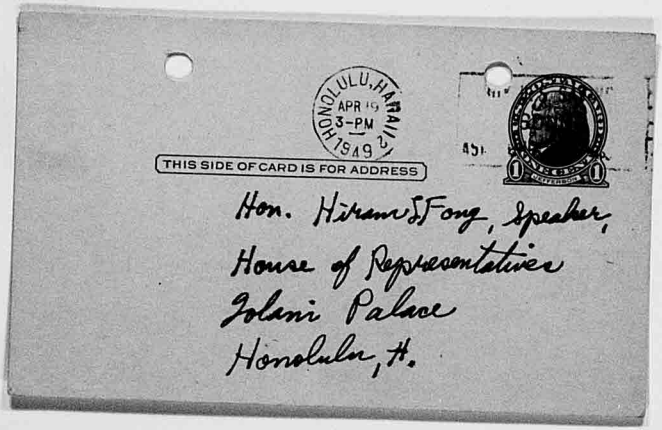
John Crosson


HONOLULU, HAWAII
APR 13
3-PM
1949
THIS SIDE OF CARD IS FOR ADDRESS
Hon Hiram L. Fong
Speaker of the House of Representatives
Honolulu

Dear Sir.

As a member of the Executive Committee of the Fellowship of Reconciliation I would like to state my sincere opposition to the Pari-mutuel betting issue before the House

Robert H. Monell

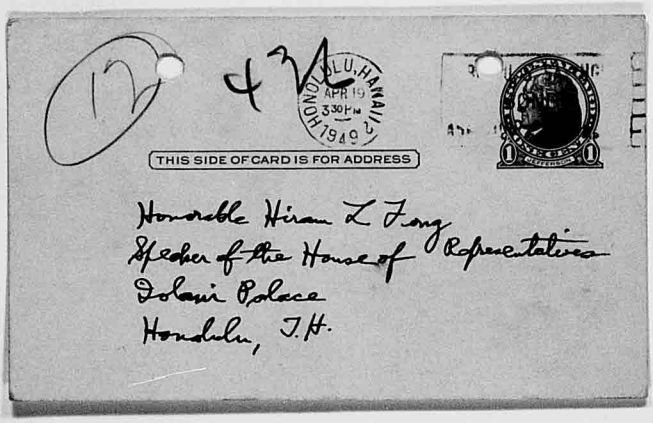

HONOLULU, HAWAII
APR 19
3-PM
1949
THIS SIDE OF CARD IS FOR ADDRESS
Hon. Hiram L. Fong, Speaker,
House of Representatives
Iolani Palace
Honolulu, H.

I am opposed to Senate Bill 660 permitting pari-mutuel in Hawaii

Art Danforth
214 Makee Rd.

4/19/49

Misc. 436


HONOLULU, HAWAII
APR 19
330 PM
1949
THIS SIDE OF CARD IS FOR ADDRESS
Honorable Hiram L Fong
Speaker of the House of Representatives
Iolani Palace
Honolulu, T.H.

April 18, 1949

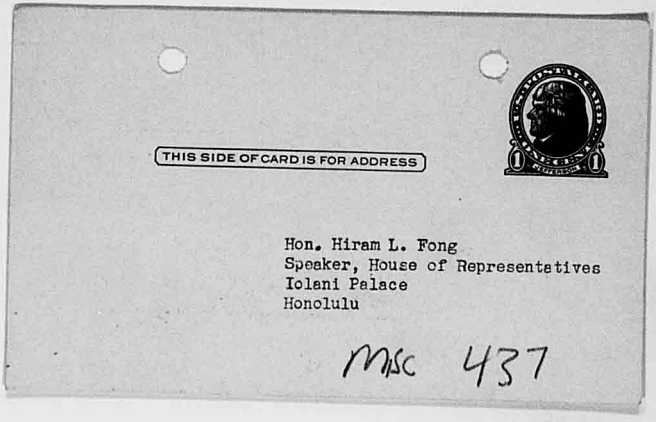
Dear Sir,

This is to inform you that I am unalterably opposed to the passage of SB 660, legalizing Pari-mutuel gambling.

Sincerely yours,
Edward L. Whittemore

9 SIMILAR POSTCARDS
WEGOED
1995/1/13

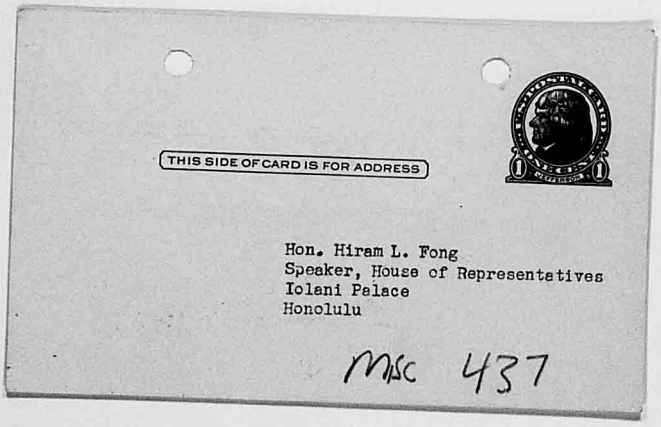
Misc Corr 4/36



THIS SIDE OF CARD IS FOR ADDRESS

Hon. Hiram L. Fong
Speaker, House of Representatives
Iolani Palace
Honolulu

MSC 437


THIS SIDE OF CARD IS FOR ADDRESS

Hon. Hiram L. Fong
Speaker, House of Representatives
Iolani Palace
Honolulu

MSC 437

PLEASE PASS THE PARI-MUTUEL BILL.....

PUT MEN AND MONEY TO WORK!!!!

Gene Martin

267 SIMILAR POSTCARDS WEEDGO 1995 1/1/18

SAM RAYBURN
4TH DISTRICT, TEXAS

The Speaker's Rooms
House of Representatives, U. S.
Washington, D. C.

439

April 9, 1949

Honorable O. P. Soares, Clerk
House of Representatives
Territory of Hawaii
Honolulu, T. H.

Dear Mr. Soares:

I have for acknowledgment your letter of April 5, 1949, transmitting House Concurrent Resolution No. 28, adopted by the Twenty-fifth Legislature of the Territory of Hawaii.

Yours very sincerely,

Sam Rayburn

Mayor
JOHN H. WILSON

Board of Supervisors
JOHN M. ASING
MILTON D. BEAMER
ERNEST N. HEEN
RICHARD M. KAGEYAMA
NOBLE K. KAUHANE
CHUCK MAU
MANUEL C. PACHECO

LEON K. STERLING, SR.
City and County Clerk

Deputies
ELLEN D. SMYTHE
EDWARD LEONG
LEILA F. VANNATTA
EMPEROR A. HANAPI

439
Refer to
M-389

# BOARD OF SUPERVISORS
CITY AND COUNTY OF HONOLULU
HONOLULU 13, HAWAII

April 20, 1949.

Mr. O. P. Soares
Clerk of the House of Representatives
Twenty-Fifth Legislature
Territory of Hawaii
Honolulu, T. H.

Dear Sir:

Your communication of April 16th submitting House Concurrent Resolution No. 8, as adopted by the Twenty-Fifth Legislature relating to public cemeteries, was referred to the Committee on Finance.

Respectfully yours,

BOARD OF SUPERVISORS

By Leon K. Sterling Sr.
LEON K. STERLING, SR.
City and County Clerk

eah

COMMITTEE ON PUBLIC WORKS (ROADS, BRIDGES, PUBLIC HIGHWAYS, GARBAGE, WATER, SEWERS, MUNICIPAL GARAGE AND TRAFFIC).
Noble K. Kauhane, Chairman — Milton D. Beamer, Vice-Chairman — Chuck Mau, Member — Richard M. Kageyama, Member

COMMITTEE ON FINANCE (PUBLIC EXPENDITURE, POLICE, FIRE, HEALTH, SCHOOLS, PUBLIC BUILDINGS, PARKS AND PLAYGROUNDS).
Manuel C. Pacheco, Chairman — Ernest N. Heen, Vice-Chairman — John M. Asing, Member — Richard M. Kageyama, Member

# THE REAL ESTATE LICENSE COMMISSION
## OF THE TERRITORY OF HAWAII

HONOLULU 7, T. H.

440

P. O. BOX 1141

April 19, 1949

MEMBERS:
EDWARD A. BOLLES
CHAIRMAN
DAVID K. BENT
EATON H. MAGOON

Honorable Hiram L. Fong
Speaker of the House of Representatives
Iolani Palace
Honolulu, T. H.

Sir:

Your attention is invited to the contents of House Resolution 108, dated April 11, 1949, transmitted to this Commission for its action, compliance, and investigation.

In reliance upon the directives contained in subject Resolution, the Real Estate License Commission of the Territory of Hawaii respectfully submits the following progress report:

(a) The Commission investigation ordered by the House of Representatives in reference to "the holding of real estate licenses by brokers or salesmen in the Territory who have been convicted of crimes involving moral turpitude" is proceeding rapidly and is now almost completed. The results of this investigation will be transmitted to the House of Representatives as soon as possible.

(b) The Commission investigation ordered by the House of Representatives in reference to the "circumstances surrounding the complaint of one GEORGE MIGITA with reference to a real estate transaction in 1949," has been completed, and the following action has been taken by this Commission:

(1) On April 13, 1949, a formal hearing was held by the Real Estate License Commission on the Migita case. The prosecution for the Commission was conducted by John R. Canright, Territorial Deputy Attorney General.

(2) On the basis of the testimony resulting from the hearing above-cited and at its regular meeting held on April 19, 1949, the Real Estate License Commission voted to revoke the real estate broker's license of Mrs. Myrtle Yoshiko Masuda, principal real estate broker in the Migita case. Mrs. Masuda's broker's license was revoked for the following causes, listed in Section 7741, Chapter 150, Revised Laws of Hawaii, 1945, as amended:

"Sec. 7741. Revocation, suspension, hearing. The commission may revoke any license issued hereunder, or suspend the right of the licensee to use such license, for any of the following causes:

"2. Making any misrepresentation concerning any real estate transaction;

"3. Making any false promises concerning any real estate transaction of a character likely to mislead another;"

Mr. A. H. Shuttlewood, employing and co-broker in the Migita case was also given a strong letter of reprimand by the Commission.

The licenses of the following real estate salesman and broker were also revoked for cause at the Commission's regular meeting above-cited:

| Name | Type of License Held | Statute Cause |
|---|---|---|
| David Au | Real Estate Salesman | Sec. 7741(1), Chap.150,RLH,1945 |
| George S. Yamamoto | " " Broker | " " (2,3,4,8,9) " |

The Real Estate License Commission will continue to keep the House of Representatives fully informed at all times on the progress and results of the investigation mandated by House Resolution 108.

Respectfully yours,

Edward A. Bolles

Edward A. Bolles
Chairman

EAB:ei

441

Honolulu, Hawaii
April 20, 1949

Mr. Speaker and Representatives:

One of the undemocratic practices on the shady fringe of legality is the use of formal or informal restrictive covenants in order to preserve certain residential areas for owners or lessees of favored races -- usually the Caucasian race.

This practice, while not very common in Hawaii, is by no means unknown. The recent opening of the Aina Haina subdivision has called it forcibly to public attention.

Should a Holdover Committee be set up by this Legislature, we respectfully request that provision be made for a study of this form of discrimination by the Committee, with the object of recommending appropriate legislation on the subject.

Respectfully yours,

HAWAII CIVIL LIBERTIES COMMITTEE

By Robert Greene
Chairman

JOSEPH R. FARRINGTON
DELEGATE FROM HAWAII

442

# Congress of the United States
## House of Representatives
### Washington, D. C.

April 8, 1949

Mr. O. P. Soares, Clerk
House of Representatives
Territorial Legislature
Honolulu, T. H.

Dear Mr. Soares:

This will acknowledge receipt of House Concurrent Resolution No. 2, forwarded under date of April 4.

Sincerely yours,

J. R. Farrington
Delegate from Hawaii

REV. HAROLD JOW
PASTOR

REV. WING YOU CHONG
ASSOCIATE

# BERETANIA CHURCH OF CHRIST

74 N. BERETANIA STREET • TELEPHONE 68418

HONOLULU 18, HAWAII

443

United Church of Christ
467 Judd Street Honolulu 44, T.H.

April 20, 1949

Mr. Hiram Fong, Speaker,
House of Representatives,
Iolani Palace, Honolulu

Dear Mr. Fong:

We wish to express our whole-hearted disapproval of Senate Bill 660 which proposes to legalize horse race gambling. We feel that such a bill if adopted, will lead to many evils and contribute to the delinquency of our young people.

We strongly urge the members of the House of Representatives to vote down this bill. All the arguments pro and con on this bill have been enumerated by others, but we do want you to know that as a young adult organization in the community, we are against passage of this Senate Bill 660.

Most sincerely yours,
Frederick Chung
Rosamond Mau

Steering Committee officers,
Young Adult Society,
United Church of Christ

Misc 443

# WAIALUA COMMUNITY ASSOCIATION, INC.

JOSEPH KEAHIOLALO, President
LAWRENCE S. NOSSE, Vice-President
WILBERT KISHINAMI, Secretary
JONATHAN H. AIAU, M.D., Treasurer
MISS ALICE M. PROVOST, Executive Agent

BOARD OF TRUSTEES
FRANK MIDKIFF
GEORGE TANABE
RICHARD NUNES
ADAMS FORSYTHE
ROY SHIMAMOTO
JOHN KALILI
RAY O'DONNELL
GILBERT MASUDA
MUTSUYUKI SAKAI

TELEPHONE
WAIALUA 4 BLUE 779

P. O. BOX 365
WAIALUA, OAHU, T. H.

April 21, 1949

President Hiram Fong and Members
House of Representatives
Territory of Hawaii
Honolulu, T. H.

Ladies and Gentlemen:

At a meeting of the Waialua Community Association held April 20, 1949, the group, composed of representatives of 31 member organizations and all Waialua residents, went on record opposing Senate Bill 682 calling for the straight 2 per cent rate upon compensation and dividends with a progressive scale of rates from 2 per cent upon the first $2,000 in income to a top rate of 13 per cent on all income over $100,000.

In its stead the community of Waialua favors the passage of the Chamber of Commerce plan which retains the exemptions now allowed. If, however, the yield of taxes from the Chamber of Commerce plan is not great enough to cover the proposed expenditures, then this community favors reductions in appropriations in order to reduce the expenditures.

The Waialua Community Association feels that should the former be adopted, the tax burden of the small wage earner and the small businessman would be greatly increased and would have the effect of driving business out of the Territory and result in increased unemployment.

The Waialua Community Association urges your favorable action on the Chamber of Commerce plan. Thank you for your kind attention in this important matter.

Very truly yours,

Joseph Keahiolalo, President
Waialua Community Association

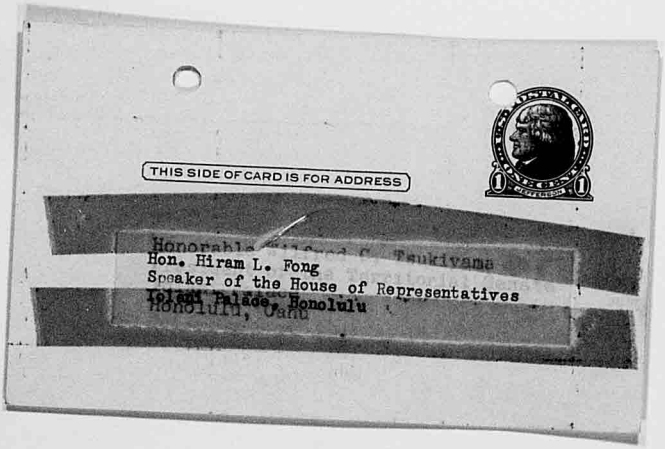
JK:amp
Copy to: President Tsukiyama and Members
Senate

I want you to know that I favor the passage of the pari-mutuel racing bill, and ask you to do everything possible to see that the Territorial Legislature acts favorably on this matter.

Clarence Montalvo
3rd District
Maui County

Mar 4/45

54 SIMILAR POSTCARDS NGGDGD 1995/1/13


THIS SIDE OF CARD IS FOR ADDRESS

Honorable [illegible] Fukiyama

Hon. Hiram L. Fong
Speaker of the House of Representatives
Iolani Palace, Honolulu
Honolulu, Oahu

~~976~~
~~979~~
446

April 22, 1949

Representative Hiram L. Fong
Territorial Legislature
Iolani Palace
Honolulu, T. H.

Dear Representative Fong:

I am a voter and resident of the 5th precinct of the 5th district, and reside at Waialua, Oahu.

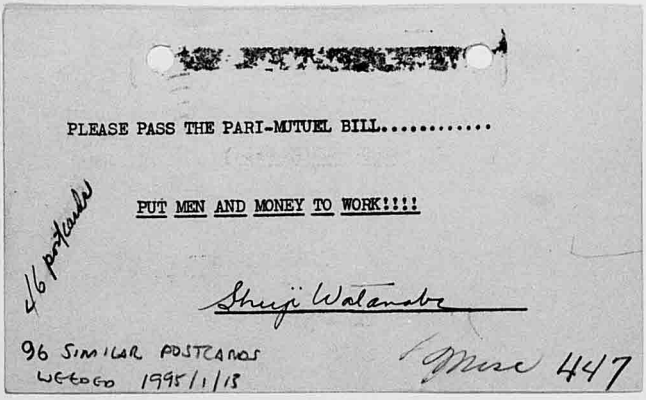
I am writing you this letter because I am against SJR 27, or any other bill, that will form an Un-American Activities Committee, because such a committee as proven on the mainland is nothing but a witch-hunting and smearing committee against any progressive organization. This bill is being pushed by anti-labor and anti-statehood forces in Hawaii, and no good can come out of its passage.

I believe that you, as my elected representative from my district, should do your utmost to prevent this bill from passage.

Yours very truly,

Antonio Cania

40 ADDITIONAL SIMILAR FORM LETTERS WEEDED 1995/1/13



PLEASE PASS THE PARI-MUTUEL BILL.....

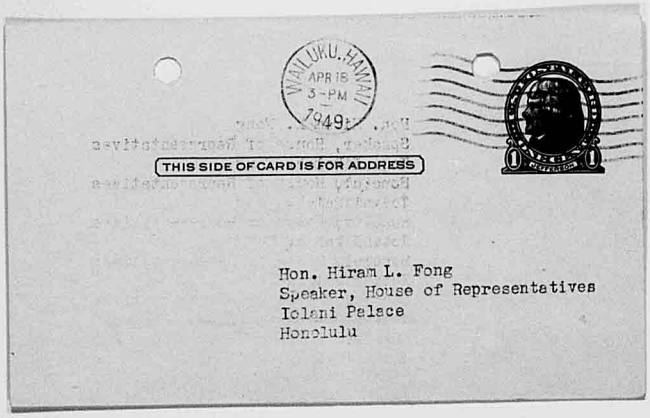
PUT MEN AND MONEY TO WORK!!!!

46 postcards

Shuji Watanabe

96 SIMILAR POSTCARDS
WEGO 1995/1/18

Misc 447


WAILUKU, HAWAII
APR 18
3-PM
1949
THIS SIDE OF CARD IS FOR ADDRESS
Hon. Hiram L. Fong
Speaker, House of Representatives
Iolani Palace
Honolulu

STANDARD PLUMBING CO.
876 Kawaiahao St.
HONOLULU 42, T. H.

Misc 448 gm

April 22, 1949

The Legislature
Territory of Hawaii
Honolulu, T. H.

Gentlemen:

In regard to Bill 682, I am quite sure you as law-makers want to see this bill go through, but as tax-payers, I and many others Do Not want to see this Bill 682 go through. My reason being that we are all at present paying enough high taxes. Your attention and action to this matter will be greatly appreciated.

Yours truly,

H. Asanoma

Misc 448

Sess 449 Sen

Honolulu, T.H.
April 22, 1949

Finance Committee,
Territorial House of Representatives,
Honolulu, T.H.

Gentlemen:

The undersigned emphatically protests the passage of the budget of $90,000,000.00 as proposed, as being entirely out of reason in a Territory with a population of one-half million. In actuality an expenditure of $180.00 per capita, more than twice the highest per capita expenditure of any State in the mainland, and almost four (4) times the per capita expenditure in a state like Texas.

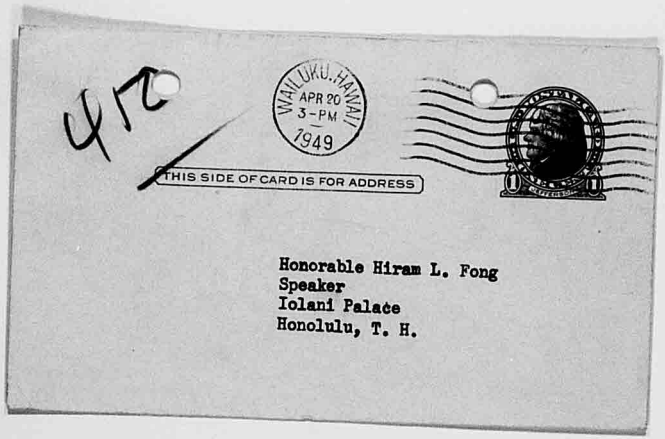
In the majority of cases the members of both the Senate and the House were emphatic in their campaign promises that every effort would be made to keep the budget within the means, without raising taxes. Business in general is having to economize and there is no reason why the Territorial Departments should not also be required to stay within the limits of a reasonable budget.

Please keep your campaign promises and rather than increase, reduce taxes and stay within or even reduce the budget of $65,000,000.00 as recommended by Governor Stainback.

Very truly yours,

C. J. Haglund Republican 4th Dist.
C. J. Haglund
1909 Vancouver Drive,

(Mrs. C. J.) Doris A Haglund


412
WAILUKU, HAWAII
APR 20
3-PM
1949
THIS SIDE OF CARD IS FOR ADDRESS
Honorable Hiram L. Fong
Speaker
Iolani Palace
Honolulu, T. H.

Dear Speaker Hiram L. Fong,

We wish to voice our objection th the proposed legislation legalizing horse racing. We want no part of it for it means poverty for some, juvenile delinquency and crime.

Mr + Mrs. B. Masumoto
3rd District
Maui County

Misc 450

Misc
457

Honolulu, T.H.
April 22, 1949

Finance Committee,
Territorial House of Representatives,
Honolulu, T.H.

Gentlemen:

I, as a taxpayer in the Territory of Hawaii, protest the passage of Senate Bill 682. At this particular time when business in general is adopting every means possible to reduce costs, it does not seem reasonable that the Territory should increase taxes, and thereby endanger the economical structure.

What about the campaign promises, that every effort would be made to keep within the budget and if possible reduce taxes?

Wouldn't it be a good idea to consider this matter further and attempt to save the Territory instead of destroying it entirely.

Very truly yours,

Delma McMillen

Delma McMillen,
3607 Diamond Head Road

P. O. Box 3962
Honolulu, T. H.
April 22, 1949

The Honorable
Hiram L. Fong, Speaker
and members of the House of Representatives.

Protest is hereby made to the passage of Senate Bills 512, 513. that proposes to make administrative adjustments by the Hawaii Aeronautics Commission regarding landing fees, as to SB 512, and, the reduction by fifty percent the tax from 5¢ to 2½¢ per gallon on aviation gasoline under SB 513.

During the brief consideration by the Ways and Means committee of the Senate on these bils, nothing was brought out to indicate that fares would be reduced, that wages of employees would be increased, decreased, or maintained. Considering the profits made by the mainland overseas carriers, and considering the subsidies they receive, which, in effect, guarantees an operational profit, it would seem, that as long as these subsidies continue to the mainland overseas carriers, beginning at $85.00 as a landing fee, and that the tax, instead of being decreased should be increased from 5¢ to 15¢ per gallon.

Very truly,

Joseph P. Petrowski, Sr.

RCA COMMUNICATIONS, INC.
A SERVICE OF RADIO CORPORATION OF AMERICA
223 S. KING STREET, HONOLULU TEL. 52521

1949 APR 23 PM 3 27

LCL230 HONOLULU 23 1004A VIA RCA

HOUSE OF REPRESENTATIVES

STRONGLY OPPOSED TO SILVA TAX BILL SENATE BILL NUMBER 682 IT IS A PUNITIVE AND CONFISCATORY MEASURE AND DETRIMENTAL TO BEST INTERESTS OF BUSINESS LABOR AND EVERY CITIZEN IN THE TERRITORY WE STRONGLY URGE THAT THE HOUSE OF REPRESENTATIVES ELIMINATE THIS BILL IN ITS ENTIRETY

FOREST J PINKERTON MD

FLORENCE PINKERTON

OGDEN D PINKERTON MD

SUZAN PINKERTON

VIRGINIA LUXENBURG

HAROLD LUXENBURG

MARY LEHMANN

MAX O LEHMANN

KOICHI TAMURA

WILMA JUDSON

KATHERINE MOELLER

RCA COMMUNICATIONS, INC.
A SERVICE OF RADIO CORPORATION OF AMERICA
223 S. KING STREET, HONOLULU TEL. 52521

RCA COMMUNICATIONS, INC.
A SERVICE OF RADIO CORPORATION OF AMERICA
223 S. KING STREET, HONOLULU TEL. 52521

1949 APR 23 PM 12 04

454

LCL232 HONOLULU 42 23 1119AM VIARCA

HONORABLE HIRAM L FONG

SPEAKER OF THE HOUSE

TERRITORIAL LEGISLATURE HONOLULU

WE ARE IN STRICT PROTEST TO SENATE BILL SIX EIGHT TWO WE SHOULD CUT DOWN EXPENSES AND NOT INCREASE TAXES IN TIMES LIKE THIS

WAHIAWA RETAIL MERCHANTS ASSOCIATION

S N KANG CHAIRMAN

RADIOGRAM
REPLY VIA RCA
FAST ACCURATE DIRECT

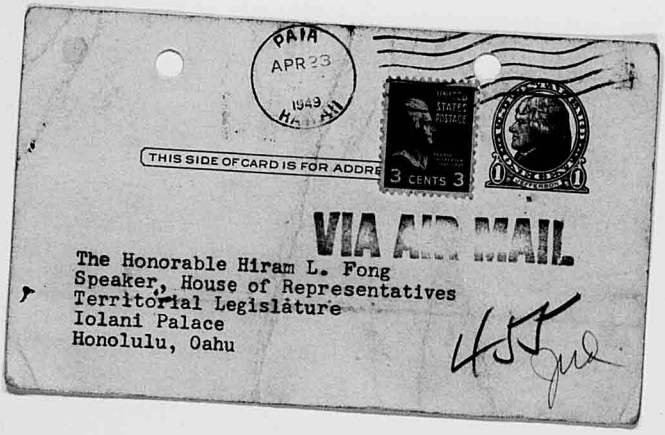
I want you to know that I favor the passage of the pari-mutuel racing bill, and ask you to do everything possible to see that the Territorial House of Representatives acts favorably on this matter.

Very truly yours,

E. B. Tehero

3rd District
Maui County
P. O. Box 372
Paia, T. H.

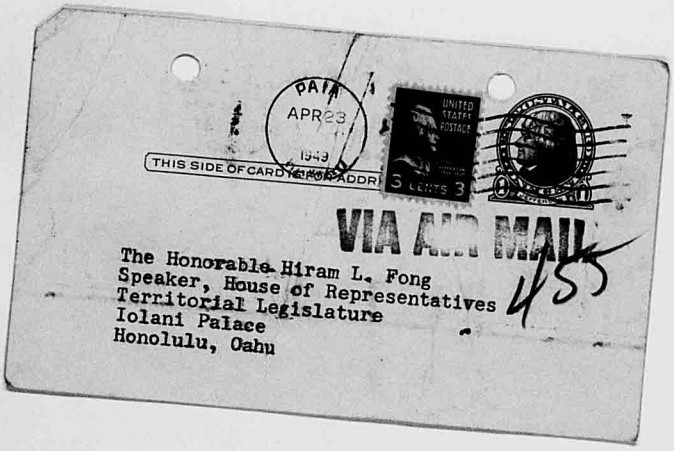
Mar 3/55


PAIA
APR 23
1949
HAWAII
THIS SIDE OF CARD IS FOR ADDRE
3 CENTS 3
VIA AIR MAIL
The Honorable Hiram L. Fong
Speaker, House of Representatives
Territorial Legislature
Iolani Palace
Honolulu, Oahu

I want you to know that I favor the passage of the pari-mutuel racing bill, and ask you to do everything possible to see that the Territorial House of Representatives acts favorably on this matter.

Selbina Baura
3rd District
Maui County
Paia, Maui T.H.

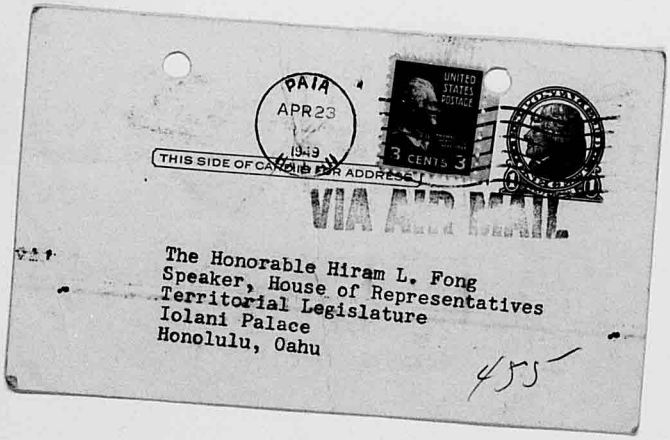
Misc 455


PAID
APR 23
1949
THIS SIDE OF CARD FOR ADDRESS
UNITED STATES POSTAGE
3 CENTS 3
VIA AIR MAIL
The Honorable Hiram L. Fong
Speaker, House of Representatives
Territorial Legislature
Iolani Palace
Honolulu, Oahu
455

I want you to know that I favor the passage of the pari-mutuel racing bill, and ask you to do everything possible to see that the Territorial House of Representatives acts favorably on this matter.

Pablo de la Cruz
3rd District
Maui County
P. O. Box 372
Wailuku, T.H.

Mar 4/55




The Honorable Hiram L. Fong
Speaker, House of Representatives
Territorial Legislature
Iolani Palace
Honolulu, Oahu

455

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL RESEARCH ADMINISTRATION
BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE
WASHINGTON 25, D. C.

APR 20 1949

Air Mail

Mr. O. P. Soares
Clerk, House of Representatives
The Twenty-fifth Legislature
Honolulu, T. H.

Dear Mr. Soares:

Your letter of April 11 addressed to Secretary Brannan and the copy of House Concurrent Resolution No. 34, which was adopted by the Twenty-fifth Legislature of the Territory of Hawaii, have been referred to this Bureau for attention.

Full consideration will be given to this concurrent resolution which requests the Congress of the United States of America to appropriate funds for the study, control and eradication of fruitfly pests.

Very truly yours,

E. A. Rohwer
Acting Chief of Bureau

BAR ASSOCIATION OF HAWAII
HONOLULU

April 23, 1949

J. DONOVAN FLINT, SEC.
E. WHITE SUTTON, TREAS.

Hon. Hiram Fong, Speaker
House of Representatives
Twenty-Fifth Legislature
of the Territory of Hawaii
Honolulu, T. H.

Sir:

This will express the opposition of the Bar Association of Hawaii to the enactment of Senate Bill No. 682, relating to income taxation. Some of the objections follow:

(1) The general principle upon which the bill is founded, that of taxation of gross incomes at graduated rates, is unsound and results in arbitrary and confiscatory taxation. Under the bill, the graduated rates are imposed upon income which the taxpayer pays to the Federal Government in the form of a federal income tax. Failure to recognize the federal tax as a deduction means that in years of high federal taxation the proportion of the taxpayer's net income paid as a territorial tax may be many times the proportion paid in years of lower federal taxation and could result in taxation of an amount in excess of the total income of the taxpayer.

(2) Under the decision of the Supreme Court of the Territory, in Carter v. Hill, 31 Haw. 264, affirmed by the Ninth Circuit Court of Appeals (47 F. 2d 869), investments under the complete control and management of the owner's agent held in a foreign jurisdiction do not under proper circumstances have a situs for taxes in the Territory of Hawaii and the income therefrom is not taxable. A number

of the states on the mainland encourage non-residents to keep investment accounts in the state by making such investment accounts and the income therefrom tax free. Even without such inducement, the enactment of the present law could result in a flight of capital from the Territory. The act further tends to discourage the investment of risk capital in the Territory by subjecting the income from such risk capital to rates that are larger than that imposed in any other American taxing jurisdiction.

(3) The bill discriminates against taxpayers engaged in saving and investment programs: (a) By disallowing the deduction from gross income of losses from transactions entered into for profit and of interest paid to purchase or carry corporate stocks and securities, except where connected with a trade or business; (b) by eliminating the expense involved in producing income now permitted by Sec. 5508, and (c) by substantially altering the capital gain provisions without apparent reason and in a manner discriminatory to the owners of homes built on leasehold property.

(4) The bill imposes an inequitable burden upon any taxpayer who suffers the loss of his home, automobile or other property by fire or other calamity, by withdrawing the present deduction given for casualty losses not connected with a trade or business.

(5) The bill withdraws the present deduction given for charitable donations, thereby severely impairing the prospective revenues of eleemosynary institutions.

(6) Section 5515 requires compensation received within one

month after the end of the year in which earned to be included in the income of the year in which the services were performed and this has the effect of requiring a tax to be paid for 1949 covering 13 months' salary at the increased rate.

(7) By making the rates on individuals and corporations the same the Territory is departing from a traditional principle of taxation, viz: That a higher tax is imposed on a corporation for the privileges that accrue from the corporation form of business. A substantial tax burden has been lifted from the corporations with taxable income under $34,000 on to the shoulders of professional men and other self employed with incomes of $5,000 and more. The reduction in corporate rates will result in savings to such corporations of from 73% in the $2,000 bracket to 9% in the $30,000 bracket. The "capital" of the professional man consists of the time, money and energy that has been expended in equipping such a man to perform adequate services. A professional man has no opportunity except by the saving and investment of professional earnings to build up capital. Obviously the bill has social implications that go beyond the mere raising of money to meet the budget.

Because the bill violates many of the fundamental principles of fair and equitable taxation and is not economically sound, on behalf of the Bar Association of Hawaii, it is recommended that Senate Bill No. 682 in the present form do not pass.

Yours very truly,

H R Hewitt
President, Bar Ass'n of Hawaii

Russell Cades
Chairman, Legislative Committee
Bar Ass'n of Hawaii

misc

# Hawaiian PEST CONTROL Association

HONOLULU, HAWAII

22 April 1949

Please Address
Reply To: P.O. Box 1937

The Honorable Hiram L. Fong
Speaker, House of Representatives
Honolulu, T. H.

Dear Sir:

At a recent meeting of the Hawaiian Pest Control Association, whose membership consists of the majority of pest control companies in the Territory, Senate Bill 682 now in process of being enacted into law was thoroughly discussed.

The members and affiliates of this Association, most of whom are relatively small businessmen, unanimously voted to submit this petition in protest of the Bill which provides a tax on the self-employed people of the Territory without benefit of exemptions and deductions. It is the sincere belief of this group that such a Bill, if passed, will work a definite hardship and is unfair to the small business man.

Already burdened by such taxes and outlays as the 2.7% Unemployment Compensation Tax, the 1% Social Security Tax, and various types of Protective Liability Insurance, this Association is of the opinion that many small businessmen will not be able to survive the onslaught of any additional taxes.

Very truly yours,

HAWAIIAN PEST CONTROL ASS'N

Clement Ching

Clement Ching
Secretary-Treasurer

/chs

458

SAM RAYBURN
4TH DISTRICT, TEXAS

The Speaker's Rooms
House of Representatives, U. S.
Washington, D. C.

459

April 14, 1949

Honorable O. P. Soares, Clerk
House of Representatives
Territory of Hawaii
Honolulu, T. H.

Dear Mr. Soares:

I have for acknowledgment your letter of April 11, 1949, transmitting House Concurrent Resolution No. 29, adopted by the Twenty-fifth Legislature of the Territory of Hawaii.

Yours very sincerely,

Sam Rayburn

SAM RAYBURN
4TH DISTRICT, TEXAS

The Speaker's Rooms
House of Representatives, U. S.
Washington, D. C.

160

April 14, 1949

Honorable O. P. Soares, Clerk
House of Representatives
Territory of Hawaii
Honolulu, T. H.

Dear Mr. Soares:

I have for acknowledgment your letter of April 11, 1949, transmitting House Concurrent Resolution No. 34, adopted by the Twenty-fifth Legislature of the Territory of Hawaii.

Yours very sincerely,

Sam Rayburn

Honolulu, T.H.

April 23, 1949

House of Representatives
Iolani Palace
Honolulu, T.H.

As a tax payer and voter, I wish to register a strong protest against the proposed tax bill (the so-called Silva Bill) as unjust and discriminatory and furthermore to go on record as bearing in mind at the next election the names of all Representatives who vote for it.

Rollin H. Palmer
822 Kealaolu ave.

461

HLC 46V

Honolulu
April 22, 1949

House of Representatives
Iolani Palace
Honolulu, T. H.

As a member of the Republican Party and a voter, I desire to register a strong protest against the proposed tax bill (the so-called Silva Bill) and to go on record as bearing in mind at the next election the names of all Representatives who vote for it.

(Mrs) H L Cunningham
4836 Aukai Avenue

461

Mrs. Rollin H. Palmer
822 Kealaolu Avenue
Honolulu 15, T. H.
22 April 1949

463

House of Representatives
Iolani Palace
Honolulu, T. H.

As home owners in Honolulu since 1929 we are looking forward to the time my husband will be retired and we can devote that period to improving our home and garden, but if the proposed increase in taxes becomes a law we shall have to sell out and move to a locality

463

that does not penalize its residents as this proposed measure would.

This is to protest the Silva Bill as it undermines low income security.

Sincerely yours,
(Mrs.) Helen L. Palmer
(Mrs. Rollin N. Palmer)

464

Pohukaina School
Honolulu, T. H.
April 25, 1949

To the Speaker & Members of the
House of Representatives,
Iolani Palace
Honolulu, T. H.

Dear Sirs:

The principal, teachers and pupils of Pohukaina School cordially invite you to a May Day - Lei Day program which will be given on the school grounds on April 29, 1949 at 9:00 a.m.

Yours truly,

James Heen Wong
Principal

PHONE 2445

P. O. BOX 25

Hilo Japanese Chamber of Commerce

633 KAMEHAMEHA AVENUE

HILO, HAWAII

465

April 22, 1949.

Honorable Hiram L. Fong,
Speaker of the House,
and the Honorable Members of
the House of Representatives,
25th Legislature,
Honolulu, Territory of Hawaii.

Ladies and Gentlemen:

The undersigned respectfully submits that the board of directors of this organization went on record to endorse and support SB 463 and HB 905, which have reference to appropriation for protection of cut flowers for shipment from Hawaii.

There are about 1,500 venda orchid growers in the Island of Hawaii, whose estimated income this year is about three million dollars, at the least.

Any interference with the shipment of the venda orchid will be sure to create a discouragement among the orchid growers, and it will be not only a loss to the individual growers, but it will have a great bearing on the economy of this island.

The undersigned, therefore, earnestly requests that the foregoing acts be pushed forward and enacted into law.

Please be assured that your efforts will be greatly appreciated by the orchid growers and members of this organization.

Respectfully yours,

The Hilo Japanese Chamber
of Commerce,

By Y. Hata
Y. Hata, President.

JOSEPH R. FARRINGTON
DELEGATE FROM HAWAII

# Congress of the United States
## House of Representatives
### Washington, D. C.

466

April 21, 1949

Mr. O.P. Soares, Clerk
Territorial House of Representatives
Iolani Palace
Honolulu, T.H.

Dear Mr. Soares:

Enclosed are several copies of H.R. 4267, to make the 25% differential for the postal employees of Hawaii retroactive to June 16, 1943.

This bill was introduced in accordance with House Concurrent Resolution No. 12 of the Legislature of Hawaii which you forwarded to me under date of March 23, 1949.

Yours sincerely,

J.R. Farrington
Delegate from Hawaii

81ST CONGRESS
1ST SESSION

# H. R. 4267

IN THE HOUSE OF REPRESENTATIVES

APRIL 14, 1949

Mr. FARRINGTON introduced the following bill; which was referred to the Committee on Post Office and Civil Service

# A BILL

To readjust the pay of certain postmasters, officers, and employees of the postal field service in the Territory of Hawaii, for the period June 16, 1943, to June 30, 1948.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Postmaster General is authorized and directed to pay to each postmaster, officer, and employee of the postal field service in the Territory of Hawaii, a sum equal to 25 per centum of the basic compensation for services (exclusive of such compensation as was received for custodial service) performed in the postal field service in the Territory of Hawaii, by such postmaster, officer, and em-

ployee during the period beginning June 16, 1943, and ending June 30, 1948. This Act shall not apply to persons who are not in the postal field service on the date of its enactment.

81st CONGRESS
1st SESSION

# H. R. 4267

## A BILL

To readjust the pay of certain postmasters, officers, and employees of the postal field service in the Territory of Hawaii, for the period June 16, 1943, to June 30, 1948.

By Mr. FARRINGTON

APRIL 14, 1949
Referred to the Committee on Post Office and Civil Service

GEORGE A. GRAY, Manager
RICHARD H. GRAY, Asst. Manager



TELEPHONE 95217
Cable Address "HONSADOR"

Yes 467 sw

**Honolulu Sash & door Co.**
**LIMITED**

*Millwork Manufacturers*

755 SHERIDAN STREET
HONOLULU 14, HAWAII

STOCK FRAMES
WINDOWS
SCREENS
CABINETS
HARDWOODS

PLYWOOD
CANEC HARDBOARD
MOULDINGS
GLASS
SCREEN CLOTH

April 25, 1949

Honorable Hiram L. Fong
Speaker of the House
House of Represtatives

Dear Sir:

In reference to proposals presently before you to raise 80 to 90 million dollars in taxes for the next two years, I respectfully submit the following for your consideration:

(a) This company has laid off 17 men in the past 8 weeks due to shrinkage in local building, and to aggressive competition from Northwest mills. Please note, that the present gross income tax of 1½% on manufacturers selling contractors, serves to give exactly that much preference to mainland mills selling direct to local contractors in interstate commerce. On such sales the said mills do not pay their own state sales tax, nor the Hawaiian gross income tax - and we lose the business.

(b) For several years the real property assessments have been going up, with a sharp increase in prospect for 1949; right now it is impossible to pay our bills on time as was formerly customary.

(d) Business has entered a recession, many firms are being forced to reduce over-head - the higher the taxes you vote into law, the less money there will be invested in business expansion and in new enterprise, which means employment.

I respectfully urge you not legislate for taxes, one dollar more than the 65 million dollars recommended by the Governor. Surely our government too, must economize.

Respectfully submitted

HONOLULU SASH & DOOR CO., LTD.

Geo. A. Gray

Misc. C.
168

WHEREAS, the United States has the highest standards of health, of medical care, of dental care, and of scientific medical and dental facilities of any country in the world, as a result of our present system of free enterprise; and

WHEREAS, compulsory health insurance, wherever tried, has caused a decline in national health and deterioration of medical and dental standards and facilities; and

WHEREAS, wherever the government has assumed control of medical and dental services, the result has been tremendous multiplication of costs over original estimates, extreme tax burdens and national deficits, and gradual extension of socialization into other activities of national life, NOW, THEREFORE,

BE IT RESOLVED, That the KAUAI COUNTY DENTAL SOCIETY does hereby go on record against any form of compulsory health insurance or any system of political medicine or dentistry designed for national bureaucratic control;

That a copy of this resolution be forwarded to the President of the United States, to the Delegate to Congress from Hawaii, to the Senate and the House of Representatives of the Territory of Hawaii, and to the American Dental Association, and to the Hawaii Territorial Dental Society, and that said parties be and are hereby respectfully requested to use every effort at their command to prevent the enactment of such legislation.

KAUAI COUNTY DENTAL SOCIETY

M. Masunaga, D.D.S., President

Tsutomu Nitta, D.M.D., Secretary

Dated this 21st day of April, 1949 at Lihue, Kauai, Hawaii.

# ENGINEERING ASSOCIATION OF HAWAII
## TERRITORY OF HAWAII
## HONOLULU

OFFICERS:
M. R. HEFTY, PRESIDENT
CHARLES PENHALLOW, 1ST VICE-PRESIDENT
R. M. TOWILL, 2ND VICE-PRESIDENT
MARSH W. BULL, SECRETARY-TREASURER
ADDRESS ALL COMMUNICATIONS
TO THE SECRETARY
P. O. BOX 3256
HONOLULU, T. H.
TELEPHONE 55971

DIRECTORS:
E. M. de BARNE
G. C. WALLACE
L. L. GOWANS
G. K. HOUGHTAILING

469

April 25, 1949

Honorable Hiram L. Fong
Speaker of the House
Iolani Palace
Honolulu, T. H.

Honorable Sir:

The Engineering Association of Hawaii having investigated the desirability of Urban Redevelopment, have concluded that this project is one that should receive serious consideration.

With this thought in mind, the enclosed Resolution favoring Senate Bill No. 592 and House Bill No. 1188 was unanimously accepted by the membership at a meeting held April 22, 1949.

Your favorable consideration of these two Bills is desired.

Respectfully,

ENGINEERING ASSOCIATION OF HAWAII
Marsh W. Bull, Secretary

MWB:EH
Encl

RESOLUTION

WHEREAS, many areas of this city as a result in changes of land use, poor street layout, and other conditions deteriorated into blighted and slum areas;

AND WHEREAS, these blighted areas are recognized as serious problems affecting the social, health, and economic welfare of the community;

AND WHEREAS, Urban Redevelopment, which involves neighborhood and community re-planning, has been nationally recognized as the best method available for the rehabilitation of blighted areas.

NOW, THEREFORE, BE IT RESOLVED by the Engineering Association of Hawaii:

1. That Urban Redevelopment be endorsed as providing the best method of rehabilitation of blighted areas in Honolulu; and

2. That the enactment of HB 1188 or SB 592 which sets up the necessary machinery to initiate a sound program of Urban Redevelopment be urged.

BE IT FURTHER RESOLVED that copies of this Resolution be sent to the Governor, President of the Senate, Speaker of the House, Mayor of the City and County of Honolulu, and City Planning Commission.

This will certify that the above Resolution was unanimously adopted at a meeting of the Engineering Association of Hawaii held on April 22, 1949.

Harold W. Bell

Secretary, Engineering Association of Hawaii

WAIMANALO BEACH ASSOCIATION
WAIMANALO BEACH, OAHU

April 25, 1949

H 10

Hon. Hiram L. Fong
Speaker of the House
Iolani Palace
Honolulu, T. H.

Dear Sir:

The Waimanalo Beach Association had a meeting on Friday, April 22, 1949, on community problems and went on record as being highly in favor of House Bill 879 and Senate Bill 704, dealing with larger water mains for Waimanalo, and urge the passage of these two Bills for the betterment of this community.

Very truly yours,

WAIMANALO BEACH ASSOCIATION

Dorothy M. Byrom

DMB

Dorothy M. Byrom
Secretary

CHAD DUNSTAN, PRESIDENT
CARL W. CANNON, VICE-PRESIDENT
HELEN W. DURFEE, SECRETARY
WILLIS T. POPE, TREASURER
DIRECTORS
E. C. PETERS, JR.
DAVID BENT
EDWARD TODD
HARRY C. PATTERSON
O. P. SOARES

CABLE & WIRELESS: "MAUIBOOK"
P. O. BOX 277, WAILUKU, HAWAII

ESTABLISHED 1916

# THE MAUI BOOK STORE

Wailuku, Hawaii

April 25th 1949

To the Representatives of the
Twenty-fifth Legislature
Iolani Palace, Honolulu, T. H.

Honorable Sirs:

"Will Senate Bills 682 and 683 be the straw that breaks the camel's back?"

To answer this question please permit me to refer to my own business located at Wailuku, Maui. T. H, and known as The Maui Book Store.

In the past few years my gross volume of business and final net income have been greatly reduced by the following:

1. Removal of armed forces from the Island of Maui
2. Great losses taken on obsolete war time merchandise.
3. General Inflation.
4. Increase of Federal excise taxes from 10% to 20% on luxury items cut into sales of these items.
5. Manufacturing excise tax on Cameras, Films, Typewriters etc.
6. Several increases in freight rates, wharfage rates, storage and hauling.
7. Cutting down of my gross profit by manufacturers upping cost of goods without increasing the nationally advertised price.
8. Increase of real property tax on my store premises by 67%. Believe another increase is also being considered at the present time.
9. Increase of gross income tax on retail sales from 1½% to 2½%.
10. Increase of wholesale tax from ¼ of 1% (which was assumed by wholesaler) to 1% (which is not assumed by wholesaler)
11. 1% compensation tax
12. Increase of interest by ½% on loans not secured by real estate.
13. Increase of electricity and telephone rates.
14. Increase of wages.
15. Increase of book postal rate on January 1, 1949 and new raise being contemplated.
16. Increase of Airmail postage rates on January 1, 1949.
17. Increase of parcel post rates on January 1, 1949.

The above list is sufficient to put me out of business but I have managed to exist by an extremely close watch on overhead and a curtailment of capital expenditures.

At the present time I am forced to curtail the following capital expenditures:

1. New ½ ton truck
2. New car for business use
3. New roof on rear building
4. New paint on building
5. New garage for store
6. Rear customer entrance for store
7. Major termite control

You can readily see that if my profits were to increase I would be able to give a great deal of employment to men of the Territory, however, instead, my employee enrollment has decreased since the end of the war from sixteen to five. On my present volume of business I could very easily get along with only three employees.

You can readily see that Senate Bills 682 and 683 may well be the straw that breaks the camel's back.

Therefore, I wish to strongly protest the passage of Senate Bills 682 and 683 and as a substitue for balancing the Territory budget I endorse the program of the Tax Study Committees of the Chambers of Commerce throughout Hawaii plus a sincere attempt at economy in goverment and reduction of capital expenditures whereever possible.

Sincerely yours,

Victor L. Schaefer, Jr.

Victor L. Schaefer Jr.,
P. O. Box 277
Wailuk, Maui. T. H.

# MAUI COUNTY CHAMBER OF COMMERCE

ISLANDS OF LANAI, MAUI, MOLOKAI

WAILUKU, MAUI, TERRITORY OF HAWAII, U. S. A.

Misc
477

T. S. SHINN
President
F. C. CHURCHILL
1st Vice-President
V. L. SCHAEFER, JR.
2nd Vice-President
DONALD H. TOKUNAGA
3rd Vice-President
KENNETH W. AULD
Vice-President, Molokai

DIONISIO R. RABBON
Vice-President, Lanai
J. HARVEY RUTH
Secretary
H. HASEGAWA
Treasurer
E. L. DAMKROGER
Executive Secretary
EVELYN TAN
Office Secretary

April 25th 1949

To the Representatives of the
Twenty-fifth Legislature,
Iolani Palace, Honolulu, T. H.

Dear Sirs:

The Maui County Chamber of Commerce has gone on record as opposing the passage of Senate Bills Nos. 682 and 683 because it unnecessarily places an added burden on business activity at a time when business is faced with an economic crisis and unemployment is on an upward trend.

In its stead we reccommend the consideration of plans made by the Tax Study Committees of the Chambers of Commerce throughout the Territory of Hawaii, which is designed to meet the budget requirements of the Territory of Hawaii with a minimum of economy.

Respectfully Submitted,

Maui County Chamber of Commerce

By Victor Schaefer, Jr.
Victor L. Schaefer Jr., Chairman
Tax Study Committee

OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON

11 April 1949

473

Dear Mr. Soares:

Your letter of 5 April to the Secretary of Defense transmitting House Concurrent Resolution No. 28 which was adopted by the Twenty-fifth Legislature of the Territory of Hawaii, has been received.

The Secretary has directed that your letter and the attached resolution be forwarded to the Secretary of the Navy for consideration as a matter under the jurisdiction of that Department.

Sincerely yours,

C. J. Barry
Administrative Secretary

O. P. Soares, Esq.,
Clerk, Twenty-Fifth Legislature
Territory of Hawaii
House of Representatives
Honolulu, T. H.

THE WHITE HOUSE
WASHINGTON

474

April 11, 1949

My dear Mr. Soares:

The President has asked me to acknowledge your letter of April fourth with the enclosed certified copy of House Concurrent Resolution No. 2 which you forwarded to him by direction of the Legislature of the Territory of Hawaii. Please be assured that your courtesy in the transmittal of this Resolution is appreciated.

Very sincerely yours,

William D. Hassett

WILLIAM D. HASSETT
Secretary to the President

Honorable O. P. Soares,
Clerk of the House of Representatives,
Twenty-fifth Legislature,
Honolulu, T. H.

474

OFFICE OF THE VICE PRESIDENT
WASHINGTON

475

April 11, 1949

Mr. O. P. Soares, Clerk,
House of Representatives,
Honolulu, Hawaii.

My dear Mr. Soares:

This will acknowledge receipt of your letter of April 5, transmitting House Concurrent Resolution No. 28, which was adopted by the 25th Legislature of the Territory of Hawaii, urging that the Congress of the United States of America make available facilities to the Territory of Hawaii for the construction of wharfage and harbor facilities in the vicinity of Kaneohe, Oahu, for use by Hawaiian tuna fisherman.

Very sincerely yours,

Alben W. Barkley

EC.

475

OFFICE OF THE VICE PRESIDENT
WASHINGTON

April 11, 1949

476

Mr. O. P. Soares, Clerk,
House of Representatives,
Honolulu, Hawaii.

My dear Mr. Soares:

This will acknowledge receipt of your letter of April 4, transmitting House Concurrent Resolution No. 2, which was adopted by the Legislature of the Territory of Hawaii, requesting deferment of any drastic reductions in the force of civilian personnel at Fort Island, Pearl Harbor, and other naval, Military and air installations and facilities in the Territory and to readjust the over-all defense program so that it may be carried out without undue hardship to the persons affected, many of whom have faithfully served for many years, and without serious adverse effects on the economy of the Territory.

Very sincerely yours,

Alben W. Barkley

EC.

EIGHTY-FIRST CONGRESS

HAROLD D. COOLEY, N. C., CHAIRMAN
STEPHEN PACE, GA., VICE CHAIRMAN

W. R. POAGE, TEX.
GEORGE M. GRANT, ALA.
WALTER K. GRANGER, UTAH
E. C. GATHINGS, ARK.
JOHN L. MC MILLAN, S. C.
EUGENE WORLEY, TEX.
THOMAS G. ABERNETHY, MISS.
CARL ALBERT, OKLA.
WATKINS M. ABBITT, VA.
JAMES G. POLK, OHIO
PAT SUTTON, TENN.
EUGENE D. O'SULLIVAN, NEBR.
JOHN C. DAVIES, N. Y.
CECIL F. WHITE, CALIF.
JAMES F. LIND, PA.

CLIFFORD R. HOPE, KANS.
AUGUST H. ANDRESEN, MINN.
REID F. MURRAY, WIS.
EDWIN A. HALL, N. Y.
WILLIAM S. HILL, COLO.
CHARLES B. HOEVEN, IOWA
SID SIMPSON, ILL.
ERNEST K. BRAMBLETT, CALIF.
PAUL B. DAGUE, PA.
NORRIS COTTON, N. H.

DELEGATES
E. L. BARTLETT, ALASKA
JOSEPH R. FARRINGTON, HAWAII

RESIDENT COMMISSIONER
A. FERNÓS-ISERN, PUERTO RICO

MRS. MABEL C. DOWNEY, CLERK
MRS. ALTAVENE CLARK, EXECUTIVE OFFICER
JOSEPH O. PARKER, COUNSEL

House of Representatives, U. S.
Committee on Agriculture
Washington, D. C.

177

April 14, 1949

Mr. O. P. Soares, Clerk
House of Representatives
Territory of Hawaii
The Twenty-fifth Legislature
Honolulu, T. H.

Dear Mr. Soares:

Thank you very much for sending me copies of House Concurrent Resolution No. 34, which was adopted by the Twenty-fifth Legislature of the Territory of Hawaii and relates to the control and eradication of fruit fly pests.

The committee is greatly interested in this subject and you are assured will give it thorough consideration.

Sincerely yours,

Harold D. Cooley

DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
WASHINGTON

14 April 1949

478

Dear Mr. Soares:

In the absence of the Secretary from the city I am acknowledging receipt of your letter of April 11th, with enclosed Resolution No. 29, relative to the utilization of the facilities at the Kaneohe Naval Air Station.

Your letter and enclosed Resolution have been forwarded to appropriate Navy Department officials for their information.

Sincerely yours,

D. T. Hammond

D. T. HAMMOND
Commander, U.S.Navy
Administrative Officer for the
Secretary of the Navy

Mr. O. P. Soares
Clerk, House of Representatives
Honolulu, T. H.

DEPARTMENT OF THE ARMY
WASHINGTON, D. C.

479

Mr. O. P. Soares
Clerk, House of Representatives
Twenty-fifth Legislature
Territory of Hawaii
Honolulu, T. H.

14 APR 1949

Dear Mr. Soares:

This letter acknowledges receipt of your communication of April 4, 1949 which inclosed House Concurrent Resolution No. 2, adopted by the legislature of the Territory of Hawaii. In this connection, the Honorable Louis A. Johnson, Secretary of Defense, has also furnished me a copy of this Resolution.

The Resolution to defer any drastic reductions in the civilian personnel force at any of the military installations in the Territory of Hawaii is being brought to the immediate attention of my staff, in order that it may be given careful study and consideration.

I thank you for transmitting this Resolution to me.

Sincerely yours,

Kenneth C. Royall
Secretary of the Army

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Honolulu, T.H.
April 27, 1949

Honorable Hiram L. Fong
Speaker of the House of Representatives,
Territorial Legislature
Iolani Palace
Honolulu, T.H.

Sir:

I am taking this opportunity on behalf of the Order of Kamehameha, which was founded by the late Prince Jonah Kuhio Kalanianaole, who was Delegate to Congress from Hawaii from March 4, 1903 to his death on January 7, 1922, the deep appreciation and gratitude of the members of that Order, for the passage by the House of Representatives of House Joint Resolution No. 57 which creates March 26, the birthday of the Prince, a legal holiday in the Territory of Hawaii. In doing so, you have honored the most outstanding Hawaiian of the era which began with the establishment of these islands as an integral part of the United States of America.

I am certain that the residents of this Territory of Hawaiian ancestry join with me in this expression of gratitude and appreciation.

Very respectfully yours,

John R. Desha

John R. Desha
Aliiaimoku
Order of Kamehameha

# MAUI COUNTY CHAMBER OF COMMERCE

ISLANDS OF LANAI, MAUI, MOLOKAI

WAILUKU, MAUI, TERRITORY OF HAWAII, U. S. A.

T. S. SHINN
President
F. C. CHURCHILL
1st Vice-President
V. L. SCHAEFER, JR.
2nd Vice-President
DONALD H. TOKUNAGA
3rd Vice-President
KENNETH W. AULD
Vice-President, Molokai

DIONISIO R. RABBON
Vice-President, Lanai
J. HARVEY RUTH
Secretary
H. HASEGAWA
Treasurer
E. L. DAMKROGER
Executive Secretary
EVELYN TAN
Office Secretary

April 23, 1949

TO THE HONORABLE MEMBERS OF THE LEGISLATURE:

This is to inform you that Mr. YOSHIO TAKATA of Wailuku, Maui, is Vice-President of the Retail Board of the Maui County Chamber of Commerce.

The members of the Retail Board of the Maui County Chamber of Commerce consisting of business men in the retail merchandising field in Maui County, are opposed to the taxation program under Senate Bills 682 and 683, inasmuch as this would call for a tax set-up of unduly high proportions. We believe that a smaller budget would be preferable than to have taxes raised to the high levels proposed.

Mr. Takata is authorized by the Retail Board of the Maui County Chamber of Commerce to present to the Honorable members of the Legislature our protest with reference to Senate Bills 682 and 683 and respectfully solicits your kokua in unalterably opposing these bills.

Respectfully yours,

President
Retail Board, Maui County Chamber of Commerce

Executive Secretary
Retail Board, Maui County Chamber of Commerce

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Box 607, Kaneohe, Oahu
April 24, 1949

Members of The House of Representatives
Iolani Palace
Honolulu, T.H. Attention: Rep. Hiram L. Fong

Dear Representatives:

As the present legislative session approaches its last day of work, we farmers, better known as the Farm Bureau, are jubilant over the work done by our legislators. Mr. Hiroshige, our legislative committee chairman, has informed us that the members of the House have been most sympathetic with agricultural problems and have given fair consideration to all of them.

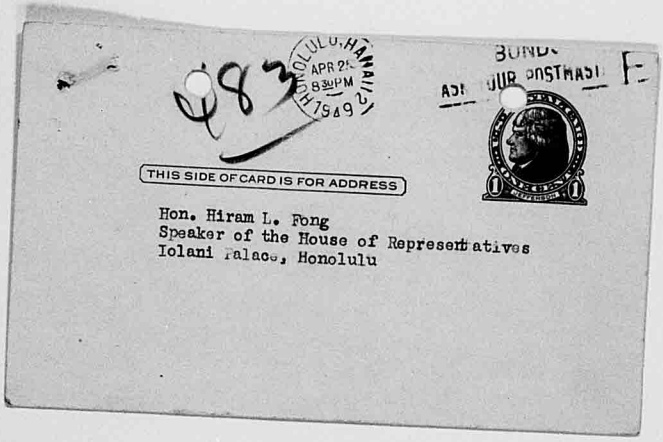
The results of your work in the form of appropriations and laws speak for itself.

In behalf of the farmers of Hawaii, I would like to take this means to express our sincere appreciation and hope to see you all back in the next legislative session. Mahalo!

Respectfully yours,

Masuyuki Hanta

Masuyuki Hanta, President
Hawaii Farm Bureau Federation &
Chairman, Oahu Farm Bureau



983

HONOLULU, HAWAII 2 6 9 5
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8 30 PM

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ASK YOUR POSTMAST[illegible]

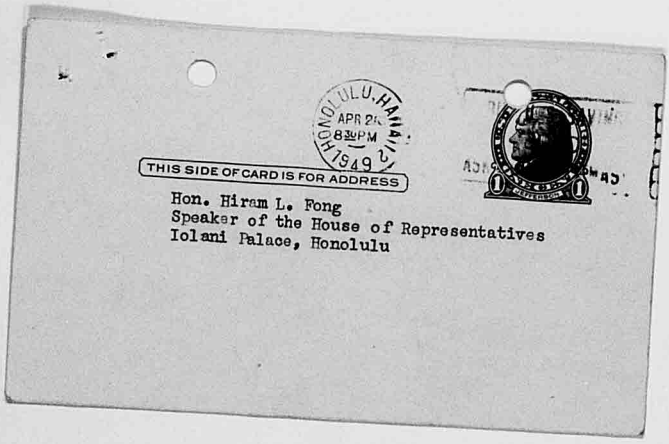
THIS SIDE OF CARD IS FOR ADDRESS

Hon. Hiram L. Fong
Speaker of the House of Representatives
Iolani Palace, Honolulu

I want you to know that I am in favor of
giving Pari-Mutual a two year trial.
Put Money And Men To Work.
Help Reduce Taxes.

Jackie McClory

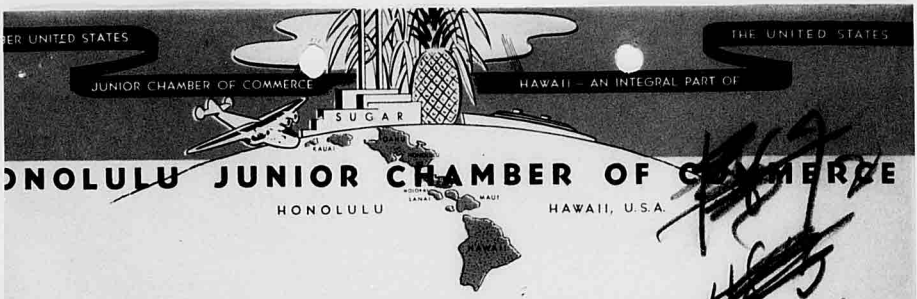
Mur 483


HONOLULU, HAWAII
APR 2
8:30 PM
1949
THIS SIDE OF CARD IS FOR ADDRESS
Hon. Hiram L. Fong
Speaker of the House of Representatives
Iolani Palace, Honolulu

I want you to know that I am in favor of
giving Pari-Mutuel a two year trial.
Put Money and Men to Work.
Help Reduce Taxes.

Adèle Sommerfeld

Mrs 483




ONOLULU JUNIOR CHAMBER OF COMMERCE
HONOLULU HAWAII, U.S.A.

April 26, 1949

The Honorable Hiram L. Fong
House of Representatives
Territory of Hawaii
Honolulu, T. H.

Dear Mr. Fong:

The Board of Directors of the Honolulu Junior Chamber of Commerce, an organization of 400 local young men, has adopted a resolution disapproving Senate Bill 682, the so-called "Silva Tax Bill". The Junior Chamber of Commerce disapproves of the bill because:

a. The bill makes no provision for exemptions for tax payers with families, nor for deductions for other taxes paid.

b. The bill proposes an untried method of taxation for the production of governmental revenue.

c. If passed the "Silva Tax Bill" will result in having here in Hawaii, an agricultural community, approximately the highest per capita tax in the United States.

d. The bill will make it unattractive to people coming to Hawaii to settle here and develop this territory into a prospective 49th State.

Our official publication, The Crossroads, in its issue of April 22, 1949 contained an article on the Senate Bill 682. A copy of this article is attached to this letter for your information.

Yours very truly,

HONOLULU JUNIOR CHAMBER OF COMMERCE

J. A. QUEALY, JR.
President

JAQ:jh
Enclosure 1

Mrs. Delaney
Hy R.

# Cross Roads

Official Publication
OF THE HONOLULU JUNIOR CHAMBER OF COMMERCE

VOL. III APRIL 22, 1949 No. 10

Crossroads—Published Weekly
by the
CROSSROADS COMMITTEE
of the Honolulu
Junior Chamber of Commerce

# DO YOU WANT TO PAY HIGHER TAXES?

As this issue goes to press, all eyes are turned on Senate Bill 682, known as the Silva income tax bill.

This bill is extremely dangerous alike to individuals and to business. It would greatly increase the collections from the income tax, at the expense of individuals directly and of corporations. The taxes assessed upon corporations are actually paid by you and me in the form of higher taxes paid for the items sold. The bill would drive capital out of the Territory, cripple business expansion, and weaken the incentive to earn more money.

This is not just talk. Senate Bill 682 is a dangerous bill, a threat to every one of us who believe in the American system. In spite of the huge amount of revenue that would be raised by this tax, it is impossible to escape the conclusion that the bill is more than a revenue raiser, it is a means of bringing about a social revolution. Read our reasons below, and write or phone your senators and representatives. Tell them that you are against Senate Bill 682; tell them that you are against every proposal to raise taxes at this time. Tell them that business is pulling its belt, and that it's up to government to do the same.

* * * * * *

Senate Bill 682 would in effect take the present two per cent tax on Compensation and Dividends, extend it to cover all sources of income, make the rates steeply progressive (ranging from 2 to 13 per cent), allow no personal exemptions or deductions, and would extend it to corporations as well as individuals.

What does it mean to you? Well, the following classes of persons will all pay more than they do now in personal income taxes:

All self-employed people.

All single persons having an income of more than $2,000.

All married persons having an income of more than $4,000.

Would you suffer indirectly from the proposal? Senate Bill 682 would hurt every one in the Territory who:

Works for Hawaiian corporations

Owns stock in Hawaiian corporations

Does business with Hawaiian corporations

Depends for his welfare on economic conditions in Hawaii.

As applied to individuals, the bill would:

1. Raise approximately **twice as much**, per capita as any state income tax.

2. Fail to provide personal exemptions and dependency credits to aid families.

3. Fail to provide the other personal deductions which are allowed under the federal income tax, the Hawaii income tax and all state income taxes.

4. Discriminate against professional men, farmers, landlords, small businessmen, and other self-employed persons, who already carry a very heavy load of Gross Income Tax.

5. Place such an extreme and unfair burden on wealthy persons that it could well force many of them to leave the Territory and it certainly would not entice wealthy persons from elsewhere to settle here and develope Hawaii.

As applied to corporations, Senate Bill 682 would increase the present tax load by more than 80 percent. Hawaii already has an extremely heavy tax on corporations, one of the heaviest in America. In addition, our corporations pay the Gross Income Tax, which has no parallel among the states. With the proposed tax in effect, Hawaiian corporations would have an income tax far more severe than imposed by any state.

What does that mean to you as an individual? If you are one of the 34,000 different individuals who own stock in Hawaiian corporations, it means that, as the corporations would have less money, you would have to get along with less dividends. The Territory and the federal government both tax corporate profits now; both also tax the same profits when they are distributed as dividends. Do you think this double taxation should be increased?

Do you work for a corporation? The new tax would mean that your company could pay less in dividends, would have more trouble in raising new capital, might have to shelve plans for expansion. That means fewer promotions, fewer raises. Your company would have greater difficulty in carrying over a surplus from a good year to hold against the bad years. That means cutting down in bad times, laying men off, cutting wages and salaries. Your company's stockholders would be clamoring for more dividends in spite of higher taxes. That means cutting down expenses, perhaps cutting out the Christmas bonus.

Had enough? You may have gathered by now that we don't like this bill. We don't think you will either, now that you understand what it means.

By the time you get this, the bill may be dead, though the signs are against it. The bill was hatched in the Senate Ways and Means Committee by five of the seven members of that committee. These five senators reported the bill out to the Senate. It passed the Senate and is now in the House.

Whether this particular bill is dead or alive the pressure on the legislature to spend and tax beyond the Territory's resources will not be dead. Our Legislators need your support in their efforts to keep our finances within reasonable bounds. Remember, that already without this proposed tax increase, in Hawaii, your taxes are among the highest per capita taxes in the country!

We repeat: if you are against higher taxes, write or phone your senators or representatives. Tell them you are against Senate Bill 682. Tell them that you are against increased taxes in any form. Tell them that you are **against** increased spending and in **favor** of government economy. Don't wait; if you don't speak up now, what you get will be your own fault.

THE PUBLIC AFFAIRS COMMITTEE



1485

# TIMARAU CLUB OF HONOLULU

(TIMARAU INTERNATIONAL)

P. O. BOX 755
HONOLULU, HAWAII

April 19, 1949

Hon. Hiram L. Fong, Speaker and
Members, House of Representatives
Iolani Palace, Honolulu, T. H.

Gentlemen:-

We wish to inform you that the Timarau Club of Honolulu, a service organization which is functioning in our community, is unanimously against the measure to legalize horse race gambling in the Territory of Hawaii. We sincerely urge you to use your full power and authority to defeat such measure.

Very respectfully yours,

THE TIMARAU CLUB OF HONOLULU
(Timarau International)

Roland D. Sagum, President

Emilio C. Yadao, Secretary

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Box 2120
Honolulu, T.H.
April 27, 1949

To the Speaker and Members,
House of Representatives,
Iolani Palace,
Honolulu, T.H.

Gentlemen:

Although the constitution of our organization precludes us from taking official action on the matter, a large majority of our membership has expressed itself as being strongly in favor of the immediate passage of Senate Bill 682. I have been asked to convey this information to you and to urge that you take speedy and favorable action in regard to this bill.

Respectfully yours,

Robert Greene

Robert Greene, Chairman,
Hawaii Civil Liberties Committee

RG:em

OFFICE OF THE VICE PRESIDENT
WASHINGTON

April 18, 1949

Mr. O. P. Soares,
Clerk of the House of Representatives,
Honolulu, T. H.

My dear Mr. Soares:

This will acknowledge receipt of your letter of April 11, transmitting House Concurrent Resolution No. 29, requesting that the housing and recreational facilities at Kaneohe Naval Air Station be made available to the Territory of Hawaii.

Very sincerely yours,

Alben W. Barkley

EC.

OFFICE OF THE VICE PRESIDENT
WASHINGTON

1488

April 18, 1949

Mr. O. P. Soares, Clerk,
House of Representatives,
Honolulu, T. H.

My dear Mr. Soares:

This will acknowledge receipt of your letter of April 11, transmitting House Concurrent Resolution No. 34, requesting the Congress of the United States of America to appropriate funds for the study, control and eradication of the fruit fly pests.

Very sincerely yours,

Alben W. Barkley

EC.

MALACAÑAN PALACE

489

Manila, April 25, 1949

Dear Sir:

This is in grateful acknowledgment, in behalf of the President, of your letter dated March 31, 1949, enclosing House Resolution No. 89 of the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii. The President is very pleased to receive this expression of appreciation of the services of Consul General Farolan in strengthening the ties of friendship and goodwill between Hawaii and the Philippines.

Sincerely yours,

FEDERICO MANGAHAS
Private Secretary
to the President

Mr. O. P. Soares
Clerk, House of Representatives
Honolulu, Hawaii

KENNETH MC KELLAR, TENN., CHAIRMAN
CARL HAYDEN, ARIZ.
ELMER THOMAS, OKLA.
RICHARD B. RUSSELL, GA.
PAT MC CARRAN, NEV.
JOSEPH C. O'MAHONEY, WYO.
DENNIS CHAVEZ, N. MEX.
BURNET R. MAYBANK, S. C.
ALLEN J. ELLENDER, LA.
LISTER HILL, ALA.
HARLEY M. KILGORE, W. VA.
JOHN L. MC CLELLAN, ARK.
A. WILLIS ROBERTSON, VA.

STYLES BRIDGES, N. H.
CHAN GURNEY, S. DAK.
CLYDE M. REED, KANS.
HOMER FERGUSON, MICH.
KENNETH S. WHERRY, NEBR.
GUY CORDON, OREG.
LEVERETT SALTONSTALL, MASS.
MILTON R. YOUNG, N. DAK.

EVERARD H. SMITH, CLERK
CECIL H. TOLBERT, ASST. CLERK

# United States Senate

COMMITTEE ON APPROPRIATIONS

April 18, 1949

490

Mr. O. P. Soares,
Clerk, House of Representatives,
Twenty-fifth Legislature,
Honolulu, T. H.

Dear Mr. Soares:

I have your letter of recent date, enclosing copies of House Concurrent Resolution No. 34, adopted by the Twenty-fifth Legislature of Hawaii, and replying assure you I shall be glad to give same careful consideration.

Thanking you for calling this to my attention, and with all good wishes, I am

Yours very sincerely,

Elmer Thomas

Elmer Thomas

ET:G

JOSEPH R. FARRINGTON
DELEGATE FROM HAWAII

# Congress of the United States
## House of Representatives
### Washington, D. C.

491

April 15, 1949

Mr. O. P. Soares, Clerk
House of Representatives
Territorial Legislature
Honolulu, T. H.

Dear Mr. Soares:

I wish to acknowledge receipt of House Concurrent Resolution No. 29 forwarded under date of April 11.

Sincerely yours,

J. R. Farrington
Delegate from Hawaii

JOSEPH R. FARRINGTON
DELEGATE FROM HAWAII

# Congress of the United States
## House of Representatives
### Washington, D. C.

April 15, 1949

492

Mr. O. P. Soares, Clerk
House of Representatives
Territorial Legislature
Honolulu, T. H.

Dear Mr. Soares:

The copy of House Concurrent Resolution No. 34 forwarded under date of April 11 is acknowledged herewith.

Sincerely yours,

J. R. Farrington
Delegate from Hawaii

KENNETH McKELLAR, TENN., CHAIRMAN
CARL HAYDEN, ARIZ.
ELMER THOMAS, OKLA.
RICHARD B. RUSSELL, GA.
PAT McCARRAN, NEV.
JOSEPH C. O'MAHONEY, WYO.
DENNIS CHAVEZ, N. MEX.
BURNET R. MAYBANK, S. C.
ALLEN J. ELLENDER, LA.
LISTER HILL, ALA.
HARLEY M. KILGORE, W. VA.
JOHN L. McCLELLAN, ARK.
A. WILLIS ROBERTSON, VA.

STYLES BRIDGES,
CHAN GURNEY, S. DAK.
CLYDE M. REED, KANS.
HOMER FERGUSON, MICH.
KENNETH S. WHERRY, NEBR.
GUY CORDON, OREG.
LEVERETT SALTONSTALL, MASS.
MILTON R. YOUNG, N. DAK.

EVERARD H. SMITH, CLERK
CECIL H. TOLBERT, ASST. CLERK

# United States Senate

COMMITTEE ON APPROPRIATIONS

April 15, 1949

493

Hon. O. P. Soares, Clerk
House of Representatives
Honolulu, T. H.

Dear Mr. Soares:

Senator Russell has referred to me for acknowledgment your letter of April 11, 1949, enclosing resolution of the Legislature of the Territory of Hawaii requesting appropriation of funds for the study, control and eradication of fruit fly pests.

The subcommittee of which Senator Russell is chairman is holding hearings on the Agricultural Appropriation Bill for 1950, and your resolution will be duly considered by the subcommittee.

Very truly yours,

Earl W. Cooper
Clerk in charge of
Agricultural Appropriation
Bill, 1950.

EWC:mky

NO 1 LH 29/28 WAILUKU MAUI 29 6:39PM

NLT HIRAM FONG
SPEAKER HOUSE OF REPRESENTATIVES
IOLANI PALACE
HONOLULU

PARI- MUTUEL STRONGLY OPPOSED BY TREMENDOUS MAJORITY MAUI CONGREGATIONAL

PEOPLE

SIGNED

EXECUTIVE COMMITTEE 39 MAUI

MOLOKAI LANAI CONGREGATIONAL CHURCHES

# R A D I O G R A M

## INTER-ISLAND

The Pioneer Inter-Island Wireless Company of the World

Established Oct. 31, 1899




Operated by the
Mutual Telephone Company
Main Office at 1128 Alakea St.
Honolulu, T. H.

Stations at Hilo, Wailuku,
Lihue, Lanai, Kaunakakai

W-8 RECEIVED—AT MUTUAL WIRELESS OFFICE AT 4 94

# R A D I O G R A M

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Established Oct. 31, 1899




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Main Office at 1128 Alakea St.
Honolulu, T. H.
Stations at Hilo, Wailuku, Lihue, Lanai, Kaunakakai

W-8 RECEIVED—AT MUTUAL WIRELESS OFFICE AT

495

NO 3 LH 21/20 PUUNENE MAUI 29 341PM

HONORABLE HIRAM FONG AND ALL MEMBERS OF HOUSE
IOLANI PALACE
HONOLULU

WE URGED PREVENTION PASSAGE BILL HB1037

PUUNENE FILIPINO CHURCH

Kamehameha Schools
Sole Beneficiary of Bernice Pauahi Bishop Estate
Honolulu 17, Hawaii

Office of the Principal

Kamehameha School for Girls

496

April 28, 1949

Honorable Mr. Hiram Fong
Iolani Palace
Honolulu, T. H.

Dear Mr. Fong

We would like to express our deepest gratitude of the honor bestowed upon us, in participating in the opening ceremonies of the 57th day of the Legislature on April 25, 1949.

It was a privilege to contribute a "little something" to the activities of so important an organ in our government.

The actual experience of seeing our legislature in action made our classroom experiences with the legislature a reality.

We especially enjoyed seeing our luncheon guests in action and the impression will remain memorable.

Your friends at Kamehameha

Elaine Ah Mai
Jr. Class President

Beverly Ellis
Sr. Class President

Honorable Hiram Fong
Speaker of the House of Representatives
& Members of the Legislature

497

Please have this letter read throughout and not referred to a committee.

Hawaii's imports for 1947 totaled $ 340,000,000.

Hawaii's exports for 1947 totaled $ 181,000,000.

On March 11, 1949, E. A. Taok and Willie Crozier wrote a letter to the Territorial Senate and the Territorial House of Representatives asking for a public hearing on unemployment and repatriating the unemployed people to their places of origin.

The Governor, Senate and House of Representatives have done exactly nothing about considering that proposal.

Now I ask each and every one of the members of both houses of the Legislature and the Governor, "Are you going to do anything of a permanent nature to relieve unemployment and put people to work on gainful employment that will increase the purchasing power of the whole Territory of Hawaii and also increase the sources from which the Territory of Hawaii can collect taxes.

You all no doubt know, and if you dont I will tell you, that the Matson Navigation Company has the Territorial citizens enslaved and everyone is working for the Matson Navigation Company.

Remember that during the year of 1947 there was imported to this Territory a total of $55,000,000 worth of vegetables, food and beverages.

Must I tell you that we have the sunlight, air, land and water right here in Hawaii which could be made available for 15,000 unemployed people so that these items could be raised in Hawaii Nei without importing them on Matsons boats?

Must I tell you that making Hawaii self-supporting by farming our own produce is the most logical method of reducing unemployment and making our national defense stronger?

Let the Government subsidize the unemployed on farms until said farms start producing and dont use the excuse that it is too late in the session to do something because if you don't do something at this session it might be too late for many people.

I ask, and very politely request, that each and everyone of you express yourselves on this matter if you are not afraid of offending the feelings of the Matson Navigation Company. Your expression on this matter would look very good for the records.

I am delivering a copy of this letter to the President of the Honolulu Chamber of Commerce as they too have a great responsibility in this matter in as much as they also exert great influence on our Territorial Legislature.

Yours respectfully,

Willie Crozier

JAMES KEALOHA
*Chairman and Executive Officer*

JOHN K. KAI, JR.
*Executive Secretary to the Chairman*



*Executive Chambers*
April 30, 1949.

Honorable Hiram L. Fong, Speaker
and
Members of the House of Representatives
Territorial Legislature
Iolani Palace
Honolulu,
Hawaii

Gentlemen:

At the approaching close of the 25th Session of the Territorial Legislature, your southernmost county of our Island Group, the County of Hawaii, which has enjoyed the support and well wishes of the Speaker as well as each and every member of this august body, take this pleasant occasion, not only to express in the language of ole Hawaii 'mahalo anui loa ia oukou a pauloa' but also to extend to each and every one of you the warm aloha and best wishes of the people of the County of Hawaii, for a task which we feel is well done.

Respectfully yours,

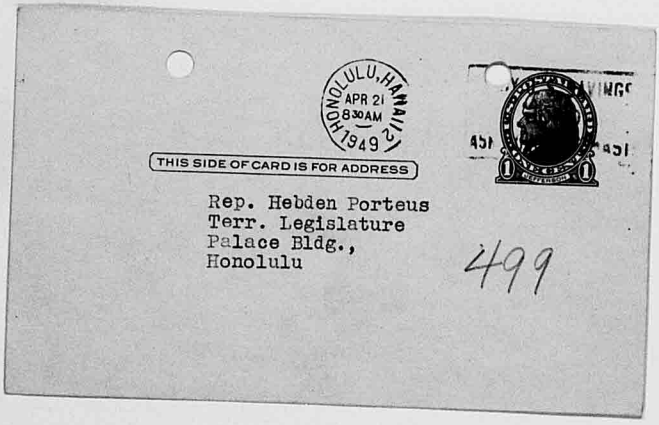
James Kealoha
Chairman & Executive Officer
County of Hawaii
Hilo, Hawaii

Dear Sir:
Please exert all possible effort to defeat SB 660, the Pari Mutuel Bill

E.E. Manke

E.E. Manke
3016 Libert St.,
Honolulu

21 Mar 4:99


HONOLULU, HAWAII
APR 21
8:30AM
1949
THIS SIDE OF CARD IS FOR ADDRESS
Rep. Hebden Porteus
Terr. Legislature
Palace Bldg.,
Honolulu
499

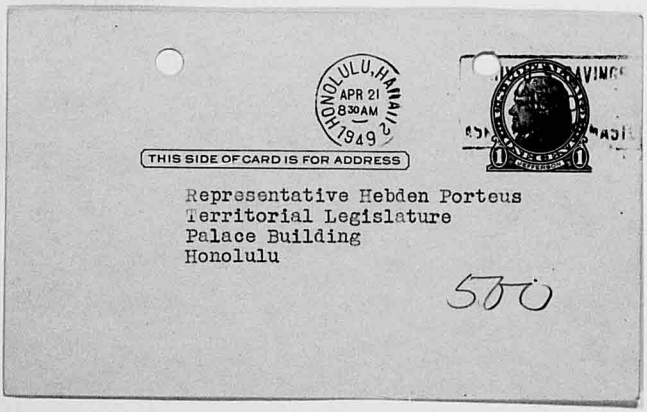
Dear Sir

I am opposed to the passage of SB 660, the Horse Race Betting measure. Pleased to support you in opposition

Dorothy E. Manke

Mrs. Dorothy E. Manke
3016 Libert Street
Honolulu

Misc 500


HONOLULU, HAWAII
APR 21
8:30 AM
1949

THIS SIDE OF CARD IS FOR ADDRESS

Representative Hebden Porteus
Territorial Legislature
Palace Building
Honolulu

500

AMERICAN ASSOCIATION OF UNIVERSITY WOMEN
Honolulu Branch

501

April 12, 1949

Honorable Hiram Fong, Speaker
House of Representatives
Twenty-fifth Legislature
Iolani Palace
Honolulu, T. H.

Dear Mr. Fong:

On authorization from the president of the American Association of University Women, Honolulu Branch, the chairman of the Legislative Committee of said organization requests that a public hearing be held on Senate Bill #660 which would legalize pari-mutuel betting on horse races.

Inasmuch as this bill is highly controversial the undersigned makes the request with the firm belief that public sentiment should be given adequate opportunity to be heard in an open meeting.

Sincerely,

Isobel Hustace

Isobel Hustace, Chairman
Legislative Committee
American Association of
University Women
Honolulu Branch

IH:du

-/-

502

American Association of University Women

Honolulu Branch

April 21, 1949

To the Members of the 1949 Legislature of the Territory of Hawaii

Honorable sirs,

The undersigned members of the American Association of University Women would like to go on record as opposing any bill to legalize parimutual betting.

Madorah E. Smith
Georgia T. Cash
Helen Gates Uhl
Esther S. Darrow
Winifred R. Robertson
Pauline Moyer
Elizabeth D. Porteus
Dorothy Jay Adams
Laura Lister Marques,
Clara D. T. Smith
Beatrice Hancock Austin
Margaret P. Williams
Nora M. Jackson
Esther O. Nakagawa
Mabel E. Brown
Harriet A. Sherry

All these addresses are on file at the AAUW clubhouse, 1839 Anapuni -

503

American Association of University Women

Honolulu Branch

April 21, 1949

To the Speaker of the House:

The following members of the American Association of University Women, Honolulu Branch, wish to protest the passage of the bill to legalise pari-mutuel betting:

Jerry Gordon Wakefield [President]
Juanita Echeverria Kendall
Frances Kenyon
Katharine L. Woodford
Dorothy S. Hackett
Josephine A. Gilbert
Dorothy G. Emerson
Geraldine Mullen
Althea C. Marrack
Maude F. Lyon
Beatrice Porter
Grace C. Steinbeck
Elizabeth Case Smith
Margaret Pratt Wriston
Marion S. Beadle
Helena Dolfin Mowat
Cleo Hensold
Helen F. Fox
Laura P. Bowers
Catharine E. B. Cox.
Merle W. Linn
Dora E. Brittingham
Laura Ann Andrews
Mrs. O. Lowe
Ebba Z. Chaffee
Elsa Steiner
Ursula H. Jefferson
Kay Cannon
Mildred Morgan
Elizabeth H. Poole

**Central Union Church**
BERETANIA AND PUNAHOU STREETS
HONOLULU 19, HAWAII
*Telegraph Address:* CENTRUN

504

April 12, 1949

The Hon. Hebden Porteus, Vice Speaker
House of Representatives
Iolani Palace
Honolulu, Hawaii

Dear Mr. Porteus,

May I register to you, and through you to the other members of the House, the conviction of the membership of Central Union Church (1453 local active members) as it was registered through the Standing Committee at the meeting of March 22, 1949?

Our membership would look with great disfavor on the passage of the bill permitting the introduction of Pari-Mutuel betting in conjunction with horse-racing or any other activity in the Islands. While we favor and ourselves foster such constructive sports as badminton, basketball and swimming, and take pride in the football teams of our schools and of the University, we feel that the placing of bets in connection with horse racing is in quite a different category.

Specifically, we oppose this, and every form of betting. From a common-sense viewpoint, we know that those who lose bets can't pay their debts, and those who win bets, don't. From a religious viewpoint, we would point out that all our possessions are a trust from God to use in the most constructive way we know how.

We are glad to learn that largely through your efforts a hearing will most likely be held where groups like ours may register our conviction more fully.

Sincerely yours,
Allen Hackett
Allen Hackett

4

P. O. Box 3821

April 12, 1949

505

Honorable Hebden Porteus
House of Representatives
Territory Legislature

Dear Sir:

The Christian Endeavor Union, representing all the Christian Endeavor societies in the various churches, hereby submit our protest on the SB 660 which would legalize gambling on races. We request that the bill be sent thru the proper channel, that is, the bill be referred to a committee that would call for a public hearing.

The bill is more detrimental to the welfare of the public, than be of any benefit tto humanity. We can not see the reason, why the senate could act like the way they did. They were elected to serve the people, but it seems that they are interested only in few people, a very small minority. May we again ask that the public be given a chance to speak on this bill? Thank you.

Sincerely Yours,

Walter Nomura

President, Territor of Hawaii Christian Endeavor Union

5

# The Church of the Crossroads

(CONGREGATIONAL - CHRISTIAN)
Honolulu 33, Hawaii

506

1212 University Avenue
Telephones: Office 92604 • Preschool 92285

MINISTER
Reverend Charles C. Hoskinson

April 12, 1949

The Honorable Hebden Porteus
House of Representatives
Honolulu, T. H.

Dear Mr. Porteus:

The Board of Deacons and Deaconesses of this church met on Monday evening, April 11, and considered the action of the Senate in passing Senate Bill No.660 to make possible pari-mutual betting in the territory. Because this bill is now before the House of Representatives, the Board unanimously voted to instruct me to send you a letter to express the hope:

1) that the bill would be referred to committee; and

2) that a public hearing will be held to give those who favor the bill and those who oppose it an opportunity to state their reasons fully.

On behalf of the Board, therefore, I am writing to ask you to support this request.

The members of the Board present at this meeting who unanimously voted to send you this letter are as follows:

Mr. Isami Fujii, chairman,
Mr. Walter Goto, Mrs. U. Watada,
Mr. Anthony Hirakami, Miss Elizabeth Carey,
Mr. Alfonso Avecilla, Miss Miyuki Murakami,
Mrs. Thomas Higuchi, Mrs. Alfred Dang.

Respectfully yours,

Charles C. Hoskinson

Charles C. Hoskinson

CCH/hk

THE EPISCOPAL CHURCH IN THE HAWAIIAN ISLANDS
QUEEN EMMA SQUARE
HONOLULU 43, T. H.

THE RT. REV. HARRY S. KENNEDY, D. D.
BISHOP OF HONOLULU

CABLE ADDRESS "PECUSAH HONOLULU"

507

April 12, 1949

House of Representatives
Territorial Legislature
Territory of Hawaii
Honolulu, T H

Attention Mr D Hebden Porteus:

I cannot refrain from asking that the members of the House of Representatives weigh very carefully the Horse Racing Bill that is now before them.

So many lives are going to be involved and effected by this bill that the personal and selfish motives of a few individuals should not influence the passage of a bill that will be so detrimental to our Islands.

There is no need of going into details for those who really have the welfare of our Territory and its people at heart. I have been appealed to by persons known and unknown to me, asking that they might do something to stave off hasty action. I am certain the members of the House are people of integrity and will give a hearing to the people on such a controversial matter.

My office was recently robbed by a man whose police record was that of a gambler and he was trying to pay his debts.

Most sincerely,

Harry S. Kennedy
Bishop

HSK:kmm

508

Honolulu, T. H.
April 12, 1949

TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES
OF THE TERRITORY OF HAWAII

Ladies and Gentlemen:

As members of FIRST CHRISTIAN CHURCH OF HONOLULU (8) and KAIMUKI CHRISTIAN CHURCH (16), we, the undersigned, hereby strongly protest the passage of Senate Bill #660, relating to horse racing; and

HEREBY we wish to register our displeasure over the manner in which this Bill was passed by the Senate, they knowing full well that we should have been given an opportunity to be heard as well as others who oppose this class of legislation; and

WHEREAS Senate Bill #660 is now before you, we urge you to grant to us an opportunity to be heard because we are opposed to this Bill and any other legislation that would legalize horse racing or gambling in any form in the Territory, and if a hearing is not granted, we hereby respectfully request that this Bill be defeated.

Rev. W. Reid Ferguson - 1515 Liholiho St
James N. Gray. 1532 Liholiho St.

over

8 and 16

| | |
|---|---|
| Gordon A. Cottington | 935 Ocean View Drive |
| F. Ray Van Brocklin | 4079 Black Point Rd. |
| Mrs J Maxwell-Edwards | 3517 Kilauea ave Kaminski |
| Mrs C A Lowe | Hawaiian Ord. Depot |
| Major C A Lowe | Hawaiian Ord Depot |
| Mrs Fred English | 1032 Ilima Dr. |
| Mrs. E.R. Cameron | 1802 Keeaumoku St. |
| Mrs. F. Ray Van Brocklin | 4079 Black Point Rd |
| Edith M Noffsinger | 1523 Thurston Ave. |
| Ruth S. Jones | 747 Ocean view Dr. |
| Oren Hood | 1414 Wilhelmina Rise |
| Kenneth Jimco | 1117 Koko head ave. |
| Grace M. Bartlett | 2730 Terrace Dr. |
| Carl Bunch | 940 Koko Head ave. |
| Mrs. J. H. Bowman | 1822 Keeaumoku St. |
| Mrs. M. K. Hugho | 921 - 7th Ave. |
| Dora E Lovell | 918 - 8th ave |
| Josephine C. Hood | 1414 Wilhelmina Rise |
| Ayako Oka | 1802 Keeaumoku St |
| Mrs. C. J. Pietsch | 3009 Loomis St |
| Fred D. English | 1032 Ilima Dr. |
| Alfred B. Henderson | 918. A 8th ave. |
| Inga Keough | 3633 - Bethshan Road |
| Rev. Edwin P. Rogers | 2931 Kolomana Place |
| Charles Pietsch | 925 Fort St |
| Samuel M. Kuleheua | 921 - 7th. Ave. |
| George W Duncan | 5564 Kalanianaole |
| Marion E. Cottington | 935 Ocean View Drive |
| Helen W. Henderson | 918 - 8th Ave. |
| Mrs E. M. Philp, | 935 Ocean View Drive. |
| Margaret Gray | 1532 Liholiho St. |
| Am Gray | 129-C Ohio Ave. |

| | |
|---|---|
| Mary M. Duncan | 5564 Kalanianaole Hwy |
| Mrs. H. B. Cooper | 268 Beach Walk |
| Miss Eva Y. C. Lee | 35 G. Kuakini St. |
| Miss Winifred Kam | 1338 Wilder Ave |
| Ida Pearl Ferguson | 1515 Liholiho St. |

HAWAII CONGRESS OF PARENTS AND TEACHERS

HONOLULU, T. H.

509

April 11, 1949

Rep. Hebden Porteus,
House of Representa tives,
Territorial Legislature,
Iolani Palace,
Honolulu T. H.

Dear Mr. Porteus:

As chairman of the Spiritual and Character Education Committee of the PTA, I have sent letters to the speaker of the house and to the chairman of the judiciary committee urging that the house defeat Senate Bill 660 permitting the establishment of pari-mutal betting in those counties which desire it.

I shall be present at the legislature on Tuesday April 12th, and I shall do all possible to make the PTA active and effective in this fight aga inst SB 660.

My congratulations and best wishes to you in the fight which you are making.

Sincerely,

John F. Mulholland

John F. Mulholland
Chairman, Committee
Spiritual and Character Education

9

HAWAII CONGRESS OF PARENTS AND TEACHERS

HONOLULU, T. H.

510

April 11, 1949

Speaker, House of Representatives
Honolulu, T.H.

Dear Sir:

The Hawaii Congress of Parents and Teachers, in convention assembled (1947) unanimously adopted a resolution opposing gambling in all forms, including pari-mutuel betting.

Yours very truly,

Dorothy D. Gross

(Mrs.) Robert U. Gross
Acting President
HAWAII CONGRESS P.T.A.

10

511

STATEMENT OF OPPOSITION
TO SENATE BILL 660
LEGALIZING PARI-MUTUEL GAMBLING IN HAWAII

To the Honorable Speaker and Members of the House of Representatives,

25th Biennial Session, Iolani Palace, Honolulu, T. H.

The undersigned, all residents of the Territory of Hawaii, take this means of expressing our unalterable opposition to any legislation which legalizes gambling and, particularly, to Senate Bill 660 which proposes to authorize the establishment of the pari-mutuel betting system for horse racing in the several counties. We respectfully urge your honorable body to vote down Senate Bill 660.

Each signature to this petition has been made by the individual whose signature appears, and each signer separately and individually has expressed his or her opposition to Senate Bill 660.

Helani Church Church or Religious Organization

Keauhou N. Kona Address

Robert Kahalioumi Pastor, Minister or other Officer

Robert Kahalioumi — Tahu Kawamoto

Mahone Kaeo — Margie Valdez

John U. Pea — Ekau Lanai

Kamaile M. Kahalioumi — Mitchell Kahalioumi

Roseline Smith — Lily Dison

Virginia K. Kahalioumi

Anna K. Kawamoto

11

# The Honolulu Council of Churches

512

HONOLULU 5, T. H., U. S. A.
P. O. BOX 1972 • TELEPHONE 57367

ROLAND SAGUM
President

REV. HAROLD JOW
First Vice-President

JOHN C. LUIZ
Second Vice-President

SHELDON E. SWENSON
Recording Secretary

JAMES WILSON
Treasurer

REV. E. L. WHITTEMORE
Executive Director

April 11, 1949

The Judiciary Committee
House of Representatives
Territory of Hawaii

Gentlemen:

In view of the possibility that gambling may be made legal in the Territory of Hawaii, this Committee respectfully and urgently request of you that a public hearing be held on the so-called Pari-mutuel gambling bill so that the issue may be considered in public debate.

We do not believe that this bill will in any way contribute to the welfare of our community. We know that the leaders of our community in such fields as social welfare, education, youth work and community affairs are not convinced that this measure will be a good thing for our community. We do not believe that the responsible people in our community will appear at any public hearing in support of this bill.

Respectfully yours,

Glenn Evans

Chairman, Social Action Committee
Honolulu Council of Churches

GE:ts

513

April 12, 1949

Honorable Hiram L. Fong
Speaker of the House of Representitives
Territorial Legislature
Iolani Palace
Honolulu, Hawaii

Dear Mr. Fong:

The Honolulu Council of Church Women urges you to use every means at your command to stop the passage of Senate Bill 660.

As church women collectively and as citizens individually, we register the strongest possible protest against this Bill.

There can be no need to take time here to name the reasons why we protest. I believe those reasons, both moral and economic, are known to you and to many others.

Suffice it to say that we make this protest against legalizing a thing which we consider to be against the best interests of every person residing in this Territory.

Very truly yours,

(Mrs J L.) Marian B. Stormont

President,
Honolulu Council of Church Women

Honomu Christian Church
Honomu, Hawaii
April 20, 1949

S 14

Mr. Hebden Porteus
Speaker, House of Representative
Palace Grounds
Honolulu, T. H.

Dear Honorable Sir:

Re. Senate Bill No. 660

As pastor of the Honomu Christian Church, Honomu, Hawaii, with a membership of over 300 adult members and sunday school children and young people, covering the towns of Honomu, Pepeekeo and Hakalau, I take this means to ask your honorable body of representatives to urgently oppose any legislation which legalizes gambling and, particularly, to Senate Bill No. 660 which proposes to authorize the establishment of the parimutuel betting system for horse racing in the several counties.

May the welfare of the men, women and children of Hawaii be spared from the evils and corruptions that will ultimately come from legalized gambling.

Again, we ask you honorable sirs to vote down any bills submitted to legalize any form of gambling in Hawaii nei.

Yours very truly,
Masayoshi Wakai
Pastor

Insurance Women's Club of Honolulu

Honolulu, Hawaii

515

April 11, 1949

Hon. A. Q. Marcallino,
Chairman of the Judiciary Committee
House of Representatives,
Territory of Hawaii,
Honolulu, T. H.

RE: SENATE BILL #660
AUTHORIZING COUNTIES TO LEGALIZE
PARI-MUTUEL

Dear Sir:

On behalf of the Insurance Women's Club of Honolulu, we request that a public hearing be held on the subject of the above captioned bill and that notice be given in advance of the hearing in order to bring the matter before the general public and they be given an opportunity to attend the hearing.

Yours very truly,

Irene Plaisance

Irene Plaisance, President
Insurance Women's Club of Honolulu
P. O. Box 3224
Honolulu, T. H.

15

Insurance Women's Club of Honolulu

Honolulu, Hawaii

April 11, 1949

Hon. Hiram Fong,
Speaker of the House of Representatives,
Territory of Hawaii,
Honolulu, T. H.

RE: SENATE BILL # 660
AUTHORIZING COUNTIES TO LEGALIZE
PARI-MUTUEL

Dear Sir:

On behalf of the Insurance Women's Club of Honolulu, we request that a public hearing be held on the subject of the above captioned bill and that notice be given in advance in order for the matter to be brought before the general public.

Yours very truly,

Irene Plaisance

Irene Plaisance, President
Insurance Women's Club of Honolulu
P. O. Box 3224
Honolulu, T. H.

15

814 McCulley
Honolulu T.H.
April 11, 1949

516

Dear Sir,

As a High School student and a future citizen of Hawaii, I want to express the way I disapprove of Senate bill 660.

I firmly believe that this horsebetting bill will effect my life and many others in the future.

We in Hawaii, have never had horsebetting and did fine without it.

This bill if passed would do more bad, than good. Hawaii will change.

As Representative against this bill, any thing that will do to vanquish this bill, will be duply appreciated by me and many others.

Thank you

Charles Higa

16 (10th grade, U.H.S.)

MAKIKI CHRISTIAN CHURCH

▼ 829 Pensacola Street, Honolulu 14, T. H.

517

April 11, 1949

Hiram L. Fong, Speaker
House of Representatives
Territory of Hawaii

As representatives of the Makiki Christian Church we would like to go on record as opposing bill SB 660, which would legalize gambling on racing.

This church is of the conviction that this proposal is not one to better the economic, moral and spiritual welfare of the people of the territory.

Furthermore, we ask that this bill be given a public hearing, so that the vast number of citizens who oppose it may be heard.

Sincerely,
Chiyokichi Furuta by Fumi Furuta
Chiyokichi Furuta
Pastor

Chester Terpstra
Chester Terpstra
Interim Associate Pastor

for #16 all #8 in same pet.

*Affiliations - Hawaiian Evangelical Association - Oahu Association of Congregational Christian Churches*

17

518

STATEMENT OF OPPOSITION
TO SENATE BILL 660
LEGALIZING PARI-MUTUEL GAMBLING IN HAWAII

To the Honorable Speaker and Members of the House of Representatives,

25th Biennial Session, Iolani Palace, Honolulu, T. H.

The undersigned, all residents of the Territory of Hawaii, take this means of expressing our unalterable opposition to any legislation which legalizes gambling and, particularly, to Senate Bill 660 which proposes to authorize the establishment of the pari-mutuel betting system for horse racing in the several counties. We respectfully urge your honorable body to vote down Senate Bill 660.

Each signature to this petition has been made by the individual whose signature appears, and each signer separately and individually has expressed his or her opposition to Senate Bill 660.

Mauna Ziona Church Church or Religious Organization

Kaelia Address

Jack K Hao Pastor, Minister or other Officer

| | |
|---|---|
| Samuel Keanaaina. | Mrs Emily Keanaaina |
| Sam Puhi | Ramona Kahanamii |
| Simeon Muginsaty | Adele P. Marshall. |
| Herman Haleamau | Mrs Karela Haleamau |
| Alejandro Rehil. | Mrs Josephine Hao |
| Mrs Annie Rehil | John Keanaaina |
| Annie Hao | Henry Hao Jr. |

18

P. O. BOX 1384

56405
TELEPHONE 3806

ORGANIZED
1892



SELF-SUPPORT
1902

519

# NUUANU CONGREGATIONAL CHURCH

HONOLULU, HAWAII

April 12, 1949

Mr. Hebden Porteus
Vice Speaker of the House
Kapiolani Place
Honolulu, T. H.

Dear Mr. Porteus,

We the members of the Nuuanu Congregational Church are absolutely opposed to the pari-mutuel gambling bill before the Legislature. It is harmful and detrimental to the welfare of the citizens of this territory. We have more than enough welfare problems now without legalizing gambling in horse racing. We do not need to breed horses for gambling purposes which will be the cause of tragedy in many homes. We strongly urge that the bill be killed in the lower house.

We remember with gratitude your efforts in blocking the passage of the bill at the last legislature. We assure you our support to you and others who stand for the general welfare of the people in the territory. Please urge the Committee to bury that harmful measure.

Sincerely yours,

Nuuanu Congregational Church

Masaichi Goto

Masaichi Goto, Pastor

19

520

# OAHU RETAIL FOOD DEALERS' ASSOCIATION

AFFILIATED WITH THE NATIONAL ASSOCIATION OF RETAIL GROCERS • P. O. BOX 3644
1649 KAPIOLANI BLVD., LEILANI BLDG.
HONOLULU, HAWAII
Executive Secretary: HENRY E. SCHULTZ

April 18, 1949

**OFFICERS**
FRED STROMBECK
President
EDWARD KWOCK
Vice-President
ROBERT GOINS
Recording Secretary
HAROLD AOKI
Treasurer

**DIRECTORS**
H. L. CHUN
ROY EMERY
GUNJI KOIKE
HERBERT NUNOTANI
HENRY CHUN HOON
ROBERT CHOY
JOHN HAMILTON
M. KAWAMOTO
RICHARD AUYONG
E. W. HARRELL
LAWRENCE PANG
Sergeant-at-Arms

Mr. Hebden Porteus
Judiciary Committee
1949 Legislative Session
Iolani Palace
Honolulu, Hawaii

Dear Mr. Porteus:

The Oahu Retail Food Dealers' Association wishes to bring to your attention the firm stand taken by its Board of Directors in opposition to Senate Bill No. 660.

Passage of such a measure will, in the opinion of the Board, bring all of the evils of public gambling into the Territory of Hawaii and will serve to promote the problem of law enforcement. It will contribute further to the juvenile delinquency troubles of Oahu particularly, and will seriously undermine the work being done by local welfare organizations and corrective institutions. While some monies may be realized from the Territory's take on such a measure, the amounts realized cannot possibly attain the astronomical proportions of the additional protective, corrective and penal services required of the government. As members of an advancing, growing community, the Oahu Retail Food Dealers' Association protests against the unthinking manner in which this bill was given passage through the Senate.

Representing the majority of small and large food businesses on the island of Oahu, this organization calls upon the lower house to defeat this bill No. 660 which would bring only pronounced poverty and unhappiness to a large portion of our people.

Very truly yours,

OAHU RETAIL FOOD DEALERS' ASSOCIATION

Fred W. Strombeck

Fred W. Strombeck, President

521

STATEMENT OF OPPOSITION
TO SENATE BILL 660
LEGALIZING PARI-MUTUEL GAMBLING IN HAWAII

To the Honorable Speaker and Members of the House of Representatives,

25th Biennial Session, Iolani Palace, Honolulu, T. H.

The undersigned, all residents of the Territory of Hawaii, take this means of expressing our unalterable opposition to any legislation which legalizes gambling and, particularly, to Senate Bill 660 which proposes to authorize the establishment of the pari-mutuel betting system for horse racing in the several counties. We respectfully urge your honorable body to vote down Senate Bill 660.

Each signature to this petition has been made by the individual whose signature appears, and each signer separately and individually has expressed his or her opposition to Senate Bill 660.

521

Olaa Christian Church — Church or Religious Organization

Olaa, Hawaii — Address

P K Shimoda — Pastor, Minister or other Officer

| | |
|---|---|
| F. Fukumoto | Genemon Suzaki |
| H. Hirano | Senki Tsukayama |
| S. Fujiyoshi | Awari Funaki |
| Masao Toriyoe | Namino Tanaka |
| Kotaro Kaneshiro | Shige Hirano |
| Mitsutaro Fujiyaki | Hatsuyo Toriyoe |
| Tagoro Fukumoto | Kume Fukumoto |

21

We, the undersigned, are opposed to Senate Bill 660

Elsie Sakamaki
Kay Fujioki
Kamo Uesato
Fumiko Shimoda
Sekigo Tanioka
Tamaki Kajiwara
David Tanabe
Nao Sugai
Paul J Sakamaki

St. Christopher's Episcopal Mission
Kainalu and Makawao Streets
Kailua, Oahu, T. H.

522

Box 1128
Lanikai, Hawaii

The Rev. Richard M. Trelease, Jr.
Vicar

April 12, 1949

Mr. Hebden Porteus
House of Representatives
Iolani Palace
Honolulu, T.H.

Dear Mr. Porteus:

I wish to register my strong disapproval of senate bill 660 and my hope that a public hearing may be held on this important matter before further consideration by the house of representatives.

I speak as an individual, not only because of moral considerations, but because it is my belief that the passage of this bill would weaken beyond repair the economy of our Territory.

As one of your voters and supporters I hope you will bring all the influence you can against the passage of this bill.

Sincerely,
Richard M. Trelease, Jr.
Richard M. Trelease, Jr.

523

2462 Kapiolani Blvd.
Honolulu, T. H.
April 17, 1949.

Mr. Hebden Porteus
Vice-Speaker, House of Representatives
Iolani Palace, Honolulu, T. H.

Dear Mr. Porteus,

As a housewife and a mother, I wish to present to you my strong protest against the passage of SB 660 legalizing pari-mutuel horse race gambling in the islands.

On behalf of the Women's Circle of the United Church of Christ, I also wish to place before you our protest on this gambling bill.

Very truly yours,

May Look

523

Wailuku Maui,
April 13, 1949

524

Hon. Hebden Porteus,
House of Representatives, Honolulu
Dear Sir:-

The Women's Society of the Wailuku Union Church, yesterday passed a unanimous vote, condemning any forms of legalized betting in the Territory.

It will not be possible to attend the public hearing, but we wish to give expression to our protest. We represent forty to fifty women.

We want our young people of this territory to grow up in a clean wholesome atmosphere, free from such temptations as this would bring.

Yours with all good wishes
Emma L. Ritter
(Mrs. R. H. Ritter) 24

ZONTA INTERNATIONAL
INTERNATIONAL ORGANIZATION OF EXECUTIVE WOMEN

ZONTA CLUB OF HONOLULU

525

April 12, 1949

Honorable Hiram Fong, Speaker
House of Representatives
Twenty-fifth Legislature
Iolani Palace
Honolulu, T. H.

Dear Mr. Fong:

The Directors of the Zonta Club of Honolulu unanimously authorized the secretary to write to the proper officials of the House of Representatives requesting that a public hearing be called on Senate Bill #660, commonly known as the "horse gambling bill," in order to allow public sentiment to be heard.

The Directors make this request in the interest of the club's forty-seven members and in the interest of the community.

Sincerely,

Isobel Hustace

Isobel Hustace, Secretary
Zonta Club of Honolulu

IH:du

25

526

Honolulu, T. H.
April 12, 1949.

Hon. Hebden Porteus
Representative of the 4th District
House of Representatives,
Territory of Hawaii,
Honolulu, T. H.

RE: SENATE BILL #660

Dear Sir:

As a voter of the 4th District, I ask that you use every effort to prevent the above captioned bill from being passed by the House of Representatives.

The bill should be allowed a public hearing, with notice given in advance in order to allow the general public to attend.

The "high handed" method used by the Senate in passing the bill in such a manner is not in keeping with the desires of the public.

Thank you,

Irene Plaisance

Irene Plaisance
3011 Diamond Head Road,
Honolulu, T. H.

76

527

1633 Alewa Drive
Honolulu, T. H.
April 12, 1949

Vice Speaker Hebden Porteus
House of Representatives
Territory of Hawaii
Iolani Palace
Honolulu, T. H.

Dear Mr. Porteus:

Your action in the House of Representatives to insure that proper consideration is given to Senate Bill 660 is greatly appreciated by the writer and, I believe, by the majority of the citizens of Hawaii.

As a private citizen I wish to protest the enactment of any law which would legalize gambling. Such action could only result in serious injury economically, socially and morally to our community. Any revenue which might be obtained for the Territorial or County Governments through such a measure could not offset the losses which private business would suffer, costs of administration, and the increased expenditures for crime prevention, welfare, and social work which would inevitably be necessary.

While it would not appear that a public hearing would be necessary to defeat such a bill it is hoped that the Judiciary Committee will hold a hearing if the bill cannot be killed otherwise.

Please feel free to use this letter in any way you deem best to prevent the passage of the pari-mutuel bill.

Respectfully yours,

Dwight W. Porter

Dwight W. Porter

27

2618-A Oahu Avenue
Honolulu, T. H.
April 11, 1949

528

Rep. Hebden Porteus
Vice-Speaker, House of Representatives
Honolulu, T. H.

Dear Sir:

As a former resident of Detroit, Michigan, and Southern California, I have learned that in both these districts where racing was permitted, there was a continual loss of wages among the office workers from betting thereon, and a continual profit to the owners of the horses.

Now that I have become a resident of Honolulu, I take this opportunity to express my appreciation of your stand against the proposed pari-mutuel bill before the Hawaii legislature, and enter my protest against its passage by demanding a public hearing.

Sincerely yours,

Hazel Elizabeth Reid

529

April 12, 1949

Mr. D. Hebden Porteus,
House of Representatives,
Capital Building,
Honolulu, T. H.

Dear Mr. Porteus:

I am definitely NOT in favor of the Racing Bill that the Senate has passed and I wish you as my representative to do all that you can to stop this Bill from becoming law.

Very truly yours,

Leonne Anderson

(Miss)Leonne Anderson
203 Saratoga Road,
Honolulu, T. H.

530

April 11, 1949

Mr. Hebden Porteus
Representative, 4th District
Honolulu, T. H.

Dear Sir:

I strongly disapprove of Senate Bill 660 to legalize horse racing.

Very truly yours,

Mary T. Bailey

2011-B Lanihuli Drive

3

531

April 11,1949

House of Representatives
Iolani Palace
Honolulu, T.H.

Gentlemen:

I wish to go on record as definitely opposing the Horse Race Gambling Bill. I hope everything possible will be done to defeat such a bill in this session.

I am greatly disappointed in Ben Dillingham, that he would support such a bill.

Sincerely submitted,

Adeline L Bice

4

April 21, 1949 S32

To the Speaker of the House:

I wish to protest the passage of the bill to legalise pari-mutuel betting:

Anna J Banks
Anne Maidment Guild
Eva R. Hanton
Mrs. Anna Hays - 2048 Nuuanu
Edna Mae Engle. Makena, Maui
Beth J. de Lauenfels 2630 Pope Rd. Honolulu
Virginia R. Harlow Ft. Armstrong T. H.
Edith A McGinnis 4935 Kalanianaole Hwy.
Gladys O. Gray 1547 Ala Wai Blvd.

533

Honolulu, Hawaii, April 12, 1949

Honorable Hebden B. Porteus
House of Representatives
Honolulu, Hawaii

Dear Mr. Porteus:

As my representative, will you please urge that there be a public hearing on the horse racing bill which has already been railroaded through the Senate and is now coming up for action before the House of Representatives. I am not in favor of this bill, as I feel the results of its passage would be disastrous to the Territory.

I feel that there are two sides to this question, and that there should be an opportunity in a public hearing to present both sides.

Hoping you will do everything in your power to bring about a public hearing on this bill, I am

Very truly yours,

Dorothy K Campbell

253-C Lewers St
Honolulu 20
Hawaii

# 7

534

1654 Keeaumoku Street,
Honolulu 4.

April 12, 1949.

D. Hebden Porteus,
House of Representatives.

Dear Sir:

This is to notify you that I strongly disapprove of the horse racing Bill which has just passed the Senate.

Very truly yours,

Margaret R. Gardiner

9 534

535

Port Allen,
Kauai
April 12, 1949

Hon. Tony Marcellino
House of Representatives
Honolulu, T. H.

Dear Mr. Marcellino:

I have heard a lot about the pari-mutuel bill which the Senate pushed through the other day and I understand it is now in the House. By all means, I think the public should have a chance to be heard on the subject and in case it is not possible to kill the bill, there should at least be a public hearing on the subject through a special committee appointed by the Speaker of the House.

I urge that you do everything in my behalf to put this bill where it belongs.

Yours very truly,

Al Drothzen

AL DROTHZEN

11

536

Honolulu, Hawaii
April 12, 1949

Honorable Hebden B. Porteus
House of Representatives
Honolulu, Hawaii

Dear Mr. Porteus:

I am appealing to you to do all you can about a public hearing on the horse racing bill which is now coming up for action before the House of Representatives.

In Communities where thelikes of this bill are sanctioned by law, it is always the women and children who have to go without the necessities of life.

Please do all you can to bring about a public hearing on this bill.

Very Truly yours,

Marguerite Duane
253-B Lewers

536

April 12, 1949 537

Dear Mr Porter

I am very strongly against passage of the bill legalizing horse racing now before the House and would appreciate anything you can do to prevent its passage. The senate has acted against public interest in the railroad battle used to date on this measure.

Very Truly Yours
Herbert R Loomis.

April 21, 1949 538

Members of the Twenty Fifth Session of the Legislature of the Territory of Hawaii

Honorable sirs,

We, the undersigned voters of the Fourth District of the Territory of Hawaii would like to go on record as opposing any bill to legalize parimutuel betting :

Ida B. King
Elizabeth P. Crooker
Jayne F. Miho
Jeanne P. Arnold
Ruth W. Sayers
Katherine N. Lind
Isabel L. Snow
Doris R. Lynn
Pearl Kaneshige
Muriel Fujimoto
Ruth Reeves
Josephine S. Palmer
Helen C. Williams
Fay F. Yamaguchi
Jean S. Kalamoto
Rose C. Awana (5th District)
Edith G. Stanley
Olive B. Schoenberg

April 11th/49

Mr Portens
Dear Sir
I am positively opposed
to the Horse Race
Bill.
We have enuf crime
in our islands as
it is why increase

23

it.

MVC 539

Do all in your power to kill it.

Ikukua in every way

(Mrs E. C) Mary C. Moore

1412 Kinau St

Honolulu 21.

3538 Hinahina St
Honolulu
April 15, 1949

Honorable Hebden Porteus
Vice Speaker
Territory Legislature

540

Dear Sir:

As a private citizen, I would like to voice my protest on S.B. 660, which would legalize gambling on horse races.

In the interest of the public, I sincerely request that the bill be referred to a committee for further study with a public hearing.

The senate, in their action gave no chance for those opposed to the bill to say anything. I do hope that the House of Representatives will be more open minded and will give the public a chance to speak.

As a voter, I again request that we be given a chance to oppose the bill. Thank you.

Sincerely Yours
Walter Komuro

24

The Depot Pawn Shop

Licensed Pawn Brokers • Precious Jewels and Antiques
183 North King Street, Honolulu 1, Hawaii, U.S.A.

April 21st., 1949

541

My name is------Carroll J.Plaisance
My business is--The Depot Pawn Shop
I am a Member Of The Retail Board Of Trade
Of The Chamber Of Commerce.

I dont believe the people of Honolulu have ever had experience with legalized gambling.

I lived in New Orleans when gambling was legalized and there were three (3) race tracks in operation the year round.Gambling of every discription was wide open; cards, slot machines and lottery. This gambling so effected the social and business life of the city that legislation was passed limiting horse racing to 90 days each.year.

The undesirable elements that follow gambling certainly are no credit to a community. New Orleans suffered terribly from petty thievery.

My business may benefit by legalized gambling but I dont want that kind of business and what I stand to lose, in security of my possessions and a healthy business community,I am against legalized gambling.

xx

1061 Young Street, Honolulu,
April 11, 1949.

542

The Honorable Speaker and Members
of the House of Representatives,
Territory of Hawaii.
Mr Speaker,
Ladies and Gentlemen:

I hereby request that a Public Hearing be called on Senate Bill No. 660.

I object to legalized horse racing and gambling because I have known it all my life and observed its full force and effect for a continuous period of nearly three years recently in Australia where there has been no curtailment of pari mutuel betting or racing, and yet the bulk of police court prosecutions seem to be for illegal gambling - a branch or branches of the legalized order.

It has done nothing for progress or for charity. It results in increased drunkenness, unemployment, and charitable cases. It takes from the working men and women and their homes not only their money, but their happiness and puts nothing back but frustration and despair.

In one community of less than 500,000 where I lived for the year 19 1947 the weekly ticket sales in the Charities Lottery is 100,000 (roughly $50,000.00) and yet on Fridays (EVERY FRIDAY) the streets are full of collectors for approved, very deserving charities. I felt ashamed of all the gambling and waste and the plight of some of the charities and I paid out in one year ten times as much for charity as I was ever called upon to contribute for a like period in Honolulu.

I have lived in this community for nearly thirty years and have wa watched with pride the magnificent response of our younger citizens to the education and environment provided in these islands. I ask you, Ladies and Gentlemen, before you pass this legacy of infamy and despair on to them, to look well into the countenances of these fine young citizens. Their hopeful faces are all around you. If there are none in your homes, they are in your neighbors' homes, in the stores, offices, everywhere. Please look at them well.

Respectfully,
Marie L. Roebuck
MARIE L. ROEBUCK.

>9

543

Honolulu, Hawaii

April 12, 1949

Honorable Hebden Porteus
House of Representatives
Honolulu, Hawaii

Dear Mr. Porteus:

I have noted with dismay that the Senate has practically railroaded through the horse-racing bill, and that over any attempt to have a public hearing on the matter.

I am not at all in favor of this bill, as I feel that its passage would result in much hardship in the Territory, as well attract to the Islands a type of people who would not be desirable.

As my representative, I therefore request, urgently, that you bend every effort to have a public hearing on the bill. The proponants of the bill have had their say, and I feel that the opponants should also have a hearing.

Sincerely yours,

Marion L. Steinhauser

(Mrs.) Marion L. Steinhauser
3043 Kiele Avenue
Honolulu 30, Hawaii

30

544

Honolulu, Hawaii

April 12,1949

Honorable Hebden Porteus
House of Representatives
Honolulu , Hawaii

Dear Mr. Porteus:

I feel very strongly that the members of the Senate who voted for the horse racing bill have not "played the game", and have acted in a most unfair manner towerd the public. Now that this bill has passed the Senate and has been put up to your body for further consideration, I wish to go on record as one who would like to see this matter referred to a special committee for consideration, and particularly for a public hearing, as I know there are thousands of people who would like to be heard on the subject.

Any legislator who would think this matter through with an open mind,would have to admit that pari-mutuel betting in a community would be extremely detrimental to the welfare of the people, as wellas business.

Many Republicans who put a majority in office in the Legislature, will, I am afraid, if this bill is allowed to pass, think along different party lines when the next election rolls around.

Hoping you will exert every effort towards having the public heard on this bill, I am

Very truly yours,

Sam Steinhauser

Samuel S. Steinhauser
3043 Kiele Avenue,Honolulu,Hawaii 3rd of the 4th. V.P. #31

545

Honolulu, T. H.,
April 12, 1949.

Honorable Hebden B. Porteus,
House of Representatives,
Honolulu, Hawaii.

Dear Mr. Porteus:

We understand that Senate Bill 660 which, if enacted, will legalize gambling on horse races in Hawaii has already been "railroaded" through the Senate. As we are not in favor of this bill, believing that results of its passage would be calamitous to the Territory, we ask that you, as our representative, arrange for a public hearing on it as promptly as possible.

Concerning the bill, there are naturally two sides to the question and, in fairness to both, the opportunity in a public hearing should be made available to both.

We hope you will do everything in your power to arrange for a speedy public hearing on this bill.

Yours very truly,

Lewis H. Stroup

Dorothy Stroup (mrs. L. N.)

32 and 33

546

Mr. D. Hebden Porteus
House of Representatives,
Iolani Palace,
Honolulu, Hawaii.

Dear Mr. Porteus:

I very much disapprove of the Horse Racing Bill which is now before the House of Representatives.

Very truly yours

Theodora B. Townsend

1371 Kehaulani Drive
Lanikai, Oahu, T. H.

April 12, 1949

547

Mr. D. Hebden Porteus
House of Representatives
Iolani Palace
Honolulu, T. H .

Dear Mr. Porteus:

As a resident of Honolulu, I strongly disapprove of the horse racing bill which has recently been approved by the House of Representatives.

Very truly yours,

Mrs. J. V. Wall

Mrs. J. V. Wall
2876 A Park Street
Honolulu, T. H.

35

Mrs. [illegible]y Wong
1831 St. Louis Drive, Honolulu 36, Hawaii

Mar. 7, 1949

The Honorable Mr. Hebden Porteus
House of Representatives
Honolulu, Hawaii

548

Sir:

This is to inform you that my husband and I are emphatically against any form of legalized betting and also disapprove of socialized medicine.

Trusting that you will give this your kind consideration I remain

Yours truly
Mary Wong
(Mrs. Wallace S. Wong)

36

549

Honolulu, T. H.
April 12, 1949

Mr. D. Hebden Porteus
House of Representatives
Honolulu, T. H.

Dear Mr. Porteus:

I strongly disapprove of the Horse Racing Bill which has passed the Senate.

Very truly yours

Martha M. Fowler

Martha M. Fowler

4650 Aukai Street
Kahala

14

550

Honolulu, T. H.
April 12, 1949

Mr. D. Hebden Porteus
House of Representatives
Honolulu, T. H.

Dear Mr. Porteus:

I wish to state that I strongly disapprove of the Horse Racing Bill which has passed the Senate.

Very truly yours

(Mrs) Elizabeth F. Macdonald

Mrs. R. C. MacDonald
243 B Kapili St.

DEPARTMENT OF THE AIR FORCE
WASHINGTON

551

OFFICE OF THE SECRETARY

April 19, 1949

Mr. O. P. Soares
Clerk, House of Representatives
Territory of Hawaii
Honolulu, T. H.

Dear Mr. Soares:

Mr. Symington has asked that we acknowledge your letter of April 4 transmitting House Concurrent Resolution No. 2 adopted by the Legislature of the Territory of Hawaii.

We appreciate your sending this information and are making it part of our deliberations.

Sincerely,

Andrew S. Low, Jr.
ANDREW S. LOW, JR.
Lt. Colonel, USAF
Asst. Executive

Misc Comm 551 et seq not
indexed in House Journal

JOSEPH R. FARRINGTON
DELEGATE FROM HAWAII

# Congress of the United States
## House of Representatives
### Washington, D. C.

552

April 22, 1949

Mr. O. P. Soares, Clerk
House of Representatives
Territory of Hawaii
Honolulu, T. H.

Dear Mr. Soares:

Receipt of House Concurrent Resolution No. 42, forwarded with your letter of April 16, is acknowledged herewith.

Sincerely yours,

J. R. Farrington
Delegate from Hawaii

JOSEPH R. FARRINGTON
DELEGATE FROM HAWAII

# Congress of the United States
## House of Representatives
### Washington, D. C.

553

April 27, 1949

Mr. O.P. Soares, Clerk
House of Representatives
Territorial Legislature
Honolulu, T. H.

Dear Mr. Soares:

Enclosed is letter from the Secretary of the Navy that comes to me in response to an inquiry that was prompted by House Concurrent Resolution No. 29.

I forward this for the information of Members of the House and others concerned.

Yours truly,

J.R. Farrington
Delegate from Hawaii

APR 26 1949

THE SECRETARY OF THE NAVY
WASHINGTON

25 APR 1949

Dear Mr. Farrington:

This is to acknowledge receipt of your letter dated April 15th, regarding the Territory of Hawaii House Concurrent Resolution No. 29, concerning possible availability of the housing and recreation facilities at the Naval Air Station, Kaneohe for public use.

It is noted that this Resolution is predicated upon the prospect of the Naval Air Station, Kaneohe being placed in an inactive status. This assumption is somewhat in error. It is the Navy's present intention to place these facilities in a "maintenance" status rather than to "inactivate" the installation. Under this plan, the permanently assigned squadrons will be redeployed elsewhere and the personnel complement of the station proper severely reduced. This activity will thus be maintained in a state of operational readiness requiring only the addition of necessary personnel to bring it immediately into full operation. The necessity for this reduction in status has been imposed by current budgetary considerations. However, the Navy does not feel that this in any way minimizes the importance of this station to our National Security, and that it must, for the present, be kept readily available for use in the event of a National Emergency or increased pressure in the Pacific.

Following the above indicated reduction in the status of this station, it is believed there will be personnel housing excess to the station's needs. This housing however, is being made available to the Commandant of the Fourteenth Naval District for redistribution to meet the overall Navy family housing requirements in the Territory. It is not known at the present time what housing over and above these requirements will remain.

Under the above plan, should excess housing still remain, the problem of the ready dispossession of civilian families in the event such housing should be made available for public use would be a serious one.

In view of the unsettled international situation and the ultimate peacetime potentialities required of the Navy, I feel that no broad commitments such as requested in this Resolution can be made at this time.

Please be assured however, that as reductions in the Hawaiian area are effected, the Navy will entertain requests from the Territory for the public use of facilities or elements thereof not required by the Navy. Such diversion of facilities will be handled on a permit basis and should be processed through the Commandant of the Fourteenth Naval District.

Should it be found prudent at some later date to fully inactivate the Naval Air Station Kaneohe, the Navy would then give favorable consideration to the diversion of the properties, mentioned in this Resolution, to use for public benefit. This has been the policy of the Navy in such cases in the past, but I wish to emphasize that it has been done only where the properties have been inactivated and no requirement by other Governmental Agencies has been indicated.

Your interest in this matter is understood and I trust the above adequately sets forth the Navy's position in regard thereto.

Sincerely yours,

Dan A. Kimball.
Acting

Honorable Joseph R. Farrington
House of Representatives
Washington, D. C.

In reply refer to Initials and No.

Op-503E5/AVG
EG12/A4-2
Serial: 852P50

NAVY DEPARTMENT
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON 25, D. C.

for PEACE of MIND- BUY SAVINGS BONDS

29 APR 1949

554

Dear Mr. Soares:

The Secretary of the Navy has referred to me for reply your letter of April 11th, addressed to the President of the United States, with enclosed copy of the House Concurrent Resolution No. 29 which was adopted by the Twenty-fifth Legislature of the Territory of Hawaii. The Resolution is in regard to the possible availability of the housing and recreational facilities at the Naval Air Station, Kaneohe for public use.

It is noted that this Resolution is predicated upon the prospect of the Naval Air Station, Kaneohe being placed in an inactive status. This assumption is somewhat in error. It is the Navy's present intention to place these facilities in a "maintenance" status rather than to "inactivate" the installation. Under this plan, the permanently assigned squadrons will be redeployed elsewhere and the personnel complement of the station proper severely reduced. This activity will thus be maintained in a state of operational readiness requiring only the addition of necessary personnel to bring it immediately into full operation. The necessity for this reduction in status has been imposed by current budgetary considerations. However, the Navy does not feel that this in any way minimizes the importance of this station to our National Security, and that it must, for the present, be kept readily available for use in the event of a National Emergency or increased pressure in the Pacific.

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Under the above plan, should excess housing still remain, the problem of the ready dispossession of civilian families in the event such housing should be made available for public use would be a serious one.

In reply refer to Initials and No.

Op-503E5/AVG
EG12/A4-2
Serial: 852P50

NAVY DEPARTMENT
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON 25, D. C.

for PEACE OF MIND-BUY SAVINGS BONDS

29 APR 1949

In view of the unsettled international situation and the ultimate peacetime potentialities required of the Navy, I feel that no broad commitments such as requested in this Resolution can be made at this time.

Please be assured however, that as reductions in the Hawaiian area are effected, the Navy will entertain requests from the Territory for the public use of facilities or elements thereof not required by the Navy. Such diversion of facilities will be handled on a permit basis and should be processed through the Commandant of the Fourteenth Naval District.

Should it be found prudent at some later date to fully inactivate the Naval Air Station Kaneohe, the Navy would then give favorable consideration to the diversion of the properties, mentioned in this Resolution, to use for public benefit. This has been the policy of the Navy in such cases in the past, but I wish to emphasize that it has been done only where the properties have been inactivated and no requirement by other Governmental Agencies has been indicated.

The interest of the Hawaiian Legislature in this matter is understood, and I trust the above adequately sets forth the Navy's position in regard thereto.

Sincerely yours,

John D. Price

J. D. Price,
Vice Admiral U. S. Navy
Deputy Chief of Naval Operations (Air)

Mr. O. P. Soares, Clerk,
House of Representatives,
Territory of Hawaii,
Honolulu, T. H.

Honolulu Star-Bulletin,
HONOLULU 2, HAWAII, U.S.A.

ESTABLISHED 1882
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TELEGRAPHIC ADDRESS: "STARBUL"

555

May 6, 1949

Mr. O. P. Soares, Clerk,
House of Representatives,
The Twenty-Fifth Legislature
Iolani Palace,
Honolulu, T.H.

Dear Mr. Soares:

Thank you for your note of April 30 enclosing House Resolution No. 133.

We of The Star- Bulletin appreciate this pleasant and appreciative expression from the House of Representatives.

Yours truly,

Riley H. Allen
Editor

RHA:sk

OFFICE OF THE VICE PRESIDENT
WASHINGTON

May 9, 1949

556

Mr. O. P. Soares, Clerk,
House of Representatives,
Honolulu, T. H.

My dear Mr. Soares:

This will acknowledge receipt of your letter of April 30, transmitting House Concurrent Resolution No. 66, memorializing the Congress to authorize the issuance of public improvement bonds of the Territory of Hawaii during the years 1949 through 1955, without regard to the limitations imposed by the Hawaiian Organic Act.

Very sincerely yours,

Alben W. Barkley

EC.

SAM RAYBURN
4TH DISTRICT, TEXAS

The Speaker's Rooms
House of Representatives, U. S.
Washington, D. C.

557

May 10, 1949

Honorable O. P. Soares, Clerk
House of Representatives
Territory of Hawaii
Honolulu, T. H.

Dear Mr. Soares:

I have for acknowledgment your letter of April 30, 1949, transmitting House Concurrent Resolution No. 66, adopted by the Twenty-fifth Legislature of the Territory of Hawaii.

Yours very sincerely,

Sam Rayburn

JOSEPH R. FARRINGTON
DELEGATE FROM HAWAII

# Congress of the United States
## House of Representatives
### Washington, D. C.

558

May 7, 1949

Mr. O. P. Soares, Clerk
House of Representatives
Territory of Hawaii
Honolulu, T. H.

Dear Mr. Soares:

Receipt of your letter of April 30 and the enclosed copy of House Concurrent Resolution No. 66 is acknowledged herewith.

Sincerely yours,

J. R. Farrington
Delegate from Hawaii

JOSEPH R. FARRINGTON
DELEGATE FROM HAWAII

# Congress of the United States
## House of Representatives
### Washington, D. C.

559

May 10, 1949

Mr. O. P. Soares, Clerk
House of Representatives,
Iolani Palace,
Honolulu, T. H.

Dear Mr. Soares:

This will acknowledge receipt of your letter of April 30th with which you transmitted copy of House Concurrent Resolution No. 66 requesting Congress to authorize the issuance of public improvement bonds of the Territory of Hawaii.

I will have the proper legislation prepared to carry out the provisions of this Resolution, and will introduce it as soon as it is ready.

I will appreciate receiving any reports or other information which I can use when I appear before the Public Lands Committee in support of this legislation.

Yours sincerely,

J. R. Farrington
Delegate from Hawaii

JOSEPH R. FARRINGTON
DELEGATE FROM HAWAII

# Congress of the United States
## House of Representatives
### Washington, D. C.

560

May 12, 1949

Mr. O. P. Soares, Clerk
House of Representatives
Territory of Hawaii
Honolulu, T. H.

Dear Mr. Soares:

The enclosed response of the House Committee on Ways and Means, relative to House Concurrent Resolution No. 43, is self-explanatory.

Sincerely yours,

J. R. Farrington
Delegate from Hawaii

Enclosure

APR 12 19

EIGHTY-FIRST CONGRESS
R. L. DOUGHTON, N. C., CHAIRMAN

JERE COOPER, TENN.
JOHN D. DINGELL, MICH.
WILBUR D. MILLS, ARK.
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HAL HOLMES, WASH.
JOHN W. BYRNES, WIS.

CHARLES W. DAVIS, CLERK

## COMMITTEE ON WAYS AND MEANS

HOUSE OF REPRESENTATIVES

WASHINGTON, D. C.

April 11, 1949

Hon. J. R. Farrington
House of Representatives
Washington, D. C.

Dear Mr. Farrington:

The Chairman has asked me to acknowledge your letter of March 29, 1949, enclosing a resolution adopted by the Legislature of the Territory of Hawaii requesting repeal of the Federal excise tax on the transportation of persons and property in travel among the islands and between the islands and the mainland.

You may be assured that this resolution will receive the attention of the Committee whenever excise tax legislation may be considered.

Sincerely yours,

Charles W. Davis,
Clerk

CWD:hl

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
DIVISION OF TERRITORIES AND ISLAND POSSESSIONS
WASHINGTON

561

Mr. O. P. Soares
Clerk, House of Representatives
Honolulu, T. H.

MAY 12 1949

My dear Mr. Soares:

I wish to acknowledge receipt of the following resolutions of the Territorial Legislature which you recently forwarded to the Department:

H. Con. Res. 25 -- Requesting the Congress of the United States to Initiate a Survey of the Possibilities of the Construction of a Breakwater at Keauhou Bay, North Kona, County of Hawaii, for the Purpose of Creating a Harbor for the Berthing and Protection of Small Craft, in Order that the Same May Be Safe From the Elements, and in Order to Assist the Development and Expansion of the Fishing Industry of the Territory of Hawaii.

H. Con. Res. 34 -- Requesting the Congress of the United States of America to Appropriate Funds for the Study, Control and Eradication of Fruit Fly Pests.

H. Con. Res. 43 -- Requesting the Congress of the United States to Repeal the Federal Taxes on the Transportation of Persons and Property As Each Affects Inter-island Transportation in Hawaii and Transportation Between Hawaii and the Mainland United States.

H. Con. Res. 66 -- Memorializing Congress to Authorize the Issuance of Public Improvement Bonds of the Territory of Hawaii During the Years 1949 to 1955, Inclusive, Without Regard to the Limitations Imposed by the Hawaiian Organic Act.

Sincerely yours,

James P. Davis
Director

FOR VICTORY BUY UNITED STATES WAR BONDS AND STAMPS

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
DIVISION OF TERRITORIES AND ISLAND POSSESSIONS
WASHINGTON

562

MAY 12 1949

Mr. O. P. Soares
Clerk, House of Representatives
Honolulu, T. H.

My dear Mr. Soares:

The White House has referred to this Department for acknowledgment your letter of March 8 transmitting to the President a copy of House Resolution No. 62, as adopted by the Territorial House of Representatives, expressing appreciation to the House Committee on Public Lands for its action in recommending passage of legislation for statehood for Hawaii.

Sincerely yours,

James P. Davis

James P. Davis
Director

FOR VICTORY BUY UNITED STATES WAR BONDS AND STAMPS

*1849* **A Century of Conservation** *1949*

A7-4(1)/14ND/(JSD:22)

OFFICE OF COMMANDANT
FOURTEENTH NAVAL DISTRICT
Navy Number 128 (one two eight)
Fleet Post Office
San Francisco, California

3 June 1949

563

Mr. Oliver P. Soares
Clerk of the House
Iolani Palace
Honolulu, T. H.

Dear Mr. Soares,

The enclosed photographs, taken during the House of Representatives' tour of Pearl Harbor as guests of Rear Admiral Charles H. McMorris, Commandant of the Fourteenth Naval District, are forwarded for distribution by your office to the members of the House who appear in the picture.

If additional prints of this photograph are required, we shall be happy to oblige any of the Representatives.

Very truly yours,

J. S. DOWDELL
Lieutenant Commander, U. S. Navy
District Public Information Officer

Form No. DISTAFF-58

THE FOREIGN SERVICE
OF THE
REPUBLIC OF THE PHILIPPINES

PHILIPPINE CONSULATE GENERAL
HONOLULU, T. H.

1st Indorsement
June 4, 1949

Respectfully transmitted to Mr. O. P. Soares,
Clerk, House of Representatives, Honolulu, T. H.

564

Rizal G. Adorable

RIZAL G. ADORABLE
Executive Officer and
Counsel on Labor

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS

In Reply Refer to
File No.

Manila, May 24, 1949

13088

Sir:

I have the honor to acknowledge with appreciation the receipt of your letter of May 5, 1949 transmitting House Resolution No. 90, which was adopted by the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii. The Department of Foreign Affairs is happy to note that the House of Representatives of the Territory of Hawaii looks with favor to the efforts of the The New Post in promoting closer Philippine-American relations.

Very truly yours,

For the Secretary:

L. V. Madamba

LUCAS V. MADAMBA
Counselor

Mr. O. P. Soares
Clerk
House of Representatives
Honolulu, T. H.

1949

REGULAR SESSION

HOUSE OF REPRESENTATIVES

# MISCELLANEOUS

CHARGE TO THE ACCOUNT OF:

FORM CPC 12

# Commercial Pacific Cable

| ORDINARY MESSAGE UNLESS OTHERWISE MARKED | | | |
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| ORDINARY FULL RATE | | ORDINARY CODE (CDE) | |
| URGENT | | URGENT CODE (CDE) | |
| DEFERRED | | NIGHT CABLE LETTER | |

SENDER SHOULD MARK WITH AN X THE CLASS OF SERVICE DESIRED

ALL AMERICA CABLES & RADIO

THE COMMERCIAL CABLE COMPANY

"CABLES TO ALL THE WORLD"

CONNECTING IN THE UNITED STATES WITH THE WESTERN UNION TELEGRAPH COMPANY

*Send the following cablegram, subject to the rules and regulations of the Commercial Pacific Cable Company set forth in the tariff books of the company.*

TO OBTAIN OUR FAST AND ACCURATE SERVICE *SENDER MUST* MARK THIS MESSAGE "*VIA COMPACIFIC*" IN THE SPACE BELOW.

"*Via*" ____"

HONORABLE JOSEPH R. FARRINGTON

DELEGATE TO CONGRESS FROM HAWAII

HOUSE OFFICE BUILDING

WASHINGTON, D. C.

FOLLOWING UNANIMOUSLY ADOPTED BY BOTH HOUSE AND SENATE AS

HOUSE CONCURRENT RESOLUTION NUMBER THIRTY-FOUR QUOTE

CHARGE TO THE ACCOUNT OF:

# Commercial Pacific Cable

| ORDINARY MESSAGE UNLESS OTHERWISE MARKED | | | |
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| URGENT | | URGENT CODE (CDE) | |
| DEFERRED | | NIGHT CABLE LETTER | |

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ALL AMERICA CABLES & RADIO

THE COMMERCIAL CABLE COMPANY

"CABLES TO ALL THE WORLD"

CONNECTING IN THE UNITED STATES WITH THE WESTERN UNION TELEGRAPH COMPANY

FORM CPC 44

SEND THE FOLLOWING CABLEGRAM, SUBJECT TO THE RULES AND REGULATIONS OF THE COMMERCIAL PACIFIC CABLE COMPANY SET FORTH IN ITS TARIFF BOOKS ON FILE IN THE OFFICE OF THE COMPANY

XX[illegible] CONCURRENT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES OF AMERICA TO APPROPRIATE FUNDS FOR THE STUDY, CONTROL AND ERADICATION OF FRUIT FLY PESTS. WHEREAS, WHEN HAWAII WAS THE BASE OF MILITARY OPERATIONS IN THE PACIFIC AREA DURING WORLD WAR II AND CIVILIAN AUTHORITY WAS SUPERSEDED BY MARTIAL RULE, MANY SERIOUS FRUIT FLY PESTS, INCLUDING THE ORIENTAL FRUIT FLY (DACUS DORSALIS HENDL.) WERE INTRODUCED INTO THE TERRITORY FROM THE SOUTHWEST AND WEST PACIFIC AREAS, DUE TO THE ABSENCE OF PROPER INSPECTION OF INCOMING CARGOES, BY SEA AND AIR, AND THE ABSENCE OF OTHER PROTECTIVE MEASURES AGAINST SUCH FRUIT FLY PESTS; AND WHEREAS, THE DISCOVERY OF LARVAE OF THE ORIENTAL FRUIT FLY (DACUS DORSALIS HENDL.) IN THE VANDA ORCHID, AND THE EMBARGO OF SHIPMENTS OF THIS ORCHID FROM HAWAII, EFFECTIVE MARCH 23, 1949, IN ADDITION TO MANY OTHER PRODUCTS PREVIOUSLY QUARANTINED, POINTS CLEARLY TO VASTLY INCREASED POTENTIAL DANGER TO AMERICAN AGRICULTURE; AND WHEREAS, THIS DANGER IS OF SUCH NATURE AS TO NECESSITATE, IN THE NATIONAL INTEREST, AN EXPANDED EMERGENCY PROGRAM OF STUDY AND DEVELOPMENT OF REMEDIAL MEASURES, INVOLVING THE ORIENTAL FRUIT FLY AND OTHER FRUIT AND VEGETABLE FLIES: AND WHEREAS, THE ORIENTAL FRUIT FLY HAS PROVEN

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# Commercial Pacific Cable

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ITSELF, IN THE THIRTY-FOUR MONTHS SINCE IT FIRST APPEARED IN THE TERRITORY OF HAWAII, TO BE ONE OF THE MORE DESTRUCTIVE OF INSECT PESTS ATTACKING FRUIT AND VEGETABLE CROPS EVER TO APPEAR IN THE UNITED STATES AND INCORPORATED TERRITORIES; AND WHEREAS, THE ORIENTAL FRUIT FLY MULTIPLIES WITH EXTREME RAPIDITY AND EXHIBITS EXCEPTIONAL VITALITY, HAVING BEEN FOUND ALMOST SIMULTANEOUSLY OVER THE ENTIRE 250-MILE EXTENT OF THE MAJOR HAWAIIAN ISLAND CHAIN; AND WHEREAS, SUCH FRUIT FLY PESTS ATTACK ALMOST ALL FRUIT CROPS TO WHICH IT HAS BEEN EXPOSED, PUNCTURING THE SKIN AND DEPOSITING EGGS WHICH DEVELOP INTO MAGGOT-LIKE LARVAE WHICH SOON RESULT IN THE FRUIT BECOMING MASSES OF PULPY DECAY; AND WHEREAS, THIS AND SIMILAR FRUIT FLY PESTS DAMAGE A WIDE VARIETY OF VEGETABLES SUCH AS TOMATOES AND EGGPLANT, AND ALSO THE YOUNG BOLLS OF COTTON, AND DO DAMAGE TO CERTAIN COMMERCIAL FLOWERS, GROWING NUTS AND MANY OTHER CROPS; AND WHEREAS, THESE PESTS HAVE BEEN REGARDED AS PRIMARILY TROPICAL, VARIOUS OF THEM SHOW CONSIDERABLE ADAPTABILITY, BEING FOUND IN LARGE NUMBERS AT COOLER TEMPERATURES ON THE SLOPES OF HAWAII'S MOUNTAINS; AND WHEREAS, THEY ADAPT THEMSELVES TO AND LIVE IN A WIDE VARIETY OF WILD PLANTS IN INACCESSIBLE AREAS; AND WHEREAS, THE ORIENTAL FLY

CHARGE TO THE ACCOUNT OF:

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PARTICULARLY ATTACKS NOT ONLY GROWING FRUIT CROPS IN THE FIELD, BUT MAY DO EXTENSIVE DAMAGE TO SUCH AGRICULTURAL PRODUCE IN TRANSIT TO MARKETS AND ACTUALLY WHEN ON DISPLAY IN MARKETS; AND WHEREAS, HAWAII'S EFFORTS TO ACHIEVE NEEDED DIVERSIFICATION OF ITS AGRICULTURE THROUGH EXPANSION OF NON-COMPETITIVE TROPICAL CROPS, IS BLOCKED BY LACK OF ADEQUATE CONTROL OF FRUIT FLY PESTS, EVEN THOUGH THE TWO MAJOR CROPS OF ITS PRESENT LIMITED AGRICULTURE ARE NOT THOSE MOST SUSCEPTIBLE TO FRUIT FLY INFESTATION; AND WHEREAS, HAWAIIAN AGRICULTURAL INDUSTRY HAS INDEPENDENTLY BORNE MOST OF THE COST OF AGRICULTURAL RESEARCH IN HAWAII, TO THE EXTENT OF MANY MILLIONS OF DOLLARS, AND HAS LEANED BUT SLIGHTLY ON FEDERAL FUNDS FOR THESE PURPOSES IN THE PAST; AND WHEREAS, DUE TO THE INTRODUCTION OF MANY OF SUCH FRUIT FLY PESTS INTO HAWAII AS A RESULT OF THE WAR EFFORT OF THE ENTIRE UNITED STATES, IT IS JUST AND EQUITABLE THAT THE EXPENSES OF ERADICATING SUCH PESTS SHOULD BE BORNE BY THE ENTIRE UNITED STATES; AND WHEREAS, AGENCIES OF THE FEDERAL GOVERNMENT PROMPTLY SPENT MILLIONS ON THE ERADICATION OF THE MEDITERRANEAN FRUIT FLY WHEN IT APPEARED IN FLORIDA TWENTY YEARS AGO; AND WHEREAS, ORIENTAL FRUIT FLY RAVAGES IN HAWAII ARE BUT ONE OF THE SEVERAL EXTRANEOUS EFFECTS OF THE WORLD WAR II WHICH HAVE DISRUPTED AND

CHARGE TO THE ACCOUNT OF:

# Commercial Pacific Cable

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INJURED THE ECONOMY OF THE TERRITORY OF HAWAII, BECAUSE WAR INFLUENCES SHARPLY CURTAILED BASIC HAWAIIAN AGRICULTURAL INDUSTRIES DURING THE PERIOD OF HOSTILITIES WHILE AGRICULTURE EXPANDED IN THE CONTINENTAL UNITED STATES; AND WHEREAS, PLACING OF QUARANTINES ON SHIPMENTS OF FRESH FRUITS AND VEGETABLES FROM HAWAII AND OTHER INFESTED AREAS HAS ALREADY BEEN CARRIED TO EXTREME MEASURES, SUCH AS THE RECENT PLACING OF AN EMBARGO ON SHIPMENTS OF VANDA ORCHIDS ALTHOUGH THERE IS CONSIDERABLE DOUBT AMONG ENTOMOLOGISTS THAT A VIABLE LARVA OR EGG COULD BE TRANSPORTED ON VANDA ORCHIDS UNDER CONDITIONS WHICH WOULD PERMIT TRANSFER ON ARRIVAL TO OTHER PLANTS UPON WHICH THEY COULD COMPLETE THEIR LIFE CYCLE; AND WHEREAS, QUARANTINE MEASURES ARE NEGATIVE ONLY, AND CANNOT GUARANTEE THAT THIS OR SIMILAR INSECT PESTS MAY NOT REACH CONTINENTAL UNITED STATES THROUGH CENTRAL AMERICAN COUNTRIES OR BY OTHER ROUTES; AND WHEREAS, ONLY IMMEDIATE AND THOROUGH STUDY AND RESEARCH BY ADEQUATELY STAFFED AND FINANCED AGENCIES CAN ACCOMPLISH THE CONTROL AND ERADICATION OF THE SAID FRUIT FLY PESTS; NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE TWENTY-FIFTH LEGISLATURE OF THE TERRITORY OF HAWAII, THE

CHARGE TO THE ACCOUNT OF:

# Commercial Pacific Cable

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THE COMMERCIAL CABLE COMPANY

"CABLES TO ALL THE WORLD"

CONNECTING IN THE UNITED STATES WITH THE WESTERN UNION TELEGRAPH COMPANY

FORM CPC 44

SEND THE FOLLOWING CABLEGRAM. SUBJECT TO THE RULES AND REGULATIONS OF THE COMMERCIAL PACIFIC CABLE COMPANY SET FORTH IN ITS TARIFF BOOKS ON FILE IN THE OFFICE OF THE COMPANY

SENATE CONCURRING, THAT THE CONGRESS OF THE UNITED STATES OF AMERICA BE, AND IT IS HEREBY RESPECTFULLY REQUESTED TO APPROPRIATE A SUM OF NOT LESS THAN TWO MILLION DOLLARS ($2,000,000.00), TO BE EXPENDED BY APPROPRIATE AGENCIES OF THE FEDERAL GOVERNMENT IN CARRYING OUT PROMPT, LARGE-SCALE, AFFIRMATIVE MEASURES TO COMBAT, AND TO SEEK TO REDUCE, CONTROL OR ERADICATE, THE ORIENTAL FRUIT FLY AND OTHER SIMILAR FRUIT FLIES, IN COOPERATION WITH EXPERIENCED HAWAIIAN AND OTHER AGENCIES; AND BE IT FURTHER RESOLVED THAT IT BE, AND IT IS HEREBY RESPECTFULLY SUGGESTED TO THE CONGRESS OF THE UNITED STATES OF AMERICA THAT THE AFORESAID MINIMUM APPROPRIATION SHOULD BE ALLOCATED TO CONCURRENT, LARGE-SCALE, INTENSIVE STUDIES AS FOLLOWS: (a) $250,000.00 TO THE EXPANSION OF THE EXPLORATIONS IN QUEST OF PARASITES DESTRUCTIVE TO FRUIT FLY PESTS, NOW IN PROGRESS IN THE WESTERN PACIFIC AREA, INDIA, AND IN SOUTH AFRICA, IT BEING APPARENT THAT IF SUCCESS IS TO BE ACHIEVED BY THIS BIOLOGICAL CONTROL METHOD, THE PROSPECT OF EARLY PROGRESS WILL BE GREATLY ENHANCED BY AN INCREASE IN THE NUMBER OF MISSIONS IN THESE AND OTHER FIELDS, WITH INCREASED FACILITIES FOR RECEPTION, REARING, TESTING AND LIBERATION OF PARASITES AND PREDATORS; (b) $150,000.00 TO STUDIES OF THE BIOLOGY AND ECOLOGY OF FRUIT FLY PESTS, ESPECIALLY THE ORIENTAL FRUIT FLY, SINCE COMPARATIVELY LITTLE

CHARGE TO THE ACCOUNT OF:

# Commercial Pacific Cable

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IS NOW KNOWN OF HOW IT LIVES AND HOW IT RESPONDS TO DIFFERENT CONDITIONS AND ENVIRONMENTS, AND SUCH INFORMATION IS VITAL TO CONTROL AND POSSIBLE ERADICATION IN ANY AREA IN WHICH IT MAY APPEAR; (c) $500,000.00 TO THE STUDY OF STERILIZATION AND FUMIGATION OF FRUITS, VEGETABLES, AND FLOWERS, SINCE THERE IS A WIDE AREA OF UNEXPLORED OR ONLY PARTIALLY EXPLORED POSSIBILITIES FOR PHYSICISTS, CHEMISTS AND BIOCHEMISTS WITH ADEQUATE LABORATORY EQUIPMENT, INCLUDING USE OF FUMIGANTS AND GASES, SUPERSONIC OR ULTRASONIC WAVES AND ELECTROMAGNETIC RAYS; AND, FURTHERMORE, DEVELOPMENT OF SUCCESSFUL METHODS WILL STAND FOR YEARS TO COME AS A VITAL SAFEGUARD TO ALL AGRICULTURAL AREAS WHICH MAY BE THREATENED BY THESE OR SIMILAR PESTS; (d) $500,000.00 TO INTENSIVE STUDIES OF METHODS OF AREA TREATMENTS AND CONTROLS, SUCH AS SPRAYING FROM AIRCRAFT, VARIOUS USES OF CHEMICALS, AND ERADICATION OF HOST PLANTS, INASMUCH AS SUCH CONTROLS WILL BE IMMEDIATELY NEEDED SHOULD THE FRUIT FLY OR A SIMILAR PEST APPEAR IN ANY AREA IN CONTINENTAL UNITED STATES UNPROTECTED BY OCEAN BARRIERS; (e) $250,000.00 TO INTENSIVE DEVELOPMENT AND TESTING OF NEW INSECTICIDES, SINCE THERE ARE ALREADY THOUSANDS OF NEW CHEMICAL PRODUCTS OF LABORATORIES DEVELOPED DURING THE WAR WHICH HAVE YET TO BE PROPERLY

CHARGE TO THE ACCOUNT OF:

# Commercial Pacific Cable

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FORM CPC 44

SEND THE FOLLOWING CABLEGRAM, SUBJECT TO THE RULES AND REGULATIONS OF THE COMMERCIAL PACIFIC CABLE COMPANY SET FORTH IN ITS TARIFF BOOKS ON FILE IN THE OFFICE OF THE COMPANY

TESTED AGAINST THESE SPECIFIC INSECTS UNDER VARIOUS CONDITIONS; AND (f) $350,000.00 TO RESEARCH IN DISINSECTIZING MATERIALS AND PROCEDURES ON LOCAL AND GLOBAL COMMON CARRIERS, SINCE RAPID DEVELOPMENT OF AIR TRAVEL HAS BROUGHT ALL CONTINENTS WITHIN A FEW HOURS OF EACH OTHER; AND BE IT FURTHER RESOLVED THAT CERTIFIED COPIES OF THIS CONCURRENT RESOLUTION BE FORWARDED TO THE PRESIDENT OF THE UNITED STATES, TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES, TO THE MEMBERS OF THE RESPECTIVE COMMITTEES ON AGRICULTURE OF BOTH HOUSES OF THE CONGRESS OF THE UNITED STATES, TO THE MEMBERS OF AGRICULTURAL SUBCOMMITTEES OF THE SAID SENATE AND THE SAID HOUSE OF REPRESENTATIVES APPROPRIATIONS COMMITTEES, TO THE SECRETARY OF THE INTERIOR, TO THE SECRETARY OF AGRICULTURE, AND TO THE DELEGATE TO THE CONGRESS FROM HAWAII. UNQUOTE DULY CERTIFIED COPIES IN MAIL ADDRESSED AS DIRECTED STOP MEANTIME SPEAKER AND PRESIDENT REQUEST YOU MAKE CONTENTS OF RESOLUTION KNOWN TO OFFICIALS NAMED BEFORE HEARING WHICH ACCORDING TO LOCAL INFORMATION WILL BE HELD TOMORROW OR NEXT DAY.

SMYTHE, SENATE CLERK

SOARES, HOUSE CLERK

CHARGE TO THE ACCOUNT OF:

FORM CPC 12

# Commercial Pacific Cable

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*Send the following cablegram, subject to the rules and regulations of the Commercial Pacific Cable Company set forth in the tariff books of the company.*

TO OBTAIN OUR FAST AND ACCURATE SERVICE *SENDER MUST* MARK THIS MESSAGE "*VIA COMPACIFIC*" IN THE SPACE BELOW.

"Via "

MR. JULIAN H. ALGO
BOARD OF PRISON DIRECTORS
STATE OF CALIFORNIA
2147 UNION STREET
SAN FRANCISCO, CALIFORNIA

HONOLULU MAIN OFFICE, YOUNG HOTEL BUILDING—TELEPHONE 1378

CHARGE TO THE ACCOUNT OF:

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ALL AMERICA CABLES & RADIO

THE COMMERCIAL CABLE COMPANY

"CABLES TO ALL THE WORLD"

CONNECTING IN THE UNITED STATES WITH THE WESTERN UNION TELEGRAPH COMPANY

FORM CPC 44

SEND THE FOLLOWING CABLEGRAM, SUBJECT TO THE RULES AND REGULATIONS OF THE COMMERCIAL PACIFIC CABLE COMPANY SET FORTH IN ITS TARIFF BOOKS ON FILE IN THE OFFICE OF THE COMPANY

TWENTY-FIFTH LEGISLATURE TERRITORY OF HAWAII TODAY APRIL ELEVEN UNANIMOUSLY ADOPTED FOLLOWING CONCURRENT RESOLUTION QUOTE WHEREAS, JULIAN H. ALCO, MEMBER, BOARD OF PRISON DIRECTORS, STATE OF CALIFORNIA, IS A SPECIALIST IN THE USE OF PRISON LABOR ON CONSTRUCTION PROJECTS, PARTICULARLY ROADS; AND WHEREAS, JULIAN H. ALCO HAS MAPPED OUT SPECIFIC PLANS FOR THE UTILIZATION OF SUCH PRISON LABOR IN CONSTRUCTION PROJECTS; AND WHEREAS, JULIAN H. ALCO IS WILLING TO DONATE HIS SERVICES TO OTHER JURISDICTIONS FREE OF CHARGE AND WITHOUT REMUNERATION FOR TRAVEL COSTS AND OTHER EXPENSES, NOW, THEREFORE, BE IT RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE TWENTY-FIFTH LEGISLATURE OF THE TERRITORY OF HAWAII, THE SENATE CONCURRING, THAT AN IMMEDIATE INVITATION BE EXTENDED TO MR. ALCO TO APPEAR BEFORE A JOINT SESSION OF THE HOUSE AND SENATE TO EXPLAIN THE SYSTEM WHICH HE HAS DEVELOPED IN CALIFORNIA AND TO ADVISE THE LEGISLATURE IN REGARD TO SIMILAR PLANS WHICH MAY BE ESTABLISHED IN THE TERRITORY OF HAWAII; AND BE IT FURTHER RESOLVED, THAT A COPY OF THIS CONCURRENT RESOLUTION BE TRANSMITTED TO MR. JULIAN H. ALCO BY CABLEGRAM. UNQUOTE

PLEASE WIRE OUR EXPENSE WHETHER YOU CAN ACCEPT INVITATION AND WHEN STOP LEGISLATURE ADJOURNS TWENTY-EIGHTH INSTANT.

O. P. SOARES

CLERK

CHARGE TO THE ACCOUNT OF:

FORM CPC 12

# Commercial Pacific Cable

| ORDINARY MESSAGE UNLESS OTHERWISE MARKED | | | |
|---|---|---|---|
| ORDINARY FULL RATE | | ORDINARY CODE (CDE) | |
| URGENT | | URGENT CODE (CDE) | |
| DEFERRED | | NIGHT CABLE LETTER | |

SENDER SHOULD MARK WITH AN X THE CLASS OF SERVICE DESIRED

ALL AMERICA CABLES & RADIO

THE COMMERCIAL CABLE COMPANY

"CABLES TO ALL THE WORLD"

CONNECTING IN THE UNITED STATES WITH THE WESTERN UNION TELEGRAPH COMPANY.

*Send the following cablegram, subject to the rules and regulations of the Commercial Pacific Cable Company set forth in the tariff books of the company.*

TO OBTAIN OUR FAST AND ACCURATE SERVICE *SENDER MUST* MARK THIS MESSAGE "*VIA COMPACIFIC*" IN THE SPACE BELOW.

"Via"

MR. JULIAN H. ALCO
BOARD OF PRISON DIRECTORS
STATE OF CALIFORNIA
2147 UNION STREET
SAN FRANCISCO, CALIFORNIA

TERRITORIAL LEGISLATURE ANTICIPATING YOUR DEPARTURE 19TH WILL

MEET IN JOINT SESSION 20TH TEN A M TO HEAR YOU.

SOARES
CLERK

HONOLULU MAIN OFFICE, YOUNG HOTEL BUILDING—TELEPHONE 1378

CHARGE TO THE ACCOUNT OF:

$

# Commercial Pacific Cable

CLARENCE H. MACKAY, PRESIDENT

| ORDINARY MESSAGE UNLESS OTHERWISE MARKED | | | |
|---|---|---|---|
| ORDINARY FULL RATE | | ORDINARY CODE (CDE) | |
| URGENT | | URGENT CODE (CDE) | |
| DEFERRED | | NIGHT CABLE LETTER | |

SENDER SHOULD MARK WITH AN X THE CLASS OF SERVICE DESIRED

ALL AMERICA CABLES

POSTAL TELEGRAPH

242

20.17

XX

"CABLES TO ALL THE WORLD"

SEND THE FOLLOWING CABLEGRAM, "VIA COMMERCIAL PACIFIC" SUBJECT TO THE TERMS ON BACK HEREOF, WHICH ARE HEREBY AGREED TO

FORM FCC 6

T. H. Hoof

HONORABLE MONROE M. REDDEN

CHAIRMAN, HOUSE SUB-COMMITTEE ON TERRITORIES

EIGHTY-FIRST CONGRESS

HOUSE OFFICE BUILDING

WASHINGTON, D. C.

HR-41

HONOLULU MAIN OFFICE, YOUNG HOTEL BUILDING—PHONES 2402 AND 3284

HOUSE OF REPRESENTATIVES TWENTY-FIFTH LEGISLATURE TERRITORY OF HAWAII TODAY MARCH FIRST UNANIMOUSLY ADOPTED FOLLOWING RESOLUTION ~~ON STATEHOOD~~, QUOTE WHEREAS H. R. 49 PROVIDING STATEHOOD FOR HAWAII WILL COME UP FOR HEARING MARCH 3 BEFORE THE SUBCOMMITTEE ON TERRITORIES OF THE COMMITTEE ON PUBLIC LANDS OF THE NATIONAL HOUSE OF REPRESENTATIVES; AND PARAGRAPH WHEREAS THERE IS NOW AVAILABLE TO THIS COMMITTEE COMPLETE RECORD OF INVESTIGATIONS AND HEARINGS COVERING SEVERAL THOUSAND PAGES AND PROVIDED BY MORE THAN 600 WITNESSES, FULLY COVERING ALL PHASES OF THE STATEHOOD ISSUE; AND PARAGRAPH WHEREAS SUCCESSIVE LEGISLATURES OF THE TERRITORY OF HAWAII HAVE REPEATEDLY AND CONSISTENTLY SOUGHT FAVORABLE ACTION ON STATEHOOD BY THE CONGRESS; AND PARAGRAPH WHEREAS STATEHOOD FOR HAWAII HAS BEEN OVERWHELMINGLY INDORSED AND SUPPORTED BY THE PEOPLE OF THE TERRITORY WHENEVER THE ISSUE HAS BEEN PUT TO THE TEST OF POPULAR VOTE OR EXPRESSION OF OPINION; ~~PARAGRAPH~~ NOW THEREFORE BE IT PARAGRAPH RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII ASSEMBLED IN 25TH BIENNIAL SESSION, PARAGRAPH THAT WE EXPRESSLY REAFFIRM OUR REQUEST FOR IMMEDIATE STATEHOOD AND URGE THE SUBCOMMITTEE ON TERRITORIES TO GIVE ITS SPEEDY AND UNANIMOUS APPROVAL TO H. R. 49 SO THAT THE STATEHOOD BILL MAY PASS AT THIS FIRST SESSION OF THE 81ST CONGRESS. PARAGRAPH RESOLVED THAT THIS RESOLUTION BE TELEGRAPHED TO THE CHAIRMAN OF THE HOUSE SUBCOMMITTEE ON TERRITORIES OF THE 81ST CONGRESS.

O. P. SOARES
CLERK

COMMERCIAL PACIFIC CABLE CO.

CHARGE TO THE ACCOUNT OF:

$

# Commercial Pacific Cable

CLARENCE H. MACKAY, PRESIDENT

| ORDINARY MESSAGE UNLESS OTHERWISE MARKED | | | |
|---|---|---|---|
| ORDINARY FULL RATE | | ORDINARY CODE (CDE) | |
| URGENT | | URGENT CODE (CDE) | |
| DEFERRED | | NIGHT CABLE LETTER | |

SENDER SHOULD MARK WITH AN X THE CLASS OF SERVICE DESIRED

ALL AMERICA CABLES

COMMERCIAL PACIFIC CABLE COMPANY INCORPORATED 1906

POSTAL TELEGRAPH

268

22.34

Tolls

Tax XX

"CABLES TO ALL THE WORLD"

SEND THE FOLLOWING CABLEGRAM, "VIA COMMERCIAL PACIFIC" SUBJECT TO THE TERMS ON BACK HEREOF, WHICH ARE HEREBY AGREED TO

FORM FCC 6

T. H. Hoit

HONORABLE MONROE M. REDDEN

CHAIRMAN AND TO ALL OTHER MEMBERS OF THE

HOUSE SUB-COMMITTEE ON TERRITORIES

EIGHTY-FIRST CONGRESS

HOUSE OFFICE BUILDING

WASHINGTON, D. C.

HR 52

HONOLULU MAIN OFFICE, YOUNG HOTEL BUILDING—PHONES 2402 AND 3284

HOUSE OF REPRESENTATIVES TWENTY-FIFTH LEGISLATURE TERRITORY OF HAWAII TODAY MARCH THIRD UNANIMOUSLY ADOPTED FOLLOWING RESOLUTION QUOTE WHEREAS, THE SUBCOMMITTEE ON TERRITORIES HAS RECOMMENDED TO THE COMMITTEE ON PUBLIC LANDS OF THE NATIONAL HOUSE OF REPRESENTATIVES THE PASSAGE OF HOUSE RESOLUTION NO. 49 TO MAKE HAWAII A SOVEREIGN STATE; AND WHEREAS, THE PEOPLE OF THE TERRITORY OF HAWAII ARE DEEPLY GRATEFUL FOR THE ACTION OF SAID HOUSE SUBCOMMITTEE ON TERRITORIES; AND WHEREAS, THIS RECOMMENDATION REPRESENTS APPROVAL AND ENDORSEMENT OF THE SINCERE DESIRE OF THE PEOPLE OF THE TERRITORY OF HAWAII TO BECOME THE 49TH STATE; AND WHEREAS, THE RECOMMENDATION OF THE SUBCOMMITTEE ON TERRITORIES IS MOST JUST AND FAIR AND IS IN PURSUANCE OF THE DEMOCRATIC PRINCIPLES OF GOVERNMENT; NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE TWENTY-FIFTH LEGISLATURE OF THE TERRITORY OF HAWAII THAT IT CONVEY TO THE SUBCOMMITTEE ON TERRITORIES OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES ITS HEARTFELT APPRECIATION AND THANKS FOR ITS RECOMMENDATION THAT THE HAWAII STATEHOOD BILL, H. R. 49 DO PASS; AND BE IT FURTHER RESOLVED THAT THIS RESOLUTION BE TELEGRAPHED TO THE HONORABLE MONROE M. REDDEN, CHAIRMAN OF SAID SUBCOMMITTEE ON TERRITORIES, AND TO EACH HONORABLE MEMBER OF SAID SUBCOMMITTEE AND TO THE HONORABLE JOSEPH R. FARRINGTON, DELEGATE TO CONGRESS FROM HAWAII FOR THEIR UNTIRING EFFORTS ON BEHALF OF STATEHOOD FOR HAWAII.

O. P. SOARES
CLERK

COMMERCIAL PACIFIC CABLE CO

1949

REGULAR SESSION

HOUSE OF REPRESENTATIVES

# SENATE BILLS

Senate Bill No. 18

# The Legislature
of the
# Territory of Hawaii

## AN ACT

TO AMEND SECTION 6412 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED BY ACT 75 OF THE SESSION LAWS OF HAWAII 1945, RELATING TO THE BOARD OF SUPERVISORS OF THE COUNTY OF KAUAI.

Introduced February 16, , 1949 , by

Senators: JOHN B. FERNANDES and
M. R. AGUIAR, JR.

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|---|---|
| First Reading in Senate | February 16, 1949 |
| Referred to Printing Committee | February 16, 1949 |
| Second Reading in Senate | February 18, 1949 |
| Referred to | |
| Third Reading in Senate | February 19, 1949. |
| First Reading in House | February 23, 1949 |
| Referred to | |
| Second Reading in House | February 24, 1949 |
| Referred to | Committee on County |
| Third Reading in House | |

ELLEN D. SMYTHE

*Clerk of the Senate*

S.B.No. 18
S.D. 2

A N  A C T

TO AMEND SECTION 6412 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED BY ACT 75 OF THE SESSION LAWS OF HAWAII 1945, 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, as amended by Act 75 of the Session Laws of Hawaii 1945, is hereby further amended by deleting in the second line thereof the words "shall consist of seven members" and substituting, in lieu thereof, the words "shall consist of five members".

SECTION 2. This Act shall take effect upon its approval, but shall only apply to supervisors to be elected in 1950, for terms commencing in January, 1951, and to supervisors to be elected thereafter at subsequent elections.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., February 19, 1949

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

President of the Senate

Clerk of the Senate.

Senate Bill No. 26

# The Legislature
of the
# Territory of Hawaii

## AN ACT

TO AMEND CHAPTER 129 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO HIGHWAYS AND IMPROVEMENT BY ASSESSMENT.

Introduced FEBRUARY 16 , 19 49 , by
Senator NEAL S. BLAISDELL

| | |
|---|---|
| First Reading in Senate | February 16, 1949 |
| Referred to Printing Committee | February 16, 1949 |
| Second Reading in Senate | February 17, 1949 |
| Referred to | SELECT COMMITTEE OF OAHU SENATORS |
| Third Reading in Senate | March 14, 1949 |

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|---|---|
| First Reading in House | March 14, 1949 |
| Referred to | |
| Second Reading in House | March 15, 1949 |
| Referred to | Committee on County |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 26
S. D. 1

A N  A C T

TO AMEND CHAPTER 129 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO HIGHWAYS AND IMPROVEMENT BY ASSESSMENT.

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

SECTION 1. Chapter 129 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended:

(1) By substituting for the words "in the district of Honolulu, except Moanalua," wherever the same occur in section 6701 thereof as amended, the words "on the entire island of Oahu".

(2) By repealing section 6703 thereof.

(3) By adding at the end of the first paragraph of section 6705, the following phrase: "or between sections of Honolulu and separate communities on the island of Oahu."

(4) By substituting for the words "in a newspaper of general circulation in the district of Honolulu" appearing in lines 33, 34, 37 and 38 of section 6706, the following:

"in a newspaper of general circulation
in the city and county of Honolulu."

(5) By amending all other sections of said chapter inconsistent with the foregoing amendments so as to conform thereto.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., March 14, 1949.

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

President of the Senate

Clerk of the Senate.

Senate Bill No. 44

# The Legislature
of the
# Territory of Hawaii

# AN ACT

RELATING TO SEIZURE AND FORFEITURE OF CERTAIN FISHING AND HUNTING GEAR AND AMENDING CHAPTERS 16 AND 133 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED.

Introduced February 17, 1949, by

Senator TOSHIO ANSAI, JOHN G. DUARTE ~~and REUBEN GOODNESS~~

First Reading in Senate February 17, 1949

Referred to Printing Committee February 17, 1949

Second Reading in Senate February 18, 1949

Referred to Committee on Judiciary

Third Reading in Senate April 25, 1949

First Reading in House April 25, 1949

Referred to

Second Reading in House April 25, 1949

Referred to Committee on Agriculture

Third Reading in House

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 44

AN ACT

RELATING TO SEIZURE AND FORFEITURE OF CERTAIN FISHING AND HUNTING GEAR AND AMENDING CHAPTERS 16 AND 133 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED.

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

Section 1. Chapter 16 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by amending section 1033 thereof to read as follows:

"Sec. 1033. Seizure and forfeiture of fishing and hunting gear. Any fishing or hunting gear used or possessed in violation of any of the provisions of chapters 18, 19, 133 and 135 shall be subject to seizure by any fish and game warden or other agent of the fish and game division of the board or any police officer and may be held for a reasonable time for use as evidence pending and during prosecution of the person using or possessing the same as aforesaid; and upon conviction of the person using or having possession of such gear for a violation of any provision of said chapter, such fishing or hunt-

ing gear may be declared by the court to be forfeited to the territory. Any property so forfeited shall be sold or destroyed as the court in its discretion may direct. The proceeds from all such sales shall be paid into the fish and game special fund."

Section 2. Chapter 133 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by amending section 7070.01 to read as follows:

"Sec. 7070.01. Seizure and forfeiture of fishing and hunting gear. Any fishing or hunting gear used in violation of any of the provisions of this subtitle shall be subject to seizure by any fish and game warden or other agent of the fish and game division of the board of commissioners of agriculture and forestry or any police officer and may be held for a reasonable time for use as evidence pending and furing prosecution of the person using or possessing the same as aforesaid; and upon conviction of the person using such gear for a violation of any provision of this subtitle, such fishing or hunting gear may be declared by the court to be forfeited to the territory. Any property so forfeited shall be sold or destroyed as the court in its discretion may direct. The proceeds

from all such sales shall be paid into the fish and game special fund."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 23, 1949

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

President of the Senate.

Clerk of the Senate.

Senate Bill No. 69

# The Legislature
of the
# Territory of Hawaii

## AN ACT

RELATING TO PAYMENT OF AUTOMOBILE ALLOWANCE TO RADIO INSPECTORS.

Introduced February 18, 1949, by
Senator CHARLES H. SILVA

First Reading in Senate February 18, 1949
Referred to Printing Committee February 18, 1949
Second Reading in Senate February 19, 1949
Referred to Committee on Ways and Means.
Third Reading in Senate April 26, 1949

First Reading in House April 26, 1949
Referred to
Second Reading in House April 27, 1949
Referred to Committee on Finance
Third Reading in House

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 69

A N  A C T

RELATING TO PAYMENT OF AUTOMOBILE ALLOWANCE TO RADIO INSPECTORS.

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

SECTION 1. Section 5022 of the Revised Laws of Hawaii 1945 is hereby amended by deleting from the last sentence thereof the words "of forty dollars per month" which appear in the tenth line of Section 5022, and by inserting in lieu of the words deleted the following:

"identical with that allowed other territorial employees for use of privately-owned automobiles on official business."

SECTION 2. This Act shall take effect on July 1, 1949.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 26, 1949

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

President of the Senate.

Clerk of the Senate.

Senate Bill No. 71

# The Legislature
of the
# Territory of Hawaii

## AN ACT

RELATING TO THE DEPARTMENT OF PUBLIC WORKS AND AMENDING CHAPTER 86, AS AMENDED, OF THE REVISED LAWS OF HAWAII 1945.

Introduced FEBRUARY 18 , 19 49 , by
Senator CHARLES H. SILVA

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|---|---|
| First Reading in Senate | February 18, 1949 |
| Referred to Printing Committee | February 18, 1949 |
| Second Reading in Senate | February 19, 1949 |
| Referred to | COMMITTEE ON MILITARY |
| Third Reading in Senate | March 7, 1949 |
| First Reading in House | March 7, 1949 |
| Referred to | |
| Second Reading in House | March 8, 1949 |
| Referred to | Committee on Improvements |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 71
S. D. 1

A N  A C T

RELATING TO THE DEPARTMENT OF PUBLIC WORKS AND AMENDING CHAPTER 86, AS AMENDED, OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Chapter 86, as amended, of the Revised Laws of Hawaii 1945 is hereby further amended in the following particulars:

1. By amending section 4909 thereof to read as follows:

"Sec. 4909. Flags in charge of whom. Such flags shall be placed by the superintendent in charge of the custodian of the school or court for which the flag is issued, whose duty it shall be thereupon to display such flag on the school or courthouse grounds when the weather permits, and on other days to display such flag inside the school or courthouse."

2. By repealing section 4911 of said chapter.

3. By re-numbering section 4912, section 4911 and amending it to read as follows:

"Sec. 4911. Report by superintendent. The superintendent of public works shall report to each legislature the number of flags purchased or manufactured by him and their cost, the number furnished schools or courthouses, and the number remaining in his possession."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., March 7, 1949.

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

Wilfred Tsukiyama
President of the Senate

Ellen D. Smyth
Clerk of the Senate.

Senate Bill No. 74

# The Legislature
of the
# Territory of Hawaii

## AN ACT

AUTHORIZING THE TERRITORIAL DIRECTOR, FISH AND GAME, TO ISSUE PERMITS FOR KILLING OR CAPTURING GAME BIRDS AND GAME ANIMALS FOUND TO BE DETRIMENTAL TO CROPS, PROPERTY OR OTHER INTERESTS, AND PROVIDING FOR THE MANNER OF DISPOSING OF SUCH BIRDS OR ANIMALS.

Introduced FEBRUARY 18 , 1949 , by

Senator TOSHIO ANSAI

First Reading in Senate February 18, 1949
Referred to Printing Committee February 18, 1949
Second Reading in Senate February 19, 1949
Referred to Committee on Agriculture, Forestry and Conservation.
Third Reading in Senate

First Reading in House April 30, 1949
Referred to
Second Reading in House
Referred to
Third Reading in House

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. NO. 74
S. D. 1

A N  A C T

AUTHORIZING THE TERRITORIAL DIRECTOR, FISH AND GAME, TO ISSUE PERMITS FOR KILLING OR CAPTURING GAME BIRDS AND GAME ANIMALS FOUND TO BE DETRIMENTAL TO CROPS, PROPERTY OR OTHER INTERESTS, AND PROVIDING FOR THE MANNER OF DISPOSING OF SUCH BIRDS OR ANIMALS.

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

SECTION 1. Specific injury by protected wildlife. Upon receipt by the territorial director, fish and game, of information from the owner or tenant that any one or more species of protected game birds or game animals are detrimental to his crops, property or other interests on the land on which he resides or controls, together with a statement of the location of the land, the nature of the crops, property or other interests which are being or may be destroyed, the possible extent

of such injury and the particular species of protected wildlife committing the injury, an investigation shall be made by the director to determine if the injury complained of is substantial and can only be abated by killing or capturing the protected wildlife. If it is so determined after investigation, and notwithstanding any other provision of chapter 18 or chapter 133 of the Revised Laws of Hawaii 1945, as amended, a permit to kill or capture any number or all of such protected wildlife on such premises may be issued by the director. Such a permit shall specify the times during which, the means and methods by which, and the person or persons by whom the protected wildlife may be killed or captured. The director may designate the owner or tenant of the property, or a member of their immediate families, or any person as agent for the director as the person authorized to do the killing or capturing. He shall also direct the manner of disposition of all protected wildlife so killed or captured, and may impose such other restrictions as he deems necessary and appropriate to the circumstances of the particular case.

Proof that game bird or game animal was taken, killed, or possessed in any closed season therefor, shall be deemed prima facie evidence that such game bird or game animal was taken, killed, or possessed in violation of law. That such person took, killed, or possessed any such game bird or game animal under and by virtue of a permit issued under this Act shall be considered an affirmative defense to any charge or complaint for such taking, killing, or possessing.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 29, 1949

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

Wilfred C. Tsukiyama
President of the Senate.

Ellen D. Smyth
Clerk of the Senate.

Senate Bill No. 77

# The Legislature
of the
# Territory of Hawaii

## AN ACT

TO AMEND CHAPTER 108 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE VEHICLE WEIGHT TAX, BY AMENDING SECTIONS 5706 AND 5707 THEREOF.

Introduced February 18 , 1949 , by
Senator BEN DILLINGHAM

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|---|---|
| First Reading in Senate | February 18, 1949 |
| Referred to Printing Committee | February 18, 1949 |
| Second Reading in Senate | February 19, 1949 |
| Referred to | COMMITTEE ON WAYS AND MEANS |
| Third Reading in Senate | April 7, 1949 |
| First Reading in House | April 8, 1949 |
| Referred to | |
| Second Reading in House | April 9, 1949 |
| Referred to | Committee on Finance |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

S.B.No. 77
S.D. 2

A N  A C T

TO AMEND CHAPTER 108 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE VEHICLE WEIGHT TAX, BY AMENDING SECTIONS 5706 AND 5707 THEREOF.

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

SECTION 1. Section 5706 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 5706. Tax for fractions of years, refunds; removal from Territory; junked vehicles; non-resident-owned vehicles temporarily in Territory. Whenever it shall be made to appear to the treasurer that any vehicle taxable under this subtitle has been acquired, or that any vehicle has been removed from storage where it was not used for transportation or for other purposes covered by section 5705, subsequent to January 1, of the current year, by the person seeking to register the same, and such vehicle is not subject to unpaid taxes for the same or any prior year under this subtitle, the tax to be paid thereon shall be as provided under this sub-

title less eight and one-third per centum of such tax for each full month of the then calendar year which shall have elapsed at the date the vehicle was acquired or removed from storage; provided:

"(a) That any vehicle owned and brought into the Territory for temporary use therein by a non-resident of the Territory, solely for the purpose of transporting persons, shall be exempt from the provisions of this subtitle relative to the payment of taxes and display of number plates for a period of three months from the date of entry of such vehicle into the Territory, if such non-resident has paid in the state or country of his domicile the taxes for the registration of such vehicle due and payable for the current calendar year in accordance with the law of such state or country, and shall display on such vehicle the number plates for the current year required by the law of such state or country; and

"(b) That if any owner of a vehicle upon which has been paid the annual tax due and payable for the current calendar year as required by this subtitle, intends to remove from the Territory such vehicle and not bring it back to the Territory during the same calendar year, or if he permanently junks a

vehicle during the calendar year for which the annual tax as required has been paid, he shall, upon presenting to the treasurer a signed and sworn certificate stating, (1) in the case of such intended removal from the Territory, such intention, the date of intended shipment of the vehicle, the name of the steamer or vessel by which the shipment is intended, or (2) in the case of junking, the fact of such junking, together with such other relevant facts as may be required by the treasurer and upon surrender of the current license plates for such vehicle, become entitled to a refund of a portion of the tax, computed at the rate of eight and one-third per centum of the annual tax each integral month remaining in such calendar year (1) after such intended removal, or (2) after such junking, or (3) after such surrender of the said license plates, whichever is the later. From the date of the surrender of the said license plates as aforesaid, such vehicle, in the case of such intended removal, shall, except for the purpose of driving the same to the place of embarkation, be deemed an unlicensed vehicle, and shall be permitted, should it be brought back to the Territory prior to the expiration of such calendar year, to be operated in the Territory only upon payment to the treasurer of the entire amount of

tax refunded as aforesaid. No vehicle taxable under this subtitle shall be removed from the Territory or be junked unless the owner thereof has first paid the annual tax due and payable thereon for the current calendar year as required herein and has thereupon become entitled to a refund of a portion of the said tax paid."

SECTION 2. Section 5707 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 5707. Exemptions for new vehicles, official vehicles, and stored vehicles. All new vehicles, otherwise taxable under this subtitle, in stock for purposes of sale, and all publicly owned vehicles and all motor vehicles and motorcycles owned by police officers of the Territory or any county and actually used by them in their travel on official business, shall be exempt from the tax herein provided for, and number plates for all such vehicles or such motorcycles may be issued as now and hereafter provided by ordinance of the county.

"Further, all vehicles, otherwise taxable under this subtitle, stored so that they are not used for transportation or for the other purposes covered by said section 5705, shall

be exempt from the tax herein required; provided, however, that the owner of each such vehicle shall have first presented to the treasurer a signed and sworn certificate stating the fact of such storage, together with such other relevant facts as may be required by the treasurer, and shall have also surrendered the current license plates for such vehicle. The annual tax due and payable thereon for the current calendar year shall have been paid in full prior to or at the time the aforesaid signed and sworn certificate shall be presented to the treasurer. The said tax so paid, or any portion thereof, shall not be subject to refund."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 7, 1949

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

President of the Senate

Clerk of the Senate.

Senate Bill No. 97

# 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 THE MOILIILI COMMUNITY ASSOCIATION

| | |
|---|---|
| Introduced | FEBRUARY 19 , 1949 , by |
| Senators | WILFRED C. TSUKIYAMA AND NEAL S. BLAISDELL |

| | |
|---|---|
| First Reading in Senate | February 19, 1949 |
| Referred to Printing Committee | February 19, 1949 |
| Second Reading in Senate | February 23, 1949 |
| Referred to | COMMITTEE ON WAYS AND MEANS |
| Third Reading in Senate | April 28, 1949 |
| First Reading in House | April 28, 1949 |
| Referred to | |
| Second Reading in House | April 29, 1949 |
| Referred to | |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 97

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 THE MOILIILI COMMUNITY ASSOCIATION.

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 to be numbered 62.01, to read as follows:

"62.01. The property of the Moiliili community association, an eleemosynary corporation; provided, however, that this property is used for no other than educational, religious, community, hospital or governmental purposes. Key to taxation map: First division, zone 2, section 7, plat 10, parcel 1."

SECTION 2. This Act shall take effect on January 1, 1949.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 28, 1949.

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

Kazuo Tsukiyama
President of the Senate

Ellen L. Smythe
Clerk of the Senate.

Senate Bill No. 129

# The Legislature
of the
# Territory of Hawaii

## AN ACT

RELATING TO THE ERADICATION OF SOUR GRASS ON THE ISLAND OF MAUI AND APPROPRIATING THE SUM OF $5,000.00 TO THE BOARD OF AGRICULTURE AND FORESTRY FOR SUCH PURPOSE.

Introduced FEBRUARY 19 , 19 49, by

Senator TOSHIO ANSAI

First Reading in Senate FEBRUARY 19, 1949
Referred to Printing Committee FEBRUARY 19, 1949
Second Reading in Senate FEBRUARY 23, 1949
Referred to COMMITTEE AND WAYS AND MEANS
Third Reading in Senate APRIL 26, 1949

First Reading in House April 26, 1949
Referred to
Second Reading in House April 27, 1949
Referred to Committee on Finance
Third Reading in House

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 129
S. D. 1

A N  A C T

RELATING TO THE ERADICATION OF SOUR GRASS ON THE ISLAND OF MAUI AND APPROPRIATING THE SUM OF $5,000.00 TO THE BOARD OF AGRICULTURE AND FORESTRY FOR SUCH PURPOSE.

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

SECTION 1. There is hereby appropriated to the board of agriculture and forestry out of the general revenues of the Territory, not otherwise appropriated, the sum of five thousand dollars ($5,000.00) to be expended in the study of means for and the eradication of sour grass (Trichachne insularis) on the island of Maui.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 26, 1949

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

Wilfred D. Tsukiyama
President of the Senate.

Ellen D. Smythe
Clerk of the Senate.

Senate Bill No. 133

# The Legislature
of the
# Territory of Hawaii

## AN ACT

PROVIDING FOR PLANS, SPECIFICATIONS AND CONSTRUCTION OF A ROAD TO THE SUMMIT OF MAUNA LOA AND OTHER IMPROVEMENTS TO LAND IN CONJUNCTION THEREWITH, AND MAKING AN APPROPRIATION THEREFOR.

Introduced February 23 , 1949 , by
Senator CHARLES H. SILVA

First Reading in Senate February 23, 1949
Referred to Printing Committee February 23, 1949
Second Reading in Senate February 24, 1949
Referred to Committee on Ways and Means
Third Reading in Senate April 26, 1949

First Reading in House April 26, 1949
Referred to
Second Reading in House April 27, 1949
Referred to Committee on Finance
Third Reading in House

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 133

A N  A C T

PROVIDING FOR PLANS, SPECIFICATIONS AND CONSTRUCTION OF A ROAD TO THE SUMMIT OF MAUNA LOA AND OTHER IMPROVEMENTS TO LAND IN CONJUNCTION THEREWITH, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. The director of institutions is hereby authorized and directed to make plans and specifications for, and to have constructed, a road to the summit of Mauna Loa and to make other improvements to land in conjunction therewith on Hawaii.

SECTION 2. The sum of two hundred fifty thousand dollars ($250,000), or so much thereof as may be necessary, is hereby appropriated for the purposes of this Act, to be expended upon warrants drawn by the territorial auditor upon vouchers approved by the director of institutions from the general fund of the Territory.

SECTION 3. The sum of fifty thousand dollars ($50,000), or so much thereof as may be necessary, out of said sum of two hundred fifty thousand dollars, appropriated hereby, shall be made available immediately out of surplus in the general fund for the purposes of this Act.

SECTION 4. Said road to the summit of Mauna Loa and other improvements to land in conjunction therewith shall be constructed by making fullest use of prison labor consistent with appropriate safeguards for security.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 26, 1949

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

President of the Senate.

Clerk of the Senate.

Senate Bill No. 155

# The Legislature
of the
# Territory of Hawaii

## AN ACT

AMENDING ACT 95 OF THE SESSION LAWS OF HAWAII 1947, RELATING TO TERRITORIAL AND COUNTY PUBLIC IMPROVEMENTS AND THE FINANCING THEREOF BY THE ISSUANCE OF REVENUE BONDS.

Introduced February 23, 1949, by

Senators: CHARLES H. SILVA
JOHN G. DUARTE — REUBEN GOODNESS
JOHN B. FERNANDES — E. S. CAPELLAS
M. R. AGUIAR, JR., — WILLIAM J. NOBRIGA
W. H. HILL

| | |
|---|---|
| First Reading in Senate | February 23, 1949 |
| Referred to Printing Committee | February 23, 1949 |
| Second Reading in Senate | February 24, 1949 |
| Referred to | COMMITTEE ON WAYS AND MEANS |
| Third Reading in Senate | April 12, 1949. |
| First Reading in House | April 12, 1949 |
| Referred to | |
| Second Reading in House | April 13, 1949 |
| Referred to | Finance |
| Third Reading in House | |

4/14/49 Recommitted to the Committee on Improvements

ELLEN D. SMYTHE
*Clerk of the Senate*

S.B.No. 155
S.D. 1

A N  A C T

AMENDING ACT 95 OF THE SESSION LAWS OF HAWAII 1947, RELATING TO TERRITORIAL AND COUNTY PUBLIC IMPROVEMENTS AND THE FINANCING THEREOF BY THE ISSUANCE OF REVENUE BONDS.

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

SECTION 1. Section 1 of Act 95 of the Session Laws of Hawaii 1947 is hereby amended by deleting therefrom, under "Harbor and Waterfront Improvements", the words, figures and punctuation

"1. For new overseas freight terminal to be located on a site between the Waikiki boundary of the present pier 2 and the Ewa boundary of the present pier 7, Honolulu Harbor, including plans, land acquisition, improvements to land, and other necessary expenses .....$5,500,000"

and by renumbering the other and succeeding items of said section 1 numbered 2 and 3 to read 1 and 2 respectively.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 12, 1949

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

President of the Senate

Clerk of the Senate.

Senate Bill No. 173

# The Legislature
of the
# Territory of Hawaii

## AN ACT

RELATING TO HOUSING PROJECTS AND HOUSING; CONFERRING RIGHTS, POWERS, PRIVILEGES AND IMMUNITIES UPON THE HAWAII HOUSING AUTHORITY IN REGARD THERETO; PROHIBITING CERTAIN CHARGES; AND REQUIRING AID AND ASSISTANCE FROM COUNTIES FOR SUCH HOUSING PROJECTS AND HOUSING.

Introduced February 24 , 19 49 , by

Senators: CHARLES H. SILVA
REUBEN GOODNESS AND
WM. J. NOBRIGA

| | |
|---|---|
| First Reading in Senate | February 24, 1949 |
| Referred to Printing Committee | February 24, 1949 |
| Second Reading in Senate | February 25, 1949 |
| Referred to | COMMITTEE ON JUDICIARY |
| Third Reading in Senate | April 26, 1949 |
| First Reading in House | April 26, 1949 |
| Referred to | |
| Second Reading in House | April 27, 1949 |
| Referred to | Committee on Housing |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

S.B. No. 173
S.D. 2

A N  A C T

RELATING TO HOUSING PROJECTS AND HOUSING; CONFERRING RIGHTS, POWERS, PRIVILEGES AND IMMUNITIES UPON THE HAWAII HOUSING AUTHORITY IN REGARD THERETO; PROHIBITING CERTAIN CHARGES; AND REQUIRING AID AND ASSISTANCE FROM COUNTIES FOR SUCH HOUSING PROJECTS AND HOUSING.

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

SECTION 1. Every county (including departments, boards or instrumentalities thereof) which has heretofore provided or furnished any facilities, services or privileges, including without limitation to the generality of the foregoing, garbage or trash collection and disposal, use of streets or highways, and use of county incinerators or garbage dumps, to the Hawaii housing authority (hereinafter referred to as "the authority") in regard to any housing project or housing owned, operated or administered by the authority under any law or laws, or to the tenants or occupants of any said housing project or housing, for which facilities, services or privileges the authority, or

the said tenants or occupants, have not paid, is hereby prohibited from charging, collecting, or receiving any sum or sums whatsoever for such facilities, services or privileges, except, however, such sum or sums as the authority, in its discretion, may hereafter agree to pay for the same; provided, however, that the provisions of this Act shall not be construed to require the furnishing of any free water to such Authority or to the tenants or occupants of any such housing projects.

SECTION 2. Every county which maintains or operates any garbage or trash collection and disposal service shall, free of charge and without condition or other requirement, collect and dispose of garbage and trash at and from any housing project or housing, located within such county, which is owned, operated or administered by the authority; and, upon request of the authority, each county shall allow the authority to establish, maintain or operate its own

garbage and trash collection and disposal service for any or all such housing projects or housing located within such county, and, in regard to such service, shall allow the authority to use, free of charge and without condition or other requirement, all incinerators, garbage dumps and other facilities which such county may own, control or operate.

SECTION 3. The powers conferred upon the authority by this Act shall be in addition and supplemental to the powers conferred upon it by any other law, and nothing herein contained shall be construed as limiting any other rights, powers, privileges or immunities of the authority.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu,T.H., April 25, 1949

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

President of the Senate

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 28, 1949.

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

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 180

# The Legislature
of the
# Territory of Hawaii

## AN ACT

RELATING TO THE PROPAGATION AND SALE OF VEGETABLE AND PASTURE GRASS SEED BY THE COLLEGE OF AGRICULTURE OF THE UNIVERSITY OF HAWAII AND CREATING A FUND OF FORTY-FIVE THOUSAND DOLLARS TO PROMOTE SUCH PRODUCTION.

Introduced February 25, 1949, by

Senators TOSHIO ANSAI, WM. J.NOBRIGA,CHARLES H. SILVA,JOHN B.FERNANDES, M.R.AGUIAR,JR. HERBERT K. H. LEE

First Reading in Senate February 25, 1949
Referred to Printing Committee February 25, 1949
Second Reading in Senate February 28, 1949
Referred to Referred to Agriculture
Third Reading in Senate

First Reading in House April 25, 1949
Referred to
Second Reading in House April 26, 1949
Referred to Committee on Finance
Third Reading in House

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 180
S. D. 1

AN ACT

RELATING TO THE PROPAGATION AND SALE OF VEGETABLE AND PASTURE GRASS SEED BY THE COLLEGE OF AGRICULTURE OF THE UNIVERSITY OF HAWAII AND CREATING A FUND OF FORTY-FIVE THOUSAND DOLLARS TO PROMOTE SUCH PRODUCTION.

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

SECTION 1. The College of Agriculture of the University of Hawaii is hereby authorized and directed to maintain facilities for the production of vegetable and pasture grass seeds of commercially important types suitable for use in Hawaii and unavailable in normal seed markets, to propagate and harvest such seed and to sell such seed to farmers of the Territory at a price commensurate with the prevailing market price of imported seed of comparable quality, and to stimulate seed production for such crops by commercial growers as promptly as possible.

SECTION 2. The sum of forty-five thousand sollars ($45,000) is hereby appropriated, out of the general revenues of the Territory not otherwise appropriated, and placed in a special fund to be known as the College of Agriculture Fund for the Propagation of Seeds. Money in this fund may be used for the purchase of necessary tools and machinery, the rental of lands necessary for the purpose of this act, the financing of contracts for the production of seed when deemed desirable and for the employment of additional personnel when needed and other general expenses incorred in connection with the provisions of this Act.

SECTION 3. All moneys received by the College of Agriculture from sales under this Act shall be placed to the credit of the College of Agriculture Fund for the Propagation of Seeds and shall be eligible for expenditure in the same manner as the original appropriation in the Act.

SECTION 4. All moneys expended under the Act shall be based upon warrants on the Treasurer of the Territory, approved

by the Board of Regents of the University of Hawaii.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 25, 1949

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

Wilfred Tsukiyama
President of the Senate.

Ellen D. Smythe
Clerk of the Senate.

Senate Bill No. 194

# The Legislature
of the
# Territory of Hawaii

# AN ACT

RELATING TO LIBRARIES IN THE KONA DISTRICTS, ISLAND OF HAWAII, AMENDING ACT 205, SESSION LAWS OF HAWAII 1947 AND RE-APPROPRIATING THE SUMS PROVIDED IN SAID ACT FOR LIBRARIES.

Introduced February 28, 1949, by Senators E. S. CAPELLAS and CHARLES H. SILVA

First Reading in Senate February 28, 1949
Referred to Printing Committee February 28, 1949
Second Reading in Senate March 1, 1949
Referred to
Third Reading in Senate March 23, 1949

First Reading in House March 24, 1949
Referred to
Second Reading in House March 25, 1949
Referred to Committee on Finance
Third Reading in House

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 194
S. D. 1

A N  A C T

RELATING TO LIBRARIES IN THE KONA DISTRICTS, ISLAND OF HAWAII, AMENDING ACT 205, SESSION LAWS OF HAWAII 1947 AND RE-APPROPRIATING THE SUMS PROVIDED IN SAID ACT FOR LIBRARIES.

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

SECTION 1. Act 205 of the Session Laws of Hawaii 1947 is hereby amended by amending item 44 of section 2 thereof, to read as follows:

"44. Libraries-Kona Districts
(a) Branch of the Hawaii County Library to be situated at Kealakekua . . . . . $15,000.00

(b) Branch of the Hawaii County
Library to be situated at
Holualoa . . . . . 10,000.00".

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., March 23, 1949

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

Wilfred Oshiyama
President of the Senate.

Ellen D. Smythe
Clerk of the Senate.

Senate Bill No. 197

# The Legislature
of the
# Territory of Hawaii

## AN ACT

TO AMEND CHAPTER 77 OF THE REVISED LAWS OF HAWAII 1954, AS AMENDED, RELATING TO WORKMEN'S COMPENSATION.

Introduced February 28 , 1949 , by

Senator NEAL S. BLAISDELL

| | |
|---|---|
| First Reading in Senate | February 28, 1949 |
| Referred to Printing Committee | February 28, 1949 |
| Second Reading in Senate | March 1, 1949 |
| Referred to | COMMITTEE ON JUDICIARY |
| Third Reading in Senate | March 23, 1949. |
| First Reading in House | March 23, 1949 |
| Referred to | |
| Second Reading in House | March 24, 1949 |
| Referred to | Committee on Judiciary |
| Third Reading in House | 4/21/49 Recommitted to Labor |

ELLEN D. SMYTHE

*Clerk of the Senate*

S.B.No. 197
S.D. 1

A N  A C T

TO AMEND CHAPTER 77 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO WORKMEN'S COMPENSATION.

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

SECTION 1. Chapter 77, as amended, of the Revised Laws of Hawaii 1945 is hereby further amended by amending section 4421 to read as follows:

"Sec. 4421. Voluntary payments. Any voluntary payments of weekly compensation made by the employer or his insurer to the injured workman during the period of his disability, or to his dependents, which by the terms of this chapter were not due and payable when made, shall, to the extent of the employee's average weekly wage, be deducted from the amount to be paid as compensation, and payments in excess of the average weekly wage of the injured workman, made by the employer or his insurer to the injured workman during the period of his disability, or to his dependents, which by the terms of this chapter were not due and payable when made, may, sub-

ject to the approval of the director, be deducted from the amount to be paid as compensation; provided that in the case of disability, the deduction shall be made by shortening the period during which compensation must be paid, and not by reducing the amount of weekly payments under sections 4416 and 4417."

SECTION 2. The provisions of this Act shall apply only in the case of injuries received after the effective date of this Act.

SECTION 3. This Act shall take effect on July 1, 1949.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., March 23, 1949.

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

Robert D. Tsukiyama
President of the Senate

Ellen D. Smythe
Clerk of the Senate.

Senate Bill No. 204

# The Legislature
of the
# Territory of Hawaii

## AN ACT

AMENDING SECTION 5203 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO APPEALS ON REAL PROPERTY ASSESSMENTS.

Introduced February 28 , 1949 , by
Senator WM. J. NOBRIGA

| | |
|---|---|
| First Reading in Senate | February 28, 1949 |
| Referred to Printing Committee | February 28, 1949 |
| Second Reading in Senate | March 1, 1949 |
| Referred to | COMMITTEE ON WAYS AND MEANS |
| Third Reading in Senate | April 25, 1949 |

| | |
|---|---|
| First Reading in House | April 25, 1949 |
| Referred to | |
| Second Reading in House | April 26, 1949 |
| Referred to | Committee on Finance |
| Third Reading in House | 4/28/49 Recommitted to Finance |

ELLEN D. SMYTHE
*Clerk of the Senate*

S.B.No. 204
S.D. 1

A N  A C T

AMENDING SECTION 5203 OF THE REVISED LAWS OF HAWAII 1945,

RELATING TO APPEALS ON REAL PROPERTY ASSESSMENTS.

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

SECTION 1. Section 5203 of the Revised Laws of Hawaii 1945 is hereby amended by inserting in the second paragraph thereof, following the third sentence, and preceding the last sentence, of said paragraph, the following:

"The board shall base its decision on the evidence before it, and, as provided in section 5127, the assessment made by the assessor shall be deemed correct, until and unless proven otherwise. In increasing or lowering any assessment the board shall be governed by the provisions of chapter 94 as to the basis of assessment, including without prejudice to the generality of the foregoing, sections 5139-5140, and 5146."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 25, 1949

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

President of the Senate

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 28, 1949.

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

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 209

# The Legislature
of the
# Territory of Hawaii

## AN ACT

AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE COUNTY OF MAUI TO PROVIDE FOR THE MODERNIZATION OF COUNTY EQUIPMENT.

Introduced FEBRUARY 28, 1949, by
Senators REUBEN GOODNESS, JOHN G. DUARTE

| | |
|---|---|
| First Reading in Senate | February 28, 1949 |
| Referred to Printing Committee | February 28, 1949 |
| Second Reading in Senate | March 1, 1949 |
| Referred to | SELECT COMMITTEE OF MAUI SENATORS |
| Third Reading in Senate | April 11, 1949 |
| First Reading in House | April 11, 1949 |
| Referred to | |
| Second Reading in House | April 12, 1949 |
| Referred to | Committee on County |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 209
S. D. 1

A N  A C T

AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE COUNTY OF MAUI TO PROVIDE FOR THE MODERNIZATION OF COUNTY EQUIPMENT.

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 appropriate and expend during each of the years 1949 to 1952, both inclusive, the sum of $50,000.00 for the purchase of new public works equipment.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 11, 1949.

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

President of the Senate

Clerk of the Senate.

Senate Bill No. 210

# The Legislature
of the
# Territory of Hawaii

## AN ACT

APPROPRIATING MONEY FOR THE IMPROVEMENT OF AND CONSTRUCTION OF BUILDINGS ON A PUBLIC PARK, IAO VALLEY, MAUI.

Introduced FEBRUARY 28 , 19 49 by
Senator JOHN G. DUARTE

| | |
|---|---|
| First Reading in Senate | February 28, 1949 |
| Referred to Printing Committee | February 28, 1949 |
| Second Reading in Senate | March 1, 1949 |
| Referred to | COMMITTEE ON WAYS AND MEANS |
| Third Reading in Senate | April 5, 1949 |

| | |
|---|---|
| First Reading in House | April 5, 1949 |
| Referred to | |
| Second Reading in House | April 6, 1949 |
| Referred to | Committee on Finance |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 210

A N  A C T

APPROPRIATING MONEY FOR THE IMPROVEMENT OF AND CONSTRUCTION OF BUILDINGS ON A PUBLIC PARK, IAO VALLEY, MAUI.

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 $25,000.00 or so much thereof as may be necessary, for the improvement of and erection of suitable buildings on the land acquired in Iao Valley by the parks board of Maui for a public park.

SECTION 2. The monies herein appropriated shall be expended by the superintendent of public works upon plans approved by the parks board of Maui county.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 5, 1949.

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

President of the Senate

Clerk of the Senate.

Senate Bill No. 215

# The Legislature
of the
# Territory of Hawaii

## AN ACT

DIRECTING THE APPROPRIATION BY THE BOARD OF SUPERVISORS OF THE COUNTY OF MAUI OF MONEYS TO CONSTRUCT, AND THE CONSTRUCTION OF A NEW FIRE STATION AT WAILUKU, MAUI, AND PROVIDING FOR EARMARKING OF FUNDS.

Introduced March 1 , 1949 , by

Senator s: JOHN G. DUARTE and
REUBEN GOODNESS

| | |
|---|---|
| First Reading in Senate | March 1, 1949 |
| Referred to Printing Committee | March 1, 1949 |
| Second Reading in Senate | March 2, 1949 |
| Referred to | SELECT COMMITTEE OF MAUI SENATORS |
| Third Reading in Senate | March 9, 1949. |
| First Reading in House | March 9, 1949 |
| Referred to | |
| Second Reading in House | March 10, 1949 |
| Referred to | Committee on County |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

S.B.No. 215

A N  A C T

DIRECTING THE APPROPRIATION BY THE BOARD OF SUPERVISORS OF THE COUNTY OF MAUI OF MONEYS TO CONSTRUCT, AND THE CONSTRUCTION OF A NEW FIRE STATION AT WAILUKU, MAUI, AND PROVIDING FOR EARMARKING OF FUNDS.

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

SECTION 1. The board of supervisors of the county of Maui is hereby directed to appropriate the sum of $50,000.00 on or before the first day of January, 1950, for the construction of, and thereafter promptly to construct a new fire station at Wailuku, Maui.

SECTION 2. In the event that said board of supervisors fails to make an appropriation hereinabove required, the treasurer of said county, immediately after the expiration of the first day of January, 1950, shall earmark $50,000.00 of the general funds in the county treasury, either then available or immediately upon such funds coming into said

treasury, and he shall not expend the same or allow the same to be expended for any purpose other than the construction of said fire station.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., March 9, 1949.

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.

Senate Bill No. 216

# The Legislature
of the
# Territory of Hawaii

## AN ACT

PROVIDING FOR HARBOR IMPROVEMENTS AT LAHAINA, COUNTY OF MAUI, AND MAKING APPROPRIATIONS.

Introduced April 4, , 1949 , by

Senators: REUBEN GOODNESS, JOHN G. DUARTE and TOSHIO ANSAI

| | |
|---|---|
| First Reading in Senate | March 1, 1949 |
| Referred to Printing Committee | March 1, 1949 |
| Second Reading in Senate | March 2, 1949 |
| Referred to | COMMITTEE ON WAYS AND MEANS |
| Third Reading in Senate | April 5, 1949. |
| First Reading in House | April 5, 1949 |
| Referred to | |
| Second Reading in House | April 6, 1949 |
| Referred to | Committee on Finance |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

S.B.No. 216

A N  A C T

PROVIDING FOR HARBOR IMPROVEMENTS AT LAHAINA, COUNTY OF MAUI, AND MAKING APPROPRIATIONS.

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 $75,000.00, or so much thereof as may be necessary, for the small boat harbor, including facilities, at Lahaina, county of Maui. The aforesaid appropriation shall be in addition to any appropriation made for the same purpose by any other law or laws.

SECTION 2. The appropriation made by this Act shall be expended upon warrants drawn by the territorial auditor upon the treasurer, based upon vouchers signed by the board of harbor commissioners, or its duly authorized officer.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 5, 1949.

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

President of the Senate

Clerk of the Senate.

# CORRECTION

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

Senate Bill No. 216

# The Legislature
of the
# Territory of Hawaii

## AN ACT

PROVIDING FOR HARBOR IMPROVEMENTS AT LAHAINA, COUNTY OF MAUI, AND MAKING APPROPRIATIONS.

Introduced April 4, , 1949 , by

Senators: REUBEN GOODNESS, JOHN G. DUARTE and TOSHIO ANSAI

| | |
|---|---|
| First Reading in Senate | March 1, 1949 |
| Referred to Printing Committee | March 1, 1949 |
| Second Reading in Senate | March 2, 1949 |
| Referred to | COMMITTEE ON WAYS AND MEANS |
| Third Reading in Senate | April 5, 1949. |
| First Reading in House | April 5, 1949 |
| Referred to | |
| Second Reading in House | April 6, 1949 |
| Referred to | Committee on Finance |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

S.B.No. 216

A N  A C T

PROVIDING FOR HARBOR IMPROVEMENTS AT LAHAINA, COUNTY OF MAUI, AND MAKING APPROPRIATIONS.

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 $75,000.00, or so much thereof as may be necessary, for the small boat harbor, including facilities, at Lahaina, county of Maui. The aforesaid appropriation shall be in addition to any appropriation made for the same purpose by any other law or laws.

SECTION 2. The appropriation made by this Act shall be expended upon warrants drawn by the territorial auditor upon the treasurer, based upon vouchers signed by the board of harbor commissioners, or its duly authorized officer.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 5, 1949.

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

President of the Senate

Clerk of the Senate.

Senate Bill No. 219

# 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 THE KUAKINI HOSPITAL AND HOME.

Introduced MARCH 1 , 1949 , by

Senators WILFRED C. TSUKIYAMA AND THELMA M. AKANA

| | |
|---|---|
| First Reading in Senate | March 1, 1949 |
| Referred to Printing Committee | March 1, 1949 |
| Second Reading in Senate | March 2, 1949 |
| Referred to | COMMITTEE ON WAYS AND MEANS |
| Third Reading in Senate | April 19, 1949 |
| First Reading in House | April 19, 1949 |
| Referred to | |
| Second Reading in House | April 20, 1949 |
| Referred to | COMMITTEE ON FINANCE |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 219

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 THE KUAKINI HOSPITAL AND HOME.

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 to be numbered 62.02, to read as follows:

"62.02. The property of the Kuakini hospital and home, an eleemosynary corporation, which is actually and solely used for hospital purposes and for a home for aged and indigent persons. Key to taxation map: First division, zone 1, section 7, plat 17, parcels 2 and 25."

SECTION 2. This Act shall take effect as of January 1, 1949.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 19, 1949.

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

Wilfred Tsukiyama
President of the Senate

Ellen D. Smythe
Clerk of the Senate.

Senate Bill No. 246

# The Legislature
of the
# Territory of Hawaii

## AN ACT

RELATING TO GOVERNMENT PHYSICIANS FOR THE WAIANAE-NANAKULI AND WAIPAHU AND EWA DISTRICTS, AND MAKING AN APPROPRIATION.

Introduced March 3, 1949, by
Senator HERBERT K. H. LEE

First Reading in Senate MARCH 3, 1949
Referred to Printing Committee MARCH 3, 1949
Second Reading in Senate MARCH 4, 1949
Referred to Committee on Ways and Means
Third Reading in Senate April 26, 1949

First Reading in House April 26, 1949
Referred to
Second Reading in House April 27, 1949
Referred to Committee on Finance
Third Reading in House

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 246

A N  A C T

RELATING TO GOVERNMENT PHYSICIANS FOR THE WAIANAE-NANAKULI AND WAIPAHU AND EWA DISTRICTS, AND MAKING AN APPROPRIATION.

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

SECTION 1. A part time government physician and local registrar shall be appointed for the Waianae-Nanakuli district, which district shall be interpreted, for the purposes of this Act, to include Waianae, Lualualei, Maile and Nanakuli.

SECTION 2. Such physician shall be appointed by, his activities shall be under the supervision of, and his compensation for the biennium, within the limits of the monies appropriated by section 4 of this Act and the classification law of the territory, shall be fixed by the board of health of the Territory of Hawaii.

SECTION 3. The position of government physician now existing covering the Waianae district shall be transferred

and limited to the Ewa district, and the position of government physician of Waipahu-Ewa district shall be limited to the Waipahu district.

SECTION 4. There is hereby appropriated from the general revenues of the Territory of Hawaii the sum of $4,000.00 to be expended by the board of health for the purposes of this Act. Any part of such monies not needed to pay the compensation of the physician and local registrar of Waianae-Nanakuli district shall be expended for the purchase of drugs and medical supplies for use by said government physician in the treatment of medically indigent patients.

SECTION 5. This Act shall take effect upon July 1, 1949.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 26, 1949

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

President of the Senate.

Clerk of the Senate.

Senate Bill No. 251

# The Legislature
of the
# Territory of Hawaii

# AN ACT

RELATING TO THE BOARD OF HARBOR COMMISSIONERS; AND AMENDING SECTION 4981 OF THE REVISED LAWS OF HAWAII 1945.

Introduced MARCH 3, 1949, by
Senators CHARLES H. SILVA AND WM. H. HILL

First Reading in Senate March 3, 1949
Referred to Printing Committee March 3, 1949
Second Reading in Senate March 4, 1949
Referred to COMMITTEE ON JUDICIARY
Third Reading in Senate March 8, 1949

First Reading in House March 9, 1949
Referred to
Second Reading in House March 10, 1949
Referred to Committee on Public Improvements.
Third Reading in House

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 251
S. D. 1

A N  A C T

RELATING TO THE BOARD OF HARBOR COMMISSIONERS; AND AMENDING SECTION 4981 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Section 4981 of the Revised Laws of Hawaii 1945, is hereby amended by deleting the second, third and fourth sentences thereof and by inserting in lieu thereof the following words, figures and punctuation:

"The board shall consist of seven members, one of whom shall be the superintendent of public works who shall be chairman, ex officio, and six of whom shall be appointed by the governor in the manner prescribed in section 80 of the Organic Act. Of the six members appointed by the governor, three shall be residents of the city and county of Honolulu, one shall be a resident of the county of Hawaii, one shall be a resident of the county of Maui and one shall be a resident of the county of Kauai. Such commissioners shall be appointed for terms of four years, or the unexpired period there-

of, in such manner that the terms of three commissioners shall expire every second year. The terms shall begin on July 1. Any vacancy occurring before the expiration of a term shall be filled for the remainder of the unexpired term. The board shall hold at least one meeting each year in each of the counties of Hawaii, Maui and Kauai."

SECTION 2. The members initially appointed to the expanded memberships of the board under this Act shall be appointed for such abbreviated or other term as shall secure compliance with the provisions of the amendment contained in section 1 hereof requiring that the terms of three commissioners shall expire every second year.

SECTION 3. This Act shall take effect upon its approval by the Congress.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., March 8, 1949.

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

President of the Senate

Clerk of the Senate.

Senate Bill No. 252

# The Legislature
of the
# Territory of Hawaii

## AN ACT

AMENDING SECTIONS 6420 AND 6423 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE COUNTY OF KAUAI; AND PROVIDING FOR THE APPOINTMENT, EMPLOYMENT, SUSPENSION AND REMOVAL OF THE DEPUTIES, ASSISTANTS AND EMPLOYEES OF THE DEPARTMENT OF PUBLIC WORKS AND OF THE KAUAI WATERWORKS BUREAU OF THE SAID COUNTY.

Introduced MARCH 4, 1949, by
Senators JOHN B. FERNANDES, M. R. AGUIAR, JR.

| | |
|---|---|
| First Reading in Senate | March 4, 1949 |
| Referred to Printing Committee | March 4, 1949 |
| Second Reading in Senate | March 7, 1949 |
| Referred to | SELECT COMMITTEE OF KAUAI SENATORS |
| Third Reading in Senate | March 15, 1949 |
| First Reading in House | March 15, 1949 |
| Referred to | |
| Second Reading in House | March 16, 1949 |
| Referred to | Committee on County |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 252

A N  A C T

AMENDING SECTIONS 6420 AND 6423 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO THE COUNTY OF KAUAI; AND PROVIDING FOR THE APPOINTMENT, EMPLOYMENT, SUSPENSION AND REMOVAL OF THE DEPUTIES, ASSISTANTS AND EMPLOYEES OF THE DEPARTMENT OF PUBLIC WORKS AND OF THE KAUAI WATERWORKS BUREAU OF THE SAID COUNTY.

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

SECTION 1. Section 6420 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 6420. Deputies, assistants and employees. The county engineer shall appoint or employ and may suspend or remove all deputies, assistants and employees of the department of public works. All such appointments, employments, suspensions or removals shall be made in conformity with the applicable requirements of any civil service law effective in said county. Such deputies, assistants and employees shall

receive such compensation as the board of supervisors may authorize or provide, and they shall discharge such duties pertaining to the department as the engineer shall assign to them. In addition, the county engineer, with the approval of the board, may appoint, in writing, any deputy, assistant or employee in such department, or, in case no competent person is so available, any competent person at such compensation as the board may authorize, to serve as acting county engineer during his temporary illness, incapacity, or absence from the county, for whose acts the county engineer shall be responsible. Such appointee shall, during such temporary illness, incapacity or absence of the county engineer, have and exercise all the powers, duties and functions of the engineer, subject to the direction and control of the engineer; provided, however, that no deputy, assistant or employee in the department so appointed as acting county engineer shall receive additional compensation for serving as acting county engineer."

SECTION 2. Section 6423 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 6423. County engineer is bureau head; deputies, assistants and employees. The county engineer shall be the head of the bureau, and shall appoint or employ and may suspend or remove all deputies, assistants and employees of the bureau. All such appointments, employments, suspensions or removals shall be made in conformity with the applicable requirements of any civil service law effective in said county. Such deputies, assistants and employees shall receive such compensation as the board of supervisors may authorize or provide, and they shall discharge such duties pertaining to the bureau as the engineer may assign to them."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., March 15, 1949.

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

President of the Senate

Clerk of the Senate.

Senate Bill No. 264

# The Legislature
of the
# Territory of Hawaii

## AN ACT

APPROPRIATING FUNDS FOR VOCATIONAL EDUCATION.

Introduced March 4 , 1949 , by

Senator E. S. CAPELLAS

First Reading in Senate March 4, 1949
Referred to Printing Committee March 4, 1949
Second Reading in Senate March 5, 1949
Referred to Committee on Ways and Means.
Third Reading in Senate April 27, 1949

First Reading in House April 27, 1949
Referred to
Second Reading in House April 28, 1949
Referred to COMMITTEE ON FINANCE
Third Reading in House

ELLEN D. SMYTHE
*Clerk of the Senate*

S.B.No. 264
S.D. 1

A N  A C T

APPROPRIATING FUNDS FOR VOCATIONAL EDUCATION.

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 $35,560.00 to be expended during the 1949-1951 biennium by the business education service of the division of vocational education in the department of public instruction of the Territory for salaries, travel, supplies and equipment necessary to provide additional training, and for the additional training of restaurant workers and hotel personnel.

SECTION 2. From the funds appropriated in section 1 of this Act, three workers shall be employed as follows:

1. Trainer for restaurant workers who come in direct contact with the consumer, including without prejudice to the generality of the foregoing, hosts

or hostesses, cafeteria and fountain workers and supervisory personnel;

2. Trainer for front office workers;

3. Trainer for other employes who come in contact with patrons of hotels, including without prejudice to the generality of the foregoing, elevator operators, housekeepers and bell boys.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 27, 1949

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

President of the Senate.

Clerk of the Senate.

Senate Bill No. 265

# The Legislature
of the
# Territory of Hawaii

## AN ACT

TO AMEND SECTION 6412 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO THE BOARD OF SUPERVISORS OF THE COUNTY OF KAUAI.

Introduced MARCH 4, 1949, by
Senator s M. R. AGUIAR, JR., JOHN B. FERNANDES

| | |
|---|---|
| First Reading in Senate | March 4, 1949 |
| Referred to Printing Committee | March 4, 1949 |
| Second Reading in Senate | March 7, 1949 |
| Referred to | SELECT COMMITTEE OF KAUAI SENATORS |
| Third Reading in Senate | March 15, 1949 |
| First Reading in House | March 21, 1949 |
| Referred to | |
| Second Reading in House | March 22, 1949 |
| Referred to | Committee on County |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 265

A N  A C T

TO AMEND SECTION 6412 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, 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, as amended by Act 75 of the Session Laws of Hawaii 1945, is hereby further 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 all of whom shall be elected from among those who have been duly qualified electors of the county for at least one year prior to their election. One such member shall be elected at large as chairman and executive officer of the board and one other such member shall be elected at large. The remaining five members of the board shall be

elected one from each district, and each such supervisor shall be a person residing in the district for which he is a candidate, and shall be elected by the duly qualified electors of such district.

All such elections shall be conducted in the manner prescribed by law for the election of county officers."

SECTION 2. This Act, upon its approval, shall take effect in respect of supervisors to be elected in 1950 for terms commencing in January 1951, and those thereafter elected.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., March 21, 1949.

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

Wilfred C. Tsukiyama
President of the Senate

Ellen D. Smythe
Clerk of the Senate.

Senate Bill No. 280

# The Legislature
of the
# Territory of Hawaii

## AN ACT

RELATING TO VETERANS' CEMETERIES; PROVIDING FOR THE IMPROVEMENT AND MAINTENANCE OF THE SAID CEMETERIES; AND MAKING APPROPRIATIONS.

Introduced March 8 , 1949 , by
Senator E. S. CAPELLAS

| | |
|---|---|
| First Reading in Senate | March 8, 1949 |
| Referred to Printing Committee | March 8, 1949 |
| Second Reading in Senate | March 9, 1949 |
| Referred to | COMMITTEE ON WAYS AND MEANS |
| Third Reading in Senate | April 21, 1949 |
| First Reading in House | April 21, 1949 |
| Referred to | |
| Second Reading in House | April 22, 1949 |
| Referred to | COMMITTEE ON FINANCE |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

S.B.No. 280
S.D. 1

A N  A C T

RELATING TO VETERANS' CEMETERIES; PROVIDING FOR THE IMPROVEMENT AND MAINTENANCE OF THE SAID CEMETERIES; AND MAKING APPROPRIATIONS.

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 $105,000.00 for the improvement and maintenance of the respective veterans' cemeteries, and in the respective amounts, specified in the schedule hereinafter set forth, to-wit:

1. Veterans' cemetery on the island of Hawaii . . . . . $ 35,000.00
2. Veterans' cemetery on the island of Maui . . . . . 35,000.00
3. Veterans' cemetery on the island of Kauai . . . . . 35,000.00.

The term "improvement", as used in this Act, shall include grading, filling, leveling, planning, paving, facilities, plaques, installation of curbs, fences, roads and driveways, planting of grass, trees and shrubs, constructing or reconstructing of buildings, utilities, monuments, structures and other improvements, and all other work in connection with the said improvements. The term "maintenance", as used in this Act, shall include personal services, equipment, and other current expenses, including costs of burial or reinterment.

The moneys appropriated by this Act shall be paid into the treasuries of the respective counties when and as required for expenditure, such moneys to be held in the territorial treasury until payment thereof into the treasury of a particular county is requested by resolution of the board of supervisors of that county. All such funds when paid into a county treasury shall be held for the purpose stated in this Act.

SECTION 2. The moneys appropriated by this Act shall be in addition to any moneys appropriated by any other law or laws, and this Act shall not be constructed to limit, reduce or modify the respective appropriations made for any of the said veterans' cemeteries by Act 214 of the Session Laws of Hawaii 1947, or by any other law.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu,T.H., April 21, 1949

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

President of the Senate

Clerk of the Senate.

Senate Bill No. 309

# The Legislature
of the
# Territory of Hawaii

## AN ACT

RELATING TO PUBLIC LANDS; ESTABLISHING BOARDS OF LAND APPRAISERS AND CONFERRING POWERS AND IMPOSING DUTIES UPON SAID BOARDS; CONFERRING POWERS AND IMPOSING DUTIES UPON THE COMMISSIONER OF PUBLIC LANDS OF THE TERRITORY OF HAWAII; AND AMENDING CHAPTER 78 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED.

Introduced MARCH 8 , 19 49 , by
Senators M. R. AGUIAR, JR., AND JOHN B. FERNANDES.

| | |
|---|---|
| First Reading in Senate | March 8, 1949 |
| Referred to Printing Committee | March 8, 1949 |
| Second Reading in Senate | March 9, 1949 |
| Referred to | COMMITTEE ON PUBLIC LANDS |
| Third Reading in Senate | April 14, 1949 |
| First Reading in House | April 14, 1949 |
| Referred to | |
| Second Reading in House | April 16, 1949 |
| Referred to | Committee on Lands |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

Lands

S. B. No. 309

Feb 4-23-49

A N  A C T

RELATING TO PUBLIC LANDS; ESTABLISHING BOARDS OF LAND APPRAISERS AND CONFERRING POWERS AND IMPOSING DUTIES UPON SAID BOARDS; CONFERRING POWERS AND IMPOSING DUTIES UPON THE COMMISSIONER OF PUBLIC LANDS OF THE TERRITORY OF HAWAII; AND AMENDING CHAPTER 78 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED.

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

SECTION 1. Chapter 78 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respects:

(a) By adding to section 4501 thereof, after the word and punctuation "context:" in the first line thereof, a definition of the term "board of appraisers", as follows:

"'Board of appraisers' means a board of appraisers established and appointed under section 4518.01;"

(b) By adding thereto a new section to be numbered section 4518.01, to read as follows:

"Sec. 4518.01. Board of appraisers, appointment, qualifications, compensation. (a) There is hereby established a board of appraisers for the city and county of Honolulu, a board of appraisers for the county of Hawaii, a board of appraisers for the county of Maui, and a board of appraisers for the county of Kauai. Each of said boards shall consist of three members (except as there may be temporary menbers acting upon the same, from time to time, as herein provided) who shall serve a term of four years, or until their respective successors are appointed and qualify, and who shall be appointed by the governor in the manner prescribed by paragraph 1 of section 80 of the Organic Act; provided, however, that of the first board appointed for each county one member shall be appointed for a term expiring February 1, 1951, one for a term expiring February 1, 1952, and one for a term expiring February 1, 1953. After the initial appointments as aforesaid, every appointment shall be for a term of four years commencing from the date of expiration of the preced-

ing term. Any vacancy occurring before the expiration of a term shall be filled for the remainder of the unexpired term."

(b) Every member must, during his term of office, be a bona fide resident of the respective county of the board upon which he is appointed and is serving. No member shall, during his term of office: (1) accept any employment under, or be an employee of, the Territory or any county, nor accept or hold any other office of the Territory or of any county; (2) engage in the real estate business, as broker, salesman, agent or otherwise; and (3) appraise any property, including lands and improvements, in which he, or his relative by affinity or consanguinity within the third degree, has any interest.

(c) In case a member of a board of appraisers, or the commissioner, shall certify to the governor that such member is interested, or is disqualified under subdivision (3) of the last paragraph above, in regard to any property which it is such member's duty to appraise, such member shall thereupon become disqualified to serve in regard thereto and the governor shall appoint a temporary member, who has the above qualifications, to such board to serve thereon in regard to such appraisal. Such acting member shall, while engaged in such appraisal, have the same powers and duties in regard thereto as a regular member.

(d) The members of each board shall elect a chairman. A majority of each board shall constitute a quorum, and each appraisal shall be concurred in by at least two members of the board. Each member shall receive compensation at the rate of ten dollars per day while actually engaged in the performance of his duties as an appraiser, and such reasonable traveling expenses as he may incur; provided, however, that no member of any board shall in any case receive more than five hundred dollars as compensation for services in any fiscal year. Such compensation and expenses shall be paid out of the special fund for the county in which such compensation and expenses were earned or incurred, on vouchers sworn to by any such member and approved by the commissioner."

(c) By adding thereto a new section to be numbered section 4518.02, to read as follows:

"Sec. 4518.02. Board of appraisers, duties. Each board of appraisers, shall have the following duties: (1) when requested by the commissioner, to impartially fix the value of any property in the county for which such board is appointed; (2) when requested by the commissioner, to prepare and render impartial reports of the value of any property in the

county for which such board is appointed, in such manner and upon such forms as the commissioner shall prescribe; (3) to reconsider or revise any such appraisal; and (4) such other duties, not inconsistent with law, as the commissioner may prescribe.

(d) By adding thereto a new section to be numbered section 4518.03, to read as follows:

"Sec. 4518.03. Property, sale, purchase. No public land shall be sold for other than homestead purposes or for other than the purposes set forth in section 4537, for a sum less than the value fixed by the board of appraisers for the county in which such public land is located."

(e) By amending the last paragraph of section 4521 thereof, as amended, to read as follows:

"No public land shall be sold for other than homestead purposes or for other than the purposes set forth in section 4537, for a sum less than the value fixed by the board of appraisers for the county in which such public land is located, nor shall any property be purchased for a sum greater than the value fixed by three disinterested appraisers, such

appraisers to be appointed by the governor."

SECTION 2. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of this Act and the application of such provisions to other persons or circumstances shall not be affected thereby.

SECTION 3. This Act shall take effect immediately upon its approval or ratification by the Congress of the United States of America.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 14, 1949.

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

President of the Senate

Clerk of the Senate.

Senate Bill No. 324

# The Legislature
of the
# Territory of Hawaii

## AN ACT

RELATING TO MOTOR VEHICLE WEIGHT TAX, AND AMENDING SECTION 5707 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO EXEMPTIONS.

Introduced March 8, 19 49, by

Senators NEAL S. BLAISDELL, TOSHIO ANSAI

First Reading in Senate March 8, 1949
Referred to Printing Committee March 8, 1949
Second Reading in Senate March 9, 1949
Referred to Committee on Ways and Means.
Third Reading in Senate April 26, 1949

First Reading in House April 26, 1949
Referred to
Second Reading in House April 27, 1949
Referred to Committee on Finance
Third Reading in House

ELLEN D. SMYTHE
*Clerk of the Senate*

S.B.No. 324
S D 1

A N  A C T

RELATING TO MOTOR VEHICLE WEIGHT TAX, AND AMENDING SECTION 5707 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO EXEMPTIONS.

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

SECTION 1. Section 5707 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 5707. Exemptions. All new vehicles, otherwise taxable under this subtitle, in stock for purposes of sale shall, for a period of nine months only, and all publicly owned vehicles and all motor vehicles and motorcycles owned by police or probation officers of the Territory or of any county and actually used by them in their travel on official business, and all specially designed motor vehicles owned by amputee veterans, shall be exempt from the tax herein provided for, and number plates for all such vehicles, except said vehicles of amputee veterans, or such motorcycles may be issued as now and hereafter provided by ordinance of the county. The treasurer shall

furnish each of said amputee veterans, free of charge, two number plates for his specially designed vehicle with the number and year marked thereon."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 26, 1949

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

President of the Senate.

Clerk of the Senate.

Senate Bill No. 345

# The Legislature
of the
# Territory of Hawaii

## AN ACT

RELATING TO THE ALA WAI GOLF COURSE AT HONOLULU; TRANSFERRING THE MANAGEMENT, OPERATION AND MAINTENANCE OF AND THE APPROPRIATIONS FOR AND THE PERSONNEL EMPLOYED AT THE SAID ALA WAI GOLF COURSE FROM THE FAIR COMMISSION OF HAWAII TO THE CITY AND COUNTY OF HONOLULU.

Introduced MARCH 10 , 1949 , by
Senator WM. H. HEEN

| | |
|---|---|
| First Reading in Senate | March 10, 1949 |
| Referred to Printing Committee | March 10, 1949 |
| Second Reading in Senate | March 11, 1949 |
| Referred to | COMMITTEE ON JUDICIARY |
| Third Reading in Senate | March 17, 1949 |
| First Reading in House | March 17, 1949 |
| Referred to | |
| Second Reading in House | March 21, 1949 |
| Referred to | Committee on Recreation |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

Recd

S. B. No. 345

A N  A C T

RELATING TO THE ALA WAI GOLF COURSE AT HONOLULU; TRANSFERRING THE MANAGEMENT, OPERATION AND MAINTENANCE OF AND THE APPROPRIATIONS FOR AND THE PERSONNEL EMPLOYED AT THE SAID ALA WAI GOLF COURSE FROM THE FAIR COMMISSION OF HAWAII TO THE CITY AND COUNTY OF HONOLULU.

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

SECTION 1. (a) The management, operation and maintenance of the Ala Wai golf course at Honolulu, city and county of Honolulu, Territory of Hawaii, including all buildings, facilities, equipment, contracts, permits, licenses and other property, real or personal, used in connection therewith, are hereby transferred from the control and management of the fair commission of Hawaii to the city and county of Honolulu to be controlled and managed by the board of public parks and recreation

of the city and county of Honolulu.

(b) The said Ala Wai golf course shall be controlled, managed, operated and maintained by the said board of public parks and recreation. Neither the city and county of Honolulu nor the said board of public parks and recreation shall have any power to sell, exchange, lease, mortgage or otherwise dispose of the lands and buildings comprising the said Ala Wai golf course or any part thereof.

(c) The city and county of Honolulu or the said board of public parks and recreation, as the case may be, shall observe and perform the terms and conditions, on the part of the Territory or the said fair commission of Hawaii to be observed or performed, as the same may exist on the effective date of this Act, of all contracts, permits, licenses, leases or other instruments relating to the said Ala Wai golf course or the use thereof. Nothing herein contained shall impair or affect the obligation of any such contract, permit, license, lease or other instrument.

SECTION 2. Any appropriations made to the fair commission of Hawaii for the purpose of operating, managing, maintaining or improving the said Ala Wai golf course save and except such appropriations or portions thereof as are obligated by contract at the time this Act is enacted and also save and except the special fund provided for in section 12930 of the Revised Laws of Hawaii 1945, shall be transferred to the city and county of Honolulu for the use of the said board of public parks and recreation.

SECTION 3. (a) All employees of the Territory of Hawaii employed at or in connection with the said Ala Wai golf course upon July 1, 1949, who have completed six months of satisfactory service are hereby given permanent appointments in the civil service system of the city and county of Honolulu without further examination. All other such employees, employed upon said July 1, 1949, are hereby given probationary appointments in the civil service system of the city and county of Honolulu, and upon com-

pletion of an aggregate of six months of satisfactory service for the said Territory and the said city and county shall receive permanent appointments in the civil service system of the city and county of Honolulu without further examination.

(b) The civil service commission of the city and county of Honolulu, as the personnel classification board for the said city and county, shall by rule or otherwise make appropriate provisions whereby the said employees of the Territory, employed on July 1, 1949, 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 said city and county and immediately prior to such transfers had been receiving for such positions the rates of compensation actually received by them on July 1, 1949. No such employee shall suffer a reduction in his rate of compensation by reason of his being placed under part two of chapter 3 of the Revised Laws of Hawaii 1945. The increment date of each

said employee of the Territory who was in service and entitled to an increment on January 1, 1949, shall not be changed by reason of his transfer to the said city and county service, notwithstanding any other provision of law. All said employees of the Territory employed on July 1, 1949, shall be given credit for the vacation and sick leave already earned or accumulated by them, and the Territory shall pay into the treasury of the city and county of Honolulu to the credit of the proper appropriation the amounts of the credits for vacations (but not sick leave) earned or accumulated at the rates of compensation as of July 1, 1949. Such amounts are hereby appropriated for such purpose.

(c) Contributions of the government to the employees' retirement system for said employees, employed on July 1, 1949, shall be prorated between the Territory and the city and county of Honolulu as of July 1, 1949.

SECTION 4. All laws inconsistent with any of the provi-

sions hereof are hereby amended to conform thereto.

SECTION 5. This Act shall take effect on July 1, 1949.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., March 17, 1949.

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

President of the Senate

Clerk of the Senate.

Senate Bill No. 355

# The Legislature
of the
# Territory of Hawaii

## AN ACT

PROVIDING FOR A PRELIMINARY SURVEY FOR AN AIRPORT IN HAMAKUA, HAWAII, AND MAKING AN APPROPRIATION THEREFOR.

Introduced March 11, 1949, by
Senator WM. J. NOBRIGA

First Reading in Senate MARCH 11, 1949
Referred to Printing Committee MARCH 11, 1949
Second Reading in Senate MARCH 14, 1949
Referred to Committee on Ways and Means.
Third Reading in Senate April 26, 1949

First Reading in House April 26, 1949
Referred to
Second Reading in House April 27, 1949
Referred to Committee on Finance
Third Reading in House

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. NO. 355

A N  A C T

PROVIDING FOR A PRELIMINARY SURVEY FOR AN AIRPORT IN HAMAKUA, HAWAII, AND MAKING AN APPROPRIATION 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 the sum of $10,000,00, or so much thereof as may be necessary, for a preliminary survey for an airport in Hamakua, Hawaii.

SECTION 2. Said sum shall be expended upon vouchers approved by the chairman of the Hawaii Aeronautics Commission.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 26, 1949

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

President of the Senate.

Clerk of the Senate.

Senate Bill No. 376

# The Legislature
of the
# Territory of Hawaii

## AN ACT

TO ALLOW CREDIT IN THE EMPLOYEES' RETIREMENT SYSTEM OF THE TERRITORY TO RICHARD T. C. CHING WHILE IN FEDERAL SERVICE DURING THE WAR.

Introduced MARCH 14, 19 49, by

Senator REUBEN GOODNESS

First Reading in Senate March 14, 1949
Referred to Printing Committee March 14, 1949
Second Reading in Senate March 15, 1949
Referred to Committee on Judiciary
Third Reading in Senate April 14, 1949

First Reading in House April 14, 1949
Referred to
Second Reading in House April 16, 1949
Referred to Committee on Judiciary
Third Reading in House

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 376

A N  A C T

TO ALLOW CREDIT IN THE EMPLOYEES' RETIREMENT SYSTEM OF THE TERRITORY TO RICHARD T. C. CHING WHILE IN FEDERAL SERVICE DURING THE WAR.

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

SECTION 1. That Richard T. C. Ching, upon the payment by him to the employees' retirement system of the Territory of contributions (plus interest) which he would have normally paid had he stayed in the service of the county of Maui, at the salary he was receiving when separated from service, is to be given full retirement credit for his federal service during the war with the Federal Central Identification Bureau, for a period of three years.

SECTION 2. The county of Maui is authorized and directed to pay the government share of retirement contri-

butions (plus interest) with which to match the employees' contributions covered by section 1.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 14, 1949

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

President of the Senate.

Clerk of the Senate.

Senate Bill No. 384

# The Legislature
of the
# Territory of Hawaii

# AN ACT

TO AMEND SECTION 1741 OF THE REVISED LAWS OF HAWAII 1945; AND PROVIDING FOR DISTRICT SUPERINTENDENTS OF SCHOOLS.

Introduced March 14, 1949, by
Senator s CHARLES H. SILVA and E. S. CAPELLAS

First Reading in Senate March 14, 1949
Referred to Printing Committee March 14, 1949
Second Reading in Senate March 15, 1949
Referred to Committee on Ways and Means
Third Reading in Senate April 27, 1949

First Reading in House April 27, 1949
Referred to
Second Reading in House April 28, 1949
Referred to COMMITTEE ON EDUCATION
Third Reading in House

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 384

A N  A C T

TO AMEND SECTION 1741 OF THE REVISED LAWS OF HAWAII 1945; AND PROVIDING FOR DISTRICT SUPERINTENDENTS OF SCHOOLS.

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

SECTION 1. Section 1741 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 1741. District superintendents. The superintendent of public instruction, with the approval of the commissioners, shall appoint district superintendents of schools, not to exceed the following numbers: two for the county of Hawaii; two for the county of Maui; one for the county of Kauai; and two for the city and county of Honolulu. Each district superintendent of schools may be removed by the superintendent with the approval of the commissioners.

The auditor of the Territory shall issue no salary warrant for any district superintendent of schools whose appointment has not been authorized by this section."

SECTION 2. The terms "supervising principal" and "supervising principals", wherever the same may appear in any law, are hereby amended to read "district superintendent" and "district superintendents", respectively.

SECTION 3. This Act shall take effect on July 1, 1949.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 27, 1949

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

President of the Senate

Clerk of the Senate.

Senate Bill No. 390

# The Legislature
of the
# Territory of Hawaii

## AN ACT

PROVIDING FOR THE ACQUISITION BY THE COMMISSIONER OF PUBLIC LANDS OF CERTAIN LANDS IN THE CITY OF HILO FOR A PUBLIC PARK, AND MAKING AN APPROPRIATION THEREFOR.

Introduced March 15 , 1949 , by

Senators: WM. H. HILL
CHARLES H. SILVA
WILLIAM J. NOBRIGA AND
E. S. CAPELLAS

| | |
|---|---|
| First Reading in Senate | March 15, 1949 |
| Referred to Printing Committee | March 15, 1949 |
| Second Reading in Senate | March 16, 1949 |
| Referred to | COMMITTEE ON WAYS AND MEANS |
| Third Reading in Senate | April 21, 1949 |
| First Reading in House | April 21, 1949 |
| Referred to | |
| Second Reading in House | April 22, 1949 |
| Referred to | COMMITTEE ON LANDS |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

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S.B.No. 390

A N  A C T

PROVIDING FOR THE ACQUISITION BY THE COMMISSIONER OF PUBLIC LANDS OF CERTAIN LANDS IN THE CITY OF HILO FOR A PUBLIC PARK, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. The commissioner of public lands is hereby authorized and directed to acquire by purchase, exchange or condemnation, those certain lands in the city of Hilo, Hawaii, running from the corner of Hualalai and Kinoole streets along Kinoole street, being Grants 11547 and 11489, for a public park.

SECTION 2. In the event of purchase or condemnation of said property, sufficient funds are hereby appropriated from the general revenues of the Territory of Hawaii to pay for the same, which funds may be expended upon warrants

based on vouchers of the commissioner of public lands.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 21, 1949

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

President of the Senate

Clerk of the Senate.

Senate Bill No. 397

# The Legislature
of the
# Territory of Hawaii

## AN ACT

RELATING TO REAL PROPERTY TAX EXEMPTIONS; EXEMPTING CERTAIN PROPERTY FROM TAXATION; AND AMENDING SECTION 5151 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED.

| | | |
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| Introduced | MARCH 16 | , 19 49, by |
| Senator | BEN D ILLINGHAM | |

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|---|---|
| First Reading in Senate | March 16, 1949 |
| Referred to Printing Committee | March 16, 1949 |
| Second Reading in Senate | March 17, 1949 |
| Referred to | COMMITTEE ON WAYS AND MEANS |
| Third Reading in Senate | April 19, 1949 |
| First Reading in House | April 19, 1949 |
| Referred to | |
| Second Reading in House | April 20, 1949 |
| Referred to | COMMITTEE ON FINANCE |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 397

A N  A C T

RELATING TO REAL PROPERTY TAX EXEMPTIONS; EXEMPTING CERTAIN PROPERTY FROM TAXATION; AND AMENDING SECTION 5151 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED.

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

SECTION 1. Section 5151 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto, after the paragraph numbered 31 thereof, three new paragraphs to be numbered 31-A, 31-B and 31-C respectively and to read as follows:

"31-A. The property belonging to the board of home missions and church extension of the Methodist Episcopal church situated at number 3438 Niolopua drive, Honolulu, so long as the same shall be used for the purposes of a parsonage.

"31-B. The property belonging to the board of home missions and church extension of the Methodist Episcopal church situated at number

1351 on the southeast side of Center street, Honolulu, so long as the same shall be used for the purposes of a parsonage.

"31-C. The property belonging to the board of home missions and church extension of the Methodist Episcopal church situated on the northly side of Kawailoa road between Alala road and Kailipulu stream, Kailua, Oahu, so long as same shall be used for religious, educational and recreational purposes."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 19, 1949.

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

Wilfred Tsukiyama
President of the Senate

Ellen Townsend
Clerk of the Senate.

Senate Bill No. 409

# The Legislature
of the
# Territory of Hawaii

## AN ACT

RELATING TO THE TAXATION AND EXEMPTIONS FROM TAX OF PUBLIC UTILITIES AND PROPERTY OWNED OR LEASED BY THEM, AND AMENDING CHAPTERS 94 AND 106 OF THE REVISED LAWS OF HAWAII 1945 IN CONNECTION THEREWITH.

Introduced March 17, 1949, by
Senator E. S. CAPELLAS

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|---|---|
| First Reading in Senate | March 17, 1949 |
| Referred to Printing Committee | March 17, 1949 |
| Second Reading in Senate | March 21, 1949 |
| Referred to | COMMITTEE ON WAYS AND MEANS |
| Third Reading in Senate | April 21, 1949 |
| First Reading in House | April 21, 1949 |
| Referred to | |
| Second Reading in House | April 22, 1949 |
| Referred to | COMMITTEE ON FINANCE |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

S.B.No. 409
S.D. 2

A N A C T

RELATING TO THE TAXATION AND EXEMPTIONS FROM TAX OF PUBLIC UTILITIES AND PROPERTY OWNED OR LEASED BY THEM, AND AMENDING CHAPTERS 94 AND 106 OF THE REVISED LAWS OF HAWAII 1945 IN CONNECTION THEREWITH.

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

SECTION 1. Section 5128 of chapter 94 of the Revised Laws of Hawaii 1945 is hereby amended by deleting from the second line thereof the comma which appears after the words "chapters 94-95" and inserting in lieu thereof "and 106,".

SECTION 2. Section 5147 of chapter 94 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto a new sentence to read as follows:

"A claim for exemption likewise shall be filed in any case where such exemption is claimed under chapter 106, as therein provided."

SECTION 3. Chapter 106 of the Revised Laws of Hawaii

1945, as amended, is hereby further amended by adding thereto a new section to be numbered section 5672.01, and to read as follows:

"Sec. 5672.01. Exemption from real property taxes. In order to secure under this chapter an exemption of real property from the taxes imposed by chapter 94, a public utility shall annually, between the first and thirty-first days of January, file with the tax assessor a return of such property in such form as shall be prescribed by the tax commissioner, setting forth its claim to such exemption. Such claim may include real property under lease to such public utility, under which lease the public utility is required to pay the taxes upon such property, and such claim to exemption shall be determined the same as if the public utility were the owner of such property."

SECTION 4. Section 5673 of chapter 106 of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(a) By amending the caption to read as follows:

"Returns; classification of property and gross receipts as utility or non-utility."

(b) By adding thereto a paragraph to read as follows:

"The tax commissioner, on or before August 31 of each calendar year, shall classify or reclassify, as the case may be, the real property and gross receipts of every person filing or required to file any such return, as to whether such property is devoted to, and as to whether such gross receipts are derived from, public utility business (hereinafter referred to as 'utility' classification), or whether on the other hand such property is not devoted to, and such gross receipts are not derived from, public utility business (hereinafter referred to as 'non-utility' classification). Such classifications by the tax commissioner shall be submitted to the public utilities commission on or before said August 31 of each calendar year, for its approval or disapproval. If said public utilities commission shall disapprove the same, in whole or in part, it shall reclassify the property and gross receipts, as the case may be, and the tax commissioner shall proceed accordingly. In every conference, appeal or other proceeding ensuing in connection with the tax imposed by this chapter or chapter 94, the public utilities commission shall have the duty of appearing in

support of any reclassification so made by it.

If the public utilities commission shall not, on or before September 30 of the calendar year in which such classifications are submitted by the tax commissioner for its approval, act upon the classifications so submitted, it shall be deemed to have approved the same. If, with respect to any classification so approved, or specifically approved by the public utilities commission, any reclassification is proposed by the taxpayer in or as a result of any conference, appeal, or other proceeding in connection with the tax imposed by this chapter or chapter 94, the public utilities commission shall have the right to appear and oppose such reclassification.

If upon the assessment lists for any calendar year any real property shall appear as exempt by reason of its having been classified as utility, and such property on or before the last day of such calendar year shall be reclassified as non-utility, such property shall be assessed on or before said last day of the calendar year, in the manner provided by, and subject to the right of appeal provided by, section 5164. Likewise if upon the assessment lists for any calendar year any real property shall appear as taxable

by reason of its having been classified as non-utility, and it shall be reclassified as utility, such assessment lists and the tax rolls shall be adjusted accordingly, and any overpayment of the tax imposed by chapter 94 shall be refunded as provided by section 5130."

SECTION 5. Section 5675 of chapter 106 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto a new paragraph to read as follows:

"Any tax refund which under said chapter 102, made applicable to this chapter as aforesaid, could be made out of the income tax reserve fund, in a proper case under this chapter shall be made out of current collections of the tax imposed by this chapter."

SECTION 6. This Act shall take effect on January 1, 1949, provided, that claims for exemption of real property from the taxes imposed by chapter 94, by this Act required to be filed, shall be filed for the tax year 1949 on or before May 31, 1949.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 21, 1949

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

President of the Senate

Clerk of the Senate.

Senate Bill No. 413

# The Legislature
of the
# Territory of Hawaii

## AN ACT

TO AMEND TITLE 14 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, BY AMENDING SECTIONS 5475 and 5385 OF THE REVISED LAWS OF HAWAII 1945, AND BY ADDING THERETO TWO NEW SECTIONS TO BE DESIGNATED SECTIONS 5360 AND 5542, ALL RELATING TO THE CREATION OF A LIEN ON LAND FOR UNPAID TAXES, PENALTIES AND INTEREST.

Introduced MARCH 17 , 19 49, by

Senator CHARLES H. SILVA

First Reading in Senate March 17, 1949
Referred to Printing Committee March 17, 1949
Second Reading in Senate March 21, 1949
Referred to Committee on Ways and Means.
Third Reading in Senate April 21, 1949

First Reading in House April 22, 1949
Referred to
Second Reading in House April 23, 1949
Referred to COMMITTEE ON FINANCE
Third Reading in House

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 413
S. D. 1

A N  A C T

TO AMEND TITLE 14 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, BY AMENDING SECTIONS 5475 AND 5385 OF THE REVISED LAWS OF HAWAII 1945, AND BY ADDING THERETO TWO NEW SECTIONS TO BE DESIGNATED SECTIONS 5360 AND 5542, ALL RELATING TO THE CREATION OF A LIEN ON LAND FOR UNPAID TAXES, PENALTIES AND INTEREST.

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

SECTION 1. Section 5475 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 5475. Lien on land. The tax commissioner for the more effective collection of the tax may file in the office of the registrar of conveyances of the Territory, at Honolulu, a certificate setting forth (a) the amount of the unpaid taxes, penalties and interest, computed to the date of the certificate, and (b) such further information, if any, as may be required by chapter 307 to procure a lien on registered land. Such certificate shall be recorded in a book provided for the purpose and thereafter the said unpaid taxes, penalties and interest, together with any

penalties or interest further accruing, shall constitute a lien upon all the land of the taxpayer, both registered and unregistered, within the Territory. Such lien shall be a paramount lien as against all parties whose interest arose after the recordation of the certificate, and may be foreclosed in a court of equity. Upon the payment of the said taxes, penalties and interest, or of a portion thereof, the tax commissioner shall certify in duplicate the fact and amount of payment and the balance due, if any, and shall forward these certificates, one to the taxpayer and one to the said registrar. The registrar shall record such partial or total release, as the case may be, and thereafter the land of the taxpayer within the Territory shall only be subject to a lien for any balance remaining unpaid."

SECTION 2. All liens created under the provisions of section 5475, as it read prior to the approval of this Act, shall remain in full force and effect and shall be discharged only as provided by the terms of section 5475, as it read prior to the approval of this Act.

SECTION 3. Section 5385 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 5385. Lien on land. The provisions of section 5475, as amended, are hereby made applicable to this chapter."

SECTION 4. Chapter 98 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding at the end thereof a new section to be designated "Sec. 5360" and reading as follows:

"Sec. 5360. Lien on land. The provisions of section 5475, as amended, are hereby made applicable to this chapter."

SECTION 5. Chapter 102 of the Revised Laws of Hawaii 1945, as amended , is hereby further amended by adding at the end thereof a new section to be designated "Sec. 5542" and readingas follows:

"Sec. 5542. Lien on land. The provisions of Section 5475, as amended, are hereby made applicable to this chapter."

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

The Secretary of the Territory is hereby authorized to give other numbers to sections 5360 and 5542, should these same numbers be given to other laws passed at this session.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 21, 1949

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

President of the Senate.

Clerk of the Senate.

Senate Bill No. 443

# 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 MARCH 22 , 19 49 , by
Senator BEN DILLINGHAM

| | |
|---|---|
| First Reading in Senate | March 22, 1949 |
| Referred to Printing Committee | March 22, 1949 |
| Second Reading in Senate | March 23, 1949 |
| Referred to | COMMITTEE ON WAYS AND MEANS |
| Third Reading in Senate | April 19, 1949 |
| First Reading in House | April 19, 1949 |
| Referred to | |
| Second Reading in House | April 20, 1949 |
| Referred to | COMMITTEE ON FINANCE |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 443

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, as amended, is hereby amended by adding thereto, after the paragraph numbered 63, a new paragraph, to be numbered 64 and to read as follows:

"64. The property owned by the Protestant Episcopal church in the Hawaiian islands comprising approximately two and one-half acres, situated at Mokuleia, Oahu, provided, however, that this property is used for no other than educational or religious purposes."

SECTION 2. This Act shall take effect as of January 1, 1949.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 19, 1949.

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

Wilfred Tsukiyama
President of the Senate

Ellen D'Smyth
Clerk of the Senate.

1949 REG HOUSE

Senate Bill No. 471

# The Legislature
of the
# Territory of Hawaii

## AN ACT

RELATING TO PUBLIC LANDS, THE PROCEEDS THEREFROM, THE DEVELOPMENT THEREOF, AND THE LAND DEVELOPMENT REVOLVING FUND, AND AMENDING SECTIONS 4520, AS AMENDED, 4527, AS AMENDED, AND 4524.02 OF THE REVISED LAWS OF HAWAII 1945.

Introduced March 25, 1949, by
Senator BEN DILLINGHAM

| | |
|---|---|
| First Reading in Senate | March 25, 1949 |
| Referred to Printing Committee | March 25, 1949 |
| Second Reading in Senate | March 26, 1949 |
| Referred to | Committee on Ways and Means |
| Third Reading in Senate | April 27, 1949 |
| First Reading in House | April 27, 1949 |
| Referred to | |
| Second Reading in House | April 28, 1949 |
| Referred to | COMMITTEE ON LANDS |
| Third Reading in House | |

Lands

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 471
S. D. 2

A N  A C T

RELATING TO PUBLIC LANDS, THE PROCEEDS THEREFROM, THE DEVELOPMENT THEREOF, AND THE LAND DEVELOPMENT REVOLVING FUND, AND AMENDING SECTIONS 4520, AS AMENDED, 4527, AS AMENDED, AND 4524.02 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Section 4520, as amended, of the Revised Laws of Hawaii 1945, is hereby further amended by amending the first and second paragraphs thereof to read as follows:

"Sec. 4520. Public funds. All proceeds of sale of public lands, for homestead or other purposes, including interest on deferred payments and rents under right of purchase leases, and all proceeds of general leases and licenses, in any county, shall be set aside as a public fund for said county, and shall be used and disposed of as follows, and in the following order of priority:

1. All of said proceeds shall be paid into the revolving fund created by section 4524.02 until said revolving fund amounts to one million and five hundred thousand dollars ($1,500,000.00). Thereafter such amounts shall be paid into said revolving fund as will maintain said revolving fund at said amount at all times.

1-A. To reimburse the said revolving fund for expenditures therefrom for the improvement or development of lands in said county."

SECTION 2. Section 4524.02 of the Revised Laws of Hawaii 1945 is hereby amended by adding at the end thereof a new paragraph which shall read as follows:

"The commissioner may, with the approval of the governor, expend any moneys covered into said fund by general appropriation, for the removal to or replacement on other areas of improvements made by the federal government for the armed forces and now located on lands occupied by the armed forces, when such removal or replacement will expedite the return to the territory of such lands."

SECTION 3. Section 4527, as amended, of the Revised Laws of Hawaii 1945, is hereby further amended by adding a new paragraph at the end thereof which shall read as follows:

"The commissioner may employ an attorney with the approval of the attorney general for the purposes of this section when the services of the attorney general or his staff are not immediately available."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 27, 1949

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

President of the Senate.

Clerk of the Senate.

1949 REG HOUSE

Senate Bill No. 473

# The Legislature
of the
# Territory of Hawaii

## AN ACT

AUTHORIZING THE DEPARTMENT OF PUBLIC INSTRUCTION TO PAY ADDITIONAL COMPENSATION TO ATHLETIC COACHES AND APPROPRIATING MONEY FOR THIS PURPOSE.

Introduced MARCH 25, 19 49, by
Senator NEAL S. BLAISDELL

| | |
|---|---|
| First Reading in Senate | March 25, 1949 |
| Referred to Printing Committee | March 25, 1949 |
| Second Reading in Senate | March 26, 1949 |
| Referred to | COMMITTEE ON WAYS AND MEANS |
| Third Reading in Senate | April 13, 1949 |
| First Reading in House | April 13, 1949 |
| Referred to | |
| Second Reading in House | April 14, 1949 |
| Referred to | Committee on Finance |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 473
S. D. 1

# A N  A C T

AUTHORIZING THE DEPARTMENT OF PUBLIC INSTRUCTION TO PAY ADDITIONAL COMPENSATION TO ATHLETIC COACHES AND APPROPRIATING MONEY FOR THIS PURPOSE.

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

SECTION 1. The department of public instruction is authorized to pay athletic coaches additional compensation where extra service in addition to regular teaching duty is performed. Such athletic coaches shall be remunerated for their services upon the basis of $2.00 per hour. The maximum amounts paid in any one week shall not exceed $30.00.

SECTION 2. For the purpose of carrying out the provisions of this Act, the sum of $76,000.00 is hereby appropriated.

SECTION 3. This Act shall take effect on July 1, 1949.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 13, 1949.

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

President of the Senate

Clerk of the Senate.

1949 REG HOUSE

Senate Bill No. 476

# The Legislature
of the
# Territory of Hawaii

## AN ACT

RELATING TO MARRIAGE LICENSE AGENTS AND FEES, AND AMENDING SECTION 12355, AS AMENDED, OF THE REVISED LAWS OF HAWAII 1945.

| | | |
|---|---|---|
| Introduced | MARCH 26 | , 1949, by |
| Senator | JOHN G. DUARTE | |

| | |
|---|---|
| First Reading in Senate | March 26, 1949 |
| Referred to Printing Committee | March 26, 1949 |
| Second Reading in Senate | March 28, 1949 |
| Referred to | COMMITTEE ON JUDICIARY |
| Third Reading in Senate | April 9, 1949 |
| First Reading in House | April 11, 1949 |
| Referred to | |
| Second Reading in House | April 12, 1949 |
| Referred to | Committee on Judiciary |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 476

A N  A C T

RELATING TO MARRIAGE LICENSE AGENTS AND FEES, AND AMENDING SECTION 12355, AS AMENDED, OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Section 12355, as amended, of the Revised Laws of Hawaii 1945 is hereby further amended by substituting for the words "two dollars" in the seventh line of said section, the words "five dollars", and for the words "one dollar" in the eighth line of said section, the words "two dollars and fifty cents", and for the words "other dollar" in the ninth line, the words "other two dollars and fifty cents".

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 9, 1949.

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

President of the Senate

Clerk of the Senate.

1949 REG HOUSE

Senate Bill No. 480

# The Legislature
of the
# Territory of Hawaii

## AN ACT

TO AMEND SECTION 9745 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO COSTS AND FEES FOR CIRCUIT COURTS AND CIRCUIT JUDGES IN CHAMBERS.

Introduced MARCH 26, 19 49, by
Senator CHARLES H. SILVA

| | |
|---|---|
| First Reading in Senate | March 26, 1949 |
| Referred to Printing Committee | March 26, 1949 |
| Second Reading in Senate | March 28, 1949 |
| Referred to | COMMITTEE ON JUDICIARY |
| Third Reading in Senate | April 14, 1949 |
| First Reading in House | April 14, 1949 |
| Referred to | |
| Second Reading in House | April 16, 1949 |
| Referred to | Committee on Finance |
| Third Reading in House | 4/27/49 Recommitted to Judiciary |

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 480

A N  A C T

TO AMEND SECTION 9745 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO COSTS AND FEES FOR CIRCUIT COURTS AND CIRCUIT JUDGES IN CHAMBERS.

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

SECTION 1. Section 9745 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 9745. Costs, circuit courts and circuit judges in chambers: 1. Upon the institution of any suit, action or other proceeding in the circuit court, whether by original process, complaint, libel, petition, information or otherwise, or by the filing of papers on appeal to the circuit court, there shall be paid to the clerk of the circuit court by the person so instituting such suit, action or other proceeding, as costs of court, except as otherwise provided, the following sums:

(a) Proceedings in law, equity and probate, where not hereinafter otherwise specified . . . . . $30.00
and, in addition, for every copy of process to be served . . . 1.00

(b) Proceedings relating to declaratory judgments, certiorari, mandamus, quo warranto, prohibition, habeas corpus, rights of private ways and water rights, proceedings in divorce, annulment, separation, separate maintenance and appeals to the circuit court (except appeals in criminal cases) . . . 25.00
and, in addition, for every copy of process to be served . . . 1.00

(c) Proceedings in adoption and for the appointment of guardians . . . . . 10.00
and, in addition, for every copy of process to be served . . . 1.00

2. Upon the filing of any paper in the nature of a cross bill or petition, cross libel, counter-claim, intervention or wherein any affirmative relief is sought, there shall be paid to the clerk of the circuit court by the person filing the same, as costs of court, the sum of . . . . . 10.00
and, in addition, for every copy of process to be served . . . . . 1.00

3. Upon the filing of any initial paper in the following matters, there shall be paid to the clerk of the circuit court by the person filing the same, as

costs of court, the following sums:

(a) Proceedings relating to the accounts of trustees or guardians; the resignation or removal of trustees, guardians, executors or administrators; the appointment of new trustees, guardians or administrators; the sale, mortgage, lease or other disposition of property by trustees, guardians, executors or administrators; family allowance; the investment of trust funds; the taking of depositions; the perpetuation of testimony; garnishment after judgment; examination of judgment debtors; the issuance of orders to show cause; and notice of lien of mechanics and materialmen . . . . . $ 5.00

and, in addition, for every copy of process to be served . . . . . 1.00

(b) Proceedings for instructions . . . 20.00

and, in addition, for every copy of process to be served . . . . . 1.00

4. If in any suit, action or other proceeding, whether the same be original or on appeal (except ap-

peals in criminal cases), where issue has been joined, a demand for trial by jury is made, there shall be paid to the clerk of the circuit court, as further costs of court, by the person making such demand, the sum of . . . . . $10.00

5. In addition to the costs of court hereinabove enumerated, the clerk of the circuit court shall charge and collect, for miscellaneous services performed by him, the following sums:

(a) For filing any paper not in a pending suit, action or other proceeding . . . . . 1.00

(b) For issuing any subpoena . . . . . 1.00

(c) All amounts necessary to cover actual costs or disbursements for printing, publishing or posting notice, service fees, mileage charges or other services actually performed."

SECTION 2. This Act shall take effect upon approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 14, 1949.

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

President of the Senate

Clerk of the Senate.

1949 REG HOUSE

Senate Bill No. 481

# The Legislature
of the
# Territory of Hawaii

## AN ACT

RELATING TO SIGHT CONSERVATION AND WORK WITH THE BLIND; AND MAKING APPROPRIATIONS.

Introduced March 28, 19 49, by
Senator s CHARLES H. SILVA and TOSHIO ANSAI

First Reading in Senate March 28, 1949
Referred to Printing Committee March 28, 1949
Second Reading in Senate March 29, 1949
Referred to Committee on Ways and Means
Third Reading in Senate April 21, 1949

First Reading in House April 22, 1949
Referred to
Second Reading in House April 23, 1949
Referred to COMMITTEE ON FINANCE
Third Reading in House

.....
*Clerk of the Senate*

S. B. No. 481
S. D. 1

A N  A C T

RELATING TO SIGHT CONSERVATION AND WORK WITH THE BLIND;

AND MAKING APPROPRIATIONS.

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 $319,034.00, or so much thereof as may be necessary, for the bureau of sight conservation and work with the blind, for the biennial period beginning July 1, 1949 and ending June 30, 1951, for the purposes and in the amounts designated in the schedule hereinafter set forth, to-wit:

| | | |
|---|---|---|
| General Administration | | $285,120.00 |
| A. Personal services | $251,806.00 | |
| B. Other current expenses | 29,860.00 | |
| C. Equipment | 3,454.00 | |
| Eye glass and medical care | | 1,000.00 |
| Shop Revolving fund | | 5,500.00 |

| | |
|---|---|
| Vending stands establishment | 6,000.00 |
| Vocational rehabilitation of the visually handicapped | 21,414.00 |
| Total: | $319,034.00 |

SECTION 2. The monies hereby appropriated shall be expended upon warrants drawn by the territorial auditor on the treasurer, based upon vouchers approved by the director, bureau of sight conservation and work with the blind.

SECTION 3. Nothing in this Act shall be construed to limit the applicability of section 4878 of said Revised Laws of Hawaii 1945 or the funds available under said section.

SECTION 4. This Act shall take effect upon July 1, 1949.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 22, 1949

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

Wilfred Tsukiyama
President of the Senate.

Ellen D. Smythe
Clerk of the Senate.

1949 REG HOUSE

Senate Bill No. 491

# The Legislature
of the
# Territory of Hawaii

## AN ACT

RELATING TO THE CENTRAL MAUI MEMORIAL HOSPITAL.

Introduced MARCH 28, 19 49, by
Senators JOHN G. DUARTE AND REUBEN GOODNESS

| | |
|---|---|
| First Reading in Senate | March 28, 1949 |
| Referred to Printing Committee | March 28, 1949 |
| Second Reading in Senate | March 29, 1949 |
| Referred to | SELECT COMMITTEE OF MAUI SENATORS |
| Third Reading in Senate | April 21, 1949 |

| | |
|---|---|
| First Reading in House | April 21, 1949 |
| Referred to | |
| Second Reading in House | April 22, 1949 |
| Referred to | COMMITTEE ON COUNTY |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 491
S. D. 1

A N  A C T

RELATING TO THE CENTRAL MAUI MEMORIAL HOSPITAL.

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 secure by immediate purchase or by condemnation proceedings which shall be instituted immediately in the event that purchase at the appraised value is not possible, for the central Maui memorial hospital for which appropriation was made in item 31 of Act 205 of the Session Laws of Hawaii 1947, the land known in said county of Maui as "hospital site A", being land opposite Baldwin high school on the road from Wailuku to Kahului, said parcel being more particularly described as follows:

Being a portion of R. P. 1996, L. C. Aw. 420 to Kuihelani, Owa, Wailuku, Maui, T. H.

Beginning at a point on the south side of

Kaahumanu avenue, right-of-way and at the northeast corner of this lot, the coordinates of said point of beginning referred to the U.S.C. & G.S. triangulation station "Luke" being 3058.34 feet north, 2301.66 feet east and running by azimuths measured clockwise from true south:

1. 0° 00' 15" 1278.52 feet along H. C. & S. Co.'s pasture land, thence
2. 90° 00' 15" 1752.04 feet along same to a pipe on the boundary of Hale Koa tract, thence
3. 171° 17' 274.22 feet along Hale Koa tract boundary to a pipe, thence
4. 191° 18' 1027.27 feet along same to a pipe on the south boundary of Kaahumanu avenue, thence
5. 270° 00' 15" 1592.40 feet along the south side of Kaahumanu avenue right-of-way to point of beginning, containing an area

of 50.19 acres.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 21, 1949.

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

Wilfred Tsukiyama
President of the Senate

Ellen D. Smythe
Clerk of the Senate.

# 1949 REG HOUSE

Senate Bill No. 498

## The Legislature
of the
## Territory of Hawaii

# AN ACT

TO AMEND CHAPTER 320 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO THE NATIONAL GUARD AND THE UNORGANIZED MILITIA OF THE TERRITORY OF HAWAII.

Introduced March 29, 19 49, by
Senators BEN DILLINGHAM, TOSHIO ANSAI

First Reading in Senate March 29, 1949
Referred to Printing Committee March 29, 1949
Second Reading in Senate March 30, 1949
Referred to Committee on Military Affairs
Third Reading in Senate April 26, 1949

First Reading in House April 26, 1949
Referred to
Second Reading in House April 27, 1949
Referred to Committee on Veterans
Third Reading in House

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. NO. 498

A N  A C T

TO AMEND CHAPTER 320 OF THE REVISED LAWS OF HAWAII 1945 AS AMENDED, RELATING TO THE NATIONAL GUARD AND THE UNORGANIZED MILITIA OF THE TERRITORY OF HAWAII.

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

SECTION 1. Chapter 320 of the Revised Laws of Hawaii 1945, as amended by Act 123, Session Laws of Hawaii 1947, is hereby amended in the following respects:

(1) By amending section 13059 to read as follows:

"Sec. 13059. Report for service, drills, etc. Every member of the national guard not excused therefrom shall report for active service whenever so ordered by the President of the United States or the governor or by the Departments of the Army and Air Forces of the United States. Every member shall participate

assemblies for drill and instruction at any designated armory or rendezvous, practice marches, encampments, outdoor target practice, maneuvers or other exercises, to the extent prescribed by regulations of the Department of the Army of the United States. Failure to comply with any of the provisions of this section shall be punishable as a court martial may direct."

(2) By amending section 13061 to read as follows:

"Sec. 13061. Calling out the national guard and the unorganized militia of the Territory of Hawaii. In case of war, insurrection, invasion, riot or imminent danger thereof, or any forcible obstruction to the execution of the laws, or reasonable apprehension thereof, or to assist civil authorities in disaster relief, the President of the United States or the governor, may call the national guard or the militia or any part thereof into active service."

(3) By amending section 13065 to read as follows:

"Sec. 13065. Property of Territory. All property purchased by the Territory for the national guard or the militia shall be and remain the property of the Territory. All property of the United States issued to the national guard or to the militia shall, for the purpose of sections 13066, 13067, 13068, and any other similar and applicable section of law, be deemed to be the property of the Territory."

(4) By amending section 13070 as amended by Act 123, Session Laws of Hawaii 1947, to read as follows:

"Sec. 13070. Pay of officers and enlisted men while on active duty. Officers and enlisted men in the service of the Territory shall receive the same pay and allowances as officers and enlisted men of similar rank and grade in the United States army or air force, including longevity pay; provided, that no additional pay shall be given for foreign service; and provided further, that except as hereafter provided, no pay shall be allowed to officers or enlisted men for any service for which they receive from the United States the pay and allowances made to officers and enlisted men of similar rank and grade in the United States army or air force; provided, however, that enlisted men while participating in maneuvers and other exercises, encampments, and outdoor target practice, when federal pay is received, shall, except when actually called into the service of the United States by or under the authority of the President, receive additional pay per day from the Territory as follows:

| Army Enlisted Grades | Air Forces Enlisted Grades | |
|---|---|---|
| Grade I - Master Sergeant | Master Sgt | $ 1.00 |
| Grade I - First Sergeant | First Sergeant | 1.00 |
| Grade II - Sgt First Class | Technical Sergeant | 1.00 |
| Grade III- Sergeant | Staff Sergeant | .80 |
| Grade IV - Corporal | Sergeant | .80 |
| Grade V - Private First Class | Corporal | .80 |
| Grade VI - Private | Private First Class | .70 |
| Grade VII- Recruit | Private | .70." |

(5) By amending section 13071 as amended by Act 123, Session Laws of Hawaii 1947, to read as follows:

"Sec. 13071. No pay without special order. In order to entitle officers and enlisted men to receive the pay herein provided the orders detailing them for duty or subsequent orders, shall specify that pay is to be received for the service rendered."

(6) By repealing sections 13072 and 13073.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 26, 1949

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

President of the Senate.

Clerk of the Senate.

1949 REG HOUSE

Senate Bill No. 501

# The Legislature
of the
# Territory of Hawaii

## AN ACT

RELATING TO CIVIL SERVICE AND AMENDING SECTIONS 62, 73 AND 76 OF THE REVISED LAWS OF HAWAII 1945.

Introduced March 29, 1949, by
Senator s JOHN G. DUARTE and REUBEN GOODNESS

First Reading in Senate March 29, 1949
Referred to Printing Committee March 29, 1949
Second Reading in Senate March 30, 1949
Referred to Committee on Judiciary
Third Reading in Senate April 25, 1949

First Reading in House April 25, 1949
Referred to
Second Reading in House April 26, 1949
Referred to COMMITTEE ON JUDICIARY.
Third Reading in House

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 501

A N  A C T

RELATING TO CIVIL SERVICE AND AMENDING SECTIONS 62, 73 AND 76 OF THE REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Section 62 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 62. Civil service commission. There is hereby established a civil service commission for the territory consisting of seven members who shall be of good repute and standing in the community. The members of said commission shall be appointed by the governor in the manner prescribed by paragraph 1 of section 80 of the Organic Act and shall hold office for six years or until their successors are appointed and qualified. Of such members, one shall be a resident elector of the county of Hawaii, one shall be a resident elector of the county of Maui, one shall be a resident elector of the county of Kauai and four shall be

resident electors of the city and county of Honolulu. The commission shall annually elect from its membership a chairman. Appointments to fill any vacancy caused by the death, resignation or inability to act of any commissioner shall be for the unexpired term of such commissioner. Not more than four members of the commission shall belong to the same political party."

SECTION 2. Of the first members appointed under the provisions of section 62 of said Revised Laws as amended by section 1 of this Act, of the members who are resident electors of the city and county of Honolulu, one shall be appointed for a term expiring January 1, 1951, one for a term expiring January 1, 1953 and one for a term expiring January 1, 1955.

SECTION 3. Section 73 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 73. Civil service commission. The civil service commission of the territory shall constitute the civil service commission for the city and county of Honolulu."

SECTION 4. Section 76 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 76. Civil service commission. The civil service commission of the territory shall constitute the civil service commission for the counties of Hawaii, Kauai and Maui. Said commission shall maintain an office with one clerk in each of said counties."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 25, 1949

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

President of the Senate.

Clerk of the Senate.

1949 REG HOUSE

Senate Bill No. 503

# The Legislature
of the
# Territory of Hawaii

## AN ACT

AUTHORIZING THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO ISSUE BONDS IN THE SUM OF ONE MILLION DOLLARS ($1,000,000.00) FOR CONSTRUCTION OF CERTAIN PUBLIC BUILDINGS IN THE CITY OF HONOLULU.

Introduced MARCH 29, 19 49 by

Senator NEAL S. BLAISDELL, FOR OAHU SELECT COMMITTEE

First Reading in Senate March 29, 1949
Referred to Printing Committee March 29, 1949
Second Reading in Senate March 30, 1949
Referred to OAHU SELECT COMMITTEE
Third Reading in Senate April 25, 1949

First Reading in House April 25, 1949
Referred to
Second Reading in House April 26, 1949
Referred to COMMITTEE ON FINANCE.
Third Reading in House

ELLEN D. SMYTHE
*Clerk of the Senate*

S.B.NO. 503

AN ACT

AUTHORIZING THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO ISSUE BONDS IN THE SUM OF ONE MILLION DOLLARS ($1,000,000.00) FOR CONSTRUCTION OF CERTAIN PUBLIC BUILDINGS IN THE CITY 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 empowered and authorized to issue bonds in the sum of one million dollars ($1,000,000.00), provided, however, that the limitations and requirements in the Organic Act and Chapter 117 of the Revised Laws of Hawaii 1945, as to the total bond indebtedness which may be incurred at any time or in any one year shall be waived as to bonds issued under this Act.

SECTION 2. The moneys realized from such bond

issue shall be expended for the construction of additions to the City Hall, a new Jail, a Morgue, and an office building for the Division of Street Lighting and the Division of Traffic Safety for and in the city of Honolulu.

SECTION 3. Any provisions of this Act or any other territorial law to the contrary notwithstanding, it is expressly provided that, in the event 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 items authorized by this Act (whether or not there is specific provision for expenditure thereof in connection with federal funds), the proper city and county or territorial officers (who are for such purpose hereby given authority to expend the funds received or realized from the issuance and sale of any bonds authorized by this Act,) or both, shall have power to enter into such

undertakings with the proper officers or agencies of the federal government, agree to such conditions, transfer such funds to such other governmental (federal, territorial or city and county) officer, officers or agencies for expenditure thereof, and do and perform such other acts and things as may be necessary or be required by such act or acts of said Congress or any regulation or requirement of the federal government, as a condition to securing such federal funds for the construction of such public buildings.

Any other provision of law to the contrary notwithstanding, any bonds issued under this Act may, with the approval of the governor of the Territory or the mayor of the city and county of Honolulu (as the event may require) be deposited with and pledged to, or be otherwise disposed of to, the United States or any board, agency or instrumentality of the United States government, to

secure the repayment, or in actual payment, of any loans or advances made or to be made, under any act or acts of the Congress of the United States authorizing such loans or advances, by the United States or any such board, agency or instrumentality to the Territory of Hawaii or the City and County of Honolulu for the construction, in whole or in part, of any of the items authorized under this Act or the cost of which, or of any portion thereof, would be payable or could legally be paid out of the proceeds of such bonds if sold.

SECTION 4. This Act shall take effect upon the enactment of legislation by the Congress of the United States of America ratifying this Act and authorizing such bond issue, notwithstanding the limitations of Section 55 of the Organic Act of the Territory of Hawaii or any other law to the contrary.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 25, 1949

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

President of the Senate.

Clerk of the Senate.

1949 REG HOUSE

Senate Bill No. 507

# 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 EXEMPTION.

Introduced March 30, 1949, by
Senator BEN DILLINGHAM

| | |
|---|---|
| First Reading in Senate | March 30, 1949 |
| Referred to Printing Committee | March 30, 1949 |
| Second Reading in Senate | March 31, 1949 |
| Referred to | COMMITTEE ON WAYS AND MEANS |
| Third Reading in Senate | April 21, 1949 |
| First Reading in House | April 22, 1949 |
| Referred to | |
| Second Reading in House | April 23, 1949 |
| Referred to | COMMITTEE ON FINANCE |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

S.B.No.507
S.D. 1

A N  A C T

TO AMEND SECTION 5151 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO REAL PROPERTY TAX EXEMPTION.

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 6 thereof to read as follows:

"6. Any Young Men's or Young Women's Christian Association organized under and affiliated with the International Committee of Young Men's Christian Associations or with the Young Women's Christian Association of the United States of America; provided that said exemption shall not apply to any real property, or part thereof, which is leased to another, or let to a concessionaire."

SECTION 2. This Act shall take effect on January 1, 1949, except that the proviso contained in item 6 of sec-

tion 5151 of the Revised Laws of Hawaii 1945 as amended by this Act shall not take effect until January 1, 1950.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 22, 1949

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

Wilfred Tsukiyama
President of the Senate

Ellen D. Smythe
Clerk of the Senate.

1949 REG HOUSE

Senate Bill No. 512

# The Legislature
of the
# Territory of Hawaii

## AN ACT

TO AMEND CHAPTER 86-A OF THE REVISED LAWS OF HAWAII 1945, AS CREATED BY ACT 32 OF THE SESSION LAWS OF HAWAII 1947, RELATING TO THE HAWAII AERONAUTICS COMMISSION.

Introduced March 30, 1949, by
Senator WILLIAM J. NOBRIGA

| | |
|---|---|
| First Reading in Senate | March 30, 1949 |
| Referred to Printing Committee | March 30, 1949 |
| Second Reading in Senate | March 31, 1949 |
| Referred to | COMMITTEE ON WAYS AND MEANS |
| Third Reading in Senate | April 21, 1949 |
| First Reading in House | April 22, 1949 |
| Referred to | |
| Second Reading in House | April 23, 1949 |
| Referred to | COMMITTEE ON FINANCE |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

S.B. No. 512
S.D. 1

A N A C T

TO AMEND CHAPTER 86-A OF THE REVISED LAWS OF HAWAII 1945, AS CREATED BY ACT 32 OF THE SESSION LAWS OF HAWAII 1947, RELATING TO THE HAWAII AERONAUTICS COMMISSION.

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

SECTION 1. Section 4915.07, subsection (b), of the Revised Laws of Hawaii 1945, as created by Act 32 of the Session Laws of Hawaii 1947, is hereby amended to read as follows:

"(b) All tax collections paid into the territorial airport fund, created by section 5260, shall be expended by the commission for the operation and maintenance of airports and air navigation facilities."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 21, 1949

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

President of the Senate

Clerk of the Senate.

1949 REG HOUSE

Senate Bill No. 513

# The Legislature
of the
# Territory of Hawaii

## AN ACT

TO AMEND THE HAWAIIAN FUEL TAX ACT,

AS AMENDED.

Introduced MARCH 30 , 19 49 by

Senator BEN DILLINGHAM

| | |
|---|---|
| First Reading in Senate | March 30, 1949 |
| Referred to Printing Committee | March 30, 1949 |
| Second Reading in Senate | March 31, 1949 |
| Referred to | COMMITTEE ON WAYS AND MEANS |
| Third Reading in Senate | April 21, 1949 |
| First Reading in House | April 22, 1949 |
| Referred to | |
| Second Reading in House | April 23, 1949 |
| Referred to | COMMITTEE ON FINANCE |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 513
S. D. 1

A N  A C T

TO AMEND THE HAWAIIAN FUEL TAX ACT, AS AMENDED.

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

SECTION 1. Section 5404 of chapter 100 of the Revised Laws of Hawaii 1945, as amended, is hereby amended by amending subdivision (2) of subsection (a) thereof to read as follows:

"(2) For each gallon of gasoline sold for use in or used for airplanes, two and one-half cents."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 21, 1949.

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

President of the Senate

Clerk of the Senate.

1949 REG HOUSE

Senate Bill No. 521

# The Legislature
of the
# Territory of Hawaii

## AN ACT

RELATING TO THE KALAUPAPA SETTLEMENT, APPROPRIATING FUNDS FOR A ROAD THEREIN, AND PROVIDING FOR THE EMPLOYMENT OF PATIENTS UPON PROJECTS WITHIN SAID SETTLEMENT.

Introduced March 31, 1949, by

Senator s: JOHN G. DUARTE
REUBEN GOODNESS

| | |
|---|---|
| First Reading in Senate | March 31, 1949 |
| Referred to Printing Committee | March 31, 1949 |
| Second Reading in Senate | April 1, 1949 |
| Referred to | COMMITTEE ON WAYS AND MEANS |
| Third Reading in Senate | April 25, 1949 |
| First Reading in House | April 25, 1949 |
| Referred to | |
| Second Reading in House | April 26, 1949 |
| Referred to | COMMITTEE ON FINANCE. |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

S.B.No. 521

A N  A C T

RELATING TO THE KALAUPAPA SETTLEMENT, APPROPRIATING FUNDS FOR A ROAD THEREIN, AND PROVIDING FOR THE EMPLOYMENT OF PATIENTS UPON PROJECTS WITHIN SAID SETTLEMENT.

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 $25,000.00 for the construction of a road from the headquarters of Kalaupapa settlement to the Father Damien memorial chapel.

SECTION 2. Said sum shall be expended upon warrants of the auditor supported by vouchers signed by the chairman of the board of hospitals and settlement under the supervision and authority and by the order of the board.

SECTION 3. To the fullest extent possible, the labor used in the construction of said road and upon any other

projects within said settlement shall be performed by patients therein, under the provisions of section 2423, as amended, or as the same may hereafter be amended, of the Revised Laws of Hawaii 1945.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 25, 1949

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

President of the Senate

Clerk of the Senate.

# 1949 REG HOUSE

Senate Bill No. 556

## The Legislature
of the
## Territory of Hawaii

# AN ACT

AMENDING SECTION 12561.04 OF ACT 202 (SER. D-186) OF THE SESSION LAWS OF HAWAII 1947, RELATING TO GUARDIANSHIP OF INCOMPETENT VETERANS AND OTHER INCOMPETENT AND MINOR BENEFICIARIES OF THE VETERANS ADMINISTRATION.

Introduced April 2, , 19 49, by
Senator BEN DILLINGHAM

| | |
|---|---|
| First Reading in Senate | April 2, 1949 |
| Referred to Printing Committee | April 2, 1949 |
| Second Reading in Senate | April 4, 1949 |
| Referred to | Judiciary Committee |
| Third Reading in Senate | April 23, 1949 |
| First Reading in House | April 23, 1949 |
| Referred to | |
| Second Reading in House | April 25, 1949 |
| Referred to | COMMITTEE ON VETERANS |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No.556

A N  A C T

AMENDING SECTION 12561.04 OF ACT 202 (SER. D-186) OF THE SESSION LAWS OF HAWAII 1947, RELATING TO GUARDIANSHIP OF INCOMPETENT VETERANS AND OTHER INCOMPETENT AND MINOR BENEFICIARIES OF THE VETERANS ADMINISTRATION.

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

SECTION 1. Section 12561.04 of Act 202 (Ser. D-186) of the Session Laws of Hawaii 1947 is hereby amended by inserting after the words "or trust company" in the first line thereof the following words: "or chief clerk of the circuit courts of the Territory of Hawaii".

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 23, 1949.

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

President of the Senate.

Clerk of the Senate.

1949 REG HOUSE

Senate Bill No. 557

# The Legislature
of the
# Territory of Hawaii

## AN ACT

AMENDING SECTION 12504 OF CHAPTER 305 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO GUARDIANS AND WARDS.

Introduced April 2, 1949, by
Senator BEN DILLINGHAM

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|---|---|
| First Reading in Senate | April 2, 1949 |
| Referred to Printing Committee | April 2, 1949 |
| Second Reading in Senate | April 4, 1949 |
| Referred to | COMMITTEE ON JUDICIARY |
| Third Reading in Senate | April 21, 1949 |
| First Reading in House | April 21, 1949 |
| Referred to | |
| Second Reading in House | April 22, 1949 |
| Referred to | COMMITTEE ON JUDICIARY |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

S.B.No. 557
S.D. 1

A N  A C T

AMENDING SECTION 12504 OF CHAPTER 305 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO GUARDIANS AND WARDS.

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

SECTION 1. Section 12504 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by inserting between the words "compensation" and "except" in line 9 thereof the words "on the first thousand dollars of the corpus of the estate except for expenses necessarily and actually incurred, nor shall he or the minor or insane person or the estate of such minor or insane person be liable for any court costs arising out of such guardianship", and by inserting after the semi-colon following the word "principal" in line 17 the words "provided, further, that

the clerk as guardian shall be entitled to demand and receive for deposit in the general fund of the Territory a commission of five per cent. on the corpus of the estate after said corpus totals one thousand dollars, to be in lieu of all charges for fees, commissions, court costs and attorney fees;".

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 21, 1949

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

President of the Senate

Clerk of the Senate.

# 1949 REG HOUSE

Senate Bill No. 559

## The Legislature
of the
## Territory of Hawaii

# AN ACT

TRANSFERRING CONTROL, SUPERVISION AND APPROPRIATIONS FOR AND PERSONNEL OF THE LIFE-SAVING PATROL FOR WAIKIKI BEACH TO THE BOARD OF PUBLIC PARKS AND RECREATION OF THE CITY AND COUNTY OF HONOLULU.

| | | |
|---|---|---|
| Introduced | April 2 | , 1949 , by |
| Senator | HERBERT K. H. LEE | |

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|---|---|
| First Reading in Senate | April 2, 1949 |
| Referred to Printing Committee | April 2, 1949 |
| Second Reading in Senate | April 4, 1949 |
| Referred to | - Read throughout- on 2d Reading |
| Third Reading in Senate | April 5, 1949. |
| First Reading in House | April 5, 1949 |
| Referred to | |
| Second Reading in House | April 6, 1949 |
| Referred to | Committee on Recreation |
| Third Reading in House | |

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ELLEN D. SMYTHE
*Clerk of the Senate*

S.B.No. 559
S.D. 1

A N  A C T

TRANSFERRING CONTROL, SUPERVISION AND APPROPRIATIONS FOR AND PERSONNEL OF THE LIFE-SAVING PATROL FOR WAIKIKI BEACH TO THE BOARD OF PUBLIC PARKS AND RECREATION OF THE CITY AND COUNTY OF HONOLULU.

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

SECTION 1. The control and supervision of the life-saving patrol for Waikiki beach shall be and hereby is transferred from the board of harbor commissioners to the board of public parks and recreation of the city and county of Honolulu.

SECTION 2. Any unexpended balance of appropriations and any appropriations made to the board of harbor commissioners for the biennium period beginning July 1, 1949, earmarked for the pay, control or supervision of said life-saving patrol, save and except such appropriations or portions thereof as are obligated by contract at the time of the transfer, shall

be transferred to the board of public parks and recreation of the city and county of Honolulu.

SECTION 3. (a) All employees of the Territory of Hawaii employed on said life-saving patrol July 1, 1949, who have completed six months of satisfactory service are hereby given permanent appointments in the civil service system of the city and county of Honolulu without further examination. All other such employees, employed upon said July 1, 1949, are hereby given probationary appointments in the civil service system of the city and county of Honolulu, and upon completion of an aggregate of six months of satisfactory service for the said Territory and the said city and county shall receive permanent appointments in the civil service system of the city and county of Honolulu without further examination.

(b) The civil service commission of the city and county of Honolulu, as the personnel classification board for the said city and county, shall by rule or otherwise make appropriate provisions whereby the said employees of the Ter-

ritory, employed on July 1, 1949, 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 said city and county and immediately prior to such transfers had been receiving for such positions the rates of compensation actually received by them on July 1, 1949. No such employee shall suffer a reduction in his rate of compensation by reason of his being placed under Part 11 of chapter 3 of the Revised Laws of Hawaii 1945. The increment date of each said employee of the Territory who was in service and entitled to an increment on January 1, 1949 shall not be changed by reason of his transfer to the said city and county service, notwithstanding any other provision of law. All said employees of the Territory employed on July 1, 1949 shall be given credit for the vacation and sick leave already earned or accumulated by them, and the Territory shall pay into the treasury of the said city and county to the credit of the proper appropriation the amounts of the credits for vacations

(but not sick leaves) earned or accumulated at the rates of compensation as of July 1, 1949.

(c) Contributions of the government to the employees' retirement system for said employees, employed on July 1, 1949 shall be pro-rated between the Territory and the said city and county as of July 1, 1949.

SECTION 4. All laws inconsistent with section 1 hereof are hereby amended to conform thereto.

SECTION 5. This Act shall take effect July 1, 1949.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 5, 1949.

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

President of the Senate

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., April 23, 1949.

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

Speaker, House of Representatives.

Clerk, House of Representatives.

1949 REG HOUSE

Senate Bill No. 560

# The Legislature
of the
# Territory of Hawaii

## AN ACT

TO AMEND CHAPTER 135, REVISED LAWS OF HAWAII 1945, RELATING TO FIREARMS AND AMMUNITION BY ELIMINATING THEREFROM THE MANDATORY REGISTRATION OF RIFLES AND SHOTGUNS AND ALL TYPES OF AMMUNITION, AS WELL AS THE MANDATORY REGISTRATION REQUIREMENTS FOR PERMITS TO PURCHASE AMMUNITION, AND REPEALING SECTION 7184 RELATIVE TO POSSESSION OF RIFLES, SHOTGUNS AND AMMUNITION BY LICENSED HUNTERS.

Introduced April 4 , 1949 , by

Senator CHARLES H. SILVA

First Reading in Senate April 4, 1949
Referred to Printing Committee April 4, 1949
Second Reading in Senate April 5, 1949
Referred to Committee on Judiciary
Third Reading in Senate April 20, 1949

First Reading in House April 20, 1949
Referred to
Second Reading in House April 21, 1949
Referred to COMMITTEE ON JUDICIARY
Third Reading in House

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 560

A N  A C T

TO AMEND CHAPTER 135, REVISED LAWS OF HAWAII 1945, RELATING TO FIREARMS AND AMMUNITION BY ELIMINATING THEREFROM THE MANDATORY REGISTRATION OF RIFLES AND SHOTGUNS AND ALL TYPES OF AMMUNITION, AS WELL AS THE MANDATORY REGISTRATION REQUIREMENTS FOR PERMITS TO PURCHASE AMMUNITION, AND REPEALING SECTION 7184 RELATIVE TO POSSESSION OF RIFLES, SHOTGUNS AND AMMUNITION BY LICENSED HUNTERS.

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

SECTION 1. Chapter 135 of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(1) Section 7181 of the Revised Laws of Hawaii 1945 is hereby amended (a) by deleting the words "rifles, shotguns" in line 3 of the first paragraph, and (b) by changing the period (.) after the word "guns" in line 4 of the first paragraph to a comma (,) and adding the following "but not rifles and shotguns."

(2) Section 7182 of the Revised Laws of Hawaii 1945 is hereby amended by deleting the words "or ammunition" in the second paragraph thereof and the words "and ammunition" in the third paragraph thereof.

(3) Section 7183 of the Revised Laws of Hawaii 1945 is hereby amended by deleting in the first paragraph: (a) the words in lines 4 and 5 thereof "or of any ammunition of any kind or description, except shotgun ammunition"; (b) the word "rifles," in line 12 thereof; (c) the last two sentences thereof; (d) by deleting the words in the second paragraph "or ammunition" as they appear in lines 8, 9, 10, 13, 18, and 19 thereof; and (e) by deleting the words "or ammunition" in line 1 of the third paragraph.

(4) Section 7184 of the Revised Laws of Hawaii 1945 is hereby repealed.

(5) Section 7185 of the Revised Laws of Hawaii 1945 is hereby amended by deleting the words "and ammunition" in lines 1 and 2.

(6) Section 7191 of the Revised Laws of Hawaii 1945 is hereby amended by deleting the words "or ammunition" in line 1.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 20, 1949

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

Wilfred C. Tsukiyama
President of the Senate.

Ellen D. Smythe
Clerk of the Senate.

1949 REG HOUSE

Senate Bill No. 566

# The Legislature
of the
# Territory of Hawaii

## AN ACT

RELATING TO THE APPOINTMENT OR EMPLOYMENT AND REMOVAL OR DISCHARGE OF OFFICERS AND EMPLOYEES OF THE TERRITORY OF HAWAII AND ITS POLITICAL SUBDIVISIONS AND PROVIDING FOR A SECURITY BOARD AND OTHER PROCEDURES CONCERNED THEREWITH.

Introduced APRIL 4 , 1949 , by

Senator W. H. HILL

| | |
|---|---|
| First Reading in Senate | April 4, 1949 |
| Referred to Printing Committee | April 4, 1949 |
| Second Reading in Senate | April 5, 1949 |
| Referred to | COMMITTEE ON JUDICIARY |
| Third Reading in Senate | April 13, 1949 |

| | |
|---|---|
| First Reading in House | April 13, 1949 |
| Referred to | |
| Second Reading in House | April 14, 1949 |
| Referred to | Committee on Judiciary |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 566
S. D. 1

A N  A C T

RELATING TO THE APPOINTMENT OR EMPLOYMENT AND REMOVAL OR DISCHARGE OF OFFICERS AND EMPLOYEES OF THE TERRITORY OF HAWAII AND ITS POLITICAL SUBDIVISIONS AND PROVIDING FOR A SECURITY BOARD AND OTHER PROCEDURES CONCERNED THEREWITH.

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

SECTION 1. Wherever used in this Act, unless the context otherwise requires:

"Communism" means a theory that the currently existing form of government of the United States or of this Territory should be changed, by force, violence or other unconstitutional means, to a totalitarian dictatorship which is based on the principles of communism as expounded by Marx, Engles, Lenin and Stalin, and in which the government holds title to all or substantially all the raw material and production and distribution facilities;

"Communist" means a person who practices or advocates communism by word or writing, or who organizes, assists in organizing, or knowingly becomes or remains a member of a group of persons advocating or practicing communism, or who knowingly and voluntarily assembles with a group of persons in which communism is advocated;

"Communist organization" includes, without prejudice to the generality of the term, any organization, association, movement, group or combination of persons which the attorney general of the United States has designated as communist.

SECTION 2. Notwithstanding the provisions of chapters 2 and 28 of the Revised Laws of Hawaii 1945, or of any other law to the contrary, no member of any communist party, communist organization, or group of communists, and no person who has been, at any time during the five years immediately prior to his contemplated appointment or employment, or if already in office or employment, then within the five year

period immediately preceding the filing of charges against him, a member of any communist party, communist organization, or group of communists shall be eligible for appointment or employment as an officer or employee of the Territory of Hawaii or any of its political subdivisions, or be so appointed or employed, or, if so appointed or employed, be continued in such office or employment; provided, that the security board hereinafter created and any appropriate law enforcement or investigative agency of the territorial government, including appropriate investigating committees of the legislature, may employ or pay witness fees to any such person for the purpose of obtaining, appraising or analyzing information concerning communism or communists. Any such officer or employee who has been at any time during the period stated above, or is a member of any such party, organization, or group, shall be removed from any such office or discharged from any such employment in the manner herein provided.

SECTION 3. There is hereby created a security board

of the Territory (hereinafter referred to as the "board") consisting of three members, to be appointed and be removable by the governor in the manner provided by section 80 of the Organic Act, one of whom shall be designated in the appointment as chairman. The board members shall be appointed for terms of four years. A majority of the board shall constitute a quorum thereof, with power to transact any business or take any action within the powers of the said board. In case of the chairman's absence, illness or incapacity, an acting chairman, to serve during such absence, illness or incapacity, may be selected by the board. Said members shall serve without pay but shall be reimbursed for their reasonable traveling and other expenses incurred in the discharge of their duties.

SECTION 4. The said board shall have the following powers and duties:

(a) To investigate any officer or employee of the Territory or any of its political subdivisions who is reported or suspected of having been, or of being, a member of any com-

munist party, communist organization or group of communists, and to determine, whether any such officer or employee has been or is a member of any communist party, communist organization, or group of communists. No such determination shall be made unless at least five days before such determination the board gives to the officer or employee concerned a written statement setting forth the specific party, organization or group of which the officer or employee is reported or suspected of having been or being a member, and permits such officer or employee to file with said board a written statement relative to membership or lack of membership whether then or at any time previous in such party, organization or group. Upon the written request of such officer or employee within a period of three days after receiving such statement from the board, the board shall conduct a hearing to determine whether such officer or employee is a member of such party, organization or group, of the time and place of which hearing said employee shall have at least three days notice, and at which hearing said officer or employee shall be permitted to

testify personally, and to present such other evidence as he may wish, directly pertinent to the issue of whether he is such member. The board shall determine the pertinence of such evidence;

(b) To investigate any reported or suspected violation of section 2 of this Act, and to determine whether any officer or employee of the Territory or any of its political subdivisions has been or is a member of any communist party, communist organization, or group of communists;

(c) To receive and record all evidence or information in regard to whether any officer or employee of the Territory or any of its political subdivisions has been or is a member of any communist party, communist organization, or group of communists;

(d) To conduct hearings as to whether an officer or employee of the Territory or any of its political subdivisions has been or is a member of any communist party, communist organization, or a group of communists, when in its discretion it deems such hearings advisable, and, in any event, before

determining an officer or employee has been or is a member of such party, organization or group if such officer or employee shall request in writing that a hearing be held;

(e) To report in writing to the governor of the Territory, together with a record of its findings and conclusions, the names of any officers and employees of the Territory or any of its political subdivisions it determined have been or are members of any communist party, communist organization, or group of communists;

(f) To make and adopt, and from time to time amend rules and regulations for the conduct of its business, not inconsistent with the provisions of this Act, which rules and regulations, when approved by the governor, shall have the force and effect of law;

(g) To employ and fix the compensation of a secretary and such clerical, legal, investigatorial, and technical assistance as it may deem necessary, subject to chapters 2 and 3 of

the Revised Laws of Hawaii 1945;

(h) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents and records of every kind and description; to issue subpoenas and to take all necessary means to compel the attendance of witnesses and the production of evidence or testimony; to cause the depositions 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 circuit courts; to pay fees and traveling expenses of witnesses to insure their attendance, if necessary; and to direct the high sheriff or his deputy or any police officer to serve subpoenas, orders, and other process issued by the said board; and

(i) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this Act.

SECTION 5. (a) The said board, each of its members,

and any representative of the board designated by the board, is authorized and empowered to administer oaths. False swearing by any witness before the said board shall constitute perjury and shall be punished as such.

(b) The failure or refusal of any officer or employee of the Territory or any of its political subdivisions to appear before the said board, after being notified in writing to so appear, or, having appeared before the said board, to answer, in the affirmative or the negative, any question propounded by the board, or a member thereof, as to whether he has been or is a member of any communist party, communist organization, or group of communists, as the case may be, for the purposes of this Act shall be deemed an admission that he has been or is a member of a communist party, communist organization, or group of communists, as the case may be.

(c) Every department, commission, board, agency, officer or employee of the territorial government, and of any political subdivision thereof, shall furnish the said board, upon request, any and all assistance, and information, re-

cords and documents that the said board deems proper to carry out the purposes of this Act.

(d) If any person subpoenaed as a witness to attend before the said board, or to produce any papers, books, accounts, reports, documents, 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, 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.

SECTION 6. (a) Upon receipt from said board of its written report, together with the records of its findings and conclusions, that any officer or employee has been or is a member of any communist party, communist organization, or group of communists, the governor shall review such findings and conclusions and if he affirms the same, he is authorized

and directed to remove any such officer or to discharge any such employee, any provision of chapters 2 and 28 of the Revised Laws of Hawaii 1945 or of any other law to the contrary notwithstanding.

(b) Upon such removal or discharge of any officer or employee of the Territory or any of its political subdivisions by the governor as aforesaid, the governor shall transmit to the auditor of the Territory or any of its political subdivisions, as the case may be, and to the civil service commission of the Territory or any of its political subdivisions, as the case may be, a certificate to that effect whereupon such officer or employee shall be conclusively deemed removed or discharged, and shall be deemed to have released and forfeited (1) all claim or right thereafter to such office or employment from which removed and discharged, and (2) all claim or right thereafter to any compensation payable by the Territory or any of its political subdivisions; provided, that such removed or discharged officer or employee shall receive

all compensation due up to the date of removal or discharge including payment for accrued leave and shall receive all amounts credited to him in the retirement system including interest to the date of removal or discharge. The auditor of the Territory or any of its political subdivisions, as the case may be, is hereby prohibited from drawing, signing or issuing any warrant on the treasury of the Territory, or any of its political subdivisions, as the case may be, or against funds available for such purpose, for the payment of any salary or compensation to any such person for any services rendered after the receipt by the said auditor of such certificate.

(c) The provisions of chapter 220 of the Revised Laws of Hawaii 1945 shall not apply to any person removed or discharged under the provisions of this Act nor to any claim for wages, salary or compensation of any such person. No court shall have jurisdiction to hear and determine any claim to an office or employment of the Territory or any of its politi-

cal subdivisions, or any claim for wages, salary or compensation, of any person removed or discharged under the provisions of this Act.

SECTION 7. All laws, or parts of laws, inconsistent with any provision hereof are hereby amended to conform hereto.

SECTION 8. There is hereby appropriated out of the general revenues of the Territory, not otherwise appropriated, the sum of $25,000.00 for the purposes of this Act, including personal services, equipment and other current expenses of the said board, for the biennial period beginning July 1, 1949 and ending June 30, 1951. The said appropriation shall be expended upon warrants drawn by the territorial auditor on the treasurer, based upon vouchers approved by the chairman of the said board.

SECTION 9. If any phrase, clause, sentence, subsection, section, provision or part 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, and such remaining portions of this Act shall remain in full force and effect thereafter. The legislature hereby declares that it would have passed this Act, and each phrase, clause, sentence, subsection, section, provision or part thereof, irrespective of the fact that any one or more of the phrases, clauses, sentences, subsections, sections, provisions or parts be declared unconstitutional or invalid.

SECTION 10. This Act shall take effect upon its approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 13, 1949.

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

President of the Senate

Clerk of the Senate.

Senate Bill No. 597

# The Legislature
of the
# Territory of Hawaii

## AN ACT

APPROPRIATING $209,050 FOR THE ACQUISITION OF LANDS FOR THE UNIVERSITY OF HAWAII

Introduced April 5 , 19 49 , by

Senator CHARLES H. SILVA

First Reading in Senate April 5, 1949
Referred to Printing Committee April 5, 1949
Second Reading in Senate April 6, 1949
Referred to Committee on Ways and Means
Third Reading in Senate April 26, 1949

First Reading in House April 26, 1949
Referred to
Second Reading in House April 27, 1949
Referred to Committee on Finance
Third Reading in House

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 597

A N  A C T

APPROPRIATING $209,050 FOR THE ACQUISITION OF LANDS FOR THE UNIVERSITY OF HAWAII.

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

SECTION 1. There is hereby appropriated out of the general fund of the Territory of Hawaii the sum of $209,050 or so much thereof as may be necessary for the acquisition of land for the University of Hawaii, said land consisting of that certain piece or parcel containing approximately 77.712 acres lying in and between Dole Street and the proposed Waialae Road extension, and between University Avenue and the St. Louis Heights area, in the city and county of Honolulu, which land is owned by the trustees of the estate of Bernice P. Bishop, deceased, and which land is designated as parcel 5 in that certain eminent domain proceeding instituted by the Territory of Hawaii as Law No. 18122, in the circuit court of the first judicial circuit.

SECTION 2. The moneys hereby appropriated shall constitute a supplement to the appropriation made by Act 168 of the Session Laws of Hawaii 1945.

SECTION 3. Moneys appropriated by this Act shall be expended upon vouchers approved by the regents of the University of Hawaii or their duly authorized subordinate.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 26, 1949

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

President of the Senate.

Clerk of the Senate.

Senate Bill No. 599

# The Legislature
of the
# Territory of Hawaii

## AN ACT

AMENDING SECTION 5252, AS AMENDED, AND SECTION 5254, AS AMENDED, OF THE REVISED LAWS OF HAWAII 1945, RELATING TO TAXES, REVENUES AND COUNTY FINANCES; AND REMOVING CERTAIN LIMITATIONS AND RESTRICTIONS UPON THE BUDGETS, REVENUES, FINANCES AND EXPENDITURES OF THE SEVERAL COUNTIES OF THE TERRITORY.

Introduced APRIL 5 , 19 49, by
Senator CHARLES H. SILVA

| | |
|---|---|
| First Reading in Senate | April 5, 1949 |
| Referred to Printing Committee | April 5, 1949 |
| Second Reading in Senate | April 6, 1949 |
| Referred to | COMMITTEE ON WAYS AND MEANS |
| Third Reading in Senate | April 21, 1949 |
| First Reading in House | April 21, 1949 |
| Referred to | |
| Second Reading in House | April 22, 1949 |
| Referred to | COMMITTEE ON COUNTY |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 599
S. D. 1

A N  A C T

AMENDING SECTION 5252, AS AMENDED, AND SECTION 5254, AS AMENDED, OF THE REVISED LAWS OF HAWAII 1945, RELATING TO TAXES, REVENUES AND COUNTY FINANCES; AND REMOVING CERTAIN LIMITATIONS AND RESTRICTIONS UPON THE BUDGETS, REVENUES, FINANCES AND EXPENDITURES OF THE SEVERAL COUNTIES OF THE TERRITORY.

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

SECTION 1. Section 5252 of the Revised Laws of Hawaii 1945, as amended by Act 82 of the Session Laws of Hawaii 1945 and Act 111 of the Session Laws of Hawaii 1947, is hereby further amended in the following respects:

(a) By deleting from subsection (a) thereof the first sentence of the fifteenth paragraph following the form of county budget, which sentence reads as follows:

"If, however, the amount shown in item (10) under column III of the budget for a county shall exceed, in the case of:
The county of Hawaii, the sum of . . . . . $1,200,000

The county of Kauai, the sum of . . . . . $ 600,000
the amount shown by the item shall be reduced
to the amount last hereinabove stated for such
county."

(b) By inserting a period after the word "thereon" in the sixth line of the eighteenth paragraph following the form of county budget in said subsection (a) thereof and by deleting the remainder of the said paragraph.

(c) By deleting the last two lines of the nineteenth paragraph following the form of the county budget in said subsection (a) thereof and by substituting in lieu thereof the following:

"The amount raised for such county by real property taxation during the preceding calendar year."

(d) By substituting a period for the semi-colon at the end of the fifteenth line of the first paragraph of subsection (b) thereof and by deleting the remainder of said paragraph.

SECTION 2. Section 5254 of the Revised Laws of Hawaii 1945, as amended by Act 82 of the Session Laws of Hawaii 1945

and Act 111 of the Session Laws of Hawaii 1947, is hereby further amended in the following respects:

(a) By deleting the following from the twelfth, thirteenth, and fourteenth lines of the third paragraph thereof:

"or the amount prescribed by law as the limit of the amount to be raised by property taxes for such county, whichever is the smaller," .

(b) By deleting the tenth to seventeenth lines, both said lines inclusive, of the fourth paragraph thereof and by substituting in lieu thereof the following:

"Such excess collections shall not".

SECTION 3. All laws or parts of laws inconsistent with this Act are hereby amended to conform to this Act.

SECTION 4. If any phrase, clause, sentence, subsection, section, provision or part 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, and such remaining portions of

this Act shall remain in full force and effect thereafter. The legislature hereby declares that it would have passed this Act, and each phrase, clause, sentence, subsection, section, provision or part thereof, irrespective of the fact that any one or more of the phrases, clauses, sentences, subsections, sections, provisions or parts be declared unconstitutional or invalid.

SECTION 5. This Act shall take effect on January 1, 1950.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 22, 1949.

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

President of the Senate

Clerk of the Senate.

Senate Bill No. 602

# The Legislature
of the
# Territory of Hawaii

## AN ACT

TO AMEND CHAPTER 85 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, TO PROVIDE FOR LIENS FOR OLD AGE ASSISTANCE FURNISHED AND REIMBURSEMENT THEREFOR.

Introduced April 5, 19 49 by

Senator CHARLES H. SILVA, BY REQUEST

First Reading in Senate April 5, 1949
Referred to Printing Committee April 5, 1949
Second Reading in Senate April 6, 1949
Referred to Committee on Judiciary
Third Reading in Senate April 20, 1949

First Reading in House April 20, 1949
Referred to
Second Reading in House April 21, 1949
Referred to COMMITTEE ON JUDICIARY
Third Reading in House

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 602

A N  A C T

TO AMEND CHAPTER 85 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, TO PROVIDE FOR LIENS FOR OLD AGE ASSISTANCE FURNISHED AND REIMBURSEMENT THEREFOR.

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

SECTION 1. Section 4847 of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"Sec. 4847. Aged persons. A person shall be eligible for old age assistance who:

(1) Is in need and has not sufficient income or other resources to provide a subsistance compatible with decency and health; provided, that ownership of real or personal property by an applicant for old age assistance or by the spouse of such applicant, or of life insurance on the life of the applicant, shall not preclude the granting of old age assistance if the applicant is without funds for his support;

(2) Resides in the Territory and has so resided for not less than one year immediately pre-

ceding the date of the application, except where a longer period is required by and for the purposes of section 4832;

(3) Is sixty-five years of age or more; provided, that in the event that the minimum age for determining eligibility for old age assistance under the federal laws shall be reduced, the minimum age prescribed by this paragraph shall thereby automatically be reduced to conform to said federal minimum, but in no case below sixty years: and ;

(4) Complies with the provisions of section 4847.01."

SECTION 2. Chapter 85 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto a new section to be numbered "4847.01", to read as follows:

"Sec. 4847.01. Reimbursement for old age assistance; agreement to reimburse. (a) The department shall require as a condition to granting or continuing old age assistance to any recipient that such recipient shall enter into an agreement with the department to reimburse the department for old age assistance thereafter received by him, which said agreement shall pledge to the director, in his official capacity, all or any part of the property of the applicant

as the director shall require, as collateral security and as a guarantee for such reimbursement; provided, however, that there shall be exempted from such pledge personal effects and household furnishings of a value of not less than five hundred dollars.

(b) The department, in addition to the agreement required by paragraph (a) of this section, shall (1) in the case of insurance upon the life of the applicant, wherever practical, require an irrevocable assignment of any such policy to the director , in his official capacity, and (2) require that assets in the form of money or bank account be utilized for the support of the applicant; and (3), subject to the exemption provided in subsection (a) of this section with respect to personal effects and household furnishings of the applicant, require the assignment or transfer of title of other assets to the director to facilitate disposal of such assets at such time as may be determined by the department for the purpose of reimbursing the department for old age assistance received by the recipient.

(c) If the applicant be married, the husband or wife of the applicant shall join in such agreement and shall release dower or curtesy, and shall convey and assign his or her interest in any community property for the purposes specified in this section; the granting of old age assistance being

contingent upon such joinder by the spouse, it shall be good and valuable consideration therefor. Old age assistance shall not be granted to any applicant without joinder by the spouse in the agreement to reimburse except upon the showing and finding by the department of good and sufficient cause therefor."

SECTION 3. Chapter 85 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto a new section to be numbered "4847.02", to read as follows:

"Sec. 4847.02. Same; recordation of agreement; lien; priority. (a) Upon making a grant of old age assistance, the department shall forthwith file the reimbursement agreement required to be executed by the applicant and his spouse pursuaht to section 4847.01, in the bureau of conveyances and also, if the applicant is the owner of or of an interest in registered land, in the office of the assistant registrar of the land court.

(b) From and after filing such agreement in the bureau of conveyances the lien shall attach to all interests in real and personal property then owned by the recipient (including the community property so hypothecated) which is not registered in the

land court; and from and after the filing of said agreement in the office of the assistant registrar of the land court and the noting thereof upon the land court certificate of title in the office of the assistant registrar of the land court, the lien shall attach to all interests in real property owned by the recipient (likewise including such community property) then registered in the land court and covered by such certificate.

(c) The lien shall be for all amounts of old age assistance paid on or after the date of execution by the applicant of said reimbursement agreement and shall take priority over any other lien thereafter acquired or recorded, except tax liens, and except that, in the estate of a recipient, the cost of administration and the allowance, if any, made to the widow and children for their support for six months following the death of said recipient, shall have priority and preference over the lien hereby created and over any claim against such estate for reimbursement for old age assistance.

(d) It shall be the duty of the department to issue certificates of release or partial release upon satisfaction or partial satisfaction of the lien, which shall likewise be recorded in the bureau of conveyances and, in the case of registered land, in the office of the assistant registrar of the land court.

(e) No fees shall be charged for the filing of any document required by this section to be filed in the bureau of conveyances or in the office of the assistant registrar of the land court."

SECTION 4. Section 85 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto a new section to be numbered "4847.03", to read as follows:

"Sec. 4847.03. Discharge of lien. The recipient, his heirs, personal representatives or assigns, may discharge such lien at any time by paying the amount ther of to the department, which shall thereupon execute a satisfaction of such lien. The department may in its discretion compromise the collection of any such lien, but such compromise shall be made only when the collection of the full amount of the lien or claim would cause undue hardship or the lien or the claim is otherwise uncollectible."

SECTION 5. Section 85 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto a new section to be numbered "4847.04", to read as follows:

"Sec. 4847.04. Enforcement of lien; release

and waiver of priority. (a) Such lien shall be enforceable by the department by suit in equity in the event of foreclosure, or shall be enforceable as a claim against the estate of the recipient having priority over all other debts except taxes, the cost of administration and the allowance, if any, made to the widow and children for their support for six months following the death of said recipient.

(b) Such lien shall not be enforced against the home of a recipient while it is being occupied by such recipient or by any surviving spouse who has not remarried, or by any surviving minor child or any physically or mentally handicapped child of the recipient, except that such lien shall be enforceable as a claim against the estate of a recipient under any circumstances if the estate is admitted to probate at the instance of any interested party otherthan the department.

(c) Whenever the department is satisfied that the collection of the amount of assistance paid a recipient will not be jeopardized or that the release or waiver of the priority of the lien against his property, in whole or in part, is necessary to provide for the maintenance or support of the recipient, his spouse, or any minor or incapacitated child, it may release or waive the priority of such

lien with respect to all or any part of his property."

SECTION 6. Section 85 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto a new section to be numbered "4847.05", to read as follows:

"Sec. 4847.05. Disposition of proceeds. The proceeds from the enforcement, payment or compromise of the lien for reimbursement of old age assistance shall be paid into the treasury of the Territory. If the amount of assistance reflected by such proceeds was paid in part by federal funds, the proper portion thereof shall be paid by the treasurer of the Territory into the treasury of the United States and the treasurer shall thereupon report such payment to the department. As to such proceeds not so paid into the treasury of the United States, the same shall be credited by the treasurer to the department for expenditure for assistance without need for further appropriation."

SECTION 7. Section 85 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto

a new section to be numbered "4847.06", to read as follows:

"Sec. 4847.06. Compliance with federal laws and regulations. If at any time the federal government, or any agency or instrumentality thereof, shall require, as a condition to any grant of assistance, the performance of conditions inconsistent with the provisions of this chapter relative to the reimbursement agreements and lien for old age assistance or a desisting from actions provided with respect thereto, the governor may, upon a finding to that effect and to the extent of such requirement, suspend any provisions of sections 4847.01 to 4847.05 inclusive to the end that such federal assistance may be received."

SECTION 8. This Act shall take effect on September 1, 1949.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 20, 1949

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

President of the Senate.

Clerk of the Senate.

Senate Bill No. 606

# The Legislature
of the
# Territory of Hawaii

# AN ACT

TO AMEND SECTION 10782 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO UNCLAIMED EVIDENCE.

Introduced APRIL 5 , 1949 , by

Senator CHARLES H. SILVA

First Reading in Senate April 5, 1949
Referred to Printing Committee April 5, 1949
Second Reading in Senate April 6, 1949
Referred to Committee on Judiciary
Third Reading in Senate April 19, 1949

First Reading in House April 19, 1949
Referred to
Second Reading in House April 20, 1949
Referred to COMMITTEE ON JUDICIARY
Third Reading in House

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 606

A N  A C T

TO AMEND SECTION 10782 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO UNCLAIMED EVIDENCE.

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

SECTION 1. Section 10782 of the Revised Laws of Hawaii 1945 is hereby amended by substituting for the word "treasurer", wherever said word appears therein, the words "chief of police".

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H. April 19, 1949

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

President of the Senate.

Clerk of the Senate.

Senate Bill No. 625

# The Legislature
of the
# Territory of Hawaii

# AN ACT

AMENDING ACT 205 OF THE SESSION LAWS OF HAWAII 1947 RELATING TO PUBLIC IMPROVEMENTS AND THE ISSUANCE OF PUBLIC IMPROVEMENT BONDS; PROVIDING FOR AN OVERSEAS TERMINAL AT KAWAIHAE, COUNTY OF HAWAII; MAKING AN APPROPRIATION FOR SAID OVERSEAS TERMINAL AND APPURTENANCES; AND PROVIDING FOR THE ISSUANCE OF BONDS THEREFOR.

Introduced April 5 , 1949 , by

Senators: BEN DILLINGHAM,
WM. J. NOBRIGA
CHARLES H. SILVA
E. S. CAPELLAS and
W. H. HILL

| | |
|---|---|
| First Reading in Senate | April 5, 1949 |
| Referred to Printing Committee | April 5, 1949 |
| Second Reading in Senate | April 6, 1949 |
| Referred to | COMMITTEE ON WAYS AND MEANS |
| Third Reading in Senate | April 25, 1949 |
| First Reading in House | April 25, 1949 |
| Referred to | |
| Second Reading in House | April 26, 1949 |
| Referred to | COMMITTEE ON FINANCE. |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

S.B. No. 625

A N  A C T

AMENDING ACT 205 OF THE SESSION LAWS OF HAWAII 1947 RELATING TO PUBLIC IMPROVEMENTS AND THE ISSUANCE OF PUBLIC IMPROVEMENT BONDS; PROVIDING FOR AN OVERSEAS TERMINAL AT KAWAIHAE, COUNTY OF HAWAII; MAKING AN APPROPRIATION FOR SAID OVERSEAS TERMINAL AND APPURTENANCES; AND PROVIDING FOR THE ISSUANCE OF BONDS THEREFOR.

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

SECTION 1. Act 205 of the Session Laws of Hawaii 1947 is hereby amended in the following respects:

(a) By amending subsection lettered (a) of section 1 thereof by adding thereto, under "Territorial Improvements To be expended under the direction of the Board of Harbor Commissioners:", immediately after item numbered 2 thereof, a new item to be numbered 2-A and to read as follows:

"2-A. For overseas terminal, Kawaihae harbor, county of Hawaii, including plans, land acquisition, improvements to land, and other necessary expenses . . . . . 1,000,000".

(b) By further amending said section 1 thereof by adding thereto, at the end thereof, a new subsection to be lettered "(c)" and to read as follows:

"(c) No expenditures, except for surveys and design work, are to be made for the item numbered 2-A, above, unless and until the United States engineer department approves the project and agrees to cooperate, through the development of Kawaihae harbor. The certificate of the governor that such approval and agreement have been obtained shall be final and conclusive for all purposes. The board of harbor commissioners is hereby authorized to pay the costs of the issuance of bonds authorized by this Act for said item numbered 2-A, and other preliminary expenses, including plans, surveys and appraisals for said item numbered 2-A,

from the harbor board reserve fund. It is further authorized, by resolution of the said board, to use funds from the harbor board reserve fund to supplement funds for said item numbered 2-A."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 25, 1949

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

President of the Senate

Clerk of the Senate.

Senate Bill No. 638

# The Legislature
of the
# Territory of Hawaii

## AN ACT

TO AMEND CHAPTER 75 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO MINIMUM WAGES AND MAXIMUM HOURS.

Introduced APRIL 6 , 1949 , by
Senator W. H. HILL - BY REQUEST

| | |
|---|---|
| First Reading in Senate | April 6, 1949 |
| Referred to Printing Committee | April 6, 1949 |
| Second Reading in Senate | April 7, 1949 |
| Referred to | COMMITTEE ON JUDICIARY |
| Third Reading in Senate | April 20, 1949 |

| | |
|---|---|
| First Reading in House | April 20, 1949 |
| Referred to | |
| Second Reading in House | April 21, 1949 |
| Referred to | COMMITTEE ON LABOR |
| Third Reading in House | |

Lab

ELLEN D. SMYTHE
*Clerk of the Senate*

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 20, 1949.

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

President of the Senate

Clerk of the Senate.

# CORRECTION

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

Senate Bill No. 638

# The Legislature
of the
# Territory of Hawaii

## AN ACT

TO AMEND CHAPTER 75 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO MINIMUM WAGES AND MAXIMUM HOURS.

Introduced APRIL 6 , 1949 , by
Senator W. H. HILL - BY REQUEST

| | |
|---|---|
| First Reading in Senate | April 6, 1949 |
| Referred to Printing Committee | April 6, 1949 |
| Second Reading in Senate | April 7, 1949 |
| Referred to | COMMITTEE ON JUDICIARY |
| Third Reading in Senate | April 20, 1949 |
| First Reading in House | April 20, 1949 |
| Referred to | |
| Second Reading in House | April 21, 1949 |
| Referred to | COMMITTEE ON LABOR |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

Lab

S. B. No. 638
S. D. 1

A N  A C T

TO AMEND CHAPTER 75 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO MINIMUM WAGES AND MAXIMUM HOURS.

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

SECTION 1. Chapter 75 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respect:

(1) By substituting for the words "at a guaranteed monthly salary of one hundred fifty dollars or more" in clause (1) of the paragraph commencing "Employee" of section 4352, the words:

"at a guaranteed compensation totaling one hundred fifty dollars per month or more, whether paid weekly, bi-weekly, or monthly."

SECTION 2. This Act shall take effect on July 1, 1949.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 20, 1949.

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

Masuo Tsukiyama
President of the Senate

Ellen D. Smythe
Clerk of the Senate.

Senate Bill No. 639

# The Legislature
of the
# Territory of Hawaii

## AN ACT

TO AMEND CHAPTER 75 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO MINIMUM WAGES AND MAXIMUM HOURS.

Introduced APRIL 6 , 19 49 , by
Senator W. H. HILL - BY REQUEST

| | |
|---|---|
| First Reading in Senate | April 6, 1949 |
| Referred to Printing Committee | April 6, 1949 |
| Second Reading in Senate | April 7, 1949 |
| Referred to | COMMITTEE ON JUDICIARY |
| Third Reading in Senate | April 20, 1949 |
| First Reading in House | April 20, 1949 |
| Referred to | |
| Second Reading in House | April 21, 1949 |
| Referred to | COMMITTEE ON LABOR |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 639

A N  A C T

TO AMEND CHAPTER 75 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO MINIMUM WAGES AND MAXIMUM HOURS.

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

SECTION 1. Chapter 75 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respects:

(1) By adding a new paragraph to section 4354 which shall read as follows:

"For the purpose of computing overtime compensation payable under this section to an employee who is paid (a) for work on Saturdays, Sundays, or holidays, or on the seventh day of the workweek, at a premium rate not less than one and one-half times the rate established for like work performed in non-overtime hours on other days, or (b) pursuant to the provisions of an applicable employment contract or collective bargaining agreement, for work outside of the hours established by such contract or

agreement as the straight time, basic, normal, or regular workday or workweek (not exceeding forty-eight hours), at a premium rate not less than one and one-half times the rate established by the contract or agreement for like work performed during such workday or workweek, the extra compensation provided by such premium rate shall not be deemed part of the regular rate at which the employee is employed and shall be credited toward any premium compensation due him under this section for overtime work."

(2) By numbering and entitling the five paragraphs of section 4363 entitled "Criminal", "Liability to employee", "Collection suits; attorney's fees; assignments; relief from costs;", "Injunctions", and "Restitution of illegal deductions; effect of;" to read as follows:

"(A) Criminal penalties;"

"(B) Liability of employers;"

"(C) Collection suits; attorney's fees; assignments; relief from costs;"

"(D) Injunctions;"

"(E) Restitution of illegal deductions; effect of;"

(3) By amending the third paragraph of section 4363 to read as follows:

"(C) Collection suits; attorney's fees; assignments; relief from costs; action to recover such liability may be maintained in any court of competent jurisdiction if such action is commenced within two years after the date such liability accrues; action to recover such liability as accrued prior to July 1, 1949, which is not barred on that date, must be commenced, if at all, within two years after the date such liability accrued, or before October 1, 1949, whichever period shall be longer. Such action may be maintained by any one or more employees for and in behalf of himself or themselves and other employees similarly situated. No employee shall be a party plaintiff to any such action unless he gives his consent in writing to become such a party and such consent is filed in the court in which such action is brought. The court in such action shall, in addition to any judgment awarded to the plaintiff or plaintiffs, in the event said plaintiff or plaintiffs shall prevail, allow a reasonable attorney's fee to be paid by the defendant, and costs of the action. At the request of any person paid less than the amount to which he is entitled under the provisions of this chapter, the director may take an assignment in trust for the assigning employee of the full amount to which he is entitled under this subsection and may bring any legal action necessary to collect

such claim, and the employer shall be required to pay the costs and such reasonable attorney's fees as may be allowed by the court in the event the director shall prevail. The director shall not be required to pay the filing fee, or other costs, in connection with such action. The director, in case of suit, shall have the power to join various claimants against the same employer in one cause of action."

(4) By amending the second paragraph of section 4363 to read as follows:

"(B) Liability of employers; (1) Any employer who violates any provision of sections 4353-4354 shall be liable to the employees affected in the amount of their unpaid minimum wages or unpaid overtime compensation, as the case may be, and in case of wilful violation in an additional equal amount as liquidated damages.

(2) No employer shall be subject to liability or punishment for or on account of the failure of the employer to pay minimum wages or overtime compensation under this chapter if he pleads and proves that the act or omission complained of was in good faith in compliance with and in reliance on any written administrative regulation, order, ruling, approval, or

interpretation of the commission, the director, or of any territorial official utilized by him in the administration and enforcement of this chapter, or any administrative practice or enforcement policy of the director or of any such officials with respect to the class of employers to which he belongs. Proof of such good faith reliance shall be a bar to any action or proceeding, notwithstanding that after such act or omission, such administrative regulation, order, ruling, approval, interpretation, practice, or enforcement policy is modified or rescinded, or is determined by judicial authority to be invalid or of no legal effect.

(3) (a) No employer shall be subject to any liability or punishment under this chapter on account of the failure of such employer to pay an employee minimum wages or overtime compensation for or on account of any of the following activities of such employee:

(i) walking, riding or traveling to and from the actual place of performance of the principal activity or activities which such employee is employed to perform, or

(ii) activities which are preliminary to or postliminary said principal activity or activities which occur either prior to the time on any particular workday at which such employee commences, or subsequent to the time on any particular workday at which he ceases such principal activity or activi-

ties, except as provided in subsection (B) (3) (b) of this section.

(b) Notwithstanding the provisions of subsection (B) (3) (a) of this section the employer shall not be relieved of liability and punishment if the activities therein set out are compensable by either

(i) an express provision of a written or non-written contract in effect at the time of such activity, between such employee, his agent, or collective bargaining representative and his employer, or

(ii) a custom or practice in effect, at the time of such activity, at the establishment or place where such employee is employed, covering such activity, not inconsistent with a written or non-written contract, in effect at the time of such activity between such employee, his agent, or collective bargaining representative and his employer.

(c) For the purpose of subsection (B) (3) (b) an activity shall be considered as compensable under such contract provision or such custom or practice only when it is engaged in during the portion of the day with respect to which it is so made compensable.

(d) In the application of the minimum wage and overtime compensation provisions of this chapter in determining the time for which an employer employs an employee with respect to walking, riding, traveling, or other preliminary or postliminary activities described in subsection (B) (3) (a) of this section, there shall be counted all that time, but only that time, during which the employee engages in any such activity which is compensable within the meaning of subsection (B) (3) (b) and (B) (3) (c) of this section."

SECTION 2. This Act shall take effect July 1, 1949.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 20, 1949.

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

President of the Senate

Clerk of the Senate.

Senate Bill No. 654

# The Legislature
of the
# Territory of Hawaii

# AN ACT

APPROPRIATING MONEY FOR THE ACQUISITION, INSTALLATION AND OPERATION OF FIRE FIGHTING EQUIPMENT AT HONOLULU AIRPORT.

Introduced April 7 , 19 49 , by

Senator BEN DILLINGHAM and NEAL S. BLAISDELL

First Reading in Senate April 7, 1949
Referred to Printing Committee April 7, 1949
Second Reading in Senate April 8, 1949
Referred to Committee on Ways and Means.
Third Reading in Senate April 26, 1949

First Reading in House April 26, 1949
Referred to
Second Reading in House April 27, 1949
Referred to Committee on Finance
Third Reading in House

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 654

A N  A C T

APPROPRIATING MONEY FOR THE ACQUISITION, INSTALLATION AND OPERATION OF FIRE FIGHTING EQUIPMENT AT HONOLULU AIRPORT.

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

SECTION 1. The sum of $200,000.00 or so much thereof as may be necessary is hereby appropriated from the general revenues of the Territory not otherwise appropriated for the purpose of acquiring and installing fire fighting equipment at Honolulu Airport, and for the operation of the same, including personal services, the said sum to be expended under the direction of the Hawaii Aeronautics Commission.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 26, 1949

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

Kenneth D. Tsukiyama
President of the Senate.

Ellen D. Smythe
Clerk of the Senate.

Senate Bill No. 660

# The Legislature
of the
# Territory of Hawaii

## AN ACT

TO PROVIDE FOR THE REGULATION AND LICENSING BY THE SEVERAL COUNTIES OF HORSE RACING AND HORSE RACE MEETINGS WITH WAGERING ON THE RESULTS THEREOF; TO PROVIDE FOR THE CREATION OF COUNTY RACING COMMISSIONS FOR THE REGULATION, LICENSING AND SUPERVISION OF SAID HORSE RACING AND WAGERING THEREON; AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ACT.

Introduced APRIL 7 , 19 49 , by

Senators WILLIAM J. NOBRIGA, CHARLES H. SILVA, TOSHIO ANSAI, REUBEN GOODNESS, JOHN G. DUARTE, JOHN B. FERNANDES, W. H. HILL, BEN DILLINGHAM, E. S. CAPELLAS

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|---|---|
| First Reading in Senate | April 7, 1949 |
| Referred to Printing Committee | April 7, 1949 |
| Second Reading in Senate | April 8, 1949 |
| Referred to | |
| Third Reading in Senate | April 9, 1949 |
| First Reading in House | April 11, 1949 |
| Referred to | |
| Second Reading in House | April ~~12~~ 1949 |
| Referred to | Committee on Judiciary |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 660

A N  A C T

TO PROVIDE FOR THE REGULATION AND LICENSING BY THE SEVERAL COUNTIES OF HORSE RACING AND HORSE RACE MEETINGS WITH WAGERING ON THE RESULTS THEREOF; TO PROVIDE FOR THE CREATION OF COUNTY RACING COMMISSIONS FOR THE REGULATION, LICENSING AND SUPERVISION OF SAID HORSE RACING AND WAGERING THEREON; AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ACT.

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

SECTION 1. Horse racing meetings and wagering on results legal when. No person or persons, association or corporation shall hold or conduct or assist, aid or abet in holding or conducting, any meeting within any county or city and county of the Territory of Hawaii, whereat horse racing with wagering on the results thereof shall be permitted, ex-

cept and unless the holding of such horse racing meetings with wagering on the results thereof shall have been approved by the board of supervisors of the respective county or city and county and except and unless such person or persons, association or corporation shall comply with the provisions of this Act and be licensed to conduct a horse race meeting by a county racing commission for the respective county or city and county created, as provided by this Act, and hereinafter referred to as a "commission".

Wagering on horse races under the system known as pari mutuel method of wagering shall be permitted when it shall be conducted only by a licensee of such a county commission, when all horse owners, trainers, jockeys, exercise boys, grooms, agents, stewards, judges, timers and starters employed in connection therewith are licensed as hereinafter provided by a commission, and when it shall be conducted only within the enclosure and only on the dates for which such horse racing has been licensed by a commission. All other

forms of wagering or betting on the result of a horse race shall be and remain illegal and any and all wagering or betting on horse races outside the enclosure where such horse races shall have been so licensed shall be and remain illegal.

SECTION 2. Creation of commissions. Upon the authorization of horse race meetings with wagering on the results thereof in any county or city and county as provided by section 13, there shall be created in that county or city and county a county racing commission consisting of three members, without pay, each of whom shall have been an actual and bona fide resident of the county or city and county for five years next preceding his appointment, and all of whom shall be appointed by the chairman of the board of supervisors or by the mayor of the city and county subject to confirmation by the respective board of supervisors of the county or city and county in which such commission is to be organized. The term of office of the members shall be three years, provided that upon the first appointments one member shall be appointed

for a one year term, one for a two year term and one for a three year term. Vacancies shall be filled for the unexpired term of the member whom the appointee succeeds. No person shall be eligible for appointment to or the holding of the office of a commission member or any office or position under a commission, who holds any financial interest in, or accepts any pecuniary reward from, any race track or the operating thereof within the Territory or in the operation of licensed wagering on the results of races; provided that members, if otherwise so qualified, may receive such share of any purse as is awarded them as the result of any race or as a breeder of Hawaiian bred horses, as provided in section 8 herein.

A majority of a commission shall constitute a quorum for the transaction of any business or for the exercise of any power of the commission.

Each commission shall make a full report of its proceedings to the board of supervisors of the county or city

and county in which it is created and to each regular session of the legislature together with such recommendations as it shall deem desirable.

SECTION 3. Powers and duties of commissions. Any commission so created shall have full power:

(1) To prescribe rules, regulations and conditions under which all horse races at which there is wagering on the results thereof shall be conducted within their respective county and to license such races;

(2) To make rules and regulations covering the system of handicapping and classification of horses and the number of officials required at such racing meets;

(3) To make rules governing mutual wagering on horse races under the system known as the pari mutuel method of wagering, and to license same;

(4) To license horse owners, trainers, jockeys, exercise boys, grooms, agents, stewards, judges, timers, starters and others acting as employees or officials at any such race

meet, and to revoke the same;

(5) to require the books and financial or other statements of any licensee to be kept in any manner which to the commission may seem best, and to visit, investigate, and place expert accountants and such other persons as it may deem necessary in, the offices, tracks, or places of business of any such licensee for the purpose of satisfying itself that its rules and regulations are strictly complied with;

(6) To compel the production of any and all books, memoranda or documents showing the receipts and disbursements of any licensee;

(7) To summon witnesses and administer oaths;

(8) To require the removal of any employee or official employed by any licensee hereunder in any case where it shall have reason to believe that such employee or official has been guilty of any dishonest practice in connection with horse racing or has failed to comply with any condition of such licensee's license, or has violated any law or any rule or regula-

tion of said commission;

(9) To appoint a secretary, at a salary of not more than $3,600.00 annually, who shall be placed under bond at the expense of the commission, and whose duty it shall be to keep a full and true record of all proceedings of the commission, preserve at its general office all its records, prepare for service such notices and other papers, as may be required of him by the commission, and to perform such other duties as the commission may prescribe; and who may, under the direction of the commission, issue subpoenas for the attendance of witnesses before the commission with the same effect as if they were issued in an action in the circuit court, and may, under direction of the commission, administer oaths, in all matters pertaining to the duties of his office or connected with the administration of the affairs of the commission. Disobedience of such subpoena and false swearing before the secretary or the commission shall be attended the same consequence and be subject to the same penalties as if such disobedience or

false swearing occurred in an action in the circuit court;

(10) To appoint and pay such employees as may be necessary to carry out this Act;

(11) To issue vouchers each month, certified by the chairman, for payment, from the county racing commission fund, of all salaries, traveling expenses or other expenses of the secretary and the commission.

SECTION 4. Length of tracks and number of racing days. A commission may allow not more than forty racing days per year in any county or city and county; provided no races where duly licensed shall be conducted on tracks of less than a half mile in length or circumference.

A commission may apportion racing days, not to exceed the maximum number of racing days permitted, to one or more licensees as it in its judgment shall deem to be for the best interests of legitimate racing and the public. Only duly organized jockey clubs and racing associations which have sponsored at least two horse racing meets in the Territory

of Hawaii prior to January 1, 1949, shall be eligible to be licensed hereunder.

SECTION 5. License fees. The license fee for a race meeting shall be one hundred dollars ($100.00) per racing day and four per cent. of all the money handled in the pari mutuel pools, payments of all of which shall be made daily during each race meet. Each application for such license shall be accompanied by a certified check, payable to the commission, in the sum of $1,000.00.

When the meeting for which said license is granted has terminated, and the licensee has fully paid all fees hereby required to be paid, said check shall be returned to the licensee. In the event said licensee fails to pay said fees, the amount thereof shall be deducted from said check and the balance, if any, shall be returned to said licensee.

If by reason of any cause beyond control, and through no fault or neglect of any licensee, it should become impossible for such licensee to hold racing upon any date or dates

licensed, a commission in its discretion and at the request of such licensee shall have power to return the fees paid by such licensee for racing upon such days or to specify any other day or days which may replace the days omitted.

Other license fees shall be as follows: Horse owners, $25.00; trainers, $10.00; jockeys, $10.00; exercise boys, grooms and agents, $5.00. Stewards, judges, timers, starters and amateur riders shall secure licenses, for which there shall be no fee. All licenses shall be renewed annually.

SECTION 6. Licenses for race meets; revocation. Each license for a race meet shall specify the person to whom same is issued, the place, enclosure or track where such race meet is to be held and the days and hours of the day upon which the same shall be permitted. No such license shall be transferable nor shall it apply to any place, track or enclosure except the one specified in the license. All licenses shall be subject to all rules, regulations and conditions from time to

time prescribed by a commission and shall contain such conditions as shall be deemed by a commission necessary or desirable for the purposes of this Act. Such licenses shall be subject to suspension or revocation by a commission in any case where a commission shall have reason to believe that any condition of the license has not been complied with or that any law or any rule or regulation of such commission shall have been violated. If any license is suspended or revoked, a commission shall state publicly its reason for so doing and cause an entry of such reasons to be made on the minute book of the commission, and its action shall be final.

SECTION 7. Licensee to provide place for wagering under pari mutuel system; licensee's commission. Any licensee conducting a horse race meeting shall provide a place or places in the race meeting grounds at which, and only at which, such licensee may conduct, operate and supervise only the pari mutuel or mutual method of wagering upon the results of such

races. Said system of wagering shall be operated only by the installation and use of such mechanical equipment as may be approved by a commission, but a commission shall not require any particular make of mechanical equipment.

The commission deducted by any licensee from pari mutuel pools shall not exceed eight per cent. of the gross amount of money handled, and the odd cents of all redistributions to be made on all mutual contributions exceeding a sum equal to the next lowest multiple of ten. The said amount so deducted shall be in addition to the license fee of four per cent. of the gross amount of said money handled, as provided for in section 5 herein.

SECTION 8. Encourage breeding of horses in the Territory. Since the purpose of this Act, in addition to revenue for local use, is the encouragement of agriculture and the breeding of horses in the Territory, the racing association under whose auspices the race was conducted shall pay an amount equal to five per cent. of the first money of every

purse won by an animal bred in the Territory to the breeder of such animal, but such moneys shall not be deducted from the amount of the purse. Every licensee shall run at least one race each racing day which shall be limited to horses foaled in the Territory. If sufficient competition cannot be had among such class of horses, said race may be eliminated for said day and a substitute race provided therefor.

SECTION 9. Special funds; appropriations therefrom. All fees, commissions and other moneys received by or appropriated for a commission shall be paid into the respective county treasury immediately upon receipt of the same and credited to a special fund hereby created, to be known as the "county racing commission fund". Of such moneys the board of supervisors shall appropriate, to defray the expenses of the commission, the annual sum of $10,000.00. All moneys coming into said funds otherwise than by appropriation,

in excess of the sum of $10,000.00 in any year, shall be held in the county or city and county treasury and shall be available for appropriation and expenditure by the boards of supervisors.

SECTION 10. Penalties. Any person holding or assisting in holding any horse race meeting in violation of the provisions hereof, and any person wagering on the results of a horse race which is held in violation of the provisions hereof, or any person wagering or accepting a wager or wagers on the result of any horse race, outside of the grounds or enclosure where the same is being conducted and duly licensed, shall be guilty of a misdemeanor and punishable as provided in section 11349 of the Revised Laws of Hawaii 1945. Where such violation is by a corporation, such officers thereof as permitted such violation shall be so punishable.

SECTION 11. Enforcement. It shall be the duty of the public prosecutor of each county to enforce the provisions hereof.

SECTION 12. Office space. A commission is authorized to rent office space, if necessary, and to pay for the same from the fund provided for in section 9 hereof.

SECTION 13. Authority to create commissions. The board of supervisors of any county or the city and county is hereby authorized and empowered, at such time as it shall deem advisable, to permit the holding of horse race meetings with wagering on the results thereof, in such county or city and county by resolution enacted and published in the manner provided by law.

SECTION 14. Repeal of conflicting Acts; effect of unconstitutionality. All Acts or parts of Acts in conflict herewith are hereby repealed. If any section or part hereof is, by any reason, held unconstitutional, such decision shall not affect the validity of the remaining portions of such Act. It is hereby declared that this Act and each section, sentence, clause and phrase thereof would have been enacted irrespective of the fact that any one or more of the sections,

sentences, clauses and phrases be declared unconstitutional.

SECTION 15. This Act shall take effect upon its approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 9, 1949.

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

President of the Senate

Clerk of the Senate.

Senate Bill No. 661

# The Legislature
of the
# Territory of Hawaii

## AN ACT

AMENDING SECTION 5707 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO EXEMPTIONS OF THE MOTOR VEHICLE WEIGHT TAX.

Introduced APRIL 7 , 1949 , by
Senator THELMA M. AKANA

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| First Reading in Senate | April 7, 1949 |
| Referred to Printing Committee | April 7, 1949 |
| Second Reading in Senate | April 8, 1949 |
| Referred to | COMMITTEE ON WAYS AND MEANS |
| Third Reading in Senate | April 20, 1949 |
| First Reading in House | April 20, 1949 |
| Referred to | |
| Second Reading in House | April 21, 1949 |
| Referred to | COMMITTEE ON FINANCE |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 661
S. D. 1

A N  A C T

AMENDING SECTION 5707 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO EXEMPTIONS OF THE MOTOR VEHICLE WEIGHT TAX.

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

SECTION 1. Section 5707 of the Revised Laws of Hawaii 1945 is hereby amended by inserting therein after the word "police" and before the word "officers," appearing in line 4 of said section, the words "or probation".

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 20, 1949.

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

President of the Senate

Clerk of the Senate.

Senate Bill No. 674

# The Legislature
of the
# Territory of Hawaii

## AN ACT

TO AMEND SECTIONS 5378, 5379, 5370.04 AND 5465 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO COMPENSATING, CONSUMPTION, AND GENERAL EXCISE TAXES.

Introduced APRIL 8 , 1949 , by

Senators WM. J. NOBRIGA, CHARLES H. SILVA, E. S. CAPELLAS, W. H. HILL, M. R. AGUIAR, JR., JOHN B. FERNANDES, REUBEN GOODNESS, JOHN G. DUARTE AND TOSHIO ANSAI

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| First Reading in Senate | April 8, 1949 |
| Referred to Printing Committee | April 8, 1949 |
| Second Reading in Senate | April 9, 1949 |
| Referred to | COMMITTEE ON WAYS AND MEANS |
| Third Reading in Senate | April 28, 1949. |
| First Reading in House | April 28, 1949 |
| Referred to | |
| Second Reading in House | April 29, 1949 |
| Referred to | |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 674

A N  A C T

TO AMEND SECTIONS 5378, 5379, 5370.04 AND 5465 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO COMPENSATING, CONSUMPTION, AND GENERAL EXCISE TAXES.

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

SECTION 1. Section 5378 of the Revised Laws of Hawaii 1945, is hereby amended by amending the first paragraph thereof to read as follows:

"Sec. 5378. Returns. On or before the twentieth day of each calendar month, any taxpayer who has become liable to the payment of a tax under this chapter during the preceding calendar month in respect of any property or the use or consumption thereof, shall file a return with the assessor of the taxation division in which such property was held when such tax first became payable, setting forth a description of the property and the character and quantity thereof in sufficient detail to identify the same or otherwise in such reasonable detail as the commissioner by regulations shall require,

and the value thereof. In lieu of a taxpayer filing returns with the assessors of more than one taxation division, a single return may be filed with the commissioner at Honolulu, but shall include for each taxation division the information which would have been contained in a return if filed with the assessor of that taxation division. Returns shall be accompanied by a remittance in full of the tax, computed at the rate specified in section 5374 upon the value so returned. Any such tax remaining unpaid after the twentieth day following the end of the calendar month during which the same first became payable shall become delinquent."

SECTION 2. Section 5379 of the Revised Laws of Hawaii 1945, as amended, is hereby amended by deleting the comma after "commissioner" at the end of the tenth line thereof and inserting in lieu thereof:

"if reports would have to be made to the assessors of more than one taxation division,"

SECTION 3. Section 5370.04 of the Revised Laws of Hawaii

1945, as amended, is hereby amended by deleting the first two sentences of the first paragraph thereof and in lieu inserting the following:

"Sec. 5370.04. Returns. On or before the twentieth day of each calendar month, any person who has become liable to the payment of a tax under this chapter during the preceding calendar month in respect of any property or the use thereof, shall file a return with the assessor of the taxation division in which such property was held when such tax first became payable, setting forth a description of the property and the character and quantity thereof in sufficient detail to identify the same or otherwise in such reasonable detail as the commissioner by regulations shall require, and the purchase price thereof. In lieu of a person filing returns with the assessors of more than one taxation division, a single return may be filed with the commissioner at Honolulu, but shall include for each taxation division the information which would have been contained in a return if filed with the assessor of that taxation division. Returns shall be accompanied by a remittance in full of the tax, computed at the rate specified in section 5370.02 upon the price so returned."

SECTION 4. Section 5465 of the Revised Laws of Hawaii 1945, as amended, is hereby amended by amending the first para-

graph thereof to read as follows:

"Sec. 5465. Filing of returns; inspection. All monthly and annual returns shall be transmitted respectively to the office of the territorial divisional tax assessor of the taxation division in which the privilege upon which the tax accrued is exercised. Where such privilege is exercised in more than one taxation division the returns shall be transmitted to the office of the assessor of the first taxation division, but shall show the tax allocated to each taxation division in the ratio that the privilege exercised in that taxation division bears to the privilege exercised in all taxation divisions expressed in such form as prescribed by the commissioner."

SECTION 5. This Act shall take effect on July 1, 1949.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 28, 1949.

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

President of the Senate

Clerk of the Senate.

Senate Bill No. 679

# The Legislature
of the
# Territory of Hawaii

## AN ACT

TO AUTHORIZE AND DIRECT THE BOARD OF HARBOR COMMISSIONERS TO PURCHASE THE EMERGENCY SUGAR WAREHOUSE AT HILO OUT OF THE HARBOR BOARD SPECIAL FUND OR THE HARBOR BOARD RESERVE FUND

Introduced April 9 , 1949 , by
Senator E. S. CAPELLAS

First Reading in Senate April 9, 1949
Referred to Printing Committee April 9, 1949
Second Reading in Senate April 11, 1949
Referred to Committee on Ways and Means.
Third Reading in Senate April 25, 1949

First Reading in House April 25, 1949
Referred to
Second Reading in House April 26, 1949
Referred to Committee on Improvements
Third Reading in House

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 679

A N  A C T

TO AUTHORIZE AND DIRECT THE BOARD OF HARBOR COMMISSIONERS TO PURCHASE THE EMERGENCY SUGAR WAREHOUSE AT HILO OUT OF THE HARBOR BOARD SPECIAL FUND OR THE HARBOR BOARD RESERVE FUND.

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

SECTION 1. The Board of harbor commissioners is authorized and directed to expend the sum of $39,206.00 out of the harbor board special fund or the harbor board reserve fund for the purchase of the emergency sugar warehouse located at the approach to piers 2 and 3 of the harbor of Hilo. For the purposes of section 4998 of the Revised Laws of Hawaii 1945, as amended, such expenditure shall be deemed to be for the replacement or reconstruction of existing harbor board facilities.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 25, 1949

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

President of the Senate.

Clerk of the Senate.

Senate Bill No. 682

# The Legislature

of the

# Territory of Hawaii

## AN ACT

RELATING TO THE TAXATION OF INCOME, AMENDING CHAPTER 102 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, WITH RESPECT TO THE GROSS INCOME SUBJECT TO TAX, THE DEDUCTIONS THEREFROM IF ANY, THE RATES AND COMPUTATION OF THE TAX, THE TIMES FOR AND MANNER OF PAYMENT, COLLECTION, AND ASSESSMENT OF THE TAX, THE CREDITS APPLICABLE THERETO, THE PERSONS RESPONSIBLE THEREFOR, AND OFFENSES AND PENALTIES, AND, IN CONNECTION THEREWITH, REQUIRING THE INCLUSION OF INCOME NOT HERETOFORE SUBJECT TO TAX AND DISALLOWANCE OF DEDUCTIONS HERETOFORE ENJOYED.

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| Introduced | APRIL 9, 1949 , 1949 , by |
| Senators | CHARLES H. SILVA, JOHN R. FERNANDES, BEN DILLINGHAM, WM. J. NOBRIGA AND TOSHIO ANSAI |

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| First Reading in Senate | April 9, 1949 |
| Referred to Printing Committee | April 9, 1949 |
| Second Reading in Senate | April 11, 1949 |
| Referred to | COMMITTEE ON WAYS AND MEANS |
| Third Reading in Senate | April 20, 1949 |
| First Reading in House | April 21, 1949 |
| Referred to | |
| Second Reading in House | April 22, 1949 |
| Referred to | COMMITTEE ON FINANCE |
| Third Reading in House | |

ELLEN D. SMYTHE

*Clerk of the Senate*

S.B.No. 682
S.D. 1

A N  A C T

RELATING TO THE TAXATION OF INCOME, AMENDING CHAPTER 102 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, WITH RESPECT TO THE GROSS INCOME SUBJECT TO TAX, THE DEDUCTIONS THEREFROM, IF ANY, THE RATES OF AND COMPUTATION OF THE TAX, THE TIMES FOR AND MANNER OF PAYMENT, COLLECTION, AND ASSESSMENT OF THE TAX, THE CREDITS APPLICABLE THERETO, THE PERSONS RESPONSIBLE THEREFOR, AND OFFENSES AND PENALTIES, AND, IN CONNECTION THEREWITH, REQUIRING THE INCLUSION OF INCOME NOT HERETOFORE SUBJECT TO TAX AND DISALLOWANCE OF DEDUCTIONS HERETOFORE ENJOYED.

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

SECTION 1. Chapter 102 of the Revised Laws of Hawaii 1945, as amended by Acts 92 and 124 of the Session Laws of Hawaii 1945 and Acts 111, 132, 150 and 213 of the Session

Laws of Hawaii 1947, is hereby amended to read as follows:

"Chapter 102. Income Tax.

"Sec. 5501. Definitions. Wherever used in this chapter, unless the subject matter, context or sense otherwise require:

'Blind person' shall mean a person whose sight is impaired to the extent of seventy-five per cent. or more, such impairment of sight to be certified by the territorial board of health or by any territorial or county medical officer duly authorized by the territorial board of health for this purpose.

'Commissioner' shall mean and include the tax commissioner of the Territory and any duly appointed subordinate of his department duly authorized by him to perform any of the duties and functions imposed upon him by this chapter.

'Compensation' shall mean and include commissions, fees, wages, salaries, bonuses and every and all other kinds of compensation received by an individual, paid for or attributable to personal services performed by such individual as an employee under the direction and control of the employer. Pensions, and perquisites received by any employee, shall not be construed to be 'compensation' under the provisions of this chapter.

'Corporation' includes associations and joint stock companies unless otherwise indicated.

'Dividend' means any distribution, whether in money or other property (including a stock dividend except as hereinafter provided), made by a corporation, local or foreign, to its shareholders or holders of an interest therein on account of ownership of such shares or interest, out of its earnings or profits, whenever earned, including distributions in complete or partial liquidation, provided that a distribution made as part of a plan to cease doing business and to wind up the affairs of the corporation, if and to the extent paid out of earnings or profits accumulated, or increase in value of property accrued, before January 1, 1943, shall not be deemed a dividend. Every distribution shall be deemed to have been made out of earnings or profits to the extent thereof, and from the most recently accumulated earnings or profits. A distribution made by a corporation to its shareholders in its stock or in rights to acquire its stock shall not be treated as a dividend to the extent that, at the time of such distribution, it does not constitute income to the shareholder in the sense of the word 'income' as used in the sixteenth amendment to the Constitution, but whenever a distribution by a corporation is, at the election of the shareholder, payable in money or property (other than stock of a class

which if distributed without election would not constitute income), then the distribution shall be deemed a dividend regardless of the medium in which paid. Interest or dividends paid or credited by building and loan associations or savings and loan associations on or apportioned to withdrawable shares and investment certificates, but in no event exceeding six per centum per annum, shall be deemed interest and not dividends for the purposes of this chapter.

'Employer' shall include any individual, person, trust estate, decedent's estate, business trust, corporation, association, joint stock company, national bank, insurance company, partnership or other entity or group employing any person, and shall also include the auditor of the Territory, the auditor of any county, and any other officer or agent of the Territory, or any county, charged with the disbursement of public moneys as compensation to employees of the Territory or county, or any department or agency thereof, as the case may be in so far as such disbursements are concerned. 'Employer' shall also include the United States and instrumentalities of the United States, and any state or political subdivision or instrumentality of either.

'Fiscal year' means an accounting period of twelve months ending on the last day of any month

other than December.

'Gross receipts in the Territory' shall include all receipts received or derived from persons, corporations and other sources within the Territory wherever paid and also all receipts received or derived from sales wherever made of goods, wares and merchandise and other things of value manufactured or originating in the Territory.

'Includes' and 'including' shall not be deemed to exclude other things otherwise within the meaning of the term defined.

'Individual' includes an estate or trust.

'Month' shall mean calendar month.

'Net income' means the amount remaining after subtracting the total of deductions as defined in sections 5508-5510 from gross income computed under sections 5505-5507, in accordance with all provisions of this chapter and all regulations lawfully adopted hereunder which are applicable.

'Paid or incurred' and 'paid or accrued' shall be construed according to the method of accounting upon the basis of which the net income is computed.

'Personal services performed in the course of a local employment' include all services wherever performed in the course of, in furtherance of, or in connection with the taxpayer's service, employment, occupation, trade, or business carried on

within the Territory, and incidental thereto.

'Perquisites', as used in this chapter, means living accommodations, board, laundry, fuel, light, heat, medical care, and the like, furnished to an employee by an employer where (1) the furnishing thereof is for the bona fide convenience of the employer, whether or not the furnishing thereof is also an inducement to the employment, and (2) the employee has no election to receive cash payments in lieu thereof. 'Payments in lieu of perquisites' refers to payments made at the option of the employer where the employer generally furnishes perquisites to the class of employee involved and the making of payments in lieu thereof is exceptional.

'Taxable year' means the calendar year or the fiscal year ending during such calendar year upon the basis of which net income is computed under this chapter. 'Taxable year' includes, in the case of a return made for a fractional part of a year under the provisions of this chapter or under regulations prescribed by the commissioner, the period for which such return is made, and in all cases where the commissioner shall terminate the taxable year in accordance with the provisions of section 5515 (1) and shall levy a jeopadry assessment for income for such portion or period of a year under the provisions of section 5539, then the period or portion of the year for which the jeopadry assessment is made.

'Taxpayer' means any individual, estate, trust, corporation or other entity subject to a tax imposed by this chapter.

Rate; Exemptions and Credits

"Sec. 5502. Tax on corporations and individuals. There shall be assessed, levied, collected and paid for each taxable year upon the net income of every corporation and individual doing business in or receiving or deriving income from sources within the Territory, or income included in gross income by sections 5505-5507, a tax equal to the sum of the following:

Two per centum of the amount of net income not in excess of two thousand dollars;

Three per centum of the amount of net income in excess of two thousand dollars but not in excess of four thousand dollars;

Four per centum of the amount of net income in excess of four thousand dollars but not in excess of six thousand dollars;

Five per centum of the amount of net income in excess of six thousand dollars but not in excess of ten thousand dollars;

Seven per centum of the amount of net income in excess of ten thousand dollars but not in excess of of twenty-five thousand dollars;

Nine per centum of the amount of net income

in excess of twenty-five thousand dollars but not in excess of fifty thousand dollars;

Eleven per centum of the amount of net income in excess of fifty thousand dollars but not in excess of one hundred thousand dollars; and

Thirteen per centum of the amount of net income in excess of one hundred thousand dollars.

"Sec. 5503. Exemptions, persons exempt. The following shall not be taxable under this chapter:

(a) Banks and insurance companies exclusively taxable under the provisions of other laws;

(b) Corporations, companies, associations or trusts conducted solely for charitable, religious, educational or scientific purposes within the Territory of Hawaii, including fraternal beneficiary societies;

(c) Corporations, companies, associations or trusts organized for the establishment and conduct of cemeteries, no part of the net earnings of which inures to the financial benefit of any private shareholder or individual;

(d) Business leagues, chambers of commerce, real estate boards, or boards of trade, not organized for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual;

(e) Civic leagues or organizations not organized for profit but operated exclusively for the promotion of social welfare, or local associations of employees, the membership of which is limited to the employees of a designated person or persons, and the net earnings of which are devoted exclusively to charitable, educational, or recreational purposes within the Territory of Hawaii;

(f) Labor organizations;

(g) Clubs organized and operated exclusively for pleasure, recreation, and other non-profitable purposes, no part of the net earnings of which inures to the benefit of any private shareholder.

"Sec. 5504. Credits against tax. There shall be credited against the tax imposed by this chapter the amount of any tax imposed by chapter 98 (exclusive of penalties and interest, if any), which has been withheld from, or paid by or on behalf of the taxpayer, with respect to any dividends included in the return as gross income subject to tax, but in no event shall the amount of such tax credit exceed the amount of the tax imposed by this chapter, except in the case of a blind person.

In the case of a partnership, estate, or trust, the return thereof shall show the total tax credit and the proportionate share of such tax credit of each partner or beneficiary. Each such partner or beneficiary shall be entitled to deduct his pro-

portion of the tax credit of the partnership, estate, or trust, for the taxable year ending coincidental with or within his own taxable year, and the amount of tax credit so allowed to a beneficiary shall not be enjoyed by the estate or trust.

Computation of Taxable Income.

"Sec. 5505. Gross income includes what: Gross income includes all gains, profits and income derived or received from any and every source in the Territory, whether or not connected with a trade or business, and also all gains, profits and income derived or received from all property owned and every trade or business carried on in the Territory and also all commissions, fees, wages, salaries, bonuses, and every and all other kinds of compensation paid for or attributable to personal services performed within the Territory, or performed without the Territory by a resident of the Territory, or performed in the course of a local employment as defined in this chapter, and also all dividends received having a situs for taxation within the Territory.

Perquisites received by any employee, or payments in lieu of perquisites made to an employee, shall not be construed to be 'gross income' under

the provisions of this chapter.

"Sec. 5506. Exclusions from gross income. The following items shall not be included in gross income of corporations or individuals as is more fully specified hereinafter and shall be excluded from taxation under this chapter:

(a) Alimony. Amounts received as alimony and other similar payment and settlements;

(b) Capital gains. Capital gains of an individual or corporation resulting from the sale, exchange, or other disposition of real property held in fee simple, improved or unimproved, or of stocks, bonds, or other like corporation or government securities, shall not be included in gross income; provided, however, that this paragraph shall not be deemed to apply to dividends as defined in this chapter; provided, further, that any individual or corporation having land subdivided into lots or other real property or securities which constitute his stock in trade, or which are held primarily for sale or other disposition to customers in the ordinary course of trade or business, or which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, shall include in gross income the gains from the sale or other disposition of such property;

(c) Armed forces, etc. Compensation received from the United States by officers and enlisted personnel for service in the regular army, navy, marine

corps, or coast guard, including the respective reserve corps of the United States and the Hawaii national guard;

(d) Public assistance. Compensation paid out of funds appropriated by or furnished pursuant to the provisions of any statute of the Territory or of the United States where (1) paid to employees whose need of employment, or of some form of public assistance, has been determined by federal, territorial or county authorities, and where (2) it shall appear that the payment of such compensation is a form of public assistance for the relief of need, and that the amount of such compensation is based upon the needs of the persons assisted and not upon the prevailing rate of compensation for the work done;

(e) Services outside the Territory. Compensation paid for or attributable to personal services performed without the Territory, where subjected to income tax (other than federal tax) in any other jurisdiction;

(f) Damages. Amounts received by an individual as compensatory damages for any tort injury to the person, character or reputation of an individual or tort injury causing the death of an individual, or received by an individual or corporation as compensatory damages for any tort injury to or destruction of property, whether as the result of action or by private agreement between the parties; provided, however,

that amounts received by an individual or corporation as punitive damages for tort injury or breach of contract injury shall be included in gross income;

(g) Certain dividends. Dividends of a national banking association, or a bank organized and doing business under the laws of the Territory; and the amount received by any corporation from another corporation as dividends upon the shares of stock of suchlatter corporation, if the tax imposed by this chapter has been assessed upon the taxable income of such latter corporation as required by this chapter, and if such latter corporation's business is principally attributable to this Territory. For the purposes of this paragraph a corporation's business shall be deemed principally attributable to this Territory if fifty per centum or more of the entire net income or loss of such corporation (which for the purposes of this paragraph shall be computed without regard to source in the Territory and shall include income not taxable by reason of the fact that it is from property not owned in the Territory or from a trade or business not carried on in the Territory in whole or in part) shall have been used in computing taxable income for the purposes of this chapter. Such exclusion from gross income shall be governed by the taxable year (of the corporation paying such dividend) preceding the payment of such dividend;

(h) Gifts, etc. The value of all property of every kind and sort acquired by an individual or corporation by gift, bequest or devise, and the value of all property acquired by an individual by descent or inheritance (but the income from all such property shall be included in gross income);

(i) Life insurance. Amounts received by an individual or corporation under any life insurance policy or contract paid by reason of the death of the insured, whether in a single sum or in installments;

(j) Reimbursements for personal injuries. Amounts received by an individual under any accident insurance or health insurance policy or contract or under workmen's compensation acts or employer's liability acts, as compensation for personal injuries, death or sickness, including also the amount of any damages or other compensation received, whether as a result of action or by private agreement between the parties on account of such personal injuries, death or sickness;

(k) Tax free interest. Interest upon such obligations of a state or territory or any political subdivision thereof, or of the District of Columbia, or of the United States or of its possessions as are exempt by law from all taxation upon principal and interest;

(l) Employees in Kalawao county. Two thousand dollars of compensation paid to employees of the Ter-

ritory employed in the county of Kalawao;

(m) Pensions. Two thousand dollars of income derived from any pension not exempted from tax by section 715, and for the purposes of this chapter any pension, although not community property, at the election of the spouse of the pensioner shall be taxed in the same manner as if it were community property.

(n) Miscellaneous. Receipts which are exempt from taxation under an income tax act of a territory by virtue of the Constitution of the United States, the Organic Act or acts of Congress; but this paragraph shall not be deemed to apply to compensation merely because it is paid for or attributable to services performed for the United States or instrumentalities thereof.

"Sec. 5507. Inventories. Whenever in the opinion of the commissioner the use of inventories is necessary in order to determine clearly the income of any taxpayer, inventories shall be taken by the taxpayer upon such basis as the commissioner may prescribe as conforming as nearly as may be to the best accounting practice in the trade or business and as most clearly reflecting the income, and conforming as nearly as may be, to the forms and methods prescribed by the United States commissioner of internal revenue under the acts of Congress then providing for the taxation of income in so far as such forms and methods are applicable.

"Sec. 5508. Gross income; deductions from. In computing net income there shall be allowed as deductions:

(a) Bad debts. Debts ascertained to be worthless and charged off on the books of the taxpayer within the taxable year (or in the discretion of the commissioner a reasonable addition to a reserve for bad debts); provided, that when satisfied that a debt is recoverable only in part, the commissioner may allow such debt to be charged off in part; provided, further, that this paragraph shall apply only to debts the loss from the worthlessness of which is incurred in the taxpayer's trade or business;

(b) Depreciation. A reasonable allowance for the exhaustion, wear and tear of property used in the trade or business or producing income which is included in gross income, including a reasonable allowance for obsolescense;

(c) Employees' pension fund, etc. Amounts transferred or paid into an employees' pension or benefit fund or trust (hereinafter called 'the plan') by any individual or corporation to provide for the payment of reasonable pensions or benefits to his or its employees, not exceeding, however, the greater of the following amounts: (1) five per centum of the net income for the taxable year in the trade or business of such employer; or (2) seven and one-half per centum of the compensation otherwise paid or

accrued during the taxable year to all the employees under the plan. Provided, that in the application of the foregoing limitations there shall not be counted any amounts transferred or paid into the fund or trust in order to fund past service credits, for services performed prior to the taxable year. The amount required to fund such past service credits shall be deductible in ten annual installments, commencing with the first taxable year in which such deduction is allowable.

(d) Expenses. All actual operating and business expenses paid or incurred or accrued during the taxable year in carrying on any trade or business or for the management, conservation, or maintenance of property held for the production of rents or royalties, including reasonable amounts for salaries or other compensation for personal service or attributable to personal services actually rendered, traveling expenses (including the entire amount expended for meals and lodging) while away from home in the pursuit of a trade or business, and rentals or other payments required to be made as a condition to the continued use or possession for the purpose of the trade or business, of property to which the individual or corporation has not taken or is not taking title, or in which the individual or corporation has no equity; in the case of an estate or trust, all

the ordinary and necessary expenses paid or incurred during the taxable year for the production or collection of income; provided, however, that only so much of such expenses may be deducted as are properly allocable to income taxable under this chapter;

(e) Interest. All interest paid or accrued within the taxable year on indebtedness incurred or continued (1) to carry on trade or business, or (2) to purchase or carry property held for the production of rents or royalties;

(f) Losses. Losses sustained during the taxable year other than from the worthlessness of debts, if incurred in the trade or business or attributable to property held for the production of rents or royalties, except that capital losses of an individual or corporation resulting from the sale, exchange, or other disposition of real property held in fee simple, improved, or unimproved, or of stocks, bonds, or other like corporation or government securities, shall not be allowed as deductions; provided, however, that any individual or corporation having land subdivided into lots or other real property or securities which constitute his stock in trade, or which are held primarily for sale or other disposition to customers in the ordinary course of trade or business, or which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year,

shall be allowed as deductions all losses from the sale or other disposition of such property;

(g) Losses from casualties, etc. Losses arising from fires, storms, shipwrecks or other casualty or from theft, if incurred in the trade or business or attributable to property held for the production of rents or royalties, but only to the extent of the amount not compensated for by insurance or otherwise;

(h) Net loss. If, for any taxable year, it appears upon the production of evidence satisfactory to the commissioner that any taxpayer has sustained a net loss in any trade or business, the amount thereof shall be allowed as a deduction in computing the net income of the taxpayer for the first, but only the first, succeeding taxable year; the deduction in all cases to be made under regulations prescribed by the commissioner;

(i) Taxes, etc. The taxes imposed by chapter 101, and all taxes, license fees, and other governmental impositions levied or assessed by the Territory or any political subdivision thereof or by the United States, incurred in the trade or business or attributable to property held for the production of rents or royalties and paid or accrued by the taxpayer, within the taxable year, except taxes assessed against local benefits of a kind tending to increase the value of the property assessed, but this paragraph shall

not exclude the allowance as a deduction of so much of such improvement taxes as is properly allocable to maintenance or interest charges; provided, that there shall not be deducted the tax imposed by chapter 98 or this chapter, or any federal income tax;

(j) Building and loan associations. In computing the taxable income of building and loan associations which are subject to chapter 153, in addition to the deductions from gross income provided above, there shall also be deducted (1) all assets and depreciation which the bank examiner may have required to be charged off in the taxable year; and (2) the return paid or credited on or apportioned to the withdrawable shares and investment certificates, but in no event exceeding six per centum per annum.

"Sec. 5509. Exemptions. In computing net income of blind persons there shall be deducted an exemption of five thousand dollars.

"Sec. 5510. Items not deductible from gross income. In computing net income no deductions shall be allowed for or in respect of:

(a) Amounts expended as dues to private or social clubs, fraternal organizations or unions, or medical, professional or scientific societies;

(b) Amounts expended for new buildings, permanent improvements or betterments made to increase the value of any property or estate;

(c) Amounts expended in restoring property or in making good the exhaustion, wear and tear thereof or depletion thereof for which an allowance has been made as is hereinabove provided in section 5508 (b);

(d) Mere shrinkage in value not the result of physical exhaustion or anticipated obsolescense, or a decline in market value of capital assets; but in all cases where an inventory value is used with the consent or under the direction of the commissioner, in accordance with the provisions of section 5507, then such shrinkage in value or decline in market value shall be reflected in such inventories for the purpose of more clearly reflecting the income;

(e) Contributions or gifts made by an individual; and contributions or gifts made by a corporation and not allowable under section 5508 (d);

(f) Any amount attributable to property, trade, business, or services the income from which is not required to be included in gross income;

(g) Personal, living or family expenses, amounts paid on account of alimony and other similar payments or settlements, or any amount not expressly allowed as a deduction.

"Sec. 5511. Allocation of income to Territory.

(1) If the entire trade or business of a taxpayer is transacted in the Territory the whole income therefrom shall be included in gross income as defined

in sections 5505-5507, to which income shall be added all other items of gross income derived or received from any and every source in the Territory.

(2) Interest, rents and royalties (less related deductions) received or derived in connection with property owned or with a business or trade carried on in the Territory shall be allocated to the Territory and where received or derived in connection with property owned or with a business or trade carried on without the Territory shall be allocated without the Territory.

(3) Where the trade or business of a taxpayer is carried on both within and without the Territory the tax shall be computed upon such portion of the taxpayer's entire net income as is received or derived from the sales wherever made of goods, wares and merchandise manufactured or originating in the Territory, and also from other business done or property located within the Territory. Such portion of the net income allocable to the Territory shall be determined by an allocation and separate accounting based upon the books of the taxpayer.

(4) In cases where the books of the taxpayer do not in the opinion of the commissioner clearly and accurately state all of the factors so as to reflect clearly and accurately the allocation of business done and income received or derived, to the Territory, then the tax shall be computed upon such proportion

of the entire net income of such taxpayer as the fair market value of his real property and other tangible property located in the Territory on the last day of the taxable year, plus the amount of his gross receipts in the Territory during such year, bears to the total fair market value of all his real property and other tangible property within and without the Territory on such date, plus the amount of his total gross receipts within and without the Territory during such year; in determining the fair market value of property situated without the Territory, the commissioner may accept the values as given in the taxpayer's books if in his opinion the same are reasonably correct, and he may also require the taxpayer to furnish under oath such other evidence of the fair market value of such property as he may find to be necessary.

Provided, however, that if in the opinion of the commissioner the methods of allocation hereinabove provided do not clearly and accurately reflect the actual amount of the net income received or derived from any and every source in the Territory or from all property owned and every trade or business carried on in the Territory by the taxpayer, then the same shall be determined, allocated and apportioned under such rules and regulations, processes and formulas as the commissioner shall prescribe.

"Sec. 5512. Distortion of income. When a taxpayer so conducts his business as either directly or

indirectly to benefit stockholders thereof, or any other person interested therein by selling his products or the goods or commodities in which he deals at less than the fair price that could be obtained for them or where a corporation, a substantial portion of the capital stock of which is owned either directly or indirectly by another corporation, acquires or disposes of the products of the corporation so owning a substantial portion of its stock in such manner as to create a loss or improper net income to either of the corporations, or where a partnership or individual owns interests in another corporation or business either directly or indirectly and acquires and disposes of the products of such other business in such manner as to create a loss or improper net income to either of the businesses, and generally in all cases where different forms of business enterprise are used in conjunction with one another for the purpose, among others, of diverting profits reasonably and properly made by another factor or agency in the business, the commissioner shall be authorized to determine the amount of tax upon either or both of the enterprises for the taxable year, having due regard to the reasonable profits which but for such arrangement, understanding, business device or organization might or could have accrued to either or both of such enterprises.

"Sec. 5513. Estates and trusts, how taxes.

(1) General. The tax imposed by this chapter

upon individuals shall apply to the net income of estates of deceased persons and of any kind of property held in trust including:

Income accumulated in trust for the benefit of unborn or unascertained persons or persons with contingent interests and income accumulated or held for future distribution under the terms of the will or trust; and

Income received by estates of deceased persons during the period of administration or settlement of the estates; and

Income which in the discretion of the fiduciary may be either distributed to the beneficiaries or accumulated; and

Income which is to be distributed currently by the fiduciary to the beneficiaries and income collected by the guardian of an infant which is to be held or distributed as the court may direct.

(2) Computation and payment. The tax shall be computed upon the net income of the estate or trust and shall be paid by the fiduciary except as provided in paragraph (7) of this section relating to revocable trusts and paragraph (6) of this section relating to income for the benefit of the grantor.

(3) Deductions, general. There shall be allowed as a deduction in computing the net income of the estate or trust the amount of the income of the estate or trust for its taxable year which is to be distributed currently by the fiduciary to the beneficiaries and

the amount of the income collected by a guardian of a beneficiary which is to be held or distributed as the court may direct, but the amount so allowed as a deduction shall be included in computing the net income of the beneficiaries whether distributed to them or not. Any amount allowed as a deduction under this paragraph shall not be allowed as a deduction under paragraph (4) of this section in the same or any succeeding taxable year.

(4) Deductions, additional. In the case of income received by estates of deceased persons during the period of administration or settlement of the estate and in the case of income which in the discretion of the fiduciary may be ordered distributed to the beneficiary or accumulated, there shall be allowed as an additional deduction in computing the net income of the estate or trust the amount of the income of the estate or trust for its taxable year which is properly paid or credited during such year to any legatee, heir or beneficiary, but the amount so allowed as a deduction shall be included in computing the net income of the legatee, heir or beneficiary.

(5) Different taxable years. If the taxable year of a beneficiary is different from that of the estate or trust the amount which he is required under this section to include in computing his net income

shall be based upon the income of the estate or trust for any taxable year of the estate or trust ending within his taxable year.

(6) Income for benefit of grantor. Where any part of the income of a trust, in the discretion of the grantor of the trust, either alone or in conjunction with any other person not having a substantial adverse interest in the disposition of the income in question, may be distributed to the grantor or may be held or accumulated for future distribution to him, such part of the income of the trust shall be included in computing the net income of the grantor.

(7) Revocable trusts. Where the grantor of a trust has, at any time during the taxable year, the power to revest in himself title to any part of the corpus of the trust (if such power is vested in him either alone or in conjunction with any person not having a substantial adverse interest in the disposition of the part of the corpus in question), then the income of such part of the trust for such taxable year shall be included in computing the net income of the grantor.

"Sec. 5514. Partners, how taxed. Individuals or corporations carrying on business in partnership shall be liable for income tax only in their individual capacity. There shall be included in computing the net income of each partner his distributive share, whether distributed or not, of the net income of the partnership for the taxable year. If the taxable

year of a partner is different from that of the partnership the amount so included shall be based upon the income of the partnership for any taxable year of the partnership ending within his taxable year.

"Sec. 5515. Accounting methods and periods.

(1) General rule. The net income shall be computed upon the basis of the taxpayer's taxable year (fiscal year or calendar year as the case may be) in accordance with the method of accounting regularly employed in keeping the books of the taxpayer. But if no such method of accounting has been employed or if the method employed does not clearly reflect the income, the computation shall be made in accordance with such method as in the opinion of the commissioner does clearly reflect the income. If the taxpayer has no annual accounting period or does not keep books, the net income shall be computed on the basis of the calendar year; provided, however, where the commissioner shall determine to levy a jeopardy assessment in accordance with the provisions of section 5539, he shall have the power to declare the taxation period or taxable year for the taxpayer immediately terminated and shall cause notice of the finding and declaration to be given to the taxpayer, together with a demand for immediate payment of all unpaid taxes, whether or not the time otherwise allowed by law for filing a return or payment of the taxes has expired.

(2) Period for which items of gross income included. The amount of all items of gross income shall be included in the gross income for the taxable year in which received by the taxpayer unless under methods of accounting permitted or required under this chapter any such amounts are to be properly accounted for as of a different period. Provided, that compensation, as defined in section 5501, received within one month after the close of the taxable year in which were performed the personal services for which such compensation was paid or to which such compensation is attributable, shall be deemed to have been received during the taxable year in which such services were performed.

(3) Period for which deductions taken. The deductions and credits providedfor in this chapter shall be taken for the taxable year in which 'paid or accrued' or 'paid or incurred' dependent upon the method of accounting upon the basis of which the net income is computed, unless in order clearly to reflect the income the deductions should be taken as of a different period; provided, however, that in all cases of a change from a cash basis to an accrual basis the taxpayer shall be permitted to deduct for the first taxable year for which such change becomes effective all deductions which are, for said taxable year, of an allowable nature, and which have accrued during the taxable year prior to such change but were not

paid during such prior taxable year and have not been deducted in the taxpayer's income tax return for such prior taxable year; and provided further that in all cases of a change from an accrual basis to a cash basis the taxpayer shall be permitted to deduct for the first taxable year for which such change become effective only such portion, if any, of the payments made during such first taxable year on account of deductions which have accrued during the taxable year prior to the change as were not deducted in the taxpayer's income tax return for such prior taxable year.

(4) Requirements for change of accounting period. If a taxpayer, after first giving thirty days' notice of his intention so to do to the commissioner, changes his accounting period from fiscal year to calendar year, from calendar year to fiscal year, or from one fiscal year to another, the net income shall, with the approval of the commissioner, be computed on the basis of such new accounting period, subject to the provisions of paragraphs (5), (6) and (7) of this section.

(5) Returns for short period resulting from change of accounting period. If a taxpayer changes the basis of computing net income from fiscal year to calendar year a separate return shall be made for the period between the close of the last fiscal year for which the return was made and the following December 31. If the change is from calendar year to fiscal year, a separate return shall be made for the period between the close of the last calendar year for which return was made and the date designated as the close

of the fiscal year. If the change is from one fiscal year to another fiscal year a separate return shall be made for the period between the close of the former fiscal year and the date designated as the close of the new fiscal year.

(6) Short period, computation of income for. Where a separate return is made under paragraph (5) of this section on account of a change in the accounting period and in all cases where the taxable year is terminated in accordance with the provisions of paragraph (1) of this section and in all cases where a jeopardy assessment is levied by the commissioner under the provisions of section 5539, for a fractional part of a year, the income shall be computed on the basis of the period for which such separate return or separate assessment is made.

(7) Short period, income placed on annual basis. If a separate return is made under paragraph (5) of this section on account of a change in the accounting period or if the commissioner shall terminate the taxable year in accordance with the provisions of paragraph (1) of this section or if a jeopardy assessment is made by the commissioner under the provisions of section 5539, the short period for which such separate return or such separate assessment is made shall be placed on an annual basis by dividing the amount of the net income for such period by the number of days included in the period and multiplying the results so obtained by three hundred sixty-five, then considering and treating such sum as the annual income, and comput-

ing the tax thereon, and the tax for such period shall be such part of the tax on such annual income as the number of days in such period bears to three hundred sixty-five.

(8) Personal services covering three years or more. In the case of fees or the like received for personal services rendered by an individual in his individual capacity, or as a member of a partnership, and covering a period of three calendar years or more from the beginning to the completion of such services and required to be included in gross income of such individual for any taxable year beginning after December 31, 1940, the tax attributable to such compensation shall not be greater than the aggregate of the taxes attributable to such compensation had it been received in equal portions in each of the years included in such period.

Payment and Collection

"Sec. 5516. Payment of tax, due date. The total amount of income tax imposed by this chapter shall be due on January 1 and payable on March 20 following the close of the calendar year, or, if the return be made on the basis of a fiscal year, then the tax shall be due on January 1 in such fiscal year and shall be paid on the twentieth day of the third month following the close of the fiscal year;

provided, however, that there shall be due and be withheld and collected in the manner provided in sections 5518-5522, two per centum of the amount of any compensation, as defined in section 5501, which is required to be included in gross income, or which wouldbe required to be included in gross income but for section 5506 (e) or 5506 (l), and the amounts so withheld from compensation or collected (exclusive of penalties and interest, if any) shall be applied upon the tax imposed by this chapter on the income of the individual in receipt of such compensation, for the taxable year in which such compensation isreturned. Any tax (exclusive of penalties and interest, if any) withheld or collected in the manner provided in said sections 5518-5522, or section 5523, which, under this chapter, is not due upon the income of the taxpayer for the taxable year concerned, or is more than the amount of such tax for the taxable year, following the close of said taxable year shall be refunded as provided in section 5541.

Installment payments. The taxpayer may elect to pay the tax, or so much thereof as has not previously become due or been collected in the manner provided in sections 5518-5523, in four equal installments, in which case the first installment shall be paid on the date prescribed for the payment of the tax by the

taxpayer, the second installment shall be paid on the twentieth day of the third month, the third installment on the twentieth day of the sixth month and the fourth installment on the twentieth day of the ninth month after such date. If any installment is not paid on or before the date fixed for its payment, the whole amount of the tax unpaid shall be paid upon notice and demand from the collector. In case the total amount of the tax for the taxable year, or the amount thereof which has not previously become due or been collected in the manner provided in sections 5518-5523, shall be ten dollars or less, then, and in that case, the whole of such amount shall be paid on the date hereinabove prescribed for the payment of the tax, and shall not be payable in installments.

"Sec. 5517. Persons in military service. The collection from any person in the military service of any tax on the income of such person, whether falling due prior to or during his period of military service (which term, as used in this section, shall have the same meaning as in section 720), shall be deferred for a period extending not more than six months after the termination of his period of military service if such person's ability to pay such tax is materially impaired by reason of such service. No interest on any amount of tax, collection of which is deferred for any period under this section, and

no penalty for nonpayment of such amount during such period, shall accrue for such period of deferment by reason of such nonpayment. The running of any statute of limitations against the collection of such tax by distraint or otherwise shall be suspended for the period of military service of any individual the collection of whose tax is deferred under this section, and for an additional period of nine months beginning with the day following the period of military service.

"Sec. 5518. Employer to withhold and pay tax on compensation; penalty. Any employer making payments to an employee of compensation required to be included in gross income, or which would be required to be included in gross income but for section 5506 (e) or 5506 (l), shall deduct and withhold therefrom two per centum thereof, and shall pay the amount so withheld for each month within twenty days after the close of such month to the collector of the taxation division in which the employer has his principal place of business, or with the permission of or if required by the commissioner, to the commissioner at Honolulu; provided that the commissioner may grant permission to make returns and payments on a quarterly basis, as provided in section 5519. Any employer who violates any of the provisions of this section shall be guilty of a misdemeanor and shall also be liable to pay to the Territory the amount which he

should have so withheld from the employee or paid over; provided that the employer may recover from such employee any amount which he has not withheld and has been required to pay and has paid to the Territory out of such employer's own funds pursuant to this section.

"Sec. 5519. Employer to file return covering tax on compensation; violation a misdemeanor. (a) The employer shall, on or before the twentieth day of each month, make a full, true and correct return showing all compensation covered by section 5518 paid by him during the preceding month, and showing the tax due and withheld thereon, which return shall be filed at the place prescribed in section 5518 for payment of the tax and shall include such other information as shall be required or prescribed by the commissioner; provided, however, that, with respect to compensation paid out of public moneys, the commissioner in his discretion may prescribe special forms for, and different procedure and times for the filing of, such returns by employers paying such compensation, or may, upon such conditions and subject to such rules as he may prescribe from time to time, waive the filing of any such returns; provided further, that the commissioner may grant permission to employers having a payroll of not more than one thousand two hundred fifty dollars per quarter, to make returns and payments on a quarterly basis, such returns and payments to be made within twenty days

after the close of each quarter, to-wit, on or before April 20, July 20, October 20, and January 20.

(b) Every employer required to deduct and withhold any tax on the compensation of any employee shall furnish to each such employee in respect of his employment during the calendar year, on or before January 31 of the succeeding year, or, if his employment is terminated before the close of such calendar year, on the day on which the last payment of compensation is made, a written statement, showing the period covered by the statement, the compensation paid by the employer to such employee during such period, and the amount of tax deducted and withheld or paid in respect of such compensation. Each such employer shall include with his final return for the calendar year, or shall file on or before January 31, a duplicate copy of each such statement. The commissioner may grant to any employer a reasonable extension of time, not in excess of sixty days, with respect to any statement required by this subsection to be furnished to an employee or filed, and may by regulation provide for the furnishing or filing of statements at such other times and containing such other information, as may be required for the administration of this chapter. The commissioner shall prescribe the form of the statement required by this subsection and may adopt any federal form appropriate for the purpose.

(c) Any employer who violates any of the provisions of this section shall be guilty of a misdemeanor.

"Sec. 5520. Taxes withheld by employer held in trust. All taxes withheld by any employer under section 5518 shall be held in trust by him for the Territory and for the payment of the same to the collector or commissioner in the manner and at the times required by this chapter.

"Sec. 5521. No cause of action against employer for withholding. No employee shall have any right of action against his employer in respect of any moneys deducted from such employee's compensation in compliance or intended compliance with this chapter.

"Sec. 5522. Individual to file return of earned income when. Any individual who is in receipt of compensation from an employer who does not have a place of business in the Territory and does not have an agent within the Territory responsible for making the returns, withholdings and payment of taxes on compensation required by this chapter, shall file a return for each month with, and pay the tax due under this chapter to, the collector of the division in which he resides or is at the time present, as may be required by rules of the commissioner, or with the permission of or if required by the com-

missioner, with and to the commissioner at Honolulu. Any individual who is in receipt of compensation from the United States or an instrumentality thereof, or is in receipt of any other compensation the tax on which cannot be required to be withheld, shall be under the same duty as an individual who is in receipt of compensation from an employer who does not have a place of business in the Territory, unless the tax actually has been withheld from such compensation as provided by section 5518 of this chapter. All such returns shall be filed, and the payments thereon shall be made, at the times and in the manner prescribed in sections 5518-5519, and each such return shall state the name of the individual filing the same, the name, residence and address of his employer, the total of all compensation received for the preceding month and the tax due thereon, and shall include such other and further information and be upon such form as the commissioner shall require or prescribe. Failure to comply with the provisions of this section as to the filing of returns shall constitute a misdemeanor.

The tax commissioner, upon request of a taxpayer required by this section to make returns, may permit quarterly or semi-annual returns and payments of tax, and in granting such permission shall fix the date or dates for such filing of returns and payment of taxes.

"Sec. 5523. Voluntary advance payments. Any tax imposed by this chapter, at the election of the taxpayer, may be paid, prior to the date prescribed for its payment by sections 5516, 5518-5519, and 5522, on account of the taxable year then current or last closed, as the case may be. Any quarterly installment of tax likewise may be paid prior to the date prescribed for its payment.

"Sec. 5524. Employer and employee returns. The commissioner shall prescribe the forms of all returns of employers and employees required to be furnished under sections 5518-5522, and may provide in such forms for the giving of such information as he may deem necessary or advisable. All information required by the form of any return must be included in the return by the person or employer responsible for making the same.

As provided in section 5123, and in compliance with such rules as may be prescribed by the commissioner, every such return shall be signed by the employer or other person liable to make the return, or by someone authorized to do so in behalf of such person, and such authentication shall be subject to the penalties provided by section 5134.

Returns for Taxable Year

"Sec. 5525. Time for filing returns: general rule. Returns for the taxable year, made on the

basis of the calendar year, shall be made and filed on or before March 20 following the close of the calendar year. Returns made on the basis of a fiscal year shall be made and filed on or before the twentieth day of the third month following the close of the fiscal year.

Extension of time. The commissioner may grant a reasonable extension of time for making and filing returns under such rules and regulations as he shall prescribe. Except in the case of taxpayers who are abroad and absent from the Territory, no such extension shall be for more than six months.

"Sec. 5526. Place for filing returns: corporations. Returns of corporations shall be filed with the collector of the division in which is located the principal place of business or principal office or agency of the corporation, or if it has no principal place of business or principal office or agency in the Territory, then with the collector at Honolulu.

Individuals. Individual returns shall be filed with the collector for the taxation division in which is located the legal residence or principal place of business of the individual making the return, or if the individual has no legal residence or principal place of business in the Territory, then with the collector at Honolulu.

"Sec. 5527. Commissioner to prescribe forms. The commissioner shall prescribe the forms of in-

dividual returns and corporation returns so as to reflect clearly the gross income, deductions and net income as required to be returned under this chapter. The commissioner may determine the types of return forms to be provided by him, so as to prescribe forms appropriate to the various classes of taxpayers, with due regard to the information required for the administration of this chapter. The commissioner may provide in such forms for the giving of such further or additional information as may be deemed necessary or advisable by the commissioner to compute properly net income upon which the tax is payable, or to furnish information to the commissioner concerning the amounts and classes of income not taxed, or to furnish information as to the federal tax return. All information required by the form of the return prescribed by the commissioner as appropriate to the taxpayer must be included by such taxpayer in his signed return.

"Sec. 5528. Corporation returns. Every corporation subject to taxation under this chapter shall make a return stating specifically the items of its gross income and the deductions allowed by this chapter. The return shall be authenticated by the signature of the president, vice-president or other principal officer and by the treasurer or assistant treasurer, under the penalties provided by

section 5134. In cases where receivers, trustees in bankruptcy or assignees are operating the property or business of corporations, the receivers, trustees or assignees shall make returns for such corporations in the same manner and form as corporations are required to make returns. Any tax due on the basis of such returns made by receivers, trustees or assignees shall be collected in the same manner as if collected from the corporations of whose business or property they have custody and control.

"Sec. 5529. Estate and trust returns. The fiduciary of every estate or trust shall make a return for each taxable year upon forms prescribed by the commissioner, stating specifically the items of the gross income and the deductions of such estate or trust allowed by this chapter and shall include in the return the names and addresses of the beneficiaries who are entitled, or would be entitled, to share in the net income if distributed and the amount of the distributive share of each such beneficiary, and also such other information concerning the distributed or distributive shares of the beneficiaries as the commissioner considers necessary in order to determine correctly tax liability of the estate, trust or beneficiary under the provisions of this chapter. The return

shall be authenticated by the signature of the fiduciary under the penalties provided by section 5134. All provisions of this chapter relating to the contents, making and filing of returns and generally relating to returns shall be applicable to estate and trust returns except as in this section specifically otherwise stated.

"Sec. 5530. Individual returns. Every individual having any gross income for the taxable year, except as exempted from the filing of a return by regulations of the commissioner, shall make a return which shall be authenticated by the signature of the individual or his authorized agent under the penalties provided by section 5134, stating specifically the items of his gross income and the deductions allowed under this chapter. The commissioner, by regulation, may exempt individuals from the filing of a return in cases in which no tax accrues under this chapter.

Husband and wife. A husband and wife living together may at their election each make a separate return or collectively make a single joint return which shall be signed by each of them and include the income of each, and in the case of such joint return the tax shall be computed on the aggregate income.

Persons under disability. If the individual

is unable to make his own return, the return shall be made by a duly authorized agent or by the guardian or other person charged with the care of the person or property of such individual.

"Sec. 5531. Partnership returns. Every partnership shall make a return for each taxable year, upon forms prescribed by the commissioner, stating specifically the items of its gross income and the deductions allowed by this chapter, and shall include in the return the names and addresses of the individuals or corporations who would be entitled to share in the net income if distributed and the amount of the distributive share of each individual or corporation. The return shall be authenticated by the signature of any one of the partners under the penalties provided by section 5134. All provisions of this chapter relating to the contents, making and filing of returns and generally relating to returns shall be applicable to partnership returns except as in this section specifically otherwise stated.

Records, Assessments, Penalties, Credits and Refunds

"Sec. 5532. Taxpayer's and employer's records and special returns. (1) Records. Every taxpayer or employer liable to any tax imposed by this chapter or for the collection thereof, or for the collection or deduction at source of any tax payable to the Territory, shall keep full, complete, regular and accurate books of account in which all his

transactions shall be entered in regular order; provided that the commissioner may, by regulation, provide for the keeping of simpler accounts in cases where, by reason of the smallness of the income or otherwise, undue hardship or expense will be caused to the taxpayer or employer by the keeping of full books of account.

(2) Special returns and statements. Whenever in the judgment of the commissioner necessary, he may require any taxpayer or employer by notice served upon him to make such returns or render such signed statements as the commissioner deems sufficient to show whether or not the taxpayer or employer is liable to tax under this chapter.

"Sec. 5533. Penalty for failure to keep records or render returns and statements. Every employer, individual, or corporation failing to keep such records or books of account or make such returns or render such statements in the manner and form as is provided in the preceding section shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not to exceed fifty dollars for the first offense and not less than fifty nor more than one hundred dollars for the second and each succeeding offense.

"Sec. 5534. Penalty, misdemeanors generally. Any person convicted of any misdemeanor under the provisions of this chapter for which no other penalty is prescribed, shall be punished by fine of not more than one thousand dollars, or (if a natural person) by imprisonment for not more than one year, or by both such fine and imprisonment.

"Sec. 5535. Penalty for delinquency. A penalty of ten per centum shall be added to the amount of all taxes delinquent under section 5516, or under sections 5518-5519 and 5522, or under sections 5536-5539, whether the delinquency is caused by failure to pay the tax or to file return or because of false or fraudulent return, which penalty shall become a part of the tax and shall be collected as such. Any delinquent tax and penalty remaining unpaid fifteen days after the date of delinquency shall bear interest from the date of the expiration of the fifteen days at the rate of two-thirds of one per centum for each month or fraction of a month until paid, which interest shall become a part of the tax and shall be collected as such.

"Sec. 5536. Procedure upon failure to file return; twenty-five per cent. penalty. If any employer, individual, or corporation liable to make and file a return under the provisions of this chapter shall fail, neglect or refuse to make and file

a return as required, within the time prescribed, or shall decline to authenticate a return if made, the commissioner or his deputy or any person appointed by the commissioner so to do, shall make a return for such employer, individual or corporation from the best information obtainable and shall levy and assess a tax upon the amount of net income or compensation, as the case may be, as shown by such return, against such employer, individual or corporation, and in addition to the tax and as a part thereof when finally assessed a penalty not to exceed twenty-five per centum of the amount of the tax shall in the discretion of the commissioner be added to and become a part of the tax; such assessment shall be presumed to be correct until and unless, upon an appeal duly taken as provided in this chapter, the contrary shall be clearly proved by such employer, individual, or corporation, and the burden of proof upon appeal shall be upon the employer, individual, or corporation to disprove the correctness of the assessment. Notice of such assessment shall be given, and an appeal therefrom may be taken, in the manner and within the time provided in section 5538, paragraph (2), and section 5543.

"Sec. 5537. Fraud or negligence in making

returns: fraud. If any employer or taxpayer shall knowingly, wilfully or intentionally file a false and fraudulent return with intent to evade a tax or shall attempt, aid, abet, assist or conspire in any way to evade any tax under this chapter, the commissioner shall add a penalty of one hundred per centum to the tax upon the compensation, or net income subject to tax, as the case may be, as determined from the best information available, and such penalty shall be added to and become a part of the tax.

Negligence. If any employer or taxpayer shall negligently or with intentional disregard of the law or the rules and regulations of the commissioner but without intent to defraud, file a false or incorrect return, a penalty of five per centum of the total amount of the deficiency (in addition to the deficiency) in tax occasioned by any such act shall be assessed, collected and paid.

"Sec. 5538. Audit of returns: procedure; additional taxes. (1) Audit. The commissioner or a responsible person designated by him to act in the premises for the purpose of verification or audit of a return made by an employer or taxpayer, or for the purpose of making a return where none has been made, is authorized and empowered to examine all account books, bank books, bank state-

ments, records, vouchers, employer's or taxpayer's copies of federal tax returns, and any and all other documents and evidences having any relevancy to the determination of the compensation or income required to be returned under this chapter and he may summon or require the attendance of the employer or taxpayer by or for whom the return (if any) has been made or is being made, and any employee of such person, and may summon or require the attendance of any person having knowledge in the premises, naming the time and place in the summons, and may take testimony in reference to any such matter, relevant to the compensation or taxable income returnable for the period under consideration, with power to require that the person so called and appearing shall be interrogated under oath and to administer such oath;

(2) Additional taxes. If the commissioner discovers from the examination of the return or otherwise that any compensation or income returnable under this chapter, or any portion thereof, has not been assessed, he may assess the same and give notice to the employer or taxpayer of the assessment. The employer or taxpayer shall first be notified of the proposed assessment, and shall

thereupon have an opportunity within thirty days to confer with the commissioner as to the proposed assessment. After the expiration of thirty days from such notification the commissioner shall assess the compensation or income or any portion thereof which he believes has not heretofore been assessed and shall give notice to the employer or taxpayer of the amount of the tax and interest and penalties if any, and the amount thereof shall be due and payable on the twenty-first day after the date the notice was mailed, properly addressed to the employer or taxpayer at his last known address or place of business, unless an appeal has been taken. Provided, that a preliminary notice of proposed assessment prior to the making of the assessment, shall not be necessary in order to disallow any claim to a deduction, or claim of exemption from or non-liability for tax, where (a) one or more similar claims theretofore have been considered and disallowed by the commissioner, (b) notice of the disallowance of such claims has been published by the commissioner in a newspaper of general circulation in the Territory, and (c) such notice was published at least sixty days prior to the making of the assessment.

(3) False swearing, perjury. Any individual knowingly giving false testimony under oath

at any such hearing before the commissioner or such person duly authorized by him to conduct such hearing under the provisions of paragraph (1) hereinabove shall be guilty of perjury and shall be punished as provided by law.

(4) Refusal to obey summons or testify; penalty. Any individual or corporation refusing or neglecting to obey any summons issued by the commissioner or responsible person designated in writing by him to make any such investigation and issue any such summons as is hereinabove in paragraph (1) provided, and any individual appearing and refusing to testify under oath, shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of fifty dollars for the first offense and one hundred dollars for each succeeding offense, or, in the case of an individual, such individual may be committed as provided in section 5110.01.

"Sec. 5539. Jeopardy assessment. If the commissioner determines that an employer or taxpayer designs to depart quickly from the Territory or to remove his property therefrom, or to conceal himself or his property therein, or to do any other act tending to prejudice or to render wholly or partially ineffectual proceedings to collect taxes then due, or the tax for the taxable year then last

past or the taxable year then current or any month thereof, unless such proceedings be brought without delay, the commissioner (a) if the tax to be collected is the tax on the net income for the taxable year then current, shall declare the taxable period for such taxpayer immediately terminated and shall cause notice of such finding and declaration to be given to the taxpayer, together with a demand for immediate payment of the tax for the taxable period so declared terminated; (b) if the tax to be collected is the tax on the net income for the taxable year last past, or is then due, shall demand immediate payment of so much thereof as is unpaid; and (c) if the tax to be collected is the tax on compensation paid or received in the preceding month, shall demand immediate payment of so much thereof as is unpaid. In any of cases (a), (b) and (c) such taxes shall thereupon become immediately due and payable whether or not the time otherwise allowed by law for filing return and paying the tax has expired and notwithstanding the provisions of section 5538, paragraph (2). In any proceeding in any court brought to enforce the payment of taxes made due and payable by virtue of the provisions of this section or of section 5515, paragraph (1), the finding of the commissioner made as herein or

therein provided, whether made after notice to the employer or taxpayer or not, shall be for all purpose presumptive evidence of the employer's or taxpayer's design.

"Sec. 5540. Security for payment, effect on proceedings. An employer or taxpayer who is not in default in making a return or paying tax may furnish to the Territory, under regulations to be prescribed by the commissioner, security, approved by the treasurer, that the employer or taxpayer will duly make the return next thereafter required to be filed and pay the tax next thereafter required to be paid. The commissioner may approve in like manner and the treasurer may accept security for return and payment of any taxes made due and payable by virtue of the provisions of this chapter; if security is so approved and accepted and such further security with respect to the tax covered thereby is given as the commissioner or treasurer may from time to time find necessary and require, payment of such taxes shall not be enforced by any proceedings prior to the expiration of the time otherwise allowed for paying such taxes.

"Sec. 5541. Credits and refunds. (1) If the taxpayer has paid as an installment of the tax more than the amount determined to be the correct amount of such installment, the overpayment shall be credited against the unpaid installments, if any. If any amount of tax already paid, whether or not on the

basis of installments, exceeds the amount determined to be the correct amount of the tax, or if the application of the credit allowed by section 5504 results in an overpayment in the case of a blind person, the amount of the overpayment shall be refunded as provided in this section; provided, however, that if the person entitled to the refund is delinquent in the payment of any tax, the auditor, upon demand of the collector and after notice to such delinquent taxpayer, shall withhold the amount of such delinquent taxes, together with penalties and interest thereon, from the amount of such refund and pay the same to the collector. In the case of taxes collected from an employer, he shall be entitled to a credit or refund only to the extent that the amount of the overpayment was not deducted and withheld by the employer.

(2) No credit shall be entered upon the records for any purpose until the same shall have been properly audited and the legality of the transaction determined by the auditor acting in conjunction with the attorney general in each case. In the event of an assessment made pursuant to section 5536, or section 5538, paragraph (2), no reduction shall be made except by a court or other tribunal having jurisdiction.

(3) Any refund earned under this section shall be made upon a requisition of the tax commissioner on the territorial auditor, who shall issue his warrant in the form prescribed by section 1598, on the territorial treasurer, which shall be paid out of the income tax reserve fund in the next succeeding paragraph hereof created.

(4) There is hereby appropriated, from the general revenues of the Territory, not otherwise appropriated, the sum of seven thousand five hundred dollars which shall be set aside as a special fund to be known as the income tax reserve fund, the same to be subject to the warrants of the auditor of the Territory, upon the treasurer of the Territory, as in and by this chapter provided. The commissioner, in his discretion, from time to time, may deposit taxes collected by him under the provisions of this chapter, in the territorial treasury to the credit of the income tax reserve fund, so that there shall be maintained at all times a fund of seven thousand five hundred dollars.

(5) If the tax commissioner, with the approval of the governor, shall find and determine that, by reason of an Act of the Congress of the United States, taxes imposed by this chapter upon the compensation of employees of the United States or agencies or instrumentalities thereof (hereinafter called 'federal employees'), or upon the compensation of some

of such employees, cannot be collected, or cannot be collected promptly, unless provision is made for the refunding thereof as herein provided, but could be collected, or could be collected earlier than otherwise would be the case, if such provision for refunding were made, the tax commissioner, by a rule adopted under section 5548 with the approval of the governor, may provide for the refunding, out of the income tax reserve fund, of the tax collected from such federal employees, with respect to such amounts of compensation, or such earning or payroll periods, and subject to such conditions (including, in his discretion, the filing of applications therefor within a period to be fixed by him and the showing of payment of tax upon the same compensation to the state of domicile, or other domiciliary jurisdiction) as in the judgment of the tax commissioner, with the approval of the governor, will conform to said Act of Congress and will increase the collectibility of the taxes imposed by this chapter with respect to federal employees.

"Sec. 5542. Limitation period for assessment, levy, collection or credit. (1) General rule. The amount of taxes imposed by this chapter and also the amount of income taxes imposed by any preceding law of the Territory shall be assessed or levied and the overpayment of tax, if any, shall be credited within five years after the return was filed and no proceeding in

court without assessment for the collection of any of such taxes shall be begun after the expiration of such period.

(2) Exceptions; fraudulent return or no return. In the case of a false or fraudulent return with intent to evade tax, or of a failure to file return, the tax may be assessed or levied at any time; provided, however, that in the case of a return claimed to be false or fraudulent with intent to evade tax, the determination as to such claim must first be made by a judge of the circuit court presiding in equity for or in the circuit within which the employer or taxpayer has his residence or principal place of business, upon petition filed by the commissioner, which petition and other pleadings and proceedings in the matter shall be governed and conducted in accordance with statutory and other requirements relating to proceedings in equity, including all rights to appeal allowed in equity proceedings, and no assessment or levy of the tax after the expiration of the five-year period shall be made unless so provided in the final decree entered in the proceedings.

(3) Extension by agreement. Where, before the expiration of the time prescribed in paragraph (1) of this section for the assessment, levy and collection of the tax, both the commissioner and the employer or taxpayer have consented in

writing to its assessment or levy after such date, the tax may be assessed or levied or the overpayment of tax, if any, may be credited at any time prior to the expiration of the period agreed upon. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

Appeal

"Sec. 5543. Appeal. Unless otherwise barred by the provisions of this chapter from so doing, any employer or taxpayer against whom has been made an additional assessment under section 5538, paragraph (2), or an assessment under section 5536, may appeal from the assessment within the time hereinafter set forth, either to the divisional board of review or to the tax appeal court, in the manner and with the costs provided by chapter 95, except as otherwise in this chapter provided.

If the appeal is first made to the board, the appeal shall either be heard by the board or be transferred to the tax appeal court for hearing at the election of the employer or taxpayer, and if heard by the board an appeal shall lie from the decision thereof to the tax appeal court and to the supreme court in the manner and with the costs provided by chapter 95. The supreme court

shall prescribe forms to be used in such appeals which shall be as nearly identical as practicable with the forms prescribed or permitted by law in the case of property tax appeals; provided, that such forms shall show the amount of taxes upon the basis of the employer's or taxpayer's computation of compensation or taxable income, the amount of taxes upon the basis of the assessor's computation, the amount of taxes upon the basis of the decisions of the board of review and tax appeal court, if any, and the amount of taxes in dispute. If or when the appeal is filed with or transferred to the tax appeal court, the court shall proceed to hear and determine the appeal, subject to appeal to the supreme court as is provided in chapter 95.

Any employer or taxpayer appealing from any assessment of taxes shall lodge with the assessor or assistant assessor a notice of the appeal in writing, stating the ground of his objection to the additional assessment or any part thereof, which notice of appeal shall be filed at any time within twenty days subsequent to the date when the notice was mailed properly addressed to the taxpayer at his last known residence or place of business. No employer or taxpayer shall be exempt

from delinquent penalties by reason of having made an appeal on his assessment, but the tax paid, covered by an appeal duly taken, shall be held in a special deposit and distributed as provided in section 5219, for which purpose the word 'valuation' shall be deemed to refer to the amount of compensation or income.

General Provisions

"Sec. 5544. Assessments, etc., prima facie evidence of correctness of tax. The assessments made under the authority of this chapter and the assessment books and delinquent tax lists made in accordance with the provisions of chapter 94 shall be prima facie evidence of the correctness of the tax imposed under this chapter.

"Sec. 5545. Blanks, etc., furnished by commissioner. The commissioner shall furnish to the assessors and collectors all necessary books, blanks and stationery in such form and with such printing and writing thereupon as may be determined by the commissioner in sufficient quantity as may be needed in the opinion of the commissioner in order to effectuate properly the provisions of this chapter.

"Sec. 5546. Disclosure of returns unlawful; penalty. It shall be unlawful for any officer or

employee of the Territory to make known intentionally information imparted by any income tax return made under sections 5525-5531 of this chapter or wilfully to permit any such income tax return of a taxpayer or copy thereof to be seen or examined by any person other than the taxpayer or his authorized agent and the employees of the tax department, except as provided by law, and any offense against the foregoing provisions shall be a misdemeanor and shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding one year, or both.

"Sec. 5547. Chapters 94, 95 applicable. All of the powers, authorities and rights to compensation conferred on the divisional boards of review or on the tax appeal court constituted under the provisions of chapter 95 for hearing and determining appeals duly taken thereunder or conferred on the supreme court under chapter 95 for hearing and determining appeals duly taken thereunder and for making rules, are conferred on the divisional boards of review, the tax appeal court and the supreme court for hearing

and determining appeals and making rules under this chapter; and all powers, authorities and duties contained in chapter 94 for levying, assessing, collecting, receiving and enforcing payments of the tax imposed thereunder, and otherwise relating thereto, shall be severally and respectively conferred, granted, practiced and exercised for levying, assessing, collecting and receiving and enforcing payment of the tax imposed under the authority of this chapter, as far as the provisions of chapter 94 shall not be superseded by and shall be consistent with the express provisions of this chapter, as fully and effectually to all intents and purposes as if the same powers and authorities were repeated in this chapter, with references to said tax, and all of the provisions and regulations prescribed under chapter 94, except as aforesaid, shall be applied, construed, deemed and taken to refer to the tax imposed under the authority of this chapter, in like manner.

"Sec. 5548. Rules and regulations. Except as otherwise provided in this chapter the commissioner shall prescribe and have printed all needful rules and regulations for the application and enforcement of this chapter and such rules and regulations so made shall have the force

and effect of law if they be not in conflict with the express statutory provisions to which the same are applicable.

"Sec. 5549. Taxes territorial realizations. All taxes collected under this chapter shall be for the use of the Territory and shall be paid into the territorial treasury at such times as the treasurer shall direct.

"Sec. 5550. Short title. This chapter may be cited as the 'income tax law' of the Territory."

SECTION 2. This Act shall not be construed as affecting in any manner, to the detriment of the Territory, any taxes, interest, fines, penalties, forfeitures or other liabilities, or obligations, existing, due or incurred prior to the taking effect of this Act, nor as affecting the liability of any person to prosecution for any misdemeanor or other criminal offenses committed prior to the taking effect of this Act under any statute hereby amended, repealed or superseded, and all such taxes, interest, fines, penalties, forfeitures, liabili-

ties, obligations, misdemeanors and other offenses may be assessed, enforced, collected, prosecuted or punished, as the case may be, in the same manner, to the same extent and subject to the same conditions, as if this Act had not been enacted.

SECTION 3. 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 4. This Act shall apply:

(a) To all income taxes due January 1, 1950 or for a taxable

year commencing in 1949, and thereafter, provided, that in the event of a change in the accounting period or other change in the taxable year, occurring during 1949, this Act nevertheless shall apply for such portion of 1949 as otherwise would have been governed by this Act; provided, further, that whenever, pursuant to the amendments made by this Act, income is required to be returned in a taxable year other than that prescribed by chapter 102 of the Revised Laws of Hawaii 1945 as it read prior to the amendments made by this Act, and there is income which has not been taxed and which, by reason of such amendments, would escape taxation, such income notwithstanding such amendments, shall be returned for taxation and taxed in the first taxable year to which this Act applies; provided, further, that any taxpayer who under chapter 102 of the Revised Laws of Hawaii 1945 as it read prior to the amendments made by this Act, was entitled to take and had elected to take, over a period of years, a deduction for tidal wave loss or amortization of emergency

facilities, may continue to so take such deduction in the same manner and to the same extent as if this Act had not been enacted.

(b) To all compensation paid for or attributable to personal services performed on or after July 1, 1949, provided, that taxes withheld or collected under chapter 98 of the Revised Laws of Hawaii 1945 with respect to compensation received during the calendar year 1949, and paid for or attributable to personal services performed for an employer prior to July 1, 1949, shall be included in the employer's statements furnished his employees, applied upon the tax imposed by chapter 102 of the Revised Laws of Hawaii 1945, as amended by this Act, credited, or refunded, in the manner and to the extent provided by said chapter 102 with respect to taxes withheld from or collected on compensation paid for or attributable to personal services performed on or after July 1, 1949.

SECTION 5. Subject to the provisions of sections 2 and 4, this Act shall take effect upon its approval, provided, that this Act shall not take effect unless Senate Bill 683 becomes law.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 20, 1949

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

President of the Senate

Clerk of the Senate.

Senate Bill No. 683

# The Legislature
of the
# Territory of Hawaii

## AN ACT

RELATING TO TAXATION, AMENDING CHAPTER 98 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED.

Introduced APRIL 9 , 1949 , by

Senator S CHARLES H. SILVA, JOHN B. FERNANDES, BEN DILLINGHAM, WILLIAM J. NOBRIGA, AND TOSHIO ANSAI

| | |
|---|---|
| First Reading in Senate | April 9, 1949 |
| Referred to Printing Committee | April 9, 1949 |
| Second Reading in Senate | April 11, 1949 |
| Referred to | COMMITTEE ON WAYS AND MEANS |
| Third Reading in Senate | April 20, 1949 |
| First Reading in House | April 21, 1949 |
| Referred to | |
| Second Reading in House | April 22, 1949 |
| Referred to | COMMITTEE ON FINANCE |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 683
S. D. 1

A N  A C T

RELATING TO TAXATION, AMENDING CHAPTER 98 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED.

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

SECTION 1. Chapter 98 of the Revised Laws of Hawaii 1945, as amended by Acts 121 and 208 of the Session Laws of Hawaii 1945 and Act 213 of the Session Laws of Hawaii 1947 is hereby further amended to read as follows:

"CHAPTER 98. DIVIDENDS TAX.

"Sec. 5341. Difinitions. Wherever used in this chapter, unless the subject matter, context or sense otherwise require:

'Commissioner' shall mean and include the tax commissioner of the Territory and any duly appointed subordinate of his department duly authorized by him to perform any of the duties and functions imposed upon him by this chapter.

'Month' shall mean calendar month.

'Person' shall mean and include any individual, corporation, association, company, partnership, trust, estate or other entity.

References to chapter 102, or to any section of said chapter, shall be deemed to mean said chapter or section as the same exists, or may be amended from time to time in the future.

"Sec. 5342. Same; 'dividends', 'local company', 'foreign company'. Wherever used in this chapter, unless the subject matter, context or sense otherwise require:

'Dividends' means any distribution, whether in money or other property, made by a local or foreign company (except a national bank or bank organized and doing business under the laws of the Territory, and except interest or dividends paid or credited by building and loan associations or savings and loan associations on or apportioned to withdrawable shares and investment certificates, but in no event exceeding six per centum per annum) to its shareholders or holders of an interest therein on account of ownership of such shares or interests, out of its earnings or profits, except liquidating dividends paid out of earnings or profits accumulated, or increase in value of property accrued, before January 1, 1943. Every distribution shall be deemed to have been made out of earnings or profits to the extent thereof, and from the most recently accumulated earnings or profits. For

the purposes of this paragraph a liquidating dividend shall be deemed to mean a distribution made as part of a plan to cease doing business and to wind up the affairs of the company.

'Local company' shall mean and include every corporation, insurance company, association of joint stock company organized in or under the laws of the Territory.

'Foreign company' shall mean and include every corporation, insurance company, association or joint stock company organized in or under the laws of any jurisdiction other than the Territory.

"Sec. 5343. Tax on dividends. There shall be assessed, levied, collected and paid for each month a tax of two per cent. upon the amount of all dividends paid during the month by any local company, or received during the month from any company, local or foreign; provided that the tax shall be paid only once with respect to the same dividend.

"Sec. 5344. Returns and withholding and payment of tax; violation a misdemeanor.

(a) Every local company, before making any payment or distribution of dividends to its shareholders, shall deduct and withhold therefrom the amount of the tax imposed by this chapter in re-

ference to such dividends and shall pay the amount so withheld to the collector of the taxation division in which the company has its principal place of business in the Territory or to the commissioner at Honolulu, as may be prescribed by regulations of the commissioner, within the time hereinafter prescribed for filing of its return. Such company, on or before the 20th day of each month following the month in which there has been any payment of such dividends and withholding of the tax thereon, shall make a full, true and correct return showing all such dividends paid and the amounts withheld on account thereof during the preceding month, which return shall be filed at the place in this section prescribed for payment of the tax and shall include such other information as shall be required or prescribed by the commissioner.

(b) Every local company shall be liable for the payment of the tax required to be deducted and withheld by it, whether or not such tax is so withheld.

(c) Every local company, when required by the commissioner, shall furnish him a statement covering the period prescribed by him, showing its payments of dividends, the name and address of each shareholder during such period, the number of shares owned by him, amount of dividends

paid to him, and the tax deducted and withheld in respect of such dividends. The commissioner shall prescribe the form of the statement required by this subsection and may adopt any federal form appropriate for the purpose.

(d) Any person who is in receipt of any dividends from a foreign company shall file a return thereof and pay the tax due thereon under this chapter, at the time and place prescribed by chapter 102 for the filing of income tax returns. Each such return shall state the name of the person filing the same, the name of the foreign company paying the dividends, the total of all dividends received during the preceding calendar year or such other period as, for the purposes of chapter 102, constitutes the taxable year of the person making the return, and the tax due on such dividends, and shall include such other and further information and be upon such form as the commissioner shall prescribe.

(e) Any person or company violating any of the provisions of this section as to the filing of returns shall be guilty of a misdemeanor.

"Sec. 5345. Commissioner to prescribe forms, etc. The commissioner shall prescribe the forms of all returns required to be furnished under the provisions of this chapter and may provide in such forms for the giving of such informa-

tion as he may deem necessary or advisable. All information required by the form of any return must be included in the return by the person responsible for making the same.

Every return shall be signed by the person liable to make the return, or by someone authorized to do so in behalf of such person, as provided in section 5123, all in compliance with rules prescribed by the commissioner and subject to the penalties provided by section 5134.

"Sec. 5346. Commissioner to furnish blanks, etc. The commissioner shall furnish all collectors and other officers charged with the administration of this chapter with books, blanks and stationery in such form and quantity as he shall deem proper and sufficient to effectuate the purpose of this chapter.

"Sec. 5347. Rules. The commissioner shall prescribe and have printed all needful rules for the enforcement of this chapter and such rules so made shall have the force and effect of law if they be not in conflict with the express provisions of this chapter. Such rules shall also provide for the making of returns concerning, and the payment of, any taxes imposed by this chapter, in any situation not specifically covered by this chapter.

"Sec. 5348. Other provisions applicable. All of the provisions of chapter 102 not inconsistent with the provisions of this chapter and which may appropriately be applied to the taxes, persons, circumstances and situations covered or affected by this chapter, including provisions granting administrative powers to the tax commissioner and providing for the assessment, levy and collection of income taxes, shall be applicable to the assessment, levy and collection of taxes under this chapter.

The provisions of section 5535, and any amendments thereof, with respect to penalties and interest, shall apply to the taxes imposed by this chapter.

"Sec. 5349. Misdemeanors. Any person convicted of any misdemeanor under the provisions of this chapter for which no other punishment is prescribed shall be punished by fine of not more than one thousand dollars, or (if a natural person) by imprisonment for not more than one year, or by both such fine and imprisonment.

"Sec. 5350. Assessments. If (a) any person liable under the provisions of this chapter to make and file a return of dividends received by such person, or (b) any company liable, under the provisions of this chapter, to withhold any tax on dividends and make a return thereof and pay the

same to the commissioner, shall fail, neglect or refuse to make and file such return within the time or in the manner and form prescribed, or shall decline to authenticate such return, if made, as provided in section 5123, the commissioner may make a return for such person or company from the best information obtainable and may levy and assess a tax upon the amount of dividends shown by such return against such person or against such company, and in addition to the tax and as a part thereof when finally assessed, a penalty not to exceed twenty-five per centum of the amount of the tax may, in the discretion of the commissioner be added to and become a part of the tax; such assessment shall be presumed to be correct until and unless, upon an appeal duly taken as provided in this chapter, the contrary shall be clearly proved by such person or company, and the burden of proof upon such appeal shall be on such person or company to disprove such assessment. Notice of assessment shall be given, and an appeal therefrom may be taken, in the manner and within the time provided in sections 5538 (2) and 5543.

Said sections 5538 (2) and 5543 shall apply in the same manner and to the same extent, as nearly as may be, to assessments and returns made, dividends taxable and persons assessed or taxed, under this chapter, as in cases of income taxes under chapter 102. The commissioner by rules shall

provide for the adaptation, as nearly as may be, of the procedure set forth in said sections to persons and situations affected by or arising under the provisions of this chapter.

"Sec. 5351. Refunds. If it shall be shown, upon application of a shareholder, that there has been withheld from his dividends any tax not due thereon or more than the amount of tax due thereon, the amount found to have been overpaid or otherwise not due shall be refunded out of current collections of the tax; provided the commissioner shall be satisfied: (1) that the amount so overpaid or otherwise not due has been paid to the Territory; (2) that the amount of refund claimed has not been used as a credit against income tax; and (3) that application for such refund was filed within one year after the end of the calendar year in which the amount to be refunded was withheld.

"Sec. 5352. Constitutionality; construction. The tax imposed by this chapter shall not apply to any dividends which, under the constitution or laws of the United States, cannot legally be so taxed.

"Sec. 5353. Taxes territorial realizations. All taxes collected under this chapter shall be for the use of the Territory and shall be paid into the territorial treasury at such times as the treasurer shall direct."

SECTION 2. This Act shall not be construed as affecting in any manner, to the detriment of the Territory, any taxes, interest, fines, penalties, forfeitures or other liabilities, or obligations, existing, due or incurred prior to the taking effect of this Act, nor as affecting the liability of any person to prosecution for any misdemeanor or other criminal offenses committed prior to the taking effect of this Act under any statute hereby amended, repealed or superseded, and all such taxes, interest, fines, penalties, forfeitures, liabilities, obligations, misdemeanors and other offenses may be assessed, enforced, collected, prosecuted or punished, as the case may be, in the same manner, to the same extent and subject to the same conditions, as if this Act had not been enacted; provided, that taxes on compensation, collected under chapter 98 of the Revised Laws of Hawaii 1945 as it read prior to the amendments made by this Act and not applicable to the payment of the tax imposed by chapter 102 of the Revised Laws of Hawaii 1945 as amended by senate bill 682, may, in the cases allowed under said chapter 98 of the

Revised Laws of Hawaii 1945 as it read prior to the amendments made by this Act, be refunded on or before December 31, 1950 out of current collections of tax under said chapter 98.

SECTION 3. 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 4. This Act shall take effect on July 1, 1949, in the following manner:

(a) Chapter 98 of the Revised Laws of Hawaii 1945 as amended by this Act shall apply to all dividends paid or received on or after July 1, 1949, and said chapter 98 as it

read prior to the amendments made by this Act shall apply to all dividends paid or received prior to July 1, 1949, as more fully provided in section 2 of this Act.

(b) Chapter 98 of the Revised Laws of Hawaii 1945, pursuant to the amendments made by this Act, shall cease to apply to any compensation paid for or attributable to personal services performed on or after July 1, 1949, but said chapter 98 as it read prior to the amendments made by this Act nevertheless shall apply to all compensation paid for or attributable to personal services performed prior to July 1, 1949, as more fully provided in section 2 of this Act.

SECTION 5. Subject to the provisions of sections 2 and 4, this Act shall take effect upon its approval, provided that this Act shall not take effect unless senate bill 682 becomes law.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 20, 1949.

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

President of the Senate

Clerk of the Senate.

Senate Bill No. 685

# The Legislature
of the
# Territory of Hawaii

## AN ACT

TO AMEND SECTION 6235, RELATIVE TO ADVERTISEMENTS OF BILLS AND RESOLUTIONS, AND AMENDMENTS OF ORDINANCES.

Introduced APRIL 9, 19 49, by
Senators M. R. AGUIAR, JR., AND JOHN B. FERNANDES

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|---|---|
| First Reading in Senate | April 9, 1949 |
| Referred to Printing Committee | April 9, 1949 |
| Second Reading in Senate | April 11, 1949 |
| Referred to | COMMITTEE ON JUDICIARY |
| Third Reading in Senate | April 18, 1949 |
| First Reading in House | April 18, 1949 |
| Referred to | |
| Second Reading in House | April 19, 1949 |
| Referred to | Committee on Judiciary |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 685
S. D. 1

A N  A C T

TO AMEND SECTION 6235, RELATIVE TO ADVERTISEMENTS OF BILLS AND RESOLUTIONS, AND AMENDMENTS OF ORDINANCES.

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

SECTION 1. Section 6235 of the Revised Laws of Hawaii 1945 is hereby amended by substituting for the word "and", in the third line of the second paragraph of said section, a comma, and by inserting after the comma following the word "cross-walks" in said line the following: "bus stops, safety stops, speed limits, parking zones, no parking zones, safety zones, loading zones, safety lanes, other laning or marking of highways, traffic lights and the adjustment thereof, and streets and intersections where right or left turns or U-turns may or may not be made, and other similar minor matters of traffic regulation,".

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 18, 1949.

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

President of the Senate

Clerk of the Senate.

Senate Bill No. 708

# The Legislature
of the
# Territory of Hawaii

## AN ACT

RELATING TO BONUS TO PENSIONERS

Introduced April 9, 1949, 1949, by

Senator WM. H. HEEN

First Reading in Senate April 9, 1949
Referred to Printing Committee April 9, 1949
Second Reading in Senate April 11, 1949
Referred to Committee on Ways and Means
Third Reading in Senate April 26, 1949

First Reading in House April 26, 1949
Referred to
Second Reading in House April 27, 1949
Referred to Committee on Finance
Third Reading in House

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 708

A N  A C T

RELATING TO BONUS TO PENSIONERS.

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

SECTION 1. Any pensioner entitled to receive a bonus may waive the same in writing.

SECTION 2. This Act shall take effect on approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 26, 1949

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

President of the Senate.

Clerk of the Senate.

Senate Bill No. 713

# The Legislature
of the
# Territory of Hawaii

## AN ACT

TO PROVIDE FOR RECOGNITION OF POLITICAL PARTIES ON PRIMARY AND GENERAL ELECTION BALLOTS.

Introduced APRIL 9, 1949, by

Senator M. R. AGUIAR, JR.

First Reading in Senate April 9, 1949
Referred to Printing Committee April 9, 1949
Second Reading in Senate April 11, 1949
Referred to Committee on Judiciary
Third Reading in Senate April 20, 1949

First Reading in House April 20, 1949
Referred to
Second Reading in House April 21, 1949
Referred to COMMITTEE ON JUDICIARY
Third Reading in House

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 713
S. D. 1

A N  A C T

TO PROVIDE FOR RECOGNITION OF POLITICAL PARTIES ON PRIMARY AND GENERAL ELECTION BALLOTS.

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

SECTION 1. No political party shall be given a place or otherwise properly recognized upon the ballot for any territorial primary or general election unless there shall be filed with the Secretary of Hawaii a petition signed by members of such party who constitute at least one per cent (1%) of the voters then registered in the Territory, requesting that such party be so recognized and given a place upon the ballot. The petition shall be in substantially the following form:

To: The Secretary of Hawaii

Territory of Hawaii

We, the undersigned members of the _____ party, request that said party be placed or otherwise

properly recognized upon the ballot for the _____ (primary, _____ election to be held on the ____ day of general) _____, 19 _____.

Opposite our signature we have written our permanent home addresses as they appear upon the register of voters and the dates, respectively, upon which this petition was signed by us.

| Signature | Address | Date |
|---|---|---|
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| | | |

SECTION 2. No political party shall be given a place or otherwise properly recognized upon the ballot for any primary or general election in a county unless there shall be filed with the county clerk a petition signed by members of the party who constitute at least one per cent (1%) of the voters then

registered in the county, requesting that the party be so recognized and given a place upon the ballot. The petition shall be in substantially the same form as that provided in section 1, above, but shall be addressed to the county clerk of the particular county.

SECTION 3. A political party which has been placed upon a ballot of the Territory or a county pursuant to the provisions of section 1 or 2, above, shall, upon request of the governing body of the party in the Territory or such county, be placed or otherwise given proper recognition upon the ballots for succeeding elections of the Territory or such county if, at the general election of the Territory or such county last preceding the one for which the request is made, any person running as a candidate of such party received at least one per cent (1%) of the votes cast in such election.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 20, 1949

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

Wilfred C. Tsukiyama
President of the Senate.

Ellen D. Smythe
Clerk of the Senate.

1949

# REGULAR SESSION

## HOUSE OF REPRESENTATIVES

# SENATE

# JOINT

# RESOLUTIONS

Senate Joint Resolution No. 8

# The Legislature
## of the
# Territory of Hawaii

## THE SENATE
# JOINT RESOLUTION

REQUESTING THE CONGRESS OF THE UNITED STATES OF AMERICA TO ENACT LEGISLATION PROVIDING FINANCIAL ASSISTANCE TO THE TERRITORY OF HAWAII FOR THE CARE, MAINTENANCE AND TREATMENT THEREIN OF PERSONS AFFLICTED OR SUSPECTED OF BEING AFFLICTED WITH HANSEN'S DISEASE.

Introduced February 25, 1949, by

Senator s: JOHN G. DUARTE, REUBEN GOODNESS and TOSHIO ANSAI

First Reading in Senate February 25, 1949

Referred to Printing Committee February 25, 1949

Second Reading in Senate February 28, 1949

Referred to COMMITTEE ON PUBLIC HEALTH

Third Reading in Senate April 18, 1949

First Reading in House April 18, 1949

Referred to

Second Reading in House April 19, 1949

Referred to Committee on Health

Third Reading in House

ELLEN D. SMYTHE

*Clerk of the Senate*

S.J.Res. No. 8
S.D. 1

JOINT RESOLUTION

REQUESTING THE CONGRESS OF THE UNITED STATES OF AMERICA TO ENACT LEGISLATION PROVIDING FINANCIAL ASSISTANCE TO THE TERRITORY OF HAWAII FOR THE CARE, MAINTENANCE AND TREATMENT THEREIN OF PERSONS AFFLICTED OR SUSPECTED OF BEING AFFLICTED WITH HANSEN'S DISEASE.

WHEREAS, since its inception the Territory of Hawaii has annually expended large sums of money for the care, maintenance and treatment of persons affliced or suspended of being afflicted with Hansen's disease and for the purpose of eradicating the said disease; and

WHEREAS, by the Act of the Congress of the United States of March 3, 1905 (33 Statutes at Large 1009) an appropriation was made by the Congress of the United States for the establishment of a hospital station and laboratory of the Public Health and Marine-Hospital Service of the United States, at Kalawao, Island of Molokai, in the said Territory, for the study of the methods of transmission, cause

and treatment of Hansen's disease and for the purposes of assisting the said Territory in the care and treatment of persons suffering from Hansen's disease and the eradication of said disease, such appropriation being upon condition that the Territory grant to the United States in perpetuity certain lands as a site for such hospital station and laboratory; and

WHEREAS, by proclamation of the governor of said Territory, dated June 28, 1905, the said Territory pursuant to the requirements of the said Act of Congress, transferred in perpetuity to the United States certain lands at said Kalawao for use by the Public Health and Marine-Hospital Service of the United States for the purposes stated in the said Act of Congress; and

WHEREAS, the said Public Health and Marine-Hospital Service proceeded to erect buildings and improvements upon said lands for the said purposes but soon found it impracticable

to maintain a separate institution thereat for the care and treatment of persons suffering from Hansen's disease and thereafter abandoned the same; and

WHEREAS, the said lands theretofore conveyed to the United States and all improvements thereon were reconveyed to the said Territory to be administered at its own expense; and

WHEREAS, the said Territory has borne the entire burden of supporting, treating and caring for persons suffering from Hansen's disease within said Territory, except for a receiving station at the "Kalihi Receiving Hospital", at Honolulu, in said Territory, administered by the United States Public Health Service; and

WHEREAS, by the Act of the Congress of the United States of February 3, 1917 (39 Statutes at Large 872) the United States Public Health Service was authorized to establish a federal home for the care and treatment of all persons suffering from Hansen's disease in the United

States who should present themselves for treatment thereat and of any such persons who might be consigned thereto by the proper health authorities of any state, territory or the District ofColumbia, to be treated and cared for at the expense of the United States; and

WHEREAS, pursuant to said last mentioned Act of Congress such a home was established at Carville, in the State of Louisiana, and has ever since been maintained thereat by the United States Public Health Service at the expense of the United States, and the said United States Public Health Service has received and maintained and treated thereat persons suffering from Hansen's disease from various states and territories but has never been called upon by the Territory of Hawaii to receive, maintain or treat thereat patients suffering from Hansen's disease from said Territory; and

WHEREAS, the expense of treating and caring for such

persons has constituted and still constitutes a heavy burden upon the people of the Territory of Hawaii so that the said Territory has been and is unable to undertake the most effective and modern program possible for the treatment of such persons and the eradication of said disease; and

WHEREAS, the said Territory, by treating and caring for such persons therein, has saved and is saving to the government of the United States the expense of transporting to and treating and maintaining at said Carville all of such persons, liability for which the Territory was and is authorized to transfer to the said United States Government under the provisions of the said Act of the Congress of February 3, 1917; and

WHEREAS, the said Territory is still desirous, in so far as its resources permit, to continue to treat and care for its own citizens and residents afflicted or suspected of being afflicted with said disease and to continue its

efforts to eradicate said disease but is in need of financial assistance in order adequately to do so; now, therefore,

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

SECTION 1. That the Congress of the United States of America be, and it is hereby respectfully requested to provide adequate financial assistance to the Territory of Hawaii by the United States Government for the purpose of enabling the said Territory to properly and adequately treat and care for persons suffering from Hansen's disease therein and to continue its efforts to eradicate the said disease within the said Territory, and, to that end, the Congress of the United States of America is hereby requested to provide for the payment annually to the said Territory of a per diem for each person afflicted or suspected of being afflicted with Hansen's disease, treated or cared for by the said Territory during such year, equal to the per diem expended by the United States Public Health Ser-

vice in the care and treatment of each patient at the home for the care and treatment of said persons at Carville, aforementioned, and to enact a bill in substantially the following words and figures, to-wit:

"A Bill to Provide Federal Aid for the Territory of Hawaii in the Care, Maintenance and Treatment of Persons Afflicted or Suspected of Being Afflicted with Hansen's Disease Therein, and in the Eradication of said Disease.

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED:

Section 1. That the Secretary of the Treasury shall, as soon as may be after the first day of July of each year commencing with and following the year 1949, pay to the Treasurer of the Territory of Hawaii, out of any money in the treasury not otherwise appropriated, a sum of money equal to the average amount expended per patient per diem during the preceding fiscal year by the United States Public Health Service at Carville, in the State of Louisiana, in the care and treatment of persons suffering from Hansen's disease, multiplied by the product of (1) the average number per day of persons afflicted or suspected of being afflicted with Hansen's disease treated or cared for in settlements or hospitals maintained by said Territory for such purposes during such preceding fiscal year, and (2) the number of days in such preceding year. All

amounts so paid shall be deposited by the Treasurer of the Territory of Hawaii in a special fund and such special fund shall be expended in such manner as may be directed, from time to time, by the Legislature of the said Territory, in the care, maintenance and treatment of persons in the said Territory afflicted, or suspected of being afflicted with Hansen's disease, or for the construction, repair, maintenance, improvement, furnishing or equipping of hospitals or other facilities for the care, maintenance and treatment of such persons.

Section 2. The governor of said Territory shall, as soon as may be after the end of each fiscal year, submit to the Secretary of the Treasury a detailed statement showing the number of persons afflicted, or suspected of being afflicted, with Hansen's disease treated or cared for during each day of such year in any settlements or hospitals maintained for such purpose by said Territory and the average number of such persons so treated or cared for per day during such year.

The United States Public Health Service shall also submit to the Secretary of the Treasury, as soon as may be after the end of each fiscal year, a statement showing in such detail as the Secretary of the Treasury may require the average amount per patient per diem expended at said Carville in the care and treatment of persons suffering from Hansen's disease as aforementioned.

The Secretary of the Treasury may also require the governor of said Territory or the United States Public Health Service to furnish such further pertinent information as he shall deem necessary for the purpose of determining the amount payable to said Territory from time to time under this Act.

Section 3. This Act shall take effect immediately."

SECTION 2. That certified copies of this Joint Resolution, upon its approval, be forwarded to the President of the United States, to both Houses of the Congress of the United States, to the Secretary of the Interior, and to the Delegate to Congress from Hawaii.

SECTION 3. This Joint Resolution shall take effect upon its approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu,T.H., April 18, 1949

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

President of the Senate

Clerk of the Senate.

Senate Joint Resolution No. 14

# The Legislature
of the
# Territory of Hawaii

## THE SENATE
## JOINT RESOLUTION

MEMORIALIZING CONGRESS TO PROVIDE FOR AN IRRIGATION PROJECT AT WAIMEA, SOUTH KOHALA, HAWAII, MAKING APPROPRIATIONS IN AID OF SAID PROJECT, AND MAKING OTHER PROVISIONS THEREFOR.

Introduced March 3, , 19 49 by

Senator WM. J. NOBRIGA for Committee on Agriculture, Forestry & Conservation

First Reading in Senate March 3, 1949

Referred to Printing Committee March 3, 1949

Second Reading in Senate March 4, 1949

Referred to Committee on Agriculture, Forestry & Conversation.

Third Reading in Senate March 14, 1949

First Reading in House March 14, 1949

Referred to

Second Reading in House March 15, 1949

Referred to Committee on Finance

Third Reading in House

ELLEN D. SMYTHE

*Clerk of the Senate*

S. J. Res. No. 14

JOINT RESOLUTION

MEMORIALIZING CONGRESS TO PROVIDE FOR AN IRRIGATION PROJECT AT WAIMEA, SOUTH KOHALA, HAWAII, MAKING APPROPRIATIONS IN AID OF SAID PROJECT, AND MAKING OTHER PROVISIONS THEREFOR.

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

SECTION 1. The Congress of the United States is hereby respectfully requested to provide for an irrigation project at Waimea, South Kohala, Hawaii, and to authorize the Secretary of the Interior through the Bureau of Reclamation to proceed therewith, substantially as set forth in the two bills appended hereto as "Appendix A" and "Appendix B".

SECTION 2. As used in this Joint Resolution the term " irrigation agency" means such board or agency of the Territory of Hawaii as shall be vested by Congress

with the control and management of the Waimea Irrigation Project, whether it be the Territorial Irrigation Board for which the bill set forth in Appendix B would provide, or some other board or agency.

SECTION 3. There is hereby appropriated from any revenues in the general fund of the Territory not otherwise appropriated the sum of one hundred and twenty-five thousand dollars ($125,000.00) expendable as follows:

(a) For necessary preliminary expenses in furtherance of the Waimea Irrigation Project, including investigations, plans, expenses incurred in connection with appearances before the Congress of the United States or any federal department or administrative agency, and other necessary expenses prior to the actual inception of the project, expenditures under this paragraph to be made, prior to the organization meeting of the irrigation agency, by the President of the Board of Commissioners of Agriculture and

Forestry, and subsequent to the organization meeting of the irrigation agency by such agency, provided that the amount expended under this paragraph in no event shall exceed ten thousand dollars ($10,000.00).

(b) For advances for the administration, operation and maintenance of the irrigation project, as authorized by the irrigation agency.

(c) For expenditure by the irrigation agency for the acquisition of lands and interests in lands necessary to be acquired for the construction and operation of the major features of the project works.

(d) For expenditure by the irrigation agency for the surveying of suitable tracts of publicly owned land available for leasing under and pursuant to the irrigation project, for the construction of roads to and through such land, for the construction of water lines to supply said land with domestic water, and for such other improvements

or expenditures as may be necessary to prepare said land for leasing.

(e) The advances and expenditures made under paragraphs (b), (c), and (d) shall be reimbursed from the revenues derived from the irrigation project or otherwise accruing to the irrigation agency as and to the extent authorized by the governing congressional legislation and the Territory's contract with the Secretary of the Interior.

(f) The Superintendent of Public Works, at the request of the irrigation agency, shall do such work for which provision is made by this section or which is otherwise within the scope of the powers and duties of the irrigation agency, as his department has facilities for, the expense of such work to be so prorated as to charge to the irrigation agency the expenses pertaining to it.

SECTION 4. This Joint Resolution shall take effect upon its approval.

SECTION 5. Certified copies of this Joint Resolution shall, upon its approval, be forwarded to the Secretary of the Interior, the Delegate to Congress from Hawaii, the President of the Senate of the United States, and the Speaker of the House of Representatives of the United States.

APPENDIX A

"A BILL

To authorize the Secretary of the Interior to construct the Waimea Plain Project, Island of Hawaii, Territory of Hawaii.

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED, That the Secretary of the Interior through the Bureau of Reclamation is hereby authorized to construct, operate, and maintain the Waimea Plain Project in the Island of Hawaii, Territory of Hawaii, substantially in accordance with the report of the Bureau of Reclamation dated January 29, 1948: Provided, That the total cost of construction of the project shall be reimbursable: Provided further, That administrative costs incurred in the District of Columbia in connection with the construction, operation, and maintenance of said project shall not be included in the cost of construction.

SEC. 2. The Secretary of the Interior is authorized to enter into contracts with such agency or agencies of the Territory of Hawaii as may be appropriate for the payment of the operation, main-

tenance, and construction costs of the project and for other purposes. The Secretary is further authorized to transfer operation and maintenance of the project to such agency of the Territory of Hawaii as, pursuant to the contract hereinabove authorized, may be appropriate, under such conditions as the Secretary deems necessary to protect the Federal investment. In connection with the construction or operation and maintenance of the project, the Secretary shall have, with respect to construction and supply contracts and with respect to the acquisition, exchange, and disposition of property, the same authority which he has in connection with projects under the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and acts amendatory thereof or supplementary thereto). Such lands and interests in lands as shall have been acquired by the Secretary for the construction and operation of the project works shall, upon transfer of the operation and maintenance of the project to an agency of the Territory of Hawaii as hereinabove provided, be placed by the Secretary in the custody and control of such operating agency, and shall, upon expiration of the project period, provided repayment of the construction costs shall have been completed, be placed by the Secretary in the same

ownership, custody and control, as the case may be, as under the then governing law, obtains as to the other project works.

SEC. 3. Construction of the project shall not be commenced until the appropriate agency or agencies of the Territory of Hawaii has or have entered into contract with the United States for the repayment of the construction costs of the project. Said contract or contracts shall be satisfactory to the Secretary and shall provide, among other things, that:

(i) the Secretary shall fix a development period of not to exceed ten years from and including the first calendar year in which water is delivered for the lands in said project and that during such development period water shall be delivered at rates at least sufficient to return all costs of operation and maintenance;

(ii) the construction costs shall be repaid, without interest, in installments of the number and amounts fixed by the Secretary over a period not exceeding forty years, exclusive of the development period, the first

installment of which shall accrue, on the date fixed by the Secretary, in the year after the last year of the development period; Provided, that the Secretary may provide for a system of variable installments under which larger annual payments will be required during periods of above-normal production or income and lesser annual payments will be required during periods of subnormal production or income.

SEC. 4. The Secretary is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this Act into full force and effect.

SEC. 5. There are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be required for the purposes of this Act. "

APPENDIX B

"A BILL

To provide for an irrigation project at Waimea, South Kohala, Hawaii, and for other purposes.

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED, That as used in this Act:

'Board' means the territorial irrigation board created by section 2.

'Secretary' means the Secretary of the Interior.

'Irrigable' refers to land suitable for surface irrigation below an elevation of 2890 feet.

'Project period' means such period, not less than thirty nor more than fifty years, as shall be established and approved by the Secretary for (1) the control and management by the board of the lands in section I and the publicly owned lands in section III of the project area, and (2) the use and disposition by the board of the government owned water arising in the Kohala mountain forest reserve, as provided in this Act. The project period shall commence on such date as shall be fixed by the Secretary, but not later than three months

after the date that the first appropriated funds for the construction of the project are made available.

'Project water' means the amount of water required for the growing of truck crops on the irrigable acreage within the project area, determined as provided in section 4, plus water for the general needs of the Hawaiian Homes Commission, as provided by section 4.

'Short term license' means a license to buy water for a term of less than fifteen years.

'Long term license' means a license to buy water for a term of not less than fifteen years.

'Waimea irrigation system' means an irrigation system for conveying and supplying government owned waters arising in the Kohala mountain forest reserve to irrigable lands within the project area, or to the Hawaiian Homes Commission, including all necessary appurtenances thereto.

'Cost of the project' includes, in addition to all other costs: (a) all necessary expenditures for lands and interests in lands deemed by the Secretary to be necessary to be acquired for the construction and operation of the major features of the project works, whether acquired by the Territory or by the United States; and (b) such portion of the expenditures made by the Hawaiian Homes Commission, on or after July 1, 1948, for irrigation system improvements

which are beneficial to and become an integral part of the Waimea irrigation system, as in the opinion of the Secretary, constitute a reduction in the amount which otherwise would necessarily have been expended for the project.

'Native Hawaiian' means any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778.

'Veteran' means a person who has served as a member of the armed forces of the United States in any war in which the United States is or has been engaged, and who has been discharged or released therefrom under conditions other than dishonorable.

'Project area' means and includes the following lands:

SECTION I. Hawaiian home lands.

SECTION I

Portion of the Hawaiian home land of Puukapu,
South Kohala, Hawaii

Beginning at the northwest corner of this parcel of land, the west corner of Grant 4955 to J. T. Baker and on the south side of the government main road, the coordinates of said point of beginning referred to government survey triangulation station 'WEST BASE' being 1003.0 feet south and 343.0 feet west as shown on government

survey registered map 2785, and running by azimuths measured clockwise from true south:

1. 336° 52' 1173.1 feet along Grant 4955 to J. T. Baker;
2. 254° 51' 901.6 feet along Grant 4955 to J. T. Baker, Grant 5973 to Chas. Baker and across a 40-foot government road;
3. 329° 07' 1100.0 feet along Lot 2, Puukapu homesteads, First Series;
4. 254° 44' 4000.0 feet along lots 2, 4, 6, 8, 10, 12, 14, 16, 18, and 20, Puukapu homesteads, First Series;
5. 329° 07' 2654.6 feet along section II, Hawaiian home land of Puukapu;
6. 52° 00' 1300.0 feet along portion of the land of Puukapu;
7. 327° 55' 1000.0 feet along same;
8. 314° 30' 1500.0 feet along same;
9. 331° 40' 1900.0 feet along same;
10. 2° 34' 1393.2 feet along same;
11. 8° 30' 800.0 feet along same;
12. 90° 00' 3550.0 feet along same;
13. 54° 39' 30" 1292.5 feet along same to the boundary between the lands of Waikoloa and Puukapu;

| | | | | |
|---|---|---|---|---|
| 14. | 107° 28' | 30" | 2966.9 feet | along the land of Waikoloa (R. P. 5671, L.C. Aw. 8521-B to Hueu); |
| 15. | 115° 17' | 30" | 3208.2 feet | along same; |
| 16. | 153° 07' | | 977.0 feet | along same; |
| 17. | 155° 06' | | 1150.2 feet | along same; |
| 18. | 208° 24' | | 1193.0 feet | along same; |
| 19. | 207° 45' | | 533.3 feet | along same; |
| 20. | 198° 15' | | 280.5 feet | along same; |
| 21. | 240° 10' | | 179.0 feet | along same; |
| 22. | 166° 07' | | 402.0 feet | along same; |
| 23. | 253° 20' | | 304.4 feet | along same; |
| 24. | 242° 10' | | 198.2 feet | along same; |
| 25. | 213° 30' | | 307.7 feet | along same; |
| 26. | 186° 00' | | 750.5 feet | along same; |
| 27. | 229° 40' | | 159.8 feet | along same; |
| 28. | 246° 35' | | 402.8 feet | along same; |
| 29. | 188° 40' | | 208.0 feet | along same; |
| 30. | 182° 45' | | 452.0 feet | along same; |
| 31. | 207° 55' | | 519.0 feet | along same; |
| 32. | 206° 55' | | 385.5 feet | along same; |
| 33. | 229° 15' | | 336.6 feet | along same; |
| 34. | 165° 50' | | 390.8 feet | along same; |
| 35. | 187° 50' | | 291.7 feet | along same; |
| 36. | 132° 17' | | 112.2 feet | along same; |

37. 268° 59' 90.6 feet along the south of government main road to the point of beginning.

containing a total area of 1759.9 acres and a net area of 1725.088 acres after excepting and excluding therefrom the following privately owned lands:

| | | |
|---|---|---|
| L.C. Aw. | 4026 to J. Thomas | 1.70 Acres |
| L.C. Aw. | 4037 to A. D. Allen | 3.84 Acres |
| L.C. Aw. | 4233 to Kahuhu | 0.25 Acres |
| L.C. Aw. | 988 to John Collis | 1.34 Acres |
| L.C. Aw. | 2271 to Oili | 3.52 Acres |
| L.C. Aw. | 987 to Wm. Hughes | 1.03 Acres |
| L.C. Aw. | 3682 to Mahu | 1.10 Acres |
| L.C. Aw. | 4198 to Kaaiunahi | 1.96 Acres |
| Grant | 5978 to Kahoohanohano | 0.972 Acre |
| Grant | 6787 to A. W. Carter, Trustee | 2.98 Acres |
| Grant | 5977 to Ella Duncan | 8.50 Acres |
| Deed: | Kamehameha IV to C. R. Bishop March 5, 1861, Book 14, page 264 | 7.62 Acres |
| | | 34.812 Acres |

SECTION IA. All of the privately owned lands excepted and excluded from the Hawaiian home lands in section I.

SECTION II. Hawaiian home lands.

SECTION II

Portion of the Hawaiian home land of Puukapu,
South Kohala, Hawaii

Beginning at the east corner of this parcel of land, at government survey triangulation station 'EAST BASE' as shown on government survey registered map 2785 and running by azimuths measured clockwise from true south:

1. 63° 30' 3600.0 feet along portion of the land of Puukapu;
2. 137° 15' 1680.0 feet along same;
3. 65° 20' 2171.4 feet along same;
4. 149° 07' 2654.6 feet along section I, Hawaiian home land of Puukapu;
5. 254° 44' 3913.0 feet along lots 22, 24, 26, 28, 30, 32, 38 and 40, Puukapu homesteads, First Series and across a 40-foot government road;
6. 329° 07' 10.7 feet along Paiakuli pond reserve;
7. 256° 10' 4002.7 feet along same and along lots 89, 92, 94, 96, 98 and 100, Puukapu homesteads Second Series;

| | | | |
|---|---|---|---|
| 8. | 346° | 10' | 600.0 feet along portion of the land of Puukapu; |
| 9. | 72° | 00' | 964.6 feet along same; |
| 10. | 339° | 00' | 2246.1 feet along same to the point of beginning. |
| | | | Area 462.5 acres. |

Reserving and excepting therefrom the Mana road which crosses this parcel of land.

SECTION III. Paulama lots 1 and 2, being Grants 4955 and 5973; Puukapu homesteads, 1st Series, lots 1-55 inclusive, and lots 76 and 77; and Puukapu homesteads, 2nd Series, lots 85-141 inclusive.

SECTION 2. Territorial irrigation board. (a) How constituted. The commissioner of public lands and the president of the board of commissioners of agriculture and forestry or their successors in function, ex officio, and a member of the Hawaiian Homes Commission, to be designated by said commission from time to time, are hereby constituted the territorial irrigation board. The commissioner of public lands shall be chairman and executive officer of said board. Within one year after project water is first delivered, there shall be added to said board a fourth member, who shall be a representatives of the farmers participating in the project, as hereinafter provided, and shall hold office for a term of four years and until his successor is elected

and qualifies, unless he shall become disqualified to hold such office. Only lessees and long term licensees in sections I, IA, and III shall be eligible to vote for such representative or to hold such office. The board shall, from time to time, as may be necessary, conduct an election for the selection of said fourth member of the board by the qualified lessees and licensees, the date and hours of the election, the place or places at which ballots may be cast, the notification thereof to be given, the manner in which candidates shall be nominated, and all other matters connected with such election to be determined by the board; provided that the election shall be by secret ballot and shall be held at a convenient place or places in the district of South Kohala, Hawaii, and nominations made by petitions of the eligible voters shall be received, for the filing of which a reasonable period shall be allowed.

(b) Quorum. Two members of the board shall constitute a quorum to do business, and the concurrence of a majority of the members present at any meeting, but not less than two members concurring, shall be necessary to make any action of the board valid.

(c) Property under control of board. For the project period, the board shall, without regard to the provisions of the Hawaiian Homes Commission Act, 1920, or sections 73 and 91 of the Hawaiian Organic Act, or chapter 78 of the Revised Laws of Hawaii 1945, have the control and management of the lands in section I and the publicly owned lands in section III of the project area, and the use and disposition of the government owned water arising in the Kohala Mountain forest reserve, or so much thereof as shall be necessary for the purposes of this Act. In addition thereto the board shall have the use and enjoyment of such other lands, improvements and structures as shall be set aside for the Waimea irrigation system, or for the administration of this Act, by executive order of the governor of Hawaii, or otherwise placed under the custody and control of the board.

(d) Personnel. As chairman and executive officer of the board, the commissioner of public lands shall provide in his office or under his supervision such administrative staff as may be needed by the board, and the compensation of such employees and other expenses shall be so prorated as to charge to the board the expenses pertaining to the project.

(e) Services of other territorial departments. With the approval of the secretary, the board may make such arrangements to avail itself of the services and facilities of other territorial departments, upon prorating of expenses, as may be authorized by territorial law.

(f) Contracts. In addition to the powers conferred by section 3, the board is hereby authorized to make and enter into such agreements as may be necessary or proper in the exercise of the powers or discharge of the duties and functions vested in it, including, without prejudice to the generality of the foregoing, the power to enter into preliminary agreements for the purpose of determining the amount of privately owned irrigable lands which can be expected to buy water from the board, as provided in section 4 (b), which preliminary agreements shall be binding upon the subscribers thereof according to the terms of such agreements, without any consideration therefor being given or undertaking made by the Territory or the board.

(g) Application of territorial laws. Subject to the provisions of this Act, territorial laws and practices, as they are or may be from time to time, shall

apply to the board, its personnel and expenditures, and otherwise as may be relevant.

SECTION 3. Powers. The board shall have the power to enter into such repayment and other contracts with the United States for the construction, operation and maintenance of the Waimea irrigation system as may be required or provided for by the federal reclamation laws, or acts amendatory thereof or supplementary thereto (including particularly, without limitation of the foregoing, the reclamation project act of 1939), or other federal laws, and any power or duty required to be exercised or performed or conferred on the secretary by any such contract shall supersede any provision of territorial law inconsistent therewith, provided, however, that such contracts: (a) shall obligate or dispose of the property under control of the board (hereinafter called the 'undertaking') only during and for the project period, except as otherwise provided by section 7 (d); (b) shall constitute a charge against the revenues of the undertaking and against the other revenues accruing to the board under this Act, and shall not constitute a general obligation of the Territory of Hawaii; (c) shall obligate the Hawaiian Homes Commission only for the amount of the charges against such commission, computed as provided by this Act, and shall not obligate or dispose of the commission's lands in section II, except as author-

ized by the Hawaiian Homes Commission Act, 1920, as amended; and (d) shall obligate each individual, and the property which secures his liability, only for the amount of the charges against such individual, computed on a pro rata basis except as otherwise provided by this Act.

In addition to all of the powers conferred by this Act the board, with respect to the aforesaid undertaking, shall have all of the powers conferred on departments of the Territory by part IV of chapter 115 of the Revised Laws of Hawaii 1945 (enacted by Act 74 of the Session Laws of Hawaii 1947), or acts amendatory thereof or supplementary thereto, which shall apply to the obligation of the Territory to the United States in lieu of the revenue bonds therein mentioned, it being the intent of this Act that no revenue bonds shall be issued for said undertaking unless specifically authorized by the Legislature of Hawaii, and then only subject to the obligation of the Territory to the United States.

Whenever it shall be necessary or desirable, in order to collect or recover any money, or to recover or obtain the possession of any property, or to enforce any other right, to institute judicial proceedings, it shall be competent for the board to bring and maintain a suit or suits for any such purpose in any appropriate court or courts. All such suits shall be entitled in the name of the Territory by the board, against the party or parties or things sued, as defendants or respondents,

as the case may be.

SECTION 4. Irrigable Acreage; amount of project water; pro rata share of cost; how determined. The board shall determine:

(a) The amount of irrigable land in sections I and II of the project area, and the amount of publicly owned irrigable land in section III of the project area.

(b) The amount of privately owned irrigable land in sections IA and III of the project area, which can reasonably be expected to buy water of the Waimea irrigation system on licenses as hereinafter provided, not exceeding, however, such amount as, added to the amount determined under paragraph (a), constitutes the acreage which can profitably be devoted to truck crops.

The total acreage determined under paragraphs (a) and (b) shall be deemed the irrigable acreage within the project area. The board shall further determine the amount of water, per acre, required for the growing of truck crops on the irrigable acreage within the project area, on the basis of the location of and class of land, and other relevant factors. The amount of water so required for each such acre shall be deemed the project water assigned to the land in question.

The Waimea irrigation system shall be developed so as to supply the amount of water required for the growing of truck crops on the irrigable acreage within the project area, plus an amount of water equivalent to the amount required for ten acres of irrigable land in section II, which shall be for the general needs of the Hawaiian Homes Commission as provided in section 9. Said aggregate amount of water is referred to in this Act as the project water, and the plans adopted by the board shall be based on such amount of water.

Wherever reference is made in this Act to the pro-rata share of the cost of the project, or of the expenses of administration, operation, or maintenance of the project, such pro rata share shall be determined by dividing the amount of project water assigned to the irrigable land within the tract which is to bear such share, or assigned to the Hawaiian Homes Commission, as the case may be, by the total amount of project water.

SECTION 5. Rents and charges. The board shall fix rents and charges for land leased by it or water sold by it on license agreements, and for water supplied to the Hawaiian Homes Commission land in section II or otherwise supplied to the Hawaiian Homes Commission, on the following basis:

(a) Cost of project and interest. Every such lessee or licensee, and the Hawaiian Homes Commission, shall pay his or its pro rata share of the cost of the project, determined as provided in section 4. Provided, that the secretary may fix a development period for said project to expire not more than ten years from and including the first calendar year in which water is delivered for lands in the project area, and if so, during said period each lessee or licensee and the Hawaiian Homes Commission shall be required to pay, under this paragraph, only such charge as may be fixed by the secretary.

(b) Expenses. Every such lessee or licensee, and the Hawaiian Homes Commission, shall pay his or its pro rata share of the expenses of administration, operation, and maintenance of the project, to be assessed periodically on the basis of the actual expense, provided, that a maximum obligation may be stipulated in any lease or license made by the board.

(c) Reserves. In addition there shall be included in such charges such amounts as the board deems necessary, or the Secretary may require, to create reserves (1) for administration, operation and maintenance of such project, (2) for betterments of the Waimea irrigation system, and (3) to the extent provided in

section 8 for contingencies, such as losses due to cancellation of licenses, or occurring during the interim period between licenses. With respect to items (1) and (2), the amounts required shall be prorated the same as for expenses.

(d) Use of public land. Each lessee of land in section I or publicly owned land in section III shall pay on account of his occupation or use of the land rent as follows:

(1) With respect to the irrigable land in the tract leased to him, the board shall charge such rent as represents the rental value thereof for pasturage purposes, without consideration of the value thereof as irrigated land.

(2) With respect to the non-irrigable land in said tract, the board shall charge such rent as represents the rental value thereof for pasturage purposes, without consideration of the value thereof as land adjacent to irrigated land.

Rents paid under this subsection shall be classed as miscellaneous revenues and disposed of as provided by section 10.

(e) Deficiencies in amount of project water. Each lessee and licensee, and the Hawaiian Homes Commission, in consideration of the payments made or to be made

under paragraphs (a), (b) and (c), shall be and become entitled to receive the annual amount of project water assigned to his or its land, or assigned to the Hawaiian Homes Commission for its general needs, the quantities of project water to be delivered from time to time during the year to be prescribed by the board, but in the event of a deficiency at any time in the amount of water available, so that the total amount of the project water cannot be delivered, such deficiency shall be prorated among all of the lessees, licensees, and the Hawaiian Homes Commission, and there shall be no reduction in the payments made or required to be made, by reason of such deficiency.

(f) Insurance. The board may require that any lessee or licensee carry insurance upon any improvements on which the board has a lien, for the security of the board, or in lieu thereof the board may directly take out such insurance and add the cost thereof to the amount of charges due under the lease or license.

SECTION 6. Long-term leases. (a) Section I land, etc. The land in section I and the publicly owned land in section III, together with the project water assigned to such land, shall be leased by the board on long-term leases, the terms of which shall commence not later than the date of completion of the Waimea irrigation

system, and shall terminate on such date, to be fixed by the board, as will enable all crops growing on the leased land to be harvested before the expiration of the project period.

(b) Size of farms, cultivation required, pavements. The board shall divide such lands into tracts suitable for truck farming, not less than fifteen acres of irrigable land and not more than twenty-five acres of irrigable land in each tract. In addition to the irrigable land, each tract shall include such amount of non-irrigable land as the board may determine. The board shall require that each lessee:

(1) Improve the tract of land leased to him with suitable irrigation ditches and other improvements necessary to carry the project water assigned to said tract to and irrigate the irrigable land in said tract, such improvements to be completed within a period to be prescribed by the board, not to exceed five years from the commencement of the term of the lease.

(2) Commence the cultivation of truck crops on at least forty percent of the irrigable land in said tract within a specified period, not to exceed three years from the commencement of the term of the lease or one year from the date of first delivery of project water, whichever is the longer; have all of the irrigable land in said tract

under cultivation for truck crops within a specified period, not to exceed three years from the date of first delivery of project water; and continuously maintain the cultivation of truck crops on all of said irrigable land during the entire remaining period of the lease; provided, that this paragraph shall not be deemed to preclude such intermittent use of the irrigable land for purposes other than truck crops, or such intermittent disuse thereof, as conforms to good farming practices; provided, further, that in the event of a lease, not the original lease, being made for land which has been improved, the board shall allow the lessee only such period prior to his becoming subject to the requirement of continuous maintenance of cultivation of truck crops on all irrigable land as may be necessary in the particular case.

(3) In addition thereto the board is authorized to require, and upon request of the secretary shall require, that the lessee agree that in the event of a national emergency he will grow the truck crops specified by the board.

(4) The lessee shall be obligated for the charges for the amount of project water assigned to such tract of land, determined as provided in section 5, during the entire term of the lease.

(c) Qualifications of lessees. Lessees shall be individuals of the age of twenty years or more who are

citizens of the United States, or who have declared their intention to become citizens of the United States, provided that no person who has so declared his intention and taken land under any such lease shall continue to hold such land unless he becomes a citizen within five years after so taking. No person shall be qualified to take such a lease who is in arrears in payments of taxes, rents or other obligations due the Territory or any political subdivision thereof. The board shall prescribe further qualifications of such lessees, such as previous experience in and knowledge of truck farming, possession of sufficient capital to make the improvements of the land which will be necessary, and record of integrity in the meeting of financial obligations. The agricultural extension service of the University of Hawaii shall assist the board in passing upon the qualifications of prospective lessees with respect to their experience in and knowledge of truck farming.

(d) Drawing to be held. In the event that there are more qualified lessees than there are tracts of land for lease, the persons entitled to take under such leases shall be determined by drawing or lot, after public notice. In the event that there are native Hawaiians or veterans among the qualified applicants for such tracts of

land, the applicants shall be divided into three groups, one group for all qualified applicants who are native Hawaiians (hereinafter called group A), another group for all qualified applicants who are veterans (hereinafter called group B), and the third group for all other qualified applicants (hereinafter called group C).

The applicants in group A shall have priority in the selection of land. The names of all applicants in group A shall be placed in a receptacle and shall be drawn under the supervision of the chairman of the board. The native Hawaiian whose name is first drawn in the group A drawing shall have first choice as to the tract of land to be leased by him, the native Hawaiian whose name is drawn second shall have the next choice, and so on. The selection of land, execution of leases, and payment of sums due at the time of execution of leases shall be completed as to all applicants in group A before any drawing is held for groups B and C, in order that it may have been finally determined what tracts of land are required for group A.

The applicants in group B shall have priority in the selection of such number of tracts of land as equals the number of applicants in such group, or one-half of the total number of tracts remaining available, whichever is the smaller. The names of all applicants in group B

shall be placed in a receptacle and a number of names equivalent to the number of tracts assigned to group B shall be drawn under the supervision of the chairman of the board. After the drawing for group B has been completed the board shall nevertheless cause to be drawn an additional number of names as alternates.

The veteran whose name is first drawn in the group B drawing shall have first choice of the remaining tracts of land, the veterans whose name is drawn second shall have the next choice, and so on. In the event of failure of a successful applicant in group B to select a tract of land, execute the required lease, and make all payments due at the time of execution of the lease, the first alternate in group B shall be entitled to select a tract of land before any selection is made by group C, and similarly if there should be more than one such failure.

The names of any veterans in group B who shall not have been assured a tract of land in the drawing conducted for applicants in group B (whether or not their names shall have been drawn as alternates), shall be added to group C and entitled to participate in the drawing for group C. The drawing for group C shall be conducted by placing the names of all persons in this group in a receptacle and by allowing the person whose name is first drawn to

have the first choice of the tracts of land remaining after it has been finally determined what tracts of land are required for group B, the person whose name is drawn second shall have the next choice, and so on; provided, that no veteran who shall receive a tract of land as an alternate in group B shall be entitled to receive a tract of land in group C, even though his name is also drawn in group C.

The board shall have authority to make rules and regulations with respect to the selection of lessees, not inconsistent with the foregoing.

The provisions of this subsection shall not apply to any lease made upon the cancellation of an original or succeeding lease.

(e) Agricultural experiment station lot. Notwithstanding any other provision of this Act, the board, with the approval of the secretary and upon authorization by the Legislature of Hawaii, shall reserve for the Hawaii agricultural experiment station a tract of not more than fifteen acres of irrigable land and assign thereto the project water required for such acreage. Such tract, if so reserved, shall be occupied and cultivated for the purposes of the Hawaii agricultural experiment station upon

payment for the water at the rates applicable to the Hawaiian Homes Commission. In the event authorization of the Legislature of Hawaii for such occupancy and payment shall expire or be repealed, such tract shall be returned to the board for leasing.

SECTION 7. Assignments; lessee's improvements; liens. (a) Assignments. No lessee shall have the right to assign or otherwise transfer his interest in the lease, inter vivos or by will, without the approval of the board. The board may disapprove such assignment or transfer on the ground that such assignee or successor does not have the qualifications required of lessees, or on the ground that the price charged for such assignment or transfer is more than the fair value of the improvements owned by the lessee. If the assignment or transfer is approved, the assignee or successor shall assume all obligations of the lease and the previous lessee shall be discharged from liability thereafter.

(b) Cancellation of leases. In the event of failure of a lessee who was not a citizen of the United States at the time of his taking of the land to become such citizen within the time required, or any default in the performance of the terms of the lease, or in the event that, upon the death of a lessee, there shall be no suitable successor or assignee who assumes the obligations of the lease within a reasonable period to be designated

by the board, the board shall cancel the lease in the manner prescribed in this section. The lessee or his executor or administrator, if any, shall be entitled to reasonable notice of such proposed cancellation, not to exceed 30 days, and if he shall not, prior to the date of cancellation, proposed in said notice, have made all of the required payments and otherwise complied with the provisions of the lease and of this Act, with respect to all grounds of cancellation set forth in the notice of proposed cancellation, the lease shall be deemed cancelled on the date set forth in such notice. Such cancellation may be enforced by the board by an action of ejectment or other appropriate proceedings, or the board may invoke the aid of the circuit judge at chambers of the circuit court, third circuit, Territory of Hawaii, who, upon proof of due cancellation of said lease, shall order such tract to be surrendered, with the improvements thereon, and any failure to obey such order of the court may be punished by it as contempt thereof.

(c) Ownership of improvements; lien. Each lessee and his duly authorized assignee or successor shall be and become the owner of the improvements made by the lessee or such assignee or successor on the land subject to the lease, and entitled to compensation therefor to the extent hereinafter set forth. In the event of cancellation of the

lease during the term of the lease, for any cause, the board shall cause such improvements, including the subsidiary irrigation system constructed under the lease, the crops growing on the land, and all other structures and improvements to land useful in the farming of said land, or for residence purposes, to be appraised by three appraisers, one of whom shall be named by the board; one by the previous lessee or his executor or administrator, if any, and the third by the two appraisers above mentioned, provided that in the event the previous lessee has died and there is no executor or administrator representing him, the appraiser representing such previous lessee shall be appointed by the circuit judge at chambers of the circuit court, third circuit, Territory of Hawaii. If a former lessee or his executor or administrator, shall fail to name an appraiser within ten days after written notice is mailed to him calling upon him to do so, then a second appraiser shall be named by the board and there shall be no third appraiser.

Upon making a new lease of such tract of land, and as a term thereof, the board shall require that the new lessee pay the appraised value of such improvements to the board. The board shall have a lien on the moneys so paid for the satisfaction of all unfulfilled obligations of the previous lessee, including such expenditures as may have been made by the board to preserve the value of such crops and other improvements. Such lien shall have priority over any other lien, including tax liens. In the event

that after such lien is satisfied there remains a surplus of the moneys paid for the improvements, the same shall be subject to secondary liens and other claims against the fund, as adjudicated in a suitable equity proceeding, for which purpose the board may be sued. If there are no such claims the balance remaining shall be paid over to the previous lessee or if he is deceased, to his executor or administrator, or if none has been appointed then such balance remaining shall be deposited in court and there remain until disposed of by suitable probate proceedings, or escheated as provided by law.

(d) Compensation for improvements upon expiration of lease. Upon the expiration of the full term of a lease, the lessee shall be entitled to no compensation for the subsidiary irrigation system on said tract of land or other improvements to land or growing crops, but shall be entitled to compensation for structures which are useful in the farming of said land, or for residence purposes, in the amount of the appraised value, to be determined as above provided. Such appraised value shall be collected by the Hawaiian Homes Commission, or the commissioner of public lands, as the case may be, from the party to whom such land is ultimately leased or sold, and after satisfaction, first, of any lien remaining thereon in favor of the board, and, second, of any tax claims or other claims duly adjudicated in equity, (for which purpose the

Hawaiian Homes Commission or commissioner of public lands may be sued) shall be paid over to the lessee or his executor or administrator or deposited in court, as above provided.

(e) Bonds. In addition to its lien on the improvements of the lessee, the board may require as security for the performance of the lease, a cash bond or other bond in any amount not exceeding the sum which represents half the estimated annual payments due or to become due under the lease for rents and other charges.

SECTION 8. Licenses. (a) Privately owned land, section IA and III. The project water assigned to the privately owned irrigable lands in sections IA and III shall be sold to owners or occupants of such lands on license agreements for terms as follows: not less than one year, which shall be classed as a short term license agreement; or not less than fifteen years, which shall be classed as a long term license agreement. In selling water under this section, if there is more demand therefor than there is project water assigned to such privately owned land, the board shall give preference to such lands as on the date of approval of this Act, were devoted to truck crop farming.

(b) Cultivation required. Such agreements shall relate to not less than ten acres of irrigable land and shall require that the land for which project water is so sold shall be improved with suitable irrigation ditches and other improvements necessary to carry the project water assigned to said land to and irrigate the irrigable land to which water is so assigned, such improvements to be completed within a period to be prescribed by the board, not to exceed six months from the commencement of the term of the license. The board shall further require that the license commence the cultivation of truck crops on the irrigable land for which project water is so assigned within a specified period not to exceed six months from the commencement of the term of the license, and continuously maintain the cultivation of truck crops on such irrigable land during the entire remaining period of the license; provided, that this paragraph shall not be deemed to preclude such intermittent use of such irrigable land for purposes other than truck crops, or such intermittent disuse thereof, as conforms to good farming practices.

In addition thereto the board is authorized to require, and upon request of the secretary shall require, that the licensee agree that in the event of a national emergency he will grow the truck crops specified by the board.

(c) Charges. The licensee shall be obligated for the charges for the amount of project water assigned to such land during the entire term of the licenses. Such charges shall be determined as provided in section 5, except that (1) in the case of a short term license, or (2) in the case of a license which is not secured by a lien on the land as provided in subsection (f) hereof, there shall be added to the charges determined as provided in sections 5(a), (b) and (c) an additional charge to provide a reserve for contingencies, not to exceed twenty per cent additional.

(d) Assignments. No licensee shall have the right to assign or otherwise transfer his license, inter vivos or by will, without the approval of the board. Upon such approval the assignee or transferee shall assume all obligations of the license and the previous licensee shall be discharged from liability thereafter.

(e) Cancellation. In the event of default in the performance of the terms of the license, or in the event that upon the death of a licensee, there shall be no successor or assignee who assumes the obligations of the license within a reasonable period to be designated by the board, the board shall cancel the license in the manner prescribed in this section. The licensee, or his executor or administrator, if any, shall be entitled to reasonable notice of such proposed cancella-

tion, not to exceed thirty days, and if he shall not, prior to the date of cancellation proposed in said notice, have made all of the required payments and otherwise complied with the provisions of the license and of this Act with respect to all grounds of cancellation set forth in the notice of proposed cancellation, the license shall be deemed cancelled on the date set forth in such notice.

(f) Liens, security. The board shall require as security for the performance of such license agreement and for the payment of all charges due thereunder: (1) a lien on the irrigable land to which project water is assigned, and the subsidiary irrigation system connected therewith, created by an instrument duly executed by the owner of said land and all persons having an interest therein which would otherwise be superior to such lien, such lien to be paramount to all other liens, including tax liens, and to be subject to foreclosure in the manner provided for the foreclosure of tax liens, as nearly as may be; or (2) a cash bond or other bond in an amount not exceeding the sum which represents one-half the estimated annual payments due or to become due under the license; or both (1) and (2).

SECTION 9. Project water for section II. The project water assigned to the lands in section II shall be

delivered to the Hawaiian Homes Commission for redistribution by it, and additional project water, equivalent to the amount required for ten acres of irrigable land in section II, shall be delivered to the Hawaiian Homes Commission for its general needs. In the event the lands in section II or any of said lands are, by the Hawaiian Homes Commission, returned to the control of the commission of public lands, as provided by the Hawaiian Homes Commission Act, 1920, as amended, the water assigned to the lands so returned may be disposed of by the commissioner of public lands in conjunction with the leasing of said lands.

The rates charged to the Hawaiian Homes Commission for such water shall be the same as the rates applicable to water assigned to lands in section I, but against each installment of such charges the Hawaiian Homes Commission shall receive a credit in an amount which during the project period will amortize such expenditures made by the Hawaiian Homes Commission, if any, as constitute an authorized part of the cost of the project. Provided, that there shall not be included in the charges to the Hawaiian Homes Commission any charge for insurance.

The Hawaiian Homes Commission shall pay to the board the required charges for such water out of the fund into which the revenues accruing to the Hawaiian Homes Commission from the redistribution or use of such

water by it, or from the sale of such water by the commissioner of public lands, will be deposited, and such payment by the Hawaiian Homes Commission is hereby authorized without regard to any limitation or provision to the contrary in the Hawaiian Homes Commission Act contained. In the event of insufficient funds to pay such charges under the foregoing provisions such charges shall be paid by the Hawaiian Homes Commission from the Hawaiian home-loan fund, which shall be reimbursed therefor from the revenues accruing to the Hawaiian Homes Commission from the redistribution, use, or sale by the commissioner of public lands, of such water.

The Hawaiian Homes Commission, or the commissioner of public lands, as may be appropriate, shall require that all irrigable lands in said section II be used for the cultivation of truck crops, and in the event the board, in leasing land in section I, requires that lessees, in the event of a national emergency, shall grow the truck crops specified by the board, the Hawaiian Homes Commission, or the commissioner of public lands as the case may be, shall make similar requirements.

SECTION 10. Miscellaneous revenues. (a) Surplus water. Project water assigned to any land in

section I, IA or III, which is not taken by a licensee or lessee, or water which may be developed in the Waimea irrigation system in excess of the amount of project water, may be sold by the board at a charge per million gallons equal to that portion of the charge made to lessees for the previous calendar year, per million gallons of project water, which pertains to the expenses of administration, operation and maintenance of the project.

(b) Miscellaneous rents. During the project period, and prior to the completion of the Waimea irrigation system, the board is authorized to collect all rents accruing from the lands in the project area, under existing leases, licenses or other instruments, and is authorized to rent such lands on such terms as will not interfere with the pursuit of the project immediately upon completion of the irrigation system.

(c) Fees. The board shall establish a schedule of fees for the issuance of leases and licenses, and for assignments thereof, not more in amount than is required to cover the expenses in connection with the issuance thereof and incidental expenses, such as title searching.

(d) Use of revenues. Revenues accruing under this section, together with any other miscellaneous revenues which may accrue to the board, such as the

return on investments and rents under section 5(d), shall be applied to reimburse the general fund of the Territory for appropriations, if any, made for surveys, roads, water lines, or other improvements or expenditures necessary to prepare the land in section I and the publicly owned land in section III for leasing under this Act. When such reimbursement has been made, such revenues thereafter shall be applied to reduce the charges for expenses of operation and maintenance of the project; provided, that fees collected under subsection (c) of this section shall be applied for administrative expenses of the board and shall not be used to reimburse the general fund. If any part of the authorized cost of the project shall have been met from the general fund of the Territory by an appropriation requiring reimbursement of such general fund, then such portion of the collections on account of the cost of the project as, without interference with the performance of contract obligations may be so applied, shall be paid into the general fund of the Territory until the amount so paid from the general fund of the Territory shall have been reimbursed.

SECTION 11. Effective date. This Act shall take effect on its approval."

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., March 14, 1949

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

President of the Senate.

Clerk of the Senate.

Senate Joint Resolution No. 25

# The Legislature
of the
# Territory of Hawaii

## THE SENATE
## JOINT RESOLUTION

REQUESTING THE CONGRESS OF THE UNITED STATES OF AMERICA TO INCREASE THE COMPENSATION OF MEMBERS OF THE LEGISLATURE OF THE TERRITORY OF HAWAII.

Introduced March 14, 1949, by Senator WM. J. NOBRIGA

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| First Reading in Senate | March 14, 1949 |
| Referred to Printing Committee | March 14, 1949 |
| Second Reading in Senate | March 15, 1949 |
| Referred to | Committee on Ways and Means |
| Third Reading in Senate | March 25, 1949 |
| First Reading in House | March 26, 1949 |
| Referred to | |
| Second Reading in House | March 28, 1949 |
| Referred to | Committee on Judiciary |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

S.J. Res. No. 25

JOINT RESOLUTION

REQUESTING THE CONGRESS OF THE UNITED STATES OF AMERICA TO INCREASE THE COMPENSATION OF MEMBERS OF THE LEGISLATURE OF THE TERRITORY OF HAWAII.

WHEREAS, the compensation paid to members of the Legislature of the Territory of Hawaii has not been increased since 1921; and

WHEREAS, in view of the growth of the said Territory and the higher cost of living prevailing therein as compared with most areas of the continental United States and the substantial increases in compensation paid to persons engaged in both public and private employment, the compensation paid to members of the said Legislature is inadequate; now, therefore,

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

SECTION 1. That the Congress of the United States

of America is hereby respectfully requested to increase the compensation of members of the Legislature of the Territory of Hawaii to two thousand five hundred dollars ($2,500.00) for each regular session and to one thousand dollars ($1,000.00) for any extra session.

SECTION 2. That duly authenticated copies of this Joint Resolution shall be transmitted to the president of the Senate and the speaker of the House of Representatives of the Congress of the United States of America, to the secretary of the Interior, and to the delegate to Congress from Hawaii.

SECTION 3. This Joint Resolution shall take effect upon its approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., March 25, 1949.

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

President of the Senate

Clerk of the Senate.

Senate Joint Resolution No. 27

# The Legislature
## of the
# Territory of Hawaii

## THE SENATE
# JOINT RESOLUTION

CREATING A JOINT FACT-FINDING COMMITTEE ON UN-AMERICAN ACTIVITIES IN THE TERRITORY OF HAWAII AS A HOLDOVER COMMITTEE OF THE LEGISLATURE, CONFERRING POWERS AND DUTIES UPON IT, AND MAKING APPROPRIATIONS.

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| Introduced | March 15 , 1949 , by |
| Senator | W. H. HILL |
| First Reading in Senate | March 15, 1949 |
| Referred to Printing Committee | March 15, 1949 |
| Second Reading in Senate | March 16, 1949 |
| Referred to | COMMITTEE ON JUDICIARY |
| Third Reading in Senate | April 12, 1949 |
| First Reading in House | April 14, 1949 |
| Referred to | |
| Second Reading in House | April 16, 1949 |
| Referred to | Committee on Judiciary |
| Third Reading in House | |

ELLEN D. SMYTHE

*Clerk of the Senate*

S.J.Res. No. 27
S.D. 1

JOINT RESOLUTION

CREATING A JOINT FACT-FINDING COMMITTEE ON UN-AMERICAN ACTIVITIES IN THE TERRITORY OF HAWAII AS A HOLD-OVER COMMITTEE OF THE LEGISLATURE, CONFERRING POWERS AND DUTIES UPON IT, AND MAKING APPROPRIATIONS.

WHEREAS, in these times of grave international tension there is clear and present public danger; subversive persons and groups are endangering our domestic tranquility and unity and our provision for the common defense, so as to leave us unprepared to meet aggression; and under what they claim to be the protection afforded by the Bill of Rights these persons and groups seek to destroy our liberties and our freedom by force, threats and sabotage, and to subject us to the domination of foreign powers; and

WHEREAS, there are persons and groups, motivated by

contempt for our republican form of government, and constitutional democracy, and hatred of our insistence upon the unalienable rights of all men to life, liberty and the pursuit of happiness, who are now seeking to achieve from within by subversion and conspiracy the substitution for these American ideals and processes a communist program of totalitarian government subservient to a foreign power or powers; and there is danger that the ordeal of war which we have endured in order to perpetuate our individual and collective freedom may be in vain; and

WHEREAS, there is evidence indicating that there are subversive persons and groups active in soliciting the support, confidence and membership of persons in government, who seek to further their purposes by corrupting and causing disloyalty in governmental offices and agencies, and it is therefore imperative that the problem as it affects the Territory be studied with a view to the enactment of appropriate legislation; and

WHEREAS, territorial legislation to meet the problem and to assist law enforcement officers can best be based on a thorough and impartial investigation by a competent and active legislative committee; now, therefore,

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

SECTION 1. There is hereby created a joint fact-finding committee on un-American activities in the Territory of Hawaii hereinafter referred to as the "committee" for the purposes and with the powers herein stated.

(a) The committee shall be composed of three members of the senate of the twenty-fifth legislature, not more than two of whom shall be of the same political party and three members of the house of representatives of said legislature, not more than two of whom shall be of the same political party. The said members of the senate shall be designated by the president of the senate, one of whom shall be designated in the appointment as chairman. The said members of the

house of representatives shall be designated by the speaker of the house of representatives. Any vacancy occurring in the membership of the committee may be forthwith filled by the president of the senate or speaker of the house of representatives as may be appropriate and such appointment shall be effective at once notwithstanding that the legislature may not then be in regular or special session.

(b) In case of the chairman's absence, illness or incapacity, the said committee shall select from its membership an acting chairman, to serve during such absence, illness or incapacity. The chairman or acting chairman, as the case may be, shall: (1) preside at all meetings of the said committee; (2) certify or authenticate all actions, doings, proceedings or documents of the said committee; (3) approve all vouchers for expenditures authorized by this Joint Resolution; (4) hold in his custody, for the said committee, all records, papers, books, accounts and other documents of the said committee; (5) subject to the

directions of the said committee, supervise all employees of the committee; and (6) perform all other acts authorized by the said committee pursuant to the provisions of this Joint Resolution.

SECTION 2. The committee shall:

(a) Investigate, ascertain, collate, appraise, study and analyze all facts directly or indirectly relating to any person or persons or groups of persons, within the Territory, who: (1) endanger the provision for the common defense against aggression by any foreign nation, (2) seek to destroy by force, threats or sabotage, liberties and freedom guaranteed by or provided for in the United States Constitution, (3) seek to subject the United States and the Territory to the domination of any foreign nation, (4) seek to achieve by subversion or conspiracy, the substitution for American ideals and processes in the Territory a communist program of totalitarian government subservient to a foreign nation, (5) advocate the overthrow of the govern-

ment of the United States or of the Territory by force or violence or other unlawful means, (6) seek to corrupt or subvert officers or employees of the government for the purpose of substituting for American ideals and processes in the Territory a communist program of totalitarian government or for the purpose of overthrowing the government of the United States or of the Territory by force or violence or other unlawful means, (7) unlawfully engage in espionage or fifth column activities on behalf of any foreign nation, or (8) seek to undermine the stability of American institutions or individual rights, liberties and freedoms; and

(b) Investigate, ascertain, study and report on the activities of persons, groups or organizations, within the Territory, whose membership includes persons who are communists, or any other persons, groups or organizations, within the Territory, known or suspected to be dominated or controlled by a foreign nation or to have as an objective the overthrow of the government of Hawaii or of the United States by force or violence or other unlawful means.

SECTION 3. The committee is authorized to act during this session of the legislature, including any recess, and after final adjournment until the next general election, with authority to file interim reports to every special session of the twenty-fifth legislature of the Territory of Hawaii and to file its final written report to the legislature not later than the tenth legislative day of the next regular session.

SECTION 4. The committee hereby created in exercising the powers and performing the functions vested in it by this resolution shall have:

(a) All the powers and immunities conferred for the exercise of legislative functions by the Organic Act and the laws of the Territory.

(b) Except when inconsistent with this resolution, all the powers conferred by the rules of the senate and the rules of the house of representatives.

(c) All powers necessary or convenient to accomplish

the objects and purposes of this resolution, including but not limited to the following duties and powers;

(1) To employ, without regard to any residence qualifications provided for government officers and employees in other law, and to fix the compensation of such clerical, investigative, legal, expert and technical assistants as it may deem necessary, which assistants shall not be subject to the territorial civil service and classification laws;

(2) To create subcommittees from its membership and to designate the chairman thereof, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee shall have and exercise all of the powers conferred upon the committee, limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittees, which powers may be withdrawn or terminated at any time by the committee; provided that no report of a subcommittee shall be made public until and unless it is adopted and released by the committee;

(3) To adopt, and from time to time, amend or revise rules as may be necessary or desirable to govern its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter), any provision of the rules of the senate or of the house of representatives to the contrary notwithstanding;

(4) To contract with such other agencies, public or private, within or without the Territory, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created; and to lease, rent or buy such supplies and facilities as may be required;

(5) To make a complete study, survey and investigation of every phase of the subject of this resolution, including but not limited to the operation, effect, administration, enforcement, needed revision and enactment of any

and all laws in anywise bearing upon or relating to the subject of this resolution;

(6) To meet at any and all places in this Territory, in public or executive session;

(7) To report its findings and recommendations to the legislature and to the people from time to time and at any time, except that the final report shall be filed not later than as herein provided; and

(8) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this Joint Resolution.

SECTION 5. Each member of the committee, and any person designated by the committee or by its chairman, is authorized and empowered to administer oaths. False swearing by any witness before the committee or any subcommittee thereof shall constitute perjury and shall be punished as such.

SECTION 6. In the discharge of any duty herein imposed, the committee, or any subcommittee thereof, shall have the

authority through its designated members or subordinates to issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, 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, to pay fees and traveling expenses of witnesses to insure their attendance, if necessary, and to procure from any court having jurisdiction upon complaint showing probable cause to believe that pertinent evidence is being concealed or withheld from the committee, or the subcommittee as the case may be, a search warrant and cause search to be made therefor. In any case of disobedience on the part of any person to comply with any subpoena issued in behalf of such committee, or any subcommittee thereof, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated before the committee, or any subcommittee thereof, it shall be the duty

of the circuit court of any circuit, or of the judge thereof, upon application of such committee, or subcommittee, or any member thereof, 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.

SECTION 7. Every such subpoena shall run in the name of "The Territory of Hawaii" and shall be sufficient if it: (a) states whether the proceeding is before the said committee, or a subcommittee; (b) is addressed to the person desired as a witness; (c) requires the attendance of the person desired as a witness at a time and place certain; and (d) is signed by the chairman of the said committee, or the chairman of a subcommittee thereof before whom attendance of the person as a witness is desired.

Every such subpoena shall be served upon the person to whom it is addressed by the high sheriff of the Territory or his deputy, or a sheriff of a county or his deputy, or

any police officer.

SECTION 8. Every department, commission, board, agency, officer and employee of the Territory and of any political subdivision thereof shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created; and any officer or employee of the Territory, or of any political subdivision thereof, shall, upon written request of the committee, or of any subcommittee thereof, appear before the committee or such subcommittee, as the case may be, and shall give such evidence, information or testimony as may be required of him.

SECTION 9. Every witness who appears before the committee by its order, other than an officer or employee of the Territory or any political subdivision thereof, shall receive for his attendance the fees and mileage provided for

witnesses in civil cases in the courts of record and such fees and mileage shall be paid from the appropriation herein made for said committee upon the presentation of proper vouchers sworn to by such witness and approved by the chairman of said committee, provided, however, that in the case of expert witnesses the committee may pay such additional amounts as it deems proper in the circumstances.

SECTION 10. A person sworn and examined before the committee, or any subcommittee thereof, cannot be held to answer criminally or be subject to any criminal penalty for any fact or act touching which he is required to testify. Any statement made or paper produced by such witness is not competent evidence in any criminal proceeding against the witness. The witness cannot refuse to testify to any fact or to produce any paper touching which he is examined for the reason that his testimony or the production of the paper may tend to disgrace him or render him infamous. Nothing in this section exempts any witness from prosecution and

punishment for perjury committed by him on examination.

SECTION 11. The members appointed to the joint fact-finding committee on un-American activities in the Territory of Hawaii shall be reimbursed for their actual traveling and hotel expenses incurred by them while attending sessions of the committee or any subcommittee thereof at any time or times during the lawful existence of the committee and in the performance of any individual duty required of them by the committee other than during regular or special sessions of the legislature, the same to be paid upon their individual vouchers, approved by the chairman of the committee, from any moneys appropriated for the expense of the twenty-fifth legislature, or from such other funds as may be made available therefor. The salaries and expenses of any expert, clerical, investigative, legal, technical and other assistants employed by the committee and all other proper costs, charges and expenses incurred by the committee shall be paid upon vouchers approved by the chairman of the com-

mittee from such funds.

SECTION 12. There is hereby appropriated from the general revenues of the Territory for the purpose of defraying the expenses of the committee, the sum of one hundred thousand dollars ($100,000.00), or so much thereof as may be necessary, said funds to be paid out of the treasury of the Territory on vouchers as herein provided on the warrant of the auditor of the Territory.

SECTION 13. If any phrase, clause, sentence, subsection, section, provision or part of this Joint Resolution, or its application to any person or circumstances, is for any reason held to be unconstitutional or invalid, the remaining portions of this Joint Resolution, or the application of this Joint Resolution to other persons or circumstances shall not be affected, and such remaining portions of this Joint Resolution shall remain in full force and effect thereafter. The legislature hereby declares that it would have passed this Joint Resolution, and each

phrase, clause, sentence, subsection, section, provision or part thereof, irrespective of the fact that any one or more of the phrases, clauses, sentences, subsections, sections, provisions or parts be declared unconstitutional or invalid.

SECTION 14. This Joint Resolution shall take effect upon its approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 13, 1949

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

Wilfred Tsukiyama
President of the Senate

Ellen D Smythe
Clerk of the Senate.

Senate Joint Resolution No. 30

# The Legislature
## of the
# Territory of Hawaii

## THE SENATE
# JOINT RESOLUTION

MEMORIALIZING CONGRESS TO AUTHORIZE THE ISSUANCE OF PUBLIC IMPROVEMENT BONDS OF THE TERRITORY OF HAWAII DURING THE YEARS 1949 TO 1955, INCLUSIVE, WITHOUT REGARD TO THE LIMITATIONS IMPOSED BY THE HAWAIIAN ORGANIC ACT.

Introduced MARCH 16 , 19 49, by

Senators M. R. AGUIAR, JR., AND JOHN B. FERNANDES

| | |
|---|---|
| First Reading in Senate | March 16, 1949 |
| Referred to Printing Committee | March 16, 1949 |
| Second Reading in Senate | March 17, 1949 |
| Referred to | COMMITTEE ON WAYS AND MEANS |
| Third Reading in Senate | April 29, 1949 |
| First Reading in House | APRIL 30, 1949 |
| Referred to | |
| Second Reading in House | |
| Referred to | |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

S. J. Res. No. 30

JOINT RESOLUTION

MEMORIALIZING CONGRESS TO AUTHORIZE THE ISSUANCE OF PUBLIC IMPROVEMENT BONDS OF THE TERRITORY OF HAWAII DURING THE YEARS 1949 TO 1955, INCLUSIVE, WITHOUT REGARD TO THE LIMITATIONS IMPOSED BY THE HAWAIIAN ORGANIC ACT.

WHEREAS, it is both necessary and desirable that the Territory of Hawaii be authorized to issue public improvement bonds without regard to the limitations imposed by section 55 of the Hawaiian Organic Act; and

WHEREAS, the 80th Congress of the United States, by Public Law No. 190, did authorize the Territory of Hawaii, during the period from 1947 to 1951, inclusive, to issue public improvement bonds up to a limit of thirty-five million dollars; and

WHEREAS, the postwar requirements of the Territory for public improvements far exceed the amounts of money obtainable from current taxes, and are reasonably expected to exceed the aforesaid limit of thirty-five million dollars already authorized; and

WHEREAS, it is the desire of the legislature of the Territory of Hawaii to have authority over a seven-year period to issue public improvement bonds of the Territory for necessary projects without regard to the limitation imposed by section 55 of the Hawaiian Organic Act, provided the total indebtedness of the Territory is not extended beyond the sum of fifty million dollars; now, therefore,

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

SECTION 1. The Congress of the United States is hereby requested to authorize the issuance by the Territory of Hawaii, during the years 1949 to 1955, inclusive, any provision of the Hawaiian Organic Act or of any act of Congress to the contrary notwithstanding, of public improvement bonds in any amount, provided the total indebtedness of the Territory shall not at any time be extended beyond fifty million dollars by reason of such authorization, and any extension of the total indebtedness of the Territory beyond such amount shall be made only in conformity with the Hawaiian Organic Act. Such bonds shall be

serial bonds, payable in substantially equal annual installments, the first installment to mature not later than five years and the last installment to mature not later than five years and the last installment to mature not later than thirty years, from the date of issue thereof. No issue of bonds shall be made until the issue is approved by the President of the United States.

SECTION 2. Duly authenticated copies of this Joint Resolution shall be transmitted to the Delegate to Congress from Hawaii, the Secretary of the Interior, and each of the two houses of the Congress of the United States.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 29, 1949.

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

President of the Senate

Clerk of the Senate.

Senate Joint Resolution No. 38

# The Legislature
## of the
# Territory of Hawaii

## THE SENATE
# JOINT RESOLUTION

REQUESTING CONGRESS OF THE UNITED STATES OF AMERICA TO PASS LEGISLATION ENABLING THE LEGISLATURE OF THE TERRITORY OF HAWAII TO AUTHORIZE THE CITY AND COUNTY OF HONOLULU TO ISSUE BONDS FOR THE CONSTRUCTION OF CERTAIN PUBLIC BUILDINGS FOR AND IN THE CITY OF HONOLULU.

Introduced March 29 , 19 49, by
Senator NEAL S. BLAISDELL for Oahu Select Committee

First Reading in Senate March 29, 1949

Referred to Printing Committee March 29, 1949

Second Reading in Senate March 30, 1949

Referred to Oahu Select Committee

Third Reading in Senate April 25, 1949

First Reading in House April 25, 1949

Referred to

Second Reading in House April 26, 1949

Referred to Committee on Finance

Third Reading in House

ELLEN D. SMYTHE
*Clerk of the Senate*

S. J. Res. No. 38

JOINT RESOLUTION

REQUESTING CONGRESS OF THE UNITED STATES OF AMERICA TO PASS LEGISLATION ENABLING THE LEGISLATURE OF THE TERRITORY OF HAWAII TO AUTHORIZE THE CITY AND COUNTY OF HONOLULU TO ISSUE BONDS FOR THE CONSTRUCTION OF CERTAIN PUBLIC BUILDINGS FOR AND IN THE CITY OF HONOLULU.

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

SECTION 1. That the Congress of the United States of America be, and it hereby is, requested, through the Delegate to Congress from the Territory of Hawaii, to enact legislation which will enable the Territory of Hawaii, any provision of the Hawaiian Organic Act or any Act of this Congress to the contrary notwithstanding, to authorize the board of supervisors of the city and county of Honolulu to issue general obligation bonds in the sum of one million dollars ($1,000,000.00) for the construction of additions to the

Division of traffic safety for and in the City of Honolulu.

SECTION 2. The bonds issued under authority of this Act may be either term or serial bonds, maturing, in the case of term bonds, not later than thirty years from the date of issue thereof, and, in the case of serial bonds, payable in substantially equal annual installments, the first installment to mature not later than five years and the last installment to mature not later than thirty years from the date of such issue. Such bonds may be issued without the approval of the President of the United States.

SECTION 3. Act_____of the Session Laws of Hawaii 1949, pertaining to the issuance of bonds for the construction of such said public buildings for and in the City of Honolulu, as authorized by this Act, is hereby ratified and confirmed subject to the provisions of this Act;

PROVIDED, HOWEVER, that nothing herein contained shall be deemed to prohibit the amendment of such territorial legislation by the legislature of the Territory of Hawaii from time to time to provide for changes in the improvements authorized by such legislation and for the disposition of unexpended moneys realized from the sale of said bonds."

city hall, a new jail, a morgue, and an office building for the Division of street lighting and the Division of traffic safety for and in the City of Honolulu and, to that end, the Congress of the United States of America is hereby requested and urged, through said delegate to Congress, to adopt a bill in substantially the following form, to-wit:

"A BILL

"TO ENABLE THE LEGISLATURE OF THE TERRITORY OF HAWAII TO AUTHORIZE THE CITY AND COUNTY OF HONOLULU, A MUNICIPAL CORPORATION, TO ISSUE BONDS FOR THE CONSTRUCTION OF CERTAIN PUBLIC BUILDINGS IN THE CITY OF HONOLULU.

"BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED, That the legislature of the Territory of Hawaii, any provision of the Hawaiian Organic Act or of any Act of this congress to the contrary notwithstanding, may authorize the city and county of Honolulu, a municipal corporation of the Territory of Hawaii, to issue general obligation bonds in the sum of one million dollars ($1,000,000.00) for the purpose of enabling it to construct additions to the city hall, a new jail, a morgue, and an office building for the Division of street lighting and the

SECTION 2. A copy of this Joint Resolution shall be forwarded to the President of the Senate, and to the Speaker of the House of Representatives of the Congress of the United States of America, the Secretary of the Interior in Washington, D. C., to the Governor of Hawaii and to the Delegate to Congress from Hawaii.

SECTION 3. This Joint Resolution shall take effect upon its approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 25, 1949.

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

President of the Senate

Clerk of the Senate

Senate Joint Resolution No. 44

# The Legislature
## of the
# Territory of Hawaii

## THE SENATE
# JOINT RESOLUTION

REQUESTING THE CONGRESS OF THE UNITED STATES TO AUTHORIZE THE ISSUANCE OF A LAND PATENT TO LOT 242-B OF THE KEKAHA HOUSE LOTS, WAIMEA, KAUAI, TERRITORY OF HAWAII, FOR CHURCH PURPOSES.

| | |
|---|---|
| Introduced | APRIL 8, 1949, by |
| Senators | JOHN B. FERNANDES AND M. R. AGUIAR, JR. |
| First Reading in Senate | April 8, 1949 |
| Referred to Printing Committee | April 8, 1949 |
| Second Reading in Senate | April 9, 1949 |
| Referred to | COMMITTEE OF PUBLIC LANDS |
| Third Reading in Senate | April 16, 1949 |
| First Reading in House | April 16, 1949 |
| Referred to | |
| Second Reading in House | April 18, 1949 |
| Referred to | COMMITTEE ON PUBLIC LANDS. |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

S. J. Res. No. 44

JOINT RESOLUTION

REQUESTING THE CONGRESS OF THE UNITED STATES TO AUTHORIZE THE ISSUANCE OF A LAND PATENT TO LOT 242-B OF THE KEKAHA HOUSE LOTS, WAIMEA, KAUAI, TERRITORY OF HAWAII, FOR CHURCH PURPOSES.

WHEREAS, the grantee of lot 242-B, Kekaha house lots, Waimea, Kauai, Territory of Hawaii, to-wit, Harold William Gale, is anxious to give said lot to the Watch Tower Bible and Tract Society to be used for church purposes; and

WHEREAS, the use of said lot is restricted by the terms of the grant and of section 73 of "An Act entitled: 'An Act to Provide a Government for the Territory of Hawaii', approved April 30, 1900, as amended, known as the Hawaiian Organic Act", to residence purposes only; now, therefore,

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

SECTION 1. The Congress of the United States is hereby requested to authorize the issuance of a Land Patent to lot 242-B of the Kekaha house lots, Waimea, Kauai, Territory of Hawaii, for churches purposes, substantially as set forth in the following form of bill:

"A BILL

"TO AUTHORIZE THE ISSUANCE OF A LAND PATENT TO LOT 242-B, OF THE KEKAHA HOUSE LOTS, WAIMEA, KAUAI, TERRITORY OF HAWAII, FOR CHURCH PURPOSES.

"BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED, That the commissioner of public lands of the Territory of Hawaii with the consent of the Governor of said Territory of Hawaii be authorized to issue a land patent to the Watch Tower Bible and Tract Society, covering lot 242-B of the Kekaha house lots, Waimea, Kauai, Territory of Hawaii; said land to be used for church purposes.

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

SECTION 2. Certified copies of this Joint Resolution shall, upon its approval, be forwarded to the President of the

Senate and to the Speaker of the House of Representatives of the Congress, to the Secretary of the Interior, and to the Delegate to the Congress from Hawaii.

SECTION 3. This Joint Resolution shall take effect upon its approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 16, 1949.

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

President of the Senate

Clerk of the Senate.

1949

REGULAR SESSION

HOUSE OF REPRESENTATIVES

# SENATE

# CONCURRENT

# RESOLUTIONS

Senate Concurrent Resolution No. 15

THE SENATE

# Concurrent Resolution

## The Legislature

of the

## Territory of Hawaii

Presented February 23, 1949, by

Senator BEN DILLINGHAM

Relating to RESPECTFULLY URGE THE CONGRESS OF THE UNITED STATES OF AMERICA TO ENACT SUCH LEGISLATION AS MAY BE NEEDFUL TO AUTHORIZE THE TRANSFER OF SUCH INSTALLATIONS OF FORT DE RUSSY TO THE TERRITORY OF HAWAII TO BE DIVIDED INTO APPROPRIATE LOTS AND SOLD AT PUBLIC AUCTION FOR THE CONSTRUCTION OF HOTELS, APARTMENT HOUSES AND DWELLINGS, RESERVING AN APPROPRIATE AND SUFFICIENT PART THEREOF TO PERMIT THE EXTENSION AND CONSTRUCTION OF AN ARTERIAL CONNECTING WAIKIKI WITH PEARL HARBOR.

Read 1-26-49

MEMO:

Adopted - February 23, 1949.

ELLEN D. SMYTHE
*Clerk of the Senate*

CONCURRENT RESOLUTION

WHEREAS, with the contraction of the military and naval establishments in the Territory of Hawaii, many valuable installations will be deserted, and

WHEREAS, the immense increase in federal ownership and use of lands in the Territory of Hawaii and particularly on the island of Oahu in the past ten years has greatly diminished the property available for assessment and taxation and, as a result, the revenues for the constantly growing expense of government, and

WHEREAS, Fort De Russy is situated in the midst of the most desirable and highly populated section of Waikiki, and

WHEREAS, said Fort is no longer vital to the defense of Hawaii or of the Pacific, and

WHEREAS, the installations of said Fort are no longer manned at full strength and its need as a recreation area for the armed forces is no longer critical because of the

pending reduction of these forces in the Hawaiian area, and

WHEREAS, the main arterial connecting Waikiki with Pearl Harbor should logically cut through the grounds of said Fort, now, therefore

BE IT RESOLVED by the Senate of the Twenty-Fifth Legislature of the Territory of Hawaii, the House of Representatives concurring, that the Congress of the United States of America be and it is hereby respectfully urged to enact such legislation as may be needful to authorize the transfer of such installations to the Territory of Hawaii, to be divided into appropriate lots and sold at public auction for the construction of hotels, apartment houses and dwellings, reserving an appropriate and sufficient part thereof to permit the extension and construction of said arterial highway, and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be forwarded to the President of the Senate and to the Speaker of the House of Representatives of Congress, to the Secretary of the Interior, to the Secretary of the Army, and to the Delegate to Congress from Hawaii.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., February 23, 1949.

We hereby certify that the foregoing Concurrent Resolution was this day adopted by the Senate of the Territory of Hawaii.

President of the Senate

Clerk of the Senate.

Senate Concurrent Resolution No. 25

THE SENATE

# Concurrent Resolution

## The Legislature
of the
## Territory of Hawaii

Presented March 8, 1949, by

Senator JOHN G. DUARTE

Relating to

REQUESTING THE CONGRESS OF THE UNITED STATES TO AMEND THE HAWAIIAN HOMES COMMISSION ACT, 1920.

MEMO:

Adopted - March 8, 1949.
3/9/49 Committee on Public Lands

ELLEN D. SMYTHE
*Clerk of the Senate*

S.C.Res. No. 25

CONCURRENT RESOLUTION

BE IT RESOLVED by the Senate of the Twenty-Fifth Legislature of the Territory of Hawaii, the House of Representatives concurring, that the Congress of the United States be and it is hereby requested to amend the Hawaiian Homes Commission Act, 1920, by substituting in section 202 thereof for the words and punctuation, "the members of the commission shall serve without pay, but" the words and punctuation, "the members of the commission shall receive a salary of $50.00 per month each, and"; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be sent to the President of the Senate and the Speaker of the House of Representatives of the Congress, to the Secretary of the Interior and to the Delegate to the Congress from Hawaii.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., March 8, 1949

We hereby certify that the foregoing Concurrent Resolution was this day adopted by the Senate of the Territory of Hawaii.

President of the Senate

Clerk of the Senate.

Senate Concurrent Resolution No. 40

THE SENATE

# Concurrent Resolution

## The Legislature

of the

## Territory of Hawaii

Presented APRIL 14, 1949, by

Senators NEAL S. BLAISDELL AND HERBERT K. H. LEE

Relating to

THAT THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU ARE HEREBY URGED TO INITIATE PROCEEDINGS FOR THE PURPOSE OF PROVIDING SUITABLE FIRE PROTECTION TO THE PEOPLE OF WAIANAE, OAHU, AND THE DISTRICT OF KOOLAULOA, OAHU.

MEMO:

Adopted - April 14, 1949.

ELLEN D. SMYTHE
*Clerk of the Senate*

S. Con. Res. No. 40

CONCURRENT RESOLUTION

WHEREAS, it is desirable and necessary that suitable fire protection be provided for the areas of Waianae, Oahu, and the district of Koolauloa, Oahu; now, therefore

BE IT RESOLVED, by the Senate of the Twenty-fifth Legislature of the Territory of Hawaii, the House of Representatives concurring, that the Board of Supervisors of the City and County of Honolulu be and they are hereby urged to initiate proceedings for the purpose of providing suitable fire protection to the people of Waianae, Oahu, and the district of Koolauloa, Oahu, by adopting appropriate measures for the immediate establishment of fire and ambulance stations in the above mentioned areas and for the acquisition of chemical engines and ambulances to be used in said areas; and

BE IT FURTHER RESOLVED, that certified copies of this Concurrent Resolution be forwarded to the Honorable John H. Wilson, Mayor of the City and County of Honolulu and the members of the Board of Supervisors of the City and County of Honolulu.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 14, 1949.

We hereby certify that the foregoing Concurrent Resolution was this day adopted by the Senate of the Territory of Hawaii.

President of the Senate

Clerk of the Senate.

Senate Concurrent Resolution No. 46

THE SENATE

# Concurrent Resolution

## The Legislature of the Territory of Hawaii

Presented APRIL 26 , 1949 , by

Senators M. R. AGUIAR, JR., JOHN B. FERNANDES

Relating to

RECOMMENDING TO THE DEPARTMENT OF PUBLIC INSTRUCTION OF THE TERRITORY OF HAWAII, THAT ADDITIONAL EMPHASIS AND INCREASING ATTENTION BE GIVEN TO PARTICULAR COURSES DESIGNED TO AID PUPILS IN ALL GRADES IN THE RECOGNITION OF THE BASIC PRINCIPLES OF DEMOCRACY.

MEMO:

Adopted - April 27, 1949.

ELLEN D. SMYTHE
*Clerk of the Senate*

# CORRECTION

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 14, 1949.

We hereby certify that the foregoing Concurrent Resolution was this day adopted by the Senate of the Territory of Hawaii.

President of the Senate

Clerk of the Senate.

Senate Concurrent Resolution No. 46

THE SENATE

# Concurrent Resolution

## The Legislature

of the

## Territory of Hawaii

Presented APRIL 26, 1949, by

Senators M. R. AGUIAR, JR., JOHN B. FERNANDES

Relating to

RECOMMENDING TO THE DEPARTMENT OF PUBLIC INSTRUCTION OF THE TERRITORY OF HAWAII, THAT ADDITIONAL EMPHASIS AND INCREASING ATTENTION BE GIVEN TO PARTICULAR COURSES DESIGNED TO AID PUPILS IN ALL GRADES IN THE RECOGNITION OF THE BASIC PRINCIPLES OF DEMOCRACY.

MEMO:

Adopted - April 27, 1949.

ELLEN D. SMYTHE
*Clerk of the Senate*

S. C. RES. NO. 46

CONCURRENT RESOLUTION

WHEREAS the Department of Public Instruction, in the education of the youth of Hawaii, has done a commendable job in the matter of teaching the three R's; and

WHEREAS in the instruction of our children the three R's are an acknowledged "must" and should therefor receive priority in courses of study for the schools of Hawaii; and

WHEREAS a serious challenge, which can no longer be ignored, is now being flung at our cherished traditions of American democracy by theorists and ideologists who favor communistic principles rather than principles of democracy; and

WHEREAS there is reason to believe that inroads have already been made on the minds of our peoples and our youth by these proponents of communistic doctrines; and

WHEREAS in addition to the three R's it is essential that emphasis also be given to a few basic and simple truths concerning the great democratic heritage that is ours and be taught to our youth in their interests and in the interest of the United States and of the Territory; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-fifth Legislature of the Territory of Hawaii, the House of Representatives concurring, that, as representatives of the people of the Territory, we hereby recommend to the Department of Public Instruction of the Territory of Hawaii, that additional emphasis and increasing attention be given to particular courses designed to aid pupils in all grades in the recognition of the following basic principles of democracy:

1. That our democracy is founded upon the recognition of the dignity of the individual.

2. That it is the individual who, by his own free action in cooperation with others, produces the bread and the cloth

and all the other material goods and services that are necessary for his well-being.

3. That individuals in the employ of others have the right to participate in the determination of conditions respecting their labor, and for this purpose may freely form associations and select their representatives.

4. That as means of coordinating individual efforts the free association of individuals into business organizations is essential.

5. That our approach to the economic problems of our society, including as it does, the utilization of corporations, whether they be big or little, rests upon and is continuously responsible for the freedom of the individual.

6. That, rather than being un-democratic, corporations and other forms of business associations are basic to our free economy and to the progress our nation has shown.

7. That we must thoroughly understand and appreciate the interdependence of all people, and their associations and institutions, both at home and abroad, in the production,

distribution, and consumption of all goods and services.

8. That freedom from want, from hunger and from fear depend not on promises but on individual hard work.

9. And, that the very bread that is essential to our daily life must be earned through the untiring industry of each individual member of society.

BE IT FURTHER RESOLVED that copies of this Resolution be sent to the Department of Public Instruction and to each Commissioner of Public Instruction with the request that copies be forwarded to each school of the Territory.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., April 27, 1949

We hereby certify that the foregoing Concurrent Resolution was this day adopted by the Senate of the Territory of Hawaii.

Wilfred Tsukiyama
President of the Senate.

Ellen D. Smythe
Clerk of the Senate.

Senate Concurrent Resolution No. 47

THE SENATE

# Concurrent Resolution

## The Legislature
of the
## Territory of Hawaii

Presented April 27, 19 49, by

Senator M. R. AGUIAR, JR.

Relating to

DIRECTING THE HOLDOVER COMMITTEE OF THE LEGISLATURE TO MAKE AN INVESTIGATION OF THE HARBOR FACILITIES TOGETHER WITH THE MANAGEMENT AND OPERATION THEREOF FOR THE PORT OF HONOLULU AND TO REPORT TO THE NEXT SESSION OF THE LEGISLATURE ITS FINDINGS AND RECOMMENDATIONS.

MEMO:

Adopted - April 27, 1949

ELLEN D. SMYTHE

*Clerk of the Senate*

S. Con. Res. No. 47

CONCURRENT RESOLUTION

BE IT RESOLVED, by the Senate of the Twenty-fifth Legislature of the Territory of Hawaii, the House of Representatives concurring, that the Holdover Committee of said Legislature be and it is hereby directed to make an investigation of the harbor facilities together with the management and operation thereof for the port of Honolulu and to report to the next session of the Legislature its findings and recommendations, together with any bills covering legislation which it deems desirable or necessary in respect thereof, giving particular attention to the question whether the pier facilities of said harbor should be opersted under private ownership, under the jurisdiction of the public utilities commission, or whether all such facilities should be acquired by the Territory and operated under the jurisdiction of the board of harbor commissioners.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., April 27, 1949.

We hereby certify that the foregoing Concurrent Resolution was this day adopted by the Senate of the Territory of Hawaii.

President of the Senate

Clerk of the Senate.

# 1949

# SPECIAL SESSION

# 1949

# SPECIAL SESSION

# SENATE

# 1949

# SPECIAL SESSION

# SENATE

# JOURNALS

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ *Session, 19* 49

FIRST *Day*

JULY 26, , 1949

ELLEN D. SMYTHE
*Clerk*

# THE TWENTY-FIFTH LEGISLATURE

# OF THE

# TERRITORY OF HAWAII

## IN SPECIAL SESSION

## JOURNAL OF THE SENATE

## FIRST DAY

Tuesday, July 26, 1949.

The Senate of the Twenty-Fifth Legislature of the Territory of Hawaii, Special Session of 1949, was called to order at 10:15 o'clock a.m., by Honorable Wilfred C. Tsukiyama, President of the Senate, Regular Session of 1949.

The Divine Blessing was invoked by the Reverend Henry P. Judd, Chaplain of the Senate, Regular Session of 1949.

A communication from Henry K. Paoa, Acting Secretary of Hawaii (Dept. Com. No. 1), transmitting certified copy of Proclamation issued July 20, 1949, convening the Legislature of the Territory of Hawaii in Special Session, was read by the Clerk as follows:

(Dept. Com. No. 1)
(Proclamation)

The communication and the Proclamation were received and placed on file.

Senator Silva offered a Resolution (S. Res. No. 1), declaring that all of the Senators named therein were duly elected and legally qualified Senators to take their seats

as Members of the Senate, Special Session of 1949, which was read by the Clerk as follows:

(S. Res. No. 1)

Upon motion by Senator Silva, seconded by Senator Duarte, the Resolution was adopted.

At this juncture, the Roll was called, showing all Senators present, with the exception of Senator Akana.

The President announced that Senator Akana was unavoidably detained in San Francisco and had been excused from attendance until her return on Thursday, July 27th.

Senator Silva offered a Resolution (S. Res. No. 2), declaring certain persons elected officers of the Senate, Special Session of 1949, which was read by the Clerk as follows:

(S. Res. No. 2)

Upon motion by Senator Hill, seconded by Senator Silva, the Resolution was adopted.

President Tsukiyama, at this time, addressed the Senate as follows:

"At this juncture, fellow Senators, may I ask your kind indulgence for a few moments. In response to the Resolution just adopted by you, may I, on behalf of myself and the rest of the officers named in the Resolution, express to you our heartfelt appreciation of the confidence which you have been pleased to again repose in us. Please be assured that I shall endeavor in all my transactions to honor and merit that confidence and that my Presidency shall be characterized by the same spirit of justice, fairness and impartiality which prevailed in the regular session.

"It was less than three months ago when we departed from this Chamber after completing our regular biennial session -- a session which was notably marked, not only by the introduction and passage of an unprecedented number of bills and resolutions, but, unfortunately, also, by a gamut of discordant notes, attributable, in the main, to a feeling of bitterness then existing between the two Houses. Far be it from me to deplore the fact that the session was not entirely harmonious, for it is too well known that dissensions, oft verging on turbulence, in a legislative body, occur where divergent views are entertained, and where each legislator is sovereign unto himself and endowed with a freedom

of expression. That statement, however, should not be construed as an indication that I condone or invite unwholesome differences predicated upon ulterior considerations. In an extraordinary session like this, which the Governor has been constrained to convene because of the existence of a Territory-wide emergency, we cannot allow our judgment to be swayed by political and self-serving motives. Only eighty-seven days ago our existing emergency came into being. During this period, unless we act quickly, the people of the Territory have suffered, and will continue to suffer, and the direct and indirect economic losses to them have reached the alarming figure of twenty-two millions of dollars. Not only have our concerted pleas to Washington fallen upon deaf ears, but, in turn, the National Administration has pointed its finger across the Pacific with the admonition that Hawaii should settle its own troubles. Fellow Senators, and ladies and gentlemen, we accept that challenge! We shall legislate! But in doing so, however, I say unto you, my fellow Senators, in all sincerity and humility, that every measure should be studied and acted upon objectively and in a spirit in keeping with the principles of justice and fairness. I am sure that you share my view when I say to you that we should not allow ourselves to be high-pressured or swept by the tide of hysteria. As makers of the law, we have a grave responsibility. Let us think carefully. Let us be calm and let us legislate wisely to the end that this Land we hold dear shall forever remain 'God's Country'!!

"I thank you again for your vote of confidence."

Senator Capellas offered a Resolution (S. Res. No. 3), declaring certain persons elected employees of the Special Session of the Senate, which was read by the Clerk as follows:

(S. Res. No. 3)

Upon motion by Senator Capellas, seconded by Senator Duarte, the Resolution was adopted.

The President stated that the Employees of the Senate named in the Resolution, would later execute their respective oath of office.

Senator Hill offered a Resolution (S. Res. No. 4), providing for the appointment of a committee of three Senators by the President, to notify the House that the Senate was organized and ready for the transaction of business, and to join with a like committee from the

House of Representatives to wait upon the Governor to inform him that the Legislature is ready to receive any communication he might be pleased to make, which was read by the Clerk as follows:

(S. Res. No. 4)

Upon motion by Senator Hill, seconded by Senator Goodness, the Resolution was adopted.

The President thereupon appointed Senators Capellas, Dillingham and Lee as such Committee to carry out the purposes of the Resolution.

A communication from the House (H. Com. No. 1), informing the Senate that the House was organized and prepared to transact business with certain officers, was read by the Clerk as follows:

(H. Com. No. 1)

The communication was received and placed on file.

At 10:35 o'clock a.m., the Senate stood in recess, subject to the call of the Chair, and the Committee of three Senators, appointed under Senate Resolution No. 4, left the Chamber to carry out their duties.

At 10:49 o'clock a.m., the Senate reconvened and the President announced that the joint Committee of the Senate and the House had called upon the Governor, and that he had thereupon immediately proceeded to the Hall of the House of Representatives. Therefore, without the formality of adopting a Concurrent Resolution covering a joint session of the two Houses of the Legislature, the Senate would at this time repair in a body to the Hall of the House of Representatives to receive the Governor's Message, and that the Senate would stand in recess, subject to the call of the Chair.

At 10:50 o'clock a.m., the Senate stood in recess, subject to the call of the Chair, and the Members repaired in a body to the Hall of the House of Representatives to receive the Governor's Message.

The Joint Session was called to order at 10:55 o'clock a.m., by Honorable Hiram L. Fong, Speaker of the House of Representatives.

The Governor, escorted by the Committee from the House, consisting of Representatives Hayes, Richardson and Kauhane, and the Committee from the Senate, consisting of Senators Capellas, Dillingham and Lee, entered the Chamber; and was presented to the Joint Session by Speaker Fong, who said: "It is my honor and pleasure at this time to present His Excellency, the Governor of the Territory of Hawaii. Governor Ingram M. Stainback will now address us."

The Governor thereupon delivered his Message to the Legislature, Special Session of 1949, as follows:

(Governor's Message No. 1)

Speaker Fong closed the Joint Session at 11:16 o'clock a.m., with the following remarks:

> "I want to say, Governor Stainback, that we will take your recommendations very seriously and give them very deliberate consideration, and bend every effort to work out a solution to this problem; and I am quite confident that at the end of the session you will find that you have not called this Session in vain."

The Senate thereupon reconvened at 11:24 o'clock a.m., and the Governor's Message No. 1 was received and placed on file, copies thereof to be mimeographed and distributed to the members.

A communication from the Acting Secretary of Hawaii (Dept. Com. No. 2), requesting that his office be furnished with a copy of the Minutes of the Senate, copies of all bills and joint and concurrent resolutions which are printed, and six copies of each engrossed bill and

joint resolution transmitted to the Governor, was read by the Clerk as follows:

(Dept. Com. No. 2)

The communication was received and placed on file, and The Clerk instructed to carry out the requests made therein.

Senator Heen offered a Resolution (S. Res. No. 5), declaring the Rules of Procedure of the Senate, Regular Session of 1949, to be the Rules of Procedure for the Special Session of 1949, which was read by the Clerk as follows:

(S. Res. No. 5)

Upon motion by Senator Heen, seconded by Senator Fernandes, the Resolution was adopted.

Senator Heen introduced a bill (S. B. No. 1), entitled: "An Act relating to labor disputes in certain industries essential to the public health, safety and welfare, including industries engaged in furnishing public utility, stevedoring or hospital services or in producing sugar or pineapple products; providing for peaceful settlement of such disputes; prohibiting strikes, lockouts and the stoppage, slowdown or retardation of service or production in such industries except under prescribed conditions; providing for injunctions against violations of the provisions hereof; providing for injunctions against strikes, lockouts and the stoppage, slowdown or retardation of service or production in such industries; providing for seizure and operation of such industries by the Territory of Hawaii in the event of strikes, lockouts, or the stoppage, slowdown or retardation of service or production and making an appropriation therefor; providing penalties; and amending Chapter 73 of the Revised Laws of Hawaii 1945, as amended."

Upon motion by Senator Heen, seconded by Senator Dillingham, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow, Senator Heen

stating that Senate Bills Nos. 1 to 21, inclusive, and Senate Joint Resolution No. 1 having previously been mimeographed, need not be referred to the Printing Committee for such purpose.

Senator Heen introduced a bill (S. B. No. 2), entitled: "An Act relating to labor disputes in industries engaged in furnishing public utility, stevedoring and hospital services; declaring such industries to be essential to the public health, safety and welfare; providing for peaceful settlement of such disputes; prohibiting strikes, lockouts and the stoppage, slowdown or retardation of service in such industries except under prescribed conditions; providing for injunctions against violations of the provisions hereof; providing for injunctions against strikes, lockouts and the stoppage, slowdown or retardation of service in such industries; providing for seizure and operation of such industries by the Territory in the event of strikes, lockouts, or the stoppage, slowdown or retardation of service and making an appropriation therefor; providing penalties; and amending chapter 73 of the Revised Laws of Hawaii 1945, as amended."

Upon motion by Senator Heen, seconded by Senator Dillingham, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

Senator Heen introduced a bill (S. B. No. 3), entitled: "An Act relating to labor disputes in industries engaged in producing sugar and pineapple products; declaring such industries to be basic in the economy of the Territory and essential to the public health, safety and welfare; providing for peaceful settlement of such disputes; prohibiting strikes,

lockouts and the stoppage, slowdown or retardation of production in such industries except under prescribed conditions; providing for injunctions against violations of the provisions hereof; providing for injunctions against strikes, lockouts and the stoppage, slowdown or retardation of production in such industries; providing for seizure and operation of such industries by the Territory in the event of strikes, lockouts, or the stoppage, slowdown or retardation of production and making an appropriation therefor; providing penalties; and amending chapter 73 of the Revised Laws of Hawaii 1945, as amended".

Upon motion by Senator Heen, seconded by Senator Dillingham, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

Senator Heen introduced a bill (S. B. No. 4), entitled: "An Act relating to labor disputes in the stevedoring industry".

Upon motion by Senator Heen, seconded by Senator Duarte, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

Senator Heen introduced a bill (S. B. No. 5), entitled: "An Act relating to labor disputes affecting the public health, safety or welfare".

Upon motion by Senator Hill, seconded by Senator Capellas, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

Senator Heen introduced a bill (S. B. No. 6), entitled: "An Act relating to the furnishing of longshore services by the government, and making appropriations therefor".

Upon motion by Senator Ansai, seconded by Senator Silva, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

Senator Heen introduced a bill (S. B. No. 7), entitled: "An Act to amend Chapter 219 of the Revised Laws of Hawaii 1945, entitled 'Replevin, aids to', by amending the title thereof, by amending Sections 10461, 10462, 10464, 10466, 10468 and 10471, and by adding a new section thereto":

Upon motion by Senator Blaisdell, seconded by Senator Ansai, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

Senator Heen introduced a bill (S. B. No. 8), entitled: "An Act to amend Chapter 219 of the Revised Laws of Hawaii 1945, entitled 'replevin, aids to', by adding a new Part thereto to be designated as 'Part II, special proceedings for immediate possession of personal property'".

Upon motion by Senator Nobriga, seconded by Senator Aguiar, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

Senator Heen introduced a bill (S. B. No. 9), entitled: "An Act relating to suits by and against labor organizations".

Upon motion by Senator Heen, seconded by Senator Goodness, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

Senator Heen introduced a bill (S. B. No. 10), entitled: "An Act to prohibit interference with any lawful work or occupation or intimidating or harassing families by picketing homes, and to provide penalties".

Upon motion by Senator Silva, seconded by Duarte, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

Senator Heen introduced a bill (S. B. No. 11), entitled: "An Act relating to judicial procedure, parties to actions, and service of judicial processes and certain other notices".

Upon motion by Senator Silva, seconded by Senator Duarte, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

Senator Heen introduced a bill (S. B. No. 12), entitled: "An Act relating to mass picketing, defining the same, making the same an offense, and prescribing the punishment therefor".

Upon motion by Senator Silva, seconded by Senator Duarte, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

Senator Heen introduced a bill (S. B. No. 13), entitled: "An Act relating to the refusal to move as directed by a peace officer to provide ingress and egress, making the same an offense, and prescribing the punishment therefor".

Upon motion by Senator Silva, seconded by Senator Duarte, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

Senator Heen introduced a bill (S. B. No. 14), entitled: "An Act to provide criminal penalties for wilfully and knowingly making, circulating or transmitting false statements affecting employer-employee relations."

Upon motion by Senator Silva, seconded by Senator Duarte, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

Senator Heen introduced a bill (S. B. No. 15), entitled: "An Act to amend Sections 11120, 11127, 11128, and 11129 of the Revised Laws of Hawaii 1945, and to repeal section 11130 thereof, all relating to conspiracy".

Upon motion by Senator Silva, seconded by Senator Duarte, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

Senator Heen introduced a bill (S. B. No. 16), entitled: "An Act to amend Section 10750 of the Revised Laws of Hawaii 1945, relating to bonds to keep the peace".

Upon motion by Senator Silva, seconded by Senator Duarte, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

Senator Heen introduced a bill (S. B. No. 17), entitled: "An Act to protect the safety and welfare of the people of the Territory of Hawaii, to prevent the use of labor disputes in furtherance of a purpose to overthrow the government of the Territory of Hawaii by force and violence and other illegal means, and providing penalties therefor".

Upon motion by Senator Silva, seconded by Senator Duarte, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

Senator Heen introduced a bill (S. B. No. 18), entitled: "An Act to amend Section 80 of the Revised Laws of Hawaii 1945, as amended, relating to associations and organizations of public officers and employees".

Upon motion by Senator Silva, seconded by Senator Duarte, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

Senator Heen introduced a bill (S. B. No. 19), entitled: "An Act prohibiting strikes in government employment, and providing for remedies of the government against such strikes".

Upon motion by Senator Silva, seconded by Senator Duarte, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

Senator Heen introduced a bill (S. B. No. 20), entitled: "An Act to amend the 'rider' to the Hawaii Visitors Bureau appropriation, as contained in Act 335, Session Laws of Hawaii 1949, and relating to the matching of the funds appropriated by said Act".

Upon motion by Senator Silva, seconded by Senator Duarte, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

Senators Nobriga and Heen introduced a bill (S. B. No. 21), entitled: "An Act relating to fishing; repealing Act 348 of the Session Laws of Hawaii 1949, relating to sport fishing, and providing for refund of fees collected thereunder; requiring licenses for fishing for, taking or catching any introduced fresh water game fish; authorizing the examination and search of bags, containers, vehicles and conveyances used to carry and transport fish; and providing penalties and for forfeitures".

Upon motion by Senator Nobriga, seconded by Senator Heen, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

Senator Heen introduced a joint resolution (S. J. Res. No. 1), entitled: "Joint Resolution creating a Fact-Finding Commission on Communist and Other Subversive Activities including activities of persons seeking to overthrow our constitutional form of government by force and violence in the Territory of Hawaii, conferring powers and duties upon it, and making appropriations".

Upon motion by Senator Heen, seconded by Senator Silva, the joint resolution passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

Senator Heen introduced a bill (S. B. No. 22), entitled: "An Act to appropriate money for the expenses of the Twenty-Fifth Legislature of the Territory of Hawaii for the Special Session thereof commencing July 26, 1949, and of the Holdover Committee of said Legislature".

Upon motion by Senator Heen, seconded by Senator Lee, the bill passed First Reading by title, was referred to the Printing Committee and was placed on the special order of the day for Second Reading tomorrow.

A Petition (S. Pet. No. 1), signed by 12,267 residents of Oahu, urging the Senate to vote for and support legislation which will immediately terminate the current waterfront strike and prevent recurrence of future strikes which are detrimental to the health, welfare and safety of the People of Hawaii, was read by the Clerk as follows:

(S. Pet. No. 1)

The Petition was received, and upon motion by Senator Silva, seconded by Senator Duarte, was referred to the Committee of the Whole Senate to be taken up when matters relating to the subject matter thereof are considered.

A Petition from approximately 100 residents of Oahu (S. Pet. No. 2), asking that the Senate enact laws adequate to protect the Islands from any aggression and permit industrial and social advancement, etc., was read by the Clerk as follows:

(S. Pet. No. 2)

Upon motion by Senator Silva, seconded by Senator Duarte, the Petition was received and referred to the Committee of the Whole Senate for consideration when other matters relating to the same subject-matter are before it.

At this juncture, Senator Heen moved that the Senate go into Executive Session for the purpose of discussing the procedure to be followed in considering the various bills before the Senate during this Special Session, relating to labor disputes, etc. The motion was seconded by Senator Blaisdell, and carried; and at 11:37 o'clock a.m., the Senate went into Executive Session for the purpose above stated.

At 3:18 o'clock p.m., the Executive Session being ended, the Senate reconvened.

The President announced that Senator Akana, who was in attendance at this afternoon's session, had returned from the Mainland this morning.

A communication from the President of the Hawaiian Association of Sales Representatives (Misc. Com. No. 1), enclosing copy of a letter sent to each member of the Senate and House of Representatives by that Association, for consideration should the legislature feel it necessary to take up the tax matters, was read by the Clerk as follows:

(Misc. Com. No. 1)

The communication and copies were received and, upon motion by Senator Blaisdell, seconded by Senator Fernandes, they were referred to the Committee of the Whole for consideration at such time as the matters to which they refer may come before that Committee.

A communication from E. A. Taok (Misc. Com. No. 2), protesting against anti-alien laws in the Territory of Hawaii, was read by the Clerk as follows:

(Misc. Com. No. 2)

The communication was received and referred to the Committee of the Whole Senate for consideration at such time as the subject-matter thereof is before the said Committee.

A communication from the Territorial Executive Chairman and Territorial Executive Secretary of the Filipino Federation of America, in the form of a Resolution (Misc. Com. No. 3), stating the position of the said Association relative to its loyalty and its readiness to do whatever may be expected of its members toward the preservation of the American Way of Life, was read by the Clerk as follows:

(Misc. Com. No. 3)

The communication was received and referred to the Committee of the Whole for consideration at such time as the subject-matter thereof is before such Committee.

A Petition from the Kauai Citizen's Committee (S. Pet. No. 3), recommending that the Special Session of the Legislature endeavor to devote its utmost ability to bring about proper legislation for the benefit of the majority of the people of the Territory of Hawaii, was read by the Clerk as follows:

(S. Pet. No. 3)

The Petition was received and referred to the Committee of the Whole for consideration when the subject matter thereof is before such Committee.

A Message from the Governor (Gov. Message No. 2), acknowledging receipt of letter from the Senate informing him it was organized and ready for the transaction of business, was read by the Clerk as follows:

(Gov. Message No. 2)

The Message was received and placed on file.

At 3:20 o'clock p.m., upon motion by Senator Fernandes, seconded by Senator Duarte, the Senate adjourned until 10:00 o'clock on Wednesday, July 27, 1949.

Ellen D. Smythe
Clerk of the Senate.

Approved:
William O. Smith
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL SESSION 1949
*Regular Session, 19*.....

SECOND Day

JULY 27, 1949

ELLEN D. SMYTHE
*Clerk*

JOURNAL OF THE SENATE

SECOND DAY

Wednesday, July 27, 1949.

The Senate convened at 10:13 o'clock a.m., with President Tsukiyama presiding.

After Prayer by Chaplain Judd, the Roll was called, showing all Senators present, with the exception of Senator Nobriga, temporarily excused.

The Journal of the First Day was read and approved.

At this time, the Senate took up the Order of the Day.

Second Reading of Senate Bill No. 22, on Special Order, entitled: "An Act to appropriate money for the expenses of the Twenty-Fifth Legislature of the Territory of Hawaii for the Special Session thereof commencing July 26, 1949, and of the Holdover Committee of said Legislature":

Senator Heen moved that the Rules be suspended and that the bill be read throughout on Second Reading. Seconded by Senator Blaisdell, and carried; and the bill was thereupon read throughout on Second Reading.

Senator Heen offered the following amendment to the bill:

" "Amend Senate Bill No. 22, as follows:

"Delete the words 'which may be' appearing in lines 6 and 7 of Section 2 thereof, and also appearing in line 6 of Section 4 thereof."

Upon motion by Senator Heen, seconded by Senator Blais-

dell, the amendment was adopted.

Senator Heen moved that the bill, as amended, pass Second Reading and be placed on the calendar for Third Reading tomorrow. Seconded by Senator Lee, and carried.

Second Reading of Senate Bill No. 1, entitled: "An Act relating to labor disputes in certain industries essential to the public health, safety and welfare, including industries engaged in furnishing public utility, stevedoring or hospital services or in producing sugar or pineapple products; providing for peaceful settlement of such disputes; prohibiting strikes, lockouts and the stoppage, slowdown or retardation of service or production in such industries except under prescribed conditions; providing for injunctions against violations of the provisions hereof; providing for injunctions against strikes, lockouts and the stoppage, slowdown or retardation of service or production in such industries; providing for seizure and operation of such industries by the Territory in the event of strikes, lockouts, or the stoppage, slowdown or retardation of service or production and making an appropriation therefor; providing penalties; and amending chapter 73 of the Revised Laws of Hawaii 1945, as amended":

The bill was referred to the Committee of the Whole, with the President of the Senate as Chairman.

Second Reading of Senate Bill No. 2, entitled: "An Act relating to labor disputes in industries engaged in furnishing public utility, stevedoring and hospital services; declaring such industries to be essential to the public health, safety and welfare; providing for peaceful settlement of such disputes; prohibiting strikes, lockouts and the stoppage, slowdown or retar-

dation of service in such industries except under prescribed conditions; providing for injunctions against violations of the provisions hereof; providing for injunctions against strikes, lockouts and the stoppage, slowdown or retardation of service in such industries; providing for seizure and operation of such industries by the Territory in the event of strikes, lockouts, or the stoppage, slowdown or retardation of service and making an appropriation therefor; providing penalties; and amending chapter 73 of the Revised Laws of Hawaii 1945, as amended":

The bill was referred to the Committee of the Whole, with the President as Chairman.

Second Reading of Senate Bill No. 3, entitled: "An Act relating to labor disputes in industries engaged in producing sugar and pineapple products; declaring such industries to be basic in the economy of the Territory and essential to the public health, safety and welfare; providing for peaceful settlement of such disputes; prohibiting strikes, lockouts and the stoppage, slowdown or retardation of production in such industries except under prescribed conditions; providing for injunctions against violations of the provisions hereof; providing for injunctions against strikes, lockouts and the stoppage, slowdown or retardation of production in such industries; providing for seizure and operation of such industries by the Territory in the event of strikes, lockouts, or the stoppage, slowdown or retardation of production and making an appropriation therefor; providing penalties; and amending chapter 73 of the Revised Laws of Hawaii 1945, as amended":

The bill was referred to the Committee of the Whole, with the President as Chairman.

Second Reading of Senate Bill No. 4, entitled: "An Act relating to labor disputes in the stevedoring industry":

The bill was referred to the Committee of the Whole, with the President as Chairman.

Second Reading of Senate Bill No. 5, entitled: "An Act relating to labor disputes affecting the public health, safety or welfare":

The bill was referred to the Committee of the Whole, with the President as Chairman.

Second Reading of Senate Bill No. 6, entitled: "An Act relating to the furnishing of longshore services by the Government, and making appropriations therefor":

The bill was referred to the Committee of the Whole, with the President as Chairman.

Second Reading of Senate Bill No. 7, entitled: "An Act to amend chapter 219 of the Revised Laws of Hawaii 1945, entitled 'Replevin, Aids To', by amending the title thereof, by amending sections 10461, 10462, 10464, 10466, 10468 and 10471, and by adding a new section thereto":

The bill was referred to the Committee of the Whole, with the President as Chairman.

Second Reading of Senate Bill No. 8, entitled: "An Act to amend chapter 219 of the Revised Laws of Hawaii 1945, entitled 'Replevin, Aids To', by adding a new part thereto to be designated as 'Part II, Special Proceedings for Immediate Possession of Personal Property'":

The bill was referred to the Committee of the Whole, with the President as Chairman.

Second Reading of Senate Bill No. 9, entitled: "An Act relating to suits by and against labor organizations":

The bill was referred to the Committee of the Whole, with the President as Chairman.

Second Reading of Senate Bill No. 10, entitled: "An Act to prohibit interference with any lawful work or occupation or intimidating or harassing families by picketing homes, and to provide penalties":

The bill was referred to the Committee of the Whole, with the President as Chairman.

Second Reading of Senate Bill No. 11, entitled: "An Act relating to judicial procedure, parties to actions, and service of judicial processes and certain other notices":

The bill was referred to the Committee of the Whole, with the President as Chairman.

Second Reading of Senate Bill No. 12, entitled: "An Act relating to mass picketing, defining the same, making the same an offense, and prescribing the punishment therefor":

The bill was referred to the Committee of the Whole, with the President as Chairman.

Second Reading of Senate Bill No. 13, entitled: "An Act relating to the refusal to move as directed by a peace officer to provide ingress and egress, making the same an offense, and prescribing the punishment therefor":

The bill was referred to the Committee of the Whole, with the President as Chairman.

Second Reading of Senate Bill No. 14, entitled: "An Act to provide criminal penalties for wilfully and knowingly making, circulating or transmitting false statements affecting employer-employee relations":

The bill was referred to the Committee of the Whole, with the President as Chairman.

Second Reading of Senate Bill No. 15, entitled: "An Act to amend sections 11120, 11127, 11128, and 11129 of the Revised Laws of Hawaii 1945, and to repeal section 11130 thereof, all relating to conspiracy":

The bill was referred to the Committee of the Whole, with the President as Chairman.

Second Reading of Senate Bill No. 16, entitled: "An Act to amend section 10750 of the Revised Laws of Hawaii 1945, relating to bonds to keep the peace":

The bill was referred to the Committee of the Whole, with the President as Chairman.

Second Reading of Senate Bill No. 17, entitled: "An Act to protect the safety and welfare of the people of the Territory of Hawaii, to prevent the use of labor disputes in furtherance of a purpose to overthrow the Government of the Territory of Hawaii by force and violence and other illegal means, and providing penalties therefor":

The bill was referred to the Committee of the Whole, with the President as Chairman.

Second Reading of Senate Bill No. 18, entitled: "An Act to amend section 80 of the Revised Laws of Hawaii 1945, as amended, relating to associations and organizations of public officers and employees":

The bill was referred to the Committee of the Whole, with the President as Chairman.

Second Reading of Senate Bill No. 19, entitled: "An Act prohibiting strikes in government employment, and providing for remedies of the Government against such strikes":

The bill was referred to the Committee of the Whole, with the President as Chairman.

Second Reading of Senate Bill No. 20, entitled: "An Act to amend the 'rider' to the Hawaii Visitors Bureau appropriation, as contained in Act 335, Session Laws of Hawaii 1949, and relating to the matching of the funds appropriated by said Act":

The bill was referred to the Committee of the Whole, with the President as Chairman.

Second Reading of Senate Bill No. 21, entitled: "An Act relating to fishing; repealing Act 348 of the Session Laws of Hawaii 1949, relating to sport fishing, and providing for refund of fees collected thereunder; requiring licenses for fishing for, taking or catching any introduced fresh water game fish; authorizing the examination and search of bags, containers, vehicles and conveyances used to carry and transport fish; and providing penalties and for forfeitures":

The bill was referred to the Committee of the Whole, with the President as Chairman.

Second Reading of Senate Joint Resolution No. 1, entitled: "Joint Resolution creating a fact-finding commission on communist and other subversive activities including activities of persons seeking to overthrow our constitutional form of Government by force and violence in the Territory of Hawaii, conferring powers and duties upon it, and making appropriations":

The bill was referred to the Committee of the Whole, with the President as Chairman.

At this juncture, Senator Heen moved that the President appoint a Committee of One to wait upon the House of Representatives to inform them that the Senate was ready to meet in Joint Session to discuss the various bills now before both Houses relating to labor disputes, as was agreed yesterday. Seconded by Senator Lee, and carried.

The President thereupon appointed Senator Blaisdell as such Committee, and he left the Senate Chamber at this time to carry out his mission.

Senator Heen then moved that the Senate stand in recess, subject to the call of the Chair. Seconded by Senator Lee, and carried; and at 10:30 o'clock a.m., the Senate so stood in recess.

The Members of the House of Representatives arrived in a body at 10:35 o'clock a.m., and took their assigned seats, whereupon the President called the Joint Session to order.

Senator Heen moved that the Joint Session meet in Executive Session. Seconded by Senator Blaisdell, and carried; and at 10:36 o'clock a.m., the Senate and the House of Representatives, sitting in Joint Session, went into Executive Session for the purpose of considering Senate and House Bills, identically numbered - Nos. 1, 2, 3, 4 and 6 - all relating to labor disputes.

The Executive Session being ended at 8:55 o'clock p.m., the Senate reconvened.

A communication, in the form of a Resolution, from the Filipino Action Committee on Education (Misc. Com. No. 4), petitioning the Governor and both Houses of the Territorial Legislature to oppose and avoid the enactment of any legislation that might have anti-alien effect or consequence, was read by the Clerk as follows:

(Misc. Com. No. 4)

The communication was received and referred to the Committee of the Whole Senate, having under consideration the subject-matter thereof.

Senator Silva, for the Committee on Enrollment, Revision and Printing, presented a report (Stand. Com. Rep. No. 1), reporting on bills, resolutions and other matters referred to it, which was read by the Clerk as follows:

(Stand. Com. Rep. No. 1)

The report was received and placed on file.

At 9:00 o'clock p.m., upon motion by Senator Nobriga, seconded by Senator Goodness, the Senate adjourned until 10:00 o'clock a.m., on Thursday, July 28, 1949.

Ellen D. Smythe
Clerk of the Senate.

Approved:

William H. Hoohuyama
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL SESSION 1949
*Regular Session, 19*.....

THIRD Day

JULY 28, 1949

ELLEN D. SMYTHE
*Clerk*

JOURNAL OF THE SENATE

THIRD DAY

Thursday, July 28, 1949.

The Senate convened at 10:18 o'clock a.m., with the President in the Chair.

Chaplain Judd invoked the Divine Blessing, after which the Roll was called, showing all Senators present.

The Journal of the Second Day was read and approved.

A Message from the Governor (Gov. Message No. 3), submitting a list of appointments made since the close of the 1949 Regular Session of the Legislature, was read by the Clerk as follows:

(Gov. Message No. 3)

The Message and list of appointments were received and ordered printed, and action thereon deferred until Monday, August 1st, upon motion by Senator Silva, seconded by Senator Nobriga, and carried.

A communication from the City and County Clerk (Dept. Com. No. 3), transmitting a set of a bill providing for the withdrawal of the power of the Governor to modify the Master Plan of the City and County of Honolulu, was read by the Clerk as follows:

(Dept. Com. No. 3)

The communication and bill were received and referred to the Committee of the Whole, with the President as Chairman.

Senator Silva, for the Committee on Enrollment, Revision and Printing, presented a report (Stand. Com. Rep. No. 2), reporting on the mimeographing of S.B. No. 22, SD-1, which was read by the Clerk as follows:

(Stand. Com. Rep. No. 2)

The report was received and placed on file.

Third Reading of Senate Bill No. 22, entitled: "An Act to appropriate money for the expenses of the Twenty-Fifth Legislature of the Territory of Hawaii for the Special Session thereof commencing July 26, 1949, and of the Hold-over Committee of said Legislature":

Upon motion by Senator Heen, seconded by Senator Blaisdell, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Fernandes, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 15.

Noes: None.

Senator Heen at this time moved that the Senate stand in recess, subject to the call of the Chair. Seconded by Senator Blaisdell, and carried; and at 10:25 o'clock a.m., the Senate so stood in recess.

The Members of the House of Representatives arrived in a body, and took their assigned seats, at 10:26 o'clock a.m., whereupon the Speaker of the House of Representatives called the Joint Session to order.

Senator Heen moved that the Joint Session meet in Executive Session. Seconded by Senator Blaisdell, and carried; and at 10:27 o'clock a.m., the Senate and House of Representatives sitting in joint session, went into Executive Session for the purpose of further considering Senate and House Bills Nos. 2 and 4, identically numbered, all relating to labor disputes.

The Executive Session being ended at 4:15 o'clock p.m., the Senate reconvened.

The President announced that the two Houses had agreed to hold a public hearing on Senate and House Bill No. 2, as amended, in the Hall of the House of Representatives on Saturday morning, at 10:00 o'clock, at which time representatives of

Labor will be allowed one hour, and representatives of Management will be allowed one hour in which to present their views on this bill; and that the general public may submit written statements at any time in connection with this bill; and that the matter of interrupting speakers during the course of this hearing is to be left to the Chairman of such meeting.

At 4:40 o'clock p.m., upon motion by Senator Lee, seconded by Senator Akana, the Senate adjourned until 2:00 o'clock p.m., on Friday, July 29, 1949.

Ellen D. Smythe
Clerk of the Senate.

Approved:

Wilfred C. Tsukiyama
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL SESSION 1949
*Regular Session, 19*.....

FOURTH Day

JULY 29, 1949

ELLEN D. SMYTHE
*Clerk*

JOURNAL OF THE SENATE

FOURTH DAY

Friday, July 29, 1949.

The Senate convened at 2:18 o'clock p.m., with President Tsukiyama presiding.

The opening Prayer was offered by Chaplain Judd, after which the Roll was called, showing all Senators present.

The Journal of the Third Day was read and approved.

A communication from the City and County Clerk (Dept. Com. No. 4), transmitting a completed set of two proposed bills relating to bond issues and fuel taxes and fuel tax funds, respectively, and one joint resolution relating to the issuance of bonds for the construction of the Koolau Tunnel Project, was read by the Clerk as follows:

(Dept. Com. No. 4)

The communication, bills and joint resolution were referred to the Committee of the Whole Senate, with the President as Chairman.

At this juncture, Senator Heen moved that the Senate resolve itself into a Committee of the Whole to consider Senate Bill No. 2, S.D. 1, relating to the stevedoring industry and labor disputes therein. Seconded by Senator Hill, and carried; and at 2:48 o'clock p.m., the Senate resolved itself into a Committee of the Whole for the purpose of considering said bill, with President Tsukiyama

as Chairman.

At 4:03 o'clock p.m., the Committee rose, and the Senate reconvened.

Senator Heen, for the Committee of the Whole, having under consideration Senate Bill No. 2, S.D. 1, orally reported progress and asked leave to sit again.

Upon motion by Senator Heen, seconded by Senator Lee, the oral report of the Committee was adopted.

Senator Capellas offered a Resolution (S. Res. No. 6), appointing Joseph V. Hodgson as Legal Advisor of the Senate, Special Session of 1949, at a compensation of $50.00 per diem, which was read by the Clerk as follows:

(S. Res. No. 6)

The Resolution was adopted upon motion by Senator Capellas, seconded by Senator Silva, and carried.

At this time, President Tsukiyama announced that he was flying to Hilo late this afternoon to deliver an address at the graduation exercises of the Hilo Commercial School this evening, and that he would return on the first plane tomorrow morning, and asked to be temporarily excused from tomorrow morning's session.

At 4:10 o'clock p.m., upon motion by Senator Blaisdell, seconded by Senator Dillingham, the Senate adjourned until 9:30 o'clock a.m., on Saturday, July 30, 1949.

Eileen D. Smythe
Clerk of the Senate.

Approved:

Wilfred Tsukiyama
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ Session, 1949

FIFTH Day

JULY 30, 1949

ELLEN D. SMYTHE
Clerk

JOURNAL OF THE SENATE

FIFTH DAY

Saturday, July 30, 1949.

The Senate convened at 9:48 o'clock a.m., with Vice President Akana presiding, in the temporary absence of President Tsukiyama.

The Divine Blessing was invoked by Chaplain Judd, after which the Roll was called, showing all Senators present with the exception of Senators Lee, Nobriga and Tsukiyama, temporarily excused.

The Journal of the Fourth Day was read and approved.

A communication from the House (H. Com. No. 2), returning Senate Bill No. 22, with certain amendments, was read by the Clerk as follows:

(H. Com. No. 2)

The communication was received and placed on file.

Senator Heen moved that the Senate concur in the amendments proposed by the House. Seconded by Senator Silva; and Senate Bill No. 22, entitled: "An Act to appropriate money for the expenses of the Twenty-Fifth Legislature of the Territory of Hawaii for the Special Session thereof commencing July 26, 1949", passed Final Reading, as thus amended, on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Fernandes, Goodness, Heen, Hill, Silva and Madam Vice President. Total, 12.

Noes: None.

Excused and not voting: Senators Lee, Nobriga and Tsukiyama. Total, 3.

At this time, Senator Heen moved that the Senate resolve itself into a Committee of the Whole to sit in joint session with the Committee of the Whole House of Representatives for the purpose of holding a public hearing on Senate and House Bills No. 2, draft 2, relating to the stevedoring industry and labor disputes therein. Seconded by Senator Blaisdell, and carried; and at 9:55 o'clock a.m., the Senate resolved itself into a Committee of the Whole for the above purpose, and thereupon repaired in a body to the Hall of the House of Representatives, there to sit in joint session with the Committee of the Whole House of Representatives, with Speaker Fong as Chairman.

The joint session of the two Committees of the Whole being ended at 11:32 o'clock a.m., the Senate reconvened in the Senate Chamber at 11:35 o'clock a.m., in Committee of the Whole.

At 4:03 o'clock p.m. the Committee rose and the Senate reconvened.

Senator Heen, for the Committee of the Whole, having under consideration Senate Bill No. 2, S.D. 2, orally reported progress and asked leave to sit again.

Upon motion by Senator Heen, seconded by Senator Lee, the oral report of the Committee was adopted.

The President at this time announced that the Governor had informed the Legislature that he was desirous of delivering a Special Message to a Joint Session of the Legislature this afternoon; and he thereupon appointed a Committee of three, composed of Senators Ansai, Duarte and Goodness, to wait upon the Governor, with a like Committee from the House, to inform him that the Legislature was ready to receive his Special Message, and to escort him to the Hall of the House of Representatives.

At 4:05 o'clock p.m., the Senate stood in recess, and the members repaired in a body to the Hall of the House of Representatives there to sit in joint session with the members of the House to receive a special Message from the Governor.

The joint session was czlled to order by the Speaker of the House of Representatives, the Honorable Hiram L. Fong, at 4:16 o'clock p.m.

At this juncture, the Governor, escorted by Senators Ansai, Duarte and Goodness and Representatives Richardson, Hayes and Kauhane, entered the Hall of the House of Representatives and took his place on the dais.

Speaker Fong presented the Governor to the Joint Session, whereupon Governor Stainback delivered his Special Message to the Legislature as follows:

(Gov. Message No. 4)

The Joint Session being ended at 4:23 o'clock p.m., the Governor was escorted out of the Hall of the House of Representatives by the same joint committee which had escorted him to the joint session.

The Senate reconvened at 4:28 o'clock p.m., and the Governor's Special Message (Gov. Message No. 4) was received and placed on file, copies thereof to be

mimeographed and distributed to the Members.

At this time, Senator Heen moved that the Senate resolve itself into a Committee of the Whole for the purpose of discussing the Governor's Special Message No. 4, relating to the provisions of Senate and House Bills No. 2, draft 2, relating to labor disputes. Seconded by Senator Dillingham, and carried; and at 4:29 o'clock p.m. the Senate resolved itself into a Committee of the Whole, with the President as Chairman, for the above stated purpose.

At 4:32 o'clock p.m., the Committee rose, and the Senate reconvened.

Senator Heen, for the Committee of the Whole, having under consideration Governor's Special Message No. 4, relating to Senate and House Bills No. 2, draft 2, orally reported progress and asked leave to sit again.

Upon motion by Senator Heen, seconded by Senator Fernandes, the oral report of the Committee was adopted.

Senator Silva, for the Committee on Enrollment, Revision and Printing, presented a report (Stand. Com. Rep. No. 3), reporting that Senate Resolution No. 6 had been mimeographed and was ready for distribution, which was read by the Clerk as follows:

(Stand. Com. Rep. No. 3)

The report was received and placed on file.

A communication from the City and County Clerk (Dept. Com. No. 5), transmitting, for action and consideration, certified copies of Resolution No. 361, relating to legislation exempting the Territorial and City and County Pensioners from paying Federal income taxes, and Resolution No. 364, requesting the Territorial Legislature to petition the President of the United States to transfer

Camp Andrews, Nanakuli, Oahu, to the Territory for purposes of health and recreation, adopted by the Board of Supervisors of the City and County of Honolulu, was read by the Clerk as follows:

(Dept. Com. No. 5)

The communication and resolutions were received and referred to the Committee of the Whole, with President Tsukiyama as Chairman.

Senator Capellas offered a Resolution (S. Res. No. 7), setting the salaries of the officers, employees and clerks of the Committees of the Senate of the Territory of Hawaii, Special Session of 1949, which was read by the Clerk as follows:

(S. Res. No. 7)

Upon motion by Senator Heen, seconded by Senator Capellas, the Resolution was adopted.

The President at this time announced that there would be an informal meeting of the Committee of the Whole tomorrow at 10:00 a.m., in the Senate Chamber, to discuss Senate Bill-House Bill No. 2, draft 2, and proposed amendments thereto.

At 4:35 o'clock p.m., upon motion by Senator Silva, seconded by Senator Akana, the Senate adjourned until 10:00 o'clock a.m., on Monday, August 1, 1949.

Ellen D. Smythe
Clerk of the Senate.

Approved:

Richard D. Tsukiyama
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ Session, 19 49

SIXTH Day

AUGUST 1, 1949

ELLEN D. SMYTHE
Clerk

JOURNAL OF THE SENATE.

SIXTH DAY

Monday, August 1, 1949.

The Senate convened at 11:00 o'clock a.m., with the President in the Chair.

The opening Prayer was offered by the Chaplain, after which the Roll was called, showing all Senators present.

The Journal of the Fifth Day was read and approved.

A communication from the President of the Oahu CIO Council (Misc. Com. No. 5), requesting that a representative of that Council be permitted to appear before the Senate to speak on House and Senate Bill No. 18, was read by the Clerk as follows:

(Misc. Com. No. 5)

The communication was received and referred to the Committee of the Whole Senate, with President Tsukiyama as Chairman.

Senator Silva, for the Committee on Enrollment, Revision and Printing, presented a report (Stand. Com. Rep. No. 4), reporting on matters referred to it, which was read by the Clerk as follows:

(Stand. Com. Rep. No. 4)

The report was received and placed on file.

At 11:02 o'clock a.m., upon motion by Senator Dillingham, seconded by Senator Silva, the Senate stood in recess, subject to the call of the Chair.

The Senate reconvened at 3:37 o'clock p.m., with the President in the Chair, and all Senators being present.

Consideration of Governor's Message No. 3, submitting appointments made since the adjournment of the 1949 Regular Session of the Legislature, deferred from July 28th:

Upon motion by Senator Hill, seconded by Senator Nobriga, action on the Message was further deferred until Monday, August 8th.

A communication from the President of the Honolulu Japanese Chamber of Commerce (Misc. Com. No. 6), urging the passage of Senate-House Bill No. 2, Draft 2, was read by the Clerk as follows:

(Misc. Com. No. 6)

The communication was received and referred to the Committee of the Whole Senate, with President Tsukiyama as Chairman.

A Petition from "The Kauai Filipinos", signed by 173 petitioners (S. Pet. No. 4), transmitting a copy of a Resolution adopted by Filipino residents of the Island of Kauai, members of said organization, opposing legislation that might tend to discriminate against aliens residing in the Territory of Hawaii in obtaining work opportunities and their right to obtain a livelihood, was read by the Clerk as follows:

(S. Pet. No. 4)

The communication and resolution were received and referred to the Committee of the Whole Senate, with President Tsukiyama as Chairman.

At this time, Senator Heen moved that the Senate resolve itself into a Committee of the Whole for the further consideration of Senate Bill No. 2, draft 2, relating to the stevedoring industry and labor disputes therein. Seconded by Senator Dillingham, and carried; and at 3:40 o'clock p.m., the Senate resolved itself into a Committee of the Whole, with President Tsukiyama as Chairman, for such purpose.

At 4:20 o'clock p.m., the Committee rose, and the Senate reconvened.

Senator Heen, for the Committee of the Whole, having under consideration Senate Bill No. 2, draft 2, relating to the stevedoring industry and labor disputes therein, orally reported recommending the passage of the bill on Second Reading, in an amended form, a written report to be filed later.

Upon motion by Senator Heen, seconded by Senator Capellas, the oral report of the Committee was adopted, a written report to be filed later; and Senate Bill No. 2, draft 2, in an amended form, passed Second Reading and was placed on the calendar for Third Reading tomorrow.

A communication from the Acting Secretary of Hawaii (Dept. Com. No. 6), informing the Senate that the Governor had signed Senate Bill No. 22, as Act 1, was read by the Clerk as follows:

(Dept. Com. No. 6)

The communication was received and placed on file.

At 4:23 o'clock p.m., upon motion by Senator Hill, seconded by Senator Dillingham, the Senate stood in recess until 8:00 o'clock tonight.

EVENING SESSION

The Senate reconvened at 9:40 o'clock p.m., with the President presiding and all Senators being present.

A communication from the House (H. Com. No. 3), transmitting House Bill No. 2, was read by the Clerk as follows:

(H. Com. No. 3)

The communication was received and placed on file.

First Reading of House Bill No. 2, entitled, "An Act relating to the stevedoring industry and labor disputes therein; declaring such industry to be essential to the public health, safety and welfare; providing for peaceful settlement of such disputes; prohibiting strikes, lockouts and stoppage, slowdown or retardation of service in such industry except under prescribed conditions; providing for injunctions against and criminal penalties for violations of the provisions hereof; providing for injunctions against strikes, lockouts and stoppage, slowdown or retardation of service in such industry; providing for the furnishing of stevedoring and related services by the Territory in the event of strikes, lockouts or stoppage, slowdown or retardation of service in such industry and making an appropriation and providing other funds therefor":

Upon motion by Senator Silva, seconded by Senator Dillingham, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

At 9:45 o'clock p.m., upon motion by Senator Hill, seconded by Senator Dillingham, the Senate adjourned until 10:00 o'clock a.m., on Tuesday, August 2, 1949.

Ellen D. Smythe

Clerk of the Senate.

Approved:

Wilfred L. Tsukuyama

President of the Senate

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ *Session, 19* 49

SEVENTH Day

AUGUST 2, 1949

ELLEN D. SMYTHE
*Clerk*

JOURNAL OF THE SENATE

SEVENTH DAY

Tuesday, August 2, 1949.

The Senate convened at 10:17 o'clock a.m., with the President presiding.

The Divine Blessing was invoked by the Chaplain, after which the Roll was called, showing all Senators present.

The Journal of the Sixth Day was read and approved.

A communication from the Acting Secretary of Hawaii (Dept. Com. No. 7), transmitting fifteen copies of the "Special Report of the Joint Legislative Committee on Agriculture and Livestock Problems on the Oriental Fruit Fly", published by the Senate of the State of California, was read by the Clerk as follows:

(Dept. Com. No. 7)

The communication was received and placed on file, and the reports distributed to the members.

Senator Silva, for the Committee on Enrollment, Revision and Printing, presented a report (Stand. Com. Rep. No. 5), reporting on matters referred to it, which was read by the Clerk as follows:

(Stand. Com. Rep. No. 5)

The report was received and placed on file.

A communication, in the form of a radiogram, from the President of the International Union of Mine, Mill and

Smelter Workers, CIO, Chicago, Illinois (Misc. Com. No. 7), protesting against the passage of legislation relating to labor disputes, was read by the Clerk as follows:

(Misc. Com. No. 7)

The communication was received and referred to the Committee of the Whole Senate, with President Tsukiyama as Chairman.

Third Reading of Senate Bill No. 2, entitled: "An Act relating to the stevedoring industry and labor disputes therein; declaring such industry to be essential to the public health, safety and welfare; providing for peaceful settlement of such disputes; prohibiting strikes, lockouts and stoppage, slowdown or retardation of service in such industry except under prescribed conditions; providing for injunctions against and criminal penalties for violations of the provisions hereof; providing for unjunctions against strikes, lockouts and stoppage, slowdown or retardation of service in such industry; providing for the furnishing of stevedoring and related services by the Territory in the event of strikes, lockouts or stoppage, slowdown or retardation of service in such industry and making an appropriation and providing other funds therefor":

Upon motion by Senator Heen, seconded by Senator Lee, the bill was recommitted to the Committee of the Whole, with President Tsukiyama as Chairman.

Second Reading of House Bill No. 2, entitled: "An Act relating to the stevedoring industry and labor disputes therein; declaring such industry to be essential

to the public health, safety and welfare; providing for peaceful settlement of such disputes; prohibiting strikes, lockouts and stoppage, slowdown or retardation of service in such industry except under prescribed conditions; providing for injunctions against and criminal penalties for violations of the provisions hereof; providing for injunctions against strikes, lockouts and stoppage, slowdown or retardation of service in such industry; providing for the furnishing of stevedoring and related services by the Territory in the event of strikes, lockouts or stoppage, slowdown or retardation of service in such industry and making an appropriation and providing other funds therefor":

Upon motion by Senator Heen, seconded by Senator Dillingham, and carried, the bill was referred to the Committee of the Whole, with President Tsukiyama as Chairman.

At this time, Senator Heen moved that the Senate resolve itself into a Committee of the Whole, with President Tsukiyama as Chairman for the consideration of House Bill No. 2, relating to the stevedoring industry and labor disputes therein. The motion was seconded by Senator Dillingham and carried; and at 10:20 o'clock a.m., the Senate resolved itself into a Committee of the Whole, with President Tsukiyama as Chairman, for the above stated purpose.

At 12:50 o'clock p.m., the Committee rose and the Senate reconvened.

Senator Heen, for the Committee of the Whole having under consideration House Bill No. 2, relating to the stevedoring industry and labor disputes therein, reported orally, recommending the passage, on Second Reading, of House Bill No. 2,

with certain amendments, a written report to be filed later.

Upon motion by Senator Heen, seconded by Senator Dillingham, the oral report of the Committee was adopted, a written report to be filed later. House Bill No. 2, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow.

At 12:51 o'clock p.m., upon motion by Senator Silva, seconded by Senator Nobriga, the Senate adjourned until 10:00 o'clock a.m., on Wednesday, August 3, 1949.

Ellen D. Smythe
Clerk of the Senate.

Approved:

William H. Heen
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ Session, 19 49

E I G H T H Day

AUGUST 3, 1949

ELLEN D. SMYTHE
Clerk

JOURNAL OF THE SENATE

EIGHTH DAY

Wednesday, August 3, 1949.

The Senate convened at 10:25 o'clock a.m., with the President presiding.

After Prayer by the Chaplain, the Roll was called, showing all Senators present, with the exception of Senator Nobriga, temporarily excused.

The Journal of the Seventh Day was read and approved.

A communication from the City and County Clerk (Dept. Com. No. 8), transmitting a bill for enactment, amending Act 95 of the Session Laws of 1947, relating to the Koolau Tunnel Project, was read by the Clerk as follows:

(Dept. Com. No. 8)

The communication and bill were received and referred to the Committee of the Whole, with President Tsukiyama as Chairman.

A communication, in the form of a radiogram, from the President of the United Office and Professional Workers of America, CIO, of New York City (Misc. Com. No. 8), protesting the anti-Union legislation now pending before the Legislature, was read by the Clerk as follows:

(Misc. Com. No. 8)

The communication was received and referred to the Committee of the Whole, with President Tsukiyama as Chairman.

A communication, in the form of a radiogram, from Honorable Joseph R. Farrington (Misc. Com. No. 9), informing the Senate of the passage by the House of Representatives of the United States Congress of certain bills relating to bond issues authorized for the Territory of Hawaii and certain of its political subdivisions, was read by the Clerk as follows:

(Misc. Com. No. 9)

The communication was received and placed on file.

A Petition, signed by 132 residents of the Island of Hawaii (S. Pet. No. 5), petitioning the members of the Senate to vote for such legislation as may be necessary to terminate the current waterfront strike, was read by the Clerk as follows:

(Pet. No. 5)

The Petition was received and referred to the Committee of the Whole, with President Tsukiyama as Chairman.

Senator Silva, for the Committee on Enrollment, Revision and Printing, presented a report (Stand. Com. Rep. No. 6), reporting that House Bill No. 2, HD-2, SD-1, was mimeographed and ready for distribution, which was read by the Clerk as follows:

(Stand. Com. Rep. No. 6)

The report was received and placed on file.

Third Reading of House Bill No. 2, as amended, entitled: "An Act relating to the stevedoring industry and labor disputes therein; declaring such industry to be essential to the public health, safety and welfare; providing for peaceful settlement of such disputes; prohibiting strikes, lockouts

and stoppage, slowdown or retardation of service in such industry except under prescribed conditions; providing for injunctions against and criminal penalties for violations of the provisions hereof; providing for injunctions against strikes, lockouts and stoppage, slowdown or retardation of service in such industry; providing for the furnishing of stevedoring and related services by the Territory in the event of strikes, lockouts or stoppage, slowdown or retardation of service in such industry and making an appropriation and providing other funds therefor":

Upon motion by Senator Heen, seconded by Senator Hill, and carried, the bill was re-referred to the Committee of the Whole for further consideration.

At this time, Senator Heen moved that the Senate resolve itself into a Committee of the Whole for the further consideration of House Bill No. 2, as amended. Seconded by Senator Hill, and carried; and at 10:30 o'clock a.m., the Senate resolved itself into a Committee of the Whole, with President Tsukiyama as Chairman for the further consideration of said bill.

At 4:03 o'clock the Committee rose, and the Senate reconvened.

Senator Heen, for the Committee of the Whole, having under consideration House Bill No. 2, as amended, orally reported progress and asked leave to sit again.

Upon motion by Senator Heen, seconded by Senator Dillingham, the oral report of the Committee was adopted.

At 4:05 o'clock p.m., upon motion by Senator Heen, seconded by Senator Dillingham, and carried, the Senate adjourned until 10:00 o'clock a.m., on Friday, August 5, 1949.

Ellen D Smythe

Clerk of the Senate.

Approved:

Wilfred Oshikiyama

President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ Session, 1949

NINTH Day

AUGUST 4, 1949

ELLEN D. SMYTHE
Clerk

JOURNAL OF THE SENATE

NINTH DAY

Thursday, August 4, 1949.

N O  S E S S I O N

Ellen D. Smythe

Clerk of the Senate.

Approved:

President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ Session, 19 49

TENTH Day

AUGUST 5, 1949

ELLEN D. SMYTHE
Clerk

JOURNAL OF THE SENATE

TENTH DAY

Friday, August 5, 1949.

The Senate convened at 11:20 o'clock a.m., with the President presiding.

The Divine Blessing was invoked by Chaplain Judd, showing all Senators present with the exception of Senator Ansai, excused, for the day. The President stated that he had excused Senator Ansai in order that he might represent the people of Maui at the interment ceremonies at the Pacific National Memorial Cemetery today, at which time the bodies of a number of veterans of World War II from the Island of Maui who gave their lives in the service of their country are to be interred.

The Journal of the Eighth and Ninth Days was read and approved.

A communication from the President of the Honolulu Chapter of Americans for Democratic Action (Misc. Com. No. 10), expressing deep concern with the provisions of the bill relating to the stevedoring industry and labor disputes therein pending before the Legislature, was read by the Clerk as follows:

(Misc. Com. No. 10)

The communication was received and referred to the Committee of the Whole, with President Tsukiyama as Chairman, having under consideration all bills re-

lating to this subject matter.

A communication from the Regional Director of the United Public Workers of America, C.I.O. (Misc. Com. No. 11), requesting an opportunity to appear before the Senate at such time as Senate Bill No. 18 or House Bill No. 22, both relating to collective bargaining for government employees, are considered, was read by the Clerk as follows:

(Misc. Com. No. 11)

The communication was received and referred to the Committee of the Whole, with President Tsukiyama as Chairman, which Committee has had these two bills referred to it.

A communication from Mr. Charles C. McAfee, of Honolulu, (Misc. Com. No. 12), relating to anti-strike legislation now before the Senate, was read by the Clerk as follows:

(Misc. Com. No. 12)

The communication was received and referred to the Committee of the Whole, with President Tsukiyama as Chairman, to which all such legislation has been referred.

A communication from the President and Officers of the Credit Women's Breakfast Club of Hawaii (Misc. Com. No. 13), requesting that the special session of the legislature terminate the present strike, etc., was read by the Clerk as follows:

(Misc. Com. No. 13)

The communication was received and referred to the Committee of the Whole, with President Tsukiyama as Chairman, to which such legislation has been referred.

A communication from the County Clerk of the County of Maui (Dept. Com. No. 9), transmitting a certified copy of Resolution No. 260, together with a bill, requesting the Legislature to enact legislation authorizing the Board of Supervisors of the County of Maui to adopt standard codes by reference, was read by the Clerk as follows:

(Dept. Com. No. 9 )

The communication, resolution and bill were received and referred to the Committee of the Whole, with President Tsukiyama as Chairman.

At this time, Senator Silva moved that the Senate resolve itself into a Committee of the Whole, with President Tsukiyama as Chairman, for the purpose of further considering House Bill No. 2, H.D. 2 (Final Draft), S.D. 1, relating to the stevedoring industry and labor disputes therein. Seconded by Senator Nobriga, and carried; and at 11:30 o'clock a.m., the Senate resolved itself into a Committee of the Whole, for such purpose, with President Tsukiyama as Chairman.

At 11:50 o'clock a.m., the Committee rose, and the Senate reconvened.

Senator Heen, for the Committee of the Whole, having under consideration House Bill No. 2, H.D. 2 (Final draft), S.D. 1, relating to the stevedoring industry and labor disputes therein, orally reported, recommending the passage of said bill on Third Reading, in an amended form, a written report to be filed later.

Senator Heen moved for the adoption of the oral report of the Committee. Seconded by Senator Silva.

Senator Aguiar moved that action on the adoption of the report be deferred until 2:00 o'clock this afternoon. Seconded by Senator Duarte.

A Roll Call being demanded, the motion to defer action on the adoption of the report until 2:00 o'clock this afternoon was put, and lost, on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Blaisdell, Dillingham, Fernandes and Nobriga. Total, 5.

Noes: Senators Akana, Capellas, Duarte, Goodness, Heen, Hill, Lee, Silva and Mr. President. Total, 9.

Excused and not voting: Senator Ansai. Total, 1.

Senator Heen thereupon moved that the oral report of the Committee be adopted. Seconded by Senator Silva, and carried.

Third Reading of House Bill No. 2, in the amended form, entitled: "An Act relating to the stevedoring industry and related facilities and services, including terminal services; declaring that strikes, lockouts, stoppage, slowdown, or retardation of services in said industry and said related facilities and services imperil the public health, safety and welfare; declaring a public emergency arising from the present stevedoring strike; providing for the Territory of Hawaii to take possession of and take over and operate such stevedoring industry and such related facilities and services during the aforesaid emergency and other emergencies occurring thereafter; providing for injunctions against interference with the conduct of such operations by the Territory by strikes, other concerted activities, or other means; conferring certain powers and imposing certain duties upon the Governor of the Territory

of Hawaii in regard to such industry, facilities and services before and during such emergencies, including the power to make rules and regulations for carrying out the provisions of this Act; providing penalties for violations of such rules and regulations; making an appropriation and providing other funds in connection herewith", passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Akana, Blaisdell, Capellas, Dillingham, Duarte, Fernandes, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 13.

Noes: Senators Aguiar. Total, 1.

Excused and not voting: Senator Ansai. Total, 1.

At 11:55 o'clock a.m., upon motion by Senator Hill, seconded by Senator Silva, the Senate stood in recess until 2:00 o'clock this afternoon.

AFTERNOON SESSION

The Senate reconvened at 2:20 o'clock p.m., with the President presiding and all Senators being present, with the exception of Senator Ansai, excused.

At this time, Senator Silva moved that the Senate reconsider its action taken this morning in passing House Bill No. 2, in the amended form, on Third Reading. Seconded by Senator Dillingham, and carried.

Consideration, on Third Reading of House Bill No. 2, in the amended form, entitled: "An Act relating to the stevedoring industry and related facilities and services, including terminal services; declaring that strikes, lockouts, stoppage, slowdown, or retardation of services in said industry and said related facilities and services im-

peril the public health, safety and welfare; declaring a public emergency arising from the present stevedoring strike; providing for the Territory of Hawaii to take possession of and take over and operate such stevedoring industry and such related facilities and services during the aforesaid emergency and other emergencies occurring thereafter; providing for injunctions against interference with the conduct of such operations by the Territory by strikes, other concerted activities, or other means; conferring certain powers and imposing certain duties upon the Governor of the Territory of Hawaii in regard to such industry, facilities and services before and during such emergencies, including the power to make rules and regulations for carrying out the provisions of this Act; providing penalties for violations of such rules and regulations; making an appropriation and providing other funds in connection herewith":

Senator Heen offered the following amendment:

"Amend the amended form of House Bill No. 2 by inserting a "comma" after the word "necessary" in the 17th line of Section 3 (a), on page 3 of the mimeographed bill."

Upon motion by Senator Heen, seconded by Senator Hill, the amendment was acopted.

Upon motion by Senator Heen, seconded by Senator Hill, the amended form of the bill, as further amended, passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Blaisdell, Capellas, Duarte, Fernandes, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 14.

Noes: None.

Excused and not voting: Senator Ansai. Total, 1.

At 2:30 o'clock p.m., upon motion by Senator Heen, seconded by Senator Hill, the Senate stood in recess, subject to the call of the Chair.

At 3:10 o'clock p.m., the Senate reconvened and thereupon stood in recess until 8:00 o'clock tonight.

EVENING SESSION

The Senate reconvened at 8:35 o'clock p.m., with the President presiding and all Senators being present with the exception of Senator Aguiar, excused.

A communication from the House (H. Com. No. 4), informing the Senate that the House had disagreed to the amendments proposed by the Senate to House Bill No. 2, had requested a conference on the subject matter thereof, and had appointed Representatives Fong, Marcallino, Kauhane, Porteus and Sakakihara as Managers on the part of the House for the consideration of said amendments, was read by the Clerk as follows:

(H. Com. No. 4)

The communication was received and placed on file.

Senator Heen moved that the President appoint a Committee as conferees on the part of the Senate at such conference. Seconded by Senator Fernandes, and carried.

The President thereupon appointed Senators Heen, Lee, Dillingham, Silva and Tsukiyama as Conferees on the part of the Senate at such conference.

At 8:40 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:55 o'clock p.m., and, upon motion by Senator Heen, seconded by Senator Blaisdell, the Senate adjourned until 2:00 o'clock a.m., on Saturday, August 6, 1949.

Ellen D. Smythe
Clerk of the Senate.

Approved:

Wilfred P. Tsukiyama
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ Session, 19 49

ELEVENTH Day

AUGUST 6, 1949

ELLEN D. SMYTHE
Clerk

JOURNAL OF THE SENATE

ELEVENTH DAY

Saturday, August 6, 1949.

The Senate convened at 2:05 o'clock a.m., with the President presiding.

The opening Prayer was offered by Mrs. Hannah Bright Harris, in the absence of the Senate Chaplain.

The Roll was called showing all Senators present, with the exception of Senator Aguiar, excused on account of illness.

The Journal of the Tenth Day was read and approved.

At 2:10 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

At 2:35 o'clock a.m., the Senate reconvened.

A communication from the House (H. Com. No. 5), informing the Senate that the House had adopted the Conference Committee report on House Bill No. 2, and that said bill had passed Final Reading in accordance therewith, was read by the Clerk as follows:

(H. Com. No. 5)

The communication was received and placed on file.

Senator Heen, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2, presented a report (Conf. Com. Rep. No. 1), recommending the final passage of the bill as passed by the Senate with certain amendments,

which was read by the Clerk as follows:

(Conf. Com. Rep. No. 1)

Upon motion by Senator Heen, seconded by Senator Silva, the report of the Committee was adopted, and House Bill No. 2 passed Final Reading in accordance therewith on the following showing of Ayes and Noes:

Ayes: Senators Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Fernandes, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 14.

Noes: None.

Excused and not voting: Senator Aguiar. Total, 1.

At 2:38 o'clock a.m., upon motion by Senator Blaisdell, seconded by Senator Fernandes, the Senate adjourned until 11:00 o'clock a.m., on Wednesday, August 10, 1949.

Ellen D. Smythe
Clerk of the Senate.

Approved:

Wilfred C. Tsukiyama
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ *Session, 19* 49

TWELFTH Day

AUGUST 8, 1949

ELLEN D. SMYTHE
*Clerk*

JOURNAL OF THE SENATE

TWELFTH DAY

Monday, August 8, 1949.

N O  S E S S I O N

Ellen D. Smythe
Clerk of the Senate.

Approved:

Wilbert D. Tuckerman
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ Session, 1949

THIRTEENTH Day

AUGUST 9, 1949

ELLEN D. SMYTHE
Clerk

JOURNAL OF THE SENATE

THIRTEENTH DAY

Tuesday, August 9, 1949.

N O  S E S S I O N

Ellen D. Smythe
Clerk of the Senate.

Approved:

Wilfred C. Tsukiyama
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ *Session, 19* 49

FOURTEENTH Day

AUGUST 10, 1949

ELLEN D. SMYTHE
*Clerk*

JOURNAL OF THE SENATE

FOURTEENTH DAY

Wednesday, August 10, 1949.

The Senate convened at 11:06 o'clock a.m., with President Tsukiyama presiding.

Chaplain Judd offered the opening Prayer, after which the Roll was called, showing all Senators present, with the exception of Senator Dillingham, temporarily excused.

The Journal of the Eleventh, Twelfth and Thirteenth Days was read and approved.

A Message from the Governor (Gov. Message No. 5), submitting certain appointments for confirmation, was read by the Clerk as follows:

(Gov. Message No. 5)

Senator Heen moved that the appointments of Mr. William Monahan and Mr. Marshall B. Henshaw, as Members of the Board of Harbor Commissioners, for respective terms to expire on June 30, 1953 and June 30, 1951, be approved. The motion was seconded by Senator Silva and carried unanimously.

The Message was received, ordered mimeographed and distributed to the members, and thereafter referred to the Committee of the Whole, with President Tsukiyama as Chairman.

At this time, the President informed the Senate that the Governor desired to address a joint session of the Legislature this morning at 11:15 o'clock. He thereupon appointed Senators Aguiar, Fernandes and Blaisdell as a Committee of three to wait upon the Governor to escort him to the joint session, with a like Committee from the House of Representatives.

The Senate stood in recess at 11:10 o'clock, subject to the call of the Chair, and the Senators repaired in a body to the Hall of the House of Representatives there to sit in joint session with the members of the House to receive the Governor's Message.

The joint session was called to order at 11:15 o'clock a.m., by Speaker Fong.

At this time, the Governor, escorted by the Committee from the Senate, composed of Senators Aguiar, Fernandes and Blaisdell, and the Committee from the House, composed of Representatives Garcia, Seong and Kawakami, entered the Chamber and was thereupon presented to the joint session by Speaker Fong, who said:

> "We are gathered here in joint session today to listen to an address by the Honorable Ingram M. Stainback, Governor of Hawaii. At this time it is my pleasure and privilege to present Governor Stainback to the joint session."

Governor Stainback delivered his Message (Gov. Message No. 6) to the joint session as follows:

(Gov. Message No. 6)

Speaker Fong thanked the Governor for his address, saying:

> "Governor Stainback, on behalf of the House and the Senate, I thank you for your Message reassuring us that the laws of the Territory will be enforced; and I know that each and every one of us will do our very best to enforce the laws of the Territory, and to see that no one in the Territory is harrassed; and to see that no one flaunts our laws. We will do everything in our power to pass laws which will help the situation."

The Speaker thereupon adjourned the joint session at 11:23 o'clock a.m.

The Senate reconvened at 11:31 o'clock a.m., with all Senators present.

Governor's Message No. 6 was thereupon placed on file.

At this time, Senator Heen moved that the Senate resolve itself into a Committee of the Whole, with President Tsukiyama as Chairman, for the purpose of considering all measures pending in the Senate which have previously been referred to said Committee of the Whole. Seconded by Senator Hill, and carried; and at 11:35 o'clock a.m., the Senate resolved itself into a Committee of the Whole for such purpose, with President Tsukiyama as Chairman.

At 3:40 o'clock p.m., the Committee rose and the Senate reconvened.

Senator Heen, for the Committee of the Whole, having under consideration certain measures pending in the Senate, reported orally, recommending the passage of Senate Bill No. 19 on Second Reading, in an amended form; and further reporting progress and asking leave to sit again on the other measures pending before said Committee, a written report on Senate Bill No. 19 to be filed later.

Upon motion by Senator Heen, seconded by Senator Dillingham, the oral report of the Committee was adopted. Senate Bill No. 19, in the amended form, passed Second Reading and was placed on the calendar for Third Reading tomorrow.

Senator Heen, for the Committee of the Whole, to which Governor's Messages Nos. 3 and 5, relating to appointments, were referred, reported orally, recommending that consideration of said Messages be deferred until Friday, August 12th.

Upon motion by Senator Heen, seconded by Senator Hill, the oral report of the Committee was adopted, and the consideration of Governor's Messages Nos. 3 and 5 was deferred until such date.

At this juncture, the President interrupted the proceedings of the Senate to present to the Senate, the Honorable Jose D'Leon Guerrero, Assemblyman from the 9th Guam Congress, who responded to the presentation by expressing his pleasure at being privileged to say a few words to the Senate, informally and unofficially.

A communication from the Acting Secretary of Hawaii (Dept. Com. No. 10), informing the Senate that the Governor had signed House Bill No. 2, as Act 2, was read by the Clerk as follows:

(Dept. Com. No. 10)

The communication was received and placed on file.

A communication from the City and County Clerk (Dept. Com. No. 11), transmitting a certified copy of Resolution No. 365, adopted by the Board of Supervisors, relating to the salaries of the Mayor and the Chief of Police of the City and County of Honolulu, was read by the Clerk as follows:

(Dept. Com. No. 11)

The communication and Resolution were received and referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

Senator Silva, for the Committee on Enrollment, Revision and Printing, presented a report (Stand. Com. Rep. No. 7), reporting that House Bill No. 2-HD-2, SD-2 had been mimeographed and was ready for distribution, which was read by the Clerk as follows:

(Stand. Com. Rep. No. 7)

The report was received and placed on file.

Upon motion by Senator Silva, seconded by Senator Dillingham, the Senate adjourned at 3:52 o'clock p.m., until

10:00 o'clock a.m., on Thursday, August 11, 1949.

Ellen J. Smythe

Clerk of the Senate.

Approved:

Hiram L. Fong

President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ *Session, 1949*

FIFTEENTH Day

AUGUST 11, 1949

ELLEN D. SMYTHE
*Clerk*

JOURNAL OF THE SENATE

FIFTEENTH DAY

Thursday, August 11, 1949.

The Senate convened at 10:25 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by the Chaplain, after which the Roll was called showing all Senators present.

The Journal of the Fourteenth Day was read and approved.

Senator Silva, for the Committee on Enrollment, Revision and Printing, presented a report (Stand. Com. Rep. No. 8), reporting on matters referred to it, which was read by the Clerk as follows:

(Stand. Com. Rep. No. 8)

The report was received and placed on file.

Third Reading of Senate Bill No. 19, entitled: "An Act relating to government employment, operations and functions, prohibiting strikes, stoppage, slowdown, retardation or concerted interruption of services therein or in connection therewith, prohibiting picketing and other acts, activities and conduct, interfering or tending to interfere with government employment, operations, or functions, and providing for remedies of the government against violations of this Act":

Upon motion by Senator Heen, seconded by Senator Hill, action on the bill was deferred until this afternoon.

At 10:32 o'clock a.m., the Senate stood in recess until 2:30 o'clock this afternoon.

AFTERNOON SESSION

The Senate reconvened at 3:15 o'clock p.m., with the President presiding and all Senators being present.

At this time, Senator Heen moved that the Senate resolve itself into a Committee of the Whole for the consideration of Senate Bills Nos. 15 and 16 relating, respectively, to conspiracy and bonds to keep the peace. Seconded by Senator Hill, and carried; and at 3:20 o'clock p.m., the Senate resolved itself into a Committee of the Whole, with President Tsukiyama as Chairman, for such purpose.

At 3:44 o'clock p.m., the Committee rose and the Senate reconvened.

Senator Heen, for the Committee of the Whole, having under consideration Senate Bills Nos. 15 and 16, reported orally, recommending the passage of said bills, on Second Reading, in an amended form, a written reported to be filed later.

Upon motion by Senator Heen, seconded by Senator Hill, the oral report of the Committee was adopted. Senate Bills Nos. 15 and 16 passed Second Reading in the amended forms thereof, and were placed on the calendar for Third Reading tomorrow.

A communication from the House (H. Com. No. 6), transmitting House Bill No. 7, was read by the Clerk as follows:

(H. Com. No. 6)

The communication was received and placed on file.

First Reading of House Bill No. 7, entitled: "An Act to amend Chapter 219 of the Revised Laws of Hawaii 1945, entitled 'Replevin, aids to', by amending the title thereof, by amending Sections 10461, 10462, 10464, 10466, 10468 and 10471, and by adding two new sections thereto":

Upon motion by Senator Heen, seconded by Senator Hill, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 7), transmitting House Bill No. 10, was read by the Clerk as follows:

(H. Com. No. 7)

The communication was received and placed on file.

First Reading of House Bill No. 10, entitled: "An Act prohibiting picketing before or about residences and dwelling places, making the same a misdemeanor, and providing penalties":

Upon motion by Senator Heen, seconded by Senator Silva, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

Senators Silva, Hill, Nobriga, Goodness, Duarte, Aguiar, Ansai, Capellas, Akana and Fernandes offered a Resolution (S. Res. No. 8), extending congratulations and good wishes to Harry Stroup, Advertiser Reporter, who has recently been appointed Secretary to the Governor of Hawaii, which was read by the Clerk as follows:

(S. Res. No. 8)

Upon motion by Senator Silva, seconded by Sen tor Nobriga, the Resolution was unanimously adopted by a rising vote.

A communication from the "Broom Brigade" (Misc. Com. No. 14), commending the legislators for the enactment of House Bill No. 2, relating to the stevedoring industry and labor disputes therein, was read by the Clerk as follows:

(Misc. Com. No. 14)

The communication was received and placed on file.

Consideration, on Third Reading, of Senate Bill No. 19, entitled: "An Act relating to government employment, operations and functions, prohibiting strikes, stoppage, slowdown, retardation or concerted interruption of services therein or in connection therewith, prohibiting picketing and other acts, activities and conduct, interfering or tending to interfere with government employment, operations, or functions, and providing for remedies of the government against violations of this Act", deferred from earlier on the calendar:

Upon motion by Senator Silva, seconded by Senator Heen, action on the bill was further deferred until Friday, August 12th.

At 3:40 o'clock p.m., upon motion by Senator Dillingham, seconded by Senator Silva, and carried, the Senate adjourned until 10:00 o'clock a.m., on Friday, August 12, 1949.

Ellen D. Smythe
Clerk of the Senate.

Approved:

Wilfred C. Tsukiyama
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ Session, 1949

SIXTEENTH Day

AUGUST 12, 1949

ELLEN D. SMYTHE
Clerk

JOURNAL OF THE SENATE

SIXTEENTH DAY

Friday, August 12, 1949.

The Senate convened at 10:30 o'clock a.m., with the President presiding.

The opening Prayer was offered by Chaplain Judd, after which the Roll was called, showing all Senators present.

The Journal of the Fifteenth Day was read and approved.

A communication from the House (H. Com. No. 8), transmitting House Bill No. 8, was read by the Clerk as follows:

(H. Com. No. 8)

The communication was received and placed on file.

First Reading of House Bill No. 8, entitled: "An Act to amend Chapter 219 of the Revised Laws of Hawaii 1945, entitled 'Replevin, aids to', by adding a new part thereto to be designated as 'Part II, Special Proceedings for Immediate Possession of Personal Property.'"

Upon motion by Senator Silva, seconded by Senator Dillingham, and carried, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 9), transmitting House Bill No. 11, was read by the Clerk as follows:

(H. Com. No. 9)

The communication was received and placed on file.

First Reading of House Bill No. 11, entitled: "An Act relating to judicial procedure, parties to actions, and service of judicial processes and certain other notices":

Upon motion by Senator Nobriga, seconded by Senator Blaisdell, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

Senator Silva, for the Committee on Enrollment, Revision and Printing, presented a report (Stand. Com. Rep. No. 9), reporting on matters referred to it, which was read by the Clerk as follows:

(Stand. Com. Rep. No. 9)

The report was received and placed on file.

Second Reading of House Bill No. 7, entitled: "An Act to amend Chapter 219 of the Revised Laws of Hawaii 1945, entitled 'Replevin, aids to', by amending the title thereof, by amending Sections 10461, 10462, 10464, 10466, 10468 and 10471, and by adding two new sections thereto":

Upon motion by Senator Heen, seconded by Senator Dillingham, and carried, the bill was referred to the Committee of the Whole, with President Tsukiyama as Chairman.

Second Reading of House Bill No. 10, entitled: "An Act prohibiting picketing before or about residences and dwelling places, making the same a misdemeanor, and providing penalties":

Upon motion by Senator Silva, seconded by Senator Duarte, the bill was referred to the Committee of the Whole, with President Tsukiyama as Chairman.

Third Reading of Senate Bill No. 15, entitled: "An Act relating to conspiracy, amending Sections 11120, 11128 and

11129 of the Revised Laws of Hawaii 1945, repealing Sections 11127 and 11130 thereof, and enacting a new section of the Revised Laws of Hawaii 1945 to be numbered 11127.01":

Upon motion by Senator Dillingham, seconded by Senator Hill, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Fernandes, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 15.

Noes: None.

Third Reading of Senate Bill No. 16, entitled: "An Act to amend Section 10750 of the Revised Laws of Hawaii 1945, relating to bonds to keep the peace":

Senator Lee moved that action on the bill be deferred until later on the calendar. Seconded by Senator Fernandes, and carried.

Third Reading of Senate Bill No. 19, entitled: "An Act relating to government employment, operations and functions, prohibiting strikes, stoppage, slowdown, retardation or concerted interruption of services therein or in connection therewith, prohibiting picketing and other acts, activities and conduct, interfering or tending to interfere with government employment, operations, or functions, and providing for remedies of the government against violations of this Act"; deferred:

Upon motion by Senator Heen, seconded by Senator Fernandes, and carried, action on the bill was deferred until later on the calendar.

Consideration of Governor's Messages Nos. 3 and 5, submitting appointments for confirmation, deferred from August 10th:

Upon motion by Senator Heen, seconded by Senator Dillingham, and carried, action on the Messages was deferred until

later on the calendar.

Senator Heen moved at this time that a Steering Committee of the Senate be appointed by the President to cooperate with a similar committee from the House, for the purpose of scrutinizing all bills and joint resolutions that are presented for introduction in either the House or the Senate, said Committee to consist of seven members, with the President and Vice President as members of said Committee, and the President acting as the Chairman thereof. Seconded by Senator Hill.

Senator Silva moved that the motion be amended so that the Committee will consist of two members from the First Senatorial District; one from the Second District, three from the Third District, and one from the Fourth District. The amendment was seconded by Senator Nobriga, and carried.

The motion, as amended, was thereupon put and carried.

The President stated that he would announce the appointment of the members of this Committee later in the day.

At this time, Senator Dillingham moved that the Senate resolve itself into a Committee of the Whole for the consideration of House Bills Nos. 7 and 10. Seconded by Senator Fernandes, and carried; and at 11:15 o'clock a.m., the Senate resolved itself into a Committee of the Whole for the consideration of said bills, with President Tsukiyama as Chairman.

At 3:20 o'clock p.m., the Committee rose, and the Senate reconvened with all Senators present, with the exception of Senator Fernandes, excused.

Senator Heen, for the Committee of the Whole, having under consideration House Bills Nos. 7 and 10, reported orally, recommending the passage of said bills on Second Reading, as amended, a written report to be filed later.

Upon motion by Senator Heen, seconded by Senator Blaisdell, the oral report of the Committee was adopted. House

Bills Nos. 7 and 10 passed Second Reading, as amended, and were placed on the calendar for Third Reading tomorrow.

At this juncture, the President announced the appointment of the membership of the Steering Committee which he was authorized to appoint earlier in today's session, as follows:

| | |
|---|---|
| Representing Oahu: | Senators Heen, Akana as Vice President, and Tsukiyama as President; |
| Representing Hawaii: | Senators Hill and Silva; |
| Representing Maui: | Senator Ansai; |
| Representing Kauai: | Senator Aguiar. |

At 3:23 o'clock p.m., upon motion by Senator Heen, seconded by Senator Dillingham, the Senate stood in recess, subject to the call of the Chair.

The Senate reconvened at 4:16 o'clock p.m.

Senator Heen reported orally that the Steering Committee appointed by the President had held a joint meeting with a similar committee of the House to discuss the matter of whether or not a bill, which had been prepared by the Attorney General's Office, to amend Act 2 of the Special Session Laws of Hawaii 1949, should be introduced into the two Houses of the Legislature. The two Committees had agreed that the bill should be introduced.

Senator Heen thereupon introduced a bill (S. B. No. 23), entitled: "An Act to amend Act 2 of the Special Session Laws of Hawaii 1949 by amending Section 5 thereof with respect to furthering government operations under and accomplishing the purposes of said Act, and preventing interference therewith".

Upon motion by Senator Heen, seconded by Senator Silva, the bill passed First Reading by title and was referred to the Printing Committee.

A communication from the House (H. Com. No. 10), transmitting House Bill No. 13, was read by the Clerk as follows:

(H. Com. No. 10)

The communication was received and placed on file.

First Reading of House Bill No. 13, entitled: "An Act relating to the obstruction of ingress and egress, defining offenses in connection therewith, and prescribing the punishment therefor":

Upon motion by Senator Silva, seconded by Senator Duarte, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

Senators Aguiar, Goodness, Duarte, Nobriga, Silva, Capellas, Heen, Hill, Ansai, Tsukiyama, Akana, Dillingham, Blaisdell and Lee offered a Resolution (S. Res. No. 9), bidding Senator and Mrs. J. B. Fernandes Godspeed and expressing the hope for their early and safe return from a trip on which they are embarking to Brazil, which was read by the Clerk as follows:

(S. Res. No. 9)

In moving for the adoption of the Resolution, Senator Aguiar stated that he would like the records to show that Senator Fernandes is travelling at this time on the advice of his doctors. The motion to adopt the Resolution was seconded by Senator Silva, and carried unanimously.

The President stated that he would like to supplement the Resolution and the statement made by Senator Aguiar by saying that Senator Fernandes will first proceed to the Mayo Clinic, where he will receive treatment, and then he will proceed down South to Brazil. Continuing, the President said: "To Senator Fernandes, this is not a vacation trip at all. He has been a sick man and the advice of his physicians seems to be that ocean life will suit him best, so he is going to do a lot of travelling on the high seas, taking him down to Brazil. Therefore, Senator

Fernandes will be excused for the balance of this special session."

Consideration, on Third Reading, of Senate Bill No. 16, entitled: "An Act to amend Section 10750 of the Revised Laws of Hawaii 1945, relating to bonds to keep the peace", deferred from earlier on the calendar:

Upon motion by Senator Lee, seconded by Senator Heen, the bill was recommitted to the Committee of the Whole, of which President Tsukiyama is Chairman.

Consideration, on Third Reading, of Senate Bill No. 19, entitled: "An Act relating to government employment, operations and functions, prohibiting strikes, stoppage, slowdown, retardation or concerted interruption of services therein or in connection therewith, prohibiting picketing and other acts, activities and conduct, interfering or tending to interfere with government employment, operations, or functions, and providing for remedies of the government against violations of this Act", deferred from earlier on the calendar:

Upon motion by Senator Heen, seconded by Senator Lee, action on Third Reading was further deferred until Monday, August 15th.

Consideration of Governor's Messages Nos. 3 and 5, submitting appointments for confirmation, deferred from earlier on the calendar:

Upon motion by Senator Silva, seconded by Senator Blaisdell, action on the Messages was further deferred until Monday, August 15th.

At 4:45 o'clock p.m., upon motion by Senator Lee, seconded by Senator Heen, and carried, the Senate adjourned until 10:00

o'clock a.m., on Saturday, August 13, 1949.

Ellen D. Smyth
Clerk of the Senate.

Approved:

Wilbert D. Tsukiyama
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ Session, 1949

SEVENTEENTH Day

AUGUST 13, 1949

ELLEN D. SMYTHE
Clerk

JOURNAL OF THE SENATE

SEVENTEENTH DAY

Saturday, August 13, 1949.

The Senate convened at 10:23 o'clock a.m., with President Tsukiyama presiding.

The Divine Blessing was invoked by Chaplain Judd, after which the Roll was called, showing all Senators present, with the exception of Senators Ansai, Fernandes, Hill, Lee, Nobriga and Silva, excused.

The Journal of the Sixteenth Day was read and approved.

Senator Duarte, for the Committee on Enrollment, Revision and Printing, presented a report (Stand. Com. Rep. No. 10), reporting on matters referred to it, which was read by the Clerk as follows:

(Stand. Com. Rep. No. 10)

The report was received and placed on file.

Second Reading of Senate Bill No. 23, entitled: "An Act to amend Act 2 of the Special Session Laws of Hawaii 1949 by amending Section 5 thereof with respect to furthering government operations under and accomplishing the purposes of said Act, and preventing interference therewith":

Upon motion by Senator Heen, seconded by Senator Duarte, the bill was referred to the Committee of the Whole, with President Tsukiyama as Chairman.

Second Reading of House Bill No. 8, entitled: "An Act to amend Chapter 219 of the Revised Laws of Hawaii 1945, entitled 'Replevin, Aids To', by adding a new part thereto to be designated as 'Part II, Special Proceedings for Immediate Possession of Personal Property'":

Upon motion by Senator Heen, seconded by Senator Goodness, the bill was referred to the Committee of the Whole, with President Tsukiyama as Chairman.

Second Reading of House Bill No. 11, entitled: "An Act relating to judicial procedure, parties to actions, and service of judicial processes and certain other notices":

Upon motion by Senator Heen, seconded by Senator Goodness, the bill was referred to the Committee of the Whole, with President Tsukiyama as Chairman.

Second Reading of House Bill No. 13, entitled: "An Act relating to the obstruction of ingress and egress, defining offenses in connection therewith, and prescribing the punishment therefor":

Upon motion by Senator Heen, seconded by Senator Duarte, the bill was referred to the Committee of the Whole, with President Tsukiyama as Chairman.

Third Reading of House Bill No. 7, entitled: "An Act to amend Chapter 219 of the Revised Laws of Hawaii 1945, entitled 'Replevin, Aids To', by amending the title thereof, by amending Sections 10461, 10462, 10464, 10466, 10468 and 10471, and by adding two new sections thereto"; as amended:

Upon motion by Senator Heen, seconded by Senator Goodness, action on the bill was deferred until Monday, August 15th.

Third Reading of House Bill No. 10, entitled: "An Act prohibiting picketing before or about residences and dwelling places, making the same a misdemeanor, and providing penalties", as amended:

Upon motion by Senator Heen, seconded by Senator Akana, action on the bill was deferred until Monday, August 15th.

At this time, Senator Heen moved that the Senate resolve itself into a Committee of the Whole for the consideration of Senate Bill No. 23 and House Bills Nos. 8, 11 and 13. Seconded by Senator Duarte, and carried; and at 10:25 o'clock a.m., the Senate resolved itself into a Committee of the Whole for the consideration of said bills, with President Tsukiayama as Chairman.

At 10:29 o'clock a.m., the Committee rose, and the Senate reconvened.

Senator Heen, for the Committee of the Whole, having under consideration Senate Bill No. 23 and House Bills Nos. 8, 11 and 13, reported orally, recommending the passage of Senate Bill No. 23, a written report to be filed later; and reporting progress on House Bills Nos. 8, 11 and 13 and asking leave to sit again thereon.

Upon motion by Senator Heen, seconded by Senator Blaisdell, the oral report of the Committee was adopted. Senate Bill No. 23 passed Second Reading and was placed on the calendar for Third Reading on Monday, August 15th.

At 10;31 o'clock a.m., upon motion by Senator Heen, seconded by Senator Dillingham, the Senate adjourned until 2:00 o'clock p.m., on Monday, August 15, 1949.

Ellen D. Smythe

Clerk of the Senate.

Approved:

Wilfred K. Tsukiyama

President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ *Session, 1949*

EIGHTEENTH Day

AUGUST 15, 1949

ELLEN D. SMYTHE
*Clerk*

JOURNAL OF THE SENATE

EIGHTEENTH DAY

Monday, August 15, 1949.

The Senate convened at 2:30 o'clock p.m., with the President in the Chair.

After Prayer by Chaplain Judd, the Roll was called, showing all Senators present, with the exception of Senator Fernandes, excused.

The Journal of the Seventeenth Day was read and approved.

A communication from the City and County Clerk (Dept. Com. No. 12), transmitting a set of a bill relating to the Bureau of Mental Hygiene, was read by the Clerk as follows:

(Dept. Com. No. 12)

The communication and bill were received and referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

A communication from the City and County Clerk (Dept. Com. No. 13), submitting a set of three proposed bills, relating, respectively, to regulations governing the subdivision of land; relating to the zoning regulations of the City and County of Honolulu; and transferring operation, etc. of the War Memorial Natatorium to the Board of Parks and Recreation, etc., was read by the Clerk as follows:

(Dept. Com. No. 13)

The communication and three bills were received and referred to the Committee of the Whole, with President Tsukiyama as Chairman.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 1), recommending the passage of House Bill No. 2, HD-2, Final Draft, in an amended form, which was read by the Clerk as follows:

(Com. Whole Rep. No. 1)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 2), recommending the passage of Senate Bill No. 23, which was read by the Clerk as follows:

(Com. Whole Rep. No. 2)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Third Reading of Senate Bill No. 19, entitled: "An Act relating to government employment, operations and functions, prohibiting strikes, stoppage, slowdown, retardation or concerted interruption of services therein or in connection therewith, prohibiting picketing and other acts, activities and conduct, interfering or tending to interfere with government employment, operations, or functions, and providing for remedies of the government against violations of this Act", deferred from August 13th:

Upon motion by Senator Heen, seconded by Senator Dillingham, action on the bill was further deferred until Wednesday, August 17th.

Third Reading of Senate Bill No. 23, entitled: "An Act to amend Act 2 of the Special Session Laws of Hawaii 1949 by amending Section 5 thereof with respect to furthering government operations under and accomplishing the purposes of said Act, and preventing interference therewith":

Upon motion by Senator Dillingham, seconded by Senator Duarte, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 14.

Noes: None.

Excused and not voting: Senator Fernandes. Total, 1.

Third Reading of House Bill No. 7, entitled: "An Act to amend Chapter 219 of the Revised Laws of Hawaii 1945, entitled 'Replevin, aids to', by amending the title thereof, by amending Sections 10461, 10462, 10464, 10466, 10468 and 10471, and by adding two new sections thereto", as amended, deferred from August 13th:

Upon motion by Senator Dillingham, seconded by Senator Duarte, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 14.

Noes: None.

Excused and not voting: Senator Fernandes. Total, 1.

Third Reading of House Bill No. 10, entitled: "An Act prohibiting picketing before or about residences and dwelling places, making the same a misdemeanor, and providing penalties", as amended, deferred from August 13th:

Upon motion by Senator Dillingham, seconded by Senator Duarte, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 14.

Noes: None.

Excused and not voting: Senator Fernandes. Total, 1.

Consideration of Governor's Messages Nos. 3 and 5, submitting appointments for confirmation, deferred from August 13th:

Upon motion by Senator Silva, seconded by Senator Dillingham, action on the Messages was further deferred until Wednesday, August 17th.

At this juncture, the President interrupted the regular proceedings to present to the Senate a visitor in the Territory in the person of Ex-Senator John R. Perez of Louisiana, whom he invited to say a few words to the Senate.

In acknowledging the presentation, former Senator Perez expressed his appreciation for being privileged to say a few words to the members of the Senate, and expressed the hope that the serious situation now confronting the Territory, caused by the stevedoring strike, would soon be ended. He said that the state of Louisiana was very much interested in Hawaii's affairs and that he sincerely hoped that the National government would give Hawaii every support possible during this crisis.

At this time, Senator Dillingham moved that the Senate resolve itself into a Committee of the Whole for the consideration of House Bills Nos. 8, 11 and 13, with President Tsukiyama as Chairman. Seconded by Senator Heen, and carried; and at 2:35 o'clock p.m., the Senate resolved itself into a Committee of the Whole for such purpose, with President Tsukiyama as Chairman.

At 2:57 o'clock p.m., the Committee rose and the Senate reconvened.

Senator Heen, for the Committee of the Whole, having under consideration House Bills Nos. 8, 11 and 13, reported orally, recommending that House Bill No. 8 pass Second Reading in an amended form; that House Bills Nos. 11 and 13 pass Second Reading, a written report on all three bills to be presented later.

Upon motion by Senator Heen, seconded by Senator Goodness, the oral report of the Committee was adopted. House Bill No. 8 in the amended form, House Bills Nos. 11 and 13 passed Second Reading and were placed on the calendar for Third Reading tomorrow.

At 3:00 o'clock p.m., upon motion by Senator Heen, seconded by Senator Dillingham, the Senate stood in recess, subject to the call of the Chair.

At 3:54 o'clock p.m., the Senate reconvened.

Senators Heen and Akana introduced a joint resolution (S. J. Res. No. 2), entitled; "Joint Resolution requesting the Congress of the United States of America to pass legislation relating to strikes or lockouts imperiling the health, safety, or welfare of the Territories and possessions of the United States".

Upon motion by Senator Heen, seconded by Senator Dillingham, the joint resolution passed First Reading by title and was referred to the Printing Committee.

At 3:55 o'clock p.m., upon motion by Senator Dillingham, seconded by Senator Lee, and carried, the Senate adjourned until 11:00 o'clock a.m., on Tuesday, August 16, 1949.

Ellen D. Smythe
Clerk of the Senate.

Approved:

Vincent H. Tsukiyama
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ Session, 1949

NINETEENTH Day

AUGUST 16, 1949

ELLEN D. SMYTHE
Clerk

JOURNAL OF THE SENATE

NINETEENTH DAY

Tuesday, August 16, 1949.

The Senate convened at 11:08 o'clock a.m., with the President presiding.

The opening Prayer was offered by Chaplain Judd, after which the Roll was called showing all Senators present, with the exception of Senator Dillingham, temporarily excused, and Senator Fernandes, excused.

The Journal of the Eighteenth Day was read and approved.

The President announced that His Excellency, Elpidio Quirino, President of the Republic of the Philippines, had graciously consented to address the Senate and the House of Representatives, in Joint Session, this morning. He thereupon appointed a Committee of three Senators, composed of Senators Capellas, Akana and Goodness, to wait upon President Quirino, with a like Committee from the House, to inform him that the Legislature is ready to receive his message. The Committee so appointed left the Chamber at this time to carry out its mission.

At 11:10 o'clock a.m., the Senate stood in recess, subject to the call of the Chair; and the members repaired in a body to the Hall of the House of Representatives, there to meet in joint session with the members of the House, to receive His Excellency, Elpidio Quirino, the President of the Republic of the Philippines.

The Joint Session was called to order by Speaker Fong at 11:25 o'clock a.m., and the Governor of Hawaii, with His Excellency, Elpidio Quirino, President of the Republic of the Philippines, and his party, were announced and escorted to their seats of honor by a joint Committee of the Senate and the House, consisting of Senators Capellas, Akana and Goodness, and Representatives Richardson, Hayes and Kauhane.

Before presenting the honored guest, Speaker Fong presented to the Joint Session a former Representative of the Philippine Legislature, Honorable Manuel Alzate, now Consul General of the Philippines in Hawaii, followed by a presentation of the Honorable Harold E. Mackenzie, a member of the State Council of the State of Johore. He then introduced, in a body, the other members of the President Quirino's party.

At the request of the Speaker of the House, Governor Stainback presented President Quirino to the Joint Session, who thereupon gave a very interesting address to the Legislature.

At the conclusion of the address, Speaker Fong expressed the thanks of the members of the Legislature for the inspiring address delivered by President Quirino, and bade him a very fond aloha from the people of the Territory of Hawaii.

The Speaker thereupon brought the Joint Session to a close at 11:50 o'clock a.m., and declared a recess in order that the members of the Legislature might have the opportunity of personally greeting President Quirino.

The Senate reconvened at 12:00 o'clock noon, with fourteen members present.

A communication from the Secretary of the Oahu County Committee of the Democratic Party of Hawaii (Misc. Com. No. 15),

transmitting a copy of a Resolution adopted by said Committee relating to Act 2 of the Special Session of 1949, was read by the Clerk as follows:

(Misc. Com. No. 15)

The communication and Resolution were received; and upon motion by Senator Hill, seconded by Senator Dillingham, were referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

Senator Silva, for the Committee on Enrollment, Revision and Printing, presented a report (Stand. Com. Rep. No. 11), reporting on matters referred to it, which was read by the Clerk as follows:

(Stand. Com. Rep. No. 11)

The report was received and placed on file.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 3), recommending the passage of Senate Bill No. 15, in an amended form, which was read by the Clerk as follows:

(Com. Whole Rep. No. 3)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Second Reading of Senate Joint Resolution No. 2, entitled: "Joint Resolution requesting the Congress of the United States of America to pass legislation relating to strikes or lockouts imperiling the health, safety, or welfare of the Territories and possessions of the United States":

Upon motion by Senator Heen, seconded by Senator Dillingham, the joint resolution was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

At this time, Senator Aguiar rose to a point of personal privilege and asked that the record show that he felt the

Steering Committee had not acted in good faith with him; that he had been informed that there was to be a meeting of the Steering Committee in the Finance Committee Room following yesterday's session; that he went to the Committee room and waited and no one came; that he later returned to the Senate Chamber and found that the Steering Committee had held its meeting there and had adjourned.

Third Reading of House Bill No. 8, entitled: "An Act to amend Chapter 219 of the Revised Laws of Hawaii 1945, entitled 'Replevin, aids to', by adding a new part thereto to be designated as 'Part II, Special Proceedings for Immediate Possession of Personal Property'":

Upon motion by Senator Dillingham, seconded by Senator Blaisdell, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 14.

Noes: None.

Excused and not voting: Senator Fernandes. Total, 1.

Third Reading of House Bill No. 11, entitled: "An Act relating to judicial procedure, parties to actions, and service of judicial processes and certain other notices":

Upon motion by Senator Dillingham, seconded by Senator Duarte, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 14.

Noes: None.

Excused and not voting: Senator Fernandes. Total, 1.

Third Reading of House Bill No. 13, entitled: "An Act relating to the obstruction of ingress and egress, defining offenses in connection therewith, and prescribing the punishment therefor":

Upon motion by Senator Dillingham, seconded by Senator Ansai, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Nobriga, Silva and Mr. President. Total, 13.

Noes: Senator Lee. Total, 1.

Excused and not voting: Senator Fernandes. Total, 1.

Senator Duarte offered a Resolution (S. Res. No. 10), dissolving the Steering Committee of the Senate appointed on August 12th, which was read by the Clerk as follows:

(S. Res. No. 10)

Upon motion by Senator Silva, seconded by Senator Hill, and carried, the Resolution was referred to the Steering Committee.

At 12:10 o'clock p.m., upon motion by Senator Heen, seconded by Senator Dillingham, and carried, the Senate resolved itself into a Committee of the Whole for the consideration of Senate Bills Nos. 17 and 18 and Senate Joint Resolution No. 2, with President Tsukiyama as Chairman.

At 2:54 o'clock p.m., the Committee rose and the Senate reconvened.

Senator Heen, for the Committee of the Whole, reported orally, recommending the passage of Senate Bill No. 18 on Second Reading, and further reporting progress and asking leave to sit again on Senate Bill No. 17 and Senate Joint Resolution No. 2.

Upon motion by Senator Heen, seconded by Senator Lee, and carried, the oral report of the Committee was adopted, a written report to be filed later on Senate Bill No. 18. Senate Bill No. 18 thereupon passed Second Reading and was placed on the calendar for Third Reading tomorrow.

Senator Heen, for the Committee of the Whole, having under consideration House Bill No. 7, relating to replevin, aids to, presented a report (Com. Whole Rep. No. 4), recommending the passage of the bill, in an amended form, which was read by the Clerk as follows:

(Com. Whole Rep. No. 4)

The report was received and placed on file, the oral report of the Committee having been previously adopted.

A communication from the House (H. Com. No. 11), returning Senate Bill No. 15, with certain amendments, was read by the Clerk as follows:

(H. Com. No. 11)

The communication was received and placed on file.

Upon motion by Senator Heen, seconded by Senator Lee, action on the amendments was deferred until tomorrow.

At 3:57 o'clock p.m., upon motion by Senator Heen, seconded by Senator Hill, the Senate adjourned until 11:00 o'clock a.m., on Wednesday, August 17, 1949.

Ellen D. Smythe
Clerk of the Senate.

Approved:

William F. Quinn
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ *Session, 19* 49

TWENTIETH Day

AUGUST 17, 1949

ELLEN D. SMYTHE
*Clerk*

JOURNAL OF THE SENATE

TWENTIETH DAY

Wednesday, August 17, 1949.

The Senate convened at 11:15 o'clock a.m., with President Tsukiyama in the Chair.

Chaplain Judd invoked the Divine Blessing, after which the Roll was called, showing all Senators present with the exception of Senator Fernandes, excused; and Senator Lee temporarily excused.

The Journal of the Nineteenth Day was read and approved.

A communication from the House (H. Com. No. 12), informing the Senate that the House had agreed to the amendment proposed by the Senate to House Bill No. 7, and that the bill, as thus amended, had passed Final Reading in the House of Representatives, was read by the Clerk as follows:

(H. Com. No. 12)

The communication was received and placed on file.

A communication from the House (H. Com. No. 13), informing the Senate that the House had agreed to the amendments proposed by the Senate to House Bill No. 8, and that the bill, as thus amended, had passed Final Reading in the House of Representatives, was read by the Clerk as follows:

(H. Com. No. 13)

The communication was received and placed on file.

A communication from the House (H. Com. No. 14), informing the Senate that the House had agreed to the amendment proposed by the Senate to House Bill No. 10, and that said bill, as thus amended, had passed Final Reading in the House of Representatives, was read by the Clerk as follows:

(H. Com. No. 14)

The communication was received and placed on file.

Senator Silva offered a Resolution (S. Res. No. 11), requesting the Secretary of Hawaii to furnish the Senate with eighteen copies of the Revised Laws of Hawaii 1945, for the use of the members of the Senate, which was read by the Clerk as follows:

(S. Res. No. 11)

Upon motion by Senator Hill, seconded by Senator Dillingham, the Resolution was adopted.

Senator Silva, for the Committee on Enrollment, Revision and Printing, presented a report (Stand. Com. Rep. No. 11), reporting on matters referred to it, which was read by the Clerk as follows:

(Stand. Com. Rep. No. 11)

The report was received and placed on file.

Consideration of Governor's Messages Nos. 3 and 5, submitting appointments for confirmation, action on which was deferred on August 15th:

Upon motion by Senator Silva, seconded by Senator Hill, action on the Messages was deferred until later on the calendar.

Consideration of amendments proposed by the Senate to Senate Bill No. 15, action on which was deferred on August 16th:

Senator Heen moved that the Senate concur in the amendments proposed by the House. Seconded by Senator Dillingham; and Senate Bill No. 15, entitled: "An Act relating to conspiracy, amending Sections 11120, 11128 and 11129 of the Revised Laws of Hawaii 1945, repealing Sections 11127 and 11130 thereof, and enacting a new section of the Revised Laws of Hawaii 1945 to be numbered 11127.01", passed Final Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Nobriga, Silva and Mr. President. Total, 13.

Noes: None.

Excused and not voting: Senators Fernandes and Lee. Total, 2.

Third Reading of Senate Bill No. 18, entitled: "An Act to amend Section 80 of the Revised Laws of Hawaii 1945, as amended, relating to associations and organizations of public officers and employees":

Upon motion by Senator Hill, seconded by Senator Silva, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Nobriga, Silva and Mr. President. Total, 13.

Noes: None.

Excused and not voting: Senators Fernandes and Lee. Total, 2.

Consideration, on Third Reading, of Senate Bill No. 19, entitled: "An Act relating to government employment, operations and functions, prohibiting strikes, stoppage, slowdown, retardation or concerted interruption of services therein or in connection therewith, prohibiting picketing and other acts, activities and conduct, interfering or tending to interfere with government employment, operations, or functions, and providing for remedies of the government against violations of this Act", deferred from August 15th:

Upon motion by Senator Heen, seconded by Senator Blaisdell, and carried, the bill was recommitted to the Committee of the Whole, of which President Tsukiyama is Chairman.

At this time, Senator Hill moved that the Senate resolve itself into a Committee of the Whole for the consideration of Senate Bills Nos. 14, 16, 17, 19, 20 and 21, and Senate Joint Resolutions Nos. 1 and 2. Seconded by Senator Dillingham, and carried; and at 11:25 o'clock a.m., the Senate resolved itself into a Committee of the Whole, for the consideration of said bills and said joint resolutions, with President Tsukiyama as Chairman.

At 2:40 o'clock p.m., the Committee rose, and the Senate reconvened with fourteen members present.

Senator Heen, for the Committee of the Whole, reported orally, recommending the tabling of Senate Bills Nos. 14 and 16, and reporting progress and asking leave to sit again on the other measures pending before the said Committee.

Upon motion by Senator Heen, seconded by Senator Lee, the oral report of the Committee was adopted, a written report on Senate Bills Nos. 14 and 16 to be filed later.

At 2:43 o'clock p.m., upon motion by Senator Heen, seconded by Senator Lee, the Senate stood in recess, subject to the call of the Chair.

At 3:05 o'clock p.m. the Senate reconvened.

A communication from the House (H. Com. No. 15), returning Senate Bill No. 23, with certain amendments, was read by the Clerk as follows:

(H. Com. No. 15)

The communication was received and placed on file.

Upon motion by Senator Heen, seconded by Senator Dillingham, the Senate concurred in the amendments proposed by the House; and Senate Bill No. 23, entitled: "An Act to amend Act 2 of the Special Session Laws of Hawaii 1949 by amending Section 5 thereof with respect to furthering government operations under and accomplishing the purposes of said Act and preventing interference therewith, and by amending Section 11 thereof with respect to preservation of powers conferred by other laws; and approving the Governor's designation of the agency to administer said Act 2", passed Final Reading, as thus amended, on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 14.

Noes: None.

Excused and not voting: Senator Fernandes. Total, 1.

A proposed bill was submitted for introduction, signed by all the members of the Senate, entitled: "An Act providing a monthly twenty-five dollar bonus for pensioners, and appropriating funds for payment thereof".

The bill was referred to the Steering Committee.

Consideration of Governor's Messages Nos. 3 and 5, submitting appointments for confirmation, action on which was deferred earlier on the calendar:

Senator Silva moved at this time that the Senate go into Executive Session for consideration thereof. Seconded by Senator Duarte, and at 3:15 o'clock p.m., the Senate went into Executive Session for such purpose.

The Executive Session being ended at 4:11o'clock p.m. the Senate reconvened, and the Clerk was instructed to communicate with the Governor as follows:

(Communication to Governor)

At 4:12 o'clock p.m., upon motion by Senator Heen, seconded by Senator Blaisdell, the Senate adjourned until 11:00 o'clock a.m., on Thursday, August 18, 1949.

Ellen D. Smythe
Clerk of the Senate.

Approved:

Nelson D. Tsukiyama
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ *Session, 19* 49

TWENTY-FIRST Day

AUGUST 18, , 19 49

ELLEN D. SMYTHE
*Clerk*

JOURNAL OF THE SENATE

TWENTY-FIRST DAY

Thursday, August 18, 1949.

The Senate convened at 11:30 o'clock a.m., with President Tsukiyama presiding.

The opening Prayer was offered by the Chaplain, after which the Roll was called, showing all Senators present with the exception of Senators Fernandes and Hill, excused.

The Journal of the Twentieth Day was read and approved.

Senator Silva, for the Committee on Enrollment, Revision and Printing, presented a report (Stand. Com. Rep. No. 12), reporting on matters referred to it, which was read by the Clerk as follows:

(Stand. Com. Rep. No. 12)

The report was received and placed on file.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 5), recommending the passage of House Bill No. 8, in an amended form, which was read by the Clerk as follows:

(Com. Whole Rep. No. 5)

The report was received and placed on file, the oral report of the Committee having been previously adopted.

Senator Silva offered a Resolution (S. Res. No. 12), authorizing the Clerk to call for sealed tenders for the printing, binding and sewing of the Journal of the Senate,

Special Session of 1949, which was read by the Clerk as follows:

(S. Res. No. 12)

Upon motion by Senator Silva, seconded by Senator Dillingham, the Resolution was adopted.

Senator Duarte offered a proposed bill for introduction, entitled: "An Act to abolish the Holdover Committee of the Legislature created by Act 61 of the Session Laws of Hawaii 1949".

Upon motion by Senator Heen, seconded by Senator Silva, and carried, the bill was referred to the Steering Committee.

Senators Lee and Silva offered a proposed joint resolution for introduction, entitled: "Joint Resolution creating a board to study the causes of industrial disputes and making an appropriation therefor":

Upon motion by Senator Lee, seconded by Senator Silva, the joint resolution was referred to the Steering Committee.

At this time, Senator Heen moved that the Senate resolve itself into a Committee of the Whole for the consideration of measures pending before said Committee. Seconded by Senator Lee, and carried; and at 11:38 o'clock a.m., the Senate resolved itself into a Committee of the Whole for such purpose, with President Tsukiyama as Chairman.

At 12:50 o'clock p.m., the Committee rose and the Senate reconvened.

Senator Heen, for the Committee of the Whole, having under consideration the measures pending before said Committee, orally reporting progress and asking leave to sit again.

Upon motion by Senator Heen, seconded by Senator Aguiar, the oral report of the Committee was adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 6), recommending the tabling of Senate Bill No. 16, which was read by the Clerk as follows:

(Com. Whole Rep. No. 6)

The report was received and placed on file, the oral report of the Committee having been previously adopted.

At 12:53 o'clock p.m., upon motion by Senator Aguiar, seconded by Senator Dillingham, the Senate adjourned until 10:00 o'clock a.m., on Friday, August 19th.

Ellen D'Smythe
Clerk of the Senate.

Approved:

Wilfred Tsukiyama
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ Session, 1949

TWENTY-SECOND Day

AUGUST 19, 1949

ELLEN D. SMYTHE
Clerk

JOURNAL OF THE SENATE

TWENTY-SECOND DAY

Friday, August 19, 1949.

The Senate convened at 10:48 o'clock a.m., with the President in the Chair.

Chaplain Judd invoked the Divine Blessing, after which the Roll was called, showing all Senators present, with the exception of Senators Dillingham, Fernandes and Hill, excused.

The Jouranl of the Twenty-First Day was read and approved.

A communication from the Secretary of Hawaii (Dept. Com. No. 14), informing the senate that the Governor had signed Senate Bill No. 23, as Act 3, was read by the Clerk as follows:

(Dept. Com. No. 14)

The communication was received and placed on file.

Senator Silva, for the Committee on Enrollment, Revision and Printing, presented a report (Stand. Com. Rep. No. 13), reporting on matters referred to it, which was read by the Clerk as follows:

(Stand. Com. Rep. No. 13)

The report was received and placed on file.

Senator Heen, for the Committee of the Whole, having under consideration Senate Bill No. 14, presented a report (Com. Whole Rep. No. 7), recommending the tabling of the bill, which was read by the Clerk as follows:

(Com. Whole Rep. No. 7)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, having under consideration House Bill No. 10, presented a report (Com. Whole Rep. No. 8), recommending the passage of the bill, which was read by the Clerk as follows:

(Com. Whole Rep. No. 8)

The report was received and placed on file, the oral report having previously been adopted.

Senator Heen, for the Committee of the Whole, having under consideration House Bill No. 11, presented a report (Com. Whole Rep. No. 9), recommending the passage of the bill, which was read by the Clerk as follows:

(Com. Whole Rep. No. 9)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, having under consideration House Bill No. 13, presented a report (Com. Whole Rep. No. 10), recommending the passage of the bill, which was read by the Clerk as follows:

(Com. Whole Rep. No. 10)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

At this time, Senator Silva moved that the Senate go into Executive Session. Seconded by Senator Lee, and carried; and at 10:51 o'clock a.m., the Senate went into Executive Session.

The Executive Session being ended, the Senate reconvened at 12:40 o'clock p.m.

A communication from the House (H. Com. No. 16), returning Senate Bill No. 18, with an amendment, was read by the

Clerk as follows:

(H. Com. No. 16)

The communication was received and placed on file.

Senator Heen moved that the Senate concur in the amendment proposed by the House. Seconded by Senator Duarte; and Senate Bill No. 18, as thus amended, entitled: "An Act to amend Section 80 of the Revised Laws of Hawaii 1945, as amended, relating to associations and organizations of public officers and employees", passed Final Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellast, Duarte, Goodness, Heen, Lee, Nobriga, Silva and Mr. President. Total, 12.

Noes: None.

Excused and not voting: Senators Dillingham, Fernandes and Hill. Total, 3.

Senator Heen offered a Resolution (S. Res. No. 13), providing for the adjournment of the Senate, with the consent of the House of Representatives, from the date of the adoption of the Resolution until Monday, September 12th, subject to reconvening at an earlier date upon the call of the President or Vice President, which was read by the Clerk as follows:

(S. Res. No. 13)

Upon motion by Senator Heen, seconded by Senator Duarte, the Resolution was adopted.

Senator Heen thereupon moved that all employees of the Senate be retained in employment for a period of three days following the adjournment, at their regular rates of pay; and that these employees be re-employed three days prior to the reconvening of the Senate, at their full rates of pay;

and that during the interim between the two, three-day periods, the following employees be retained in employment: the Assistant Clerk of the Senate, the Clerk of the Committee on Accounts, the Sergeant-at-Arms, and the Secretary to the President; the first three named to be retained at half pay and the Sergeant-at-Arms to be paid at the rate of $12.00 per diem; and the Attorney for the Senate to be paid for actual work done by him during the recess, on the basis of $50.00 per day. The motion was seconded by Senator Capellas, and carried.

Senator Heen then moved that the per diem payment to the Members of the Senate, as provided in Act 17 of the Session Laws of Hawaii 1949, covering personal expenses, such as board, lodging and incidental expenses, be not made to the Members during the period of the recess; but that they be paid their traveling expenses on a mileage basis, both upon returning to their homes following today's adjournment, and upon returning to Honolulu upon the reconvening of the Senate. Seconded by Senator Lee.

Senator Silva moved that the motion be amended to provide for the payment to the Members of the Senate, as provided in Act 17 of the Session Laws of Hawaii 1949, covering personal expenses, such as board, lodging and incidental expenses, up to and including Monday, August 22, 1949. Seconded by Senator Nobriga; and the amended motion was thereupon put, and carried.

At 12:50 o'clock p.m., the Senate stood in recess, subject to the call of the Chair.

At 1:18 o'clock p.m., the Senate reconvened with ten Senators present, Senators Akana and Lee having been excused during the recess.

A communication from the House (H. Com. No. 17), transmitting House Resolution No. 11, was read by the Clerk as follows:

(H. Com. No. 17)
(H. Res. No. 11)

The communication was received and placed on file.

Consideration of House Resolution No. 11, providing for the adjournment of the House of Representatives, with the consent of the Senate, from the date of the adoption of the Resolution, until Monday, September 12th, or at an earlier date if called by the Speaker or Vice Speaker:

Senator Heen moved that the Senate consent to the adjournment of the House, as provided in the Resolution, and upon the terms therein set forth. Seconded by Senator Goodness; and the Clerk was instructed to so inform the House.

A communication from the House (H. Com. No. 18), informing the Senate that the House had considered Senate Resolution No. 13, providing for the adjournment of the Senate until Monday, September 12th, or at the earlier call of the President or Vice President, and had consented thereto, was read by the Clerk as follows:

(H. Com. No. 18)

The communication was received and placed on file.

Senator Heen, for the Committee of the Whole, having under consideration Senate Bill No. 18, presented a report (Com. Whole Rep. No. 11), recommending the passage of the bill, which was read by the Clerk as follows:

(Com. Whole Rep. No. 11)

The report was received and placed on file, the oral report of the Committee having been previously adopted.

At 1:20 o'clock p.m., upon motion by Senator Heen, seconded by Senator Duarte, the Senate adjourned until Monday, September

12, 1949, at 10:00 o'clock a. m.

Ellen D. Smythe
Clerk of the Senate.

Approved:

Wilfred D. Tsukiyama
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ Session, 19 49

TWENTY-THIRD Day

AUGUST 20, 19 49

ELLEN D. SMYTHE
Clerk

JOURNAL OF THE SENATE

TWENTY-THIRD DAY

Saturday, August 20, 1949.

N O  S E S S I O N

Ellen D. Smythe
Clerk of the Senate.

Approved:

Wilfred A. Tsukuyama
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ Session, 1949

TWENTY-FOURTH Day

MONDAY, AUGUST 22, 1949

ELLEN D. SMYTHE
Clerk

JOURNAL OF THE SENATE

TWENTY-FOURTH DAY

Monday, August 22, 1949.

N O  S E S S I O N

Ellen D. Smythe
Clerk of the Senate

Approved:

Hiram L. Fong
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ Session, 19 49

TWENTY-FIFTH Day

TUESDAY, AUGUST 23, 1949

ELLEN D. SMYTHE
Clerk

JOURNAL OF THE SENATE

TWENTY-FIFTH DAY

Tuesday, August 23, 1949.

N O  S E S S I O N

Ellen D. Smythe

Clerk of the Senate.

Approved:

Hiram L. Fong

President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ Session, 1949

TWENTY-SIXTH Day

WEDNESDAY, AUGUST 24, 1949

ELLEN D. SMYTHE
Clerk

JOURNAL OF THE SENATE

TWENTY-SIXTH DAY

Wednesday, August 24, 1949.

N O  S E S S I O N

Ellen D Smythe
Clerk of the Senate.

Approved:

Richard Neuberger
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ Session, 19 49

TWENTY-SEVENTH Day

Thursday, August 25, 1949

ELLEN D. SMYTHE
*Clerk*

JOURNAL OF THE SENATE

TWENTY-SEVENTH DAY

Thursday, August 25, 1949.

N O  S E S S I O N

Ellen D Smythe

Clerk of the Senate.

Approved:

Wilfred Osakeyama

President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

## SENATE JOURNAL

SPECIAL
~~Regular~~ Session, 1949

TWENTY-EIGHTH Day

FRIDAY, AUGUST 26, 1949

ELLEN D. SMYTHE
*Clerk*

JOURNAL OF THE SENATE

TWENTY-EIGHTH DAY

Friday, August 26, 1949.

N O  S E S S I O N

Ellen D. Smythe
Clerk of the Senate.

Approved:

Richard M. Nixon
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

## SENATE JOURNAL

SPECIAL
~~Regular~~ Session, 1949

TWENTY-NINTH Day

SATURDAY, AUGUST 27, 1949

ELLEN D. SMYTHE
*Clerk*

JOURNAL OF THE SENATE

TWENTY-NINTH DAY

Saturday, August 27, 1949.

N O  S E S S I O N

Clerk of the Senate.

Approved:

President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ Session, 1949

THIRTIETH Day

MONDAY, AUGUST 29, 1949

ELLEN D. SMYTHE
Clerk

JOURNAL OF THE SENATE

THIRTIETH DAY

Monday, August 29, 1949.

N O  S E S S I O N

Ellen D Smythe
Clerk of the Senate.

Approved:

President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ Session, 1949

THIRTY-FIRST Day

TUESDAY, AUGUST 30, 1949

ELLEN D. SMYTHE
*Clerk*

JOURNAL OF THE SENATE

THIRTY-FIRST DAY

Tuesday, August 30, 1949.

N O  S E S S I O N

Ellen D. Smythe
Clerk of the Senate.

Approved:

Wilfred Tsukiyama
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ Session, 19 49

THIRTY-SECOND Day

WEDNESDAY, AUGUST 31, , 1949

ELLEN D. SMYTHE
Clerk

JOURNAL OF THE SENATE

THIRTY-SECOND DAY

Wednesday, August 31, 1949.

N O  S E S S I O N

Ellen D Smythe

Clerk of the Senate.

Approved:

Wilfred Tankersley

President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
*Regular Session, 19* 49

THIRTY-THIRD Day

THURSDAY, SEPTEMBER 1, 1949

ELLEN D. SMYTHE
*Clerk*

JOURNAL OF THE SENATE

THIRTY-THIRD DAY

Thursday, September 1, 1949.

N O  S E S S I O N

Ellen D Smythe
Clerk of the Senate.

Approved:

Virgil D Chapman
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
*Regular Session, 19* 49

THIRTY-FOURTH Day

FRIDAY, SEPTEMBER 2, , 19 49

ELLEN D. SMYTHE
*Clerk*

JOURNAL OF THE SENATE

THIRTY-FOURTH DAY

Friday, September 2, 1949.

N O  S E S S I O N

Ellen D. Smythe
Clerk of the Senate.

Approved:

Wilfred Tsukiyama
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
*Regular Session, 19* 49

THIRTY-FIFTH DAY Day

SATURDAY, SEPEMBER 3, , 19 49

ELLEN D. SMYTHE
*Clerk*

JOURNAL OF THE SENATE

THIRTY-FIFTH DAY

Saturday, September 3, 1949.

N O  S E S S I O N

Ellen D Smythe
Clerk of the Senate.

Approved:

Millard Tydings
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
*Regular Session, 19* 49

THIRTY-SIXTH Day

TUESDAY, SEPTEMBER 6, , 19 49

ELLEN D. SLYTHE
*Clerk*

JOURNAL OF THE SENATE

THIRTY-SIXTH DAY

Tuesday, September 6, 1949

N O  S E S S I O N

Ellen D. Smythe
Clerk of the Senate.

Approved:

Wayne Morse
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ Session, 19 49

THIRTY-SEVENTH Day

WEDNESDAY, SEPTEMBER 7, 19 49

ELLEN D. SMYTHE
Clerk

JOURNAL OF THE SENATE

THIRTY-SEVENTH DAY

Wednesday, September 7, 1949

N O  S E S S I O N

Clerk of the Senate.

Approved:

President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
*Regular Session, 19* 49

THIRTY-EIGHTH Day

THURSDAY, SEPTEMBER 8, 19 49

ELLEN D. SMYTHE
*Clerk*

JOURNAL OF THE SENATE

THIRTY-EIGHTH DAY

Thursday, September 8, 1949

N O  S E S S I O N

Ellen D. Smythe
Clerk of the Senate.

Approved:

Wayne L. Morse
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
*Regular Session, 19* 49

THIRTY-NINTH Day

FRIDAY, SEPTEMBER 9, 19 49

ELLEN D. SMYTHE
*Clerk*

JOURNAL OF THE SENATE

THIRTY-NINTH DAY

Friday, September 9, 1949.

NO SESSION

Ellen D. Smythe

Clerk of the Senate.

Approved:

Wayland D. Tsukiyama

President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL

~~Regular~~ Session, 19 49

FORTIETH Day

SATURDAY, SEPTEMBER 10, 19 49

ELLEN D. SMYTHE
Clerk

JOURNAL OF THE SENATE

FORTIETH DAY

Saturday, September 10, 1949.

N O  S E S S I O N

Ellen D. Smythe

Clerk of the Senate.

Approved:

Wilfred Oshkiyama

President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ Session, 1949

FORTY-FIRST Day

MONDAY, SEPTEMBER 12, 1949

ELLEN D. SMYTHE
Clerk

JOURNAL OF THE SENATE

FORTY-FIRST DAY

Monday, September 12, 1949.

The Senate convened at 10:35 o'clock a.m., with President Tsukiyama presiding.

The Divine Blessing was invoked by Chaplain Judd, after which the Roll was called, showing all Senators present, with the exception of Senator Fernandes, excused.

The Journal of the Twenty-Third Day to the Fortieth Day, inclusive, was read and approved.

A communication from the Secretary of Hawaii (Dept. Com. No. 15), in response to the request contained in Senate Resolution No. 11 for 18 copies of the Revised Laws of Hawaii 1945, stating that no further distribution of the same could be made unless it is absolutely essential because of the limited number of copies available, was read by the Clerk as follows:

(Dept. Com. No. 15)

The communication was received and placed on file.

A communication from the Secretary of Hawaii (Dept. Com. No. 16), informing the Senate that the Governor had signed House Bill No. 11, as Act 4, Senate Bill No. 18, as Act 5, House Bill No. 7, as Act 6, House Bill No. 8, as Act 7, House Bill No. 10, as Act 8, House Bill No. 13, as Act 9, and Senate Bill No. 15, as Act 10, was read by the Clerk as follows:

(Dept. Com. No. 16)

The communication was received and placed on file.

A communication, in the form of a radiogram, received on September 6th, from Honorable Joseph R. Farrington, Delegate to Congress from Hawaii (Misc. Com. No. 16), informing the Senate that President Truman had signed H. R. 4688 extending the revenue bond Act, made retroactive to June 30, 1949, was read by the Clerk as follows:

(Misc. Com. No. 16)

The communication was received and placed on file.

A communication from the Pearl City Community Association (Misc. Com. No. 17), protesting against the establishment of a leprosarium within the community of Pearl City, and asking the Legislature to take action against such establishment, was read by the Clerk as follows:

(Misc. Com. No. 17)

The communication was received, and upon motion by Senator Silva, seconded by Senator Duarte, and carried, the communication was laid on the table in order that any Senator who cared to might read it, and suggest whatever action he felt proper in the premises.

A communication from the County Clerk, County of Maui (Dept. Com. No. 17), transmitting certified copy of Resolution No. 263, adopted by the Board of Supervisors of the County of Maui, requesting the Legislature to amend Act 271, Session Laws of Hawaii 1949, relating to public highways and sewerage systems within the urban district of the County of Maui, without proceeding under the provisions of said Act, and submitting a proposed bill covering the subject, was read by the Clerk as follows:

(Dept. Com. No. 17)

The communication, Resolution and bill were received and referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

A Petition, signed by 50 residents of Hawaii (S. Pet. No. 6), petitioning the Legislature to enact into laws pari-mutuel horse race betting, the state of Nevada type of open gambling, and the payment of a war veterans bonus, was read by the Clerk as follows:

(S. Pet. No. 6)

The Petition was received and, upon motion by Senator Aguiar, seconded by Senator Goodness, and carried, the Petition was referred to the Committee of the Whole.

Senator Capellas, for the Committee on Accounts, presented a report (Stand. Com. Rep. No. 14), reporting on the Accounts of the Senate as of this date, which was read by the Clerk as follows:

(Stand. Com. Rep. No. 14)

The report was received and placed on file, copies to be mimeographed and circulated among the members.

Senator Dillingham offered a bill for introduction, entitled: "An Act to amend Section 8438 of the Revised Laws of Hawaii 1945, as amended, relating to loans by banks, savings banks, building and loan and savings and loan associations, insurance companies and trust Companies".

Senator Silva moved that all bills offered for introduction be mimeographed for distribution to the members, and thereafter referred to the Steering Committee for approval. The motion was seconded by Senator Dillingham, and carried.

Senator Blaisdell offered a bill for introduction, entitled: "An Act amending Section 5828 of the Revised Laws of Hawaii 1945, as amended by Act 321 of the Session Laws of Hawaii 1949, relating to and prescribing fees to be charged banks, trust companies, building and loan or savings and loan associations, industrial loan companies, small loan companies and other fiduciary companies for examinations conducted by the Territorial Bank Ex-

aminer".

In accordance with the previous motion, the bill was referred to the Printing Committee for mimeographing and thereafter to the Steering Committee.

Senators Capellas, Silva, Nobriga and Hill offered a bill for introduction, entitled: "An Act to amend Act 54 of the Session Laws of Hawaii 1949, relating to the County of Hawaii extra tax on liquid fuel and the expenditure of the proceeds thereof".

The bill was referred to the Printing Committee to be mimeographed and thereafter to the Steering Committee.

Senators Silva, Nobriga, Capellas and Hill offered a bill for introduction, entitled: "An Act amending Act 230 of the Session Laws of Hawaii 1943, as amended, relating to appropriations by way of advancement from the general fund of the Territory of Hawaii for the construction of certain roads and other public improvements and the acquisition of land for such purposes in the County of Hawaii".

The bill was referred to the Printing Committee to be mimeographed and thereafter to the Steering Committee.

Senators Ansai, Goodness and Duarte offered a bill for introduction, entitled: "An Act relating to public improvements, and the financing thereof, making appropriations for public improvements, providing for the issuance of public improvement bonds, and repealing Act 368 of the Session Laws of Hawaii 1949".

The bill was referred to the Printing Committee for mimeographing, and thereafter to the Steering Committee.

Senators Goodness, Duarte and Ansai offered a bill for introduction, entitled: "An Act to amend Part I of Chapter 138 of the Revised Laws of Hawaii 1945, as amended, relating

to the licensing of chauffers, drivers and operators of motor vehicles".

The bill was referred to the Printing Committee for mimeographing, and thereafter to the Steering Committee.

A communication from the County Clerk, County of Maui (Dept. Com. No. 18), transmitting certified copy of Resolution No. 277, approving the formation of a community organization to take over the Shingle Memorial Hospital at Hoolehua, Molokai, was read by the Clerk as follows:

(Dept. Com. No. 18)

The communication and Resolution were received and referred to the Committee of the Whole.

At this juncture, the President stated that it had been suggested that the same special committees of the Senate and the House, which had represented their respective Houses prior to the recess, should meet and discuss matters of procedure before proceeding with further activities, and asked what the pleasure of the Senate was in this regard.

Senator Heen moved that the Senate go into Executive Session at this time to discuss the matter of the procedure to be followed. Seconded by Senator Duarte, and carried; and at 10:50 o'clock a.m., the Senate went into Executive Session for such purpose.

The Executive Session being ended at 11:40 o'clock a.m., the Senate reconvened.

The President announced that the Steering Committee of the Senate would meet with a Committee from the House of Representatives to formulate plans for the procedure to be followed in both Houses of the Legislature.

At 11:45 o'clock a.m., upon motion by Senator Heen, seconded by Senator Dillingham, the Senate stood in recess until 3:00 o'clock this afternoon.

AFTERNOON SESSION

The Senate reconvened at 5:05 o'clock p.m., with the President in the Chair, and fourteen Senators being present.

Senator Heen, for the Steering Committee of the Senate, reported orally that the Joint Steering Committees of the House and Senate had met to consider the matter of the procedure to be taken by the two Houses, and had agreed that all bills and Resolutions proposed for introduction by any member be submitted, without printing, to the Joint Steering Committee; that the Committee had also agreed that the two Houses proceed to consider legislation now pending; and further reported that a special Committee, composed of Senators Tsukiyama, Silva, Aguiar and Akana, appointed by the President, and Representatives Fong, Porteus, Kauhane and Sakakihara, appointed by the Speaker, had called upon the Governor in connection with pending legislation and a possible extension of the special session, and had been assured by the Governor of his full cooperation and willingness to extend the session if requested by the Legislature; and also reported that the Joint Steering Committee would meet on Wednesday, September 14th, at 10:00 o'clock a.m., to consider bills so far presented for introduction.

Upon motion by Senator Heen, seconded by Senator Blaisdell, the oral report of the Committee was adopted.

At this time, Senator Heen moved that the Senate resolve itself into a Committee of the Whole for the purpose of considering bills pending before the said Committee. Seconded by Senator Dillingham, and carried; and at 5:06 o'clock p.m., the Senate resolved itself into a Committee of the Whole, with President Tsukiyama as Chairman, for the purpose of considering bills pending before said Committee.

At 5:12 o'clock p.m., the Committee rose and the Senate reconvened.

Senator Heen, for the Committee of the Whole, reported orally, recommending the passage of Senate Bill No. 20, in an amended form, on Second Reading; and further recommending that Senate Bills Nos. 7, 8, 9, 10, 11, 12 and 13 be placed on file, and reporting progress on all other bills pending before said Committee and asking leave to sit again thereon.

Upon motion by Senator Heen, seconded by Senator Dillingham, and carried, the oral report of the Committee was adopted, a written report to be filed later. Senate Bill No. 20, in the amended form, passed Second Reading and was placed on the calendar for Third Reading tomorrow; and Senate Bills Nos. 7, 8, 9, 10, 11, 12 and 13 were thereupon placed on file.

At 5:15 o'clock p.m., Senator Hill moved that the Senate adjourn until 11:00 o'clock a.m., on Tuesday, September 13th, and that the President invite the Delegate to Congress, Honorable Joseph R. Farrington, to appear before the Senate at that hour. The motion was seconded by Senator Silva, and carried; and the Senate thereupon adjourned until 11:00 o'clock a.m., on Tuesday, September 13, 1949.

Ellen D'Smythe
Clerk of the Senate.

Approved:

Wilfred K. Tsukiyama
President of the Senate.

-7-

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ *Session, 19* 49

FORTY-SECOND Day

TUESDAY, SEPTEMBER 13, 19 49

ELLEN D. SLYTHE
*Clerk*

JOURNAL OF THE SENATE

FORTY-SECOND DAY

Tuesday, September 13, 1949.

The Senate convened at 11:10 o'clock a.m., with the President presiding.

After Prayer by the Chaplain, the Roll was called, showing all Senators present with the exception of Senator Fernandes, excused; and Senators Blaisdell, Dillingham, Lee and Nobriga, temporarily excused.

The Journal of the Forty-First Day was read and approved.

At this time, by unanimous consent, and upon motion by Senator Heen, seconded by Senator Akana, and carried, the Senate took up the Third Reading of Senate Bill No. 20.

Third Reading of Senate Bill No. 20, entitled: "An Act to amend Act 335 of the Session Laws of Hawaii 1949, relating to the appropriation therein made to the Hawaii Visitors Bureau:

Senator Silva moved that action on the bill be deferred until later on the calendar. Seconded by Senator Duarte, and carried.

A communication, in the form of a radiogram, from William H. Crozier, Jr. (Misc. Com. No. 18), requesting the Senate to investigate Territorial Treasurer and Bank Examiner for permitting the Bank of Hawaii to enter into and continue in the contracting business, was read by the Clerk as follows:

(Misc. Com. No. 18)

The communication was received, and upon motion by Senator Akana, seconded by Senator Duarte, and carried, the communication was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

A communication from Mr. Jos. P. Petrowski, Sr. (Misc. Com. No. 19), requesting an open and public hearing prior to final action on Senate Bill No. 20, relating to an appropriation for the Hawaii Visitors Bureau, was read by the Clerk as follows:

(Misc. Com. No. 19)

The communication was received; and upon motion by Senator Aguiar, seconded by Senator Goodness, and carried, was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

Senator Silva, for the Committee on Enrollment, Revision and Printing, presented a report (Stand. Com. Rep. No. 15), reporting on the mimeographing of matters referred to it, which was read by the Clerk as follows:

(Stand. Com. Rep. No. 15)

The report was received and placed on file.

At this juncture, the President informed the Senate that, pursuant to the motion adopted by the Joint Steering Committee, Delegate Farrington had been invited to come to the Legislature this morning to discuss matters pertaining to such legislation as may be pending in the Congress of the United States at the present time with reference to the current emergency in Hawaii; and also to comment on the strike legislation here. That it had been suggested by various House and Senate members that this meeting be made as informal as possible, which was also the desire of the Delegate; and he further suggested that the Senate stand in recess at this time and repair in a body to the Hall of the House of Representatives, where, because of the recess, the members could sit informally.

The members signified their approval of this procedure; and the Senate thereupon stood in recess at 11:15 o'clock a.m., subject to the call of the Chair, and the members repaired in a body to the Hall of the House of Representatives to meet informally with the Delegate to Congress from Hawaii for the purposes outlined by the President.

The Senate reconvened at 12:20 o'clock p.m., with fourteen Senators present.

Third Reading of Senate Bill No. 20, entitled: "An Act to amend Act 335 of the Session Laws of Hawaii 1949, relating to the appropriation therein made to the Hawaii Visitors Bureau", deferred from earlier on the calendar:

Upon motion by Senator Goodness, seconded by Senator Silva, action on the bill was further deferred until later on the calendar.

At 12:25 o'clock p.m., upon motion by Senator Heen, seconded by Senator Hill, the Senate stood in recess until 2:00 o'clock this afternoon.

AFTERNOON SESSION

The Senate reconvened at 2:18 o'clock p.m., with the President presiding, and ten Senators being present.

Consideration, on Third Reading, of Senate Bill No. 20, entitled: "An Act to amend Act 335 of the Session Laws of Hawaii 1949, relating to the appropriation therein made to the Hawaii Visitors Bureau", deferred from earlier on the calendar:

Upon motion by Senator Silva, seconded by Senator Hill, and carried, action on the bill was further deferred until Wednesday, September 14, 1949.

Senators Tsukiyama, Blaisdell, Aguiar, Ansai, Duarte, Goodness, Silva, Capellas, Heen, Hill, Lee, Akana, Dillingham and Nobriga offered a Resolution (S. Res. No. 14), expressing sympathy to Representative Joseph Itagaki and the other members of his family on the death of their mother, Mrs. Sode Itagaki, which was read by the Clerk as follows:

(S. Res. No. 14)

Senator Silva moved that the Resolution be adopted by a rising vote and that when the Senate adjourns today it does so out of respect to Mrs. Sode Itagaki, mother of Representative Itagaki. Seconded by Senator Duarte, and carried unanimously, by a rising vote.

At 2:20 o'clock p.m., upon motion by Senator Silva, seconded by Senator Duarte, and carried, the Senate adjourned out of respect to the memory of Mrs. Sode Itagaki, mother of Representative Itagaki, until 1:30 o'clock p.m., on Wednesday, September 14, 1949.

Ellen D. Smythe
Clerk of the Senate.

Approved:

Richard Q. Tsukiyama
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ *Session, 19*49

FORTY-THIRD Day

WEDNESDAY, SEPTEMBER 14, 1949

ELLEN D. SMYTHE
*Clerk*

JOURNAL OF THE SENATE

FORTY-THIRD DAY

Wednesday, September 14, 1949.

The Senate convened at 1:50 o'clock p.m., with the President presiding.

The opening Prayer was offered by Chaplain Judd, after which the Roll was called, showing all Senators present with the exception of Senator Fernandes, excused, and Senator Dillingham temporarily excused.

The Journal of the Forty-Second Day was read and approved.

A communication from the House (H. Com. No. 19), transmitting House Bill No. 20, was read by the Clerk as follows:

(H. Com. No. 19)

The communication was received and placed on file.

First Reading of House Bill No. 20, entitled: "An Act to amend Act 335 of the Session Laws of Hawaii 1949, relating to the appropriation therein made to the Hawaii Visitors Bureau":

Upon motion by Senator Heen, seconded by Senator Ansai, and carried, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow, on Special Order.

Senator Lee offered a Concurrent Resolution (S. Con. Res. No. 1), authorizing a joint committee of the Senate and the House of Representatives of the Special Session of the Twenty-Fifth Legislature of the Territory of Hawaii to study and in-

vestigate, and recommend legislation in regard to, unemployment within the Territory of Hawaii, which was read by the Clerk as follows:

(S. Con. Res. No. 1)

Upon motion by Senator Silva, seconded by Senator Nobriga, and carried, the Concurrent Resolution was referred to the Printing Committee to be mimeographed, and action thereon deferred until tomorrow.

Senator Silva, for the Committee on Enrollment, Revision and Printing, presented a report (Standing Committee Report No. 16), reporting on the mimeographing of Senate Resolution No. 14, which was read by the Clerk as follows:

(Stand. Com. Rep. No. 16)

The report was received and placed on file.

Consideration, on Third Reading, of Senate Bill No. 20, entitled: "An Act to amend Act 335 of the Session Laws of Hawaii 1949, relating to the appropriation therein made to the Hawaii Visitors Bureau", deferred from yesterday:

Senator Heen moved that, inasmuch as House Bill No. 20, identically entitled, had already passed First Reading in the Senate, Senate Bill No. 20 be placed on file. Seconded by Senator Lee, and carried.

At 2:02 o'clock p.m., upon motion by Senator Lee, seconded by Senator Aguiar, the Senate stood in recess, subject to the call of the Chair.

At 3:46 o'clock p.m., the Senate reconvened, with fourteen Senators present.

A communication from the House (H. Com. No. 20), transmitting House Bill No. 21, was read by the Clerk as follows:

(H. Com. No. 20)

The communication was received and placed on file.

First Reading of House Bill No. 21, entitled: "An Act relating to fishing; repealing Act 348 of the Session Laws of Hawaii 1949, relating to sport fishing, and providing for refund of fees collected thereunder; requiring licenses for fishing for, taking or catching any introduced fresh water game fish; authorizing the examination and search of bags, containers, vehicles and conveyances used to carry and transport fish; and providing penalties and for forfeitures; and making an appropriation therefor":

Upon motion by Senator Heen, seconded by Senator Aguiar, and carried, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

Senator Aguiar offered a Resolution (S. Res. No. 15), providing for the appointment by the President of the Senate of a committee of five members of the Senate to forthwith inquire into and investigate the general economy of the Territory and to recommend to the Senate such measures as may be meet in the premises, which was read by the Clerk as follows:

(S. Res. No. 15)

Upon motion by Senator Heen, seconded by Senator Silva, and carried, the Resolution was referred to the Printing Committee to be mimeographed and distributed to the members, and action thereon deferred until tomorrow.

At 3:50 o'clock p.m., the Senate adjourned until 2:00 o'clock p.m., on Thursday, September 15, 1949, upon motion by Senator Silva, seconded by Senator Dillingham, and carried.

Ellen D. Smythe
Clerk of the Senate.

Approved:

Wilfred Tsukiyama
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
*Regular Session, 19* 49

FORTY-FOURTH Day

THURSDAY, SEPTEMBER 15, 19 49

ELLEN D. SMYTHE
*Clerk*

JOURNAL OF THE SENATE

FORTY-FOURTH DAY

Thursday, September 15, 1949

The Senate convened at 2:15 o'clock p.m., with President Tsukiyama presiding.

After Prayer by Chaplain Judd, the Roll was called, showing all Senators present, with the exception of Senator Fernandes, excused.

The Journal of the Forty-Third Day was read and approved.

A communication from Representative Joseph R. Itagaki (Misc. Com. No. 20), expressing appreciation for the sentiments expressed in Senate Resolution No. 14 adopted by the Senate out of respect to the memory of his mother, was read by the Clerk as follows:

(Misc. Com. No. 20)

The communication was received and placed on file.

Senators Goodness, Ansai, Duarte, Silva, Aguiar, Dillingham, Fernandes, Akana, Hill, Tsukiyama, Heen, Capellas, Nobriga, Blaisdell and Lee introduced a bill (S. B. No. 24), entitled: "An Act providing a monthly twenty-five dollar bonus for pensioners, and appropriating funds for payment thereof".

Upon motion by Senator Hill, seconded by Senator Goodness, the bill passed First Reading by title and was referred to the Printing Committee.

Senator Blaisdell introduced a bill (S. B. No. 25), entitled: "An Act amending Section 5828 of the Revised Laws of Hawaii 1945, as amended by Act 321 of the Session Laws of Hawaii 1949, relating to and prescribing fees to be charged banks, trust companies, building and loan or savings and loan associations, industrial loan companies, small loan companies and other fiduciary companies for examinations conducted by the Territorial Bank Examiner".

Upon motion by Senator Hill, seconded by Senator Goodness, the bill passed First Reading by title and was referred to the Printing Committee.

Senators Capellas, Silva, Nobriga and Hill introduced a bill (S. B. No. 26), entitled: "An Act to amend Act 54 of the Session Laws of Hawaii 1949, relating to the county of Hawaii extra tax on liquid fuel and the expenditure of the proceeds thereof".

Upon motion by Senator Hill, seconded by Senator Goodness, the bill passed First Reading by title and was referred to the Printing Committee.

Senators Silva, Nobriga, Capellas and Hill introduced a bill (S. B. No. 27), entitled: "An Act amending Act 230 of the Session Laws of Hawaii 1943, as amended, relating to appropriations by way of advancement from the general fund of the Territory of Hawaii for the construction of certain roads and other public improvements and the acquisition of land for such purposes in the County of Hawaii".

Upon motion by Senator Hill, seconded by Senator Goodness, the bill passed First Reading by title and was referred to the Printing Committee.

Senator Dillingham introduced a bill (S. B. No. 28), entitled: "An Act to amend Section 8438 of the Revised Laws of Hawaii 1945, as amended, relating to loans by banks, savings banks, building and loan and savings and loan associations, insurance companies

and trust companies".

Upon motion by Senator Hill, seconded by Senator Goodness, the bill passed First Reading by title and was referred to the Printing Committee.

Senators Ansai, Goodness and Duarte introduced a bill (S. B. No. 29), entitled: "An Act relating to public improvements, and the financing thereof, making appropriations for public improvements, providing for the issuance of public improvement bonds, and repealing Act 368 of the Session Laws of Hawaii 1949".

Upon motion by Senator Hill, seconded by Senator Goodness, the bill passed First Reading by title and was referred to the Printing Committee.

Senators Goodness, Duarte and Ansai introduced a bill (S. B. No. 30), entitled: "An Act to amend Part I of Chapter 138 of the Revised Laws of Hawaii 1945, as amended, relating to the licensing of chauffeurs, drivers and operators of motor vehicles".

Upon motion by Senator Hill, seconded by Senator Goodness, the bill passed First Reading by title and was referred to the Printing Committee.

Senators Capellas and Silva introduced a bill (S. B. No. 31), entitled: "An Act relating to bonuses for public officers and employees, and amending Act 208 of the Session Laws of Hawaii 1947, as amended".

Upon motion by Senator Hill, seconded by Senator Goodness, the bill passed First Reading by title and was referred to the Printing Committee.

Senator Hill introduced a bill (S. B. No. 32), entitled: "An Act amending Act 281 of the Session Laws of Hawaii 1949 relating to housing projects and housing; and conferring rights, powers and privileges upon the Hawaii Housing Authority and upon the several counties in regard to such housing projects and housing".

Upon motion by Senator Hill, seconded by Senator Goodness, the bill passed First Reading by title and was referred to the Printing Committee.

Senators Goodness, Duarte and Silva introduced a bill (S. B. No. 33), entitled: "An Act to amend Section 1223, as amended, and Section 1232, as amended, of the Revised Laws of Hawaii 1945, relating to fishing".

Upon motion by Senator Hill, seconded by Senator Goodness, the bill passed First Reading by title and was referred to the Printing Committee.

Senators Silva, Nobriga, Capellas and Hill introduced a bill (S. B. No. 34), entitled: "An Act amending Act 205 of the Session Laws of Hawaii 1947, as amended, relating to Public Improvements and the issuance of public improvement bonds, providing for an overseas terminal at Kawaihae, County of Hawaii, making an appropriation for said overseas terminal and appurtenances, and providing for the issuance of bonds therefor".

Upon motion by Senator Hill, seconded by Senator Goodness, the bill passed First Reading by title and was referred to the Printing Committee.

Senator Heen introduced a bill (S. B. No. 35), entitled: "An Act to amend Section 195 of the Revised Laws of Hawaii 1945, as amended, relating to the appointment of election inspectors".

Upon motion by Senator Hill, seconded by Senator Goodness, the bill passed First Reading by title and was referred to the Printing Committee.

Senator Heen introduced a bill (S. B. No. 36), entitled: "An Act empowering the Governor and his authorized representatives to take measures to make available necessary commodities in an emergency and to take measures incidental thereto; making it a misdemeanor to deceive or attempt to deceive the Governor or such representatives in the ascertainment of facts for use in administering this Act; and making an appropriation for the purposes of this Act".

Upon motion by Senator Hill, seconded by Senator Goodness, the bill passed First Reading by title and was referred to the Printing Committee.

Senators Ansai, Goodness and Duarte introduced a joint resolution (S. J. Res. No. 3), entitled: "Joint Resolution relating to the hospital now called the Shingle Memorial Hospital; appropriating money for the said hospital now called the Shingle Memorial Hospital and any successor hospital thereto; and appropriating for and making available for expenditure by any said successor hospital moneys appropriated for said Shingle Memorial Hospital by Act 335 of the Session Laws of Hawaii 1949".

Upon motion by Senator Hill, seconded by Senator Goodness, the joint resolution passed First Reading by title and was referred to the Printing Committee.

Senators Lee and Silva introduced a Joint Resolution (S. J. Res. No. 4), entitled: "joint Resolution creating a board to study the causes of industrial disputes and making an appropriation therefor".

Upon motion by Senator Hill, seconded by Senator Goodness, the joint resolution passed First Reading by title and was referred to the Printing Committee.

Senator Tsukiyama introduced a joint resolution (S. J. Res. No. 5), entitled: "Joint Resolution petitioning the President of the United States to name the Territory of Hawaii as an Emergency Unemployment Region and requesting that he order Federal agencies to assign Federal orders to Hawaiian industry, approve Federal public works projects for Hawaii and maintain the national defense establishments within the Territory at a high level of readiness".

Upon motion by Senator Hill, seconded by Senator Goodness, the joint resolution passed First Reading by title and was referred to the Printing Committee.

Second Reading of House Bill No. 20, entitled: "An Act to amend Act 335 of the Session Laws of Hawaii 1949, relating to the appropriation therein made to the Hawaii Visitors Bureau":

Senator Heen offered the following amendments to the bill:

"Amend House Bill No. 20, HD 2, in the following respects:

1. Delete the following which appears in lines 11, 12 and 13 on page 2 of the typewritten bill:

"which contributions are made available in order to obtain funds under this Act"

and insert in lieu thereof the following:

"for advertising and promotional work in the Territory".

2. Insert after the word "that" in line 19 on page 2 of said bill, a 'comma', and add thereafter the following:

'except as to the amounts to be expended from said funds for the benefit of the counties of Hawaii, Maui and Kauai,'".

Upon motion by Senator Heen, seconded by Senator Aquiar, the amendments were adopted.

Upon motion by Senator Silva, seconded by Senator Blaisdell, the bill, as amended, passed Second Reading and was placed on the calendar for Third Reading on Monday, September 19th.

Second Reading of House Bill No. 21, entitled: "An Act relating to fishing; repealing Act 348 of the Session Laws of Hawaii 1949, relating to sport fishing, and providing for refund of fees collected thereunder; requiring licenses for fishing for, taking or catching any introduced fresh water game fish; authorizing the examination and search of bags, containers, vehicles

and conveyances used to carry and transport fish; and providing penalties and for forfeitures; and making an appropriation therefor":

Upon motion by Senator Dillingham, seconded by Senator Nobriga, the bill passed Second Reading and was placed on the calendar for Third Reading on Monday, September 19th.

Consideration of Senate Concurrent Resolution No. 1, creating a joint committee to study unemployment, deferred from September 14th:

Upon motion by Senator Lee, seconded by Senator Akana, the Concurrent Resolution was adopted.

Consideration of Senate Resolution No. 15, creating a committee of five Senators to investigate the general economy of the Territory, and to make recommendations, etc., deferred from September 14th:

Upon motion by Senator Heen, seconded by Senator Lee, action on the Resolution was deferred until Monday, September 19th.

Senator Duarte offered a Resolution (S. Res. No. 16), requesting the Director of Public Welfare of the Territory to report to the Senate, in writing, within five days from the adoption hereof, the total number of recipients who are now receiving from the Territory, as general assistance, more than the sum of $100.00 per month, which was read by the Clerk as follows:

(S. Res. No. 16)

Upon motion by Senator Duarte, seconded by Senator Hill, the Resolution was adopted.

Senator Silva presented a report, for the Committee on Enrollment, Revision and Printing (Stand. Com. Rep. No. 17), reporting on matters referred to it, which was read by the

Clerk as follows:

(Stand. Com. Rep. No. 17)

The report was received and placed on file.

At this time, Senator Aguiar moved that the Senate resolve itself into a Committee of the Whole for the consideration of Senate Bill No. 6,"relating to the furnishing of longshore services by the government, and making appropriations therefor". Seconded by Senator Blaisdell, and carried; and at 3:04 o'clock p.m., the Senate resolved itself into a Committee of the Whole, with President Tsukiyama as Chairman, for said purpose.

At 3:15 o'clock p.m., the Committee rose and the Senate reconvened.

Senator Heen, for the Committee of the Whole, orally reported progress and asked leave to sit again.

Upon motion by Senator Heen, seconded by Senator Blaisdell, the oral report of the Committee was adopted.

At 3:18 o'clock p.m., upon motion by Senator Hill, seconded by Senator Dillingham, and carried, the Senate adjourned until 11:00 o'clock a.m., on Monday, September 19, 1949.

Ellen S. Smythe
Clerk of the Senate.

Approved:

Wilfred Tsukiyama
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
*~~Regular~~ Session, 19*49

FORTY-FIFTH Day

FRIDAY, SEPTEMBER 16, 1949

ELLEN D. SMYTHE
*Clerk*

JOURNAL OF THE SENATE

FORTY-FIFTH DAY

Friday, September 16, 1949.

N O  S E S S I O N

Ellen D. Smythe

Clerk of the Senate.

Approved:

President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ Session, 19 49

FORTY-SIXTH Day

SATURDAY, SEPTEMBER 17, 1949

ELLEN D. SMYTHE
Clerk

JOURNAL OF THE SENATE

FORTY-SIXTH DAY

Saturday, September 17, 1949.

N O  S E S S I O N

Ellen D. Smythe

Clerk of the Senate.

Approved:

Wilfred Tankiyama

President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ *Session, 19* 49

FORTY-SEVENTH Day

MONDAY, SEPTEMBER 19, 19 49

ELLEN D. SMYTHE
*Clerk*

JOURNAL OF THE SENATE

FORTY-SEVENTH DAY

Monday, September 19, 1949.

The Senate convened at 11:20 o'clock a.m., with President Tsukiyama presiding.

The Divine Blessing was invoked by Chaplain Judd, after which the Roll was called, showing all Senators present with the exception of Senators Aguiar, Fernandes and Nobriga, excused, and Senator Akana temporarily excused.

The Journal of the Forty-Fourth, Forty-Fifth and Forty-Sixth Days was read and approved.

Senator Silva, for the Committee on Enrollment, Revision and Printing, presented a report (Stand. Com. Rep. No. 18), reporting on matters referred to it, which was read by the Clerk as follows:

(Stand. Com. Rep. No. 18)

The report was received and placed on file.

Second Reading of Senate Bill No. 24, entitled: "An Act providing a monthly twenty-five dollar bonus for pensioners, and appropriating funds for payment thereof":

Upon motion by Senator Dillingham, seconded by Senator Lee, the bill was referred to the Committee of the Whole, of which President Tsukiyama is Chairman, to be considered by said Committee at 2:00 o'clock this afternoon; and the Clerk was instructed to request the Secretary of the Territorial Retirement System to be present at such meeting.

Second Reading of Senate Bill No. 25, entitled: "An Act amending Section 5828 of the Revised Laws of Hawaii 1945, as amended by Act 321 of the Session Laws of Hawaii 1949, relating to and prescribing fees to be charged banks, trust companies, building and loan or savings and loan associations, industrial loan companies, small loan companies and other fiduciary companies for examinations conducted by the Territorial Bank Examiner":

Upon motion by Senator Hill, seconded by Senator Dillingham, the bill was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

Second Reading of Senate Bill No. 26, entitled: "An Act to amend Act 54 of the Session Laws of Hawaii 1949, relating to the County of Hawaii extra tax on liquid fuel and the expenditure of the proceeds thereof":

Upon motion by Senator Hill, seconded by Senator Dillingham, the bill was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

Second Reading of Senate Bill No. 27, entitled: "An Act amending Act 230 of the Session Laws of Hawaii 1943, as amended, relating to appropriations by way of advancement from the general fund of the Territory of Hawaii for the construction of certain roads and other public improvements and the acquisition of land for such purposes in the County of Hawaii":

Upon motion by Senator Hill, seconded by Senator Dillingham, the bill was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

Second Reading of Senate Bill No. 28, entitled: "An Act to amend Section 8438 of the Revised Laws of Hawaii 1945, as amended, relating to loans by banks, savings banks, building and loan and savings and loan associations, insur-

ance companies and trust companies":

Upon motion by Senator Hill, seconded by Senator Dillingham, the bill was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

Second Reading of Senate Bill No. 29, entitled: "An Act relating to public improvements, and the financing thereof, making appropriations for public improvements, providing for the issuance of public improvement bonds, and repealing Act 368 of the Session Laws of Hawaii 1949":

Upon motion by Senator Hill, seconded by Senator Dillingham, the bill was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

Second Reading of Senate Bill No. 30, entitled: "An Act to amend Part I of Chapter 138 of the Revised Laws of Hawaii 1945, as amended, relating to the licensing of chauffeurs, drivers and operators of motor vehicles":

Upon motion by Senator Hill, seconded by Senator Dillingham, the bill was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

Second Reading of Senate Bill No. 31, entitled: "An Act relating to bonuses for public officers and employees, and amending Act 208 of the Session Laws of Hawaii 1947, as amended":

Upon motion by Senator Hill, seconded by Senator Dillingham, the bill was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

Second Reading of Senate Bill No. 32, entitled: "An Act amending Act 281 of the Session Laws of Hawaii 1949 relating to housing projects and housing, and conferring rights, powers and privileges upon the Hawaii Housing Authority and upon the several counties in regard to such housing projects and housing":

Upon motion by Senator Hill, seconded by Senator Dillingham, the bill was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

Second Reading of Senate Bill No. 33, entitled: "An Act to amend Section 1223, as amended, and Section 1232, as amended, of the Revised Laws of Hawaii 1945, relating to fishing":

Upon motion by Senator Hill, seconded by Senator Dillingham, the bill was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

Second Reading of Senate Bill No. 34, entitled: "An Act amending Act 205 of the Session Laws of Hawaii 1947, as amended, relating to public improvements and the issuance of public improvement bonds, providing for an overseas terminal at Kawaihae, County of Hawaii, making an appropriation for said overseas terminal and appurtenances, and providing for the issuance of bonds therefor":

Upon motion by Senator Hill, seconded by Senator Dillingham, the bill was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

Second Reading of Senate Bill No. 35, entitled: "An Act to amend Section 195 of the Revised Laws of Hawaii 1945, as amended, relating to the appointment of Election Inspectors":

Upon motion by Senator Hill, seconded by Senator Dillingham, the bill was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

Second Reading of Senate Bill No. 36, entitled: "An Act empowering the Governor and his authorized representatives to take measures to make available necessary commodities in an emergency and to take measures incidental thereto; making it a misdemeanor to deceive or attempt to deceive the Governor

or such representatives in the ascertainment of facts for use in administering this Act; and making an appropriation for the purposes of this Act":

Upon motion by Senator Hill, seconded by Senator Dillingham, the bill was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

Second Reading of Senate Joint Resolution No. 3, entitled: "Joint Resolution relating to the hospital now called the Shingle Memorial Hospital; appropriating money for the said hospital now called the Shingle Memorial Hospital and any successor hospital thereto; and appropriating for and making available for expenditure by any said successor hospital moneys appropriated for said Shingle Memorial Hospital by Act 335 of the Session Laws of Hawaii 1949":

Upon motion by Senator Hill, seconded by Senator Dillingham, the joint resolution was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

Second Reading of Senate Joint Resolution No. 4, entitled: "Joint Resolution creating a board to study the causes of industrial disputes and making an appropriation therefor":

Upon motion by Senator Hill, seconded by Senator Dillingham, the joint resolution was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

Second Reading of Senate Joint Resolution No. 5, entitled: "Joint Resolution petitioning the President of the United States to name the Territory of Hawaii as an emergency unemployment region and requesting that he order Federal agencies to assign Federal orders to Hawaiian Industry, approve Federal public works projects for Hawaii and maintain the national defense establishments within the Territory at a high level of readiness":

Upon motion by Senator Hill, seconded by Senator Dillingham, the joint resolution was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

Senator Capellas, for the Committee on Accounts and Public Expenditures, presented a report (Stand. Com. Rep. No. 19), reporting on the Accounts of the Senate as of this date, which was read by the Clerk as follows:

(Stand. Com. Rep. No. 19)

The report was received and placed on file.

Consideration of Senate Resolution No. 15, creating a committee of five Senators to investigate the general economy of the Territory, and to make recommendations, etc., deferred from September 15th:

Upon motion by Senator Heen, seconded by Senator Lee, action on the Resolution was further deferred until tomorrow.

Third Reading of House Bill No. 20, as amended, entitled: "An Act to amend Act 335 of the Session Laws of Hawaii 1949, relating to the appropriation therein made to the Hawaii Visitors Bureau":

Upon motion by Senator Dillingham, seconded by Senator Hill, the bill passed Third Reading, as amended, on the following showing of Ayes and Noes:

Ayes: Senators Ansai, Blaisdell, Capellas, Dillingham, Heen, Hill, Lee, Silva and Mr. President. Total, 9.

Noes: Senators Duarte and Goodness. Total, 2.

Excused and not voting: Senators Aguiar, Akana, Fernandes and Nobriga. Total, 4.

Third Reading of House Bill No. 21, entitled: "An Act relating to fishing; repealing Act 348 of the Session Laws of Hawaii 1949, relating to sport fishing, and providing for re-

fund of fees collected thereunder; requiring licenses for fishing for, taking or catching any introduced fresh water game fish; authorizing the examination and search of bags, containers, vehicles and conveyances used to carry and transport fish; and providing penalties and for forfeitures; and making an appropriation therefor":

Senator Dillingham offered the following amendment to the bill:

"Amend House Bill No. 21, House Draft No. 2, to read as set forth in the draft hereto attached and made a part hereof.

"AN ACT

RELATING TO FISHING; REPEALING ACT 348 OF THE SESSION LAWS OF HAWAII 1949, RELATING TO SPORT FISHING; REQUIRING LICENSES FOR FISHING FOR, TAKING OR CATCHING ANY INTRODUCED FRESH WATER GAME FISH; AUTHORIZING THE EXAMINATION AND SEARCH OF BAGS, CONTAINERS, VEHICLES AND CONVEYANCES USED TO CARRY AND TRANSPORT FISH; AND PROVIDING PENALTIES AND FOR FORFEITURES.

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

SECTION 1. No person shall fish for, take or catch any introduced fresh water game fish without first procuring a license, and holding a valid unrevoked license, pursuant to the provisions of this Act.

SECTION 2. The licenses required by section 1 of this Act and badges shall be issued by agents of the board of commissioners of agriculture and forestry upon written application in such form as may be prescribed by said board and the payment of a fee as hereinafter provided. The application shall require a statement under oath of the applicant's name, address, domicile or residence, length of residence in the Territory, age, race, height, weight, and color of hair and eyes. All such licenses and badges shall expire and become void on June 30, following the date of issuance. A duplicate license or badge may be issued upon affidavit that the original license or badge has been lost or destroyed and upon payment of fifty cents. The fee for such license shall be (a) two dollars and fifty cents for any person who is a resident of the Territory and (b) five dollars for all others.

No person to whom such license or badge has been issued shall permit any other person to carry, display or use such license or badge in any way. Every person to whom such license or badge has been issued shall display the badge while fishing or show the license upon demand of any officer authorized to enforce the fish and game laws of the Territory; and any person who fails to do so shall be guilty of a violation of this Act.

SECTION 3. The director and any agent of the division of fish and game of the board of commissioners of agriculture and forestry and any police officer shall have the right, for purposes of investigation and inspection, to examine the contents of any bag or container of any kind used to carry fish and to examine and search any vehicle or conveyance used to transport fish. Any person who shall wilfully refuse to permit such examination or search or wilfully interfere with the director or any agent of the division of fish and game or any police officer in the exercise of any authority conferred by this Act shall be guilty of a violation of the provisions of this Act.

SECTION 4. Any person violating any provision of this Act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than two hundred dollars or by imprisonment of not more than sixty days, or by both such fine and imprisonment. In addition, the license of any person convicted of a violation of any provision of this Act or of any other law relating to fishing or the conservation thereof shall be revoked by the court and no such person shall be issued another such license until June 30 following the date of such revocation.

SECTION 5. Act 348 of the Session Laws of Hawaii 1949 is hereby repealed.

SECTION 6. This Act shall take effect on July 1, 1950; provided, however, that this Act shall not affect the liability of any person to prosecution and punishment for any criminal offense committed prior to said effective date and all such offenses may be prosecuted and punished the same as if this Act had not been enacted."

Senator Ansai moved that the amendment and the bill be referred to the Committee of the Whole, of which President Tsukiyama is Chairman; that the same be printed, and that consideration thereof be deferred until Wednesday, September 21st; and that the Clerk be instructed to request representatives of the Attorney General's Office and of the Board of Agriculture and Forestry be requested to be present at the time the bill, and the amendments, are considered. Seconded by Senator Dillingham, and carried.

Senator Duarte offered a bill for introduction, entitled: "An Act relating to public officers and employees of the Territory of Hawaii and of its several political subdivisions; providing for permanent increases in the base pay rates of

compensation of certain of such officers and employees and, in addition, for a bonus for all such officers and employees during the biennium 1949-1951; and amending Act 208 of the Session Laws of Hawaii 1947, as amended, and Act 367 of the Session Laws of Hawaii 1949".

Upon motion by Senator Silva, seconded by Senator Lee, the bill was referred to the Steering Committee.

Senator Duarte offered a bill for introduction, entitled: "An Act relating to the establishment of a minimum wage and maximum hour standard for workers employed in the stevedoring industry in the Territory of Hawaii".

Upon motion by Senator Silva, seconded by Senator Lee, the bill was referred to the Steering Committee.

Senators Lee, Heen and Silva offered a bill for introduction, entitled: "An Act to amend Act 2 of the Special Session Laws of Hawaii 1949, as amended, relating to the stevedoring industry and related facilities and services, and the public emergency arising from the present stevedoring strike, and the taking possession of and taking over and operating by the Territory of Hawaii of such stevedoring industry and such related facilities and services during the aforesaid emergency and other emergencies occurring thereafter".

Upon motion by Senator Silva, seconded by Senator Lee, the bill was referred to the Steering Committee.

Senators Lee, Heen and Silva offered a bill for introduction, entitled: "An Act to amend Act 2 of the Special Session Laws of Hawaii 1949, as amended, relating to the stevedoring industry and related facilities and services, and the public emergency arising from the present stevedoring strike, and the taking possession of and taking over and

operating by the Territory of Hawaii of such stevedoring industry and such related facilities and services during the aforesaid emergency and other emergencies occurring thereafter".

Upon motion by Senator Silva, seconded by Senator Lee, the bill was referred to the Steering Committee.

Senator Blaisdell offered a bill for introduction, entitled: "An Act exempting from taxation all property actually and solely used in the manufacture, refining or separation of asphalt products, gas oil, petroleum products, and butane, propane and other gases from crude oil or a straight-run residuum of crude oil, or a blend of a gas and such crude oils, and exempting from taxation the gross income of and privilege of engaging in the business of such manufacture, refining or separation and the business of sale of such products".

Upon motion by Senator Silva, seconded by Senator Lee, the bill was referred to the Steering Committee.

Senator Hill moved that the above bills be considered by the Steering Committee of the Senate at 2:30 o'clock this afternoon. Seconded by Senator Goodness, and carried.

At 12:05 o'clock p.m., the Senate stood in recess until 2:00 o'clock this afternoon, upon motion by Senator Heen, seconded by Senator Dillingham, and carried.

AFTERNOON SESSION

The Senate reconvened at 2:30 o'clock p.m., with the President presiding, and all Senators being present with the exception of Senators Aguiar, Fernandes and Nobriga, excused.

A communication from the Acting Director of the Department of Public Welfare (Dept. Com. No. 19), in response to Senate Resolution No. 16, relating to recipients of general assistance payments of over $100.00 for the month of September, etc., was read by the Clerk as follows:

(Dept. Com. No. 19)

The communication was received and placed on file for such action as the Senate may deem necessary at some future date.

At 2:35 o'clock p.m., upon motion by Senator Heen, seconded by Senator Silva, the Senate resolved itself into a Committee of the Whole, in Executive Session, with President Tsukiyama as Chairman, for the consideration of Senate Bill No. 24, Senate Bill No. 25 and Senate Bill No. 31.

At 4:05 o'clock p.m., the Executive Session being ended, the Committee rose and the Senate reconvened.

Senator Heen, for the Committee of the Whole, reported orally, recommending the passage of Senate Bill No. 25 on Second Reading; and reporting progress on Senate Bills Nos. 24 and 31, and asking leave to sit again thereon.

Upon motion by Senator Heen, seconded by Senator Dillingham, the oral report of the Committee was adopted, a written report to be filed later.

Senators Silva and Capellas offered a Resolution (S. Res. No. 17), appointing Mr. Louis A. Silva as Statistician of the Senate, Special Session of 1949, at a compensation of $25.00 per diem, effective forthwith, which was read by the Clerk as follows:

(S. Res. No. 17)

Upon motion by Senator Akana, seconded by Senator Heen, action on the Resolution was deferred until tomorrow.

Senator Hill moved that the meeting of the Steering Committee of the Senate, scheduled for 2:30 o'clock this afternoon, be held immediately after the adjournment of today's session. Seconded by Senator Silva, and carried.

At 4:10 o'clock p.m., upon motion by Senator Heen, seconded by Senator Silva, and carried, the Senate adjourned until 10:00 o'clock a.m., on Tuesday, September 20, 1949.

Ellen D. Smythe
Clerk of the Senate.

Approved:

President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ *Session, 19* 49

FORTY-EIGHTH Day

TUESDAY, SEPTEMBER 20, 1949

ELLEN D. SMYTHE
*Clerk*

JOURNAL OF THE SENATE

FORTY-EIGHTH DAY

Tuesday, September 20, 1949.

The Senate convened at 11:35 o'clock a.m., with the President in the Chair.

After Prayer by Chaplain Judd, the Roll was called showing all Senators present, with the exception of Senator Fernandes, excused.

The Journal of the Forty-Seventh Day was read and approved.

Consideration of Senate Resolution No. 15, providing for the appointment, by the President of the Senate, of a committee of five members of the Senate to inquire into and investigate the general economy of the Territory, and to make recommendations, etc., action on which was deferred yesterday:

Senator Heen offered certain amendments to the Resolution, set forth in an amended form thereof, as follows:

"Amend Senate Resolution No. 15 to read as follows:

'RESOLUTION

WHEREAS, there has recently been a rapid deterioration in the general economy of the Territory; and

WHEREAS, such decline has given rise to serious problems of unemployment, public welfare, public finance, and other matters; and

WHEREAS, in the interest of the people of the Territory, it is imperative that the decline be halted, that such problems be relieved and that the economy of the Territory be restored to a sound level of prosperity; now, therefore,

BE IT RESOLVED, by the Senate of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session assembled, that the Legislative Reference Bureau of the Territory be and it is hereby requested to forth-

with inquire into and investigate the general economy of the Territory and to report to the Senate in Special Session, as soon as practicable, the results of its inquiry and investigation, including therein its findings in regard to the present condition of the general economy of the Territory, the facts upon which it bases such conclusions, the cause or causes for such conditions, and such other matters as are pertinent to such inquiry and investigation; and

BE IT FURTHER RESOLVED, that all officers, boards, commissions and other agencies or instrumentalities of the Territory, and of every county, be and they are hereby requested to promptly furnish to the Legislative Reference Bureau of the Territory such information, data, statistics and studies as the said Legislative Reference Bureau may request and as are pertinent to the aforesaid inquiry and investigation; and

BE IT FURTHER RESOLVED, that private parties, including private agencies, bureaus and organizations, and business enterprises and labor organizations, be and they are hereby severally requested to furnish to the Legislative Reference Bureau of the Territory such information, data and statistics concerning the subject of the said inquiry and investigation as they may possess and the said Legislative Reference Bureau may request to carry out the purpose of this Resolution; and

BE IT FURTHER RESOLVED, that certified copies of this Resolution be transmitted to the Governor of the Territory, the Director of Public Welfare of the Territory, the Director of Labor of the Territory, the Tax Commissioner of the Territory, the Director of the Bureau of the Budget of the Territory, the Mayor of the City and County of Honolulu and the respective chairmen of the boards of supervisors of other counties in the Territory, and such persons, associations and corporations as the said Legislative Reference Bureau may hereafter designate.'"

Senator Heen moved for the adoption of the amendments. Seconded by Senator Aguiar, and carried.

Upon motion by Senator Aguiar, seconded by Senator Hill, the Resolution, as amended, was adopted.

Consideration of Senate Resolution No. 17, providing for the appointment of Mr. Louis A. Silva, as Statistician of the Senate, Special Session of 1949, action on which was deferred yesterday:

Upon motion by Senator Silva, seconded by Senator Duarte, the Resolution was adopted.

At this time, upon motion by Senator Dillingham, seconded by Senator Aguiar, and carried, the President was instructed to refer all bills,which have been submitted to the Senate for enactment by the City and County of Honolulu and the various Counties, to the Attorney for the Senate when relating to legal matters; and to the Statistician of the Senate, when relating to matters of the economy of the Territory, with the request that they submit a brief digest thereof, in order to assist the Steering Committee in judging the merits of each bill when they are presented to that Committee for screening.

Third Reading of Senate Bill No. 25, entitled: "An Act amending Section 5828 of the Revised Laws of Hawaii 1945, as amended by Act 321 of the Session Laws of Hawaii 1949, relating to and prescribing fees to be charged banks, trust companies, building and loan or savings and loan associations, industrial loan companies, small loan companies and other fiduciary companies for examinations conducted by the Territorial Bank Examiner":

Upon motion by Senator Duarte, seconded by Senator Goodness, action on the bill was deferred until later on the calendar.

A communication from the House (H. Com. No. 21), informing the Senate that the House had disagreed to the amendments proposed by the Senate to House Bill No. 20, and had appointed Representatives Porteus, Sakakihara and Apaka as Managers on the part of the House for the consideration of said amendments, was read by the Clerk as follows:

(H. Com. No. 21)

The communication was received and placed on file.

The President thereupon appointed Senators Heen, Aguiar and Ansai as Conferees on the part of the Senate at such conference.

At 12:05 o'clock p.m., upon motion by Senator Hill, seconded by Senator Nobriga, and carried, the Senate stood in recess until 2:00 o'clock this afternoon.

AFTERNOON SESSION

The Senate reconvened at 2:23 o'clock p.m., with the President in the Chair, and fourteen Senators being present.

Senator Silva, for the Committee on Enrollment, Revision and Printing, presented a report (Stand. Com. Rep. No. 20), reporting on matters referred to it, which was read by the Clerk as follows:

(Stand. Com. Rep. No. 20)

The report was received and placed on file.

Third Reading of Senate Bill No. 25, entitled: "An Act amending Section 5828 of the Revised Laws of Hawaii 1945, as amended by Act 321 of the Session Laws of Hawaii 1949, relating to and prescribing fees to be charged banks, trust companies, building and loan or savings and loan associations, industrial loan companies, small loan companies and other fiduciary companies for examinations conducted by the Territorial Bank Examiner", deferred from earlier on the calendar:

Upon motion by Senator Blaisdell, seconded by Senator Dillingham, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 14.

Noes: None.

Excused and not voting: Senators Fernandes. Total, 1.

At 2:25 o'clock p.m., upon motion by Senator Hill, seconded by Senator Dillingham, the Senate resolved itself into a Committee of the Whole, with President Tsukiyama as Chairman, for the purpose of considering measures pending before said Committee.

At 3:16 o'clock p.m., the Committee rose and the Senate reconvened.

Senator Heen, for the Committee of the Whole, reported orally, recommending the passage of Senate Bills Nos. 26, 27, 29, 30, 32 and 35, and Senate Joint Resolution No. 3 on Second Reading; and reporting progress and asking leave to sit again on the other measures pending before said Committee.

Upon motion by Senator Heen, seconded by Senator Goodness, the oral report of the Committee was adopted, a written report to be filed later. Senate Bills Nos. 26, 27, 29, 30, 32 and 35 and Senate Joint Resolution No. 3 thereupon passed Second Reading and were placed on the calendar for Third Reading tomorrow.

At this time, the President appointed Senator Capellas a Committee of One to call on the Governor to ascertain the status of the information and statistics being collected on the unemployment situation in the Territory.

At 3:19 o'clock p.m., upon motion by Senator Silva, seconded by Senator Dillingham, the Senate adjourned until 10:00 o'clock a.m., on Wednesday, September 21, 1949.

Ellen D. Smythe
Clerk of the Senate.

Approved:

Wilfred C. Tsukiyama
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ *Session, 19* 49

FORTY-NINTH Day

WEDNESDAY, SEPTEMBER 21, , 19 49

ELLEN D. SMYTHE
*Clerk*

JOURNAL OF THE SENATE

FORTY-NINTH DAY

Wednesday, September 21, 1949.

The Senate convened at 10:25 o'clock a.m., with President Tsukiyama presiding.

The opening Prayer was offered by Chaplain Judd, after which the Roll was called, showing all Senators present, with the exception of Senator Fernandes, excused, and Senators Capellas and Lee temporarily excused.

The Journal of the Forty-Eighth Day was read and approved.

At 10:28 o'clock a.m., under suspension of the Rules, and upon motion by Senator Hill, seconded by Senator Akana, the Senate resolved itself into a Committee of the Whole, with President Tsukiyama as Chairman, for the consideration of Senate Bills Nos. 34 and 36 and Senate Joint Resolutions Nos. 4 and 5.

At 3:30 o'clock p.m., the Committee rose and the Senate reconvened.

Senator Heen, for the Committee of the Whole, reported orally, recommending the passage on Second Reading of Senate Bills Nos. 34 and 36, with certain amendments, and further recommending the passage, on Second Reading of Senate Joint Resolution No. 5, with certain amendments; and reporting progress and asking leave to sit again on Senate Joint Resolution No. 4.

Upon motion by Senator Heen, seconded by Senator Blaisdell, the oral report of the Committee was adopted, a written report to be filed later. Senate Bills Nos. 34 and 36, as amended, and Senate Joint Resolution No. 5, as amended, passed Second Reading and were placed on the calendar for Third Reading tomorrow.

Senators Tsukiyama, Heen, Goodness, Duarte, Dillingham, Aguiar, Blaisdell, Capellas, Akana, Hill, Nobriga, Ansai and Lee offered a Resolution (S. Res. No. 18), extending best wishes to Senator Charles Harold Silva on the occasion of his forty-sixth birthday, which was read by the Clerk as follows:

(S. Res. No. 18)

Upon motion by Senator Nobriga, seconded by Senator Duarte, the resolution was adopted by a rising vote.

Third Reading of Senate Bill No. 26, entitled: "An Act to amend Act 54 of the Session Laws of Hawaii 1949, relating to the County of Hawaii extra tax on liquid fuel and the expenditure of the proceeds thereof":

Upon motion by Senator Dillingham, seconded by Senator Blaisdell, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 14.

Noes: None.

Excused and not voting: Senator Fernandes. Total, 1.

Third Reading of Senate Bill No. 27, entitled: "An Act amending Act 230 of the Session Laws of Hawaii 1943, as amended, relating to appropriations by way of advancement from the

general fund of the Territory of Hawaii for the construction of certain roads and other public improvements and the acquisition of land for such purposes in the County of Hawaii":

Upon motion by Senator Silva, seconded by Senator Dillingham, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 13.

Noes: Senator Akana. Total, 1.

Excused and not voting: Senator Fernandes. Total, 1.

Third Reading of Senate Bill No. 29, entitled: "An Act relating to public improvements, and the financing thereof, making appropriations for public improvements, providing for the issuance of public improvement bonds, and repealing Act 368 of the Session Laws of Hawaii 1949":

Upon motion by Senator Goodness, seconded by Senator Hill, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 14.

Noes: None.

Excused and not voting: Senator Fernandes. Total, 1.

Third Reading of Senate Bill No. 30, entitled: "An Act to amend Part I of Chapter 138 of the Revised Laws of Hawaii 1945, as amended, relating to the licensing of chauffeurs, drivers and operators of motor vehicles":

Upon motion by Senator Aguiar, seconded by Senator Blaisdell, action on the bill was deferred until tomorrow.

Third Reading of Senate Bill No. 32, entitled: "An Act amending Act 281 of the Session Laws of Hawaii 1949 relating to housing projects and housing; and conferring rights, powers and privileges upon the Hawaii Housing Authority and upon the several counties in regard to such housing projects and Housing":

Upon motion by Senator Silva, seconded by Senator Hill, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 14.

Noes: None.

Excused and not voting: Senator Fernandes. Total, 1.

Third Reading of Senate Bill No. 35, entitled: "An Act to amend Section 195 of the Revised Laws of Hawaii 1945, as amended, relating to the appointment of Election Inspectors":

Upon motion by Senator Blaisdell, seconded by Senator Goodness, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 14.

Noes: None.

Excused and not voting: Senator Fernandes. Total, 1.

Third Reading of Senate Joint Resolution No. 3, entitled: "Joint Resolution relating to the hospital now called the Shingle Memorial Hospital; appropriating money for the said hospital now called the Shingle Memorial Hospital and any successor hospital thereto; and appropriating for and making available for expendi-

ture by any said successor hospital moneys appropriated for said Shingle Memorial Hospital by Act 335 of the Session Laws of Hawaii 1949:"

Upon motion by Senator Ansai, seconded by Senator Dillingham, the joint resolution passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 14.

Noes: None.

Excused and not voting: Senator Fernandes. Total, 1.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 12), recommending the passage of Senate Bill No. 32, which was read by the Clerk as follows:

(Com. Whole Rep. No. 12)

The report was received and placed on file, the oral report of the Committee having been previously adopted.

At 3:45 o'clock p.m., upon motion by Senator Heen, seconded by Senator Hill, the Senate adjourned until 11:00 o'clock a.m., on Thursday, September 22, 1949.

Ellen D. Smythe
Clerk of the Senate.

Approved:

Wilfred C. Tsukiyama
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ Session, 19 49

FIFTIETH Day

THURSDAY, SEPTEMBER 22, 19 49

ELLEN D. SMYTHE
Clerk

JOURNAL OF THE SENATE

FIFTIETH DAY

Thursday, September 22, 1949.

The Senate convened at 11:10 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Chaplain Judd, after which the Roll was called, showing all Senators present, with the exception of Senator Fernandes, excused, and Senators Dillingham and Nobriga, temporarily excused.

The Journal of the Forty-Ninth Day was read and approved.

Senator Silva, for the Committee on Enrollment, Revision and Printing, presented a report (Stand. Com. Rep. No. 21), reporting on matters referred to it, which was read by the Clerk as follows:

(Stand. Com. Rep. No. 21)

The report was received and placed on file.

Third Reading of Senate Bill No. 30, entitled: "An Act to amend Part I of Chapter 138 of the Revised Laws of Hawaii 1945, as amended, relating to the licensing of chauffeurs, drivers and operators of motor vehicles", deferred from yesterday:

Upon motion by Senator Aguiar, seconded by Senator Goodness, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Duarte, Goodness, Heen, Hill, Lee, Silva and Mr. President. Total, 12.

Noes: None.

Excused and not voting: Senators Dillingham, Fernandes and Nobriga. Total, 3.

Third Reading of Senate Bill No. 34, entitled: "An Act amending Act 205 of the Session Laws of Hawaii 1947, as amended, relating to public improvements and the issuance of public improvement bonds, providing for an overseas terminal at Kawaihae, County of Hawaii, making an appropriation for said overseas terminal and appurtenances, and providing for the issuance of bonds therefor":

Upon motion by Senator Silva, seconded by Senator Lee, action on the bill was deferred until Monday, September 26th.

Third Reading of Senate Bill No. 36, entitled: "An Act empowering the governor and his authorized representatives to take measures to make available necessary commodities in an emergency and to take measures incidental thereto; making it a misdemeanor to deceive or attempt to deceive the governor or such representatives in the ascertainment of facts for use in administering this Act; and making an appropriation for the purposes of this Act":

Upon motion by Senator Heen, seconded by Senator Blaisdell, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Duarte, Goodness, Heen, Hill, Lee, Silva and Mr. President. Total, 12.

Noes: None.

Excused and not voting: Senators Dillingham, Fernandes and Nobriga.

At this juncture, Senator Dillingham came into the session.

Third Reading of Senate Joint Resolution No. 5, entitled: "Joint Resolution petitioning the President of the United States to name the Territory of Hawaii as an emergency unemployment region and requesting that he order federal agencies to assign federal orders to Hawaiian industry, approve federal public works projects for Hawaii and maintain the national defense establishments within the Territory at a high level of readiness":

Senator Heen offered the following amendments:

"Amend Senate Joint Resolution No. 5, as follows:

1. Insert the word "SECTION' before the figures '1', '2' and '3', on page 2 of the typewritten Resolution.

2. Amend SECTION 2 by changing the word 'Department' in line 5 thereof, to the word 'Secretary'.

3. Delete the words 'Federal Security Agency' appearing in line 6 of said SECTION 2, and insert in lieu thereof 'Secretary of Labor'."

Senator Heen moved for the adoption of the amendments. Seconded by Senator Blaisdell, and carried.

Upon motion by Senator Blaisdell, seconded by Senator Capellas, the joint resolution passed Third Reading, as amended, on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Silva and Mr. President. Total, 13.

Noes: None.

Excused and not voting: Senators Fernandes and Nobriga. Total, 2.

At this juncture, Senator Nobriga came into the session.

At 11:50 o'clock a.m., upon motion by Senator Silva, seconded by Senator Dillingham, the Senate adjourned until 10:00

o'clock a.m., on Friday, September 23, 1949.

Ellen D. Smythe

Clerk of the Senate.

Approved:

Wilfred Tsukiyama

President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ *Session, 19* 49

FIFTY-FIRST Day

FRIDAY, SEPTEMBER 23, , 19 49

ELLEN D. SMYTHE
*Clerk*

JOURNAL OF THE SENATE

FIFTY-FIRST DAY

Friday, September 23, 1949.

The Senate convened at 10:30 o'clock a.m., with the President presiding.

After Prayer by Chaplain Judd, the Roll was called, showing all Senators present, with the exception of Senators Fernandes, Hill and Nobriga, excused; and Senators Lee and Silva temporarily excused.

The Journal of the Fiftieth Day was read and approved.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 13), recommending the passage of Senate Bill No. 25, which was read by the Clerk as follows:

(Com. Whole No. 13)

The report was received and placed on file, the oral report of the Committee having been previously adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 14), recommending the passage of Senate Bill No. 26, which was read by the Clerk as follows:

(Com. Whole Rep. No. 14)

The report was received and placed on file, the oral report of the Committee having been previously adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 15), recommending the passage of Senate Bill No. 27, which was read by the Clerk as follows:

(Com. Whole Rep. No. 15)

The report was received and placed on file, the oral report of the Committee having been previously adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 16), recommending the passage of Senate Bill No. 29, which was read by the Clerk as follows:

(Com. Whole Rep. No. 16)

The report was received and placed on file, the oral report of the Committee having been previously adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 17), recommending the passage of Senate Bill No. 30, which was read by the Clerk as follows:

(Com. Whole Rep. No. 17)

The report was received and placed on file, the oral report of the Committee having been previously adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 18), recommending the passage of Senate Bill No. 35, which was read by the Clerk as follows:

(Com. Whole Rep. No. 18)

The report was received and placed on file, the oral report of the Committee having been previously adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 19), recommending the passage of Senate Bill No. 36, with certain amendments, which was read by the Clerk as follows:

(Com. Whole Rep. No. 19)

The report was received and placed on file, the oral report of the Committee having been previously adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 20), recommending the passage

of Senate Joint Resolution No. 3, which was read by the Clerk as follows:

(Com. Whole Rep. No. 20)

The report was received and placed on file, the oral report of the Committee having been previously adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 21), recommending the passage of Senate Joint Resolution No. 5, which was read by the Clerk as follows:

(Com. Whole Rep. No. 21)

The report was received and placed on file, the oral report of the Committee having been previously adopted.

At 10:32 o'clock a.m., upon motion by Senator Aguiar, seconded by Senator Dillingham, the Senate resolved itself into a Committee of the Whole, with President Tsukiyama as Chairman, for the consideration of House Bill No. 21 on Third Reading, and Senate Bills Nos. 28 and 33 on Second Reading on today's calendar.

At 11:58 o'clock a.m., the Committee rose, and the Senate reconvened, all Senators being present with the exception of Senators Fernandes, Hill and Nobriga, excused.

Senator Heen, for the Committee of the Whole, having under consideration Senate Bills Nos. 28 and 33 and House Bill No. 21, reported orally, recommending the passage of Senate Bill No. 28 on Second Reading, in an amended form; further recommending the filing of Senate Bill No. 21, and reporting progress and asking leave to sit again on Monday, September 26th, on Senate Bill No. 33 and House Bill No. 21, as amended.

Upon motion by Senator Heen, seconded by Senator Capellas, the oral report of the Committee was adopted, a written report to be filed later.

Senate Bill No. 21 was placed on file. Senate Bill No. 28, in the amended form, passed Second Reading and was placed on the calendar for Third Reading on Monday, September 26th.

At 12:05 o'clock p.m., upon motion by Senator Dillingham, seconded by Senator Aguiar, the Senate adjourned until 2:00 o'clock p.m., on Monday, September 26, 1949.

Ellen D. Smythe
Clerk of the Senate.

Approved:

Hiram L. Fong
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ *Session, 19* 49

FIFTY-SECOND Day

SATURDAY, SEPTEMBER 24, 19 49

ELLEN D. SMYTHE
*Clerk*

JOURNAL OF THE SENATE

FIFTY-SECOND DAY

Saturday, September 24, 1949.

N O  S E S S I O N

Ellen D Smythe

Clerk of the Senate.

Approved:

Wayne D Tsukuyama

President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ *Session, 1949*

FIFTY-THIRD Day

MONDAY, SEPTEMBER 26, 1949

ELLEN D. SMYTHE
*Clerk*

JOURNAL OF THE SENATE

FIFTY-THIRD DAY

Monday, September 26, 1949.

The Senate convened at 2:15 o'clock p.m., with President Tsukiyama presiding.

In the absence of the Senate Chaplain, the Reverend Stephen Desha invoked the Divine Blessing.

The Roll was called, showing all Senators present, with the exception of Senator Fernandes, excused, and Senator Lee temporarily excused.

The Journal of the Fifty-First and Fifty-Second Days was read and approved.

A Message from the Governor (Gov. Message No. 7), acknowledging receipt of a certified copy of Senate Resolution No. 15, was read by the Clerk as follows:

(Gov. Message No. 7)

The Message was received and placed on file.

A communication from the Chairman and Executive Officer of the County of Maui Board of Supervisors (Dept. Com. No. 20), acknowledging receipt of Senate Resolution No. 15, was read by the Clerk as follows:

(Dept. Com. No. 20)

The communication was received and placed on file.

Senator Silva, for the Committee on Enrollment, Revision and Printing, presented a report (Stand. Com. Rep. No. 22), reporting on matters referred to it, which was read by the Clerk as follows:

(Stand. Com. Rep. No. 22)

The report was received and placed on file.

Senator Capellas, for the Committee on Accounts and Public Expenditures, presented a report (Stand. Com. Rep. No. 23), reporting on the Accounts of the Senate as of this date, which was read by the Clerk as follows:

(Stand. Com. Rep. No. 23)

The report was received and placed on file.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 22), recommending the passage of House Bill No. 20, in an amended form, which was read by the Clerk as follows:

(Com. Whole Rep. No. 22)

The report was received and placed on file, the oral report of the Committee having been previously adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 23), recommending that Senate Bills Nos. 7, 8, 9, 10, 11, 12, 13, 20 and 21 be placed on file, which was read by the Clerk as follows:

(Com. Whole Rep. No. 23)

The report was received and placed on file, the oral report of the Committee having been previously adopted.

Third Reading of Senate Bill No. 28, as amended, entitled: "An Act to amend Section 8438 of the Revised Laws of Hawaii 1945, as amended, relating to loans by banks, savings banks, building

and loan and savings and loan associations, insurance companies and trust companies":

Upon motion by Senator Dillingham, seconded by Senator Blaisdell, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Nobriga, Silva and Mr. President. Total, 13.

Noes: None.

Excused and not voting: Senators Fernandes and Lee. Total, 2.

Third Reading of Senate Bill No. 34, entitled: "An Act amending Act 205 of the Session Laws of Hawaii 1947, as amended, relating to public improvements and the issuance of public improvement bonds, providing for an overseas terminal at Kawaihae, County of Hawaii, making an appropriation for said overseas terminal and appurtenances, and providing for the issuance of bonds therefor", deferred from September 22nd:

Upon motion by Senator Silva, seconded by Senator Blaisdell, the bill was placed on file.

Senator Silva thereupon offered a substitute bill for Senate Bill No. 34 (S. B. No. 37), entitled: "An Act relating to public improvements and the financing thereof, providing for an overseas terminal at Kawaihae, County of Hawaii, making an appropriation for said overseas terminal and appurtenances, and providing for the issuance of bonds therefor".

Upon motion by Senator Silva, seconded by Senator Capellas, the bill passed First Reading by title and was referred to the Printing Committee.

Senator Lee came into the session at this juncture.

At 2:25 o'clock p.m., upon motion by Senator Dillingham, seconded by Senator Blaisdell, the Senate resolved itself into a Committee of the Whole, with President Tsukiyama as Chairman, for the consideration of certain measures pending before said Committee.

At 4:05 o'clock p.m., the Committee rose and the Senate reconvened.

Senator Heen, for the Committee of the Whole, reported orally as follows: That the Committee reports progress and asks leave to sit again on Wednesday afternoon at 2:00 o'clock on Senate Bill No. 33 and House Bill No. 21, relating to fishing; and that a bill on the same subject, presented by Senator Dillingham, be printed and considered in connection with those two bills at that time; and that the Committee further reports progress and asks leave to sit again tomorrow afternoon at 2:00 o'clock on Senate Bills Nos. 6,17 and 19 and Senate Joint Resolution No. 1; and also reports progress and asks leave to sit again at 2:00 o'clock on Thursday afternoon on Senate Joint Resolution No. 4; and that the Clerk be instructed to communicate, in writing, with Mr. Myer Symonds, Attorney-at-Law, Mr. James P. Blaisdell, Attorney-at-Law, Mr. John A. Owens, of the American Federation of Labor, Dr. Harold S. Roberts, of the University of Hawaii, and with the Territorial Department of Labor and Industrial Relations, inviting them to be present on Thursday afternoon when Senate Joint Resolution No. 4 is discussed by the Senate, sitting in Committee of the Whole.

Upon motion by Senator Heen, seconded by Senator Hill, the oral report of the Committee was adopted.

A communication from the Executive Vice President of the Chamber of Commerce of Honolulu (Misc. Com. No. 21), advising the Senate that the Board of Directors of the said Chamber had gone on record as supporting, in principle, Senate Joint Resolution No. 1, creating a fact-finding commission on communism and other subversive activities, was read by the Clerk as follows:

(Misc. Com. No. 21)

The communication was received and referred to the Committee of the Whole, of which President Tsukiyama is Chairman, to which said joint resolution has been referred.

A communication from Randolph M. Lee, Finance Executive of the Department of Public Works, Territory of Hawaii (Misc. Com. No. 22), asking to be permitted to appear before the Senate to be cross-examined for the purpose of determining his loyalty to the United States, which had been challenged in the "Roberts Report", which included the name of "Randolph Lee" as being a "Communist Sympathizer", was read by the Clerk as follows:

(Misc. Com. No. 22)

The communication was received, and, upon motion by Senator Lee, seconded by Senator Hill, was referred to the Committee of the Whole, of which President Tsukiyama is Chairman, to be taken up tomorrow afternoon at 2:00 o'clock in connection with Senate Joint Resolution No. 1.

At 4:30 o'clock p.m., upon motion by Senator Heen, seconded by Senator Dillingham, the Senate adjourned until 11:00 o'clock a.m., on Tuesday, September 27, 1949.

Ellen D. Smythe
Clerk of the Senate.

Approved:

Wilfred Tsukiyama
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ Session, 1949

FIFTY-FOURTH Day

TUESDAY, SEPTEMBER 27, 1949

ELLEN D. SMYTHE
Clerk

JOURNAL OF THE SENATE

FIFTY-FOURTH DAY

Tuesday, September 27, 1949.

The Senate convened at 11:54 o'clock a.m., with the President in the Chair.

After Prayer by Chaplain Judd, the Roll was called, showing all Senators present, with the exception of Senator Fernandes, excused, and Senator Dillingham, temporarily excused.

The Journal of the Fifty-Third Day was read and approved.

A Message from the Governor (Gov. Message No. 8), submitting certain appointments for confirmation, was read by the Clerk as follows:

(Gov. Message No. 8)

The Message was received and ordered printed and action deferred thereon until Thursday, September 29th, in Executive Session.

A communication from the Acting Director of the Legislative Reference Bureau (Dept. Com. No. 21), acknowledging receipt of certified copy of Senate Resolution No. 15, relating to the general economy of the Territory, and stating that with the present staff and equipment it would be impossible for the Bureau to do justice to this important assignment, unless the scope of the investigation be narrowed, etc., was read by the Clerk as follows:

(Dept. Com. No. 21)

The communication was received, and upon motion by Senator Aguiar, seconded by Senator Duarte, it was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

A communication from the House (H. Com. No. 22), informing the Senate that the House had adopted the report of the Committee on Conference on the disagreement of the House to the amendments proposed by the Senate to House Bill No. 20, and that said bill had passed Final Reading in the House in accordance therewith, was read by the Clerk as follows:

(H. Com. No. 22)

The communication was received and placed on file.

Senator Heen, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 20, presented a report (Conf. Com. Rep. No. 2), recommending the Final passage of the bill as passed by the Senate, with an amendment, which was read by the Clerk as follows:

(Conf. Com. Rep. No. 2)

Upon motion by Senator Heen, seconded by Senator Hill, the report of the Committee was adopted; and House Bill No. 20 passed Final Reading, in accordance therewith, on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 11.

Noes: Senators Duarte and Goodness. Total, 2.

Excused and not voting: Senators Dillingham and Fernandes. Total, 2.

A communication from the County Clerk, County of Maui (Dept. Com. No. 22), transmitting a certified copy of Resolution No. 309 adopted by the Maui County Board of Supervisors, requesting the amendment of Act 214 of the Session Laws of Hawaii 1947, relating to an appropriation for the veterans' cemetery on Molokai, was read by the Clerk as follows:

(Dept. Com. No. 22)

The communication and Resolution were received and, upon motion by Senator Ansai, seconded by Senator Duarte, were referred to the Maui Senators.

A communication from the Attorney General of the Territory (Dept. Com. No. 23), transmitting nine sets of the complaint of the ILWU vs. the members of the Territorial Legislature, et al, in Civil No. 930, United States District Court, in connection with legislation enacted at this special session of the 25th Legislature in an attempt to end the present stevedoring strike, was read by the Clerk as follows:

(Dept. Com. No. 23)

The communication and complaint were received and placed on file.

Senator Silva, for the Committee on Enrollment, Revision and Printing, presented a report (Stand. Com. Rep. No. 24), reporting on matters referred to it, which was read by the Clerk as follows:

(Stand. Com. Rep. No. 24)

The report was received and placed on file.

Second Reading of Senate Bill No. 37, entitled: "An Act relating to public improvements and the financing thereof, providing for an overseas terminal at Kawaihae, County of Hawaii, making an appropriation for said overseas terminal and appurtenances, and providing for the issuance of bonds therefor":

Under suspension of the Rules, and upon motion by Senator

Silva, seconded by Senator Goodness, the bill was read throughout on Second Reading.

Upon motion by Senator Silva, seconded by Senator Goodness, the bill passed Second Reading and was placed on the calendar for Third Reading tomorrow.

At this juncture, the President announced that he was returning, for filing, Departmental Communication No. 4, from the City and County Clerk, City and County of Honolulu, transmitting certain bills approved by the Board of Supervisors of said City and County, said bills having been approved for introduction by the Steering Committee of the Senate.

The communication was thereupon placed on file.

The President also returned for filing, Departmental Communication No. 11, from the City and County Clerk, and the accompanying Resolution No. 365, adopted by the Board of Supervisors of the said City and County, relating to the salaries of the Mayor and the Chief of Police of the City and County of Honolulu, the Steering Committee having recommended that it be placed on file.

The communication and Resolution were thereupon placed on file.

The President further announced that he was returning for filing, upon the recommendation of the Steering Committee, Departmental Communication No. 18, from the County Clerk of the County of Maui, together with the accompanying Resolution No. 277, relating to the Shingle Memorial Hospital at Hoolehua, Molokai, inasmuch as legislation to cover this had already been introduced into the Senate in the form of Senate Joint Resolution No. 3.

The communication and resolution were thereupon placed on file.

At 12:00 o'clock noon, upon motion by Senator Silva, seconded by Senator Goodness, the Senate stood in recess until 2:00 o'clock this afternoon.

AFTERNOON SESSION

The Senate reconvened at 2:15 o'clock p.m., with the President presiding, and all Senators being present, with the exception of Senator Fernandes, excused.

At this time, Senator Silva moved that the Senate resolve itself into a Committee of the Whole for the consideration of Senate Bills Nos. 6, 17 and 19, Senate Joint Resolution No. 1, and Miscellaneous Communication No. 22 from Mr. Randolph M. Lee. The motion was seconded by Senator Nobriga; and at 2:16 o'clock p.m., the Senate resolved itself into a Committee of the Whole for the consideration of the above matters, with President Tsukiyama as Chairman.

The Committee rose at 4:20 o'clock p.m., and the Senate reconvened.

Senator Heen, for the Committee of the Whole, having under consideration various measures pending before said Committee, orally reported progress and asked leave to sit again thereon.

Upon motion by Senator Heen, seconded by Senator Capellas, the oral report of the Committee was adopted.

At this time, President Tsukiyama stated that he had received a call from the CIO, in connection with the hearing to be held on Thursday afternoon on Senate Joint Resolution No. 4, asking whether Mr. Symonds was being asked to appear before the Committee of the Whole as a representative of that organization; and that they had stated that if such were the case, they preferred to designate the person to represent that organization.

It was moved by Senator Aguiar, seconded by Senator

Silva, and carried, that the CIO be informed that they were privileged to designate whomever they desired to represent that organization; and that the same would apply to any representative of the American Federation of Labor.

At 4:26 o'clock p.m., upon motion by Senator Heen, seconded by Senator Lee, the Senate adjourned until 2:00 o'clock p.m., on Wednesday, September 28, 1949.

Ellen D. Smythe

Clerk of the Senate.

Approved:

Wilfred C. Tsukiyama

President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ *Session, 19* 49

FIFTY-FIFTH Day

WEDNESDAY, SEPTEMBER 28, 19 49

ELLEN D. SMYTHE
*Clerk*

JOURNAL OF THE SENATE

FIFTY-FIFTH DAY

Wednesday, September 28, 1949.

The Senate convened at 2:32 o'clock p.m., with the President in the Chair.

The Divine Blessing was invoked by Chaplain Judd, after which the Roll was called showing all Senators present, with the exception of Senator Fernandes, excused; and Senator Blaisdell, temporarily excused.

The Journal of the Fifty-Fourth Day was read and approved.

Senator Blaisdell came into the session at this time.

A communication from the House (H. Com. No. 23), transmitting House Concurrent Resolution No. 7, was read by the Clerk as follows:

(H. Com. No. 23)
(H. Con. Res. No. 7)

The communication was received and placed on file.

Consideration of House Concurrent Resolution No. 7, requesting the Secretary of Defense to continue the Kilauea Military Camp at Kilauea, Hawaii, Territory of Hawaii:

Senator Hill moved that action on the Resolution be deferred until tomorrow. Seconded by Senator Dillingham.

Senator Akana moved that a Committee of Four be appointed by the President to confer with General Henry S. Aurand, Commanding General, U.S.A., Pacific, before taking action on the Resolution. Seconded by Senator Dillingham, and carried.

Senator Dillingham thereupon moved that action on the Resolution be deferred until tomorrow afternoon at two o'clock,

in order that the Committee to be appointed might have an opportunity to meet with General Aurand to discuss with him the subject matter of the Concurrent Resolution. Seconded by Senator Akana, and carried.

The President appointed Senators Capellas, Akana, Aguiar and Dillingham as such Committee of Four to discuss the subject matter of House Concurrent Resolution No. 7 with General Aurand.

A communication from the House (H. Com. No. 24), returning Senate Concurrent Resolution No. 1, relating to unemployment, which had been adopted by the House of Representatives, was read by the Clerk as follows:

(H. Com. No. 24)

The communication was received and placed on file.

A communication from the Attorney General of the Territory (Dept. Com. No. 23), transmitting copies of the opinions of the judges in Civil No. 930, United States District Court for the District of Hawaii, I.L.W.U. vs. Tsukiyama, et al, was read by the Clerk as follows:

(Dept. Com. No. 23)

The communication and opinions were received, copies distributed to the Members, and thereupon placed on file.

A communication from the Transit Workers Union of Hawaii (Ind.), (Misc. Com. No. 23), together with copy of the "findings of Fact, made by an industry member and the labor member of the Emergency Board in the HRT-Transit Workers Union dispute, and urging the Legislature to rewrite the present Act of 1949, etc., was read by the Clerk as follows:

(Misc. Com. No. 23)

The communication and reports were received, distributed to the Members, and thereupon placed on file.

Senator Dillingham offered a Concurrent Resolution (S. Con. Res. No. 2), requesting the Department of Public Instruction and the managing bodies of private schools in the Territory to include in the curriculum of every public high school and of every private high school, and to require the study by every pupil in such schools of, a course in Hawaiian history, which was read by the Clerk as follows:

(S. Con. Res. No. 2)

Upon motion by Senator Dillingham, seconded by Senator Akana, the Concurrent Resolution was ordered printed and action thereon deferred until 2:00 o'clock tomorrow afternoon.

Senator Aguiar offered a Resolution (S. Res. No. 19), expressing regret at the passing of Mr. William A. Fernandez, a former member of the House of Representatives of the Territory of Hawaii, and extending sympathy to his widow and children, which was read by the Clerk as follows:

(S. Res. No. 19)

Upon motion by Senator Aguiar, seconded by Senator Silva, the Resolution was unanimously adopted by a rising vote.

Senator Duarte offered a Resolution (S. Res. No. 20), requesting the members of the Territorial Boxing Commission to appear before the Senate, sitting as a Committee of the Whole, on Friday, September 30th, to explain certain charges made against the said Commission, etc., which was read by the Clerk as follows:

(S. Res. No. 20)

Upon motion by Senator Heen, seconded by Senator Dillingham, action on the Resolution was deferred until 2:00 o'clock tomorrow afternoon.

Senators Goodness and Duarte offered a Resolution (S. Res. No. 21), directing the Holdover Committee of 1949 to study and investigate the status of the rights of the public in and to the waters of Iao Stream, and to report its findings to the regular session of the 26th Legislature, which was read by the Clerk as follows:

(S. Res. No. 21)

Upon motion by Senator Duarte, seconded by Senator Silva, the Resolution was adopted.

Senate Duarte offered a Resolution (S. Res. No. 22), requesting Mr. Claude Jagger, President of the Hawaii Economic Foundation, to appear before the Committee of the Whole Senate on Thursday, September 29, 1949, at 7:00 o'clock p.m., to inform the said Committee on the general economic conditions of the Territory, etc., which was read by the Clerk as follows:

(S. Res. No. 22)

Senator Lee moved that the hour be changed from 7:00 o'clock p.m. to 10:00 o'clock a.m. The motion was seconded by Senator Dillingham, and carried.

Upon motion by Senator Lee, seconded by Senator Blaisdell, the Resolution, as amended, was adopted.

Senator Silva, for the Committee on Enrollment, Revision and Printing, presented a report (Stand. Com. Rep. No. 25), reporting on matters referred to it, which was read by the Clerk as follows:

(Stand. Com. Rep. No. 25)

The report was received and placed on file.

Third Reading of Senate Bill No. 37, entitled: "An Act relating to public improvements and the financing thereof, providing for an overseas terminal at Kawaihae, County of Hawaii, making an appropriation for said overseas terminal and appurtenances, and providing for the issuance of bonds

therefor":

Upon motion by Senator Heen, seconded by Senator Silva, the bill was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

Senator Silva moved that the Senate resolve itself into a Committee of the Whole for the consideration of Senate Bill No. 37. Seconded by Senator Heen, and carried; and at 3:15 o'clock the Senate resolved itself into a Committee of the Whole for such purpose, with President Tsukiyama as Chairman.

At 3:25 o'clock p.m., the Committee rose and the Senate reconvened.

Senator Heen, for the Committee of the Whole, reported orally, recommending the passage, on Third Reading, of Senate Bill No. 37, with an amendment.

Upon motion by Senator Heen, seconded by Senator Silva, the oral report of the Committee was adopted, a written report to be filed later; and Senate Bill No. 37, entitled: "An Act relating to public improvements and the financing thereof, providing for an overseas terminal at Kawaihae, County of Hawaii, making an appropriation for said overseas terminal and appurtenances, and providing for the issuance of bonds therefor, as amended, passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 14.

Noes: None.

Excused and not voting: Senator Fernandes. Total, 1.

At 3:35 o'clock p.m., upon motion by Senator Lee, seconded by Senator Nobriga, the Senate resolved itself into a Committee of the Whole, with President Tsukiyama as Chairman, for the consideration of House Bill No. 21, Senate Bill No. 33, and a proposed bill offered by Senator Dillingham, all relating to fishing;

and for the consideration of Senate Bills Nos. 6, 17 and 19 relating to strike legislation, and Senate Joint Resolution No. 1, relating to UnAmerican activities.

At 5:48 o'clock p.m., the Committee rose and the Senate reconvened.

Senator Heen, for the Committee of the Whole, orally reported progress and asked leave to sit again on the measures pending before the said Committee.

Upon motion by Senator Heen, seconded by Senator Dillingham, the oral report of the Committee was adopted.

Senator Aguiar moved that all bills and joint resolutions, placed in category "A" by the Steering Committee of the Senate, be permitted to be introduced into the Senate; and that the same pass First Reading by title and be referred to the Printing Committee. The motion was seconded by Senator Silva, and carried.

The following bills and joint resolution were thereupon introduced, passed First Reading by title and were referred to the Printing Committee:

Senators Silva, Nobriga, Capellas and Hill introduced a bill (S. B. No. 38), entitled: "An Act amending Act 207 of the Session Laws of Hawaii 1949, relating to public improvements in the District of South Kohala, County of Hawaii, and making appropriations therefor by way of advancement from the general fund of the Territory";

Senators Silva, Duarte, Aguiar, Goodness, Dillingham, Hill, Nobriga, Akana and Ansai introduced a bill (S. B. No. 39), entitled: "An Act appropriating $43,230.00 to the Department of Public Lands and Survey";

Senators Ansai and Goodness introduced a bill (S. B. No. 40), entitled: "An Act to amend Section 7183 of the Revised Laws of Hawaii 1945, as amended, relating to firearms, the registration of firearms, and permits to acquire or possess firearms";

Senator Aguiar introduced a bill (S. B. No. 41), entitled "An

Act amending Act 335, Session Laws of Hawaii 1949 relating to appropriations out of the general revenues for the biennial period ending June 30, 1951";

Senators Goodness and Duarte introduced a bill (S. B. No. 42), entitled: "An Act to amend Act 359 of the Session Laws of Hawaii 1949, relating to the extension of the highway from Kanaio to Kalama Park, County of Maui, and an appropriation therefor";

Senators Silva, Ansai, Capellas, Duarte, Goodness, Hill and Aguiar introduced a bill (S. B. No. 43), entitled: "An Act for the relief of John G. Medeiros, Limited, providing for the reimbursement of said John G. Medeiros, Limited, for additional browwow placed at and for additional excavation required, and for other additional work performed in the construction of Kailua Airport, County of Hawaii; and making appropriations";

Senator Tsukiyama introduced a bill (S. B. No. 44), entitled: "An Act authorizing the Board of Supervisors of the City and County of Honolulu to issue bonds in the sum of three million dollars ($3,000,000.00) for construction of the Koolau Tunnel Project on the Island of Oahu";

Senator Tsukiyama introduced a bill (S. B. No. 45), entitled: "An Act relating to fuel taxes and the disposition thereof; amending Sections 5260 and 5404 of the Revised Laws of Hawaii 1945, as amended, and Section 5 of Act 196 of the Session Laws of Hawaii 1947, relating to City and County of Honolulu fuel taxes and fuel tax funds";

Senator Heen introduced a bill (S. B. No. 46), entitled: "An Act amending Act 95 of the Session Laws of Hawaii 1947, by repealing Sections 3, 4 and 5 thereof, relating to financing the Koolau Tunnel Project (City and County of Honolulu) by issuance of revenue bonds";

Senator Tsukiyama introduced a bill (S. B. No. 47), entitled: "An Act to amend Chapter 2 of the Revised Laws of Hawaii 1945, relating to civil service, by amending subsection (12 of Section 68 thereof";

Senator Duarte introduced a bill (S. B. No. 48), entitled: "An Act relating to public officers and employees of the Territory of Hawaii and of its several political subdivisions; providing for permanent increases in the base pay rates of compensation of certain of such officers and employees and, in addition, for a bonus for all such officers and employees during the biennium 1949-1951; and amending Act 208 of the Session Laws of Hawaii 1947, as amended, and Act 367 of the Session Laws of Hawaii 1949".

Senator Heen introduced a bill (S. B. No. 49), entitled: "An Act to amend paragraph (2) of Section 4150.03 of the Revised Laws of Hawaii 1945 (as added by Section 3 (2) of Act 250, Series A-68, Session Laws 1945), The "Hawaii Employment relations Act'".

Senator Heen introduced a bill (S. B. No. 50), entitled: "An Act to amend paragraph (2) of Section 4150.03 of the Revised Laws of Hawaii 1945 (as added by Section 3 (2) of Act 250, Series A-68, Session Laws 1945), The 'Hawaii Employment Relations Act'".

Senator Lee introduced a bill (S. B. No. 51), entitled: "An Act to amend Section 458 of the Revised Laws of Hawaii 1945, as amended, relating to costs and fees for copies of public documents".

Senator Capellas introduced a joint resolution (S. J. Res. No. 6), entitled: "Joint Resolution extending the lapse date of the appropriation made for the Hawaii County Library in Act 7 of the Session Laws of Hawaii 1949 and ratifying and approving the Acts of certain persons acting as the managing board of said library in connection therewith".

Senators Goodness, Duarte and Ansai introduced a joint resolution (S. J. Res. No. 7), authorizing the superintendent of public works, in the expenditure of the appropriation made

by Act 304 of the Session Laws of Hawaii 1949, for the acquisition and construction of a drainage outlet from certain government lands in the County of Maui, to employ or cause to be employed such numbers of the present labor force of the County of Maui as may be necessary in carrying out said project.

Senator Tsukiyama introduced a joint resolution (S. J. Res. No. 8), entitled: "Joint Resolution requesting Congress of the United States of America to pass legislation enabling the legislature of the Territory of Hawaii to authorize the City and County of Honolulu to issue bonds for the construction of the Koolau Tunnel Project".

Senators Silva, Capellas, Nobriga, Goodness, Duarte, Ansai and Aguiar introduced a joint resolution (S. J. Res. No. 9), entitled: "Joint Resolution relating to the Waimea Plain Project, County of Hawaii, establishing and providing for the powers, duties and expenses of the Waimea Plain Project Board, providing for the appointment, removal and expenses of the membefs of the said Board, and making an appropriation".

The President at this time announced that Mr. Claude Jagger, of the Hawaii Economic Foundation, who had been requested to appear before the Committee of the Whole Senate at 10:00 o'clock tomorrow morning, in connection with Senate Resolution No. 22, had informed him that he would not be able to be present at that time, in connection with said Resolution.

Senator Heen thereupon moved that the Senate reconsider its action taken in adopting Senate Resolution No. 22, as amended. Seconded by Senator Dillingham, and carried.

Consideration of Senate Resolution No. 22, requesting Mr. Claude Jagger, President of the Hawaii Economic Foundation, to appear before the Committee of the Whole Senate on Thursday, at 10:00 o'clock a.m., to inform the said Committee on the general

economic conditions of the Territory:

Senator Heen moved that the Resolution be amended by changing the date and hour of the hearing from Thursday, September 29, 1949, at 10:00 o'clock a.m., to Friday, September 30, 1949, at 10:00 o'clock a.m. Seconded by Senator Lee, and carried.

Upon motion by Senator Heen, seconded by Senator Duarte, the Resolution, as amended, was adopted.

At 5:52 o'clock p.m., upon motion by Senator Heen, seconded by Senator Hill, the Senate adjourned until 10:00 o'clock a.m., on Thursday, September 29, 1949.

Ellen S. Smythe
Clerk of the Senate.

Approved:

Wilfred C. Tsukiyama
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ Session, 19 49

FIFTY-SIXTH Day

THURSDAY, SEPTEMBER 29, 1949

ELLEN D. SMYTHE
Clerk

JOURNAL OF THE SENATE

FIFTY-SIXTH DAY

Thursday, September 29, 1949.

The Senate convened at 10:43 o'clock a.m., with President Tsukiyama presiding.

The opening Prayer was offered by Chaplain Judd, after which the Roll was called, showing all Senators present, with the exception of Senator Fernandes, excused; and Senators Duarte and Nobriga, temporarily excused.

The Journal of the Fifty-Fifth Day was read and approved.

A communication from the Chairman and Executive Officer, County of Hawaii (Dept. Com. No. 24), acknowledging receipt of Senate Resolution No. 15, and stating that copies thereof had been sent to all department heads for their compliance, was read by the Clerk as follows:

(Dept. Com. No. 24)

The communication was received and placed on file.

Senator Silva, for the Committee on Enrollment, Revision and Printing, presented a report (Stand. Com. Rep. No. 26), reporting on matters referred to it, which was read by the Clerk as follows:

(Stand. Com. Rep. No. 26)

The report was received and placed on file.

Second Reading of Senate Bills and Senate Joint Resolutions:

Senator Heen moved that all bills and joint resolutions

on the calendar for Second Reading today be referred to the Committee of the Whole, of which President Tsukiyama is Chairman. The motion was seconded by Senator Lee, and carried; and the following Senate Bills and Senate Joint Resolutions were thereupon referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

Senate Bill No. 38, entitled: "An Act amending Act 207 of the Session Laws of Hawaii 1949, relating to public improvements in the District of South Kohala, County of Hawaii, and making appropriations therefor by way of advancement from the general fund of the Territory";

Senate Bill No. 39, entitled: "An Act appropriating $43,230.00 to the Department of Public Lands and Survey";

Senate Bill No. 40, entitled: "An Act to amend Section 7183 of the Revised Laws of Hawaii 1945, as amended, relating to firearms, the registration of firearms, and permits to acquire or possess firearms";

Senate Bill No. 41, entitled: "An Act amending Act 335, Session Laws of Hawaii 1949 relating to appropriations out of the general revenues for the biennial period ending June 30, 1951";

Senate Bill No. 42, entitled: "An Act to amend Act 359 of the Session Laws of Hawaii 1949, relating to the extension of the highway from Kanaio to Kalama Park, County of Maui, and an appropriation therefor";

Senate Bill No. 43, entitled: "An Act for the relief of John G. Medeiros, Limited, providing for the reimbursement of said John G. Medeiros, Limited, for additional borrow placed at and for additional excavation required, and for other additional work performed in the construction of Kailua Airport, County of Hawaii; and making appropriations";

Senate Bill No. 44, entitled: "An Act authorizing the Board of Supervisors of the City and County of Honolulu to issue bonds in the sum of three million dollars ($3,000,000.00) for construction of the Koolau Tunnel Project on the Island of Oahu";

Senate Bill No. 45, entitled: "An Act relating to fuel taxes and the disposition thereof; amending Sections 5260 and 5404 of the Revised Laws of Hawaii 1945, as amended, and Section 5 of Act 196 of the Session Laws of Hawaii 1947, relating to City and County of Honolulu fuel taxes and fuel tax funds";

Senate Bill No. 46, entitled: "An Act amending Act 95 of the Session Laws of Hawaii 1947, by repealing Sections 3, 4 and 5 thereof, relating to financing the Koolau Tunnel Project (City and County of Honolulu) by issuance of revenue bonds";

Senate Bill No. 47, entitled: "An Act to amend Chapter 2 of the Revised Laws of Hawaii 1945, relating to civil service, by amending subsection (12) of Section 68 thereof";

Seate Bill No. 48, entitled: "An Act relating to public officers and employees of the Territory of Hawaii and of its several political subdivisions; providing for permanent increases in the base pay rates of compensation of certain of such officers and employees and, in addition, for a bonus for all such officers and employees during the biennium 1949-1951; and amending Act 208 of the Session Laws of Hawaii 1947, as amended, and Act 367 of the Session Laws of Hawaii 1949";

Senate Bill No. 49, entitled: "An Act to amend paragraph (2) of Section 4150.03 of the Revised Laws of Hawaii 1945 (as added by Section 3 (2) of Act 250, Series A-68, Session Laws 1945), The 'Hawaii Employment Relations Act'";

Senate Bill No. 50, entitled: "An Act to amend paragraph (2) of Section 4150.03 of the Revised Laws of Hawaii 1945 (as added by Section 3 (2) of Act 250, Series A-68, Session Laws 1945), The 'Hawaii Employment Relations Act'";

Senate Bill No. 51, entitled: "An Act to amend Section 458 of the Revised Laws of Hawaii 1945, as amended, relating to costs and fees for copies of public documents";

Senate joint resolution No. 6, entitled: "Joint Resolution extending the lapse date of the appropriation made for the Hawaii County Library in Act 7 of the Session Laws of Hawaii 1949 and ratifying and approving acts of certain persons acting as the managing board of said library in connection therewith";

Senate Joint Resolution No. 7, authorizing the superintendent of public works, in the expenditure of the appropriation made by Act 304 of the Session Laws of Hawaii 1949, for the acquisition and construction of a drainage outlet from certain government lands in the County of Maui, to employ or cause to be employed such numbers of the present labor force of the County of Maui as may be necessary in carrying out said project;

Senate Joint Resolution No. 8, entitled: "Joint Resolution requesting Congress of the United States of America to pass legislation enabling the legislature of the Territory of Hawaii to authorize the City and County of Honolulu to issue bonds for the construction of the Koolau Tunnel Project"; and

Senate Joint Resolution No. 9, entitled: "Joint Resolution relating to the Waimea Plain Project, County of Hawaii, establishing and providing for the powers, duties and expenses of the Waimea Plain Project Board, providing for the appointment, removal and expenses of the members of said Board, and making an appropriation".

Senators Duarte and Nobriga came into the session at this time.

Consideration of Governor's Message No. 8, submitting appointments for approval, deferred from September 27th:

Senator Hill moved that the Senate go into Executive Session for the consideration of said Message. Seconded by Senator Heen, and carried; and at 10:48 o'clock a.m., the Senate went into Executive Session for the consideration of said Message.

The Executive Session being ended at12:02 o'clock p.m., and the Senate reconvened.

Upon motion by Senator Heen, seconded by Senator Dillingham, the Clerk was instructed to communicate with the Governor as follows:

(Insert communication to Governor)

At 12:05 o'clock p.m., upon motion by Senator Hill, seconded by Senator Dillingham, the Senate stood in recess until 1:30 o'clock this afternoon.

AFTERSNOON SESSION.

The Senate reconvened at 1:55 o'clock p.m., with the President in the Chair and fourteen members being present.

At this time, Senator Heen moved that the Senate resolve itself into a Committee of the Whole for the consideration of Senate Joint Resolution No. 4, creating a board to study the causes of industrial disputes, etc; House Concurrent Resolution No. 7, requesting the Secretary of Defense to maintain Kilauea Military Camp; Senate Concurrent Resolution No. 2, relating to including in the curriculum of public and

private high schools a course in Hawaiian history, Senate Resolution No. 20, requesting members of the Boxing Commission to appear before the Senate, and Senate Bills Nos. 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50 and 51, and Senate Joint Resolutions Nos. 6, 7, 8 and 9. The motion was seconded by Senator Blaisdell, and carried; and at 1:56 o'clock p.m., the Senate resolved itself into a Committee of the Whole, with President Tsukiyama as Chairman, for the consideration of said measures.

At 4:52 o'clock p.m., the Committee rose and the Senate reconvened.

The President announced that he had excused Senator Akana from the balance of today's session.

Senator Heen, for the Committee of the Whole, having under consideration certain measures pending before said Committee, reported orally, recommending the passage, on Second Reading of Senate Bills Nos. 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50 and 51; and Senate Joint Resolutions Nos. 4, 6, 7, 8 and 9; and further recommending the adoption of House Concurrent Resolution No. 7 and the discharge of the Committee of Four appointed in connection therewith; recommending that Senator Dillingham be permitted to withdraw Senate Concurrent Resolution No. 2 offered by him yesterday; and further recommending that action on Senate Resolution No. 20 be deferred until tomorrow, and that the Attorney General be requested to appear before the Senate, sitting in Committee of the Whole, at 10:00 o'clock a.m., on said day, in connection with the subject-matter of said Resolution.

Upon motion by Senator Heen, seconded by Senator Dillingham, the oral report of the Committee was adopted, a written report to be filed later. Senate Bills Nos. 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50 and 51 and

Senate Joint Resolutions Nos. 4, 6, 7, 8 and 9 passed Second Reading and were placed on the calendar for Third Reading tomorrow. House Concurrent Resolution No. 7 was adopted, and the Committee of Four appointed in connection therewith was discharged with thanks; Senator Dillingham was permitted to withdraw Senate Concurrent Resolution No. 2; and action on Senate Resolution No. 20 was deferred until tomorrow, the Attorney General to be requested to appear before the Senate, sitting in Committee of the Whole, at 10:00 o'clock tomorrow morning in connection therewith.

A communication from the House (H. Com. No. 25), transmitting House Concurrent Resolution No. 3, was read by the Clerk as follows:

(H. Com. No. 25)
(H. Con. Res. No. 3)

The communication was received and placed on file.

Consideration of House Concurrent Resolution No. 3, "requesting the Senate of the United States of America to pass H. RL 4686 authorizing the issuance of certain public improvement bonds by the Territory of Hawaii, and setting forth the desirability and urgency of such action for the improvement of the Territory of Hawaii and the relief of unemployment within the Territory of Hawaii":

Upon motion by Senator Silva, seconded by Senator Nobriga, action on the Concurrent Resolution was deferred until tomorrow.

A communication from the House (H. Com. No. 26), transmitting House Concurrent Resolution No. 5, was read by the Clerk as follows:

(H. Com. No. 26)
(H. Con. Res. No. 5)

The communication was received and placed on file.

Consideration of House Concurrent Resolution No. 5, "to request the United States Civil Service Commission to grant to civil service employees who served in Hawaii during the period of active hostilities in World War II preference rights equivalent to those granted to military and navy personnel":

Upon motion by Senator Lee, seconded by Senator Nobriga, the Concurrent Resolution was ordered printed and distributed to the members, and action thereon deferred until tomorrow.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 24), recommending the passage of Senate Bill No. 37, with an amendment, which was read by the Clerk as follows:

(Com. Whole Rep. No. 24)

The report was received and placed on file, the oral report of the Committee having been previously adopted.

At 4:58 o'clock p.m., upon motion by Senator Heen, seconded by Senator Lee, the Senate adjourned until 10:00 o'clock a.m., on Friday, September 30, 1949.

Ellen D. Smythe
Clerk of the Senate.

Approved:

Wilfred Tsukiyama
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ Session, 1949

FIFTY-SEVENTH Day

FRIDAY, SEPTEMBER 30, 1949

ELLEN D. SMYTHE
Clerk

JOURNAL OF THE SENATE

FIFTY-SEVENTH DAY

Friday, September 30, 1949.

The Senate convened at 10:25 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Chaplain Judd, after which the Roll was called, showing all Senators present, with the exception of Senators Akana and Fernandes, excused; and Senator Ansai, temporarily excused.

The Journal of the Fifty-Sixth Day was read and approved.

A communication from Mr. Randolph M. Lee (Misc. Com. No. 24), thanking the Senate for the consideration given his request to determine his loyalty status in view of the charges made against him in the "Roberts' Report", charging him with being a "communist sympathizer", and asking that some form of legislation be enacted to cope with an important problem such as that, was read by the Clerk as follows:

(Misc. Com. No. 24)

The communication was received and placed on file.

A communication from Ted Delsing, 2248 Maunakai Drive, Honolulu (Misc. Com. No. 25), requesting that the Senate take action to clear him of charges made by certain persons involving him as a communist, was read by the Clerk as follows:

(Misc. Com. No. 25)

The communication was received; and upon motion by Senator Silva, seconded by Senator Blaisdell and carried, it was referred to the Sub-committee on Unamerican Activities of the

Holdover Committee of 1949.

Senator Silva, for the Committee on Enrollment, Revision and Printing, presented a report (Stand. Com. Rep. No. 27), reporting on matters referred to it, which was read by the Clerk as follows:

(Stand. Com. Rep. No. 27)

The report was received and placed on file.

Consideration of House Concurrent Resolution No. 3, requesting the United States Senate to pass H. R. 4686, authorizing issuance of certain public improvement bonds, deferred from yesterday:

Upon motion by Senator Hill, seconded by Senator Dillingham, action on the Concurrent Resolution was deferred until later on the calendar.

Consideration of House Concurrent Resolution No. 5, requesting the United States Civil Service Commission to grant rights of preference to certain government employees, deferred from yesterday:

Upon motion by Senator Silva, seconded by Senator Goodness, the Concurrent Resolution was adopted.

At this time, Senator Heen moved that the Senate resolve itself into a Committee of the Whole for the consideration of Senate Resolution No. 20, relating to the Boxing Commission and Senate Resolution No. 22, relating to the general economic conditions of the Territory. Seconded by Senator Lee, and carried and at 10:35 o'clock a.m., the Senate resolved itself into a Committee of the Whole, with President Tsukiyama as Chairman, for the consideration of the subject-matter of the two above named resolutions.

At 2:20 o'clock p.m., the Committee rose and the Senate reconvened, with eleven Senators present.

The President announced that he had excused Senators Aguiar and Goodness from attendance at this afternoon's session, and had temporarily excused Senator Blaisdell.

Senator Heen, for the Committee of the Whole, having under consideration Senate Resolutions Nos. 20 and 22, orally reported progress and asked leave to sit again on Senate Resolution No. 20; and reported that the Committee had held a hearing on the subject-matter of Senate Resolution No. 22, which required no further action.

Upon motion by Senator Heen, seconded by Senator Ansai, the oral report of the Committee was adopted.

A Message from the Governor (Gov. Message No. 9), submitting certain appointments for confirmation, was read by the Clerk as follows:

(Gov. Message No. 9)

Senator Silva moved that the Senate confirm the following appointments:

| | | |
|---|---|---|
| OBA, Edna N. | Member, Board of Hairdressers, Cosmeticians and Cosmetologists | For a term to expire December 31, 1954 |
| LAM, Alice | Member, Board of Hairdressers, Cosmeticians and Cosmetologists | For a term to expire December 31, 1953 |
| KIYOTA, Gladys | Member, Board of Hairdressers, Cosmeticians and Cosmetologists | For a term to expire December 31, 1952 |
| DIAS, Mary F. | Member, Board of Hairdressers, Cosmeticians and Cosmetologists | For a term to expire December 31, 1951 |
| KUFFERATH, Jennie | Member, Board of Hairdressers, Cosmeticians and Cosmetologists | For a term to expire December 31, 1950 |

The motion was seconded by Senator Nobriga, and carried; and the Clerk was instructed to inform the Governor that these appointments had been confirmed.

Senator Ansai moved that the following appointments be confirmed:

| | | |
|---|---|---|
| INOUYE, Harry K. | Member, Police Commission for the County of Maui | For a Term to expire June 30, 1954 |
| TUTTLE, William P. | Member, Police Commission for the County of Maui | For a Term to Expire June 30, 1953 |

The motion was seconded by Senator Duarte, and carried; and the Clerk was instructed to inform the Governor that these appointments had been confirmed.

Upon motion by Senator Heen, seconded by Senator Silva, action on the balance of the appointments was deferred until Monday, October 3rd.

A Message from the Governor (Gov. Message No. 10), acknowledging receipt of Senate Concurrent Resolution No. 1, was read by the Clerk as follows:

(Gov. Message No. 10)

The Message was received and placed on file.

A communication from the House (H. Com. No. 27), returning Senate Bill No. 35, was read by the Clerk as follows:

(H. Com. No. 27)

The communication was received and placed on file.

A communication from the House (H. Com. No. 28), returning Senate Joint Resolution No. 5, was read by the Clerk as follows:

(H. Com. No. 28)

The communication was received and placed on file.

Third Reading of Senate Bill No. 38, entitled: "An Act amending Act 207 of the Session Laws of Hawaii 1949, relating to public improvements in the District of South Kohala, County of Hawaii, and making appropriations therefor by way of advance-

ment from the general fund of the Territory:"

Upon motion by Senator Hill, seconded by Senator Silva, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Akana, Ansai, Capellas, Dillingham, Duarte, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 11.

Noes: None.

Excused and not voting: Senators Aguiar, Blaisdell, Fernandes and Goodness. Total, 4.

Third Reading of Senate Bill No. 39, entitled: "An Act appropriating $43,230.00 to the Department of Public Lands and Survey":

Senator Heen offered the following amendment to the bill:

"Amend Senate Bill No. 39 to read as follows:

'AN ACT

APPROPRIATING $43,230.00 TO THE DEPARTMENT OF PUBLIC LANDS AND THE DEPARTMENT OF TERRITORIAL SURVEYOR.

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

SECTION 1. There is hereby appropriated to the department of public lands and the department of territorial surveyor from the general revenues of the Territory not otherwise appropriated the sum of forty-three thousand two hundred and thirty dollars ($43,230.00), or so much thereof as may be necessary, for the following purposes and in the following amounts:

DEPARTMENT OF PUBLIC LANDS

| | | |
|---|---|---|
| Public Lands | | $22,060.00 |
| A. Personal Services | $19,760.00 | |
| B. Other Current Expenses | 2,300.00 | |

DEPARTMENT OF TERRITORIAL SURVEYOR

| | | |
|---|---|---|
| Survey Office | | $21,170.00 |
| A. Personal Services | $19,170.00 | |
| M. Motor Vehicles | 2,000.00 | |
| Total | | $43,230.00 |

SECTION 2. The moneys appropriated by this Act shall be in addition to moneys appropriated to the departments of public lands and survey by Act 335 of the Session Laws of

Hawaii 1949.

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

Upon motion by Senator Heen, seconded by Senator Hill, the amendment was adopted.

Upon motion by Senator Heen, seconded by Senator Nobriga, the bill, as amended, passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Akana, Ansai, Capellas, Dillingham, Duarte, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 11.

Noes: None.

Excused and not voting: Senators Aguiar, Blaisdell, Fernandes and Goodness. Total, 4.

Third Reading of Senate Bill No. 40, entitled: "An Act to amend Section 7183 of the Revised Laws of Hawaii 1945, as amended, relating to firearms, the registration of firearms, and permits to acquire or possess firearms":

Upon motion by Senator Ansai, seconded by Senator Duarte, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Akana, Ansai, Capellas, Dillingham, Duarte, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 11.

Noes: None.

Excused and not voting: Senators Aguiar, Blaisdell, Fernandes and Goodness. Total, 4.

Senator Blaisdell came into the Session at this time.

Third Reading of Senate Bill No. 41, entitled: "An Act amending Act 335, Session Laws of Hawaii 1949, relating to appropriations out of the general revenues for the biennial period ending June 30, 1951":

Upon motion by Senator Capellas, seconded by Senator Duarte, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Heen, Lee, Nobriga, Silva and Mr. President. Total, 11.

Noes: None.

Excused and not voting: Senators Aguiar, Fernandes and Goodness. Total, 3.

Absent at Roll Call: Senator Hill. Total, 1.

Third Reading of Senate Bill No. 42, entitled: "An Act to amend Act 359 of the Session Laws of Hawaii 1949, relating to the extension of the highway from Kanaio to Kalama Park, County of Maui, and an appropriation therefor":

Upon motion by Senator Ansai, seconded by Senator Duarte, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Heen, Lee, Nobriga, Silva and Mr. President. Total, 11.

Noes: None.

Excused and not voting: Senators Aguiar, Fernandes and Goodness. Total, 3.

Absent at Roll Call: Senator Hill. Total, 1.

Third Reading of Senate Bill No. 43, entitled: "An Act for the relief of John G. Medeiros, Limited, providing for the reimbursement of said John G. Medeiros, Limited, for additional borrow placed at and for additional excavation required, and for other additional work performed in the construction of Kailua Airport, County of Hawaii; and making appropriations":

Senator Silva offered the following amendments to the bill:

"Amend Senate Bill No. 43 in the following respects:

1. Add the letter 'd' to the word 'agree' in line 6 of the first recital thereof;

2. Insert a 'comma' after the word 'Limited' wherever the same has been omitted;

3. Substitute the word 'were' for the word 'was' in line 3 in the eighth recital thereof;

4. Substitute the word 'was' for the word 'were' in line 5 of said eighth recital thereof;

5. Substitute the word 'necessitating' for the word 'necessitated' in line 6 of said eighth recital thereof;

6. Add the letter 'd' to the word 'increase' in line 6 of said eighth recital thereof; and

7. Delete the words 'the court of equity' in line 3 of SECTION 2 and insert in lieu thereof the words 'a court of competent jurisdiction'".

Upon motion by Senator Silva, seconded by Senator Capellas, the amendments were adopted.

Senator Heen moved that action on the bill, as amended, be deferred until later on the calendar. Seconded by Senator Lee, and carried.

Third Reading of Senate Bill No. 44, entitled: "An Act authorizing the Board of Supervisors of the City and County of Honolulu to issue bonds in the sum of three million dollars ($3,000,000.00) for construction of the Koolau Tunnel Project on the Island of Oahu":

Upon motion by Senator Lee, seconded by Senator Heen, action on the bill was deferred until later on the calendar.

Third Reading of Senate Bill No. 45, entitled: "An Act relating to fuel taxes and the disposition thereof: amending Sections 5260 and 5404 of the Revised Laws of Hawaii 1945, as amended, and Section 5 of Act 196 of the Session Laws of Hawaii

1947, relating to City and County of Honolulu fuel taxes and fuel tax Funds":

Upon motion by Senator Akana, seconded by Senator Dillingham, action on the bill was deferred until later on the calendar.

Third Reading of Senate Bill No. 46, entitled: "An Act amending Act 95 of the Session Laws of Hawaii 1947, by repealing Sections 3, 4 and 5 thereof, relating to financing the Koolau Tunnel Project (City and County of Honolulu) by issuance of revenue bonds":

Upon motion by Senator Akana, seconded by Senator Dillingham, action on the bill was deferred until later on the calendar.

Third Reading of Senate Bill No. 47, entitled: "An Act to amend Chapter 2 of the Revised Laws of Hawaii 1945, relating to civil service, by amending subsection (12) of Section 68 thereof":

Upon motion by Senator Dillingham, seconded by Senator Silva, action on the bill was deferred until Monday, October 3rd.

Third Reading of Senate Bill No. 48, entitled: "An Act relating to public officers and employees of the Territory of Hawaii and of its several political subdivisions; providing for permanent increases in the base pay rates of compensation of certain of such officers and employees and, in addition, for a bonus for all such officers and employees during the biennium 1949-1951; and amending Act 208 of the Session Laws of Hawaii 1947, as amended, and Act 367 of the Session Laws of Hawaii 1949":

Upon motion by Senator Silva, seconded by Senator Duarte, action on the bill was deferred until later on the calendar.

At this time, the President excused Senator Nobriga from the balance of today's session.

Third Reading of Senate Bill No. 49, entitled: "An Act to amend paragraph (2) of Section 4150.03 of the Revised Laws of Hawaii 1945 (as added by Section 3 (2) of Act 250, Series A-68, Session Laws 1945), The 'Hawaii Employment Relations Act'":

Upon motion by Senator Heen, seconded by Senator Silva, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Heen, Lee, Silva and Mr. President. Total, 10.

Noes: None.

Excused and not voting: Senators Aguiar, Fernandes, Goodness, and Nobriga. Total, 4.

Absent at Roll Call: Senator Hill. Total, 1.

Third Reading of Senate Bill No. 50, entitled: "An Act to amend paragraph (2) of Section 4150.03 of the Revised Laws of Hawaii 1945 (as added by Section 3 (2) of Act 250, Series A-68, Session Laws 1945), The 'Hawaii Employment Relations Act'":

Upon motion by Senator Heen, seconded by Senator Silva, the bill was placed on file.

Third Reading of Senate Bill No. 51, entitled: "An Act to amend Section 458 of the Revised Laws of Hawaii 1945, as amended, relating to costs and fees for copies of public documents":

Upon motion by Senator Lee, seconded by Senator Blaisdell, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Heen Hill, Lee, Silva and Mr. President. Total, 11.

Noes: None.

Excused and not voting: Senators Aguiar, Fernandes, Goodness and Nobriga. Total, 4.

Third Reading of Senate Joint Resolution No. 4, entitled: "Joint Resolution creating a board to study the causes of industrial disputes and making an appropriation therefor":

Senator Lee offered the following amendments to the joint resolution:

"Amend Senate Joint Resolution No. 4 in the following respects:

(a) Amend the title thereof to read as follows:

'JOINT RESOLUTION

CREATING A BOARD TO SUTDY THE CAUSES OF INDUSTRIAL PEACE AND INDUSTRIAL DISPUTES AND MAKING AN APPROPRIATION THEREFOR.'

(b) Amend the second sentence of Section 1 thereof to read as follows:

'Two of the members shall be representatives of labor in Hawaii; two members shall be representatives of business and industrial management in Hawaii; and three members, one of whom shall be named as chairman by the Governor in his appointment, shall represent the public at large.'

(c) Insert the words and figures 'twenty-five thousand ($25,000.00)' in the blank space left therefor in SECTION 5.

Upon motion by Senator Hill, seconded by Senator Silva, action on the amendments and the joint resolution was deferred until Monday, October 3rd.

Third Reading of Senate Joint Resolution No. 6, entitled: "Joint Resolution extending the lapse date of the appropriation made for the Hawaii County Library in Act 7 of the Session Laws of Hawaii 1949 and ratifying and approving acts of certain persons acting as the Managing Board of said library in connection therewith":

Upon motion by Senator Silva, seconded by Senator Hill, the joint resolution passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Heen, Hill, Lee, Silva and Mr. President. Total, 11.

Noes: None.

Excused and not voting: Senators Aguiar, Fernandes, Goodness and Nobriga. Total, 4.

Third Reading of Senate Joint Resolution No. 7, relating to authorizing the superintendent of public works, in the expenditure of the appropriation made by Act 304 of the Session Laws of Hawaii 1949, for the acquisition and construction of a drainage outlet from certain government lands in the County of Maui, to employ or cause to be employed such numbers of the present labor force of the County of Maui as may be necessary in carrying out said project:

Senator Goodness offered the following amendment to the joint resolution:

"Amend Senate Joint Resolution No. 7, by inserting thereto a title, reading as follows:

'JOINT RESOLUTION

AUTHORIZING AND DIRECTING THE SUPERINTENDENT OF PUBLIC WORKS IN EXPENDING THE APPROPRIATION MADE BY ACT 304 OF THE SESSION LAWS OF HAWAII 1949 TO EMPLOY OR CAUSE TO BE EMPLOYED SUCH NUMBERS OF THE PRESENT LABOR FORCE OF THE COUNTY OF MAUI AS MAY BE NECESSARY; AND PROVIDING THAT CHAPTER 9 OF THE REVISED LAWS OF HAWAII 1945 SHALL NOT APPLY TO THE EXPENDITURE OF SAID APPROPRIATION.'"

Upon motion by Senator Lee, seconded by Senator Ansai, action on the amendment and the joint resolution was deferred until Monday, October 3rd.

Third Reading of Senate Joint Resolution No. 8, entitled: "Joint Resolution requesting Congress of the United States of America to pass legislation enabling the Legislature of the Territory of Hawaii to authorize the City and County of Honolulu to issue bonds for the construction of the Koolau Tunnel project":

Upon motion by Senator Lee, seconded by Senator Dillingham, action on the joint resolution was deferred until later on the calendar.

Third Reading of Senate Joint Resolution No. 9, entitled: "Joint Resolution relating to the Waimea Plain Project, County of Hawaii, establishing and providing for the powers, duties and expenses of the Waimea Plain Project Board, providing for the appointment, removal and expenses of the members of said Board, and making an appropriation":

Upon motion by Senator Silva, seconded by Senator Duarte, the joint resolution passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Heen, Hill, Lee, Silva and Mr. President. Total, 11.

Noes: None.

Excused and not voting: Senators Aguiar, Fernandes, Goodness and Nobriga. Total, 4.

Consideration of House Concurrent Resolution No. 3, "requesting the Senate of the United States of America to pass H. R. 4686 authorizing the issuance of certain public improvement bonds by the Territory of Hawaii, and setting forth the desirability and urgency of such action for the improvement of the Territory of Hawaii and the relief of unemployment within the Territory of Hawaii", deferred from earlier on the calendar:

Upon motion by Senator Silva, seconded by Senator Lee, the Concurrent Resolution was adopted.

At this time, Senator Lee moved that the Senate resolve itself into a Committee of the Whole for the consideration of Senate Bills Nos. 4, 45, and 46 and Senate Joint Resolution No. 8, deferred earlier on the calendar. Seconded by Senator Hill, and carried; and at 3:20 o'clock p.m., the Senate resolved itself into a Committee of the Whole for the consideration of said measures, with President Tsukiyama as Chairman.

At 3:45 o'clock p.m., the Committee rose, and the Senate reconvened.

Senator Heen, for the Committee of the Whole, having under consideration Senate Bills Nos. 44, 45 and 46 and Senate Joint Resolution No. 8 reported orally recommending the passage, on Third Reading of Senate Bills Nos. 44, 45 and 46 and Senate Joint Resolution No. 8, a written report to be filed later.

Upon motion by Senator Heen, seconded by Senator Lee, the oral report of the Committee was adopted.

Consideration, on Third Reading, of Senate Bill No. 44, entitled: "An Act authorizing the Board of Supervisors of the City and County of Honolulu to issue bonds in the sum of three million dollars ($3,000,000.00) for construction of the Koolau Tunnel Project on the Island of Oahu":

Upon motion by Senator Akana, seconded by Senator Lee, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Heen, Hill, Lee, Silva and Mr. President. Total, 11.

Noes: None.

Excused and not voting: Senators Aguiar, Fernandes, Goodness and Nobriga. Total, 4.

Consideration on Third Reading, of Senate Bill No. 45, entitled: "An Act relating to fuel taxes and the disposition thereof: amending Sections 5260 and 5404 of the Revised Laws of Hawaii 1945, as amended, and Section 5 of Act 196 of the Session Laws of Hawaii 1947, relating to City and County of Honolulu fuel taxes and fuel tax funds":

Upon motion by Senator Lee, seconded by Senator Dillingham, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Heen, Hill, Lee, Silva and Mr. President. Total, 11.

Noes: None.

Excused and not voting: Senators Aguiar, Fernandes, Goodness and Nobriga. Total, 4.

Consideration, on Third Reading, of Senate Bill No. 46, entitled: "An Act amending Act 95 of the Session Laws of Hawaii 1947, by repealing Sections 3, 4 and 5 thereof, relating to financing the Koolau Tunnel Project (City and County of Honolulu) by issuance of revenue bonds":

Upon motion by Senator Lee, seconded by Senator Dillingham, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Heen, Hill, Lee, Silva and Mr. President. Total, 11.

Noes: None.

Excused and not voting: Senators Aguiar, Fernandes, Goodness and Nobriga. Total, 4.

Consideration, on Third Reading, of Senate Joint Resolution No. 8, entitled: "Joint Resolution requesting Congress of the United States of America to pass legislation en-

abling the Legislature of the Territory of Hawaii to authorize the City and County of Honolulu to issue bonds for the construction of the Koolau Tunnel project":

Upon motion by Senator Blaisdell, seconded by Senator Lee, the joint resolution passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Heen, Hill, Lee, Silva and Mr. President. Total, 11.

Noes: None.

Excused and not voting: Senators Aguiar, Fernandes, Goodness and Nobriga. Total, 4.

Consideration, on Third Reading of Senate Bill No. 43, as amended, deferred from earlier on the calendar, entitled: "An Act for the relief of John G. Medeiros, Limited, providing for the reimbursement of said John G. Medeiros, Limited, for additional borrow placed at and for additional excavation required, and for other additional work performed in the construction of Kailua airport, County of Hawaii; and making appropriations":

Upon motion by Senator Silva, seconded by Senator Duarte, the bill, as amended, passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Ansai, Blaisdell, Capellas, Dillingham, Duarte, Heen, Hill, Lee, Silva and Mr. President. Total, 10.

Noes: Senator Akana. Total, 1.

Excused and not voting: Senators Aguiar, Fernandes, Goodness and Nobriga. Total, 4.

Consideration, on Third Reading of Senate Bill No. 48, deferred from earlier on the calendar, entitled: "An Act relating to public officers and employees of the Territory of Hawaii and of its several political subdivisions; providing for

permanent increases in the base pay rates of compensation of certain of such officers and employees and, in addition, for a bonus for all such officers and employees during the biennium 1949-1951; and amending Act 208 of the Session Laws of Hawaii 1947, as amended, and Act 367 of the Session Laws of Hawaii 1949":

Upon motion by Senator Dillingham, seconded by Senator Silva, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Heen, Hill, Lee, Silva and Mr. President. Total, 11.

Noes: None.

Excused and not voting: Senators Aguiar, Fernandes, Goodness and Nobriga. Total, 4.

At 3:55 o'clock p.m., upon motion by Senator Lee, seconded by Senator Dillingham, the Senate adjourned until 10:00 O'clock a.m., on Saturday, October 1, 1949.

Ellen D. Smythe
Clerk of the Senate.

Approved:

Nils P. Larsen
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ Session, 19 49

FIFTY-EIGHTH Day

SATURDAY, OCTOBER 1, 19 49

ELLEN D. SMYTHE
Clerk

JOURNAL OF THE SENATE

FIFTY-EIGHTH DAY

Saturday, October 1, 1949.

The Senate convened at 10:15 o'clock a.m., with the President presiding.

The opening Prayer was offered by Chaplain Judd, after which the Roll was called, showing all Senators present with the exception of Senators Aguiar, Akana, Fernandes, Hill and Nobriga, excused.

The Journal of the Fifty-Seventh Day was read and approved.

A communication from the House (H. Com. No. 29), returning Senate Bill No. 36, with an amendment, was read by the Clerk as follows:

(H. Com. No. 29)

The communication was received and placed on file.

Senator Heen moved that the Senate concur in the amendment proposed by the House. Seconded by Senator Goodness; and Senate Bill No. 36, entitled: "An Act empowering the Governor and his authorized representatives to take measures to make available necessary commodities in an emergency and to take measures incidental thereto; making it a misdemeanor to deceive or attempt to deceive the Governor or such representatives in the ascertainment of facts for use in administering this Act; and making an appropriation for the purposes of this Act", passed Final Reading on the following showing of Ayes and Noes:

Ayes: Senators Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Lee, Silva and Mr. President. Total, 10.

Noes: None.

Excused and not voting: Senators Aguiar, Akana, Fernandes, Hill and Nobriga. Total, 5.

Senator Lee offered a Concurrent Resolution (S. Con. Res. No. 3), requesting the Committee on un-American Activities of the House of Representatives of the Congress of the United States of America to conduct a thorough investigation of the alleged subversive elements and activities in the Territory, and in connection therewith to give an opportunity to residents of the Territory who have been charged in the Roberts Report as having subversive tendencies to prove their innocence, etc., which was read by the Clerk as follows:

(S. Con. Res. No. 3)

Senator Lee offered the following amendment to the Concurrent Resolution:

"Amend Senate Concurrent Resolution No. 3 by deleting the words and punctuation 'and on the Pacific Coast,' appearing in line 8 of the last paragraph on page 1 of the typewritten resolution."

Upon motion by Senator Lee, seconded by Senator Heen, the amendment was adopted.

Upon motion by Senator Lee, seconded by Senator Heen, the Concurrent Resolution, as amended, was adopted.

Senator Silva, for the Committee on Enrollment, Revision and Printing, presented a report (Stand. Com. Rep. No. 28), reporting on matters referred to it, which was read by the Clerk as follows:

(Stand. Com. Rep. No. 28)

The report was received and placed on file.

Senator Ansai, for the Maui Senators, to which were referred Departmental Communications Nos. 9, 17 and 22, together with accompanying Resolutions Nos. 260, 263, and 309, respectively, from the County Clerk, County of Maui, reported orally, returning the said communications and accompanying resolutions to the Clerk's desk for filing, and further reporting that a bill had been prepared for introduction covering the subject-matter of Resolution No. 260, relating to the adoption by the Board of Supervisors of the County of Maui of standard codes by reference.

Upon motion by Senator Ansai, seconded by Senator Goodness, the oral report was adopted; and the communications and accompanying resolutions and bill were thereupon placed on file.

At 10:30 o'clock a.m., upon motion by Senator Dillingham, seconded by Senator Lee, the Senate stood in recess, subject to the call of the Chair.

The Senate reconvened at 12:05 o'clock p.m.

Senator Silva moved that the following entitled bills, approved for introduction by the Steering Committee of the Senate, pass First Reading by title and be referred to the Printing Committee. Seconded by Senator Dillingham, and carried; and the following entitled bills thereupon passed First Reading by title and were referred to the Printing Committee:

Senate Bill No. 52, introduced by Senators Lee, Heen and Silva, entitled: "An Act to amend Act 2 of the Special Session Laws of Hawaii 1949, as amended, relating to the stevedoring industry and related facilities and services, and the public emergency arising from the present stevedoring strike, and the taking possession of and taking over and operating by the Territory of Hawaii of such stevedoring industry and such related facilities and services during the aforesaid emergency and other emergencies occurring thereafter";

Senate Bill No. 53, introduced by Senators Lee, Heen and Silva, entitled: "An Act to amend Act 2 of the Special Session Laws of Hawaii 1949, as amended, relating to the stevedoring industry and related facilities and services, and the public emergency arising from the present stevedoring strike, and the taking possession of and the taking over and operating by the Territory of Hawaii of such stevedoring industry and such related facilities and services during the aforesaid emergency and other emergencies occurring thereafter";

Senate Bill No. 54, introduced by Senator Blaisdell, entitled: "An Act exempting from taxation all property actually and solely used in the manufacture, refining or separation of asphalt products, gas oil, petroleum products, and butane, propane and other gases from crude oil or a straight-run residuum of crude oil, or a blend of a gas and such crude oils, and exempting from taxation the gross income of and privilege of engaging in the business of such manufacture, refining or separation and the business of sale of such products";

Senate Bill No. 55, introduced by Senators Ansai and Goodness, entitled: "An Act to amend chapter 126, Revised Laws of Hawaii 1945, by inserting therein a new section, numbered 6470, relating to the enactment of standard codes by reference by the Board of Supervisors of the County of Maui";

Senate Bill No. 56, introduced by Senator Ansai, entitled: "An Act to amend Item 8 of Section 4 of Act 54 of the Special Session Laws of Hawaii 1941, appropriating funds for the various counties and City and County and providing for certain expenditures therefrom";

Senate Bill No. 57, introduced by Senator Silva, entitled: "An Act to amend Act 401, Session Laws of Hawaii 1949, relating to public improvements and the financing thereof";

Senate Bill No. 58, introduced by Senator Blaisdell, entitled: "An Act to amend Section 710 of the Revised Laws of Hawaii 1945, as amended, relating to the Retirement System";

Senate Bill No. 59, introduced by Senator Dillingham, entitled: "An Act amending Act 333 of the Session Laws of Hawaii 1949, providing for fire protection of Honolulu Harbor, including authorization for the purchase, operation and maintenance of a fire boat and facilities for the cleaning of oil and debris from said harbor, and making appropriations"; and

Senate Bill No. 60, introduced by Senator Lee, entitled: "An Act making an appropriation to the City and County of Honolulu for the operation of the Waikiki War Memorial Natatorium".

At this time, Senator Heen moved that the Senate reconsider its action taken earlier on the calendar in agreeing to the amendment proposed by the House to Senate Bill No. 36 and in passing the bill, as amended, on Final Reading. Seconded by Senator Blaisdell, and carried.

Senator Heen then moved that action on the amended bill be deferred until Monday, October 3rd. Seconded by Senator Lee, and carried.

At 12:15 o'clock p.m., upon motion by Senator Heen, seconded by Senator Blaisdell, and carried, the Senate adjourned until 11:00 o'clock a.m., on Monday, October 3, 1949.

Ellen K. Smythe
Clerk of the Senate.

Approved:

Alfred D. Castro
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ Session, 19 49

FIFTY-NINTH Day

MONDAY, OCTOBER 3, , 19 49

ELLEN D. SMYTHE
Clerk

JOURNAL OF THE SENATE

FIFTY-NINTH DAY

Monday, October 3, 1949.

The Senate convened at 11:15 o'clock a.m., with President Tsukiyama presiding.

The Divine Blessing was invoked by Chaplain Judd, after which the Roll was called, showing all Senators present, with the exception of Senators Fernandes and Silva excused, and Senator Dillingham, temporarily excused.

The Journal of the Fifty-Eighth Day was read and approved.

A communication from Willie Crozier of Honolulu (Misc. Com. No. 26), requesting that legislation be introduced into the Legislature so that the Territorial Attorney General can institute proceedings immediately for recovery of federal tax money collected from the Territory in conflict with the Constitution of the United States, was read by the Clerk as follows:

(Misc. Com. No. 26)

The communication was received and referred to the Committee of the Whole, upon motion by Senator Hill, seconded by Senator Duarte, and carried.

Senator Silva, for the Committee on Enrollment, Revision and Printing, presented a report (Stand. Com. Rep. No. 29), reporting on matters referred to it, which was read by the Clerk as follows:

(Stand. Com. Rep. No. 29)

The report was received and placed on file.

At this time, Senator Lee moved that all Senate Bills on the calendar for Second Reading today be referred to the Committee of the Whole. Seconded by Senator Hill, and carried; and the following Senate Bills, on Second Reading, were thereupon referred to the Committee of the Whole, of which President Tsukiyama is Chairman:

Senate Bill No. 52, entitled: "An Act to amend Act 2 of the Special Session Laws of Hawaii 1949, as amended, relating to the stevedoring industry and related facilities and services, and the public emergency arising from the present stevedoring strike, and the taking possession of and taking over and operating by the Territory of Hawaii of such stevedoring industry and such related facilities and services during the aforesaid emergency and other emergencies occurring thereafter";

Senate Bill No. 53, entitled: "An Act to amend Act 2 of the Special Session Laws of Hawaii 1949, as amended, relating to the stevedoring industry and related facilities and services, and the public emergency arising from the present stevedoring strike, and the taking possession of and the taking over and operating by the Territory of Hawaii of such stevedoring industry and such related facilities and services during the aforesaid emergency and other emergencies occurring thereafter";

Senate Bill No. 54, entitled: "An Act exempting from taxation all property actually and solely used in the manufacture, refining or separation of asphalt products, gas oil, petroleum products, and butane, propane and other gases from crude oil or a straight-run residuum of crude oil, or a blend of a gas and such crude oils, and exempting from taxation the gross income of and privilege of engaging in the business of such manufacture, refining or separation and the business of

sale of such products";

Senate Bill No. 55, entitled: "An Act to amend chapter 126, Revised Laws of Hawaii 1945, by inserting therein a new section, numbered 6470, relating to the enactment of standard codes by reference by the Board of Supervisors of the County of Maui":

Senate Bill No. 56, entitled: "An Act to amend Item 8 of Section 4 of Act 54 of the Special Session Laws of Hawaii 1941, appropriating funds for the various counties and City and County and providing for certain expenditures therefrom";

Senate Bill No. 57, entitled: "An Act to amend Act 401, Session Laws of Hawaii 1949, relating to public improvements and the financing thereof";

Senate Bill No. 58, entitled: "An Act to amend Section 710 of the Revised Laws of Hawaii 1945, as amended, relating to the Retirement System";

Senate Bill No. 59, entitled: "An Act amending Act 333 of the Session Laws of Hawaii 1949, providing for fire protection of Honolulu Harbor, including authorization for the purchase, operation and maintenance of a fire boat and facilities for the cleaning of oil and debris from said harbor, and making appropriations"; and

Senate Bill No. 60, entitled: "An Act making an appropriation to the City and County of Honolulu for the operation of the Waikiki War Memorial Natatorium".

Senator Capellas, for the Committee on Accounts and Public Expenditures, presented a report (Stand. Com. Rep. No. 30), reporting on the accounts of the Senate as of this date, which was read by the Clerk as follows:

(Stand. Com. Rep. No. 30)

Upon motion by Senator Capellas, seconded by Senator Nobriga, the report was adopted.

Senator Dillingham came into the session at this time.

Third Reading of Senate Bill No. 47, entitled: "An Act to amend chapter 2 of the Revised Laws of Hawaii 1945, relating to civil service, by amending subsection (12) of Section 68 thereof", deferred from September 30th:

Upon motion by Senator Lee, seconded by Senator Blaisdell, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Blaisdell, Capellas, Dillingham, Heen, Hill, Lee, Nobriga and Mr. President. Total, 10.

Noes: Senators Ansai, Duarte and Goodness. Total, 3.

Excused and not voting: Senators Fernandes and Silva. Total, 2.

Third Reading of Senate Joint Resolution No. 4, entitled: "Joint Resolution creating a board to study the causes of industrial disputes and making an appropriation therefor", together with pending amendments offered by Senator Lee, action on which was deferred on September 30th:

Upon motion by Senator Lee, seconded by Senator Goodness, the amendments were adopted.

Senator Hill offered the following further verbal amendment:

"In Section 3, beginning with line 1 on page 4 of the typewritten bill, delete the following:

'have power to administer oaths, take testimony, issue subpoenas, and compel the attendance of witnesses and the production of books, records and papers, so far as may be necessary for the performance of its duties; provided, that all subpoenas shall be signed by the chairman. The board shall'.

Senator Hill moved for the adoption of the amendment. Seconded by Senator Dillingham.

Senator Aguiar moved that action on the joint resolution,

as amended, be deferred until later on the calendar. Seconded by Senator Nobriga, and carried.

Third Reading of Joint Resolution No. 7, relating to authorizing the superintendent of public works, in the expenditure of the appropriation made by Act 304 of the Session Laws of Hawaii 1949, for the acquisition and construction of a drainage outlet from certain government lands in the County of Maui, to employ or cause to be employed such numbers of the present labor force of the County of Maui as may be necessary in carrying out said project, together with a pending amendment offered by Senator Goodness, action on which was deferred on September 30th:

Upon motion by Senator Goodness, seconded by Senator Hill, the amendment was adopted.

Upon motion by Senator Goodness, seconded by Senator Duarte, the joint resolution, as amended, entitled: "Joint Resolution authorizing and directing the Superintendent of Public Works in expending the appropriation made by Act 304 of the Session Laws of Hawaii 1949 to employ or cause to be employed such numbers of the present labor force of the County of Maui as may be necessary; and providing that chapter 9 of the Revised Laws of Hawaii 1945 shall not apply to the expenditure of said appropriation", passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga and Mr. President. Total, 13.

Noes: None.

Excused and not voting: Senators Fernandes and Silva. Total, 2.

A Message from the Governor (Gov. Message No. 11), withdrawing the name of S. G. Wight as a member of the Industrial Research Advisory Council for a term of three years, at the request of the appointee, was read by the Clerk as follows:

(Gov. Message No. 11)

The Message was received, and action thereon deferred, to be taken up in connection with Governor's Message No. 9, also relating to appointments.

A Message from the Governor (Gov. Message No. 12), submitting certain appointments for confirmation, was read by the Clerk as follows:

(Gov. Message No. 12)

The Message was received, ordered printed, and action thereon deferred, to be taken up in connection with Governor's Message No. 9, also submitting appointments.

A communication from the House (H. Com. No. 30), informing the Senate that the House had reconsidered its action in passing Senate Bill No. 36 on Third Reading, and requesting its return to the House for further consideration, was read by the Clerk as follows:

(H. Com. No. 30)

The communication was received and placed on file; and, upon motion by Senator Heen, seconded by Senator Lee, and carried, the Clerk was instructed to comply with the request contained therein.

A communication from the House (H. Com. No. 31), transmitting House Bill No. 25, was read by the Clerk as follows:

(H. Com. No. 31)

The communication was received and placed on file.

First Reading of House Bill No. 25, entitled: "An Act providing a monthly twenty-five dollar bonus for pensioners, and appropriating funds for payment thereof":

Upon Motion by Senator Hill, seconded by Senator Akana, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 32), transmitting House Bill No. 31, was read by the Clerk as follows:

(H. Com. No. 32)

The communication was received and placed on file.

First Reading of House Bill No. 31, entitled: "An Act to repeal Section 4231 (e), Revised Laws of Hawaii 1945, relating to unemployment compensation":

Upon motion by Senator Hill, seconded by Senator Akana, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 33), transmitting House Bill No. 32, was read by the Clerk as follows:

(H. Com. No. 33)

The communication was received and placed on file.

First Reading of House Bill No. 32, entitled: "An Act to amend Chapter 77 of the Revised Laws of Hawaii 1945, as amended, relating to workmen's compensation":

Upon motion by Senator Hill, seconded by Senator Akana, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 34), transmitting House Bill No. 47, was read by the Clerk as follows:

(H. Com. No. 34)

The communication was received and placed on file.

First Reading of House Bill No. 47, entitled: "An Act to increase the base pay rates of compensation of public employees and to provide for a bonus for public employees":

Upon motion by Senator Hill, seconded by Senator Akana, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 35), transmitting House Bill No. 59, was read by the Clerk as follows:

(H. Com. No. 35)

The communication was received and placed on file.

First Reading of House Bill No. 59, entitled: "An Act relating to bonds on appeal":

Upon motion by Senator Hill, seconded by Senator Akana, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 36), transmitting House Bill No. 41, was read by the Clerk as follows:

(H. Com. No. 36)

The communication was received and placed on file.

First Reading of House Bill No. 41, entitled: "An Act to amend Section 7183 of the Revised Laws of Hawaii 1945, as amended, relating to firearms, the registration of firearms, and permits to acquire or possess firearms":

Upon motion by Senator Hill, seconded by Senator Akana, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 37), transmitting House Joint Resolution No. 3, was read by the Clerk as follows:

(H. Com. No. 37)

The communication was received and placed on file.

First Reading of House Joint Resolution No. 3, entitled: "Joint Resolution extending the lapse date of the appropriation made for the Hawaii County Library in Act 7 of the Session Laws of Hawaii 1949 and ratifying and approving acts of certain persons acting as the managing board of said library in connection therewith":

Upon motion by Senator Hill, seconded by Senator Akana, the joint resolution passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

Consideration of Governor's Messages Nos. 9, 11 and 12, relating to appointments, deferred from earlier on the calendar:

Upon motion by Senator Hill, seconded by Senator Aguiar, action thereon was deferred until later on the calendar.

At 12:05 o'clock p.m., upon motion by Senator Hill, seconded by Senator Aguiar, the Senate stood in recess until 2:00 o'clock this afternoon.

AFTERNOON SESSION

The Senate reconvened at 2:16 o'clock p.m., with the President presiding and all members being present with the exception of Senators Fernandes and Silva, excused.

At this time, Senator Heen moved that the Senate resolve itself into a Committee of the Whole for the consideration of certain measures pending before said Committee. Seconded by Senator Dillingham, and carried; and at 2:16 o'clock p.m., the Senate resolved itself into a Committee of the Whole, with President Tsukiyama as Chairman, for the consideration of measures pending before said Committee.

At 4:28 o'clock p.m, the Committee rose and the Senate reconvened.

Senator Silva, who had been excused this morning, was in attendance when the Senate reconvened.

Senator Heen, for the Committee of the Whole, having under consideration measures pending before said Committee, orally reported progress thereon and asked to sit again.

Upon motion by Senator Heen, seconded by Senator Blaisdell, the oral report of the Committee was adopted.

Consideration of Governor's Messages Nos. 9, 11 and 12, deferred from earlier on the calendar, relating to appointments:

Upon motion by Senator Heen, seconded by Senator Akana, action on the said Messages was further deferred until tomorrow.

Consideration, on Third Reading, of Senate Joint Resolution No. 4, as amended, together with pending amendment offered by Senator Hill, deferred from earlier on the calendar, entitled: "Joint Resolution creating a board to study the causes of industrial peace and industrial disputes and making an appropriation therefor":

Upon motion by Senator Dillingham, seconded by Senator Nobriga, action on the joint resolution, as amended, and the pending amenment, was further deferred until tomorrow.

At this juncture, the President stated that the time had come when a decision must be made as to whether or not the Governor should be requested to extend the special session ofthe Legislature.

Senator Heen thereupon moved that it is the sense of this Senate that the special session should be extended for a period of ten working days, to begin from the end of

the sixty-day period. The motion was seconded by Senator Dillingham.

Senator Hill moved that the motion be amended by providing that no further extension beyond that time would be asked for. The amendment was seconded by Senator Dillingham.

Senator Duarte moved that the motion be amended to provide for a seven-day extension. Seconded by Senator Aguiar.

Senator Nobriga moved that the amendment calling for a seven-day extension be tabled. Seconded by Senator Blaisdell. A Roll Call being demanded, the motion to table the amendment was put, and carried, on the following showing of Ayes and Noes:

Ayes: Senators Ansai, Blaisdell, Capellas, Dillingham, Goodness, Heen, Nobriga, Silva and Mr. President. Total, 9.

Noes: Senators Aguiar, Akana, Duarte, Hill and Lee. Total, 5.

Excused and not voting: Senator Fernandes. Total, 1.

The President thereupon put the previous motion, as amended, providing that the session be extended for a period of ten working days, after the end of the sixtieth day of the special session, with the understanding that no further extension be asked for, which was carried on the following showing of Ayes and Noes:

Ayes: Senators Akana, Ansai, Blaisdell, Capellas, Dillingham, Goodness, Heen, Hill, Lee, Nobriga, Silwa and Mr. President. Total, 12.

Noes: Senators Aguiar and Duarte. Total, 2.

Excused and not voting: Senator Fernandes. Total, 1.

At this time, Senator Goodness moved that the Senate reconsider its action taken earlier on the calendar in passing House Bill No. 41, relating to firearms, House Bill No. 47 relating to increase of base pay rates of compensation for public employees and providing a bonus for public employees, and House Joint Resolution No. 3, relating to the lapse date of the appropriation for the Hawaii County Library, on First Reading and placing them on the calendar for Second Reading tomorrow. The motion was seconded by Senator Duarte and carried.

Senator Goodness then moved that these two bills and one joint resolution lie on the table. The motion was seconded by Senator Duarte, and carried.

At 4:58 o'clock p.m., upon motion by Senator Heen, seconded by Senator Blaisdell, the Senate adjourned until 10:00 o'clock on Tuesday, October 4, 1949.

Ellen D. Smythe
Clerk of the Senate.

Approved:

William O. Fukunaga
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ Session, 19 49

SIXTIETH Day

TUESDAY, OCTOBER 4, 1949

ELLEN D. SMYTHE
Clerk

JOURNAL OF THE SENATE

SIXTIETH DAY

Tuesday, October 4, 1949.

The Senate convened at 10:49 o'clock a.m., with the President in the Chair.

After Prayer by the Chaplain, the Roll was called, showing all Senators present, with the exception of Senator Fernandes, excused.

The Journal of the Fifty-Ninth Day was read and approved.

A Message from the Governor (Gov. Message No. 13), extending the special session of the 25th Legislature ten days, by Executive Order, a copy of which was enclosed, was read by the Clerk as follows:

(Gov. Message No. 13)
( Executive Order )

The Message and Executive Order were received and placed on file.

The President advised the Senate that at the Conference held with the Governor this morning, in connection with the extension of the Legislature requested, he had informed the Governor that the Senate had gone on record as requesting a ten-day extension with the understanding that no further extension would be requested. The House had informed the Governor that they would try to adjourn sine die at the end of ten days, but did not inform the Governor that, as far as the House was concerned, it had gone on record to limit the session to ten days.

Senator Silva, for the Committee on Enrollment, Revision and Printing, presented a report (Stand. Com. Rep. No. 31), reporting on the mimeographing of matters referred to it, which was read by the Clerk as follows:

(Stand. Com. Rep. No. 31)

The report was received and placed on file.

Senator Silva moved at this time, that the Rules be suspended and that the Senate take up the Third Reading of Senate Joint Resolution No. 4, with pending amendment. The motion was seconded by Senator Goodness, and carried.

Consideration, on Third Reading, of Senate Joint Resolution No. 4, entitled: "Joint Resolution creating a board to study the causes of industrial peace and industrial disputes and making an appropriation therefor", with pending verbal amendment offered by Senator Hill, action on which was defefred yesterday:

Senator Hill withdrew the verbal amendment offered by him yesterday.

Senator Goodness moved that the Joint Resolution pass Third Reading. Seconded by Senator Lee.

Senator Hill moved that the joint resolution be referred to the Holdover Committee of 1949. The motion was seconded by Senator Akana.

A Roll Call being demanded, the motion to refer the joint resolution to the Holdover Committee of 1949 was put, and lost, on the following showing of Ayes and Noes:

Ayes: Senators Akana, Ansai, Blaisdell, Capellas, Dillingham, Hill and Mr. President. Total, 7.

Noes: Senators Aguiar, Duarte, Goodness, Heen, Lee, Nobriga and Silva. Total, 7.

Excused and not voting: Senator Fernandes. Total, 1.

Senator Lee moved that the joint resolution pass Third

Reading. Seconded by Senator Goodness.

Senator Hill thereupon offered the following amendment to the joint resolution:

"SECTION 3 of the joint resolution shall be amended as follows:

"Delete everything beginning with the word 'shall' after the first 'and' up to and including the word 'board', which is the second word at the beginning of the second sentence."

Senator Hill moved for the adoption of the amendment. Seconded by Senator Nobriga. A Roll Call being demanded, the motion to adopt the amendment was put, and carried, on the following showing of Ayes and Noes:

Ayes: Senators Akana, Blaisdell, Capellas, Dillingham, Duarte, Hill, Nobriga and Mr. President. Total, 8.

Noes: Senators Aguiar, Ansai, Goodness, Heen, Lee and Silva. Total, 6.

Excused and not voting: Senator Fernandes. Total, 1.

Senator Heen then moved that the joint resolution, as amended, be tabled. Seconded by Senator Ansai. A Roll Call being demanded, the motion to table the joint resolution, as amended, was put; and the joint resolution, as amended, was thereupon tabled on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee and Mr. President. Total, 12.

Noes: Senators Nobriga and Silva. Total, 2.

Excused and not voting: Senator Fernandes. Total, 1.

Second Reading of House Bill No. 25, entitled: "An Act providing a monthly twenty-five dollar bonus for pensioners, and appropriating funds for payment thereof":

Upon motion by Senator Lee, seconded by Senator Goodness, the bill was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

Second Reading of House Bill No. 31, entitled: "An Act to repeal Section 4231 (e), Revised Laws of Hawaii 1945, relating to unemployment compensation":

Upon motion by Senator Aguiar, seconded by Senator Dillingham, the bill was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

Second Reading of House Bill No. 32, entitled: "An Act to amend Chapter 77 of the Revised Laws of Hawaii 1945, as amended, relating to workmen's compensation":

Upon motion by Senator Aguiar, seconded by Senator Dillingham, the bill was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

Second Reading of House Bill No. 59, entitled: "An Act relating to bonds on appeal":

Upon motion by Senator Aguiar, seconded by Senator Dillingham, the bill was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

Consideration of Governor's Messages Nos. 9, 11 and 12, relating to appointments, deferred from yesterday:

Senator Heen moved that action on the said Messages be further deferred until Friday morning, October 7th. Seconded by Senator Dillingham, and carried.

Senator Duarte offered a Resolution (S. Res. No. 23), providing that from and after the sixtieth day of this special session of the 25th Legislature, no bills shall be introduced into the Senate; and further providing that from and after the sixtieth day of the special session, the usual hour of meeting of the Senate shall be 9:00 o'clock in the forenoon, which was read by the Clerk as follows:

(S. Res. No. 23)

Upon motion by Senator Heen, seconded by Senator Goodness, action on the Resolution was deferred until later on today's calendar.

At this time, Senator Hill moved that the Senate resolve itself into a Committee of the Whole for the consideration of Senate Bill No. 1, with pending amendments; Senate Bill No. 4 with pending amendments, Senate Bill No. 6, Senate Bill No. 31 and House Bills Nos. 25, 31, and 32. Seconded by Senator Lee, and carried; and at 11:20 o'clock a.m., the Senate resolved itself into a Committee of the Whole, with President Tsukiyama as Chairman, for the consideration of said measures.

At 4:45 o'clock p.m., the Committee rose, and the Senate reconvened with fourteen members present.

Senator Heen, for the Committee of the Whole, having under consideration Senate Bills Nos. 1, 4, 6 and 31 and House Bills Nos. 25, 31 and 32, orally reported progress and asked leave to sit again thereon.

Upon motion by Senator Heen, seconded by Senator Blaisdell, the oral report of the Committee was adopted.

A communication from the Secretary of Hawaii (Dept. Com. No. 25), informing the Senate that the Governor had signed Senate Joint Resolution No. 5 as Joint Resolution 1, and House Bill No. 20 as Act 11, was read by the Clerk as follows:

(Dept. Com. No. 25)

The communication was received and placed on file.

A communication from the House (H. Com. No. 38), returning Senate Bill No. 26, was read by the Clerk as follows:

(H. Com. No. 38)

The communication was received and placed on file.

A communication from the House (H. Com. No. 39), returning Senate Bill No. 27, was read by the Clerk as follows:

(H. Com. No. 39)

The communication was received and placed on file.

A communication from the House (H. Com. No. 40), returning Senate Bill No. 32, was read by the Clerk as follows:

(H. Com. No. 40)

The communication was received and placed on file.

A communication from the House (H. Com. No. 41), returning Senate Joint Resolution No. 3, with certain amendments, was read by the Clerk as follows:

(H. Com. No. 41)

The communication was received and placed on file.

Senator Ansai moved that action on the amendments be deferred until tomorrow. Seconded by Senator Heen, and carried.

A communication from the House (H. Com. No. 42), returning Senate Bill No. 36, with certain amendments, was read by the Clerk as follows:

(H. Com. No. 42)

The communication was received and placed on file.

Senator Heen moved that action on the amendments be deferred until tomorrow. Seconded by Senator Goodness, and carried.

A communication from the House (H. Com. No. 43), returning Senate Bill No. 30, with certain amendments, was read by the Clerk as follows:

(H. Com. No. 43)

The communication was received and placed on file.

Senator Goodness moved that the Senate concur in the amendments proposed by the House. Seconded by Senator Hill; and Senate Bill No. 30, entitled: "An Act to amend Part I of Chapter 138 of the Revised Laws of Hawaii 1945, as amended, relating to the licensing of chauffeurs, drivers and operators of motor vehicles", passed Final Reading, as amended, on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 14.

Noes: None.

Excused and not voting: Senator Fernandes. Total, 1.

Senator Duarte offered a Resolution (S. Res. No. 24), providing that from and after the sixtieth day of the special session of the 25th Legislature, the usual hour of meeting of the Senate be nine o'clock in the forenoon, which was read by the Clerk as follows:

(S. Res. No. 24)

Senator Heen moved that the hour of meeting be amended to ten o'clock. Seconded by Senator Dillingham.

Senator Duarte moved to table the motion to amend the Resolution. Seconded by Senator Goodness. A Roll Call being demanded, the motion to table the motion to amend the Resolution was put, and lost, on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Capellas, Duarte, Goodness, Hill and Silva. Total, 6.

Noes: Senators Akana, Ansai, Blaisdell, Dillingham, Heen, Lee, Nobriga and Mr. President. Total, 8.

Excused and not voting: Senator Fernandes. Total, 1.

The previous motion, to amend the hour of meeting from 9 o'clock in the forenoon to ten o'clock in the forenoon was

thereupon put, and carried.

Senator Heen then moved to adopt the Resolution as amended. Seconded by Senator Blaisdell, and carried.

Senator Duarte offered a Resolution (S. Res. No. 25), providing that from and after the sixtieth day of this special session, no bills shall be introduced in this Senate, which was read by the Clerk as follows:

(S. Res. No. 25)

Senator Heen moved that the Resolution be amended to provide that no bills shall be introduced in this Senate unless concurred in by two-thirds of the members of the Senate. The motion was seconded by Senator Nobriga, and carried.

Upon motion by Senator Heen, seconded by Senator Dillingham, the Resolution, as amended, was adopted.

Senator Akana offered a Concurrent Resolution (S. Con. Res. No. 4), declaring to the world the great pride of the people of Hawaii in the record of accomplishment of its sons and daughters who served honorably in World War II, as particularly symbolized in the case of Major Arthur B. Chun, to refute infamous published rumors defaming and libeling the good name of said Major Arthur Chun, a worthy son of Hawaii, as being a communist or a communistic sympathizer, which was read by the Clerk as follows:

(S. Con. Res. No. 4)

Senator Aguiar moved that the Concurrent Resolution be printed and distributed to the members, and that action thereon be deferred until tomorrow. Seconded by Senator Heen, and carried.

Consideration of Senate Resolution No. 23, setting the hour of 9:00 o'clock in the forenoon as the usual hour of meeting of the Senate during the remainder of this special session; and further providing that no bills shall be introduced into the Senate from and after the sixtieth day of said special session, action on which was deferred earlier on the calendar:

The President suggested that Senator Duarte be permitted to withdraw this Resolution offered by him; and Senator Duarte thereupon withdrew the Resolution.

At 5:00 o'clock p.m., upon motion by Senator Dillingham, seconded by Senator Heen, the Senate adjourned until 10:00 o'clock a.m., on Wednesday, October 5, 1949, in accordance with Senate Resolution No. 24.

Ellen D. Smythe
Clerk of the Senate.

Approved:

Wilfrid Tsukiyama
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ *Session, 19* 49

SIXTY-FIRST Day

WEDNESDAY, OCTOBER 5, 19 49

ELLEN D. SMYTHE
*Clerk*

JOURNAL OF THE SENATE

SIXTY-FIRST DAY

Wednesday, October 5, 1949.

The Senate convened at 10:00 o'clock a.m., pursuant to Senate Resolution No. 24, with the President presiding.

The Divine Blessing was invoked by Chaplain Judd, after which the Roll was called, showing all Senators present with the exception of Senator Fernandes, excused; and Senators Dillingham, Lee and Silva, temporarily excused.

The Journal of the Sixtieth Day was read and approved.

A communication from the House (H. Com. No. 44), returning Senate Concurrent Resolution No. 3 in an amended form, was read by the Clerk as follows:

(H. Com. No. 44)

The communication was received and placed on file.

Senator Heen moved that action on the amendments be deferred until later on the calendar. Seconded by Senator Goodness, and carried.

Consideration of amendments proposed by the House to Senate Bill No. 36, recalled by the House, action on which was deferred yesterday:

Senator Goodness moved that the Senate concur in the amendments proposed by the House. Seconded by Senator Hill, and carried; and Senate Bill No. 36, entitled: "An Act empowering the Governor and his authorized representatives to take measures to make available necessary commodities in an emergency and to take measures incidental there-

to; making it a misdemeanor to deceive or attempt to deceive the Governor or such representatives in the ascertainment of facts for use in administering this Act; and making an appropriation for the purposes of this Act", as amended, passed Final Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Duarte, Goodness, Heen, Hill, Nobriga and Mr. President. Total, 11.

Noes: None.

Excused and not voting: Senators Dillingham, Fernandes, Lee and Silva. Total, 4.

Consideration of amendments proposed by the House to Senate Joint Resolution No. 3, action on which was deferred yesterday:

Senator Goodness moved that the Senate concur in the amendments proposed by the House. Seconded by Senator Duarte, and Senate Joint Resolution No. 3, as amended, entitled: "Joint Resolution relating to the hospital now called the Shingle Memorial Hospital; appropriating money for the said hospital now called the Shingle Memorial Hospital and any successor hospital thereto; and appropriating for and making available for expenditure by any said successor hospital moneys appropriated for said Shingle Memorial Hospital by Act 335 of the Session Laws of Hawaii 1949", passed Final Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Duarte, Goodness, Heen, Hill, Nobriga and Mr. President. Total, 11.

Noes: None.

Excused and not voting: Senators Dillingham, Fernandes, Lee and Silva. Total, 4.

At this time, Senator Heen, for the Committee of the Whole, having under consideration Senate Bill No. 31, reported orally, supplementing his oral report yesterday, recommending the passage of said bill on Second Reading.

Upon motion by Senator Heen, seconded by Senator Duarte, the oral report of the Committee was adopted, a written report to be filed later. Senate Bill No. 31, entitled: "An Act relating to bonuses for public officers and employees, and amending Act 208 of the Session Laws of Hawaii 1947, as amended", thereupon passed Second Reading and was placed on the calendar for Third Reading tomorrow.

At this juncture, Senator Heen moved that the Senate resolve itself into a Committee of the Whole for the consideration of certain measures pending before the said Committee. Seconded by Senator Goodness, and carried; and at 10:10 o'clock a.m., the Senate resolved itself into a Committee of the Whole, with President Tsukiyama as Chairman, for the consideration of said measures.

The Committee rose at 12:05 o'clock p.m., and the Senate reconvened with fourteen members present.

Senator Heen, for the Committee of the Whole, having under certain measures pending before said Committee, reported orally recommending the passage of Senate Bill No. 55, as amended, Senate Bills Nos. 56, 57, 58 and 59 and House Bill No. 25, as amended, on Second Reading; and further orally reported progress on the other measures before said Committee and asking leave to sit again thereon.

Upon motion by Senator Heen, seconded by Senator Lee, the oral report of the Committee was adopted. Senate Bill No. 55 as amended, Senate Bills Nos. 56, 57, 58 and 59 and House Bill No. 25 as amended, thereupon passed Second Reading and were placed on the calendar for Third Reading tomor-

row.

A communication from the House (H. Com. No. 45), transmitting House Bill No. 27, was read by the Clerk as follows:

(H. Com. No. 45)

The communication was received and placed on file.

First Reading of House Bill No. 27, entitled: "An Act to amend Act 63, Session Laws of Hawaii 1947, relating to water storage facilities on the Island of Molokai":

Upon motion by Senator Blaisdell, seconded by Senator Lee, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 46), transmitting House Bill No. 28, was read by the Clerk as follows:

(H. Com. No. 46)

The communication was received and placed on file.

First Reading of House Bill No. 28, entitled: "An Act authorizing and requesting the board of supervisors of the county of Hawaii to appropriate $25,000 for the construction of certain improvements at Honaunau Paka, Hawaii":

Upon motion by Senator Blaisdell, seconded by Senator Lee, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 47), transmitting House Bill No. 29, was read by the Clerk as follows:

(H. Com. No. 47)

The communication was received and placed on file.

First Reading of House Bill No. 29, entitled: "An Act authorizing and directing the Board of Supervisors of the County of Hawaii to provide a park and playground area for the people of Kona, Hawaii":

Upon motion by Senator Blaisdell, seconded by Senator Lee, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 48), transmitting House Bill No. 33, was read by the Clerk as follows:

(H. Com. No. 48)

The communication was received and placed on file.

First Reading of House Bill No. 33, entitled: "An Act relating to liens of mechanics and materialmen":

Upon motion by Senator Blaisdell, seconded by Senator Lee, the bill passed First Reading by title and were placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 49), transmitting House Bill No. 36, was read by the Clerk as follows:

(H. Com. No. 49)

The communication was received and placed on file.

First Reading of House Bill No. 36, entitled: "An Act amending Act 356, Session Laws of Hawaii 1949, relating to improvement districts in the county of Hawaii":

Upon motion by Senator Blaisdell, seconded by Senator Lee, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 50), transmitting House Bill No. 37, entitled: "An Act amending Act 327 of the Session Laws of Hawaii 1949, relating to the furnishing of certified copies of certain records to veterans and others":

Upon motion by Senator Blaisdell, seconded by Senator Lee, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 51), transmitting House Bill No. 38, was read by the Clerk as follows:

(H. Com. No. 51)

The communication was received and placed on file.

First Reading of House Bill No. 38, entitled: "An Act to amend Section 4 of Act 214 (Series E-190* of the Session Laws of Hawaii 1947, relating to bonuses for disabled veterans":

Upon motion by Senator Blaisdell, seconded by Senator Lee, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 52), transmitting House Bill No. 42, was read by the Clerk as follows:

(H. Com. No. 52)

The communication was received and placed on file.

First Reading of House Bill No. 42, entitled: "An Act amending Act 335, Session Laws of Hawaii 1949, relating to appropriations out of the general revenues for the biennial period ending June 30, 1951":

Upon motion by Senator Blaisdell, seconded by Senator Lee, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 53), transmitting House Bill No. 44, was read by the Clerk as follows:

(H. Com. No. 53)

The communication was received and placed on file.

First Reading of House Bill No. 44, entitled: "An Act to amend Section 7313, Revised Laws of Hawaii 1945, relating to licenses of operators and chauffeurs":

Upon motion by Senator Blaisdell, seconded by Senator Lee, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 54), transmitting House Bill No. 48, was read by the Clerk as follows:

(H. Com. No. 54)

The communication was received and placed on file.

First Reading of House Bill No. 48, entitled: "An Act authorizing and directing the board of supervisors of the City and County of Honolulu to appropriate $140,000 for a new bridge at Kaneohe, Oahu":

Upon motion by Senator Blaisdell, seconded by Senator Lee, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 55), transmitting House Bill No. 50, was read by the Clerk as follows:

(H. Com. No. 55)

The communication was received and placed on file.

First Reading of House Bill No. 50, entitled: "An Act to amend Section 550, Revised Laws of Hawaii 1945, relating to vacations of public officers and employees":

Upon motion by Senator Blaisdell, seconded by Senator Lee, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 56), transmitting House Bill No. 62, was read by the Clerk as follows:

(H. Com. No. 56)

The communication was received and placed on file.

First Reading of House Bill No. 62, entitled: "An Act relating to the regulation of motor vehicle common carriers transporting passengers within the county of Hawaii and auth-

orizing the board of supervisors of the county of Hawaii to adopt an ordinance regulating the same":

Upon motion by Senator Blaisdell, seconded by Senator Lee, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 57), returning Senate Bill No. 25 which had passed Third Reading in the House of Representatives, was read by the Clerk as follows:

(H. Com. No. 57)

The communication was received and placed on file.

A communication from the House (H. Com. No. 58), returning Senate Bill No. 29, which had passed Third Reading in the House of Representatives, was read by the Clerk as follows:

(H. Com. No. 58)

The communication was received and placed on file.

Senator Silva, for the Committee on Enrollment, Revision and Printing, presented a report (Stand. Com. Rep. No. 32), reporting on matters referred to it, which was read by the Clerk as follows:

(Stand. Com. Rep. No. 32)

The report was received and placed on file.

At 12:10 o'clock p.m., upon motion by Senator Blaisdell, seconded by Senator Lee, the Senate stood in recess until 1:30 o'clock this afternoon.

AFTERNOON SESSION

The Senate reconvened at 1:50 o'clock p.m., with the President in the Chair, and fourteen Senators being present.

Consideration of Senate Concurrent Resolution No. 4, declaring to the world the great pride of the people of Hawaii in the record of accomplishment of its sons and daughters who served honorably in World War II, as particularly symbolized in the case of Major Arthur B. Chun, to refute infamous published rumors defaming and libeling his good name as being a communist or a communistic sympathizer, action on which was deferred yesterday.

Senator Akana moved for the adoption of the Concurrent Resolution. The motion was seconded by Senator Hill.

Senator Lee moved that action on the Concurrent Resolution be further deferred until tomorrow afternoon at 2:00 o'clock. Seconded by Senator Nobriga, and carried.

Consideration of Senate Concurrent Resolution No. 3, returned by the House in an amended form, relating to an investigation to be made by the Committee on un-American Activities of the United States of America, covering the alleged subversive elements and activities in the Territory of Hawaii, and providing for residents of the Territory who have been charged in the Roberts Report as having subversive tendencies to prove their innocence, etc., action on which was deferred earlier on the calendar:

Senator Lee moved that the Senate do not concur in the amendments proposed by the House, and that a conference committee be appointed for the consideration thereof. Seconded by Senator Silva, and carried.

The President thereupon appointed Senators Lee, Capellas and Akana as Conferees on the part of the Senate at such conference.

At 2:35 o'clock p.m., upon motion by Senator Heen, seconded by Senator Lee, the Senate resolved itself into a Committee of the Whole, with President Tsukiyama as Chairman, for the consideration of Senate Bills Nos. 1, 4 and 6, and other measures pending before said Committee.

At 4:10 o'clock p.m., the Committee rose and the Senate reconvened with Vice-President Akana presiding.

Senator Heen, for the Committee of the Whole, having under consideration Senate Bills Nos. 1, 4 and 6, and other measures pending before said Committee, reported orally, recommending the passage of House Bill No. 31 on Second Reading, and orally reporting progress and asking leave to sit again on other measures pending before said Committee, a written report to be filed later.

Upon motion by Senator Heen, seconded by Senator Blaisdell, the oral report of the Committee was adopted, and House Bill No. 31, entitled: "An Act to repeal Section 4231 (e), Revised Laws of Hawaii 1945, relating to unemployment compensation", passed Second Reading and was placed on the calendar for Third Reading tomorrow.

At 4:12 o'clock p.m., upon motion by Senator Heen, seconded by Senator Dillingham, the Senate adjourned until 10:00 o'clock

a.m., on Thursday, October 6, 1949.

Ellen D Smythe
Clerk of the Senate.

Approved:

Wilfred Tsukiyama
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ *Session, 19* 49

SIXTY-SECOND Day

THURSDAY, OCTOBER 6, , 19 49

~~ELLEN D. SMYTHE~~
*Clerk*

JOURNAL OF THE SENATE

SIXTY-SECOND DAY

Thursday, October 6, 1949.

The Senate convened at 10:30 o'clock a.m., with the President presiding.

The Divine Blessing was invoked by Chaplain Judd, after which the Roll was called, showing all Senators present with the exception of Senator Fernandes, excused; and Senators Akana and Dillingham, temporarily excused.

The Journal of the Sixty-First Day was read and approved.

At this time, Senator Lee moved that all House bills on the calendar for Second Reading today be referred to the Committee of the Whole, of which President Tsukiyama is Chairman. Seconded by Senator Goodness, and carried; and the following entitled House Bills were thereupon referred to said Committee of the Whole:

House Bill No. 27, entitled: "An Act to amend Act 63, Session Laws of Hawaii 1947, relating to water storage facilities on the island of Molokai";

House Bill No. 28, entitled: "An Act authorizing and requesting the board of supervisors of the county of Hawaii to appropriate $25,000 for the construction of certain improvements at Honaunau Paka, Hawaii";

House Bill No. 29, entitled: "An Act authorizing and directing the board of supervisors of the county of Hawaii to provide a park and playground area for the people of Kona, Hawaii";

House Bill No. 33, entitled: "An Act relating to liens of mechanics and materialmen";

House Bill No. 36, entitled: "An Act amending Act 356, Session Laws of Hawaii 1949, relating to improvement districts in the county of Hawaii";

House Bill No. 37, entitled: "An Act amending Act 327 of the Session Laws of Hawaii 1949, relating to the furnishing of certified copies of certain records to veterans and others";

House Bill No. 38, entitled: "An Act to amend Section 4 of Act 214 (Series E-190) of the Session Laws of Hawaii 1947, relating to bonuses for disabled veterans";

House Bill No. 42, entitled: "An Act amending Act 335, Session Laws of Hawaii 1949, relating to appropriation out of the general revenues for the biennial period ending June 30, 1951";

House Bill No. 44, entitled: "An Act to amend Section 7313, Revised Laws of Hawaii 1945, relating to licenses of operators and chauffeurs";

House Bill No. 48, entitled: "An Act authorizing and directing the board of supervisors of the City and County of Honolulu to appropriate $140,000 for anew bridge at Kaneohe, Oahu";

House Bill No. 50, entitled: "An Act to amend Section 550, Revised Laws of Hawaii 1945, relating to vacations of public officers and employees"; and

House Bill No. 62, entitled: "An Act relating to the regulation of motor vehicle common carriers transporting passengers within the county of Hawaii and authorizing the board of supervisors of the county of Hawaii to adopt an ordinance regulating the same".

Third Reading of Senate Bill No. 31, entitled: "An Act relating to bonuses for public officers and employees, and amending Act 208 of the Session Laws of Hawaii 1947, as amended":

Upon motion by Senator Lee, seconded by Senator Silva, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Ansai, Blaisdell, Capellas, Duarte, Goodness, Heen, Hill, Lee, Silva and Mr. President. Total, 11.

Noes: None.

Excused and not voting: Senators Akana, Dillingham, Fernandes and Nobriga. Total, 4.

Third Reading of Senate Bill No. 55, as amended, entitled: "An Act to amend Chapter 126 of the Revised Laws of Hawaii 1945, as amended, by inserting therein a new section relating to the enactment of standard codes by reference by the board of supervisors of the county of Maui":

Senator Ansai moved that the bill pass Third Reading. Seconded by Senator Hill. The motion to pass the bill on Third Reading was thereupon put, and failed to carry, on the following showing of Ayes and Noes:

Ayes: Senators Ansai, Blaisdell, Capellas, Goodness, Heen and Mr. President. Total, 6.

Noes: Senators Aguiar, Duarte, Hill, Lee, Nobriga and Silva. Total, 6.

Excused and not voting: Senators Akana, Dillingham and Fernandes. Total, 3.

Third Reading of Senate Bill No. 56, entitled: "An Act to amend Item 8 of Section 4 of Act 54 of the Special Session Laws of Hawaii 1941, appropriating funds for the various counties and city and county and providing for

certain expenditures therefrom":

Upon motion by Senator Lee, seconded by Senator Goodness, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Ansai, Blaisdell, Capellas, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 12.

Noes: None.

Excused and not voting: Senators Akana, Dillingham and Fernandes. Total, 3.

Third Reading of Senate Bill No. 57, entitled: "An Act to amend Act 401, Session Laws of Hawaii 1949, relating to public improvements and the financing thereof":

Upon motion by Senator Lee, seconded by Senator Silva, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Ansai, Blaisdell, Capellas, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 12.

Noes: None.

Excused and not voting: Senators Akana, Dillingham and Fernandes. Total, 3.

Third Reading of Senate Bill No. 58, entitled: "An Act to amend Section 710 of the Revised Laws of Hawaii 1945, as amended, relating to the Retirement System":

Upon motion by Senator Hill, seconded by Senator Blaisdell, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Ansai, Blaisdell, Capellas, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 10.

Noes: Senators Aguiar and Duarte. Total, 2.

Excused and not voting: Senators Akana, Dillingham and Fernandes. Total, 3.

**Third Reading** of Senate Bill No. 59, entitled: "An Act amending Act 333 of the Session Laws of Hawaii 1949, providing for fire protection of Honolulu Harbor, including authorization for the purchase, operation and maintenance of a fire boat and facilities for the cleaning of oil and debris from said harbor, and making appropriations":

Upon motion by Senator Lee, seconded by Senator Goodness, action on the bill was deferred until later on the calendar.

Third Reading of House Bill No. 25, as amended, entitled: "An Act relating to bonuses for pensioners, providing a monthly bonus for pensioners, providing for the termination, restoration, reduction or increase of such bonuses from time to time, appropriating funds therefor, and repealing Act 376 of the Session Laws of Hawaii 1949":

Upon motion by Senator Lee, seconded by Senator Hill, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Ansai, Blaisdell, Capellas, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 12.

Noes: None.

Excused andnot voting: Senators Akana, Dillingham and Fernandes. Total, 3.

Third Reading of House Bill No. 31, entitled: "An Act to repeal Section 4231 (e), Revised Laws of Hawaii 1945, relating to unemployment compensation":

Upon motion by Senator Ansai, seconded by Senator Lee, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Ansai, Blaisdell, Capellas, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 12.

Noes: None.

Excused and not voting: Senators Akana, Dillingham and Fernandes. Total, 3.

Senator Silva, for the Committee on Enrollment, Revision and Printing, presented a report (Stand. Com. Rep. No. 33), reporting on the mimeographing of matters referred to it, which was read by the Clerk as follows:

(Stand. Com. Rep. No. 33)

The report was received and placed on file.

At 10:50 o'clock a.m., upon motion by Senator Blaisdell, seconded by Senator Silva, the Senate resolved itself into a Committee of the Whole, with President Tsukiyama as Chairman, for the consideration of Senate Bills Nos. 1, 4, 6, 54 and 60, and House Bills Nos. 27, 28, 29, 32, 33, 36, 37, 38, 42, 44, 48, 50, 59 and 62.

At 4:40 o'clock p.m., the Committee rose and the Senate reconvened with fourteen Senators present.

Senator Heen, for the Committee of the Whole, having under consideration the above enumerated bills, reported orally recommending that House Bill No. 32 be referred to the Holdover Committee of 1949; that Senate Bill No. 60 be tabled; that House Bill No. 42 lie on the table, and that House Bill No. 48 be tabled; and further reporting progress and asking leave to sit again tomorrow on all other measures considered by the said Committee.

Upon motion by Senator Heen, seconded by Senator Lee, the oral report of the Committee was adopted, a written report to be filed later.

A communication from the House (H. Com. No. 59), transmitting House Bill No. 26, was read by the Clerk as follows:

(H. Com. No. 59)

The communication was received and placed on file.

First Reading of House Bill No. 26, entitled: "An Act relating to opihis and providing penalties":

Upon motion by Senator Goodness, seconded by Senator Duarte, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 60), transmitting House Bill No. 35, was read by the Clerk as follows:

(H. Com. No. 60)

The communication was received and placed on file.

First Reading of House Bill No. 35, entitled: "An Act authorizing the county of Hawaii to levy an amusement tax and providing that the revenue realized be exclusively used for the county of Hawaii in promoting recreation and the building, development and maintenance of public parks and playgrounds":

Upon motion by Senator Goodness, seconded by Senator Duarte, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 61), transmitting House Bill No. 65, was read by the Clerk as follows:

(H. Com. No. 61)

The communication was received and placed on file.

First Reading of House Bill No. 65, entitled: "An Act making an appropriation for the maintenance of the Waikiki War Memorial Natatorum":

Upon motion by Senator Goodness, seconded by Senator Duarte, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 62), transmitting House Bill No. 66, was read by the Clerk as follows:

(H. Com. No. 62)

The communication was received and placedon file.

First Reading of House Bill No. 66, entitled: "An Act amending Section 1256 of the Revised Laws of Hawaii 1945, as amended, relating to commercial fishing":

Upon motion by Senator Goodness, seconded by Senator Duarte, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 63), transmitting House Bill No. 68, was read by the Clerk as follows:

(H. Com. No. 63)

The communication was received and placed on file.

First Reading of House Bill No. 68, entitled: "An Act to provide funds for the eradication of rats in Kona, Hawaii; amending Act 335 of the Session Laws of Hawaii 1949 for such purpose":

Upon motion by Senator Goodness, seconded by Senator Duarte, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 64), transmitting House Bill No. 81, was read by the Clerk as follows:

(H. Com. No. 64)

The communication was received and placed on file.

First Reading of House Bill No. 81, entitled: "An Act to amend Section 9713 of the Revised Laws of Hawaii 1945, to permit military legal officers to represent military personnel in the District Courts in cases involving the driving of mili-

tary vehicles":

Upon motion by Senator Goodness, seconded by Senator Duarte, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 65), transmitting House Bill No. 83, was read by the Clerk as follows:

(H. Com. No. 65)

The communication was received and placed on file.

First Reading of House Bill No. 83, entitled: "An Act to amend Section 710 of the Revised Laws of Hawaii 1945, as amended, relating to the Retirement System":

Upon motion by Senator Goodness, seconded by Senator Duarte, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 66), transmitting House Bill No. 84, was read by the Clerk as follows:

(H. Com. No. 66)

The communication was received and placed on file.

First Reading of House Bill No. 84, entitled: "An Act to amend Section 5151 of the Revised Laws of Hawaii 1945, as amended, relating to exemptions from real property tax":

Upon motion by Senator Goodness, seconded by Senator Duarte, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 67), transmitting House Joint Resolution No. 4, was read by the Clerk as follows:

(H. Com. No. 67)

The communication was received and placed on file.

First Reading of House Joint Resolution No. 4, entitled: "Joint Resolution to permit the advancement to the county of Kauai, on a loan basis, repayable during the year 1950, of

certain unexpended balances appropriated to the said county by Act 277, Session Laws of Hawaii 1945, and Act 124, Session Laws of Hawaii 1949":

Upon motion by Senator Goodness, seconded by Senator Duarte, the joint resolution passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 68), returning Senate Bill No. 28 with an amendment, was read by the Clerk as follows:

(H. Com. No. 68)

The communication was received and placed on file.

Senator Dillingham moved that the Senate concur in the amendment proposed by the House. Seconded by Senator Lee, and Senate Bill No. 28, as amended, entitled: "An Act to amend Section 8438 of the Revised Laws of Hawaii 1945, as amended, relating to loans by banks, savings banks, building and loan and savings and loan associations, insurance companies and trust companies", passed Final Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Lee, Nobriga, Silva and Mr. President. Total, 13.

Noes: None.

Excused and not voting: Senators Fernandes and Hill. Total, 2.

The President announced that he had excused Senator Hill from the balance of this afternoon's session.

A communication from the House (H. Com. No. 69) returning Senate Bill No. 38, was read by the Clerk as follows:

(H. Com. No. 69)

The communication was received and placed on file.

A communication from the House (H. Com. No. 70), returning Senate Bill No. 43, was read by the Clerk as follows:

(H. Com. No. 70)

The communication was received and placed on file.

A communication from the House (H. Com. No. 71), returning Senate Bill No. 51, was read by the Clerk as follows:

(H. Com. No. 71)

The communication was received and placed on file.

A communication from the House (H. Com. No. 72), transmitting House Bill No. 45, was read by the Clerk as follows:

(H. Com. No. 72)

The communication was received and placed on file.

First Reading of House Bill No. 45, entitled: "An Act amending Chapter 124 of the Revised Laws of Hawaii 1945, as amended, by amending Section 6384 thereof":

Upon motion by Senator Goodness, seconded by Senator Duarte, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 73), informing the Senate of the appointment of Representatives Marcallino, Nielsen and Sakakihara as Managers on the part of the House for the consideration of the amendments proposed by the House to Senate Concurrent Resolution No. 3, to which the Senate had disagreed, was read by the Clerk as follows:

(H. Com. No. 73)

The communication was received and placed on file.

Consideration of Senate Concurrent Resolution No. 4, deferred from yesterday, relating to infamous published rumors against the good name of Major Arthur B. Chun, libeling him in the Roberts Report as a communist or a communistic sympathizer:

Upon motion by Senator Akana, seconded by Senator Heen, action on the Concurrent Resolution was deferred until tomorrow, at which time Major Arthur B. Chun and Randolph M. Lee, whose names, among others, are mentioned in the Roberts Report as being communists or communistic sympathizers, be requested to appear before the Senate, sitting in Committee of the Whole, at 10:00 o'clock a.m., in connection with the subject-matter of said Concurrent Resolution.

Senators Lee, Heen, Goodness, Duarte and Aguiar offered a Resolution (S. Res. No. 26), expressing the sorrow of the members of the Senate at the death of the Honorable Robert E. Hannegan, a leader in the National Democratic Party for many years, and former Postmaster General of the United States, and extending sympathy to his family, which was read by the Clerk as follows:

(S. Res. No. 26)

Upon motion by Senator Heen, seconded by Senator Lee, the Resolution was adopted by a rising unanimous vote.

Senators Capellas, Goodness, Duarte, Aguiar and Silva offered a Resolution (S. Res. No. 27), requesting the Governor of Hawaii to make no appointment to any board or commission of the Territory or any of its subdivisions, if such appointment would cause a voting majority of such board or commission to be composed of employees, either part or full-time, of the Territory or any subdivision thereof, which was read by the Clerk as follows:

(S. Res. No. 27)

Upon motion by Senator Dillingham, seconded by Senator Heen, action on the Resolution was deferred until tomorrow.

At this time, Senator Aguiar asked permission to introduce a bill "providing employment and vocational training to certain unemployed; creating the Hawaiian Civilian Conservation Corps within the Board of Agriculture and Forestry; and making an appropriation".

Upon motion by Senator Aguiar, seconded by Senator Duarte, and carried by a two-thirds vote of the Senate, permission was granted for the introduction of the bill.

Senator Aguiar thereupon introduced a bill (S. B. No. 61), entitled: "An Act providing employment and vocational training to certain unemployed; creating the Hawaiian Civilian Conservation Corps within the Board of Agriculture and Forestry; and making an appropriation".

Upon motion by Senator Aguiar, seconded by Senator Akana, the bill passed First Reading by title and was referred to the Printing Committee.

Senator Nobriga requested permission to introduce a bill "providing for guaranteed loans to owners of certain small businesses for the purpose of stimulating the industrial and economic expansion of the Territory; creating the Small Business Loan Board and prescribing its membership, powers and duties; creating the Small Business Loan Guarantee Fund; and making an appropriation".

Upon motion by Senator Nobriga, seconded by Senator Dillingham, and upon a two-thirds vote of the Senate, permission was granted for the introduction of the bill.

Senator Nobriga thereupon introduced a bill (S. B. No. 62), entitled: "An Act providing for guaranteed loans to owners of certain small businesses for the purpose of stimulating the industrial and economic expansion of the Territory; creating the Small Business Loan Board and prescribing its membership, powers and duties; creating the Small Business Loan Guarantee Fund; and making an appropriation".

Upon motion by Senator Nobriga, seconded by Senator Duarte, the bill passed First Reading by title and was referred to the Printing Committee.

Senators Duarte, Aguiar, Goodness and Silva requested permission to introduce a bill "to provide funds for unemployment relief and increasing the tax on compensation and the income tax on corporations for such purposes".

Upon motion by Senator Duarte, seconded by Senator Aguiar, and carried by a two-thirds vote of the Senate, permission was granted for the introduction of the bill.

Senators Duarte, Aguiar, Goodness and Silva thereupon introduced a bill (S. B. No. 63), entitled: "An Act to provide funds for unemployment relief and increasing the tax on compensation and the income tax on corporations for such purposes".

Upon motion by Senator Duarte, seconded by Senator Goodness, the bill passed First Reading by title and was referred to the Printing Committee.

Consideration, on Third Reading, of Senate Bill No. 59, entitled: "An Act amending Act 333 of the Session Laws of Hawaii 1949, providing for fire protection of Honolulu Harbor, including authorization for the purchase, operation and maintenance of a fire boat and facilities for the cleaning of oil and debris from said harbor, and making appropriations", deferred from earlier on the calendar:

Upon motion by Senator Dillingham, seconded by Senator Lee, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Lee, Nobriga, Silva and Mr. President. Total, 13.

Noes: None.

Excused and not voting: Senators Fernandes and Hill. Total, 2.

At 4:50 o'clock p.m., upon motion by Senator Heen, seconded by Senator Blaisdell, and carried, the Senate adjourned until 10:00 o'clock a.m., on Friday, October 7, 1949.

Ellen D. Smythe
Clerk of the Senate.

Approved:

William H. Heen
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ *Session, 19* 49

SIXTY-THIRD Day

FRIDAY, OCTOBER 7, 1949

ELLEN D. SMYTHE
*Clerk*

JOURNAL OF THE SENATE

SIXTY-THIRD DAY

Friday, October 7, 1949.

The Senate convened at 10:30 o'clock a.m., with President Tsukiyama presiding.

The Divine Blessing was invoked by Reverend Solomon Kuni, Chaplain for the House of Representatives, in the absence of the Senate Chaplain.

The Roll was called, showing all Senators present, with the exception of Senator Fernandes, excused, and Senator Dillingham, temporarily excused.

A communication from the County Clerk, County of Maui (Dept. Com. No. 26), acknowledging receipt of certified copy of Senate Resolution No. 15, was read by the Clerk as follows:

(Dept. Com. No. 26)

The communication was received and placed on file.

A communication from Frank G. Serrao, newly appointed Commissioner of Public Lands (Dept. Com. No. 27), expressing appreciation for the confidence shown by the Senate in its confirmation of his appointment, was read by the Clerk as follows:

(Dept. Com. No. 27)

The communication was received and placed on file.

A communication from the Secretary of Hawaii (Dept. No. 28), informing the Senate that the Governor had signed Senate Bill No. 35, as Act 12, was read by the Clerk as follows:

(Dept. Com. No. 28)

The communication was received and placed on file.

Senator Silva, for the Committee on Enrollment, Revision and Printing, presented a report (Stand. Com. Rep. No. 34), reporting on the mimeographing of matters referred to it, which was read by the Clerk as follows:

(Stand. Com. Rep. No. 34)

The report was received and placed on file.

Senator Lee moved that all Senate Bills on the calendar today for Second Reading be referred to the Committee of the Whole. Seconded by Senator Duarte, and carried; and the following bills were thereupon referred to the Committee of the Whole, of which President Tsukiyama is Chairman:

Senate Bill No. 61, entitled: "An Act providing employment and vocational training to certain unemployed; creating the Hawaiian Civilian Conservation Corps within the Board of Agriculture and Forestry; and making an appropriation";

Senate Bill No. 62, entitled: "An Act providing for guaranteed loans to owners of certain small businesses for the purpose of stimulating the industrial and economic expansion of the Territory; creating the Small Business Loan Board and prescribing its membership, powers and duties; creating the Small Business Loan Guarantee Fund; and making an appropriation"; and

Senate Bill No. 63, entitled: "An Act to provide funds for unemployment relief and increasing the tax on compensation and the income tax on corporations for such purposes".

Senator Lee then moved that all House Bills and House Joint Resolution No. 4, on today's calendar for Second Reading be referred to the Committee of the Whole, of which President Tsukiyama is Chairman. The motion was seconded by Senator Duarte, and carried; and the following House Bills and House

Joint Resolution thereupon were referred to the Committee of the Whole, with President Tsukiyama as Chairman:

House Bill No. 26, entitled: "An Act relating to opihis and providing penalties";

House Bill No. 35, entitled: "An Act authorizing the county of Hawaii to levy an amusement tax and providing that the revenue realized be exclusively used for the county of Hawaii in promoting recreation and the building, development, and maintenance of public parks and playgrounds";

House Bill No. 45, entitled: "An Act amending chapter 124 of the Revised Laws of Hawaii 1945, as amended, by amending Section 6384 thereof";

House Bill No. 65, entitled: "An Act making an appropriation for the maintenance of the Waikiki War Memorial Natatorium";

House Bill No. 66, entitled: "An Act amending Section 1256 of the Revised Laws of Hawaii 1945, as amended, relating to commercial fishing";

House Bill No. 68, entitled: "An Act to provide funds for the eradication of rats in Kona, Hawaii; amending Act 335 of the Session Laws of Hawaii 1949 for such purpose";

House Bill No. 81, entitled: "An Act to amend Section 9713 of the Revised Laws of Hawaii 1945, to permit military legal officers to represent military personnel in the District Courts in cases involving the driving of military vehicles";

House Bill No. 83, entitled: "An Act to amend Section 710 of the Revised Laws of Hawaii 1945, as amended, relating to the Retirement System";

House Bill No. 84, entitled: "An Act to amend Section 5151 of the Revised Laws of Hawaii 1945, as amended, relating to exemptions from real property tax"; and

House Joint Resolution No. 4, entitled: "Joint Resolution to permit the advancement to the county of Kauai, on a loan basis, repayable during the year 1950, of certain unexpended balances appropriated to the said county by Act 277, Session Laws of Hawaii 1945, and Act 124, Session Laws of Hawaii 1949".

At this time, Senator Heen moved that the Senate resolve itself into a Committee of the Whole for the consideration of the subject-matter of Senate Concurrent Resolution No. 4, relating to Major Arthur B. Chun; Senate Bills Nos. 1, 4 and 6, relating to strike legislation; Senate Bill No. 54 and House Bills Nos. 27, 28, 29, 33, 36, 37, 38, 44, 50, 59 and 62, and other matters pending before the said Committee. Seconded by Senator Lee, and carried; and at 10:35 o'clock a.m., the Senate resolved itself into a Committee of the Whole, with President Tsukiyama as Chairman, for the consideration of the above enumerated measures.

At 3:45 o'clock p.m., the Committee rose and the Senate reconvened with twelve Senators present, Senator Aguiar and Senator Blaisdell having been excused from the balance of today's session.

Senator Heen, for the Committee of the Whole, having under consideration certain measures pending before said Committee, reported orally, recommending that Senate Concurrent Resolution No. 4 be placed on file; that Senate Bill No. 54 pass[illegible] Second Reading, as amended; and further reporting progress on all other measures pending before said Committee and asking leave to sit again thereon tomorrow.

Upon motion by Senator Heen, seconded by Senator Lee, the oral report of the Committee was adopted, a written report to be filed later.

Senate Concurrent Resolution No. 4 was thereupon placed on file; and Senate Bill No. 54, as amended, passed Second Reading and was placed on the calendar for Third Reading tomorrow.

Senator Lee, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Concurrent Resolution No. 3, presented a report (Conf. Com. Rep. No. 3), recommending the adoption of the Concurrent Resolution in the amended form attached, which was read by the Clerk as follows:

(Conf. Com. Rep. No. 3)

Upon motion by Senator Lee, seconded by Senator Hill, the report of the Committee was unanimously adopted, thereby adopting Senate Concurrent Resolution No. 3 in the amended form.

A communication from the City and County Clerk (Dept. Com. No. 29), transmitting a completed set of a joint resolution relating to approach roads through Nuuanu and Kalihi Valley, etc., and an alternative joint resolution relating to the construction of the proposed Nuuanu Pali highway, was read by the Clerk as follows:

(Dept. Com. No. 29)

The communication and joint resolutions were received and, upon motion by Senator Hill, seconded by Senator Lee, were referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

A communication from the House (H. Com. No. 74), transmitting House Bill No. 34, was read by the Clerk as follows:

(H. Com. No. 74)

The communication was received and placed on file.

First Reading of House Bill No. 34, entitled: "An Act to amend Section 1223 of the Revised Laws of Hawaii 1945, as amended, relating to fishing":

Upon motion by Senator Goodness, seconded by Senator Lee, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 75), transmitting House Bill No. 40, was read by the Clerk as follows:

(H. Com. No. 75)

The communication was received and placed on file.

First Reading of House Bill No. 40, entitled: "An Act to amend Act 401, Session Laws of Hawaii 1949, relating to public improvements and the financing thereof":

Upon motion by Senator Goodness, seconded by Senator Lee, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 76), transmitting House Bill No. 46, was read by the Clerk as follows:

(H. Com. No. 76)

The communication was received and placed on file.

First Reading of House Bill No. 46, entitled: "An Act to amend Act 232, Session Laws of 1949, relating to the office hours and hours of work of officers and employees of the Territory of Hawaii, the several counties and the boards and commissions thereof":

Upon motion by Senator Goodness, seconded by Senator Lee, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 77), transmitting House Bill No. 63, was read by the Clerk as follows:

(H. Com. No. 77)

The communication was received and placed on file.

First Reading of House Bill No. 63, entitled: "An Act amending Section 5482 of the Revised Laws of Hawaii 1945, relating to the general excise tax":

Upon motion by Senator Goodness, seconded by Senator Lee, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 78), transmitting House Bill No. 70, was read by the Clerk as follows:

(H. Com. No. 78)

The communication was received and placed on file.

First Reading of House Bill No. 70, entitled: "An Act to amend Sections 484, 487 and 488, Revised Laws of Hawaii 1945, as amended, pertaining to the bonds of public officers":

Upon motion by Senator Goodness, seconded by Senator Lee, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 79), transmitting House Bill No.80, was read by the Clerk as follows:

(H. Com. No. 79)

The communication was received and placed on file.

First Reading of House Bill No. 80, entitled: "An Act to amend certain sections of chapter 127 of the Revised Laws of Hawaii 1945, relating to and affecting the subdivision of land within the City and County of Honolulu":

Upon motion by Senator Goodness, seconded by Senator Lee, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 80), returning Senate Bill No. 40, was read by the Clerk as follows:

(H. Com. No. 80)

The communication was received and placed on file.

A communicatom from the House (H. Com. No. 81), informing the Senate that the House had disagreed to the amendments proposed by the Senate to House Bill No. 25, had requested a conference thereon, and had appointed Representatives Andrews, Itagaki and Apaka as Managers on the part of the House for the consideration of said amendments, was read by the Clerk as follows:

(H. Com. No. 81)

The communication was received and placed on file.

The President thereupon appointed Senators Heen, Ansai and Hill as Conferees on the part of the Senate at such conference.

A communication from the House (H. Com. No. 82), returning Senate Bill No. 47, with an amendment, was read by the Clerk as follows:

(H. Com. No. 82)

The communication was received and placed on file.

Senator Hill moved that action on the amendment be deferred until tomorrow. Seconded by Senator Goodness, and carried.

Senators Lee, Heen, Blaisdell, Dillingham, Nobriga, Silva, Duarte, Goodness, Capellas, Hill and Ansai offered a Resolution (S. Res. No. 28), requesting the Governor to submit for the consideration of the Senate a list of all vacancies now existing in such positions as must be filled under the terms of Section 80 of the Hawaiian Organic Act, together with his nominations to fill such vacancies, which was read by the Clerk as follows:

(S. Res. No. 28)

Senator Hill offered the following amendment:

"Amend Senate Resolution No. 28 as follows:

"Delete the words and punctuation 'until January,', in the 9th line of the typewritten Resolution and insert after the word 'again' in said line 9, a 'comma' and the following: 'in regular session,' so that the line shall read: "the legislature will not be convened again, in regular session, until 1951'".

Upon motion by Senator Hill, seconded by Senator Nobriga, the amendment was adopted.

Upon motion by Senator Hill, seconded by Senator Nobriga, the Resolution, as amended, was adopted.

Consideration of Senate Resolution No. 27, relating to the appointment, by the Governor, of government employees on boards and commissions, deferred from yesterday:

Senator Nobriga offered the following amendment thereto:

"Amend Senate Resolution No. 27 to read as set forth in the draft hereto attached and made a part hereof:

'RESOLUTION

'BE IT RESOLVED by the Senate of the Legislature of the Territory of Hawaii, in Special Session assembled, that the Governor of Hawaii be, and he is hereby requested, in making appointments of members of boards or commissions of the Territory or of any of its political subdivisions, to select such members in such manner, in so far as practicable, that at no time will there be, as members of such boards or commissions, a voting majority composed of employees, either part or full time, of the Territory of Hawaii or of any political subdivision thereof; and

'BE IT FURTHER RESOLVED that a certified copy of this Resolution be transmitted to the Governor of Hawaii.'"

Senator Nobriga moved for the adoption of the amendment. Seconded by Senator Silva, and carried.

Upon motion by Senator Silva, seconded by Senator Nobriga, the Resolution, as amended, was adopted.

Consideration of Governor's Messages Nos. 9, 11 and 12, relating to appointments, deferred:

Upon motion by Senator Heen, seconded by Senator Lee, action on the Messages was further deferred until Monday, October 10th.

At 4:05 o'clock p.m., upon motion by Senator Ansai, seconded by Senator Lee, the Senate adjourned until 10:00 o'clock a.m., on Saturday, October 8, 1949.

Ellen D. Smythe
Clerk of the Senate.

Approved:

Wilfred C. Tsukiyama
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
*Regular Session, 19* 49

SIXTY-FOURTH Day

SATURDAY, OCTOBER 8, 1949

ELLEN D. SMYTHE
*Clerk*

JOURNAL OF THE SENATE

SIXTY-FOURTH DAY

Saturday, October 8, 1949.

The Senate convened at 10:40 o'clock a.m., with the President presiding.

After Prayer by Chaplain Judd, the Roll was called showing all Senators present, with the exception of Senators Aguiar and Fernandes, excused.

The Journal of the Sixty-Third Day was read and approved.

Consideration of the amendment proposed by the House to Senate Bill No. 47, deferred from yesterday:

Upon motion by Senator Hill, seconded by Senator Silva, action on the amendment was further deferred until later on the calendar.

Senator Heen moved that all House bills on the calendar for Second Reading today be referred to the Committee of the Whole, of which President Tsukiyama is Chairman. Seconded by Senator Hill, and carried; and the following House Bills were thereupon referred to the Committee of the Whole, of which President Tsukiyama is Chairman:

House Bill No. 34, entitled: "An Act to amend Section 1223 of the Revised Laws of Hawaii 1945, as amended, relating to fishing";

House Bill No. 40, entitled: "An Act to amend Act 401, Session Laws of Hawaii 1949, relating to public improvements and the financing thereof";

House Bill No. 46, entitled: "An Act to amend Act 232, Session Laws of 1949, relating to the office hours and hours of work of officers and employees of the Territory of Hawaii, the several counties and the boards and commissions thereof";

House Bill No. 63, entitled: "An Act amending Section 5482 of the Revised Laws of Hawaii 1945, relating to the general excise tax";

House Bill No. 70, entitled: "An Act to amend Sections 484, 487 and 488, Revised Laws of Hawaii 1945, as amended, pertaining to the bonds of public officers"; and

House Bill No. 80, entitled: "An Act to amend certain sections of Chapter 127 of the Revised Laws of Hawaii 1945, relating to and affecting the subdivision of land within the City and County of Honolulu".

Senators Heen, Goodness, Duarte, Ansai, Tsukiyama, Blaisdell, Capellas, Hill, Silva and Akana introduced a bill (S. B. No. 64), entitled: "An Act to amend Act 393, Session Laws of 1949, relating to the elimination of reckless and irresponsible drivers from the highways and providing for the giving of security and proof of financial responsibility by owners and operators of motor vehicles, and to amend Part I, Chapter 140 of the Revised Laws of Hawaii 1945 relating to the uniform automobile liability security Act".

Upon motion by Senator Silva, seconded by Senator Hill, the bill passed First Reading and was referred to the Printing Committee.

Third Reading of Senate Bill No. 54, as amended, entitled: "An Act relating to taxation; exempting from taxation all property actually and solely used in the manufacture, refining or separation of asphalt products, gas oil, petroleum products, and butane, propane and other gases from crude oil or a straight-run residuum of crude oil, or a blend of a gas and such crude

oils, and exempting from taxation the gross income of and privilege of engaging in the business of such manufacture, refining or separation and the business of sale of such products; and exempting from taxation all property actually and solely used in connection with the planting and growing for export to the continental United States, or the packing and processing for such export, of flowers, plants or foliage, and exempting from taxation the gross income of and privilege of engaging in the business of such planting and growing, or packing and processing, of such flowers, plants or foliage":

Upon motion by Senator Silva, seconded by Senator Hill, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Blaisdell, Capellas, Dillingham, Duarte, Hill, Nobriga, Silva and Mr. President. Total, 8.

Noes: Senators Akana, Ansai, Goodness, Heen and Lee. Total, 5.

Excused and not voting: Senators Aguiar and Fernandes. Total, 2.

At 11:10 o'clock a.m., upon motion by Senator Hill, seconded by Senator Lee, the Senate resolved itself into a Committee of the Whole, with President Tsukiyama as Chairman, for the consideration of Senate Bill No. 4, relating to strike legislation.

At 12:15 o'clock p.m., the Committee rose and the Senate reconvened.

Senator Heen, for the Committee of the Whole, having under consideration Senate Bill No. 4 orally reported progress and asked leave to sit again thereon.

Upon motion by Senator Heen, seconded by Senator Hill, the oral report of the Committee was adopted.

Consideration of amendment proposed by the House to Senate Bill No. 47, action on which was deferred until earlier on the calendar:

Upon motion by Senator Hill, seconded by Senator Silva, action on the amendment was further deferred to Monday, October 10th.

Upon motion by Senator Heen, seconded by Senator Lee, and carried, at 12:17 o'clock p.m., the Senate adjourned until 10:00 o'clock a.m., on Monday, October 10, 1949.

Ellen D. Smythe
Clerk of the Senate.

Approved:

President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ *Session, 19* 49

SIXTY-FIFTH Day

MONDAY, OCTOBER 10, 19 49

ELLEN D. SMYTHE
*Clerk*

JOURNAL OF THE SENATE

SIXTY-FIFTH DAY

Monday, October 10, 1949.

The Senate convened at 10:20 o'clock a.m., with President Tsukiyama presiding.

The Divine Blessing was invoked by Chaplain Judd, after which the Roll was called, showing all members present, with the exception of Senator Fernandes, excused; and Senator Silva, temporarily excused.

The Journal of the Sixty-Fourth Day was read and approved.

A communication from Mrs. Grace C. Hamman, Director of the Department of Conservation of Sight and Work with the Blind (Dept. Com. No. 30), asking for the enactment of a joint resolution requesting the Department of Public Works to rebuild or repair present vending stands operated by blind persons and to include plans and construction of vending stands in new buildings, was read by the Clerk as follows:

(Dept. Com. No. 30)

The communication was received and, upon motion by Senator Duarte, seconded by Senator Goodness, was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

A communication from the Kaneohe-Kualoa Improvement Club (Misc. Com. No. 27), supporting House Bill No. 84, relating to tax exemptions for eleemosynary institutions occupying leased land, was read by the Clerk as follows:

(Misc. Com. No. 27)

The communication was received and, upon motion by Senator Heen, seconded by Senator Lee, was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

A communication from the Windward Oahu Community Association, Inc. (Misc. Com. No. 28), supporting House Bill No. 84, was read by the Clerk as follows:

(Misc. Com. No. 28)

The communication was received and, upon motion by Senator Heen, seconded by Senator Lee, was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

Consideration of amendment proposed by the House to Senate Bill No. 47, action on which was deferred on October 8th:

Upon motion by Senator Hill, seconded by Senator Goodness, action on the amendment was deferred until later on the calendar.

Senator Duarte, for Senator Silva, for the Committee on Enrollment, Revision and Printing, presented a report (Stand. Com. Rep. No. 35), reporting on the mimeographing of matters referred to said Committee, which was read by the Clerk as follows:

(Stand. Com. Rep. No. 35)

The report was received and placed on file.

Senator Duarte, for Senator Silva, for the Committee on Enrollment, Revision and Printing, presented a report (Stand. Com. Rep. No. 37), reporting on the mimeographing of Senate Bill No. 64, which was read by the Clerk as follows:

(Stand. Com. Rep. No. 36)

The report was received and placed on file.

Second Reading of Senate Bill No. 64, entitled: "An Act to amend Act 393, Session Laws of 1949, relating to the elimination of reckless and irresponsible drivers from the highways and

providing for the giving of security and proof of financial responsibility by owners and operators of motor vehicles, and to amend Part I, Chapter 140 of the Revised Laws of Hawaii 1945 relating to the Uniform Automobile Liability Security Act":

Senator Goodness moved that the Rules be suspended and the bill be read throughout on Second Reading. Seconded by Senator Duarte.

Senator Heen moved that the bill be referred to the Committee of the Whole, of which President Tsukiyama is Chairman. Seconded by Senator Dillingham, and carried.

Senator Capellas, for the Committee on Accounts and Public expenditures, presented a report (Stand. Com. Rep. No. 37), reporting on the accounts of the Senate as of this date, which was read by the Clerk as follows:

(Stand. Com. Rep. No. 37)

Upon motion by Senator Capellas, seconded by Senator Dillingham, the report of the Committee was adopted.

At 10:40 o'clock a.m., upon motion by Senator Lee, seconded by Senator Heen, the Senate resolved itself into a Committee of the Whole, with President Tsukiyama as Chairman, for the consideration of measures pending before said Committee.

At 4:25 o'clock p.m., the Committee rose, and the Senate reconvened with fourteen members present.

Senator Heen, for the Committee of the Whole, reported orally, recommending the passage of Senate Bill No. 4 on Second Reading, in an amended form; recommended the passage of Senate Bill No. 19, recommitted to the Committee on Third Reading, in an amended form, and that action on Third Reading be deferred until tomorrow; and further recommending the passage on Second Reading of Senate Bills Nos. 61, 63 and 64; and the passage of House Bill No. 65, as amended, on Second Reading; and asking leave to sit again tomorrow on House Joint Resolution

No. 4, and also reporting progress and asking leave to sit again on all other measures pending before the said Committee.

Upon motion by Senator Heen, seconded by Senator Goodness, the oral report of the Committee was adopted. Senate Bill No. 4, in the amended form, passed Second Reading and was placed on the calendar for Third Reading tomorrow; action on Third Reading on Senate Bill No. 19, in the amended, in the amended form, was deferred until tomorrow; and Senate Bills Nos. 61, 63 and 64 and House Bill No. 65, as amended, passed Second Reading and were placed on the calendar for Third Reading tomorrow.

At this time, Senator Silva moved that Senate Bill No. 62, which had been referred to the Committee of the Whole, be taken out of said Committee and be returned to the Senate. The motion was seconded by Senator Nobriga, and carried.

The bill having been returned to the Senate, Senate Hill moved that action on the bill, on Second Reading, be deferred until later on the calendar. Seconded by Senator Akana, and carried.

A Message from the Governor (Gov. Message No. 14), transmitting a copy of a letter received from the Chief Clerk of the United States Senate Committee on Interior and Insular Affairs, acknowledging receipt of House Concurrent Resolution No. 3 adopted by the Legislature, urging favorable consideration of H. R. 4686, was read by the Clerk as follows:

(Gov. Message No. 14)

The Message was received and placed on file.

A communication from the House (H. Com. No. 83), informing the Senate that the House had adopted the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Concurrent Resolution No. 3, and that the said Concurrent Resolution had been adopted in accordance therewith, was read by the Clerk as follows:

(H. Com. No. 83)

The communication was received and placed on file.

A communication from the House (H. Com. No. 84), transmitting House Bill No. 39, was read by the Clerk as follows:

(H. Com. No. 84)

The communication was received and placed on file.

First Reading of House Bill No. 39, entitled: "An Act to amend Chapter 94, Revised Laws of Hawaii 1945, relating to home exemption":

Upon motion by Senator Goodness, seconded by Senator Lee, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 85), transmitting House Bill No. 82, was read by the Clerk as follows:

(H. Com. No. 85)

The communication was received and placed on file.

First Reading of House Bill No. 82, entitled: "An Act creating the Industrial Loan Guarantee Fund for the stimulation of business and industrial expansion of the Territory through the guarantee of loans for new and for established businesses and industries; creating the Industrial Loan Guarantee Board and prescribing its membership, powers and duties; and making an appropriation":

Upon motion by Senator Goodness, seconded by Senator Lee, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 86), transmitting House Bill No. 92, was read by the Clerk as follows:

(H. Com. No. 86)

The communication was received and placed on file.

First Reading of House Bill No. 92, entitled: "An Act amending Act 101, Session Laws of Hawaii 1949, relating to construction of certain buildings for the University of Hawaii at Kainaliu, North Kona, Hawaii":

Upon motion by Senator Goodness, seconded by Senator Lee, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 87), returning Senate Bill No. 42, was read by the Clerk as follows:

(H. Com. No. 87)

The communication was received and placed on file.

A communication from the House (H. Com. No. 88), returning Senate Bill No. 48 in an amended form, was read by the Clerk as follows:

(H. Com. No. 88)

The communication was received and placed on file.

Senator Hill moved that the Senate do not concur in the amendments proposed by the House, and that a Conference Committee be appointed for the consideration of said amendments. Seconded by Senator Duarte, and carried.

The President thereupon appointed Senators Silva, Blaisdell and Duarte as Conferees on the part of the Senate at such conference.

A communication from the House (H. Com. No. 89), informing the Senate that the House had reconsidered its action in passing House Joint Resolution No. 3 on Third Reading, and requesting its return to the House for further consideration, was read by the Clerk as follows:

(H. Com. No. 89)

The communication was received and placed on file.

Senator Hill moved that the Clerk be instructed to return the joint resolution to the House in compliance with said request. Seconded by Senator Akana, and carried.

Senator Silva offered a Concurrent Resolution (S. Con. Res. No. 5), requesting the Governor to return Senate Bill No. 43 to the Senate for the purpose of making certain corrections therein, which was read by the Clerk as follows:

(S. Con. Res. No. 5)

Upon motion by Senator Silva, seconded by Senator Nobriga, the Concurrent Resolution was adopted.

By a two-thirds vote of the Senate, as provided in Senate Resolution No. 25, Senators Silva and Nobriga introduced a bill (S. B. No. 65), entitled: "An Act amending Act 117, Session Laws of Hawaii 1949, relating to the Board of Commissioners of Agriculture and Forestry: regulating the class, quality, condition, size, container, packing and shipment of island grown fresh fruits, vegetables, and nuts to points outside of the Territory; providing for minimum grade and container standards for such shipments and compulsory inspection thereof; authorizing the assessment and collection of fees and other charges; providing penalties and making appropriations".

Upon motion by Senator Silva, seconded by Senator Nobriga, the bill passed First Reading by title and was referred to the Printing Committee.

By a two-thirds vote of the Senate, as provided in Senate Resolution No. 25, Senator Dillingham was permitted to introduce a bill (S. B. No. 66), entitled: "An Act relating to the duties of the County and City and County Jailors and amending Section 3906, Revised Laws of Hawaii 1945".

Upon motion by Senator Dillingham, seconded by Senator Hill, the bill passed First Reading by title and was referred to the Printing Committee.

By a two-thirds vote of the Senate, as provided in Senate Resolution No. 25, Senator Heen was permitted to introduce a bill (S. B. No. 67), entitled: "An Act amending Section 9610 of the Revised Laws of Hawaii 1945 relating to the Supreme Court".

Upon motion by Senator Heen, seconded by Senator Hill, the bill passed First Reading by title and was referred to the Printing Committee.

At this time, Senator Silva moved that the Senate reconsider its action taken earlier on the calendar in disagreeing to the amendments proposed by the House to Senate Bill No. 48 and in appointing a Conference Committee for the consideration of said amendments. Seconded by Senator Goodness, and carried.

Senator Silva thereupon moved that the Senate concur in the amendments proposed by the House. Seconded by Senator Nobriga.

Senator Heen moved to refer the bill in the amended form to the Committee of the Whole, of which President Tsukiyama is Chairman. Seconded by Senator Dillingham.

A Roll Call being demanded, the motion to refer the bill in the amended form returned by the House to the Committee of the Whole, with President Tsukiyama as Chairman, was put, and carried, on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Heen, Hill, Lee and Mr. President. Total, 11.

Noes: Senators Goodness, Nobriga and Silva. Total, 3.

Excused and not voting: Senator Fernandes. Total, 1.

By a two-thirds vote of the Senate, as provided in Senate Resolution No. 25, Senator Heen was permitted to introduce a bill (S. B. No. 67), entitled: "An Act amending Section 9610 of the Revised Laws of Hawaii 1945 relating to the Supreme Court".

Upon motion by Senator Heen, seconded by Senator Hill, the bill passed First Reading by title and was referred to the Printing Committee.

At this time, Senator Silva moved that the Senate reconsider its action taken earlier on the calendar in disagreeing to the amendments proposed by the House to Senate Bill No. 48 and in appointing a Conference Committee for the consideration of said amendments. Seconded by Senator Goodness, and carried.

Senator Silva thereupon moved that the Senate concur in the amendments proposed by the House. Seconded by Senator Nobriga.

Senator Heen moved to refer the bill in the amended form to the Committee of the Whole, of which President Tsukiyama is Chairman. Seconded by Senator Dillingham.

A Roll Call being demanded, the motion to refer the bill in the amended form returned by the House to the Committee of the Whole, with President Tsukiyama as Chairman, was put, and carried, on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Heen, Hill, Lee and Mr. President. Total, 11.

Noes: Senators Goodness, Nobriga and Silva. Total, 3.

Excused and not voting: Senator Fernandes. Total, 1.

At this time, Senator Heen moved that the Senate go into Executive Session for the consideration of Governor's Messages Nos. 9, 11 and 12. Seconded by Senator Blaisdell, and carried; and at 4:55 o'clock p.m., the Senate went into Executive Session for such purpose.

The Executive Session being ended at 5:25 o'clock p.m., the Senate reconvened, and the Clerk was instructed to communicate with the Governor as follows:

(Insert communication to Governor)

At this time, the President excused Senator Blaisdell from the balance of today's session.

Consideration, on Second Reading of Senate Bill No. 62, entitled: "An Act providing for guaranteed loans to owners of certain small businesses for the purpose of stimulating the industrial and economic expansion of the Territory; creating the small business loan board and prescribing its membership, powers and duties; creating the small business loan guarantee fund; and making an appropriation"; deferred from earlier on the calendar:

Upon motion by Senator Nobriga, seconded by Senator Silva, the bill passed Second Reading and was placed on the calendar for Third Reading tomorrow.

Consideration of the amendment proposed by the House to Senate Bill No. 47, deferred from earlier on the calendar:

Senator Lee moved that the Senate concur in the amendment proposed by the House. Seconded by Senator Hill; and Senate Bill No. 47, entitled: "An Act to amend Chapter 2 of the Revised Laws of Hawaii 1945, relating to civil service, by amending subsection (12) of Section 68 thereof" passed Final Reading on the following showing of Ayes and Noes:

Ayes: Senators Akana, Capellas, Dillingham, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 9.

Noes: Senators Aguiar, Ansai, Duarte and Goodness. Total, 4.

Excused and not voting: Senators Blaisdell and Fernandes. Total, 2.

At 5:31 o'clock p.m., upon motion by Senator Lee, seconded by Senator Dillingham, the Senate adjourned until 10:00 o'clock a.m., on Tuesday, October 11, 1949.

Ellen D'Smythe
Clerk of the Senate.

Approved:

President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ Session, 19 49

SIXTY-SIXTH Day

TUESDAY, OCTOBER 11, 19 49

~~ELLEN D. SMYTHE~~
Clerk

JOURNAL OF THE SENATE

SIXTY-SIXTH DAY

Tuesday, October 11, 1949.

The Senate convened at 10:21 o'clock a.m., with President Tsukiyama in the Chair.

The opening Prayer was offered by Chaplain Judd, after which the Roll was called, showing all Senators present, with the exception of Senators Dillingham and Lee, temporarily excused, and Senator Fernandes, excused.

The Journal of the Sixty-Fifth Day was read and approved.

A communication from the Secretary of Hawaii (Dept. Com. No. 31), informing the Senate that the Governor had signed House Bill No. 31 as Act 13, was read by the Clerk as follows:

(Dept. Com. No. 31)

The communication was received and placed on file.

A communication from the Deputy Clerk, County of Kauai (Dept. Com. No. 32), acknowledging receipt of Senate Resolution No. 15, was read by the Clerk as follows:

(Dept. Com. No. 32)

The communication was received and placed on file.

A communication from the President of the Hawaiian Civic Club (Misc. Com. No. 29), quoting a Resolution adopted by the said Club, relative to the proposal to lease Hawaiian Homes "available lands" to a large number of persons, in small areas, urging the Hawaiian Homes Commission to oppose such a policy, etc., was read by the Clerk as follows:

(Misc. Com. No. 29)

The communication was received and, upon motion by Senator Nobriga, seconded by Senator Silva, it was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

Senator Silva, for the Committee on Enrollment, Revision and Printing, presented a report (Stand. Com. Rep. No. 38), reporting on the mimeographing of matters referred to said Committee, which was read by the Clerk as follows:

(Stand. Com. Rep. No. 38)

The report was received and placed on file.

Second Reading of Senate Bill No. 65, entitled: "An Act amending Act 117, Session Laws of Hawaii 1949, relating to the Board of Commissioners of Agriculture and Forestry: regulating the class, quality, condition, size, container, packing and shipment of Island grown fresh fruits, vegetables, and nuts to points outside of the Territory; providing for minimum grade and container standards for such shipments and compulsory inspection thereof; authorizing the assessment and collection of fees and other charges; providing penalties and making appropriations":

Upon motion by Senator Goodness, seconded by Senator Aguiar, the bill was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

Second Reading of Senate Bill No. 66, entitled: "An Act relating to the duties of the County and City and County Jailors and amending Section 3906, Revised Laws of Hawaii 1945":

Upon motion by Senator Goodness, seconded by Senator Aguiar, the bill was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

Second Reading of Senate Bill No. 67, entitled: "An Act amending Section 9610 of the Revised Laws of Hawaii 1945 relating to the Supreme Court":

Upon motion by Senator Goodness, seconded by Senator Aguiar, the bill was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

At this time, Senator Aguiar moved that House Joint Resolution No. 4, which had been referred to the Committee of the Whole, be taken out of said Committee and be returned to the Senate for consideration. Seconded by Senator Goodness, and carried.

Consideration of House Joint Resolution Resolution No. 4, entitled: "Joint Resolution to permit the advancement to the County of Kauai, on a loan basis, repayable during the year 1950, of certain unexpended balances appropriated to the said county by Act 277, Session Laws of Hawaii 1945, and Act 124, Session Laws of Hawaii 1949":

Upon motion by Senator Aguiar, seconded by Senator Goodness, the joint resolution was placed on file.

Senator Blaisdell moved that all House Bills on the calendar for Second Reading today be referred to the Committee of the Whole. Seconded by Senator Silva and carried; and the following House Bills were thereupon referred to the Committee of the Whole, of which President Tsukiyama is Chairman:

House Bill No. 39, entitled: "An Act to amend Chapter 94, Revised Laws of Hawaii 1945, relating to home exemption;

House Bill No. 82, entitled: "An Act creating the Industrial Loan Guarantee Fund for the stimulation of business and industrial expansion of the Territory through the guarantee of loans for new and for established businesses and indus-

tries; creating the Industrial Loan Guarantee Board and prescribing its membership, powers and duties; and making an appropriation"; and

House Bill No. 92, entitled: "An Act amending Act 101, Session Laws of Hawaii 1949, relating to construction of certain buildings for the University of Hawaii at Kainaliu, North Kona, Hawaii".

Third Reading of Senate Bill No. 4, as amended, entitled: "An Act relating to the stevedoring industry (herein defined to include terminal and other related services); declaring such industry to be essential to the public health, safety and welfare; declaring that strikes, lockouts, stoppages, slowdowns, or retardation of service in said industry imperil the public health, safety and welfare; providing for the peaceful settlement of labor disputes in said industry; prohibiting strikes, lockouts, stoppages, slowdowns, or retardation of service in said industry, except under prescribed conditions; providing for the Territory of Hawaii to seize and take possession of and operate the plants and other facilities, including related facilities, of such stevedoring industry in the event of strikes, lockouts, stoppages, slowdowns, or retardation of service in such industry; making provisions against interference with the conduct of such operations by the Territory by strikes, boycotts, picketing, or other means; conferring certain powers and imposing certain duties upon the governor of the Territory of Hawaii in regard to such industry, before and during such strikes, lockouts, stoppages, slowdowns, or retardation of service; providing for injunctions and other remedies of the government to enforce the provisions of this Act and criminal penalties for violations of certain provisions hereof; making an appropriation and providing other funds in connection herewith":

Upon motion by Senator Blaisdell, seconded by Senator Silva, action on the bill was deferred until later on the calendar.

Third Reading of Senate Bill No. 19, as amended, entitled: "An Act relating to government employment, prohibiting strikes, stoppage, slowdown, retardation or other concerted interruption of work or services therein, and providing for remedies of the government against violations of this Act":

Upon motion by Senator Heen, seconded by Senator Nobriga, action on the bill was deferred until later on the calendar.

Third Reading of Senate Bill No. 61, entitled: "An Act providing employment and vocational training to certain unemployed; creating the Hawaiian Civilian Conservation Corps within the Board of Agriculture and Forestry; and making an appropriation":

Upon motion by Senator Aguiar, seconded by Senator Ansai, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Duarte, Goodness, Heen, Hill, Nobriga, Silva and Mr. President. Total, 12.

Noes: None.

Excused and not voting: Senators Dillingham, Fernandes and Lee.

Third Reading of Senate Bill No. 62, entitled: "An Act providing for guaranteed loans to owners of certain small businesses for the purpose of stimulating the industrial and economic expansion of the Territory; creating the small business loan board and prescribing its membership, powers and duties; creating the Small Business Loan Guarantee Fund; and making an appropriation":

Upon motion by Senator Hill, seconded by Senator Nobriga, the bill was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

Third Reading of Senate Bill No. 63, as amended, entitled: "An Act to provide funds for unemployment relief and increasing the tax on compensation and the income tax on corporations for such purposes":

Senator Duarte offered the following amendment:

"Amend Section 3 to read as follows:

'SECTION 3. This Act shall take effect on January 1, 1950.'"

Upon motion by Senator Duarte, seconded by Senator Goodness, the amendment was adopted.

Senator Duarte moved that the bill, as amended, pass Third Reading. Seconded by Senator Goodness.

The motion to pass the bill, as amended, on Third Reading was put, and failed to carry on the following showing of Ayes and Noes:

Ayes: Ayes: Senators Aguiar, Capellas, Duarte, Goodness, Heen, Nobriga and Silva. Total, 7.

Noes: Senators Akana, Ansai, Blaisdell, Hill and Mr. President. Total, 5.

Excused and not voting: Senators Dillingham, Fernandes and Lee. Total, 3.

Senators Dillingham and Lee having come into the session while the Roll was being called on Senate Bill No. 63, as amended, were excused from voting thereon.

Third Reading of Senate Bill No. 64, entitled: "An Act to amend Act 393, Session Laws of 1949, relating to the elimination of reckless and irresponsible drivers from the highways

and providing for the giving of security and proof of financial responsibility by owners and operators of motor vehicles, and to amend Part I, Chapter 140 of the Revised Laws of Hawaii 1945 relating to the Uniform Automobile Liability Security Act":

Senator Goodness moved that the bill pass Third Reading. Seconded by Senator Aguiar.

Senator Dillingham moved to defer action on the bill until later on the calendar. Seconded by Senator Lee.

Senator Goodness moved to table the motion to defer action on the bill until later on the calendar. Seconded by Senator Duarte.

A Roll Call being demanded, the motion to table the motion to defer action on the bill until later on the calendar as put, and lost, on the following showing of Ayes and Noes:

Ayes: Senators Ansai, Duarte, Goodness, Nobriga and Silva. Total, 5.

Noes: Senators Aguiar, Akana, Blaisdell, Capellas, Dillingham, Heen, Hill, Lee and Mr. President. Total, 9.

Excused and not voting: Senator Fernandes. Total, 1.

Senator Dillingham's motion to defer action on the bill until later on the calendar was thereupon put, and carried.

At this time, Senator Silva moved that the Senate reconsider its action in failing to pass Senate Bill No. 63 on Third Reading, as amended, earlier on today's calendar. The motion was seconded by Senator Nobriga, and carried.

Consideration, on Third Reading, of Senate Bill No. 63, as amended, entitled: "An Act to provide funds for unemployment relief and increasing the tax on compensation and the income tax on corporations for such purposes":

Upon motion by Senator Aguiar, seconded by Senator Duarte, the bill, as amended, passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Capellas, Duarte, Goodness, Heen, Lee, Nobriga and Silva. Total, 8.

Noes: Senators Akana, Ansai, Blaisdell, Dillingham, Hill and Mr. President. Total, 6.

Excused and not voting: Senator Fernandes. Total, 1.

Third Reading of House Bill No. 65, as amended, entitled: "An Act making an appropriation for natatoriums and swimming pools, including the acquisition, construction, maintenance and operation of such natatoriums and swimming pools, and providing for the expenditure of said appropriation":

Upon motion by Senator Goodness, seconded by Senator Nobriga, the bill, as amended, passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 14.

Noes: None.

Excused and not voting: Senator Fernandes. Total, 1.

Senator Hill moved that the Senate at this time take up the consideration, on Third Reading, of Senate Bill No. 4, as amended, deferred earlier on the calendar: Seconded by Senator Dillingham, and carried.

Consideration, on Third Reading, of Senate Bill No. 4, as amended, entitled: "An Act relating to the stevedoring industry (herein defined to include terminal and other related services); declaring such industry to be essential to the public health, safety and welfare; declaring that strikes, lockouts, stoppages, slowdowns, or retardation of service in said industry imperil the public health, safety and welfare; providing for the peaceful settlement of labor disputes in said industry;

prohibiting strikes, lockouts, stoppages, slowdowns, or retardation of service in said industry, except under prescribed conditions; providing for the Territory of Hawaii to seize and take possession of and operate the plants and other facilities, including related facilities, of such stevedoring industry in the event of strikes, lockouts, stoppages, slowdowns, or retardation of service in such industry; making provisions against interference with the conduct of such operations by the Territory by strikes, boycotts, picketing, or other means; conferring certain powers and imposing certain duties upon the Governor of the Territory of Hawaii in regard to such industry, before and during such strikes, lockouts, stoppages, slowdowns, or retardation of service; providing for injunctions and other remedies of the government to enforce the provisions of this Act and criminal penalties for violations of certain provisions hereof; making an appropriation and providing other funds in connection herewith", action on which was deferred earlier on the calendar:

Upon motion by Senator Heen, seconded by Senator Hill, the bill, as amended, passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Akana, Ansai, Blaisdell, Capellas, Dillingham, Heen, Hill, Nobriga and Mr. President. Total, 9.

Noes: Senators Aguiar, Duarte, Goodness, Lee and Silva. Total, 5.

Excused and not voting: Senator Fernandes. Total, 1.

Consideration, on Third Reading, of Senate Bill No. 19, as amended, entitled: "An Act relating to government employment, prohibiting strikes, stoppage, slowdown, retardation or other concerted interruption of work or services therein, and providing for remedies of the government against violations of this Act", deferred from earlier on the calendar:

Upon motion by Senator Heen, seconded by Senator Akana, the bill, as amended, passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 13.

Noes: Senator Aguiar. Total, 1.

Excused and not voting: Senator Fernandes. Total, 1.

A communication from the House (H. Com. No. 90), transmitting House Bill No. 98, was read by the Clerk as follows:

(H. Com. No. 90)

The communication was received and placed on file.

First Reading of House Bill No. 98, entitled: "An Act providing for a program of public works and the issuance of bonds for the same in time of unemployment":

Upon motion by Senator Hill, seconded by Senator Akana, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 91), transmitting House Joint Resolution No. 1, was read by the Clerk as follows:

(H. Com. No. 91)

The communication was received and placed on file.

First Reading of House Joint Resolution No. 1, entitled: "Joint Resolution creating a Fact-Finding Commission on Communist and other subversive activities including activities of persons seeking to overthrow our constitutional form of government by force and violence in the Territory of Hawaii, conferring powers and duties upon it, and making appropriations":

Upon motion by Senator Hill, seconded by Senator Goodness, the joint resolution passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 92), returning Senate Concurrent Resolution No. 5, was read by the Clerk as follows:

(H. Com. No. 92)

The communication was received and placed on file.

By a unanimous vote of the Senate, Senators Goodness, Ansai and Duarte, were permitted to introduce a bill (S. B. No. 68), entitled: "An Act to amend Chapter 218 of the Revised Laws of Hawaii 1945, relating to quieting title at law".

Upon motion by Senator Duarte, seconded by Senator Goodness, the bill passed First Reading by title and was referred to the Printing Committee.

At 11:20 o'clock a.m., upon motion by Senator Dillingham, seconded by Senator Blaisdell, the Senate resolved itself into a Committee of the Whole, with President Tsukiyama as Chairman, for the consideration of certain measures pending before said Committee.

At 4:45 o'clock p.m., the Committee rose and the Senate reconvened.

Senator Heen, for the Committee of the Whole, having under consideration certain measures pending before said Committee, reported orally, recommending the passage, on Second Reading, of Senate Bills Nos. 65, 66 and 67 and House Bill No. 83, and further reporting progress and asking leave to sit again on all other measures before the said Committee.

Upon motion by Senator Heen, seconded by Senator Blaisdell, the oral report of the Committee was adopted, a written report to be filed later. Senate Bills Nos. 65, 66 and 67 and House

Bill No. 83 passed Second Reading and were placed on the calendar for Third Reading tomorrow.

By a two-thirds vote of the Senate, as provided in Senate Resolution No. 25, Senators Akana, Tsukiyama, Goodness, Duarte, Ansai, Capellas, Heen, Aguiar, Blaisdell, Hill and Dillingham were permitted to introduce a joint resolution (S. J. Res. No. 10), entitled: "Joint Resolution relating to taxation and providing for the remission of certain Territorial real property taxes".

Upon motion by Senator Akana, seconded by Senator Blaisdell, the joint resolution passed First Reading by title and was referred to the Printing Committee.

Consideration on Third Reading, of Senate Bill No. 64, entitled: "An Act to amend Act 393, Session Laws of 1949, relating to the elimination of reckless and irresponsible drivers from the highways and providing for the giving of security and proof of financial responsibility by owners and operators of motor vehicles, and to amend Part I, Chapter 140 of the Revised Laws of Hawaii 1945, relating to the Uniform Automobile Liability Security Act", deferred from earlier on the calendar:

Senator Dillingham offered the following amendments to the bill:

"Amend S. B. No. 64 in the following respects:

1. Amend the title to read as follows:

'AN ACT

TO AMEND ACT 393, Session Laws of Hawaii 1949, RELATING TO THE ELIMINATION OF RECKLESS AND IRRESPONSIBLE DRIVERS FROM THE HIGHWAYS AND PROVIDING FOR THE GIVING OF SECURITY AND PROOF OF FINANCIAL RESPONSIBILITY BY OWNERS AND OPERATORS OF MOTOR VEHICLES, AND TO AMEND PART I, CHAPTER 140,

OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE UNIFORM AUTOMOBILE LIABILITY SECURITY ACT; TO MAKE AN APPROPRIATION; AND CONFERRING CERTAIN POWERS AND IMPOSING CERTAIN DUTIES UPON THE GOVERNOR OF THE TERRITORY AND THE DIRECTOR OF THE BUREAU OF THE BUDGET OF THE TERRITORY.'

2. Amend Section 1 thereof by deleting in the last line thereof the figures '1951' and by inserting in lieu thereof the figures '1950'.

3. By renumbering section 2 thereof as 'SECTION 3' thereof and by adding thereto a new section to be numbered SECTION 2 and to read as follows:

'SECTION 2. There is hereby appropriated out of the general revenues of the Territory, not otherwise appropriated, the sum of $30,000.00 for the purposes of administering and enforcing said Act 393 from July 1, 1950 to and including June 30, 1951. The said appropriation shall be allocated, from time to time, to the police departments of the several counties by the director of the bureau of the budget of the Territory, with the approval of the governor of the Territory, in such amounts as the director and governor shall determine. The amount allocated to each said police department shall be paid into the treasury of the county of such police department, and shall be held and expended only for the purposes of administering and enforcing said Act 393.'"

Senator Dillingham moved for the adoption of the amendments. Seconded by Senator Blaisdell.

Senator Silva moved that action on the amendments and the bill be deferred until tomorrow. Seconded by Senator Nobriga, and carried.

At this time, Senator Blaisdell was excused from the balance of today's session.

A communication from the House (H. Com. No. 93), informing the Senate that the House had disagreed to the amendments proposed by the Senate to House Bill No. 65, had requested a conference thereon, and had appointed Representatives Andrews, Itagaki and Kawakami as Managers on the part of the House for the consideration thereof, was read by the Clerk as follows:

(H. Com. No. 93)

The communication was received and placed on file.

The President thereupon appointed Senators Nobriga, Goodness and Lee as Conferees on the part of the Senate at such conference.

A communication from the House (H. Com. No. 94), transmitting House Bill No. 58, was read by the Clerk as follows:

(H.Com. No. 94)

The communication was received and placed on file.

First Reading of House Bill No. 58, entitled: "An Act relating to the real property tax rate for the several counties and City and County and amending Section 5254 of the Revised Laws of Hawaii 1945, as amended":

Upon motion by Senator Dillingham, seconded by Senator Hill, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 95), transmitting House Bill No. 103, was read by the Clerk as follows:

(H. Com. No. 95)

The communication was received and placed on file.

First Reading of House Bill No. 103, entitled: "An Act to amend Chapter 74 of the Revised Laws of Hawaii 1945, as amended, relating to unemployment compensation":

Upon motion by Senator Dillingham, seconded by Senator Hill, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

At 5:03 o'clock p.m., upon motion by Senator Hill, seconded by Senator Akana, the Senate adjourned until 10:00 o'clock a.m., on Wednesday, October 12, 1949.

Approved:

Miguel D. Tsukiyama
President of the Senate.

Ellen L. Smythe
Clerk of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
~~Regular~~ Session, 1949

SIXTY-SEVENTH Day

WEDNESDAY, OCTOBER 12, 1949

ELLEN D. SMYTHE
Clerk

JOURNAL OF THE SENATE

SIXTY-SEVENTH DAY

Wednesday, October 12, 1949.

The Senate convened at 10:10 o'clock a.m., with President Tsukiyama presiding.

After Prayer by Chaplain Judd, the Roll was called showing all Senators present, with the exception of Senator Fernandes, excused; and Senators Blaisdell and Dillingham, temporarily excused.

The Journal of the Sixty-Sixth Day was read and approved.

Under suspension of the Rules, Senators Tsukiyama, Dillingham, Goodness, Akana, Heen, Hill, Blaisdell, Nobriga, Capellas, Lee, Aguiar, Ansai, Silva and Duarte offered a Resolution (S. Res. No. 29), recording the grief of the Senate, and extending sympathy to Governor Ingram M. Stainback on the death of his wife which occurred in St. Louis, Missouri last night, which was read by the Clerk as follows:

(S. Res. No. 29)

Upon motion by Senator Aguiar, seconded by Senator Duarte, the Resolution was unanimously adopted by a rising vote.

The President informed the Senate that early this morning he had transmitted by radiogram to Governor Stainback in St. Louis, the sympathy of the Senate in his bereavement, and that he was making arrangements to have flowers sent from Hawaii to the services which would undoubtedly take place in Springfield, Missouri, where Mrs. Stainback's family resided.

Senator Silva, for the Committee on Enrollment, Revision and Printing, presented a report (Stand. Com. Rep. No. 39), reporting on matters referred to said committee, which was read by the Clerk as follows:

(Stand. Com. Rep. No. 39)

The report was received and placed on file.

Second Reading of Senate Bill No. 68, entitled: "An Act to amend Chapter 218 of the Revised Laws of Hawaii 1945, relating to quieting title at law":

Upon motion by Senator Heen, seconded by Senator Goodness, the bill was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

Second Reading of Senate Joint Resolution No. 10, entitled: "Joint Resolution relating to taxation and providing for the remission of certain Territorial real property taxes":

Upon motion by Senator Heen, seconded by Senator Goodness, the joint resolution was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

Upon motion by Senator Heen, seconded by Senator Duarte, the following House Bills and House Joint Resolution were referred, on Second Reading, to the Committee of the Whole, of which President Tsukiyama is Chairman:

House Bill No. 58, entitled: "An Act relating to the real property tax rate for the several counties and city and county and amending Section 5254 of the Revised Laws of Hawaii 1945, as amended";

House Bill No. 98, entitled: "An Act providing for a program of public works and the issuance of bonds for the same in time of unemployment":

House Bill No. 103, entitled: "An Act to amend Chapter 74 of the Revised Laws of Hawaii 1945, as amended, relating to unemployment compensation"; and

House Joint Resolution No. 1, entitled: "Joint Resolution creating a Fact-Finding Commission on Communist and Other Subversive Activities including activities of persons seeking to overthrow our constitutional form of government by force and violence in the Territory of Hawaii, conferring powers and duties upon it, and making appropriations".

Third Reading of Senate Bill No. 64, entitled: "An Act to amend Act 393, Session Laws of 1949, relating to the elimination of reckless and irresponsible drivers from the highways and providing for the giving of security and proof of financial responsibility by owners and operators of motor vehicles, and to amend Part I, Chapter 140 of the Revised Laws of Hawaii 1945 relating to the Uniform Automobile Liability Security Act"; with pending amendment, deferred:

Senator Heen moved that action on the bill and the pending amendments, be deferred until later on the calendar. Seconded by Senator Goodness, and carried.

Third Reading of Senate Bill No. 65, entitled: "An Act amending Act 117, Session Laws of Hawaii 1949, relating to the Board of Commissioners of Agriculture and Forestry: regulating the class, quality, condition, size, container, packing and shipment of island grown fresh fruits, vegetables, and nuts to points outside of the Territory; providing for minimum grade and container standards for such shipments and compulsory inspection thereof; authorizing the assessment and collection of fees and other charges; providing penalties and making appropriations":

Upon motion by Senator Nobriga, seconded by Senator Silva, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Capellas, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 12.

Noes: None.

Excused and not voting: Senators Blaisdell, Dillingham and Fernandes. Total, 3.

Third Reading of Senate Bill No. 66, entitled: "An Act relating to the duties of the County and City and County Jailors and amending Section 3906, Revised Laws of Hawaii 1945":

Upon motion by Senator Lee, seconded by Senator Akana, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Capellas, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 12.

Noes: None.

Excused and not voting: Senators Blaisdell, Dillingham and Fernandes. Total, 3.

Senators Blaisdell and Dillingham came into the session at this time.

Third Reading of Senate Bill No. 67, entitled: "An Act amending Section 9610 of the Revised Laws of Hawaii 1945 relating to the Supreme Court":

Upon motion by Senator Duarte, seconded by Senator Hill, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 14.

Noes: None.

Excused and not voting: Senator Fernandes. Total, 1.

Third Reading of House Bill No. 83, entitled: "An Act to amend Section 710 of the Revised Laws of Hawaii 1945, as amended, relating to the Retirement System":

Upon motion by Senator Hill, seconded by Senator Akana, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Akana, Ansai, Blaisdell, Capellas, Dillingham, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 12.

Noes: Senators Aguiar and Duarte. Total, 2.

Excused and not voting: Senator Fernandes. Total, 1.

Consideration of Senate Bill No. 64, entitled: "An Act to amend Act 393, Session Laws of 1949, relating to the elimination of reckless and irresponsible drivers from the highways and providing for the giving of security and proof of financial responsibility by owners and operators of motor vehicles, and to amend Part I, Chapter 140 of the Revised Laws of Hawaii 1945 relating to the Uniform Automobile Liability Security Act", with pending amendments, deferred from earlier on the calendar:

Upon motion by Senator Silva, seconded by Senator Blaisdell, the bill, and the amendments, were recommitted to the Committee of the Whole, of which President Tsukiyama is Chairman.

At 10:25 o'clock a.m., upon motion by Senator Aguiar, seconded by Senator Duarte, the Senate resolved itself into a Committee of the Whole for the consideration of measures pending before said Committee.

# CORRECTION

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

Upon motion by Senator Nobriga, seconded by Senator Silva, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Capellas, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 12.

Noes: None.

Excused and not voting: Senators Blaisdell, Dillingham and Fernandes. Total, 3.

Third Reading of Senate Bill No. 66, entitled: "An Act relating to the duties of the County and City and County Jailors and amending Section 3906, Revised Laws of Hawaii 1945":

Upon motion by Senator Lee, seconded by Senator Akana, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Capellas, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 12.

Noes: None.

Excused and not voting: Senators Blaisdell, Dillingham and Fernandes. Total, 3.

Senators Blaisdell and Dillingham came into the session at this time.

Third Reading of Senate Bill No. 67, entitled: "An Act amending Section 9610 of the Revised Laws of Hawaii 1945 relating to the Supreme Court":

Upon motion by Senator Duarte, seconded by Senator Hill, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 14.

Noes: None.

Excused and not voting: Senator Fernandes. Total, 1.

Third Reading of House Bill No. 83, entitled: "An Act to amend Section 710 of the Revised Laws of Hawaii 1945, as amended, relating to the Retirement System":

Upon motion by Senator Hill, seconded by Senator Akana, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Akana, Ansai, Blaisdell, Capellas, Dillingham, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 12.

Noes: Senators Aguiar and Duarte. Total, 2.

Excused and not voting: Senator Fernandes. Total, 1.

Consideration of Senate Bill No. 64, entitled: "An Act to amend Act 393, Session Laws of 1949, relating to the elimination of reckless and irresponsible drivers from the highways and providing for the giving of security and proof of financial responsibility by owners and operators of motor vehicles, and to amend Part I, Chapter 140 of the Revised Laws of Hawaii 1945 relating to the Uniform Automobile Liability Security Act", with pending amendments, deferred from earlier on the calendar:

Upon motion by Senator Silva, seconded by Senator Blaisdell, the bill, and the amendments, were recommitted to the Committee of the Whole, of which President Tsukiyama is Chairman.

At 10:25 o'clock a.m., upon motion by Senator Aguiar, seconded by Senator Duarte, the Senate resolved itself into a Committee of the Whole for the consideration of measures pending before said Committee.

At 4:00 o'clock p.m., the Committee rose and the Senate reconvened with twelve Senators present, Senators Akana and Blaisdell having been excused from the balance of today's session.

Senator Heen, for the Committee of the Whole, having under consideration certain measures pending before said Committee, reported orally, recommending the passage, on Second Reading, of Senate Bill No. 68, Senate Joint Resolution No. 10 as amended, and House Bills Nos. 80 and 84; and further orally reporting progress and asking leave to sit again on all other measures pending before the said Committee.

Upon motion by Senator Heen, seconded by Senator Lee, the oral report of the Committee was adopted, a written report to be filed later. Senate Bill No. 68 and Senate Joint Resolution No. 10 as amended, and House Bills Nos. 80 and 84 thereupon passed Second Reading and were placed on the calendar for Third Reading tomorrow.

A Message from the Acting Governor of Hawaii (Gov. Message No. 15), returning Senate Bill No. 43, pursuant to Senate Concurrent Resolution No. 5, for the purpose of making certain corrections therein, was read by the Clerk as follows:

(Gov. Message No. 15)

The Message was received and placed on file, and action on Third Reading was deferred until later on the calendar.

A communication from the House (H. Com. No. 96), requesting the return of Senate Bill No. 43, recalled from the Governor, to the House of Representatives for further consideration, was read by the Clerk as follows:

(H. Com. No. 96)

The communication was received and placed on file; and, upon motion by Senator Heen, seconded by Senator Silva, the Clerk was instructed to comply with the request.

A communication from the House (H. Com. No. 97), transmitting House Concurrent Resolution No. 10, was read by the Clerk as follows:

(H. Com. No. 97)
(H. Con. Res. No. 10)

The communication was received and placed on file.

Consideration of House Concurrent Resolution No. 10, directing the Superintendent of Public Works to defer all work in connection with the planning and/or construction of the Mauka Arterial Highway until after the completion of the makai arterial highway, at which time a redetermination of the need of the Mauka Arterial Highway shall be made:

Upon motion by Senator Lee, seconded by Senator Hill, action on the concurrent resolution was deferred until tomorrow.

A communication from the House (H. Com. No. 98), transmitting House Concurrent Resolution No. 12, was read by the Clerk as follows:

(H. Com. No. 98)
(H. Con. Res. No. 12)

The communication was received and placed on file.

Consideration of House Concurrent Resolution No. 12, requesting the removal of certain concrete anchors at Kihei, Territory of Hawaii:

Upon motion by Senator Lee, seconded by Senator Goodness, action on the concurrent resolution was deferred until tomorrow.

A communication from the House (H. Com. No. 99), transmitting House Concurrent Resolution No. 14, was read by the Clerk as follows:

(H. Com. No. 99)
(H. Con. Res. No. 14)

The communication was received and placed on file.

Consideration of House Concurrent Resolution No. 14, "requesting the Congress of the United States to reactivate the Civilian Conservation Corps in the Territory of Hawaii":

Upon motion by Senator Aguiar, seconded by Senator Ansai, the Concurrent Resolution was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

A communication from the House (H. Com. No. 100), transmitting House Bill No. 43, was read by the Clerk as follows:

(H. Com. No. 100)

The communication was received and placed on file.

First Reading of House Bill No. 43, entitled: "An Act amending Act 114, Session Laws of Hawaii 1949, relating to produce dealers":

Upon motion by Senator Goodness, seconded by Senator Duarte, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 101), transmitting House Bill No. 61, was read by the Clerk as follows:

(H. Com. No.101)

The communication was received and placed on file.

First Reading of House Bill No. 61, entitled: "An Act relating to overtime work of governmental officers and employees":

Upon motion by Senator Goodness, seconded by Senator Duarte, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 102), transmitting House Bill No. 105, was read by the Clerk as follows:

(H. Com. No. 102)

The communication was received and placed on file.

First Reading of House Bill No. 105, entitled: "An Act appropriating the sum of three thousand dollars ($3,000.00) to reimburse the City and County of Honolulu for the cost of the extension of sewer main to the grounds of the University of Hawaii":

Upon motion by Senator Goodness, seconded by Senator Duarte, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 103), returning Senate Bill No. 56, was read by the Clerk as follows:

(H. Com. No. 103)

The communication was received and placed on file.

A communication from the House (H. Com. No. 104), returning Senate Joint Resolution No. 6, was read by the Clerk as follows:

(H. Com. No. 104)

The communication was received and placed on file.

A communication from the Hawaiian Homes Commission (Dept. Com. No. 33), requesting favorable action on House Bill No. 27, amending Act 63 of the Session Laws of Hawaii 1947, relating to water storage facilities on the Island of Molokai, was read by the Clerk as follows:

(Dept. Com. No. 33)

The communication was received and, upon motion by Senator Goodness, seconded by Senator Duarte, was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

A communication from Will B. Johnstone, Jr., Honolulu, (Misc. Com. No. 30), asking for an opportunity to testify in behalf of Senate Joint Resolution No. 1 at either a Senate-sponsored public hearing or before an executive session of the Senate, in his capacity as Temporary Chairman of the Conference

of Civic Organizations, and also as Chairman of The American Legion Department of Hawaii Anti-Subversive Committee, was read by the Clerk as follows:

(Misc. Com. No. 30)

The communication was received and, upon motion by Senator Silva, seconded by Senator Nobriga, was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

Senator Goodness offered a Resolution (S. Res. No. 30), directing the Superintendent of Public Works and the Commissioner of Public Lands to appear before the Senate, sitting as a Committee of the Whole, on October 13th, at 10:00 o'clock a.m., then and there to explain the reason for the failure and neglect of the Territory to make exchanges of land or to pay just compensation for pieces or parcels of land taken from certain persons named in the Resolution, owners, for the road from Kuiaha to Mokupapa, county of Maui, federal aid project No. F-32(2); which was read by the Clerk as follows:

(S. Res. No. 30)

Upon motion by Senator Goodness, seconded by Senator Duarte, the Resolution was adopted.

By unanimous consent of the Senate, Senator Lee was permitted to introduce a bill (S. B. No. 69), entitled: "An Act to amend Chapter 320 of the Revised Laws of Hawaii 1945 as amended, relating to the National Guard of the Territory of Hawaii.

Upon motion by Senator Lee, seconded by Senator Silva, the bill passed First Reading by title and was referred to the Printing Committee.

By consent of two-thirds of the Senate, as provided in Senate Resolution No. 25, Senators Tsukiyama, Lee, Nobriga, Hill, Dillingham, Capellas, Ansai, Duarte and Aguiar introduced

a bill (S. B. No. 70), entitled: "An Act providing a pension for the Honorable John Albert Matthewman".

Upon motion by Senator Lee, seconded by Senator Hill, the bill passed First Reading by title and was referred to the Printing Committee.

At this time, Senator Heen moved that the Senate reconsider its action taken earlier in the day in passing Senate Bill No. 67 on Third Reading, entitled: "An Act amending Section 9610 of the Revised Laws of Hawaii 1945, relating to the Supreme Court". The motion was seconded by Senator Dillingham, and carried.

Senator Heen thereupon moved that the Clerk be instructed to request the return of said bill to the Senate for further consideration. Seconded by Senator Dillingham, and carried.

Senator Heen, for the Committee of the Whole, having under consideration Senate Bill No. 19, presented a report (Com. Whole Rep. No. 25), recommending the passage of the bill, on Third Reading, in an amended form, which was read by the Clerk as follows:

(Com. Whole Rep. No. 25)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, having under consideration Senate Bill No. 34, presented a report (Com. Whole Rep. No. 26), recommending the passage of the bill, which was read by the Clerk as follows:

(Com. Whole Rep. No. 26)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, having under consideration Senate Bill No. 38, presented a report (Com. Whole Rep. No. 27), recommending the passage of the

bill, which was read by the Clerk as follows:

(Com. Whole Rep. No. 27)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 28), recommending the passage of Senate Bill No. 39 in an amended form, which was read by the Clerk as follows:

(Com. Whole Rep. No. 28)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 29), recommending the passage of Senate Bill No. 40, which was read by the Clerk as follows:

(Com. Whole Rep. No. 29)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 30), recommending the passage of Senate Bill No. 41, which was read by the Clerk as follows:

(Com. Whole Rep. No. 30)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 31), recommending the passage of Senate Bill No. 42, which was read by the Clerk as follows:

(Com. Whole Rep. No. 31)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 32), recommending the passage of Senate Bill No. 43, which was read by the Clerk as follows:

(Com. Whole Rep. No. 32)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 33), recommending the passage of Senate Bill No. 47, which was read by the Clerk as follows:

(Com. Whole Rep. No. 33)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 34), recommending the passage of Senate Bill No. 51, which was read by the Clerk as follows:

(Com. Whole Rep. No. 34)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 35), recommending the passage of Senate Bill No. 56, which was read by the Clerk as follows:

(Com. Whole Rep. No. 35)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 36), recommending the passage of Senate Bill No. 58, which was read by the Clerk as follows:

(Com. Whole Rep. No. 36)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

At this time, Senator Ansai moved that the Senate take up the consideration of Senate Bill No. 55, which had failed of passage on Third Reading on October 6th. Seconded by Senator Goodness, and carried.

Consideration, on Third Reading, of Senate Bill No. 55, as amended, entitled: "An Act to amend Chapter 126 of the Revised Laws of Hawaii 1945, as amended, by inserting therein a new section relating to the enactment of standard codes by reference by the board of supervisors of the county of Maui":

Upon motion by Senator Ansai, seconded by Senator Hill, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Ansai, Dillingham, Goodness, Heen, Hill, Lee, Silva and Mr. President. Total, 8.

Noes: Senators Aguiar, Capellas, Duarte and Nobriga. Total, 4.

Excused and not voting: Senators Akana, Blaisdell and Fernandes. Total, 3.

A communication from the House (H. Com. No. 105), returning Senate Bill No. 67 to the Senate for further consideration, pursuant to the request of the Senate, was read by the Clerk as follows:

(H. Com. No. 105)

The communication was received and placed on file.

Senator Heen moved that action on the bill returned by the House be deferred until tomorrow. Seconded by Senator Lee, and carried.

At 4:30 o'clock p.m., Senator Heen moved that the Senate adjourn until 9:30 o'clock tomorrow morning out of respect to the memory of Mrs. Ingram M. Stainback, the First Lady of Hawaii. The motion was seconded by Senator Lee and carried by a rising vote; and the Senate thereupon adjourned until 9:30 o'clock a.m.,

on Thursday, October 13, 1949, out of respect to the memory of the late Mrs. Ingram M. Stainback, wife of the Governor of Hawaii.

Ellen D'Smythe
Clerk of the Senate.

Approved:

William H. Heen
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
*Regular Session, 19* 49

SIXTY-EIGHTH Day

THURSDAY, OCTOBER 13, 19 49

ELLEN D. SMYTHE
*Clerk*

JOURNAL OF THE SENATE

SIXTY-EIGHTH DAY

Thursday, October 13, 1949.

The Senate convened at 9:45 o'clock a.m., with the President in the Chair.

The Divine Blessing was invoked by Chaplain Judd, after which the Roll was called, showing all Senators present, with the exception of Senators Akana, Blaisdell and Lee, temporarily excused; and Senator Fernandes excused.

The Journal of the Sixty-Seventh Day was read and approved.

A communication from the House (H. Com. No. 106), transmitting House Concurrent Resolution No. 11, was read by the Clerk as follows:

(H. Com. No. 106)
(H. Con. Res. No. 11)

The communication was received and placed on file.

Consideration of House Concurrent Resolution No. 11, authorizing the Public Works Department to rebuild or repair present vending stands operated by blind persons, including plans and construction of vending stands in new buildings:

Upon motion by Senator Silva, seconded by Senator Goodness, the concurrent resolution was adopted.

A communication from the House (H. Com. No. 107), transmitting House Concurrent Resolution No. 13, was read by the Clerk as follows:

(H. Com. No. 107)
(H. Con. Res. No. 13)

Consideration of House Concurrent Resolution No. 13, requesting the return of Fort Armstrong to the Territory of Hawaii:

Upon motion by Senator Aguiar, seconded by Senator Duarte, the concurrent resolution was adopted.

A communication from Mr. J. W. Walker, Hilo, Hawaii (Misc. Com. No. 31), opposing the passage of House Bill No. 35, relating to the imposition of an amusement tax in the county of Hawaii, was read by the Clerk as follows:

(Misc. Com. No. 31)

The communication was received and referred to the Committee of the Whole, of which President Tsukiyama is Chairman, upon motion by Senator Silva, seconded by Senator Hill, and carried.

A communication from the Transit Workers Union of Hawaii (Misc. Com. No. 32), asking that a public hearing be held on Senate Bill No. 1, relating to public utilities and labor disputes therein; and recommending House Bill No. 86, was read by the Clerk as follows:

(Misc. Com. No. 32)

The communication was received and, upon motion by Senator Silva, seconded by Senator Hill, it was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

A communication from the Joint Council of Teamsters No. 79 (Misc. Com. No. 33), requesting that a public hearing be held on Senate Bill No. 1, and that this Council be represented at such hearing, was read by the Clerk as follows:

(Misc. Com. No. 33)

The communication was received and, upon motion by Senator Silva, seconded by Senator Hill, the letter was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

Consideration of House Concurrent Resolution No. 10, relating to the Mauka Arterial Highway, action on which was deferred yesterday:

Upon motion by Senator Heen, seconded by Senator Duarte, the Concurrent Resolution was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

Consideration of House Concurrent Resolution No. 12, relating to the removal of cement anchor buoys at Kihei, Maui, action on which was deferred yesterday:

Upon motion by Senator Heen, seconded by Senator Durate, the Concurrent Resolution was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

Consideration of Senate Bill No. 67, on Third Reading, entitled: "An Act amending Section 9610 of the Revised Laws of Hawaii 1945 relating to the Supreme Court", returned by the House, pursuant to the request of the Senate, for further consideration, upon reconsideration of the action taken in passing it on Third Reading, deferred from yesterday:

Senator Heen moved that the bill be tabled. Seconded by Senator Dillingham, and carried.

Senator Silva, for the Committee on Enrollment, Revision and Printing, presented a report (Stand. Com. Rep. No. 40), reporting on the mimeographing of matters referred to it, which was read by the Clerk as follows:

(Stand. Com. Rep. No. 40)

The report was received and placed on file.

Second Reading of Senate Bill No. 69, entitled: "An Act to amend Chapter 320 of the Revised Laws of Hawaii 1945 as amended, relating to the National Guard of the Territory of Hawaii":

Under suspension of the Rules, and upon motion by Senator Dillingham, seconded by Senator Silva, the bill was read throughout on Second Reading.

Upon motion by Senator Dillingham, seconded by Senator Silva, the bill passed Second Reading and was placed on the calendar for Third Reading tomorrow.

Second Reading of Senate Bill No. 70, entitled: "An Act providing a pension for the Honorable John Albert Matthewman":

Upon motion by Senator Goodness, seconded by Senator Duarte, the bill was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

Senator Goodness moved that all House Bills on the calendar today for Second Reading be referred to the Committee of the Whole, of which President Tsukiyama is Chairman. Seconded by Senator Duarte, and carried; and the following House Bills were thereupon referred to the Committee of the Whole, of which President Tsukiyama is Chairman:

House Bill No. 43, entitled: "An Act amending Act 114, Session Laws of Hawaii 1949, relating to produce dealers";

House Bill No. 61, entitled: "An Act relating to overtime work of governmental officers and employees";

House Bill No. 105, entitled: "An Act appropriating the sum of three thousand dollars ($3,000.00) to reimburse the City and County of Honolulu for the cost of the extension of sewer main to the grounds of the University of Hawaii".

Third Reading of Senate Bill No. 68, entitled: "An Act to amend Chapter 218 of the Revised Laws of Hawaii 1945, relating to quieting title at law":

Upon motion by Senator Duarte, seconded by Senator Dillingham, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Ansai, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Nobriga, Silva and Mr. President. Total, 11.

Noes: None.

Excused and not voting: Senators Akana, Blaisdell, Fernandes and Lee. Total, 4.

Third Reading of Senate Joint Resolution No. 10, as amended, entitled: "Joint Resolution relating to taxation and providing for the remission of certain Territorial real property taxes":

Upon motion by Senator Aguiar, seconded by Senator Goodness, the joint resolution passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Ansai, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Nobriga, Silva and Mr. President. Total, 11.

Noes: None.

Excused and not voting: Senators Akana, Blaisdell, Fernandes and Lee. Total, 4.

Third Reading of House Bill No. 80, entitled: "An Act to amend certain sections of Chapter 127 of the Revised Laws of Hawaii 1945, relating to and affecting the subdivision of land within the City and County of Honolulu":

Upon motion by Senator Hill, seconded by Senator Goodness, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Ansai, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Nobriga, Silva and Mr. President. Total, 11.

Noes: None.

Excused and not voting: Senators Akana, Blaisdell, Fernandes and Lee. Total, 4.

Third Reading of House Bill No. 84, entitled: "An Act to amend Section 5151 of the Revised Laws of Hawaii 1945, as amended, relating to exemptions from real property tax":

Upon motion by Senator Hill, seconded by Senator Aguiar, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Ansai, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Nobriga, Silva and Mr. President. Total, 11.

Noes: None.

Excused and not voting: Senators Akana, Blaisdell, Fernandes and Lee. Total, 4.

At 10:00 o'clock a.m., upon motion by Senator Hill, seconded by Senator Goodness, the Senate resolved itself into a Committee of the Whole, with President Tsukiyama as Chairman, for the consideration of certain measures pending before said Committee.

At 4:35 o'clock p.m., the Committee rose and the Senate reconvened with fourteen Senators present.

Senator Heen, for the Committee of the Whole, reported orally, recommending the passage, on Second Reading, of Senate Bill No. 1 in an amended form, Senate Bill No. 6 in an amended form, Senate Bills Nos. 33 and 70; House Bills Nos. 33, 36, 38, 61 and 66 and House Joint Resolution No. 1; recommending the adoption of House Concurrent Resolution No. 14; and further recommending the filing of Senate Bills Nos. 2, 3, 5, 17, 24, 52 and 53; House Bill No. 28 and Senate Resolution No. 30; and reporting progress and asking leave to sit again on other measures pending before the said Committee.

Upon motion by Senator Heen, seconded by Senator Blaisdell, the oral report of the Committee was adopted, a written report to be filed later.

Senate Bill No. 1 as amended, Senate Bill No. 6 as amended, Senate Bills Nos. 33 and 70, and House Bills Nos. 33, 36, 38, 61 and 66 and House Joint Resolution No. 1 thereupon passed Second Reading and were placed on the calendar for Third Reading tomorrow. House Concurrent Resolution No. 14 was adopted; and Senate Bills Nos. 2, 3, 5, 17, 24, 52 and 53 and House Bill No. 28 were thereupon placed on file.

Senator Heen, for the Committee of the Whole, reported orally recommending the passage of Senate Bill No. 64 on Third Reading, which bill had been recommitted to the said Committee.

Upon motion by Senator Heen, seconded by Senator Lee, the oral report of the Committee was adopted, a written report to be filed later.

Senate Bill No. 64, entitled: "An Act to amend Act 393, Session Laws of 1949, relating to the elimination of reckless and irresponsible drivers from the highways and providing for the giving of security and proof of financial responsibility by owners and operators of motor vehicles, and to amend Part I, Chapter 140 of the Revised Laws of Hawaii 1945 relating to the Uniform Automobile Liability Security Act", thereupon passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Ansai, Blaisdell, Capellas, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 12.

Noes: Senators Akana and Dillingham. Total, 2.

Excused and not voting: Senator Fernandes. Total, 1.

Senator Heen, for the Committee of the Whole, reported orally, recommending that the Senate concur in the amendments proposed by the House to Senate Bill No. 48.

Upon motion by Senator Heen, seconded by Senator Blaisdell, the oral report of the Committee was adopted, a written report to be filed later.

Senate Bill No. 48, as amended, entitled: "An Act relating to public officers and employees of the Territory of Hawaii and of its several political subdivisions; providing for permanent increases in the base pay rates of compensation and, in addition, for a bonus for all such officers and employees during the biennium 1949-1951; and amending Act 208 of the Session Laws of Hawaii 1947, as amended, and Act 367 of the Session Laws of Hawaii 1949", thereupon passed Final Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 14.

Noes: None.

Excused and not voting: Senator Fernandes. Total, 1.

A communication from the House (H. Com. No. 108), transmitting House Bill No. 54, was read by the Clerk as follows:

(H. Com. No. 108)

The communication was received and placed on file.

First Reading of House Bill No. 54, entitled: "An Act to amend Section 4701 of the Revised Laws of Hawaii 1945, as amended, relating to the jurisdiction of the Public Utilities Commission":

Upon motion by Senator Goodness, seconded by Senator Duarte, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 109) transmitting House Bill No. 101, was read by the Clerk as follows:

(H. Com. No. 109)

The communication was received and placed on file.

First Reading of House Bill No. 101, entitled: "An Act relating to legislative procedure and the powers and duties of legislative officers, providing for the more effective enforcement of the process of the Houses and Committiees of the Legislature and of the powers of said Houses or Committees to compel the attendance and testimony of witnesses and the production of evidence, and for the punishment of contempts and other violations of this Act, authorizing the accumulation of data for legislation":

Upon motion by Senator Goodness, seconded by Senator Duarte, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 110), transmitting House Bill No. 102, was read by the Clerk as follows:

(H. Com. No. 110)

The communication was received and placed on file.

First Reading of House Bill No. 102, entitled: "An Act to amend Section 6188 of the Revised Laws of Hawaii 1945, relating to computation of service under the municipal and county pension systems":

Upon motion by Senator Goodness, seconded by Senator Duarte, the bill passed First Reading by title and

was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 111), transmitting House Bill No. 111, was read by the Clerk as follows:

(H. Com. No. 111)

The communication was received and placed on file.

First Reading of House Bill No. 111, entitled: "An Act appropriating $750,000 for the purchase of lands for homestead purposes under Section 4555, Revised Laws of Hawaii 1945":

Upon motion by Senator Goodness, seconded by Senator Duarte, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 112), transmitting House Bill No. 113, was read by the Clerk as follows:

(H. Com. No. 112)

The communication was received and placed on file.

First Reading of House Bill No. 113, entitled: "An Act authorizing the Territory of Hawaii to encourage the development and expansion of export industries through granting exemptions from the general excise tax for certain transportation costs incurred by such industries; creating the Export Aid Commission and defining its powers and duties; and making an appropriation":

Upon motion by Senator Goodness, seconded by Senator Duarte, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 113), transmitting House Bill No. 115, was read by the Clerk as follows:

(H. Com. No. 113)

The communication was received and placed on file.

First Reading of House Bill No. 115, entitled: "An Act to provide for benefits in the nature of or similar to unemployment compensation benefits to persons who were employed under Acts 2 and 3 of the Special Session Laws of Hawaii 1949 and who may become unemployed by reason of the termination of the strike of waterfront employees, and making an appropriation therefor":

Upon motion by Senator Goodness, seconded by Senator Duarte, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 114), transmitting House Bill No. 117, was read by the Clerk as follows:

(H. Com. No. 114)

The communication was received and placed on file.

First Reading of House Bill No. 117, entitled: "An Act relating to qualifications of attorneys; amending Section 9701 of the Revised Laws of Hawaii 1945, as amended":

Upon motion by Senator Goodness, seconded by Senator Duarte, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 115), transmitting House Bill No. 118, was read by the Clerk as follows:

(H. Com. No. 115)

The communication was received and placed on file.

First Reading of House Bill No. 118, entitled: "An Act relating to real property taxes assessed against the Convalescent Nursing Home, First Taxation District, City and County

of Honolulu, and forgiving such taxes as may now be due and owing by such home":

Upon motion by Senator Goodness, seconded by Senator Duarte, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 116), transmitting House Bill No. 120, was read by the Clerk as follows:

(H. Com. No. 116)

The communication was received and placed on file.

First Reading of House Bill No. 120, entitled: "An Act relating to government physician for the Waianae-Nanakuli District, and making an appropriation":

Upon motion by Senator Goodness, seconded by Senator Duarte, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 117), transmitting House Bill No. 127, was read by the Clerk as follows:

(H. Com. No. 117)

The communication was received and placed on file.

First Reading of House Bill No. 127, entitled: "An Act relating to change of names and amending Chapter 301, Revised Laws of Hawaii 1945, as amended":

Upon motion by Senator Goodness, seconded by Senator Duarte, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 118), transmitting House Joint Resolution No. 7, was read by the Clerk as follows:

(H. Com. No. 118)

The communication was received and placed on file.

First Reading of House Joint Resolution No. 7, entitled: "Joint Resolution directing the conducting of public meetings by all government agencies except in certain instances":

Upon motioh by Senator Goodness, seconded by Senator Duarte, the joint resolution passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

A communication from the House (H. Com. No. 15), transmitting House Concurrent Resolution No. 15, was read by the Clerk as follows:

(H. Com. No. 119)
(H. Con. Res. No. 15)

The communication was received and placed on file.

Consideration of House Concurrent Resolution No. 15, requesting the Congress of the United States of America to give favorable consideration to and to enact into law Senate 2246 entitled: "A Bill to Amend the National Housing Act, as amended, and for other Purposes", now pending before the Senate Committee on Banking and Currency:

Upon motion by Senator Silva, seconded by Senator Goodness, the Concurrent Resolution was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

A communication from the House (H. Com. No. 120), transmitting House Concurrent Resolution No. 16, was read by the Clerk as follows:

(H. Com. No. 120)
(H. Con. Res. No. 16)

The communication was received and placed on file.

Consideration of House Concurrent Resolution No. 16, "Constituting and authorizing a joint committee of the Legislature to travel to Washington, District of Columbia, for the purpose of discussing with Federal officials unemployment and other issues of importance to the Territory of Hawaii":

Upon motion by Senator Silva, seconded by Senator Nobriga, the Concurrent Resolution was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

A communication from the House (H. Com. No. 121), returning Senate Bill No. 59, was read by the Clerk as follows:

(H. Com. No. 121)

The communication was received and placed on file.

A communication from the House (H. Com. No. 122), returning Senate Joint Resolution No. 7, was read by the Clerk as follows:

(H. Com. No. 122)

The communication was received and placed on file.

A communication from the House (H. Com. No. 123), returning Senate Bill No. 43 in an amended form, was read by the Clerk as follows:

(H. Com. No. 123)

The communication was received and placed on file.

Senator Silva moved that the Senate concur in the amendments proposed by the House. Seconded by Senator Nobriga; and Senate Bill No. 43, as amended, entitled: "An Act to authorize litigation for the determination of the merits of the claims of John G. Medeiros, Limited, for additional work and materials furnished in connection with the construction of Kailua Airport, County of Hawaii; and making appropriations therefor", passed Final Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 14.

Noes: None.

Excused and not voting: Senator Fernandes. Total, 1.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 37), recommending the passage of Senate Bill No. 31 and House Bill No. 25, as amended, which was read by the Clerk as follows:

(Com. Whole Rep. No. 37)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a Report (Com. Whole Rep. No. 38), recommending the passage of Senate Bills Nos. 44, 45 and 46 and Senate Joint Resolution No. 8, which was read by the Clerk as follows:

(Com. Whole Rep. No. 38)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 39), recommending the passage of Senate Bill No. 48, which was read by the Clerk as follows:

(Com. Whole Rep. No. 39)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 40), recommending the passage of Senate Bill No. 54, with certain amendments, which was read by the Clerk as follows:

(Com. Whole Rep. No. 40)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 41), recommending the passage of Senate Bill No. 55, which was read by the Clerk as follows:

(Com. Whole Rep. No. 41)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 42), recommending the passage of Senate Bill No. 57, which was read by the Clerk as follows:

(Com. Whole Rep. No. 42)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 43), recommending the passage of Senate Bill No. 59, which was read by the Clerk as follows:

(Com. Whole Rep. No. 43)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 44), recommending the tabling of Senate Bill No. 60, which was read by the Clerk as follows:

(Com. Whole Rep. No. 44)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 45), recommending the passage of Senate Bill No. 61, which was read by the Clerk as follows:

(Com. Whole Rep. No. 45)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 46), recommending the passage of Senate Bill No. 63, which was read by the Clerk as follows:

(Com. Whole Rep. No. 46)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 47), recommending the passage of Senate Bill No. 64, which was read by the Clerk as follows:

(Com. Whole Rep. No. 47)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 48), recommending the passage of Senate Bill No. 65, which was read by the Clerk as follows:

(Com. Whole Rep. No. 48)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 49), recommending the passage of Senate Bill No. 66, which was read by the Clerk as follows:

(Com. Whole Rep. No. 49)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 50), recommending the passage of Senate Joint Resolution No. 4, which was read by the Clerk as follows:

(Com. Whole Rep. No. 50)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 51), recommending the passage of Senate Joint Resolution No. 6, which was read by the Clerk as follows:

(Com. Whole Rep. No. 51)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 52), recommending the passage of Senate Joint Resolution No. 7, which was read by the Clerk as follows:

(Com. Whole Rep. No. 52)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 53), recommending the passage of Senate Joint Resolution No. 9, which was read by the Clerk as follows:

(Com. Whole Rep. No. 53)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 54), recommending the passage of House Bill No. 83, which was read by the Clerk as follows:

(Com. Whole Rep. No. 54)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 55), recommending the passage of Senate Bill No. 49, and the filing of Senate Bill No. 50, which was read by the Clerk as follows:

(Com. Whole Rep. No. 55)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 56), recommending the passage of House Bill No. 65, with certain amendments, which was read by the Clerk as follows:

(Com. Whole Rep. No. 56)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 57), recommending the passage of Senate Bill No. 67, which was read by the Clerk as follows:

(Com. Whole Rep. No. 57)

The report of the Committee was received and placed on file, the oral report having previously been adopted.

At this time, the President announced that Governor Stainback had telephoned to say that he had decided, with the consent of Mrs. Stainback's relatives, to bring her remains back to Hawaii for burial. There will be a service in Springfield, Missouri, on Sunday, after which the party will entrain for the Pacific Coast, and will then proceed to Hawaii either by steamer or plane, and funeral services will be held here.

At 4:50 o'clock p.m., upon motion by Senator Lee, seconded by Senator Blaisdell, the Senate adjourned until 10:00 o'clock

a.m., on Friday, October 14, 1949.

Ellen D Smythe
Clerk of the Senate.

Approved:

Wilfred Lucknizama
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
*Regular Session, 19* 49

SIXTY-NINTH Day

FRIDAY, OCTOBER 14, 19 49

ELLEN D. SMYTHE
*Clerk*

JOURNAL OF THE SENATE

SIXTY-NINTH DAY

Friday, October 14, 1949.

The Senate convened at 10:30 o'clock a.m., with President Tsukiyama in the Chair.

Chaplain Judd offered the opening Prayer, after which the Roll was called, showing all Senators present, with the exception of Senators Ansai and Fernandes, excused.

The **Journal** of the Sixty-Eighth Day was read and approved.

A communication from the House (H. Com. No. 124), transmitting House Bill No. 124, was read by the Clerk as follows:

(H. Com. No. 124)

The communication was received and placed on file.

First Reading of House Bill No. 124, entitled: "An Act to amend Section 6352 of the Revised Laws of Hawaii 1945, as amended by Act 209 of the Session Laws of Hawaii 1947, relating to salaries of officers, Hawaii":

Upon motion by Senator Hill, seconded by Senator Silva, the bill passed First Reading by title and was placed on the calendar for Second Reading tomorrow.

Under suspension of the Rules, and upon motion by Senator Silva, seconded by Senator Duarte, the Senate at this time took up the Third Reading of bills on todays' calendar.

Third Reading of Senate Bill No. 1, as amended, entitled: "An Act relating to public utilities and labor disputes therein; providing for peaceful settlement of such disputes; prohibiting

strikes, lockouts, stoppages, slowdowns or retardation of service in such industry except under prescribed conditions; providing for injunctions and other remedies of the government to enforce the provisions of this Act and criminal penalties for violations of certain provisions hereof and of rules and regulations prescribed hereunder; making an appropriation to carry out certain provisions hereof; and amending Chapter 73 of the Revised Laws of Hawaii 1945, as amended":

Upon motion by Senator Heen, seconded by Senator Hill, action on the bill was deferred until later on the calendar.

Third Reading of Senate Bill No. 6, as amended, entitled: "An Act relating to the furnishing by the government of longshore services, terminal facilities and services in connection therewith, and making appropriations therefor":

Upon motion by Senator Lee, seconded by Senator Hill, action on the bill was deferred until later on the calendar.

Third Reading of Senate Bill No. 33, entitled: "An Act to amend Section 1223, as amended, and Section 1232, as amended, of the Revised Laws of Hawaii 1945, relating to fishing":

Upon motion by Senator Silva, seconded by Senator Goodness, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Capellas, Dillingham, Duarte, Goodness, Lee, Silva and Mr. President. Total, 8.

Noes: Senators Akana, Blaisdell, Heen, Hill and Nobriga. Total, 5.

Excused and not voting: Senators Ansai and Fernandes. Total, 2.

Third Reading of Senate Bill No. 69, entitled: "An Act to amend Chapter 320 of the Revised Laws of Hawaii 1945, as amended, relating to the National Guard of the Territory of Hawaii":

Upon motion by Senator Silva, seconded by Senator Nobriga, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 13.

Noes: None.

Excused and not voting: Senators Ansai and Fernandes. Total, 2.

Third Reading of Senate Bill No. 70, entitled: "An Act providing a pension for the Honorable John Albert Matthewman":

Upon motion by Senator Nobriga, seconded by Senator Lee, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Capellas, Dillingham, Duarte, Hill, Lee, Nobriga, Silva and Mr. President. Total, 8.

Noes: Senators Aguiar, Akana, Blaisdell, Goodness and Heen. Total, 5.

Excused and not voting: Senators Ansai and Fernandes. Total, 2.

Third Reading of House Bill No. 33, entitled: "An Act relating to liens of mechanics and materialmen":

Upon motion by Senator Dillingham, seconded by Senator Silva, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Blaisdell, Capellas, Dillingham, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 12.

Noes: Senator Duarte. Total, 1.

Excused and not voting: Senators Ansai and Fernandes. Total, 2.

Third Reading of House Bill No. 36, entitled: "An Act amending Act 356, Session Laws of Hawaii 1949, relating to improvement districts in the county of Hawaii":

Upon motion by Senator Lee, seconded by Senator Blaisdell, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 13.

Noes: None.

Excused and not voting: Senators Ansai and Fernandes. Total, 2.

Third Reading of House Bill No. 38, entitled: "An Act to amend Section 4 of Act 214 (Series E-190) of the Session Laws of Hawaii 1947, relating to bonuses for disabled veterans":

Upon motion by Senator Silva, seconded by Senator Goodness, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 13.

Noes: None.

Excused and not voting: Senators Ansai and Fernandes. Total, 2.

Third Reading of House Bill No. 61, entitled: "An Act relating to overtime work of governmental officers and employees":

Upon motion by Senator Silva, seconded by Senator Lee, action on the bill was deferred until later on the calendar.

Third Reading of House Bill No. 66, entitled: "An Act amending Section 1256 of the Revised Laws of Hawaii 1945, as amended, relating to commercial fishing":

Upon motion by Senator Aguiar, seconded by Senator Lee, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 13.

Noes: None.

Excused and not voting: Senators Ansai and Fernandes. Total, 2.

Third Reading of House Joint Resolution No. 1, entitled: "Joint Resolution creating a fact-finding commission on communist and other subversive activities including activities of persons seeking to overthrow our constitutional form of government by force and violence in the Territory of Hawaii, conferring powers and duties upon it, and making appropriations":

Senator Heen offered the following amendments to the joint resolution:

"Amend House Joint Resolution No. 1 in the following respects:

1. On page 2 of the printed joint resolution at the end of the first paragraph of Section 1, delete the "colon' and insert a 'period'.

2. At the beginning of the second paragraph of Section 1, delete '(a)'; and at the beginning of the 3rd paragraph of Section 1, delete '(b)'.

3. On page 5 of the printed joint resolution, Section 7, line 14, after the word "committee", insert the word and punctuation, 'thereof,'.

4. On page 6 of the printed joint resolution, in the last paragraph of Section 8, change the 'period' to a 'comma' and add: 'or any other person designated by the commission to serve the same.'"

Upon motion by Senator Heen, seconded by Senator Capellas, the amendments were adopted.

Upon motion by Senator Heen, seconded by Senator Nobriga, action on the joint resolution, as amended, was deferred until later on the calendar.

Senators Tsukiyama, Silva, Nobriga, Capellas, Akana, Duarte, Lee, Heen, Blaisdell, Hill, Aguiar and Goodness offered a Resolution ( S. Res. No. 31), extending greetings to Senator Benjamin F. Dillingham on the occasion of his birthday, which was read by the Clerk as follows:

(S. Res. No. 31)

Upon motion by Senator Heen, seconded by Senator Aguiar, the Resolution was adopted by a rising vote.

Senator Dillingham expressed his appreciation for the sentiments expressed in the Resolution and for the anthuriums which accompanied it, which, he said, would help him to have a very happy day.

Senator Dillingham offered a Concurrent Resolution (S. Con. Res. No. 6), requesting the Governor to return Senate Bill No. 47 to the Senate for the purpose of making certain corrections therein, which was read by the Clerk as follows:

(S. Con. Res. No. 6)

Upon motion by Senator Dillingham, seconded by Senator Akana, the Concurrent Resolution was adopted.

Senator Nobriga offered a Concurrent Resolution (S. Con. Res. No. 7), requesting the Civil Service Commissions of the Territory and its several counties and city and county, to accept no application for any position, if the applicant is employed by any person, firm, organization or corporation other than the civil service commissions named above, which was read by the Clerk as follows:

(S. Con. Res. No. 7)

Upon motion by Senator Lee, seconded by Senator Akana, action on the Concurrent Resolution was deferred until tomorrow.

Senator Silva, for the Committee on Enrollment, Revision and Printing, presented a report (Stand. Com. Rep. No. 41), reporting on the mimeographing of matters referred to it, which was read by the Clerk as follows:

(Stand. Com. Rep. No. 41)

The report was received and placed on file.

A Petition signed by several thousand residents of the City and County of Honolulu (S. Pet. No. 7), supporting the passage of House Bill No. 54, providing for the repeal of Act 366 of the Session Laws of Hawaii 1949, relating to the regulation of taxicabs, was read by the Clerk as follows:

(S. Pet. No. 7)

Upon motion by Senator Silva, seconded by Senator Goodness, the Petition was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

At this time, Senator Lee moved that the Rules be suspended and that the Senate take up the consideration of House Bill No. 120, on Second Reading. Seconded by Senator Blaisdell, and carried.

Second Reading of House Bill No. 120, entitled: "An Act relating to government physician for the Waianae-Nanakuli District, and making an appropriation":

Upon motion by Senator Lee, seconded by Senator Blaisdell, and under suspension of the Rules, the bill was read throughout on Second Reading.

Senator Blaisdell moved that the bill pass Second Reading and be placed on the calendar for Third Reading tomorrow. Seconded by Senator Lee, and carried.

Senator Lee moved that all House Bills and the House Joint Resolution on today's calendar on Second Reading be referred to the Committee of the Whole. Seconded by Senator Dillingham, and carried; and the following measures were thereupon referred to the Committee of the Whole, of which President Tsukiyama is Chairman:

House Bill No. 54, entitled: "An Act to amend Section 4701 of the Revised Laws of Hawaii 1945, as amended, relating to the jurisdiction of the Public Utilities Commission";

House Bill No. 101, entitled: "An Act relating to legislative procedure and the powers and duties of legislative officers, providing for the more effective enforcement of the process of the Houses and Committees of the Legislature and of the powers of said Houses or Committees to compel the attendance and testimony of witnesses and the production of evidence, and for the punishment of contempts and other violations of this Act, authorizing the accumulation of data for legislation";

House Bill No. 102, entitled: "An Act to amend Section 6188 of the Revised Laws of Hawaii 1945, relating to computation of service under the municipal and county pension systems";

House Bill No. 111, entitled: "An Act appropriating $750,000 for the purchase of lands for homestead purposes under Section 4555, Revised Laws of Hawaii 1945";

House Bill No. 113, entitled: "An Act authorizing the Territory of Hawaii to encourage the development and expansion of export industries through granting exemptions from the general excise tax for certain transportation costs incurred by such industries; creating the export aid commission and defining its powers and duties; and making an appropriation";

House Bill No. 115, entitled: "An Act to provide for benefits in the nature of or similar to unemployment compensation benefits to persons who were employed under Acts 2 and 3 of the Special Session Laws of Hawaii 1949 and who may become unemployed by reason of the termination of the strike of waterfront employees, and making an appropriation therefor";

House Bill No. 117, entitled: "An Act relating to qualifications of attorneys; amending Section 9701 of the Revised Laws of Hawaii 1945, as amended";

House Bill No. 118, entitled: "An Act relating to real property taxes assessed against the Convalescent Nursing Home, First Taxation District, City and County of Honolulu, and forgiving such taxes as may now be due and owing by such Home";

House Bill No. 127, entitled: "An Act relating to change of names and amending Chapter 301, Revised Laws of Hawaii 1945, as amended"; and

House Joint Resolution No. 7, entitled: "Joint Resolution directing the conducting of public meetings by all government agencies except in certain instances".

At 11:08 o'clock a.m., upon motion by Senator Heen, seconded by Senator Goodness, the Senate resolved itself into a Committee of the Whole, with President Tsukiyama as Chairman, for the consideration of measures pending before said Committee.

At 12:00 o'clock noon, the Committee rose and the Senate reconvened.

Senator Heen, for the Committee of the Whole, reported orally, recommending the adoption of House Concurrent Resolution No. 10 as amended, House Concurrent Resolution No. 12 as amended, House Concurrent Resolution No. 15; and recommending the tabling of House Concurrent Resolution No. 16; and further recommending the passage, on Second Reading, of House Bills Nos. 39 as amended, 68, 92, 101, 102 and 118; and further recommending the filing

of House Bill No. 115.

Upon motion by Senator Heen, seconded by Senator Blaisdell, the oral report of the Committee was adopted, a written report to be filed later, thereby adopting House Concurrent Resolution No. 10 as amended, House Concurrent Resolution No. 12 as amended, House Concurrent Resolution No. 15, tabling House Concurrent Resolution No. 16, and passing, on Second Reading, House Bill No. 39 as amended, House Bills 68, 92, 101, 102 and 118, and placing them on the calendar for Third Reading tomorrow; and placing House Bill No. 115 on file.

At 12:03 o'clock p.m., upon motion by Senator Heen, seconded by Senator Lee, the Senate stood in recess until 2:00 o'clock this afternoon.

AFTERNOON SESSION

The Senate reconvened at 2:20 o'clock p.m., with the President presiding and thirteen Senators being present.

A communication from the House (H. Com. No. 125), returning Senate Concurrent Resolution No. 6 adopted by the House of Representatives, was read by the Clerk as follows:

(H. Com. No. 125)

The communication was received and placed on file.

Senators Tsukiyama, Capellas, Duarte, Aguiar, Akana, Lee and Blaisdell offered a Concurrent Resolution (S. Con. Res. No. 8), requesting the Territorial Board of Health to select a more suitable site for the "Hale Mohala" for persons suffering from Hansen's disease, recently established at Pearl City, Oahu, and to forthwith remove the hospital from its present site to the newly selected site, which was read by the Clerk as follows:

(S. Con. Res. No. 8)

Upon motion by Senator Lee, seconded by Senator Dillingham, the Concurrent Resolution was referred to the Committee of the Whole, of which President Tsukiyama is Chairman.

A Message from the Acting Governor of Hawaii (Gov. Message No. 16), returning Senate Bill No. 47 for the purpose of making certain corrections therein, pursuant to Senate Concurrent Resolution No. 6, was read by the Clerk as follows:

(Gov. Message No. 16)

The Message was received and placed on file.

Senator Dillingham moved that the Senate reconsider its action in agreeing to the amendments proposed by the House to Senate Bill No. 47 and passing it on Final Reading. Seconded by Senator Hill, and carried.

Senator Dillingham then moved that the Senate disagree to the amendments proposed by the House to Senate Bill No. 47, and that a Conference Committee be appointed by the President for the consideration thereof. Seconded by Senator Hill, and carried.

The President thereupon appointed Senators Dillingham, Hill and Lee as Conferees on the part of the Senate at such conference.

At 2:25 o'clock p.m., upon motion by Senator Heen, seconded by Senator Duarte, the Senate resolved itself into a Committee of the Whole, with President Tsukiyama as Chairman, for the consideration of measures pending before said Committee.

At 5:00 o'clock p.m., the Committee rose and the Senate reconvened.

Senator Heen, for the Committee of the Whole, reported orally, recommending the passage, on Second Reading, of House Bills Nos. 26, 27, 29, 34, 35, 37, 40, 43, 44, 45, 46, 50, 54, 58, 59 as amended, 62, 70, 81, 82, 98, 103, 105 and 117; and further recommending that House Bills Nos. 63 and 113 be referred to the

Holdover Committee of 1949; recommending that House Bills Nos. 111 and 127 be placed on file; and returning to the Senate without recommendation, House Bill No. 21, which was referred to the Committee on Third Reading.

Upon motion by Senator Heen, seconded by Senator Blaisdell, the oral report of the Committee was adopted. House Bills Nos. 26, 27, 29, 34, 35, 37, 40, 43, 44, 45, 46, 50, 54, 58 and 59 as amended, 62, 70, 81, 82, 98, 103, 105 and 117 thereupon passed Second Reading and were placed on the calendar for Third Reading tomorrow. House Bills Nos. 63 and 113 were referred to the Holdover Committee of 1949; House Bills Nos. 111 and 127 were placed on file, and House Bill No. 21, which was referred to the Committee on Third Reading was returned to the Senate, as amended, without recommendation.

Senator Silva moved at this time that the Senate take up the consideration of House Bill No. 21, as amended, returned by the Committee of the Whole, on Third Reading. Seconded by Senator Nobriga, and carried.

Consideration, on Third Reading, of House Bill No. 21, as amended, entitled: "An Act relating to fishing; repealing Act 348 of the Session Laws of Hawaii 1949, relating to sport fishing; requiring licenses for fishing for, taking or catching any introduced fresh water game fish; authorizing the examination and search of bags, containers, vehicles and conveyances used to carry and transport fish; and providing penalties and for forfeitures":

Senator Silva moved that the bill pass Third Reading. Seconded by Senator Nobriga. The motion to pass the bill, as amended, on Third Reading, was put, and lost, on the following showing of Ayes and Noes:

Ayes: Senators Hill, Nobriga, Silva and Mr. President. Total, 4.

Noes: Senators Aguiar, Akana, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen and Lee. Total, 9.

Excused and not voting: Senators Ansai and Fernandes. Total, 2.

Consideration, on Third Reading of Senate Bill No. 1, as amended, entitled: "An Act relating to public utilities and labor disputes therein; providing for peaceful settlement of such disputes; prohibiting strikes, lockouts, stoppages, slowdowns or retardation of service in such industry except under prescribed conditions; providing for injunctions and other remedies of the government to enforce the provisions of this Act and criminal penalties for violations of certain provisions hereof and of rules and regulations prescribed hereunder; making an appropriation to carry out certain provisions hereof; and amending Chapter 73 of the Revised Laws of Hawaii 1945, as amended", deferred from earlier on the calendar:

Senator Heen moved to pass the bill on Third Reading, as amended. Seconded by Senator Lee. The motion to pass the bill, as amended, on Third Reading, was put, and failed to carry, on the following showing of Ayes and Noes:

Ayes: Senators Goodness, Lee, Nobriga and Silva. Total, 4.

Noes: Senators Aguiar, Akana, Blaisdell, Capellas, Dillingham, Duarte, Heen, Hill and Mr. President. Total, 9.

Excused and not voting: Senators Ansai and Fernandes. Total, 2.

Senator Heen having voted with the majority in failing to pass Senate Bill No. 1 as amended on Third Reading, moved that the Senate reconsider its action in failing to pass the bill on Third Reading. Seconded by Senator Lee, and carried.

Senator Heen thereupon offered the following amendment:

"In Section 3, line 3, on page 18 of the typewritten bill, insert the words and figures "fifty thousand dollars ($50,000.00)" in the blank space after the word 'of'.

Upon motion by Senator Heen, seconded by Senator Lee, the amendment was adopted.

Senator Hill then moved that the bill, as amended, be referred to the Holdover Committee of 1949. Seconded by Senator Blaisdell.

A Roll Call being demanded, the motion to refer the bill, as amended, to the Holdover Committee of 1949, was put, and carried, on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill and Mr. President. Total, 10.

Noes: Senators Lee, Nobriga and Silva. Total, 3.

Excused and not voting: Senators Ansai and Fernandes. Total, 2.

Having voted with the majority, Senator Goodness moved that the Senate reconsider its action in failing to pass House Bill No. 21, as amended, on Third Reading. Seconded by Senator Duarte, and carried.

Consideration, on Third Reading, of House Bill No. 21, as amended, entitled: "An Act relating to fishing; repealing Act 348 of the Session Laws of Hawaii 1949, relating to sport fishing; requiring licenses for fishing for, taking or catching any introduced fresh water game fish; authorizing the examination and search of bags, containers, vehicles and conveyances used to carry and transport fish; and providing penalties and for forfeitures":

Senator Goodness moved to pass the bill on Third Reading. Seconded by Senator Nobriga. The motion to pass the bill

on Third Reading was put, and lost, on the following showing of Ayes and Noes:

Ayes: Senators Blaisdell, Duarte, Goodness, Hill, Nobriga and Silva. Total, 6.

Noes: Senators Aguiar, Akana, Capellas, Dillingham, Heen, Lee and Mr. President. Total, 7.

Excused and not voting: Senators Ansai and Fernandes. Total, 2.

Consideration, on Third Reading, of Senate Bill No. 6, as amended, entitled: "An Act relating to the furnishing by the government of longshore services, terminal facilities and services in connection therewith, and making appropriations therefor", deferred from earlier on the calendar:

Upon motion by Senator Lee, seconded by Senator Heen, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Capellas, Goodness, Heen, Lee, Nobriga, Silva and Mr. President. Total, 8.

Noes: Senators Akana, Blaisdell, Dillingham, Duarte and Hill. Total, 5.

Excused and not voting: Senators Ansai and Fernandes. Total, 2.

Consideration, on Third Reading, of House Bill No. 61, entitled: "An Act relating to overtime work of governmental officers and employees", deferred from earlier on the calendar:

Upon motion by Senator Akana, seconded by Senator Lee, action on the bill was deferred until tomorrow.

Consideration, on Third Reading, of House Joint Resolution No. 1, as amended, entitled: "Joint Resolution creating a fact-finding commission on communist and other subversive activities including activities of persons seeking to overthrow

our constitutional form of government by force and violence in the Territory of Hawaii, conferring powers and duties upon it, and making appropriations", deferred from earlier on the calendar:

Senator Silva moved that the words and figures "seventy-five thousand dollars ($75,000.00)" be substituted for the words and figures "one hundred thousand dollars ($100,000) in section 13". Seconded by Senator Nobriga.

Senator Hill moved to table the motion to amend the joint resolution. Seconded by Senator Akana.

A Roll Call being demanded, the motion to table the motion to amend the joint resolution was put, and lost, on the following showing of Ayes and Noes:

Ayes: Senators Akana, Blaisdell, Dillingham, Heen and Hill. Total, 5.

Noes: Senators Aguiar, Capellas, Duarte, Goodness, Lee, Nobriga, Silva and Mr. President. Total, 8.

Excused and not voting: Senators Ansai and Fernandes. Total, 2.

Senator Silva thereupon moved for the adoption of the amendment. Seconded by Senator Duarte, and carried.

Senator Blaisdell was excused from the session at this time.

Upon motion by Senator Hill, seconded by Senator Akana, the joint resolution as amended, passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Akana, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Silva and Mr. President. Total, 10.

Noes: Senators Aguiar and Nobriga. Total, 2.

Excused and not voting: Senators Ansai, Blaisdell and Fernandes. Total, 3.

A communication from the House (H. Com. No. 126), informing the Senate that the House had adopted the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 65, and that said bill, had passed Final Reading in accordance therewith, was read by the Clerk as follows:

(H. Com. No. 126)

The communication was received and placed on file.

Senator Nobriga, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 65, presented a report (Conf. Com. Rep. No. 4), recommending the final passage of the bill as passed by the Senate, which was read by the Clerk as follows:

(Conf. Com. Rep. No. 4)

Upon motion by Senator Nobriga, seconded by Senator Goodness, the report of the Committee was adopted; and House Bill No. 65, entitled: "An Act making an appropriation for natatoriums and swimming pools, including the acquisition, construction, maintenance and operation of such natatoriums and swimming pools, and providing for the expenditure of said appropriation", passed Final Reading in accordance therewith on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 12.

Noes: None.

Excused and not voting: Senators Ansai, Blaisdell and Fernandes. Total, 3.

A communication from the House (H. Com. No. 127), returning Senate Bill No. 66, was read by the Clerk as follows:

(H. Com. No. 127)

The communication was received and placed on file.

A communication from the House (H. Com. No. 128), returning Senate Bill No. 69, which had been substituted for House Bill No. 134, identically entitled, was read by the Clerk as follows:

(H. Com. No. 128)

The communication was received and placed on file.

A communication from the House (H. Com. No. 129), transmitting House Concurrent Resolution No. 17, was read by the Clerk as follows:

(H. Com. No. 129)
(H. Con. Res. No. 17)

The communication was received and placed on file.

Consideration of House Concurrent Resolution No. 17, "requesting the Liquor Commission of the City and County of Honolulu to extend the hours of closing for dispensers general":

Upon motion by Senator Silva, seconded by Senator Capellas, the Concurrent Resolution was adopted.

A communication from the House (H. Com. No. 130), returning Senate Bill No. 19, with an amendment, was read by the Clerk as follows:

(H. Com. No. 130)

The communication was received and placed on file.

Senator Akana moved that the Senate concur in the amendment proposed by the House. Seconded by Senator Hill; and Senate Bill No. 19, as amended, entitled: "An Act relating to government employment, prohibiting strikes, stoppage, slowdown, retardation or other concerted interruption of work or services therein, and providing for remedies of the government against violations of this Act", passed Final Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 12.

Noes: None.

Excused and not voting: Senators Ansai, Blaisdell and Fernandes. Total, 3.

A communication from the House (H. Com. No. 131), returning Senate Bill No. 4 in an amended form, was read by the Clerk as follows:

(H. Com. No. 131)

The communication was received and placed on file.

Upon motion by Senator Silva, seconded by Senator Dillingham, action on the amended bill was deferred until tomorrow.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 58), recommending the passage of Senate Bill No. 33, which was read by the Clerk as follows:

(Com. Whole Rep. No. 58)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 59), recommending the passage of Senate Bill No. 68, which was read by the Clerk as follows:

(Com. Whole Rep. No. 59)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 60), recommending the passage of Senate Bill No. 70, which was read by the Clerk as follows:

(Com. Whole Rep. No. 60)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 61), recommending the passage of Senate Joint Resolution No. 10, with certain amendments, which was read by the Clerk as follows:

(Com. Whole Rep. No. 61)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 62), recommending the passage of House Bill No. 80, which was read by the Clerk as follows:

(Com. Whole Rep. No. 62)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 63), recommending the passage of House Bill No. 84, which was read by the Clerk as follows:

(Com. Whole Rep. No. 63)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

At 5:35 o'clock p.m., upon motion by Senator Dillingham, seconded by Senator Silva, the Senate adjourned until 9:00 o'clock a.m., on Saturday, October 15, 1949.

Ellen D Smythe
Clerk of the Senate.

Approved:

Wilfred Tenkyanna
President of the Senate.

1949 SPEC SENATE

# The Legislature
of the
# Territory of Hawaii

# SENATE JOURNAL

SPECIAL
*Regular Session, 19* 49

SEVENTIETH Day

SATURDAY, October 15, 19 49

ELLEN D. SMYTHE
*Clerk*

JOURNAL OF THE SENATE

SEVENTIETH DAY

Saturday, October 15, 1949.

The Senate convened at 9:10 o'clock a.m., with President Tsukiyama presiding.

The Divine Blessing was invoked by Chaplain Judd, after which the Roll was called showing all Senators present, with the exception of Senator Fernandes, excused.

The Journal of the Sixty-Ninth Day was read and approved.

At 9:15 o'clock a.m., upon motion by Senator Dillingham, seconded by Senator Goodness, the Senate resolved itself into a Committee of the Whole, with President Tsukiyama as Chairman, for the consideration of measures pending before said Committee.

At 9:30 o'clock a.m., the Committee rose and the Senate reconvened.

Senator Heen, for the Committee of the Whole, reported orally recommending that House Joint Resolution No. 7 be referred to the Holdover Committee of 1949; that Senate Concurrent Resolution No. 8 be adopted; that Senate Petitions Nos. 1, 2, 3, 4, 5 6 and 7 be placed on file; that Departmental Communications Nos. 3, 4, 5, 8, 11, 12, 13, 17, 18, 21, 29, 30 and 33 be placed on file; and that Miscellaneous Communications Nos. 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 15, 18, 19, 21, 22, 26, 27, 28, 29, 30, 31, 32 and 33 be placed on file.

Upon motion by Senator Heen, seconded by Senator Goodness, the oral report of the Committee was adopted, a written report to be filed later. House Joint Resolution No. 7 was referred

to the Holdover Committee of 1949; Senate Concurrent Resolution No. 8 was adopted; Senate Petitions Nos. 1, 2, 3, 4, 5, 6 and 7 were thereupon placed on file; and the above enumerated Departmental Communications and above enumerated Miscellaneous Communications were placed on file.

Consideration of the amendments proposed by the House to Senate Bill No. 4, action on which was deferred yesterday:

Senator Heen moved that the Senate disagree to the amendments proposed by the House, and that a Conference Committee be appointed by the President for the consideration thereof. Seconded by Senator Blaisdell, and carried.

The President thereupon appointed Senators Heen, Silva and Blaisdell as Conferees on the part of the Senate at such conference.

Consideration of Senate Concurrent Resolution No. 7, requesting the Civil Service Commissions of the Territory and its several counties and city and county, to accept no application for any position, if the applicant is employed by any person, firm, organization or corporation other than the Civil Service Commissions named above, deferred from yesterday:

Upon motion by Senator Heen, seconded by Senator Akana, the Concurrent Resolution was referred to the Holdover Committee of 1949.

Second Reading of House Bill No. 124, entitled: "An Act to amend Section 6352 of the Revised Laws of Hawaii 1945, as amended by Act 209 of the Session Laws of Hawaii 1947, relating to salaries of officers, Hawaii":

Upon motion by Senator Heen, seconded by Senator Aguiar, the bill was placed on file.

Third Reading of House Bill No. 26, entitled: "An Act relating to opihis and providing penalties":

Upon motion by Senator Heen, seconded by Senator Aguiar, the bill was placed on file.

Third Reading of House Bill No. 27, entitled: "An Act to amend Act 63, Session Laws of Hawaii 1947, relating to water storage facilities on the Island of Molokai":

Upon motion by Senator Silva, seconded by Senator Nobriga, action on the bill was deferred until later on the calendar:

Third Reading of House Bill No. 29, entitled: "An Act authorizing and directing the board of supervisors of the county of Hawaii to provide a park and playground area for the people of Kona, Hawaii":

Upon motion by Senator Duarte, seconded by Senator Nobriga, the bill was tabled.

Third Reading of House Bill No. 34, entitled: "An Act to amend Section 1223 of the Revised Laws of Hawaii 1945, as amended, relating to fishing":

Senator Aguiar offered the following amendments to the bill:

> "Amend House Bill No. 34 in the following respects:
>
> 1. Delete the 'period' at the end of the quoted proviso in section 1, and insert in lieu thereof a 'semi-colon'; and add thereafter the following:
>
> 'provided, further, that, in the taking of oopu, the opening of any trap or contrivance shall not be more than one and one-half inches.'".

Upon motion by Senator Aguiar, seconded by Senator Goodness, the amendments were adopted.

Upon motion by Senator Aguiar, seconded by Senator Goodness, the bill, as amended, passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 14.

Noes: None.

Excused and not voting: Senator Fernandes. Total, 1.

Third Reading of House Bill No. 35, entitled: "An Act authorizing the county of Hawaii to levy an amusement tax and providing that the revenue realized be exclusively used for the county of Hawaii in promoting recreation and the building, development, and maintenance of public parks and playgrounds":

Upon motion by Senator Silva, seconded by Senator Lee, the bill was placed on file.

Third Reading of House Bill No. 37, entitled: "An Act amending Act 327 of the Session Laws of Hawaii 1949, relating to the furnishing of certified copies of certain records to veterans and others":

Upon motion by Senator Lee, seconded by Senator Goodness, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 14.

Noes: None.

Excused and not voting: Senator Fernandes. Total, 1.

Third Reading of House Bill No. 39, as amended, entitled: "An Act to amend Chapter 94, Revised Laws of Hawaii 1945, relating to home exemption":

Upon motion by Senator Goodness, seconded by Senator Nobriga, action on the bill was deferred until later on the calendar.

Third Reading of House Bill No. 40, entitled: "An Act to amend Act 401, Session Laws of Hawaii 1949, relating to public improvements and the financing thereof":

Upon motion by Senator Nobriga, seconded by Senator Goodness, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 14.

Noes: None.

Excused and not voting: Senator Fernandes. Total, 1.

Third Reading of House Bill No. 43, entitled: "An Act amending Act 114, Session Laws of Hawaii 1949, relating to produce dealers":

Upon motion by Senator Heen, seconded by Senator Nobriga, the bill was recommitted to the Committee of the Whole, with President Tsukiyama as Chairman.

Third Reading of House Bill No. 44, entitled: "An Act to amend Section 7313, Revised Laws of Hawaii 1945, relating to licenses of operators and chauffeurs":

Senator Akana offered the following amendment to the bill:

"Amend House Bill No. 44, House Draft No. 2, in the following respect:

Amend Section 1 thereof to read as follows:

'SECTION 1. Section 7313 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto at the end thereof the following:

'Any person holding an operator's license may, upon the payment of the sum of fifty cents, surrender his license and obtain a duplicate license free from any entries of records of convictions which may have been entered upon such operator's license; provided, that no such duplicate license shall be so issued if the surrendered license has any record or entry thereon of any conviction during a period of three years immediately preceding the application for a duplicate license.'"

Upon motion by Senator Akana, seconded by Senator Lee, the amendment was adopted.

Upon motion by Senator Akana, seconded by Senator Blaisdell, the bill, as amended, passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 14.

Noes: None.

Excused and not voting: Senator Fernandes. Total, 1.

Third Reading of House Bill No. 45, entitled: "An Act amending Chapter 124 of the Revised Laws of Hawaii 1945, as amended, by amending Section 6384 thereof":

Upon motion by Senator Silva, seconded by Senator Nobriga, action on the bill was deferred until later on the calendar.

Third Reading of House Bill No. 46, entitled: "An Act to amend Act 232, Session Laws of 1949, relating to the office hours and hours of work of officers and employees of the Territory of Hawaii, the several counties and the boards and commissions thereof":

Upon motion by Senator Heen, seconded by Senator Akana, the bill was referred to the Holdover Committee of 1949.

Third Reading of House Bill No. 50, entitled: "An Act to amend Section 550, Revised Laws of Hawaii 1945, relating to vacations of public officers and employees":

Upon motion by Senator Hill, seconded by Senator Duarte, the bill was referred to the Holdover Committee of 1949.

Third Reading of House Bill No. 54, entitled: "An Act to amend Section 4701 of the Revised Laws of Hawaii 1945, as amended, relating to the jurisdiction of the Public Utilities Commission":

Upon motion by Senator Dillingham, seconded by Senator

Nobriga, action on the bill was deferred until later on the calendar.

Third Reading of House Bill No. 58, entitled: "An Act relating to the real property tax rate for the several counties and city and county and amending Section 5254 of the Revised Laws of Hawaii 1945, as amended":

Upon motion by Senator Heen, seconded by Senator Lee, the bill was recommitted to the Committee of the Whole, of which President Tsukiyama is Chairman.

Third Reading of House Bill No. 59, as amended, entitled: "An Act relating to bonds on appeal":

Upon motion by Senator Heen, seconded by Senator Capellas, the bill, as amended, passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva, and Mr. President. Total, 14.

Noes: None.

Excused and not voting: Senator Fernandes. Total, 1.

Third Reading of House Bill No. 61, entitled: "An Act relating to overtime work of governmental officers and employees":

Upon motion by Senator Silva, seconded by Senator Goodness, action on the bill was deferred until later on the calendar.

Third Reading of House Bill No. 62, entitled: "An Act relating to the regulation of motor vehicle common carriers transporting passengers within the county of Hawaii and authorizing the Board of Supervisors of the County of Hawaii to adopt an ordinance regulating the same":

Upon motion by Senator Nobriga, seconded by Senator Dillingham, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 12.

Noes: Senators Duarte and Goodness. Total, 2.

Excused and not voting: Senator Fernandes. Total, 1.

Third Reading of House Bill No. 68, entitled: "An Act to provide funds for the eradication of rats in Kona, Hawaii; amending Act 335 of the Session Laws of Hawaii 1949 for such purpose":

Upon motion by Senator Aguiar, seconded by Senator Duarte, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 14.

Noes: None.

Excused and not voting: Senator Fernandes. Total, 1.

Third Reading of House Bill No. 70, entitled: "An Act to amend Sections 484, 487 and 488, Revised Laws of Hawaii 1945, as amended, pertaining to the bonds of public officers":

Upon motion by Senator Lee, seconded by Senator Akana, the bill was recommitted to the Committee of the Whole, of which President Tsukiyama is Chairman.

Third Reading of House Bill No. 81, entitled: "An Act to amend Section 9713 of the Revised Laws of Hawaii 1945, to permit military legal officers to represent military personnel in the District Courts in cases involving the driving of military vehicles":

Upon motion by Senator Heen, seconded by Senator Lee, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 14.

Noes: None.

Excused and not voting: Senator Fernandes. Total, 1.

Third Reading of House Bill No. 82, entitled: "An Act creating the Industrial Loan Guarantee Fund for the stimulation of business and industrial expansion of the Territory through the guarantee of loans for new and for established businesses and industries; creating the Industrial Loan Guarantee Board and prescribing its membership, powers and duties; and making an appropriation":

Upon motion by Senator Nobriga, seconded by Senator Akana, action on the bill was deferred until later on the calendar.

Third Reading of House Bill No. 92, entitled: "An Act amending Act 101, Session Laws of Hawaii 1949, relating to construction of certain buildings for the University of Hawaii at Kainaliu, North Kona, Hawaii":

Upon motion by Senator Aguiar, seconded by Senator Lee, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 14.

Noes: None.

Excused and not voting: Senator Fernandes. Total, 1.

Third Reading of House Bill No. 98, entitled: "An Act providing for a program of public works and the issuance of bonds for the same in time of unemployment":

Upon motion by Senator Lee, seconded by Senator Dillingham, the bill was recommitted to the Committee of the Whole, of which President Tsukiyama is Chairman.

Third Reading of House Bill No. 101, entitled: "An Act relating to legislative procedure and the powers and duties of legislative officers, providing for the more effective enforcement of the process of the Houses and Committees of the Legislature and of the powers of said Houses or Committees to compel the attendance and testimony of witnesses and the production of evidence, and for the punishment of contempts and other violations of this Act, authorizing the accumulation of data for legislation":

Upon motion by Senator Heen, seconded by Senator Dillingham, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 14.

Noes: None.

Excused and not voting: Senator Fernandes. Total, 1.

Third Reading of House Bill No. 102, entitled: "An Act to amend Section 6188 of the Revised Laws of Hawaii 1945, relating to computation of service under the muncipal and county pension systems":

Upon motion by Senator Heen, seconded by Senator Dillingham, the bill was recommitted to the Committee of the Whole, of which President Tsukiyama is Chairman.

Third Reading of House Bill No. 103, entitled: "An Act to amend Chapter 74 of the Revised Laws of Hawaii 1945, as amended, relating to unemployment compensation":

Upon motion by Senator Lee, seconded by Senator Dillingham, the bill was recommitted to the Committee of the Whole, of which President Tsukiyama is Chairman.

Third Reading of House Bill No. 105, entitled: "An Act appropriating the sum of three thousand dollars ($3,000.00) to reimburse the City and County of Honolulu for the cost of the extension of sewer main to the grounds of the University of Hawaii":

Upon motion by Senator Akana, seconded by Senator Heen, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 14.

Noes: None.

Excused and not voting: Senator Fernandes. Total, 1.

Third Reading of House Bill No. 117, entitled: "An Act relating to qualifications of attorneys; amending Section 9701 of the Revised Laws of Hawaii 1945, as amended":

Upon motion by Senator Lee, seconded by Senator Heen, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 14.

Noes: None.

Excused and not voting: Senator Fernandes. Total, 1.

Third Reading of House Bill No. 118, entitled: "An Act relating to real property taxes assessed against the Convalescent Nursing Home, First Taxation District, City and County of Honolulu, and forgiving such taxes as may now be due and owing by such home":

Upon motion by Senator Akana, seconded by Senator Hill,

the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 14.

Noes:: None.

Excused and not voting: Senator Fernandes. Total, 1.

Third Reading of House Bill No. 120, entitled: "An Act relating to government physician for the Waianae-Nanakuli District, and making an appropriation":

Upon motion by Senator Lee, seconded by Senator Dillingham, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 14.

Noes: None.

Excused and not voting: Senator Fernandes. Total, 1.

A communication from the House, informing the Senate that the House had agreed to the amendment proposed by the Senate to House Concurrent Resolution No. 10 (H. Com. No. 132), and that said Concurrent Resolution, as thus amended, had been adopted by the House of Representatives, was read by the Clerk as follows:

(H. Com. No. 132)

The communication was received and placed on file.

A communication from the House (H. Com. No. 133), informing the Senate that the House had agreed to the amendment proposed by the Senate to House Concurrent Resolution No. 12, and that said concurrent resolution, as thus amended, had been adopted by the House of Representatives, was read by the Clerk as

follows:

(H. Com. No. 133)

The communication was received and placed on file.

At 10:05 o'clock a.m., upon motion by Senator Nobriga, seconded by Senator Silva, the Senate resolved itself into a Committee of the Whole, with President Tsukiyama as Chairman, for the consideration of measures pending before said Committee.

At 11:00 o'clock a.m., the Committee rose and the Senate reconvened.

Senator Heen, for the Committee of the Whole, reported orally, recommending that House Bill No. 43 be referred to the Holdover Committee of 1949; that House Bill No. 58 pass Third Reading; that House Bill No. 70 be referred to the Holdover Committee of 1949; that House Bill No. 98 be placed on file; that House Bill No. 102 pass Third Reading, and reporting progress and asking leave to sit again on House Bill No. 103.

Upon motion by Senator Heen, seconded by Senator Goodness, the oral report of the Committee was adopted, awritten report to be filed later.

House Bill No. 43 was thereupon referred to the Holdover Committee of 1949.

House Bill No. 58, entitled: "An Act relating to the real property tax rate for the several counties and city and county and amending Section 5254 of the Revised Laws of Hawaii 1945, as amended", passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 14.

Noes: None.

Excused and not voting: Senator Fernandes. Total, 1.

House Bill No. 70 was thereupon referred to the Holdover Committee of 1949;

House Bill No. 98 was placed on file;

House Bill No. 102, entitled: "An Act to amend Section 6188 of the Revised Laws of Hawaii 1945, relating to computation of service under the municipal and county pension systems", passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 14.

Noes: None.

Excused and not voting: Senator Fernandes. Total, 1.

A Message from the Governor (Gov. Message No. 17), submitting the name of Dr. Harry I. Kurisaki as a member of the Board of Dental Examiners, was read by the Clerk as follows:

(Gov. Message No. 17)

The Message was received, and upon motion by Senator Lee, seconded by Senator Dillingham, action on the Message was deferred until later on the calendar.

A communication from the House (H. Com. No. 134), informing the Senate of the appointment of Representatives Porteus, Sakakihara and Lydgate as Managers on the part of the House for the consideration of the amendments proposed by the House to Senate Bill No. 4, to which the Senate had disagreed, was read by the Clerk as follows:

(H. Com. No. 134)

The communication was received and placed on file.

A communication from the House (H. Com. No. 135), informing the Senate that Representatives Marcallino, Sakakihara and Lydgate had been appointed as Managers on the part of the House for the consideration of the amendment proposed by the House to Senate Bill No. 47 (recalled from the Governor), to which the Senate had disagreed, was read by the Clerk as follows:

(H. Com. No. 135)

The communication was received and placed on file.

A communication from the Attorney General of the Territory (Dept. Com. No. 34), enclosing a true copy of the report of the investigation conducted by that Department into matters connected with the Territorial Boxing Commission, was read by the Clerk as follows:

(Dept. Com. No. 34)

The communication and report were received, and upon motion by Senator Duarte, seconded by Senator Dillingham, were referred to the Holdover Committee of 1949.

At this time, Senator Heen moved that Senate Resolution No. 20, relating to matters pertaining to the Territorial Boxing Commission, be taken out of the Committee of the Whole and be considered by the Senate at this time. Seconded by Senator Dillingham, and carried.

Consideration of Senate Resolution No. 20, requesting the members of the Territorial Boxing Commission to appear before the Senate, sitting as a Committee of the Whole, to explain various matters concerning the administration, etc., of the Boxing Commission:

Upon motion by Senator Duarte, seconded by Senator Dillingham, the Resolution was referred to the Holdover Committee of 1949.

Senator Silva, for the Committee on Enrollment, Revision

and Printing, presented a report (Stand. Com. Rep. No. 42), reporting on the mimeographing of matters referred to it, which was read by the Clerk as follows:

(Stand. Com. Rep. No. 42)

The report was received and placed on file.

Senator Heen moved that the Senate at this time take up the consideration of House Bill No. 39, as amended, on Third Reading, action on which had been deferred earlier on the calendar. Seconded by Senator Akana, and carried.

Consideration, on Third Reading, of House Bill No. 39, as amended, deferred from earlier on the calendar, entitled: "An Act to amend Chapter 94, Revised Laws of Hawaii 1945, relating to home exemption":

Senator Hill moved to pass the bill on Third Reading. Seconded by Senator Akana.

Senator Nobriga moved to defer action on the bill until the end of the calendar. Seconded by Senator Goodness, and carried.

At 11:27 o'clock a.m., the Senate stood in recess, subject to the call of the Chair.

At 11:40 o'clock a.m., the Senate reconvened.

Senator Nobriga, for the Committee on Conference on the disagreeing vote of the Senate to the amendment proposed by the House to Senate Bill No. 47 (recalled from the Governor), presented a report (Conf. Com. Rep. No. 5), recommending the passage of the bill on Final Reading in an amended form, which was read by the Clerk as follows:

(Conf. Com. Rep. No. 5)

Upon motion by Senator Dillingham, seconded by Senator Lee, the report of the Committee was adopted; and Senate Bill No. 47, upon recall from the Governor, entitled: "An Act to amend Chapter 2 of the Revised Laws of Hawaii 1945, relating to civil

service, by amending subsection (12) of Section 68 thereof", passed Final Reading in accordance therewith, on the following showing of Ayes and Noes:

Ayes: Senators Aguiar, Akana, Ansai, Blaisdell, Capellas, Dillingham, Goodness, Heen, Lee, Nobriga, Silva and Mr. President. Total, 12.

Noes: None.

Excused and not voting: Senators Duarte and Fernandes. Total, 2.

Absent at Roll Call: Senator Hill. Total, 1.

The President announced at this time that he had temporarily excused Senator Duarte, and that he would return to the Session later in the day.

A communication from the House (H. Com. No. 136), informing The Senate that the House had disagreed to the amendments proposed by the Senate to House Bill No. 34, asked for a conference on the subject matter thereof, and had appointed Representatives Miyake, Sakakihara and Kauhane as Managers on the part of the House, for the consideration of said amendments, was read by the Clerk as follows:

(H. Com. No. 136)

The communication was received and placed on file.

The President thereupon appointed Senators Goodness, Nobriga and Blaisdell as Conferees on the part of the Senate at such conference.

A communication from the House (H. Com. No. 137), informing the Senate that the House had agreed to the amendments proposed by the Senate to House Bill No. 44; and that said bill, as thus amended, had passed Final Reading in the House of Representatives

was read by the Clerk as follows:

(H. Com. No. 137)

The communication was received and placed on file.

A communication from the House (H. Com. No. 138), informing the Senate that the House had agreed to the amendments proposed by the Senate to House Bill No. 59, and that said bill, as thus amended, had passed Final Reading in the House of Representatives, was read by the Clerk as follows:

(H. Com. No. 138)

The communication was received and placed on file.

A communication from the House (H. Com. No. 139), informing the Senate that the House had agreed to the amendments proposed by the Senate to House Joint Resolution No. 1, and that said joint resolution, as thus amended, had passed Final Reading in the House of Representatives, was read by the Clerk as follows:

(H. Com. No. 139)

The communication was received and placed on file.

A communication from Mr. C. Nils Tavares (Misc. Com. No. 34), submitting, as requested, suggestions for amendment of House Bill No. 54, was read by the Clerk as follows:

(Misc. Com. No. 34)

The communication was received and, upon motion by Senator Goodness, seconded by Senator Aguiar, action thereon was deferred until later on the calendar, to be considered in connection with House Bill No. 54, now pending before the Senate, and deferred until later on the calendar.

At 11:50 o'clock a.m., upon motion by Senator Lee, seconded by Senator Heen, the Senate resolved itself into a Committee of the Whole for the consideration of House Bill No. 103, referred to said Committee on Third Reading, earlier on today's calendar, with President Tsukiyama as Chairman.

At 2:05 o'clock p.m., the Committee rose and the Senate reconvened, with all Senators present, with the exception of Senators Aguiar and Fernandes, excused, and Senator Nobriga temporarily absent.

The President announced that as it had been necessary for Senator Aguiar to return to his home on Kauai this afternoon, he had excused him from the balance of today's session.

Senator Heen, for the Committee of the Whole, having under consideration House Bill No. 103, recommitted to said Committee on Third Reading earlier on today's calendar, reported orally, recommending the passage of the said bill on Third Reading.

Senator Heen moved for the adoption of the oral report, a written report to be filed later. Seconded by Senator Lee.

The motion to adopt the oral report of the Committee and to thus pass House Bill No. 103, entitled: "An Act to amend Chapter 74 of the Revised Laws of Hawaii 1945, as amended, relating to unemployment compensation", was thereupon put, and failed to carry, on the following showing of Ayes and Noes:

Ayes: Senators Goodness, Heen, Lee, Silva and Mr. President. Total, 5.

Noes: Senators Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte and Hill. Total, 7.

Excused and not voting: Senators Aguiar and Fernandes. Total, 2.

Absent at Roll Call: Senator Nobriga. Total, 1.

Senator Blaisdell then moved that House Bill No. 103 be referred to the Holdover Committee of 1949. Seconded by Senator Duarte, and carried.

Consideration, on Third Reading, of House Bill No. 54, entitled: "An Act to amend Section 4701 of the Revised Laws of Hawaii 1945, as amended, relating to the jurisdiction of the Public Utilities Commission", deferred from earlier on the calendar:

Senator Dillingham offered the following amendments to the bill:

"Amend House Bill No. 54 in the following respects:

1. Insert after the word 'passengers' in the fifth line of the quotation in Section 1 of the mimeographed Bill H.D. No. 2, being the eighth line from the top of Section 1, the words 'making such call or demand'.

2. Substitute for the word 'the' in the last line of the first sentence of said quotation, being the 10th line from the top of said Section 1, the word 'such'.

3. Delete the last sentence of said paragraph."

At this time, Senator Silva moved that the Senate resolve itself into a Committee of the Whole for the consideration of the amendments offered by Senator Dillingham. Seconded by Senator Nobriga.

Senators Heen and Lee asked to be excused from voting on this measure, and were thereupon so excused.

A Roll Call being demanded, the motion that the Senate resolve itself into a Committee of the Whole for the purpose of considering House Bill No. 54 and the pending amendments, was put and lost, on the following showing of Ayes and Noes:

Ayes: Senators Dillingham, Nobriga and Silva. Total, 3.

Noes: Senators Akana, Ansai, Blaisdell, Capellas, Duarte, Goodness, Hill and Mr. President. Total, 8.

Excused and not voting: Senators Aguiar, Fernandes, Heen and Lee. Total, 4.

Senator Dillingham thereupon moved that the amendments be adopted. Seconded by Senator Nobriga.

Senator Capellas moved that the bill and the pending amendments be referred to the Holdover Committee of 1949 for study. Seconded by Senator Nobriga.

A Roll Call being demanded, the motion to refer the bill and the pending amendments to the Holdover Committee of 1949 was put, and lost, on the following showing of Ayes and Noes:

Ayes: Senators Capellas, Dillingham, Hill, Nobriga and Silva. Total, 5.

Noes: Senators Akana, Ansai, Blaisdell, Duarte, Goodness and Mr. President. Total, 6.

Excused and not voting: Senators Aguiar, Fernandes, Heen and Lee. Total, 4.

Senator Akana moved that House Bill No. 54 pass Third Reading. Seconded by Senator Duarte.

The motion to pass the bill on Third Reading was thereupon put, and failed to carry, on the following showing of Ayes and Noes:

Ayes: Senators Akana, Ansai, Blaisdell, Duarte, Goodness and Mr. President. Total, 6.

Noes: Senators Capellas, Dillingham, Hill, Nobriga and Silva. Total, 5.

Excused and not voting: Senators Aguiar, Fernandes, Heen and Lee. Total, 4.

Consideration, on Third Reading, of House Bill No. 39, as amended, entitled: "An Act to amend Chapter 94, Revised Laws of Hawaii 1945, relating to home exemption", deferred from earlier on the calendar:

Senator Hill offered the following amendments to the bill:

"Amend House Bill No. 39 (HD-2 SD-1) in the following respects:

"Amend Section 3 thereof to read as follows:

"SECTION 3. Section 5149 of said Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(a) By substituting a semi-colon for the period at the end of paragraph (4) of subsection 2 thereof, and by adding thereafter the following:

'provided, further, that where a portion of any building or structure is used for the purpose of drying coffee, such use shall not

Ayes: Senators Capellas, Dillingham, Hill, Nobriga and Silva. Total, 5.

Noes: Senators Akana, Ansai, Blaisdell, Duarte, Goodness and Mr. President. Total, 6.

Excused and not voting: Senators Aguiar, Fernandes, Heen and Lee. Total, 4.

Senator Akana moved that House Bill No. 54 pass Third Reading. Seconded by Senator Duarte.

The motion to pass the bill on Third Reading was thereupon put, and failed to carry, on the following showing of Ayes and Noes:

Ayes: Senators Akana, Ansai, Blaisdell, Duarte, Goodness and Mr. President. Total, 6.

Noes: Senators Capellas, Dillingham, Hill, Nobriga and Silva. Total, 5.

Excused and not voting: Senators Aguiar, Fernandes, Heen and Lee. Total, 4.

Consideration, on Third Reading, of House Bill No. 39, as amended, entitled: "An Act to amend Chapter 94, Revised Laws of Hawaii 1945, relating to home exemption", deferred from earlier on the calendar:

Senator Hill offered the following amendments to the bill:

"Amend House Bill No. 39 (HD-2 SD-1) in the following respects:

"Amend Section 3 thereof to read as follows:

"SECTION 3. Section 5149 of said Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(a) By substituting a semi-colon for the period at the end of paragraph (4) of subsection 2 thereof, and by adding thereafter the following:

'provided, further, that where a portion of any building or structure is used for the purpose of drying coffee, such use shall not

bar the granting of such exemption; provided, further, that where a portion of any real property, including structures, is used in connection with the planting and growing for commercial purposes, or the packing and processing for such purposes, of flowers, plants or foliage, such use shall not bar the granting of such exemption.'

(b) Amend the last paragraph of said section 5149 to read as follows:

'For the purpose of this section, the word 'home' shall include (a) the entire homestead when the same is occupied by the taxpayer as such, and shall also include (b) a residential building on land held by the lessee or his successor in interest under a lease for a term of five years or more for residential purposes and owned and used as a residence by such lessee or his successor in interest, as the case may be, where the lease has been duly entered into and recorded prior to January 1 of the year for which the exemption is claimed, and whereby the lessee agrees to pay all taxes during the term of the lease, and shall also include (c) premises held under an agreement to purchase the same and recorded prior to January 1 of the year for which the exemption is claimed, whereby the purchaser agrees to pay all taxes while purchasing the premises. The subletting by the taxpayer of not more than one room to a tenant shall not affect the exemption provided for by this section. The use of a portion of any building or structure for the purpose of drying coffee and the use of a portion of real property, including structures, in connection with the planting and growing for commercial purposes, or the packing and processing for such purposes, of flowers, plants or foliage, shall not affect the exemptions provided for by this section.'"

Senator Hill moved for the adoption of the amendments. Seconded by Senator Silva.

Senator Goodness moved that the amendments be printed. Seconded by Senator Nobriga.

At this juncture, Senator Blaisdell moved that the Senate stand in recess, subject to the call of the Chair. Seconded by Senator Goodness, and carried; and at 2:30 o'clock p.m., the Senate so thereupon stood in recess, subject to the call of the Chair.

At 2:50 o'clock p.m., the Senate reconvened and proceeded with the consideration of House Bill No. 39, as amended, together with pending further amendments offered by Senator Hill, in which it was engaged prior to the recess.

Upon motion by Senator Silva, seconded by Senator Blaisdell, the amendments offered by Senator Hill were adopted.

Senator Duarte moved to table the bill, as amended. Seconded by Senator Goodness.

A Roll Call being demanded, the motion to table the bill, as amended, was put, and lost, on the following showing of Ayes and Noes:

Ayes: Senator Nobriga. Total, 1.

Noes: Senators Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Silva and Mr. President. Total, 12.

Excused and not voting: Senators Aguiar and Fernandes. Total, 2.

Senator Nobriga thereupon offered the following further amendment to the bill:

"Amend H. B. 39 as follows:

"1. Delete lines 16 and 17 of subparagraph b of SECTION 3 thereof and in lieu insert the lines:

'all taxes while purchasing the premises. The letting or subletting by the taxpayer of one or more rooms or apartments to a tenant or tenants shall not'".

Senator Nobriga moved for the adoption of the amendment. Seconded by Senator Goodness.

A Roll Call being demanded, the motion to adopt the amendment was put, and lost, on the following showing of Ayes and Noes:

Ayes: Senators Dillingham, Goodness, Lee and Nobriga. Total, 4.

Noes: Senators Akana, Ansai, Blaisdell, Capellas, Duarte, Heen, Hill, Silva and Mr. President. Total, 9.

Excused and not voting: Senators Aguiar and Fernandes. Total, 2.

Upon motion by Senator Hill, seconded by Senator Duarte, the bill, as amended, passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Heen, Hill, Lee, Silva and Mr. President. Total, 11.

Noes: Senators Goodness and Nobriga. Total, 2.

Excused and not voting: Senators Aguiar and Fernandes. Total, 2.

At this time, Senator Silva moved that the Senate reconsider its action in failing to pass House Bill No. 54 on Third Reading earlier on the calendar. Seconded by Senator Dillingham, and carried.

Consideration, on Third Reading, of House Bill No. 54, entitled: "An Act to amend Section 4701 of the Revised Laws of Hawaii 1945, as amended, relating to the jurisdiction of the Public Utilities Commission", together with pending amendments offered by Senator Dillingham, and Miscellaneous Communication No. 34 from Mr. C. Nils Tavares, deferred for consideration when House Bill No. 54 was considered:

Upon motion by Senator Silva, seconded by Senator Dillingham, the amendments offered by Senator Dillingham, were adopted.

Upon motion by Senator Silva, seconded by Senator Dillingham, the bill, as amended, passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Hill, Nobriga, Silva and Mr. President. Total, 11.

Noes: None.

Excused and not voting: Senators Aguiar, Fernandes, Heen and Lee. Total, 4.

Upon motion by Senator Dillingham, seconded by Senator Silva, Miscellaneous Communication No. 34 was thereupon placed on file, the suggested amendment to House Bill No. 54 having been incorporated in Senator Dillingham's amendments which were adopted.

Consideration, on Third Reading, of House Bill No. 27, entitled: "An Act to amend Act 63, Session Laws of Hawaii 1947, relating to water storage facilities on the Island of Molokai", deferred from earlier on the calendar:

Upon motion by Senator Silva, seconded by Senator Ansai, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 13.

Noes: None.

Excused and not voting: Senators Aguiar and Fernandes. Total, 2.

Consideration, on Third Reading, of House Bill No. 45, entitled: "An Act amending Chapter 124 of the Revised Laws of Hawaii 1945, as amended, by amending Section 6384 thereof", deferred from earlier on the calendar:

Upon motion by Senator Silva, seconded by Senator Goodness, the bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Akana, Ansai, Blaisdell, Dillingham, Goodness, Heen, Lee, Nobriga, Silva and Mr. President. Total, 10.

Noes: Senators Capellas, Duarte and Hill. Total, 3.

Excused and not voting: Senators Aguiar and Fernandes. Total, 2.

Consideration, on Third Reading, of House Bill No. 82, entitled: "An Act creating the Industrial Loan Guarantee Fund for the stimulation of business and industrial expansion of the Territory through the Guarantee of loans for new and for established businesses and industries; creating the Industrial Loan Guarantee Board and prescribing its membership, powers and duties; and making an appropriation", deferred from earlier on the calendar:

Senator Nobriga offered the following amendments to the bill:

"1. Amend SECTION 2 by inserting the word 'Loan' between the words 'Industrial' and 'Guarantee' in the fourth line thereof.

2. Amend SECTION 6 in the following respects:

a. Delete lines 5 through 9 and in lieu insert the following lines:

'The fund shall have an initial amount of $500,000, and said sum is hereby appropriated out of the general revenues of the Territory. All capital and all revenues accruing to'

b. Delete line 20 and in lieu insert the following:

'ceed eighty-five percentum (85%) of the remaining unpaid balance'

3. Amend SECTION 7 in the following respects:

a. Delete the words 'Business Loan Board' in the third line thereof and in lieu insert the word 'board'

b. Delete the figure '$10,000' in paragraph number 3 and in lieu insert the figure '$15,000'

4. Amend SECTION 8 in the following respects:

a. Delete the figure '10' in subparagraph (a) of paragraph number 3 and in lieu insert the figure '7'

b. Delete the figure '10' in subparagraph (b) of paragraph number 3 and in lieu insert the figure '7'

5. Amend SECTION 10 by deleting the figure '10' from the sixth line thereof and in lieu insert the figure '7'.

6. Amend SECTION 13 by deleting the figure '10' in the eighth line thereof and in lieu insert the figure '7'".

Senator Nobriga moved for the adoption of the amendments. Seconded by Senator Silva, and carried.

Senator Dillingham moved that the bill, as amended, be referred to the Holdover Committee of 1949. Seconded by Senator Hill, and carried.

A communication from the House (H. Com. No. 140), returning Senate Bill No. 37, was read by the Clerk as follows:

(H. Com. No. 140)

The communication was received and placed on file.

A communication from the House (H. Com. No. 141), returning Senate Bill No. 41, was read by the Clerk as follows:

(H. Com. No. 141)

The communication was received and placed on file.

A communication from the House (H. Com. No. 142), returning Senate Bill No. 58, was read by the Clerk as follows:

(H. Com. No. 142)

The communication was received and placed on file.

A communication from the House (H. Com. No. 143), returning Senate Joint Resolution No. 10, was read by the Clerk as follows:

(H. Com. No. 143)

The communication was received and placed on file.

A communication from the House (H. Com. No. 144), returning Senate Bill No. 55, with certain amendments, was read by the Clerk as follows:

(H. Com. No. 144)

The communication was received and placed on file.

Senator Ansai moved that the Senate concur in the amendments proposed by the House. Seconded by Senator Goodness; and Senate Bill No. 55, as amended, entitled: "An Act to amend Chapters 125 and 126 of the Revised Laws of Hawaii 1945, as amended, by inserting in each of said chapters a new section relating to the enactment of standard codes by reference by the Boards of Supervisors of the counties of Kauai and Maui respectively", passed Final Reading on the following showing of Ayes and Noes:

Ayes: Senators Akana, Ansai, Blaisdell, Capellas, Dillingham, Goodness, Heen, Hill, Lee and Mr. President. Total, 10.

Noes: Senators Duarte, Nobriga and Silva. Total, 3.

Excused and not voting: Senators Aguiar and Fernandes. Total, 2.

A communication from the House (H. Com. No. 145), returning Senate Bill No. 57, in an amended form, was read by the Clerk as follows:

(H. Com. No. 145)

The communication was received and placed on file.

Senator Silva moved that the Senate concur in the amendments proposed by the House. Seconded by Senator Hill, and Senate Bill No. 57, in the amended form, entitled: "An Act to amend Act 401, Session Laws of Hawaii 1949, relating to public improvements and the financing thereof", passed Final Reading on the following showing of Ayes and Noes:

Ayes: Senators Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 13.

Noes: None.

Excused and not voting: Senators Aguiar and Fernandes. Total, 2.

A communication from the House (H. Com. No. 146), returning Senate Bill No. 65 with certain amendments, was read by the Clerk as follows:

(H. Com. No. 146)

The communication was received and placed on file.

Senator Hill moved that the Senate concur in the amendments proposed by the House. Seconded by Senator Dillingham, and Senate Bill No. 65, as amended, entitled: "An Act amending Act 117, Session Laws of Hawaii 1949, relating to the Board

of Commissioners of Agriculture and Forestry: regulating the class, quality, condition, size, container, packing and shipment of island grown fresh fruits, vegetables, and nuts to points outside of the Territory; providing for minimum grade and container standards for such shipments and compulsory inspection thereof; authorizing the assessment and collection of fees and other charges; providing penalties and making appropriations", passed Final Reading on the following showing of Ayes and Noes:

Ayes: Senators Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 13.

Noes: None.

Excused and not voting: Senators Aguiar and Fernandes. Total, 2.

A communication from the House (H. Com. No. 147), returning Senate Bill No. 68, with an amendment, was read by the Clerk as follows:

(H.Com. No. 147)

The communication was received and placed on file.

Senator Heen moved that the Senate concur in the amendment proposed by the House. Seconded by Senator Goodness, and Senate Bill No. 68, entitled: "An Act to amend Chapter 218 of the Revised Laws of Hawaii 1945, relating to quieting title at law", passed Final Reading on the following showing of Ayes and Noes:

Ayes: Senators Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 13.

Noes: None.

Excused and not voting: Senators Aguiar and Fernandes. Total, 2.

At 3:30 o'clock p.m., the Senate stood in recess, subject to the call of the Chair.

At 4:35 o'clock p.m., the Senate reconvened.

Senator Nobriga moved that the Senate reconsider its action taken yesterday in failing to pass House Bill No. 21, as amended, on Third Reading. Seconded by Senator Goodness, and carried.

Consideration on Third Reading, of House Bill No. 21 as amended, entitled: "An Act relating to fishing; repealing Act 348 of the Session Laws of Hawaii 1949, relating to sport fishing; requiring licenses for fishing for, taking or catching any introduced fresh water game fish; authorizing the examination and search of bags, containers, vehicles and conveyances used to carry and transport fish; and providing penalties and for forfeitures":

Upon motion by Senator Nobriga, seconded by Senator Silva, the bill, as amended, passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Capellas, Dillingham, Duarte, Goodness, Heen, Lee, Nobriga, Silva and Mr. President. Total, 9.

Noes: Senators Akana, Ansai, Blaisdell and Hill. Total, 4.

Excused and not voting: Senators Aguiar and Fernandes. Total, 2.

A communication from the House (H. Com. No. 148), returning Senate Bill No. 61, with certain amendments, was read by the Clerk as follows:

(H. Com. No. 148)

The communication was received and placed on file.

Senator Duarte moved that the Senate concur in the amendments proposed by the House. Seconded by Senator Goodness, and Senate Bill No. 61, as amended, entitled: "An Act providing employment and vocational training to certain unemployed; creating the Hawaiian Civilian Conservation Corps

within the Board of Agriculture and Forestry; and making an appropriation", passed Final Reading on the following showing of Ayes and Noes:

Ayes: Senators Akana, Ansai, Blaisdell, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 12.

Noes: Senator Capellas. Total, 1.

Excused and not voting: Senators Aguiar and Fernandes. Total, 2.

A communication from the House (H. Com. No. 149), returning Senate Bill No. 44, was read by the Clerk as follows:

(H. Com. No. 149)

The communication was received and placed on file.

A communication from the House (H. Com. No. 150), returning Senate Bill No. 46, was read by the Clerk as follows:

(H. Com. No. 150)

The communication was received and placed on file.

A communication from the House (H. Com. No. 151), returning Senate Joint Resolution No. 8, was read by the Clerk as follows:

(H. Com. No. 151)

The communication was received and placed on file.

Senator Heen offered a Resolution (S. Res. No. 32), adopting the Temporary Rules of the Special Session of 1949 as the permanent Rules of the Senate, which was read by the Clerk as follows:

(S. Res. No. 32)

Upon motion by Senator Heen, seconded by Senator Silva, the Resolution was adopted.

Senator Capellas offered a Resolution (S. Res. No. 33), providing for the number of days of employment for the employees of the Senate after adjournment sine die of the 1949 Special Session of the Legislature, which was read by the Clerk as follows:

(S. Res. No. 33)

Upon motion by Senator Capellas, seconded by Senator Goodness, the Resolution was adopted.

Consideration of House Bill No. 61, entitled: "An Act relating to overtime work of governmental officers and employees", deferred from earlier on the calendar:

Senator Ansai offered the following amendments to the bill:

"Amend House Bill No. 61, H.D. No. 2, in the following respects:

1. Amend the title thereof to read as follows;

'AN ACT

AMENDING CHAPTER 12 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, AND RELATING TO OVERTIME WORK OF GOVERNMENT OFFICERS AND EMPLOYEES."

2. Amend Section 1 thereof by amending the first four lines thereof to read as follows:

'SECTION 1. Chapter 12 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto a new section, to be appropriately numbered by the secretary of Hawaii, and to read as follows:

"Sec. ____. Compensatory time off for overtime work. Any"'".

Upon motion by Senator Ansai, seconded by Senator Duarte, the amendments were adopted.

Upon motion by Senator Ansai, seconded by Senator Duarte, the bill, as amended, passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Akana, Ansai, Blaisdell, Capellas, Dillingham, Duarte, Goodness, Heen, Hill, Lee, Silva and Mr. President. Total, 12.

Noes: None.

Excused and not voting: Senators Aguiar and Fernandes. Total, 2.

Absent at Roll Call: Senator Nobriga. Total, 1.

At this time, President Tsukiyama stated that by the adoption of Senate Resolution No. 15, the Legislative Reference Bureau of the Territory had been requested to inquire into and investigate the general economy of the Territory and to report to the Senate, in this Special Session the results of such inquiry and investigation. The Legislative Reference Bureau had informed the Senate, by letter, which was read to the Senate, that it would be impossible to make a survey of that magnitude and submit a report thereon to this Special Session. This communication was referred to Senator Aguiar, who stated that he would make some sort of a recommendation in this connection, but nothing had been done about it. The Reference Bureau is, therefore, in a dilemma because as the Resolution now stands, that Bureau is required to make this investigation and report.

Senator Silva thereupon moved that the Senate reconsider its action in adopting the Resolution. Seconded by Senator Lee, and carried.

Senator Silva then moved that the Resolution be referred to the Holdover Committee of 1949. Seconded by Senator Duarte, and carried; and the Resolution was so thereupon referred.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 64), recommending the passage of Senate Bill No. 1, in an amended form, which was read by the Clerk as follows:

(Com. Whole Rep. No. 64)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No.65), recommending the passage of Senate Bill No. 4, in an amended form, which was read by the Clerk as follows:

(Com. Whole Rep. No. 65)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 66), recommending the passage of Senate Bill No. 6, in an amended form, which was read by the Clerk as follows:

(Com. Whole Rep. No. 66)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 67), recommending the passage of House Bill No. 21 in an amended form, which was read by the Clerk as follows:

(Com. Whole Rep. No. 67)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 68), recommending the passage of House Bill No. 26, which was read by the Clerk as follows:

(Com. Whole Rep. No. 68)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 69), recommending the passage of House Bill No. 29, which was read by the Clerk as follows:

(Com. Whole Rep. No. 69)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 70), recommending the passage of House Bill No. 33, which was read by the Clerk as follows:

(Com. Whole Rep. No. 70)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 71), recommending the passage of House Bill No. 34, which was read by the Clerk as follows:

(Com. Whole Rep. No. 71)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 72), recommending the passage of House Bill No. 36, which was read by the Clerk as follows:

(Com. Whole Rep. No. 72)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 73), recommending the passage of House Bill No. 38, which was read by the Clerk as follows:

(Com. Whole Rep. No. 73)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 74), recommending the passage of House Bill No. 39, with certain amendments, which was read by the Clerk as follows:

(Com. Whole Rep. No. 74)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 75), recommending the passage of House Bill No. 40, which was read by the Clerk as follows:

(Com. Whole Rep. No. 75)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 76), recommending the passage of House Bill No. 54, which was read by the Clerk as follows:

(Com. Whole Rep. No. 76)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 77), recommending the passage of House Bill No. 58, which was read by the Clerk as follows:

(Com. Whole Rep. No. 77)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 78), recommending the passage of House Bill No. 59, with an amendment, which was read by the Clerk as follows:

(Com. Whole Rep. No. 78)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 79), recommending the passage of House Bill No. 62, which was read by the Clerk as follows:

(Com. Whole Rep. No. 79)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 80), recommending the passage of House Bill No. 66, which was read by the Clerk as follows:

(Com. Whole Rep. No. 80)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 81), recommending the passage of House Bill No. 92, which was read by the Clerk as follows:

(Com. Whole Rep. No. 81)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report, (Com. Whole Rep. No. 82), recommending the passage of House Bill No. 101, which was read by the Clerk as follows:

(Com. Whole Rep. No. 82)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 83), recommending the passage of House Bill No. 102, which was read by the Clerk as follows:

(Com. Whole Rep. No. 83)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 84), recommending the passage of House Bill No. 103, on Second Reading, which was read by the Clerk as follows:

(Com. Whole Rep. No. 84)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 85), recommending the passage of House Bill No. 105, which was read by the Clerk as follows:

(Com. Whole Rep. No. 85)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 86), recommending the passage of House Bill No. 118, which was read by the Clerk as follows:

(Com. Whole Rep. No. 86)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 87), recommending the passage of House Bill No. 45, which was read by the Clerk as follows:

(Com. Whole Rep. No. 87)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 88), recommending the passage of House Bill No. 46, which was read by the Clerk as follows:

(Com. Whole Rep. No. 88)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole No. 89), recommending the passage of House Bill No. 37, which was read by the Clerk as follows:

(Com. Whole Rep. No. 89)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 90), recommending the passage of House Bill No. 43, which was read by the Clerk as follows:

(Com. Whole Rep. No. 90)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 91), recommending the passage of House Bill No. 44, with an amendment, which was read by the Clerk as follows:

(Com. Whole Rep. No. 91)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 92), recommending the passage of House Bill No. 50, which was read by the Clerk as follows:

(Com. Whole Rep. No. 92)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 93, recommending the passage of House Bill No. 61, which was read by the Clerk as follows:

(Com. Whole Rep. No. 93)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 94), recommending the passage of House Bill No. 68, which was read by the Clerk as follows:

(Com. Whole Rep. No. 94)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 95), recommending the passage of House Bill No. 35, which was read by the Clerk as follows:

(Com. Whole Rep. No. 95)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 96), recommending the passage of House Bill No. 81, which was read by the Clerk as follows:

(Com. Whole Rep. No. 96)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 97), recommending the passage of House Bill No. 82, which was read by the Clerk as follows:

(Com. Whole Rep. No. 97)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 98), recommending the passage of House Bill No. 98, which was read by the Clerk as follows:

(Com. Whole Rep. No. 98)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 99), recommending the passage of House Bill No. 117, which was read by the Clerk as follows:

(Com. Whole Rep. No. 99)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 100), recommending the passage of House Bill No. 103, on Third Reading, which bill was recommitted to said Committee on Third Reading, which was read by the Clerk as follows:

(Com. Whole Rep. No. 100)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 101), recommending the passage of House Joint Resolution No. 1, which was read by the Clerk as follows:

(Com. Whole Rep. No. 101)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 102), recommending that the following measures be referred to the Holdover Committee of 1949 for further study: House Bill No. 32, House Bill No. 63 (HD-2), House Bill No. 113 (HD-2), House Bill No. 50 (recommitted on Third Reading), House Bill No. 43 (HD-2), House Bill No. 70 (HD-2), House Joint Resolution No. 7, and Senate Concurrent Resolution No. 7, which was read by the Clerk as follows:

(Com. Whole Rep. No. 102)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 103), recommending that the following bills, resolutions, petitions and communications be placed on file: Senate Bills Nos. 17, 24, 52, 53, 62; Senate Joint Resolutions Nos. 1 and 2; Senate Concurrent Resolution No. 4; Senate Resolution No. 30; House Bills Nos. 28, 42, 48, 98 recommitted to the Committee on Third Reading, 111, 115, 127; House Concurrent Resolution No. 16, Senate Petitions Nos. 1, 2, 3, 4, 5, 6 and 7; Departmental Communications Nos. 3, 4, 5, 8, 11, 12, 13, 17, 18, 21, 29, 30 and 33; and Miscellaneous Communications Nos. 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 15, 18, 19, 21, 22, 26, 27, 28, 29, 30, 31, 32 and 33, which was read by the Clerk as follows:

(Com. Whole Rep. No. 103)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 104), recommending the passage of House Bill No. 102, recommitted to the Committee on Third Reading, which was read by the Clerk as follows:

(Com. Whole Rep. No. 104)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

At 4:50 o'clock p.m., upon motion by Senator Heen, seconded by Senator Silva, the Senate went into Executive Session for the consideration of Governor's Message No. 17, submitting the name of Dr. Harry I. Kurisaki for appointment as a Member of the Board of Dental Examiners for a term to expire July 27, 1952, action on which was deferred earlier on the calendar.

At 5:23 o'clock p.m., the Executive Session being ended, the Senate reconvened; and the Clerk was instructed to communicate with the Governor as follows:

(Insert Communication to the Governor)

The President announced that he had excused Senator Duarte for the balance of today's session, as it had been necessary for him to return to his home on Maui.

A communication from the House (H. Com. No. 152), informing the Senate that the House had disagreed to the amendments proposed by the Senate to House Bill No. 39, had requested a conference thereon, and had appointed Representatives Andrews, Itagaki and Olds as Managers on the part of the House for the consideration of said amendments, was read by the Clerk as follows:

(H. Com. No. 152)

The communication was received and placed on file.

The President thereupon appointed Senators Hill, Ansai and Heen as Conferees on the part of the Senate at such conference.

A communication from the House (H. Com. No. 153), informing the Senate that the House had adopted the report of the Committee on Conference on the disagreeing vote of the House to the amendment proposed by the Senate to House Bill No. 34, and that said bill had passed Final Reading in the House of Representatives in accordance therewith, was read by the Clerk as follows:

(H. Com. No. 153)

The communication was received and placed on file.

Senator Goodness, for the Committee on Conference on the disagreeing vote of the House to the amendment proposed by the Senate to House Bill No. 34, presented a report (Conf. Com. Rep. No. 6), recommending the final passage of the bill as passed by

the Senate with an amendment, which was read by the Clerk as-follows:

(Conf. Com. Rep. No. 6)

Upon motion by Senator Goodness, seconded by Senator Nobriga, the report of the Committee was adopted; and House Bill No. 34, entitled: "An Act to amend Section1223 of the Revised Laws of Hawaii 1945, as amended, relating to fishing", passed Final Reading in accordance therewith, on the following showing of Ayes and Noes:

Ayes: Senators Akana, Ansai, Blaisdell, Capellas, Dillingham, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 12.

Noes: None.

Excused and not voting: Senators Aguiar, Duarte and Fernandes. Total, 3.

A communication from the House (H. Com. No. 154), transmitting House Concurrent Resolution No. 18, was read by the Clerk as follows:

(H. Com. No. 154)
(H. Com. Res. No. 18)

The communication was received and placed on file.

Consideration of House Concurrent Resolution No. 18, "respectfully requesting the President of the United States of America to appoint an Associate Justice of the Supreme Court of Hawaii as soon as possible":

Upon motion by Senator Goodness, seconded by Senator Hill, the concurrent resolution was adopted.

A communication from the House (H. Com. No. 155), transmitting House Concurrent Resolution No. 19, was read by the Clerk as follows:

(H. Com. No. 155)
(H. Con. Res. No. 19)

The communication was received and placed on file.

Consideration of House Concurrent Resolution No. 19, "memorializing the Congress of the United States of America to amend the Hawaiian Organic Act to provide for the contingency of the death of a judge of the Supreme Court of the Territory of Hawaii":

Upon motion by Senator Lee, seconded by Senator Dillingham, the Concurrent Resolution was adopted.

A communication from the House (H. Com. No. 156), informing the Senate that the House had disagreed to the amendments proposed by the Senate to House Bill No. 54, had requested a conference on the subject matter thereof, and had appointed Representatives Miyake, Kauhane and Apaka as Managers on the part of the House for the consideration of said amendments, was read by the Clerk as follows:

(H. Com. No. 156)

The communication was received and placed on file.

The President thereupon appointed Senators Dillingham, Goodness and Nobriga as Conferees on the part of the Senate at such conference.

A communication from the House (H. Com. No. 157), informing the Senate that the House had adopted the Conference Committee report on Senate Bill No. 47, and that said bill had passed Final Reading in the House of Representatives in accordance therewith, was read by the Clerk as follows:

(H. Com. No. 157)

The communication was received and placed on file.

A communication from Adam A. Smyser, Hugh Lytle, Peter B. Gruening and Pat Jennings, members of the press and radio attached to the special Session of the 25th Legislature (Misc. Com. No. 35), expressing thanks for the facilities and cooperation extended to them, and also thanking the Senate staff for

the many courtesies extended them during the session, was read by the Clerk as follows:

(Misc. Com. No. 35)

The communication was received and placed on file.

The President thereupon extended to the members of the Press and Radio, assigned to the Senate during this Special Session, a reciprocal feeling, stating that the members of the Senate appreciated very much the fair manner in which all reports of the proceedings of the Senate had been made through the Press.

Senator Heen, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 4, presented a report (Conf. Com. Rep. No. 7), recommending the final passage of the bill as passed by the House, with certain amendments, which was read by the Clerk as follows:

(Conf. Com. Rep. No. 7)

Upon motion by Senator Heen, seconded by Senator Dillingham, the report of the Committee was adopted; and Senate Bill No. 4, entitled: "An Act relating to the stevedoring industry (herein defined to include terminal and other related services);declaring such industry to be essential to the public health, safety and welfare; declaring that strikes, lockouts, stoppages, slowdowns, or retardation of service in said industry imperil the public health, safety and welfare; providing for the peaceful settlement of labor disputes in said industry; prohibiting strikes, lockouts, stoppages, slowdowns, or retardation of service in said industry, except under prescribed conditions; providing for the Territory of Hawaii to seize and take possession of and operate the plants and other facilities, including related facilities, of such stevedoring industry in the event of strikes, lockouts, stoppages, slowdowns, or retardation of service in such industry; making provisions against interference with the conduct of such operations by the Ter-

ritory by strikes, boycotts, picketing, or other means; conferring certain powers and imposing certain duties upon the Governor of the Territory of Hawaii in regard to such industry, before and during such strikes, lockouts, stoppages, slowdowns or retardation of service; providing for injunctions and other remedies of the government to enforce the provisions of this Act and criminal penalties for violations of certain provisions hereof; making an appropriation and providing other funds in connection herewith", passed Final Reading on the following showing of Ayes and Noes:

Ayes: Senators Akana, Ansai, Blaisdell, Capellas, Dillingham, Heen, Hill, Nobriga and Mr. President. Total, 9.

Noes: Senators Lee and Silva. Total, 2.

Excused and not voting: Senators Aguiar, Duarte and Fernandes. Total, 3.

Absent at Roll Call: Senator Goodness. Total, 1.

At this time, the President stated that under the terms of Senate Concurrent Resolution No. 1, adopted by both Houses of the Legislature, a special committee composed of five members of the Senate and five members of the House, was to be appointed by the President of the Senate and the Speaker of the House, respectively, for the purpose of immediately studying and investigating unemployment in the Territory, and thereafter recommending to the Legislature, such legislation as it might deem advisable in the premises, etc., but that no such Committee had been appointed; and that at this late date it would be impossible for any such committee, if appointed, to carry out the purposes of this Concurrent Resolution.

Senator Hill thereupon moved that the Senate reconsider its action in adopting the Concurrent Resolution, and that the House be

informed of this action. Seconded by Senator Akana, and carried.

Upon motion by Senator Lee, seconded by Senator Akana, the Concurrent Resolution was referred to the Holdover Committee of 1949.

At 5:40 o'clock p.m., the Senate stood in recess, subject to the call of the Chair.

At 6:10 o'clock p.m., the Senate reconvened.

A communication from the House (H. Com. No. 158), returning Senate Bill No. 45, with certain amendments, was read by the Clerk as follows:

(H. Com. No. 158)

The communication was received and placed on file.

Senator Lee moved that the Senate concur in the amendments proposed by the House. Seconded by Senator Blaisdell, and Senate Bill No. 45, entitled: "An Act relating to fuel taxes and the disposition thereof: amending Sections 5260 and 5404 of the Revised Laws of Hawaii 1945, as amended, and Section 5 of Act 196 of the Session Laws of Hawaii 1947, relating to City and County of Honolulu fuel taxes and fuel tax funds", passed Final Reading on the following showing of Ayes and Noes:

Ayes: Senators Akana, Ansai, Blaisdell, Capellas, Dillingham, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 12.

Noes: None.

Excused and not voting: Senators Aguiar, Duarte and Fernandes. Total, 3.

A communication from the House (H. Com. No. 159), informing the Senate that the House had agreed to the amendments proposed by the Senate to House Bill No. 61, and that said bill, as thus amended, had passed Final Reading in the House of Representatives, was read by the Clerk as follows:

(H. Com. No. 159)

The communication was received and placed on file.

A communication from the House (H. Com. No. 160), informing the Senate that the House had agreed to the amendments proposed by the Senate to House Bill No. 21, and that said bill, as thus amended, had passed Final Reading in the House of Representatives, was read by the Clerk as follows:

(H. Com. No. 160)

The communication was received and placed on file.

A communication from the House (H. Com. No. 161), informing the Senate that the House had adopted the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 4, and that said bill had passed Final Reading in the House of Representatives in accordance therewith, was read by the Clerk as follows:

(H. Com. No. 161)

The communication was received and placed on file.

A communication from the House (H. Com. No. 162), informing the Senate that the House had reconsidered its action in disagreeing to the amendments proposed by the Senate to House Bill No. 39, and had agreed thereto, and that the said bill, as thus amended, had passed Final Reading in the House of Representatives, and the Conferees on the part of the House had been discharged, was read by the Clerk as follows:

(H. Com. No. 162)

The communication was received and placed on file.

The Conferees on the part of the Senate were thereupon discharged.

A communication from the House (H. Com. No. 163), informing the Senate that the House had reconsidered its action in

disagreeing to the amendments proposed by the Senate to House Bill No. 54, had agreed thereto, and that said bill, as thus amended, had passed Final Reading in the House of Representatives, and that the Conferees on the part of the House had been discharged, was read by the Clerk as follows:

(H. Com. No. 163

The communication was received and placed on file.

The Conferees on the part of the Senate were thereupon discharged.

A communication from the House (H. Com. No. 164), informing the Senate that the House had adopted the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 25, and that said bill had passed Final Reading in the House of Representatives in accordance therewith, was read by the Clerk as follows:

(H. Com. No. 164)

The communication was received and placed on file.

Senator Heen, for the Committee on Conference, on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 25, presented a report (Conf. Com. Rep. No. 8), recommending the final passage of the bill as passed by the House, which was read by the Clerk as follows:

(Conf. Com. Rep. No. 8)

Upon motion by Senator Heen, seconded by Senator Goodness, the report of the Committee was adopted; and House Bill No. 25, entitled: "An Act providing a monthly twenty-five dollar bonus for pensioners, and appropriating funds for payment thereof", passed Final Reading on the following showing of Ayes and Noes:

Ayes: Senators Akana, Ansai, Blaisdell, Capellas, Dillingham, Goodness, Heen, Hill, Lee, Nobriga, Silva and Mr. President. Total, 12.

Noes: None.

Excused and not voting: Senators Aguiar, Duarte and Fernandes. Total, 3.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 105), recommending the adoption of House Concurrent Resolution No. 10, with an amendment, which was read by the Clerk as follows:

(Com. Whole Rep. No. 105)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

Senator Heen, for the Committee of the Whole, presented a report (Com. Whole Rep. No. 106), recommending the adoption of House Concurrent Resolution No. 12, with an amendment, which was read by the Clerk as follows:

(Com. Whole Rep. No. 106)

The report was received and placed on file, the oral report of the Committee having previously been adopted.

At this juncture, a Committee consisting of Representatives Richardson and Marcallino, entered the Chamber and announced that the House of Representatives had completed its business and was ready to adjourn sine die, and asking that a like Committee from the Senate join with them in waiting on the Acting Governor, Honorable Oren E. Long, to inform him that the Legislature was ready to adjourn sine die.

The President thereupon appointed, as a Committee of the Senate, to wait upon the Acting Governor, with the Committee from the House, to inform him that the Legislature was ready to adjourn sine die, Senators Akana, Goodness and Capellas.

The Committee left the Chamber at this time, with the Committee from the House, to carry out its mission; and the Senate stood in recess at 6:15 o'clock p.m., subject to the call of the Chair.

At 6:26 o'clock p.m., the Senate reconvened.

Acting Governor, Oren E. Long, at this time entered the Chamber, escorted by the Committee of the Senate which had been appointed to wait upon him, and was seated on the dais on the right of the President.

Senator Akana, for the Committee of the Senate, appointed to wait upon the Acting Governor of Hawaii to inform him that the Senate was ready to adjourn sine die, having completed its business, reported orally, that the Committee had carried out its mission, and that the Acting Governor had commended the Legislature for its attitude towards the job they had been required to do.

The Committee's oral report was thereupon adopted; and the Committee discharged with the appreciation of the Senate.

A communication from the House (H. Com. No. 165), informing the Senate that the House of Representatives had completed all business before it and was ready to adjourn sine die, was read by the Clerk as follows:

(H. Com. No. 165)

The communication was received and placed on file.

The President stated that before adjournment, it had always been customary in the past to have numerous speeches made, but this time this would be dispensed with. However, he did want to say that all the members were highly gratified in having successfully carried out their duties as Senators in bringing to the people of Hawaii measures that would be of paramount interest to their general welfare. Continuing, he said: "I

cannot find words adequately expressive of my own feeling of gratification and my compliments go to each one of you for the manner in which you have carried out your sense of duty as exemplified by the legislation passed by the Senate. I wish to reiterate our expression of appreciation to the members of the Press and the Radio, and to all departments of the government, particularly to the Attorney General's office, who have rendered a great service to this Body, and to all of those who have had occasion to be called here to testify; and to the Governor and the Acting Governor for their courtesies to us; and also to our good Chaplain".

The Journal of the Seventieth Day was read and approved.

The last Roll was called, showing all Senators present, with the exception of Senators Aguiar, Duarte and Fernandes, excused.

The Members, and all those in the Gallery of the Chamber, rose during the offering of the Benediction by Chaplain Judd.

At 6:30 o'clock p.m., the President, rapping with his gavel, announced: "The Senate of the Twenty-Fifth Legislature of the Territory of Hawaii, in Special Session assembled, is hereby adjourned sine die."

Ellen D. Smythe
Clerk of the Senate.

Approved:

Wilfred Tsukiyama
President of the Senate.

1949

SPECIAL SESSION

SENATE

# SENATE BILLS

Senate Bill No. 1

# 1949 SPEC SENATE

## The Legislature

of the

## Territory of Hawaii

SPECIAL SESSION 1949

# AN ACT

RELATING TO LABOR DISPUTES IN CERTAIN INDUSTRIES ESSENTIAL TO THE PUBLIC HEALTH, SAFETY AND WELFARE, INCLUDING INDUSTRIES ENGAGED IN FURNISHING PUBLIC UTILITY, STEVEDORING OR HOSPITAL SERVICES OR IN PRODUCING SUGAR OR PINEAPPLE PRODUCTS; PROVIDING FOR PEACEFUL SETTLEMENT OF SUCH DISPUTES; PROHIBITING STRIKES, LOCKOUTS AND THE STOPPAGE, SLOWDOWN OR RETARDATION OF SERVICE OR PRODUCTION IN SUCH INDUSTRIES EXCEPT UNDER PRESCRIBED CONDITIONS; PROVIDING FOR INJUNCTIONS AGAINST VIOLATIONS OF THE PROVISIONS HEREOF; PROVIDING FOR INJUNCTIONS AGAINST STRIKES, LOCKOUTS AND THE STOPPAGE, SLOWDOWN OR RETARDATION OF SERVICE OR PRODUCTION IN SUCH INDUSTRIES; PROVIDING FOR SEIZURE AND OPERATION OF SUCH INDUSTRIES BY THE TERRITORY IN THE EVENT OF STRIKES, LOCKOUTS, OR THE STOPPAGE, SLOWDOWN OR RETARDATION OF SERVICE OR PRODUCTION AND MAKING AN APPROPRIATION THEREFOR; PROVIDING PENALTIES; AND AMENDING CHAPTER 73 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED.

Introduced JULY 26 , 19 49, by

Senator WM. H. HEEN

First Reading in Senate July 26, 1949

Referred to Printing Committee

Second Reading in Senate July 27, 1949

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. 1

A N  A C T

RELATING TO LABOR DISPUTES IN CERTAIN INDUSTRIES ESSENTIAL TO THE PUBLIC HEALTH, SAFETY AND WELFARE, INCLUDING INDUSTRIES ENGAGED IN FURNISHING PUBLIC UTILITY, STEVEDORING OR HOSPITAL SERVICES OR IN PRODUCING SUGAR OR PINEAPPLE PRODUCTS; PROVIDING FOR PEACEFUL SETTLEMENT OF SUCH DISPUTES; PROHIBITING STRIKES, LOCKOUTS AND THE STOPPAGE, SLOWDOWN OR RETARDATION OF SERVICE OR PRODUCTION IN SUCH INDUSTRIES EXCEPT UNDER PRESCRIBED CONDITIONS; PROVIDING FOR INJUNCTIONS AGAINST VIOLATIONS OF THE PROVISIONS HEREOF; PROVIDING FOR INJUNCTIONS AGAINST STRIKES, LOCKOUTS AND THE STOPPAGE, SLOWDOWN OR RETARDATION OF SERVICE OR PRODUCTION IN SUCH INDUSTRIES; PROVIDING FOR SEIZURE AND OPERATION OF SUCH INDUSTRIES BY THE TERRITORY IN THE EVENT OF STRIKES, LOCKOUTS, OR THE STOPPAGE, SLOWDOWN OR RETARDATION OF SERVICE OR PRODUCTION AND MAKING AN APPROPRIATION THEREFOR; PROVIDING PENALTIES; AND AMENDING CHAPTER 73 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED.

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

SECTION 1. Chapter 73, Revised Laws of Hawaii 1945, as amended, is hereby further amended to read as follows:

"CHAPTER 73. LABOR DISPUTES IN INDUSTRIES ESSENTIAL TO THE PUBLIC HEALTH, SAFETY AND WELFARE.

Sec. 4161. Definitions. When used in this chapter unless the context clearly indicates otherwise:

'Essential industry' means and includes any public utility, as defined in Section 4701, as amended, and any of the following industries or services operated or maintained within the Territory: stevedoring, hospital services and the growing, processing or distribution of sugar-cane or pineapple products; excluding, however, the Territory, or any county or any commission or board of the Territory or of any county, any person subject to the Federal Railway Labor Act, as amended from time to time, and any other person over whose employment, wages, hours and working conditions the government of the United States has assumed or may assume exclusive regulation and control.

'Employee' means any person, whether or not a member of a labor organization, in the employ of an employer in an essential industry. 'Employer' means any employer in an essential industry.

'Labor organization' means any organization of employees which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning wages, hours and other terms and conditions of employment.

'Representative' means any person or persons, labor organization, organization or corporation designated either by an employer or by employees, to act

for it or them.

'Dispute' and 'labor dispute' mean any controversy concerning wages, hours and other terms and conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange wages, hours or other terms and conditions of employment.

'Lockout' means the refusal of an employer to furnish work to employees as a result of a labor dispute.

'Strike' means the temporary stoppage of work, slowdown, or retarding of production or operations by the concerted action of two or more employees as a result of a labor dispute.

'Governor' means the governor of the Territory of Hawaii.

'Attorney General' means the attorney general of the Territory of Hawaii.

'Director' means the director of labor and industrial relations.

Sec. 4162. Findings and declarations of legislature.

(a) The legislature of the Territory of Hawaii hereby finds that the continuous, uninterrupted and proper operation of those industries engaged in furnishing public utility, stevedoring, and hospital services is essential to the public health, safety or

welfare. The legislature further finds that the economy of the Territory of Hawaii is based upon the sugar and pineapple industries, which employ the largest numbers of persons and bring to the Territory the largest revenues of any private industries, and that interruption in such employment or revenues imperils the essential economy of the Territory and is detrimental to the public health, safety or welfare. Therefore, the legislature finds that the settlement of industrial disputes between employers and employees in any of such industries is affected with a vital public interest. In making these findings the legislature has taken into consideration the geographical isolation of these islands and their dependence upon imports for the necessities of life and the functioning of the essential economy, the perishable nature of the agricultural products referred to, the vulnerability of these islands and their economy to the results of industrial strife, and the effects of a strike or lockout in any of the industries covered by this chapter, or a substantial part thereof, on the community in which the industry is located.

(b) It is hereby declared as the public policy of this Territory that the best interests of the people are served by the prevention or prompt and orderly settlement of labor disputes in such industries; that lockouts or strikes in such industries, regardless of where the merits of the controversy lie, are detrimental to the public health, safety or welfare and are therefore

affected with a public interest; that it is contrary to the public policy of the Territory to permit any substantial impairment or suspension of the operation of any such industry by reason of labor disputes therein and that, therefore, it is the duty of the government of the Territory to exercise all available means and every power at its command to prevent the same so as to protect its people from any dangers, perils, calamities or catastrophes which would result therefrom. It is, therefore, further declared that to protect the public health, safety and welfare it is necessary that the relations between the employers and employees in such industries be regulated by the government of the Territory to the extent and in the manner hereinafter provided.

Sec. 4163. Duty to avoid lockouts and strikes by collective bargaining.

In order to avoid any interruption of the services or production of any essential industry, it shall be the duty of each employer subject to the provisions of this chapter and its employees and their respective representatives to use the processes of conference and collective bargaining in the settlement of all disputes between the employer and its employees without resort to lockout or strike.

Sec. 4164. Notice of impasse required; effect of

collective bargaining agreements.

(a) When an impasse is reached in any dispute between an employer and its employees, either party to the dispute claiming the existence of an impasse shall notify the director in writing of the existence of such impasse. The notice shall contain a clear and concise statement of each issue on which an impasse has been reached, and a certificate as to the good faith of said notice and the statements contained therein, which certification shall be made by the representatives actively engaged in the conduct of negotiations for the party filing the notice. A copy of the notice shall be delivered to the other party to the dispute simultaneously with delivery of notice to the director.

(b) This section shall not apply in any case where there exists a collective bargaining agreement between an employer and its employees except where:

(i) A dispute arises under the agreement concerning an interpretation or application of the terms of such collective bargaining agreement, and the agreement contains no procedure for the settlement of such a dispute; or

(ii) In accordance with the terms of such collective bargaining agreement, the parties undertake negotiations for a new agreement or an amendment of the existing agreement pursuant to specific designation in the agreement of a certain time or

period for such negotiations, and no agreement has been reached at the expiration of such time or period, and the agreement does not prohibit strikes or lockouts following such negotiation and failure to arrive at an agreement.

Sec. 4165. Appointment of board of inquiry and mediation.

(a) Following receipt of a notice of impasse from either party as specified in Section 4164, the director shall forthwith request each of the parties to designate in writing within five days a person to serve as a member of a board of inquiry and mediation. The designation must be filed in writing with the director. The person designated by the employer shall not be an officer or director of the employer or other person normally acting in an official capacity with the employer, and the person named by the employees shall not be an employee of the employer or a representative of its employees. The two persons so appointed shall, within three days, select an impartial person to serve with them on the board. The third person so selected shall act as chairman. If either the employer or the employees fail to designate a member of the board, or if the two designated members fail to agree upon a third, the governor shall, within twelve days after the director has requested the parties to appoint members to the board, appoint such member or members.

(b) Members of the board shall receive compensation at the rate of $15 for each day actually spent by them in the work of the board, together with necessary travel and subsistence expense. Payment shall be made by the director out of funds made available to the department of labor and industrial relations, and upon request of the board the department shall furnish necessary stenographic services.

Sec. 4166. Hearings; report.

(a) The board of inquiry and mediation shall notify the employer and the employees or their representatives of the time and place for commencement of hearings, which hearings must commence within five days from the date the board has been constituted. The board shall ascertain the facts of the controversy and shall use its best efforts by mediation to bring the parties into agreement.

(b) The board shall hold such meetings as it shall deem necessary or proper for a period not longer than twenty days from the date the hearings commence; provided, however, that the twenty-day period may be extended from time to time by the board with the written consent of the parties, a copy of which consent shall be filed with the director.

(c) Within seven days from the date of termination of the hearings, or within such further time, not exceeding seven days, as the governor may prescribe,

the board shall submit to the governor a written report setting forth findings of fact and stating the position of each of the parties as to each issue on which agreement has been reached and as to each issue still in dispute at the time of termination of the hearings. Within five days from the receipt of the findings of the board and if no agreement is reached during this period, the governor shall make the findings of the board public.

Sec. 4167. Mediation; report; vote by employees.

(a) Each board of inquiry and mediation shall continue in existence after making its initial report for the purpose of mediating the dispute. When a board has been dissolved its records shall be transferred to the director.

(b) Whenever the report of a board of inquiry and mediation has been filed with the governor it shall be the duty of the parties to the labor dispute giving rise to such report to again make every effort to adjust and settle their differences. At the end of a twenty-five day period after said report of the board has been filed with the governor (unless the dispute has been settled by that time), the board shall report to the governor the current position of the parties, and the efforts which have been made for settlement, and shall include a statement by each party of its position, and a statement of each employer's last offer of settlement. The governor shall make such report

available to the public.

(c) Within the succeeding fifteen days the director shall take a secret ballot of the employees of each employer who is involved in the dispute on the question of whether they wish to accept the last offer of settlement made by their employer, or to strike, and shall certify the results thereof to the governor within five days thereafter. The voting shall be conducted and supervised by the director under rules and regulations promulgated by him. The expense of the voting shall be defrayed by the parties to the dispute equally. Every employee involved in the dispute shall be entitled to vote in such secret ballot. The director shall have power and authority to promulgate and shall promulgate rules and regulations covering the conduct of such voting, and the wilful violation of any such rules and regulations shall constitute a violation of the provisions of this chapter. Such rules and regulations shall facilitate voting by all employees, but shall also insure secrecy of the ballot. The director shall also have the power and authority to determine, after proper hearing (which may be held either before or after a vote and may be conducted by a duly authorized representative of the director), any dispute concerning the eligibility of a person or persons to vote. Any such determination with respect to eligibility shall be applicable in the administration of this section, but shall have no force and effect for any other purpose.

Sec. 4168. Notice of strike or lockout.

(a) If, in such ballot, a majority of all of the employees involved in the dispute shall vote to strike, the employees or their representative shall fix a day and the time of day for the beginning of same, which shall be not less than twenty days from the time of giving notice thereof, and shall immediately notify the governor and the employer of the date and time so fixed, but such notice shall not be given until the results of the ballot shall have been certified to the governor.

(b) If the employer shall desire to engage in a lockout, it shall fix a day and the time of day for the beginning of same, which shall be not less than twenty days from the time of giving notice thereof, and shall immediately notify the governor and the employees of the date and time so fixed, but such notice shall not be given until the results of the ballot shall have been certified to the governor.

Sec. 4169. Status quo maintained.

(a) After the notice required by Section 4164 is filed with the director and until the time set for the beginning of the strike or lockout, as the case may be, of which notice has been given in the manner prescribed by Section 4168, no change in wages, hours or other terms and conditions of employment prevailing before the actual or proposed change out of which the dispute arose shall be made by the employer named in the notice,

except by agreement of the parties.

(b) The employer involved in the dispute shall be free to make such changes in operations or personnel as are consistent with the operation of its business; provided, however, that if written objection to any such change is filed by the employees with the director such change shall require the approval of the director.

Sec. 4170. Powers of board; evidence, witnesses; subpoenas, etc.

(a) Each board of inquiry and mediation shall have power to hold hearings at any place within the Territory, subpoena witnesses and compel their attendance, compel the production of books and papers, administer oaths, take testimony and receive evidence.

(b) Subpoenas of the board shall run in the name of the Territory of Hawaii and any such subpoena shall be sufficient if it: (1) states that the proceeding is before such board of inquiry and mediation, (2) is addressed to the person desired as a witness, (3) requires the attendance of the person desired as a witness at a time and place certain, and (4) is signed by the chairman of such board, or in his absence any member designated by the board to act in his absence. Any such subpoena may be served by the high sheriff of the Territory or his deputy, or a sheriff of any county or his deputy, or any police officer, or any other person designated by the board to serve the same.

(c) Each member of any board of inquiry and mediation shall have authority to administer oaths in the discharge of his duties pursuant to the provisions of this chapter.

(d) In case of contumacy or refusal to obey a subpoena issued to any person, the circuit court of any judicial circuit within the jurisdiction of which the inquiry is carried on, upon application by the board, shall have jurisdiction to issue an order requiring such person to appear before the board, to compel the production of papers, to produce evidence or to give testimony touching the matter in question. Failure to obey any such order may be punished by the court as a contempt thereof.

(e) Subpoenas and papers of the board may be served either personally or by registered mail or by radiogram, or by leaving a copy thereof at the principal office or place of business of the person to be served. Return by the individual serving the same setting forth the manner of such service, return post-office receipt, or radiogram receipt shall be proof of service of the same.

Sec. 4171. Strikes and lockouts prohibited. It shall be unlawful for any employees in an essential industry to call a strike or go out on strike causing or threatening to cause an interruption of the production or services in such industry, or for any employer in such industry to lock out its employees when such

action would cause or threaten to cause an interruption of its production or services, except as such action may be taken following compliance with all of the provisions of this chapter.

It shall be unlawful for any person or persons to instigate, induce, or assist any other person or persons to engage in any strike or lockout which would cause an interruption of production or service in violation of the provisions of this chapter.

During the term of any collective bargaining agreement, there shall be no lockout by the employer, and there shall be no strike on the part of any employees covered by the agreements, except where:

(a) A dispute arises under the agreement concerning the interpretation or application of the terms of such collective bargaining agreement, and the agreement contains no procedure for the settlement of such dispute; or

(b) In accordance with the terms of such collective bargaining agreement, the parties undertake negotiations for a new agreement or an amendment of the existing agreement pursuant to specific designation in the agreement of a certain time or period for such negotiations, and no agreement has been reached at the expiration of such time or period, and the agreement does not prohibit strikes or lockouts following such negotiation and failure

to arrive at agreement;

and the provisions of this chapter for settlement of disputes have first been complied with.

Sec. 4172. Injunction. In addition to the injunction procedure specified in Section 4176, the attorney general, at his own instance or at the request of the director, in the event any employer or any employees shall be found to be violating or failing to comply with the requirements of this chapter, or there shall be reasonable cause to believe that such employer or employees are violating or failing to comply with such requirements, shall institute appropriate proceedings in equity in the circuit in which the violation occurs to enjoin the performance of any acts or practices forbidden by this chapter, or to require such employer or employees to comply with the requirements of this chapter. Jurisdiction to hear and dispose of all actions under this section is hereby conferred upon each circuit judge, and each such judge shall have power to issue such orders and decrees, by way of injunction, mandatory injunction or otherwise, as may be appropriate to enforce the provisions of this chapter. All such suits shall be brought in the name of the Territory by the attorney general. The county attorney of each county shall, at the request of the attorney general, conduct such proceedings in behalf of the Territory.

Sec. 4173. Penalties. Any employer calling or causing a lockout in violation of Section 4171, or otherwise contrary to the provisions of this chapter, or without giving the notices required by Sections 4164 and 4168, shall be guilty of a misdemeanor and shall be punished by a fine of not more than $5000 or, in the case of an individual, by such fine or by imprisonment for not more than six months.

Any employee calling a strike or going out on strike in violation of the provisions of Section 4171 or otherwise contrary to the provisions of this chapter, or without giving the notice required by Sections 4164 and 4168, shall be guilty of a misdemeanor and shall be punished by a fine of not more than $100 or by imprisonment for not more than six months.

Any person instigating, inducing or assisting any strike or lockout in violation of Section 4171 or otherwise contrary to the provisions of this chapter, shall be guilty of a misdemeanor and shall be punished by a fine of not more than $100 or by imprisonment for not more than six months.

Any person violating any rule or regulation promulgated by the director under the provisions of Section 4167 shall be guilty of a misdemeanor and shall be punished by a fine of not more than $100 or by imprisonment for not more than six months.

The penalties provided by this section shall apply

to any individual, person, corporation, or association, whether acting as principal, agent, officer, director, for himself or itself, or for another person.

Sec. 4174. Emergencies; proclamation. Whenever in the opinion of the governor a threatened or actual strike or lockout in any essential industry or any substantial part thereof, if permitted to occur or to continue, will imperil public health, safety or welfare, he shall issue a proclamation to that effect and urge the parties to the dispute to refrain from a stoppage of work, or if such stoppage has occurred, to resume work and operation in the public interest.

Sec. 4175. Emergency board. (a) After issuing such a proclamation, the governor shall promptly appoint a board to be known as an 'emergency board'.

(b) Any emergency board appointed under this section shall promptly investigate the dispute, shall seek to induce the parties to reach a settlement of the dispute, and in any event shall make a report to the governor within 15 days after the issuance of the proclamation, or within such further time, not exceeding 5 days, as may be specified by agreement of the parties, with the approval of the board. Such report shall include the findings and recommendations of the board and shall be transmitted to the parties and be made public. The director of the department of labor and industrial relations shall provide for the board such stenographic, clerical, and other assistance and

such facilities and services as may be necessary for the discharge of its functions.

(c) An emergency board shall be composed of a chairman and such other members as the governor shall determine, but not more than five persons, including the chairman, and shall have power to sit and act in any place within the Territory and to conduct such hearings either in public or in private as it may deem necessary or proper to ascertain the facts with respect to the cause and circumstances of the dispute.

(d) Members of an emergency board shall receive compensation at the rate of $15 for each day actually spent by them in the work of the board, together with necessary travel and subsistence expenses.

(e) For the purpose of any hearing or inquiry conducted by any board appointed under this section, the provisions of section 4170 are hereby made applicable to the powers and duties of such board.

(f) Each emergency board shall continue in existence after making its initial report for such time as the dispute continues for the purpose of mediating the same. At the end of a twenty-day period after its initial report has been filed with the governor, and thereafter from time to time upon the request of the governor, unless the dispute shall have been settled, the board shall report to the governor the current position of the parties and the efforts which have been made for settlement.

Each report shall include a statement of each employer's last offer of settlement. Upon receipt of any such report, the governor may direct the director to take a secret ballot of the employees of each employer who is involved in the dispute on the question of whether they wish to accept the last offer of settlement made by their employer, or to strike. The results of the voting shall be certified to the governor. For the purpose of taking any such ballot, the provisions of Section 4167, paragraph (c), are hereby made applicable thereto.

(g) A separate emergency board shall be appointed for each dispute. No member of such board shall be pecuniarily or otherwise interested in any organization of employees or in any employer involved in the dispute. When a board appointed under this section has been dissolved, its records shall be transferred to the director of the department of labor and industrial relations.

Sec. 4176. Injunction against strike or lockout.

(a) After issuing a proclamation pursuant to Section 4174, the governor may direct the attorney general to petition any circuit court having jurisdiction of the parties to enjoin such strike or lockout or the continuing thereof, and if the court finds that such threatened or actual strike or lockout (i) affects an entire essential industry or a substantial part thereof, and (ii) if permitted to occur or to continue will

imperil the public health, safety or welfare, it shall have jurisdiction to enjoin any such strike or lockout, or the continuing thereof.

(b) The order or orders of the court shall be subject to review by the supreme court, but such order or orders shall not be stayed pending such review.

(c) Whenever a circuit court has issued an order enjoining acts or practices which imperil or threaten to imperil the public health, safety or welfare, it shall be the duty of the parties to the labor dispute giving rise to such order to make every effort to adjust and settle their differences.

(d) At the end of a sixty-day period following the issuance of a proclamation pursuant to Section 4174, or upon a settlement being reached, whichever happens sooner, the attorney general shall move the court to discharge the injunction, which motion shall then be granted and the injunction discharged.

Sec. 4177. Seizure and operation by Territory.

(a) Upon issuing a proclamation pursuant to Section 4174, the governor shall have, in addition to all other powers conferred in this chapter, the authority and power, in his discretion,

(i) in the case of a threatened strike or lockout, to make such preparations as he may deem necessary or proper to seize any plant or

facility of the industry concerned in the event that the strike or lockout shall occur, and in such event to take immediate and complete possession thereof and to operate the same, or

(ii) in the case of an actual strike or lockout, to take complete possession of any plant or facility of the industry concerned and to operate the same.

(b) The governor may exercise the powers and authority to possess and operate such industries through such department or agency of the Territory as he may designate.

(c) The governor shall have such powers and authority as shall be reasonably necessary to operate such industry in a manner consistent with the public health, safety and welfare; provided, however, he shall have no authority to enter into negotiations with the employer or with any labor organization for a collective-bargaining contract or to increase the wages, or to alter the hours and conditions of employment, existing in such industry prior to the dispute.

Sec. 4178. Status during government operation. During the period of government operation, the plant or facility shall be operated for the account of the employer. All persons employed or engaged by the governor for the purpose of operating the same during the period of possession by the Territory shall be entitled to all of the benefits to which the employees in such industry were entitled prior to the dispute, but such

persons shall not by reason of such employment be or become entitled to civil service, retirement, vacation, and other benefits provided by law for other employees of the Territory.

Sec. 4179. Interference prohibited; penalty. It shall be unlawful for any person or persons, organization, brotherhood or union, or any representative of the employees or any representative or agent of the employer in such industry in any manner to interfere with or obstruct the governor, or any Territorial representative or agent designated by him, in his efforts to secure or contract for the services of any person, or to encourage or solicit any such person not to render such services or in any manner to interfere in or obstruct the training of prospective employees in the operation of such industry by the governor or by such representative or agent.

Any person violating any provision of this section shall be guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than six months.

Sec. 4180. Restoration to employer, procedure. Whenever the authorized representatives of any such employer shall notify the governor, in writing, stating that the industry is in position to and can and will resume operations and render normal public service or production, and shall satisfy the governor or his

designated agent of the correctness of such statement, the governor, or said agent, upon the request of the employer, shall restore to the possession of the employer its properties and facilities. In the event that the governor or said agent for any reason refuses such restoration of possession, the employer shall have the right to have an order issued by the circuit judge at chambers in equity of the circuit in which such employer is engaged in business to show cause why such possession should not be restored. The order shall provide for ten days' notice to the governor or his said agent before cause is required to be shown. The decision of such court on said question shall be final as to conditions then existing, but shall not be a bar to subsequent requests by the employer for restoration of possession.

Sec. 4181. Limit of government operation.

(a) Unless sooner restored pursuant to Section 4180, the governor shall restore the plant or facility to the possession of the employer not later than ninety days after taking possession thereof; provided, however, that the governor may retain possession thereof and operate the same for a further period of not more than ninety days if in his opinion such extension is necessary for the public health, safety and welfare; provided, further, that in no event shall the governor retain the possession of any plant or facility more than 180 days after seizure.

(b) If, at the time of termination of government operation, the dispute shall not have been settled and the emergency shall continue, the governor may submit to the legislature for its consideration and appropriate action a statement of the dispute and the emergency resulting therefrom, together with such recommendations as he may deem proper.

Sec. 4182. Employee need not work involuntarily. Nothing in this chapter shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this chapter be construed to make the quitting of his labor or service by an individual employee an illegal act.

Sec. 4183. Labor organizations, collective bargaining. Nothing in this chapter shall be construed to impair, curtail or destroy the rights of employees and their representatives to self-organization, to form, join, or assist labor organizations, to bargain collectively, through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection; provided, however, that in so doing the provisions of this chapter, when applicable, shall be followed and complied with.

Sec. 4184. Law as exercise of police power. This chapter shall be deemed an exercise of the police power of the Territory for the protection of the public welfare, safety, prosperity, health and peace of the

people; and all of the provisions of this chapter shall be liberally construed for the accomplishment of said purposes.

Sec. 4185. Title. This chapter may be cited as the 'Hawaii Essential Industries Labor Disputes Act of 1949'."

SECTION 2. There is hereby appropriated from the general revenues of the Territory not otherwise appropriated the sum of fifty thousand dollars ($50,000), to be expendable by the governor for the purpose of carrying out the provisions of this Act.

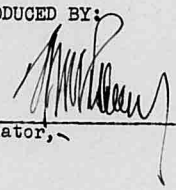
SECTION 3. The provisions of Section 1 shall be applicable to any strike or lockout in any essential industry, as therein defined, which is threatened or occurring at the effective date of this Act.

SECTION 4. If any section, sentence, clause or phrase of this Act, or its application to any industry, employer, employee, 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 industries, employers, employees, 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 and irrespective of the fact that the application of this

Act to any one or more industries, employers, employees, persons or circumstances be declared unconstitutional or invalid.

SECTION 5. This Act shall take effect on its approval, provided, however, that this Act shall not affect the liability of any person to prosecution and punishment for any criminal offense committed prior to said effective date and all such offenses may be prosecuted and punished the same as if this Act had not been enacted.

INTRODUCED BY:



Senator, District.

Honolulu, T. H.
July 26, 1949.

SCHEDULE

Hawaii Essential Industries Labor Disputes Act

| Cooling off Period | Days |
|---|---|
| Notice of impasse | 0 |
| Parties select BIM members | 5 |
| BIM members select chairman | 3 |
| Governor fills any vacancy in BIM | 4 |
| BIM commences hearings | 5 |
| BIM holds hearings | 20 |
| BIM may extend hearings | X |
| BIM prepares report to governor | 7 |
| Governor may extend time for report | 7 |
| BIM mediates and reports again | 25 |
| Director takes vote of employees | 15 |
| Director certifies vote to governor | 5 |
| Party gives notice of strike or lockout | 20 |
| Strike or lockout | 116 + X days |

Emergency Period

Proclamation

| Emergency Bd. | | Injunction | Government Operation | |
|---|---|---|---|---|
| Governor appoints EB | | Court issues | Governor seizes | |
| EB reports to gov. | 15 | | | |
| EB may extend time for report | 5 | | | |
| EB makes second rpt | 20 | Ct. dissolves 60 | | |
| Gov. may require vote | | | | |
| Director takes vote | 15 | | Gov. operates | 90 |
| Director certifies vote | 5 | | | |
| Gov. may require further reports and vote | | | Gov. may extend | 90 |
| No limit | | Limit 60 days (From Proc.) | Limit 180 days (From seizure) | |

Senate Bill No. 2

# SENATE

## The Legislature

of the

## Territory of Hawaii

SPECIAL SESSION 1949

# AN ACT

RELATING TO LABOR DISPUTES IN INDUSTRIES ENGAGED IN FURNISHING PUBLIC UTILITY, STEVEDORING AND HOSPITAL SERVICES; DECLARING SUCH INDUSTRIES TO BE ESSENTIAL TO THE PUBLIC HEALTH, SAFETY AND WELFARE; PROVIDING FOR PEACEFUL SETTLEMENT OF SUCH DISPUTES; PROHIBITING STRIKES, LOCKOUTS AND THE STOPPAGE, SLOWDOWN OR RETARDATION OF SERVICE IN SUCH INDUSTRIES EXCEPT UNDER PRESCRIBED CONDITIONS; PROVIDING FOR INJUNCTIONS AGAINST VIOLATIONS OF THE PROVISIONS HEREOF; PROVIDING FOR INJUNCTIONS AGAINST STRIKES, LOCKOUTS AND THE STOPPAGE, SLOWDOWN OR RETARDATION OF SERVICE IN SUCH INDUSTRIES; PROVIDING FOR SEIZURE AND OPERATION OF SUCH INDUSTRIES BY THE TERRITORY IN THE EVENT OF STRIKES, LOCKOUTS, OR THE STOPPAGE, SLOWDOWN OR RETARDATION OF SERVICE AND MAKING AN APPROPRIATION THEREFOR; PROVIDING PENALTIES; AND AMENDING CHAPTER 73 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED.

| | | |
|---|---|---|
| Introduced | JULY 26 | , 1949 , by |
| Senator | WM. H. HEEN | |

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| First Reading in Senate | July 26, 1949 |
| Referred to Printing Committee | |
| Second Reading in Senate | July 27, 1949 |
| Referred to | |
| Third Reading in Senate | |

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|---|---|
| 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. 2

A N A C T

RELATING TO LABOR DISPUTES IN INDUSTRIES ENGAGED IN FURNISHING PUBLIC UTILITY, STEVEDORING AND HOSPITAL SERVICES; DECLARING SUCH INDUSTRIES TO BE ESSENTIAL TO THE PUBLIC HEALTH, SAFETY AND WELFARE; PROVIDING FOR PEACEFUL SETTLEMENT OF SUCH DISPUTES; PROHIBITING STRIKES, LOCKOUTS AND THE STOPPAGE, SLOWDOWN OR RETARDATION OF SERVICE IN SUCH INDUSTRIES EXCEPT UNDER PRESCRIBED CONDITIONS; PROVIDING FOR INJUNCTIONS AGAINST VIOLATIONS OF THE PROVISIONS HEREOF; PROVIDING FOR INJUNCTIONS AGAINST STRIKES, LOCKOUTS AND THE STOPPAGE, SLOWDOWN OR RETARDATION OF SERVICE IN SUCH INDUSTRIES; PROVIDING FOR SEIZURE AND OPERATION OF SUCH INDUSTRIES BY THE TERRITORY IN THE EVENT OF STRIKES, LOCKOUTS, OR THE STOPPAGE, SLOWDOWN OR RETARDATION OF SERVICE AND MAKING AN APPROPRIATION THEREFOR; PROVIDING PENALTIES; AND AMENDING CHAPTER 73 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED.

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

SECTION 1. Chapter 73, Revised Laws of Hawaii 1945, as amended, is hereby further amended to read as follows:

"CHAPTER 73. LABOR DISPUTES IN ESSENTIAL INDUSTRIES.

Sec. 4161. Definitions. When used in this chapter unless the context clearly indicates otherwise:

'Essential industry' means and includes any public utility, as defined in Section 4701, and any of the following industries or services operated or maintained within the Territory: stevedoring and hospital services; excluding, however, the Territory, or any county or any commission or board of the Territory or of any county, any person subject to the Federal Railway Labor Act, as amended from time to time, and any other person over whose employment, wages, hours and working conditions the government of the United States has assumed exclusive regulation and control.

'Employee' means any person, whether or not a member of a labor organization, in the employ of an employer in an essential industry. 'Employer' means any employer in an essential industry.

'Labor organization' means any organization of employees which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning wages, hours and other terms and conditions of employment.

'Representative' means any person or persons, labor organization, organization or corporation designated either by an employer or by employees, to act for it or them.

'Dispute' and 'labor dispute' mean any controversy concerning wages, hours and other terms and conditions of employment, or concerning the association or repre-

sentation of persons in negotiating, fixing, maintaining, changing or seeking to arrange wages, hours or other terms and conditions of employment.

'Lockout' means the refusal of an employer to furnish work to employees as a result of a labor dispute.

'Strike' means the temporary stoppage of work, slowdown, or retarding of operations by the concerted action of two or more employees as a result of a labor dispute.

'Governor' means the governor of the Territory of Hawaii.

'Attorney General' means the attorney general of the Territory of Hawaii.

'Director' means the director of labor and industrial relations.

Sec. 4162. Findings and declarations of legislature.

(a) The legislature of the Territory of Hawaii hereby finds that the continuous, uninterrupted and proper operation of those industries engaged in furnishing public utility, stevedoring, and hospital services is essential to the public health, safety or welfare. Therefore, the legislature finds that the settlement of industrial disputes between employers and employees in any of such industries is affected with a vital public interest. In making these findings

the legislature has taken into consideration the geographical isolation of these islands and their dependence upon imports for the necessities of life and the functioning of the essential economy, the vulnerability of these islands and their economy to the results of industrial strife, and the effects of a strike or lockout in any of the industries covered by this chapter, or a substantial part thereof, on the community in which the industry is located.

(b) It is hereby declared as the public policy of this Territory that the best interests of the people are served by the prevention or prompt and orderly settlement of labor disputes in such industries; that lockouts or strikes in such industries, regardless of where the merits of the controversy lie, are detrimental to the public health, safety or welfare and are therefore affected with a public interest; that it is contrary to the public policy of the Territory to permit any substantial impairment or suspension of the operation of any such industry by reason of labor disputes therein and that, therefore, it is the duty of the government of the Territory to exercise all available means and every power at its command to prevent the same so as to protect its people from any dangers, perils, calamities or catastrophes which would result therefrom. It is, therefore, further declared that to protect the public health, safety and welfare it is

necessary that the relations between the employers and employees in such industries be regulated by the government of the Territory to the extent and in the manner hereinafter provided.

Sec. 4163. Duty to avoid lockouts and strikes by collective bargaining.

In order to avoid any interruption of the services of any essential industry, it shall be the duty of each employer subject to the provisions of this chapter and its employees and their respective representatives to use the processes of conference and collective bargaining in the settlement of all disputes between the employer and its employees without resort to lockout or strike.

Sec. 4164. Notice of impasse required; effect of collective bargaining agreements.

(a) When an impasse is reached in any dispute between an employer and its employees, either party to the dispute claiming the existence of an impasse shall notify the director in writing of the existence of such impasse. The notice shall contain a clear and concise statement of each issue on which an impasse has been reached, and a certificate as to the good faith of said notice and the statements contained therein, which certification shall be made by the representatives actively engaged in the conduct of negotiations for the party filing the notice. A copy of the notice shall be

delivered to the other party to the dispute simultaneously with delivery of notice to the director.

(b) This section shall not apply in any case where there exists a collective bargaining agreement between an employer and its employees except where:

(i) A dispute arises under the agreement concerning an interpretation or application of the terms of such collective bargaining agreement, and the agreement contains no procedure for the settlement of such a dispute; or

(ii) In accordance with the terms of such collective bargaining agreement, the parties undertake negotiations for a new agreement or an amendment of the existing agreement pursuant to specific designation in the agreement of a certain time or period for such negotiations, and no agreement has been reached at the expiration of such time or period, and the agreement does not prohibit strikes or lockouts following such negotiation and failure to arrive at an agreement.

Sec. 4165. Appointment of board of inquiry and mediation.

(a) Following receipt of a notice of impasse from either party as specified in Section 4164, the director shall forthwith request each of the parties to designate in writing within five days a person to serve as a member of a board of inquiry and mediation. The designation must be filed in writing with the director. The person designated by the employer shall not be an officer or director of the employer or other person

normally acting in an official capacity with the employer, and the person named by the employees shall not be an employee of the employer or a representative of its employees. The two persons so apapointed shall, within three days, select an impartial person to serve with them on the board. The third person so selected shall act as chairman. If either the employer or the employees failt to designate a member of the board, or if the two designated members fail to agree upon a third, the governor shall, within twelve days after the director has requested the parties to appoint members to the board, appoint such member or members.

(b) Members of the board shall receive compensation at the rate of $15 for each day actually spent by them in the work of the board, together with necessary travel and subsistence expense. Payment shall be made by the director out of funds made available to the department of labor and industrial relations, and upon request of the board the department shall furnish necessary stenographic services.

Sec. 4166. Hearings; report.

(a) The board of inquiry and mediation shall notify the employer and the employees or their representatives of the time and place for commencement of hearings, which hearings must commence within five days from the date the board has been constituted. The board shall ascertain the facts of the controversy

and shall use its best efforts by mediation to bring the parties into agreement.

(b) The board shall hold such meetings as it shall deem necessary or proper for a period not longer than twenty days from the date the hearings commence; provided, however, that the twenty-day period may be extended from time to time by the board with the written consent of the parties, a copy of which consent shall be filed with the director.

(c) Within seven days from the date of termination of the hearings, or within such further time, not exceeding seven days, as the governor may prescribe, the board shall submit to the governor a written report setting forth findings of fact and stating the position of each of the parties as to each issue on which agreement has been reached and as to each issue still in dispute at the time of termination of the hearings. Within five days from the receipt of the findings of the board and if no agreement is reached during this period, the governor shall make the findings of the board public.

Sec. 4167. Mediation; report; vote by employees.

(a) Each board of inquiry and mediation shall continue in existence after making its initial report for the purpose of mediating the dispute. When a board has been dissolved its records shall be transferred to the director.

(b) Whenever the report of a board of inquiry and mediation has been filed with the governor it shall be the duty of the parties to the labor dispute giving rise to such report to again make every effort to adjust and settle their differences. At the end of a twenty-five day period after said report of the board has been filed with the governor (unless the dispute has been settled by that time), the board shall report to the governor the current position of the parties, and the efforts which have been made for settlement, and shall include a statement by each party of its position, and a statement of each employer's last offer of settlement. The governor shall make such report available to the public.

(c) Within the succeeding fifteen days the director shall take a secret ballot of the employees of each employer who is involved in the dispute on the question of whether they wish to accept the last offer of settlement made by their employer, or to strike, and shall certify the results thereof to the governor within five days thereafter. The voting shall be conducted and supervised by the director under rules and regulations promulgated by him. The expense of the voting shall be defrayed by the parties to the dispute equally. Every employee involved in the dispute shall be entitled to vote in such secret ballot. The director shall have power and authority to promulgate and shall promulgate rules and regulations

covering the conduct of such voting, and the wilful violation of any such rules and regulations shall constitute a violation of the provisions of this chapter. Such rules and regulations shall facilitate voting by all employees, but shall also insure secrecy of the ballot. The director shall also have the power and authority to determine, after proper hearing (which may be held either before or after a vote and may be conducted by a duly authorized representative of the director), any dispute concerning the eligibility of a person or persons to vote. Any such determination with respect to eligibility shall be applicable in the administration of this section, but shall have no force and effect for any other purpose.

Sec. 4168. Notice of strike or lockout.

(a) If, in such ballot, a majority of all of the employees involved in the dispute shall vote to strike, the employees or their representative shall fix a day and the time of day for the beginning of same, which shall be not less than twenty days from the time of giving notice thereof, and shall immediately notify the governor and the employer of the date and time so fixed, but such notice shall not be given until the results of the ballot shall have been certified to the governor.

(b) If the employer shall desire to engage in a lockout, it shall fix a day and the time of day for

the beginning of same, which shall be not less than twenty days from the time of giving notice thereof, and shall immediately notify the governor and the employees of the date and time so fixed, but such notice shall not be given until the results of the ballot shall have been certified to the governor.

Sec. 4169. Status quo maintained.

(a) After the notice required by Section 4164 is filed with the director and until the time set for the beginning of the strike or lockout, as the case may be, of which notice has been given in the manner prescribed by Section 4168, no change in wages, hours or other terms and conditions of employment prevailing before the actual or proposed change out of which the dispute arose shall be made by the employer named in the notice, except by agreement of the parties.

(b) The employer involved in the dispute shall be free to make such changes in operations or personnel as are consistent with the operation of its business; provided, however, that if written objection to any such change is filed by the employees with the director such change shall require the approval of the director.

Sec. 4170. Powers of board; evidence, witnesses; subpoenas, etc.

(a) Each board of inquiry and mediation shall have power to hold hearings at any place within the Territory, subpoena witnesses and compel their attend-

ance, compel the production of books and papers, administer oaths, take testimony and receive evidence.

(b) Subpoenas of the board shall run in the name of the Territory of Hawaii and any such subpoena shall be sufficient if it: (1) states that the proceeding is before such board of inquiry and mediation, (2) is addressed to the person desired as a witness, (3) requires the attendance of the person desired as a witness at a time and place certain, and (4) is signed by the chairman of such board, or in his absence any member designated by the board to act in his absence. Any such subpoena may be served by the high sheriff of the Territory or his deputy, or a sheriff of any county or his deputy, or any police officer, or any other person designated by the board to serve the same.

(c) Each member of any board of inquiry and mediation shall have authority to administer oaths in the discharge of his duties pursuant to the provisions of this chapter.

(d) In case of contumacy or refusal to obey a subpoena issued to any person, the circuit court of any judicial circuit within the jurisdiction of which the inquiry is carried on, upon application by the board, shall have jurisdiction to issue an order requiring such person to appear before the board, to compel the production of papers, to produce evidence or to give testimony touching the matter in question. Failure to

obey any such order may be punished by the court as a contempt thereof.

(e) Subpoenas and papers of the board may be served either personally or by registered mail or by radiogram, or by leaving a copy thereof at the principal office or place of business of the person to be served. Return by the individual serving the same setting forth the manner of such service, return post-office receipt, or radiogram receipt shall be proof of service of the same.

Sec. 4171. Strikes and lockouts prohibited. It shall be unlawful for any employees in an essential industry to call a strike or go out on strike causing or threatening to cause an interruption of service in such industry, or for any employer in such industry to lock out its employees when such action would cause or threaten to cause an interruption of its services, except as such action may be taken following compliance with all of the provisions of this chapter.

It shall be unlawful for any person or persons to instigate, induce, or assist any other person or persons to engage in any strike or lockout which would cause an interruption of service in violation of the provisions of this chapter.

During the term of any collective bargaining agreement, there shall be no lockout by the employer, and

there shall be no strike on the part of any employees covered by the agreements, except where:

(a) A dispute arises under the agreement concerning the interpretation or application of the terms of such collective bargaining agreement, and the agreement contains no procedure for the settlement of such dispute; or

(b) In accordance with the terms of such collective bargaining agreement, the parties undertake negotiations for a new agreement or an amendment of the existing agreement pursuant to specific designation in the agreement of a certain time or period for such negotiations, and no agreement has been reached at the expiration of such time or period, and the agreement does not prohibit strikes or lockouts following such negotiation and failure to arrive at agreement;

and the provisions of this chapter for settlement of disputes have first been complied with.

Sec. 4172. Injunction. In addition to the injunction procedure specified in Section 4176, the attorney general, at his own instance or at the request of the director, in the event any employer or any employees shall be found to be violating or failing to comply with the requirements of this chapter, or there shall be reasonable cause to believe that such employer or employees are violating or failing to comply with such

requirements, shall institute appropriate proceedings in equity in the circuit in which the violation occurs to enjoin the performance of any acts or practices forbidden by this chapter, or to require such employer or employees to comply with the requirements of this chapter. Jurisdiction to hear and dispose of all actions under this section is hereby conferred upon each circuit judge, and each such judge shall have power to issue such orders and decrees, by way of injunction, mandatory injunction or otherwise, as may be appropriate to enforce the provisions of this chapter. All such suits shall be brought in the name of the Territory by the attorney general. The county attorney of each county shall, at the request of the attorney general, conduct such proceedings in behalf of the Territory.

Sec. 4173. Penalties. Any employer calling or causing a lockout in violation of Section 4171, or otherwise contrary to the provisions of this chapter, or without giving the notices required by Sections 4164 and 4168, shall be guilty of a misdemeanor and shall be punished by a fine of not more than $5000 or, in the case of an individual, by such fine or by imprisonment for not more than six months.

Any employee calling a strike or going out on strike in violation of the provisions of Section 4171 or otherwise contrary to the provisions of this chapter,

or without giving the notice required by Sections 4164 and 4168, shall be guilty of a misdemeanor and shall be punished by a fine of not more than $100 or by imprisonment for not more than six months.

Any person instigating, inducing or assisting any strike or lockout in violation of Section 4171 or otherwise contrary to the provisions of this chapter, shall be guilty of a misdemeanor and shall be punished by a fine of not more than $100 or by imprisonment for not more than six months.

Any person violating any rule or regulation promulgated by the director under the provisions of Section 4167 shall be guilty of a misdemeanor and shall be punished by a fine of not more than $100 or by imprisonment for not more than six months.

The penalties provided by this section shall apply to any individual, person, corporation, or association, whether acting as principal, agent, officer, director, for himself or itself, or for another person.

Sec. 4174. Emergencies; proclamation. Whenever in the opinion of the governor a threatened or actual strike or lockout in any essential industry or any substantial part thereof, if permitted to occur or to continue, will imperil public health, safety or welfare, he shall issue a proclamation to that effect and urge the parties to the dispute to refrain from a stoppage of work, or if such stoppage has occured, to resume

work and operation in the public interest.

Sec. 4175. Emergency board. (a) After issuing such a proclamation, the governor shall promptly appoint a board to be known as an 'emergency board'.

(b) Any emergency board appointed under this section shall promptly investigate the dispute, shall seek to induce the parties to reach a settlement of the dispute, and in any event shall make a report to the governor within 15 days after the issuance of the proclamation, or within such further time, not exceeding 5 days, as may be specified by agreement of the parties, with the approval of the board. Such report shall include the findings and recommendations of the board and shall be transmitted to the parties and be made public. The director of the department of labor and industrial relations shall provide for the board such stenographic, clerical, and other assistance and such facilities and services as may be necessary for the discharge of its functions.

(c) An emergency board shall be composed of a chairman and such other members as the governor shall determine, but not more than five persons, including the chairman, and shall have power to sit and act in any place within the Territory and to conduct such hearings either in public or in private as it may deem necessary or proper to ascertain the facts with respect to the cause and circumstances of the dispute.

(d) Members of an emergency board shall receive compensation at the rate of $15 for each day actually spent by them in the work of the board, together with necessary travel and subsistence expenses.

(e) For the purpose of any hearing or inquiry conducted by any board appointed under this section, the provisions of section 4170 are hereby made applicable to the powers and duties of such board.

(f) Each emergency board shall continue in existence after making its initial report for such time as the dispute continues for the purpose of mediating the same. At the end of a twenty-day period after its initial report has been filed with the governor, and thereafter from time to time upon the request of the governor, unless the dispute shall have been settled, the board shall report to the governor the current position of the parties and the efforts which have been made for settlement. Each report shall include a statement of each employer's last offer of settlement. Upon receipt of any such report, the governor may direct the director to take a secret ballot of the employees of each employer who is involved in the dispute on the question of whether they wish to accept the last offer of settlement made by their employer, or to strike. The results of the voting shall be certified to the governor. For the purpose of taking any such ballot, the provisions of Section 4167,

paragraph (c), are hereby made applicable thereto.

(g) A separate emergency board shall be appointed for each dispute. No member of such board shall be pecuniarily or otherwise interested in any organization of employees or in any employer involved in the dispute. When a board appointed under this section has been dissolved, its records shall be transferred to the director of the department of labor and industrial relations.

Sec. 4176. Injunction against strike or lockout.

(a) After issuing a proclamation pursuant to Section 4174, the governor may direct the attorney general to petition any circuit court having jurisdiction of the parties to enjoin such strike or lockout or the continuing thereof, and if the court finds that such threatened or actual strike or lockout (i) affects an entire essential industry or a substantial part thereof, and (ii) if permitted to occur or to continue will imperil the public health, safety or welfare, it shall have jurisdiction to enjoin any such strike or lockout, or the continuing thereof.

(b) The order or orders of the court shall be subject to review by the supreme court, but such order or orders shall not be stayed pending such review.

(c) Whenever a circuit court has issued an order enjoining acts or practices which imperil or threaten to imperil the public health, safety or welfare, it

shall be the duty of the parties to the labor dispute giving arise to such order to make every effort to adjust and settle their differences.

(d) At the end of a sixty-day period following the issuance of a proclamation pursuant to Section 4174, or upon a settlement being reached, whichever happens sooner, the attorney general shall move the court to discharge the injunction, which motion shall then be granted and the injunction discharged.

Sec. 4177. Seizure and operation by Territory.

(a) Upon issuing a proclamation pursuant to Section 4174, the governor shall have, in addition to all other powers conferred in this chapter, the authority and power, in his discretion,

(i) in the case of a threatened strike or lockout, to make such preparations as he may deem necessary or proper to seize any plant or facility of the industry concerned in the event that the strike or lockout shall occur, and in such event to take immediate and complete possession thereof and to operate the same, or

(ii) in the case of an actual strike or lockout, to take complete possession of any plant or facility of the industry concerned and to operate the same.

(b) The governor may exercise the powers and authority to possess and operate such industries through

such department or agency of the Territory as he may designate.

(c) The governor shall have such powers and authority as shall be reasonably necessary to operate such industry in a manner consistent with the public health, safety and welfare; provided, however, he shall have no authority to enter into negotiations with the employer or with any labor organization for a collective bargaining contract or to increase the wages, or to alter the hours and conditions of employment, existing in such industry prior to the dispute.

Sec. 4178. Status during government operation. During the period of government operation, the plant or facility shall be operated for the account of the employer. All persons employed or engaged by the governor for the purpose of operating the same during the period of possession by the Territory shall be entitled to all of the benefits to which the employees in such industry were entitled prior to the dispute, but such persons shall not by reason of such employment be or become entitled to civil service, retirement, vacation, and other benefits provided by law for other employees of the Territory.

Sec. 4179. Interference prohibited; penalty. It shall be unlawful for any person or persons, organization, brotherhood or union, or any representative of

the employees or any representative or agent of the employer in such industry in any manner to interfere with or obstruct the governor, or any Territorial representative or agent designated by him, in his efforts to secure or contract for the services of any person, or to encourage or solicit any such person not to render such services or in any manner to interfere in or obstruct the training of prospective employees in the operation of such industry by the governor or by such representative or agent.

Any person violating any provision of this section shall be guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than six months.

Sec. 4180. Restoration to employer, procedure. Whenever the authorized representatives of any such employer shall notify the governor, in writing, stating that the industry is in position to and can and will resume operations and render normal public service, and shall satisfy the governor or his designated agent of the correctness of such statement, the governor, or said agent, upon the request of the employer, shall restore to the possession of the employer its properties and facilities. In the event that the governor or said agent for any reason refuses such restoration of possession, the employer shall have the right to have an order issued by the circuit judge

at chambers in equity of the circuit in which such employer is engaged in business to show cause why such possession should not be restored. The order shall provide for ten days' notice to the governor or his said agent before cause is required to be shown. The decision of such court on said question shall be final as to conditions then existing, but shall not be a bar to subsequent requests by the employer for restoration of possession.

Sec. 4181. Limit of government operation.

(a) Unless sooner restored pursuant to Section 4180, the governor shall restore the plant or facility to the possession of the employer not later than ninety days after taking possession thereof; provided, however, that the governor may retain possession thereof and operate the same for a further period of not more than ninety days if in his opinion such extension is necessary for the public health, safety and welfare; provided, further, that in no event shall the governor retain the possession of any plant or facility more than 180 days after seizure.

(b) If, at the time of termination of government operation, the dispute shall not have been settled and the emergency shall continue, the governor may submit to the legislature for its consideration and appropriate action a statement of the dispute and the emergency resulting therefrom, together with such

recommendations as he may deem proper.

Sec. 4182. Employee need not work involuntarily. Nothing in this chapter shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this chapter be construed to make the quitting of his labor or service by an individual employee an illegal act.

Sec. 4183. Labor organizations, collective bargaining. Nothing in this chapter shall be construed to impair, curtail or destroy the rights of employees and their representatives to self-organization, to form, join, or assist labor organizations, to bargain collectively, through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection; provided, however, that in so doing the provisions of this chapter, when applicable, shall be followed and complied with.

Sec. 4184. Law as exercise of police power. This chapter shall be deemed an exercise of the police power of the Territory for the protection of the public welfare, safety, prosperity, health and peace of the people; and all of the provisions of this chapter shall be liberally construed for the accomplishment of said purposes.

Sec. 4185. Title. This chapter may be cited as the 'Hawaii Essential Industries Labor Disputes Act

of 1949'."

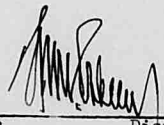
SECTION 2. There is hereby appropriated from the general revenues of the Territory not otherwise appropriated the sum of fifty thousand dollars ($50,000), to be expendable by the governor for the purpose of carrying out the provisions of this Act.

SECTION 3. The provisions of Section 1 shall be applicable to any strike or lockout in any essential industry, as therein defined, which is threatened or occurring at the effective date of this Act.

SECTION 4. If any section, sentence, clause or phrase of this Act, or its application to any industry, employer, employee, 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 industries, employers, employees, 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 and irrespective of the fact that the application of this Act to any one or more industries, employers, employees, persons or circumstances be declared unconstitutional or invalid.

SECTION 5. This Act shall take effect on its approval, provided, however, that this Act shall not affect the liability of any person to prosecution and punishment for any criminal offense committed prior to said effective date and all such offenses may be prosecuted and punished the same as if this Act had not been enacted.

INTRODUCED BY:



Senator, District

Honolulu, T. H.
July 26, 1949.

Senate Bill No. 3

# SENATE

## The Legislature

of the

## Territory of Hawaii

SPECIAL SESSION 1949

# AN ACT

RELATING TO LABOR DISPUTES IN INDUSTRIES ENGAGED IN PRODUCING SUGAR AND PINEAPPLE PRODUCTS; DECLARING SUCH INDUSTRIES TO BE BASIC IN THE ECONOMY OF THE TERRITORY AND ESSENTIAL TO THE PUBLIC HEALTH, SAFETY AND WELFARE; PROVIDING FOR PEACEFUL SETTLEMENT OF SUCH DISPUTES; PROHIBITING STRIKES, LOCKOUTS AND THE STOPPAGE, SLOWDOWN OR RETARDATION OF PRODUCTION IN SUCH INDUSTRIES EXCEPT UNDER PRESCRIBED CONDITIONS; PROVIDING FOR INJUNCTIONS AGAINST VIOLATIONS OF THE PROVISIONS HEREOF; PROVIDING FOR INJUNCTIONS AGAINST STRIKES, LOCKOUTS AND THE STOPPAGE, SLOWDOWN OR RETARDATION OF PRODUCTION IN SUCH INDUSTRIES; PROVIDING FOR SEIZURE AND OPERATION OF SUCH INDUSTRIES BY THE TERRITORY IN THE EVENT OF STRIKES, LOCKOUTS, OR THE STOPPAGE, SLOWDOWN OR RETARDATION OF PRODUCTION AND MAKING AN APPROPRIATION THEREFOR; PROVIDING PENALTIES; AND AMENDING CHAPTER 73 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED.

Introduced JULY 26 , 19 49 by

Senator WM. H. HEEN

First Reading in Senate July 26, 1949

Referred to Printing Committee

Second Reading in Senate July 27, 1949

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. 3

A N  A C T

RELATING TO LABOR DISPUTES IN INDUSTRIES ENGAGED IN PRODUCING SUGAR AND PINEAPPLE PRODUCTS; DECLARING SUCH INDUSTRIES TO BE BASIC IN THE ECONOMY OF THE TERRITORY AND ESSENTIAL TO THE PUBLIC HEALTH, SAFETY AND WELFARE; PROVIDING FOR PEACEFUL SETTLEMENT OF SUCH DISPUTES; PROHIBITING STRIKES, LOCKOUTS AND THE STOPPAGE, SLOWDOWN OR RETARDATION OF PRODUCTION IN SUCH INDUSTRIES EXCEPT UNDER PRESCRIBED CONDITIONS; PROVIDING FOR INJUNCTIONS AGAINST VIOLATIONS OF THE PROVISIONS HEREOF; PROVIDING FOR INJUNCTIONS AGAINST STRIKES, LOCKOUTS AND THE STOPPAGE, SLOWDOWN OR RETARDATION OF PRODUCTION IN SUCH INDUSTRIES; PROVIDING FOR SEIZURE AND OPERATION OF SUCH INDUSTRIES BY THE TERRITORY IN THE EVENT OF STRIKES, LOCKOUTS, OR THE STOPPAGE, SLOWDOWN OR RETARDATION OF PRODUCTION AND MAKING AN APPROPRIATION THEREFOR; PROVIDING PENALTIES; AND AMENDING CHAPTER 73 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED.

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

SECTION 1. Chapter 73, Revised Laws of Hawaii 1945, as amended, is hereby further amended to read as follows:

"CHAPTER 73. LABOR DISPUTES IN BASIC INDUSTRIES.

Sec. 4161. Definitions. When used in this chapter unless the context clearly indicates otherwise:

'Basic industry' means and includes the following industries in the Territory: the growing, processing or distribution of sugar-cane or pineapple products.

'Employee' means any person, whether or not a member of a labor organization, in the employ of an employer in a basic industry. 'Employer' means any employer in a basic industry.

'Labor organization' means any organization of employees which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning wages, hours and other terms and conditions of employment.

'Representative' means any person or persons, labor organization, organization or corporation designated either by an employer or by employees, to act for it or them.

'Dispute' and 'labor dispute' mean any controversy concerning wages, hours and other terms and conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange wages, hours or other terms and conditions of employment.

'Lockout' means the refusal of an employer to furnish work to employees as a result of a labor dispute.

'Strike' means the temporary stoppage of work,

slowdown, or retarding of production or operations by the concerted action of two or more employees as a result of a labor dispute.

'Governor' means the governor of the Territory of Hawaii.

'Attorney General' means the attorney general of the Territory of Hawaii.

'Director' means the director of labor and industrial relations.

Sec. 4162. Findings and declarations of legislature.

(a) The legislature of the Territory of Hawaii hereby finds that the economy of the Territory of Hawaii is based upon the sugar and pineapple industries, which employ the largest numbers of persons and bring to the Territory the largest revenues of any private industries, and that interruption in such employment or revenues imperils the essential economy of the Territory and is detrimental to the public health, safety or welfare. Therefore, the legislature finds that the settlement of industrial disputes between employers and employees in any of such industries is affected with a vital public interest. In making these findings the legislature has taken into consideration not only the fact that the greatest part of the wealth produced in the Territory is from such industries and that upon the prosperity and welfare of such industries

other business and pursuits in the Territory are largely dependent, but also the vulnerability of these islands and their economy to the results of industrial strife, and the effects of a strike or lockout in any of the industries covered by this chapter, or a substantial part thereof, on the community in which the industry is located.

(b) It is hereby declared as the public policy of this Territory that the best interests of the people are served by the prevention or prompt and orderly settlement of labor disputes in such industries; that lockouts or strikes in such industries, regardless of where the merits of the controversy lie, are detrimental to the public health, safety or welfare and are therefore affected with a public interest; that it is contrary to the public policy of the Territory to permit any substantial impairment or suspension of the operation of any such industry by reason of labor disputes therein and that, therefore, it is the duty of the government of the Territory to exercise all available means and every power at its command to prevent the same so as to protect its people from any dangers, perils, calamities or catastrophes which would result therefrom. It is, therefore, further declared that to protect the public health, safety and welfare it is necessary that the relations between

the employers and employees in such industries be regulated by the government of the Territory to the extent and in the manner hereinafter provided.

Sec. 4163. Duty to avoid lockouts and strikes by collective bargaining.

In order to avoid any interruption of production in any basic industry, it shall be the duty of each employer subject to the provisions of this chapter and its employees and their respective representatives to use the processes of conference and collective bargaining in the settlement of all disputes between the employer and its employees without resort to lockout or strike.

Sec. 4164. Notice of impasse required; effect of collective bargaining agreements.

(a) When an impasse is reached in any dispute between an employer and its employees, either party to the dispute claiming the existence of an impasse shall notify the director in writing of the existence of such impasse. The notice shall contain a clear and concise statement of each issue on which an impasse has been reached, and a certificate as to the good faith of said notice and the statements contained therein, which certification shall be made by the representatives actively engaged in the conduct of negotiations for the party filing the notice. A copy of the notice shall be delivered to the other party

to the dispute simultaneously with delivery of notice to the director.

(b) This section shall not apply in any case where there exists a collective bargaining agreement between an employer and its employees except where:

(i) A dispute arises under the agreement concerning an interpretation or application of the terms of such collective bargaining agreement, and the agreement contains no procedure for the settlement of such a dispute; or

(ii) In accordance with the terms of such collective bargaining agreement, the parties undertake negotiations for a new agreement or an amendment of the existing agreement pursuant to specific designation in the agreement of a certain time or period for such negotiations, and no agreement has been reached at the expiration of such time or period, and the agreement does not prohibit strikes or lockouts following such negotiation and failure to arrive at an agreement.

Sec. 4165. Appointment of board of inquiry and mediation.

(a) Following receipt of a notice of impasse from either party as specified in Section 4164, the director shall forthwith request each of the parties to designate in writing within five days a person to

serve as a member of a board of inquiry and mediation. The designation must be filed in writing with the director. The person designated by the employer shall not be an officer or director of the employer or other person normally acting in an official capacity with the employer, and the person named by the employees shall not be an employee of the employer or a representative of its employees. The two persons so appointed shall, within three days, select an impartial person to serve with them on the board. The third person so selected shall act as chairman. If either the employer or the employees fail to designate a member of the board, or if the two designated members fail to agree upon a third, the governor shall, within twelve days after the director has requested the parties to appoint members to the board, appoint such member or members.

(b) Members of the board shall receive compensation at the rate of $15 for each day actually spent by them in the work of the board, together with necessary travel and subsistence expense. Payment shall be made by the director out of funds made available to the department of labor and industrial relations, and upon request of the board the department shall furnish necessary stenographic services.

Sec. 4166. Hearings; report.

(a) The board of inquiry and mediation shall notify the employer and the employees or their representatives of the time and place for commencement of hearings, which hearings must commence within five days from the date the board has been constituted. The board shall ascertain the facts of the controversy and shall use its best efforts by mediation to bring the parties into agreement.

(b) The board shall hold such meetings as it shall deem necessary or proper for a period not longer than twenty days from the date the hearings commence; provided, however, that the twenty-day period may be extended from time to time by the board with the written consent of the parties, a copy of which consent shall be filed with the director.

(c) Within seven days from the date of termination of the hearings, or within such further time, not exceeding seven days, as the governor may prescribe, the board shall submit to the governor a written report setting forth findings of fact and stating the position of each of the parties as to each issue on which agreement has been reached and as to each issue still in dispute at the time of termination of the hearings. Within five days from the receipt of the findings of the board and if no agreement is reached during this period, the governor shall make the findings of the board public.

Sec. 4167. Mediation; report; vote by employees.

(a) Each board of inquiry and mediation shall continue in existence after making its initial report for the purpose of mediating the dispute. When a board has been dissolved its records shall be transferred to the director.

(b) Whenever the report of a board of inquiry and mediation has been filed with the governor it shall be the duty of the parties to the labor dispute giving rise to such report to again make every effort to adjust and settle their differences. At the end of a twenty-five day period after said report of the board has been filed with the governor (unless the dispute has been settled by that time), the board shall report to the governor the current position of the parties, and the efforts which have been made for settlement, and shall include a statement by each party of its position, and a statement of each employer's last offer of settlement. The governor shall make such report available to the public.

(c) Within the succeeding fifteen days the director shall take a secret ballot of the employees of each employer who is involved in the dispute on the question of whether they wish to accept the last offer of settlement made by their employer, or to strike, and shall certify the results thereof to the

governor within five days thereafter. The voting shall be conducted and supervised by the director under rules and regulations promulgated by him. The expense of the voting shall be defrayed by the parties to the dispute equally. Every employee involved in the dispute shall be entitled to vote in such secret ballot. The director shall have power and authority to promulgate and shall promulgate rules and regulations covering the conduct of such voting, and the wilful violation of any such rules and regulations shall constitute a violation of the provisions of this chapter. Such rules and regulations shall facilitate voting by all employees, but shall also insure secrecy of the ballot. The director shall also have the power and authority to determine, after proper hearing (which may be held either before or after a vote and may be conducted by a duly authorized representative of the director), any dispute concerning the eligibility of a person or persons to vote. Any such determination with respect to eligibility shall be applicable in the administration of this section, but shall have no force and effect for any other purpose.

Sec. 4168. Notice of strike or lockout.

(a) If, in such ballot, a majority of all of the employees involved in the dispute shall vote to strike, the employees or their representative shall fix a day and the time of day for the beginning of same, which

shall be not less than twenty days from the time of giving notice thereof, and shall immediately notify the governor and the employer of the date and time so fixed, but such notice shall not be given until the results of the ballot shall have been certified to the governor.

(b) If the employer shall desire to engage in a lockout, it shall fix a day and the time of day for the beginning of same, which shall be not less than twenty days from the time of giving notice thereof, and shall immediately notify the governor and the employees of the date and time so fixed, but such notice shall not be given until the results of the ballot shall have been certified to the governor.

Sec. 4169. Status quo maintained.

(a) After the notice required by Section 4164 is filed with the director and until the time set for the beginning of the strike or lockout, as the case may be, of which notice has been given in the manner prescribed by Section 4168, no change in wages, hours or other terms and conditions of employment prevailing before the actual or proposed change out of which the dispute arose shall be made by the employer named in the notice, except by agreement of the parties.

(b) The employer involved in the dispute shall be free to make such changes in operations or personnel as are consistent with the operation of its

business; provided, however, that if written objection to any such change is filed by the employees with the director such change shall require the approval of the director.

Sec. 4170. Powers of board; evidence, witnesses; subpoenas, etc.

(a) Each board of inquiry and mediation shall have power to hold hearings at any place within the Territory, subpoena witnesses and compel their attendance, compel the production of books and papers, administer oaths, take testimony and receive evidence.

(b) Subpoenas of the board shall run in the name of the Territory of Hawaii and any such subpoena shall be sufficient if it: (1) states that the proceeding is before such board of inquiry and mediation, (2) is addressed to the person desired as a witness, (3) requires the attendance of the person desired as a witness at a time and place certain, and (4) is signed by the chairman of such board, or in his absence any member designated by the board to act in his absence. Any such subpoena may be served by the high sheriff of the Territory or his deputy, or a sheriff of any county or his deputy, or any police officer, or any other person designated by the board to serve the same.

(c) Each member of any board of inquiry and

mediation shall have authority to administer oaths in the discharge of his duties pursuant to the provisions of this chapter.

(d) In case of contumacy or refusal to obey a subpoena issued to any person, the circuit court of any judicial circuit within the jurisdiction of which the inquiry is carried on, upon application by the board, shall have jurisdiction to issue an order requiring such person to appear before the board, to compel the production of papers, to produce evidence or to give testimony touching the matter in question. Failure to obey any such order may be punished by the court as a contempt thereof.

(e) Subpoenas and papers of the board may be served either personally or by registered mail or by radiogram, or by leaving a copy thereof at the principal office or place of business of the person to be served. Return by the individual serving the same setting forth the manner of such service, return post-office receipt, or radiogram receipt shall be proof of service of the same.

Sec. 4171. Strikes and lockouts prohibited. It shall be unlawful for any employees in a basic industry to call a strike or go out on strike causing or threatening to cause an interruption of the production in such industry, or for any employer in such

industry to lock out its employees when such action would cause or threaten to cause an interruption of its production, except as such action may be taken following compliance with all of the provisions of this chapter.

It shall be unlawful for any person or persons to instigate, induce, or assist any other person or persons to engage in any strike or lockout which would cause an interruption of production in violation of the provisions of this chapter.

During the term of any collective bargaining agreement, there shall be no lockout by the employer, and there shall be no strike on the part of any employees covered by the agreements, except where:

(a) A dispute arises under the agreement concerning the interpretation or application of the terms of such collective bargaining agreement, and the agreement contains no procedure for the settlement of such dispute; or

(b) In accordance with the terms of such collective bargaining agreement, the parties undertake negotiations for a new agreement or an amendment of the existing agreement pursuant to specific designation in the agreement of a certain time or period for such negotiations, and no agreement has been reached at the expiration of such time or period, and the agreement does not prohibit strikes

or lockouts following such negotiation and failure to arrive at agreement; and the provisions of this chapter for settlement of disputes have first been complied with.

Sec. 4172. Injunction. In addition to the injunction procedure specified in Section 4176, the attorney general, at his own instance or at the request of the director, in the event any employer or any employees shall be found to be violating or failing to comply with the requirements of this chapter, or there shall be reasonable cause to believe that such employer or employees are violating or failing to comply with such requirements, shall institute appropriate proceedings in equity in the circuit in which the violation occurs to enjoin the performance of any acts or practices forbidden by this chapter, or to require such employer or employees to comply with the requirements of this chapter. Jurisdiction to hear and dispose of all actions under this section is hereby conferred upon each circuit judge, and each such judge shall have power to issue such orders and decrees, by way of injunction, mandatory injunction or otherwise, as may be appropriate to enforce the provisions of this chapter. All such suits shall be brought in the name of the Territory by the attorney general. The county attorney of each county shall, at the request of the attorney general, conduct such

proceedings in behalf of the Territory.

Sec. 4173. Penalties. Any employer calling or causing a lockout in violation of Section 4171, or otherwise contrary to the provisions of this chapter, or without giving the notices required by Sections 4164 and 4168, shall be guilty of a misdemeanor and shall be punished by a fine of not more than $5000 or, in the case of an individual, by such fine or by imprisonment for not more than six months.

Any employee calling a strike or going out on strike in violation of the provisions of Section 4171 or otherwise contrary to the provisions of this chapter, or without giving the notice required by Sections 4164 and 4168, shall be guilty of a misdemeanor and shall be punished by a fine of not more than $100 or by imprisonment for not more than six months.

Any person instigating, inducing or assisting any strike or lockout in violation of Section 4171 or otherwise contrary to the provisions of this chapter, shall be guilty of a misdemeanor and shall be punished by a fine of not more than $100 or by imprisonment for not more than six months.

Any person violating any rule or regulation promulgated by the director under the provisions of Section 4167 shall be guilty of a misdemeanor and shall be punished by a fine of not more than $100 or by imprisonment for not more than six months.

The penalties provided by this section shall apply to any individual, person, corporation, or association, whether acting as principal, agent, officer, director, for himself or itself, or for another person.

Sec. 4174. Emergencies; proclamation. Whenever in the opinion of the governor a threatened or actual strike or lockout in any basic industry or any substantial part thereof, if permitted to occur or to continue, will imperil public health, safety or welfare, he shall issue a proclamation to that effect and urge the parties to the dispute to refrain from a stoppage of work, or if such stoppage has occurred, to resume work and operation in the public interest.

Sec. 4175. Emergency board. (a) After issuing such a proclamation, the governor shall promptly appoint a board to be known as an 'emergency board'.

(b) Any emergency board appointed under this section shall promptly investigate the dispute, shall seek to induce the parties to reach a settlement of the dispute, and in any event shall make a report to the governor within 15 days after the issuance of the proclamation, or within such further time, not exceeding 5 days, as may be specified by agreement of the parties, with the approval of the board. Such report shall include the findings and recommendations

of the board and shall be transmitted to the parties and be made public. The director of the department of labor and industrial relations shall provide for the board such stenographic, clerical, and other assistance and such facilities and services as may be necessary for the discharge of its functions.

(c) An emergency board shall be composed of a chairman and such other members as the governor shall determine, but not more than five persons, including the chairman, and shall have power to sit and act in any place within the Territory and to conduct such hearings either in public or in private as it may deem necessary or proper to ascertain the facts with respect to the cause and circumstances of the dispute.

(d) Members of an emergency board shall receive compensation at the rate of $15 for each day actually spent by them in the work of the board, together with necessary travel and subsistence expenses.

(e) For the purpose of any hearing or inquiry conducted by any board appointed under this section, the provisions of section 4170 are hereby made applicable to the powers and duties of such board.

(f) Each emergency board shall continue in existence after making its initial report for such time as the dispute continues for the purpose of mediating the same. At the end of a twenty-day period

after its initial report has been filed with the governor, and thereafter from time to time upon the request of the governor, unless the dispute shall have been settled, the board shall report to the governor the current position of the parties and the efforts which have been made for settlement. Each report shall include a statement of each employer's last offer of settlement. Upon receipt of any such report, the governor may direct the director to take a secret ballot of the employees of each employer who is involved in the dispute on the question of whether they wish to accept the last offer of settlement made by their employer or to strike. The results of the voting shall be certified to the governor. For the purpose of taking any such ballot, the provisions of Section 4167, paragraph (c), are hereby made applicable thereto.

(g) A separate emergency board shall be appointed for each dispute. No member of such board shall be pecuniarily or otherwise interested in any organization of employees or in any employer involved in the dispute. When a board appointed under this section has been dissolved, its records shall be transferred to the director of the department of labor and industrial relations.

Sec. 4176. Injunction against strike or lockout.

(a) After issuing a proclamation pursuant to Section 4174, the governor may direct the attorney general to petition any circuit court having jurisdiction of the parties to enjoin such strike or lockout or the continuing thereof, and if the court finds that such threatened or actual strike or lockout (i) affects an entire basic industry or a substantial part thereof, and (ii) if permitted to occur or to continue will imperil the public health, safety or welfare, it shall have jurisdiction to enjoin any such strike or lockout, or the continuing thereof.

(b) The order or orders of the court shall be subject to review by the supreme court, but such order or orders shall not be stayed pending such review.

(c) Whenever a circuit court has issued an order enjoining acts or practices which imperil or threaten to imperil the public health, safety or welfare, it shall be the duty of the parties to the labor dispute giving arise to such order to make every effort to adjust and settle their differences.

(d) At the end of a sixty-day period following the issuance of a proclamation pursuant to Section 4174, or upon a settlement being reached, whichever happens sooner, the attorney general shall move the court to discharge the injunction, which motion shall then be granted and the injunction discharged.

Sec. 4177. Seizure and operation by Territory.

(a) Upon issuing a proclamation pursuant to Section 4174, the governor shall have, in addition to all other powers conferred in this chapter, the authority and power, in his discretion,

(i) in the case of a threatened strike or lockout, to make such preparations as he may deem necessary or proper to seize any plant or facility of the industry concerned in the event that the strike or lockout shall occur, and in such event to take immediate and complete possession thereof and to operate the same, or

(ii) in the case of an actual strike or lockout, to take complete possession of any plant or facility of the industry concerned and to operate the same.

(b) The governor may exercise the powers and authority to possess and operate such industries through such department or agency of the Territory as he may designate.

(c) The governor shall have such powers and authority as shall be reasonably necessary to operate such industry in a manner consistent with the public health, safety and welfare; provided, however, he shall have no authority to enter into negotiations with the employer or with any labor

organization for a collective-bargaining contract or to increase the wages, or to alter the hours and conditions of employment, existing in such industry prior to the dispute.

Sec. 4178. Status during government operation. During the period of government operation, the plant or facility shall be operated for the account of the employer. All persons employed or engaged by the governor for the purpose of operating the same during the period of possession by the Territory shall be entitled to all of the benefits to which the employees in such industry were entitled prior to the dispute, but such persons shall not by reason of such employment be or become entitled to civil service, retirement, vacation, and other benefits provided by law for other employees of the Territory.

Sec. 4179. Interference prohibited; penalty. It shall be unlawful for any person or persons, organization, brotherhood or union, or any representative of the employees or any representative or agent of the employer in such industry in any manner to interfere with or obstruct the governor, or any Territorial representative or agent designated by him, in his efforts to secure or contract for the services of any person, or to encourage or solicit any such person not to render such services or in any manner to interfere in or obstruct the training

of prospective employees in the operation of such industry by the governor or by such representative or agent.

Any person violating any provision of this section shall be guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than six months.

Sec. 4180. Restoration to employer, procedure. Whenever the authorized representatives of any such employer shall notify the governor, in writing, stating that the industry is in position to and can and will resume operations and normal production, and shall satisfy the governor or his designated agent of the correctness of such statement, the governor, or said agent, upon the request of the employer, shall restore to the possession of the employer its properties and facilities. In the event that the governor or said agent for any reason refuses such restoration of possession, the employer shall have the right to have an order issued by the circuit judge at chambers in equity of the circuit in which such employer is engaged in business to show cause why such possession should not be restored. The order shall provide for ten days' notice to the governor or his said agent before cause is required to be shown. The decision of such court on said

question shall be final as to conditions then existing, but shall not be a bar to subsequent requests by the employer for restoration of possession.

Sec. 4181. Limit of government operation.

(a) Unless sooner restored pursuant to Section 4180, the governor shall restore the plant or facility to the possession of the employer not later than ninety days after taking possession thereof; provided, however, that the governor may retain possession thereof and operate the same for a further period of not more than ninety days if in his opinion such extension is necessary for the public health, safety and welfare; provided, further, that in no event shall the governor retain the possession of any plant or facility more than 180 days after seizure.

(b) If, at the time of termination of government operation, the dispute shall not have been settled and the emergency shall continue, the governor may submit to the legislature for its consideration and appropriate action a statement of the dispute and the emergency resulting therefrom, together with such recommendations as he may deem proper.

Sec. 4182. Employee need not work involuntarily. Nothing in this chapter shall be construed to require an individual employee to render labor or service

without his consent, nor shall anything in this chapter be construed to make the quitting of his labor or service by an individual employee an illegal act.

Sec. 4183. Labor organizations, collective bargaining. Nothing in this chapter shall be construed to impair, curtail or destroy the rights of employees and their representatives to self-organization, to form, join, or assist labor organizations, to bargain collectively, through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection; provided, however, that in so doing the provisions of this chapter, when applicable, shall be followed and complied with.

Sec. 4183. Law as exercise of police power. This chapter shall be deemed an exercise of the police power of the Territory for the protection of the public welfare, safety, prosperity, health and peace of the people; and all of the provisions of this chapter shall be liberally construed for the accomplishment of said purposes.

Sec. 4185. Title. This chapter may be cited as the 'Hawaii Basic Industries Labor Disputes Act of 1949'."

SECTION 2. There is hereby appropriated from the

general revenues of the Territory not otherwise appropriated the sum of fifty thousand dollars ($50,000), to be expendable by the governor for the purpose of carrying out the provisions of this Act.

SECTION 3. The provisions of Section 1 shall be applicable to any strike or lockout in any basic industry, as therein defined, which is threatened or or occurring at the effective date of this Act.

SECTION 4. If any section, sentence, clause or phrase of this Act, or its application to any industry, employer, employee, 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 industries, employers, employees, 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 and irrespective of the fact that the application of this Act to any one or more industries, employers, employees, persons or circumstances be declared unconstitutional or invalid.

SECTION 5. This Act shall take effect on its approval, provided, however, that this Act shall not affect the liability of any person to prosecution and

punishment for any criminal offense committed prior to said effective date and all such offenses may be prosecuted and punished the same as if this Act had not been enacted.

INTRODUCED BY:

SENATOR, District.

Honolulu, T. H.
July 26, 1949.

Senate Bill No. 4

SPEC SESSION

# The Legislature

of the

# Territory of Hawaii

## AN ACT

RELATING TO THE STEVEDORING INDUSTRY (HEREIN DEFINED TO INCLUDE TERMINAL AND OTHER RELATED SERVICES); DECLARING SUCH INDUSTRY TO BE ESSENTIAL TO THE PUBLIC HEALTH, SAFETY AND WELFARE; DECLARING THAT STRIKES, LOCKOUTS, STOPPAGES, SLOWDOWNS, OR RETARDATION OF SERVICE IN SAID INDUSTRY IMPERIL THE PUBLIC HEALTH, SAFETY AND WELFARE; PROVIDING FOR THE PEACEFUL SETTLEMENT OF LABOR DISPUTES IN SAID INDUSTRY; PROHIBITING STRIKES, LOCKOUTS, STOPPAGES, SLOWDOWNS, OR RETARDATION OF SERVICE IN SAID INDUSTRY, EXCEPT UNDER PRESCRIBED CONDITIONS; PROVIDING FOR THE TERRITORY OF HAWAII TO SEIZE AND TAKE POSSESSION OF AND OPERATE THE PLANTS AND OTHER FACILITIES, INCLUDING RELATED FACILITIES, OF SUCH STEVEDORING INDUSTRY IN THE EVENT OF STRIKES, LOCKOUTS, STOPPAGES, SLOWDOWNS, OR RETARDATION OF SERVICE IN SUCH INDUSTRY; MAKING PROVISIONS AGAINST INTERFERENCE WITH THE CONDUCT OF SUCH OPERATIONS BY THE TERRITORY BY STRIKES, BOYCOTTS, PICKETING, OR OTHER MEANS; CONFERRING CERTAIN POWERS AND IMPOSING CERTAIN DUTIES UPON THE GOVERNOR OF THE TERRITORY OF HAWAII IN REGARD TO SUCH INDUSTRY, BEFORE AND DURING SUCH STRIKES, LOCKOUTS, STOPPAGES, SLOWDOWNS, OR RETARDATION OF SERVICE; PROVIDING FOR INJUNCTIONS AND OTHER REMEDIES OF THE GOVERNMENT TO ENFORCE THE PROVISIONS OF THIS ACT AND CRIMINAL PENALTIES FOR (over)

Introduced July 26, 1949, by

Senator WM. H. HEEN

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| First Reading in Senate | July 26, 1949 |
| Referred to Printing Committee | July 26, 1949 |
| Second Reading in Senate | July 27, 1949 |
| Referred to | COMMITTEE OF THE WHOLE SENATE |
| Third Reading in Senate | October 11, 1949 |
| First Reading in House | October 11, 1949 |
| Referred to | |
| Second Reading in House | October 12, 1949 |
| Referred to | COMMITTEE OF THE WHOLE HOUSE. |
| Third Reading in House | |

ELLEN D. SMYTHE

*Clerk of the Senate*

S. B. No. 4

A N  A C T

RELATING TO LABOR DISPUTES IN THE STEVEDORING INDUSTRY.

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

SECTION 1. The legislature of the Territory of Hawaii finds that the continuous furnishing of stevedoring services necessary to the loading and unloading and arrival and departure of vessels at ports in the Territory of Hawaii, is essential to the public health, safety and welfare. The legislature finds that the settlement of industrial disputes between employers and employees in the stevedoring industry is affected with a public interest; that the industrial disputes in such industry have been and are extremely damaging to the public health, safety and welfare; that special provisions for the handling of such disputes are required and that the provisions of this Act for the settlement of such disputes and for the protection of the public are necessary in the public interest. In making these findings the legislature has taken into consideration the geographical isolation of these Islands and their dependence upon imports and exports for the necessities of life and the functioning of their essential economy, and the fact that continuous ocean shipping is a life line essential to the existence of the community. It is hereby declared as the public policy of this Territory that the best interests of the people of the Territory are served by the prevention or prompt settle-

ment of labor disputes in the stevedoring industry; that strikes and lockouts and other forms of industrial strife in the stevedoring industry, regardless of where the merits of the controversy lie, are detrimental to the public health, safety and welfare; that while the public is not a direct party to such labor disputes, its interests and rights should always be considered and protected; that the preservation of the process of free collective bargaining between the parties to such labor disputes provides the best method for the prompt and orderly settlement of such disputes; and that the provisions herein with respect to the settlement of such labor disputes, prevention of strikes and lockouts, and the other provisions hereof will best tend to promote the health, safety and welfare of the Territory.

SECTION 2. As used in this Act:

(a) The term "person" means one or more individuals, labor organizations, partnerships, associations, corporations, legal representatives, trustees or receivers.

(b) "Stevedoring industry" means the business of furnishing services for the loading and unloading of cargo and the handling of lines of commercial vessels at any ports within the Territory of Hawaii.

(c) "Dispute" and "Labor Dispute" means any controversy concerning wages, hours or other terms or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange wages, hours or other terms or

conditions of employment.

(d) "Lockout" means the refusal of an employer to furnish work to employees as a result of a labor dispute.

(e) "Strike" means the temporary stoppage of work, slowdown, or retarding of production or operations by the concerted action of two or more employees as a result of a labor dispute.

(f) "Director" means the Director of Labor and Industrial Relations of the Territory of Hawaii.

(g) "Labor Organization" means any organization of employees which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning wages, hours and other terms and conditions of employment.

(h) "Designated Agency" shall mean any agency or department of the Territory designated by the Governor to conduct stevedoring operations under the provisions of this Act.

SECTION 3. (a) Whenever in the opinion of the Governor of the Territory of Hawaii, an actual strike or lockout in all or any portion of the stevedoring industry will, if permitted to continue, imperil the public health, safety or welfare, he shall issue a proclamation to that effect and urge the parties to the dispute to resume work and operations in the public interest. After issuing such a proclamation, the Governor may direct the Attorney

General of the Territory to petition any Circuit Court of the Territory having jurisdiction of the parties, to enjoin the continuing of such strike or lockout. If the court finds that such strike or lockout, if permitted to continue, will imperil the public health, safety or welfare, it shall have jurisdiction to enjoin the continuing of such strike or lockout, and to make such other orders as may be appropriate. The order or orders of the Circuit Court shall be subject to review by the Supreme Court of the Territory and shall remain in effect pending judgment or review.

(b) Whenever a Circuit Court has issued an order under this Act enjoining acts or practices which imperil or threaten to imperil the public health, safety or welfare, it shall be the duty of the parties to the labor dispute giving rise to such an order to make every effort to adjust and settle their differences.

(c) Upon the issuance of such an order by a Circuit Court, the Governor shall promptly appoint a board of inquiry. The board of inquiry shall promptly investigate the dispute, shall seek to induce the parties to reach a settlement of the dispute, and in any event, shall make a report to the Governor within a period of time to be determined by the Governor but not more than thirty days after the issuance of such order by a Circuit Court, unless the time is extended by agreement of the parties with the approval of the board. Such report shall include a

statement of the facts with respect to the dispute, including each party's statement of its position, but shall not contain any recommendations. The Governor shall file a copy of such report with the Director and shall make its contents available to the public.

(d) The board of inquiry shall be composed of a chairman and such other members as the Governor shall determine, and shall have power to hold hearings at any place within the Territory, subpoena witnesses and compel their attendance, compel the production of books and papers, administer oaths, take testimony and receive evidence. In case of contumacy or refusal to obey a subpoena issued to any person, the Circuit Court of any judicial circuit within the jurisdiction of which the inquiry is carried on, upon application by the board of inquiry, shall have jurisdiction to issue an order requiring such person to appear before the board of inquiry, to compel the production of papers, to produce evidence or to give testimony touching the matter in question. Failure to obey any such order may be punished by the court as a contempt thereof. Process and papers of the board of inquiry may be served either personally or by registered mail or by radiogram or by leaving a copy thereof at the principal office or place of business of the person to be served or in the case of an individual at his last place of residence. Return by the individual serving the same setting forth the manner of such service,

return post office receipt, or radiogram receipt, shall be proof of service of the same. Members of the board of inquiry shall receive compensation at the rate of twenty dollars for each day actually spent by them in the work of the board, together with necessary travel and subsistence expense. Payment shall be made by the Director from the funds made available to the Department of Labor and Industrial Relations. The Director shall provide the board with such stenographic, clerical and other assistance and with such facilities and services as may be necessary for the discharge of its functions.

(e) Each board of inquiry shall continue in existence after making its initial report for such time as the emergency continues for the purpose of mediating the dispute should the parties request its services. When a board has been dissolved its records shall be transferred to the Director.

(f) Whenever the report of a board of inquiry has been filed with the Governor it shall be the duty of the parties to the labor dispute giving rise to such report to again make every effort to adjust and settle their differences. At the end of an eighty day period after said report of the board has been filed with the Governor (unless the dispute has been settled by that time) the board of inquiry shall report to the Governor the current position of the parties, and the efforts which have been made for settlement, and shall include a statement by each party

of its position, and a statement of the employer's last offer of settlement. The Governor shall make such report available to the public.

(g) Within the succeeding fifteen days following such eighty day period the Director shall take a secret ballot of the employees of each employer who are involved in the dispute on the question of whether they wish to accept the final offer of settlement made by their employer as stated by him or to strike, and shall certify the results thereof to the Attorney General within five days thereafter. The voting shall be conducted and supervised by the Director. The expense of the voting shall be defrayed by the parties to the dispute equally. Every employee involved in the dispute shall be entitled to vote in such secret ballot. It shall be unlawful for a labor organization to call, engage in, induce or encourage a strike after such vote shall have been taken unless the majority of all employees involved in the dispute shall have voted to strike, as aforesaid. The Director shall have power and authority to prescribe and shall prescribe rules and regulations covering the conduct of such voting, and the wilful violation of any such rules and regulations shall be a violation of the provisions of this Act. Such rules and regulations shall facilitate voting by all employees, but shall also insure secrecy of the ballot. The Director shall also have the power and authority to determine, after proper hearing (which may be held either before or within three days after a vote and may be

conducted by a duly authorized representative of the Director) any disputed issue concerning the eligibility of a person or persons to vote. If the Director finds that the number of votes cast by ineligible voters could have affected the result of the vote, he shall conduct a new secret ballot as soon as possible, and the procedure on the new balloting shall be the same as on the original balloting. Any such determination with respect to eligibility shall be applicable in the administration of this section, but shall have no force and effect for any other purpose.

(h) Upon the certification of the results of such vote, or upon a settlement of the dispute being reached, whichever happens sooner, the Attorney General shall move the court to discharge the injunction, which motion shall be granted and the injunction discharged. When such motion is granted, the Governor shall make public a full and comprehensive report of the proceedings, including the findings of the board of inquiry and the results of the vote taken by the Director.

SECTION 4. (a) If in the opinion of the Governor the continuity of stevedoring services necessary to safeguard the public health, safety and welfare has not been achieved despite the injunctive relief aforesaid or if the injunction has been discharged and another strike or lockout occurs, the Governor shall have the power and authority to conduct on behalf of the Territory such stevedoring operations as he

deems necessary in order to safeguard the public health, safety and welfare. The Governor shall have the power and authority to procure such stevedoring equipment and gear, hereinafter collectively called equipment, as may be necessary to conduct such operations. The Governor shall have the power to rent such equipment from any source and in the event he shall not be able to rent such equipment on terms satisfactory to him he shall have the power to seize the same from the portion of the stevedoring industry involved in the dispute. The Governor shall conduct such stevedoring operations through such agency of the Territory as he shall designate and may delegate to such agency such of his powers as are necessary to conduct such operations. It is the intention of this Act that the conduct of the stevedoring operations by the Governor shall be a temporary expedient to safeguard the public interest pending the settlement of the labor dispute by the parties.

(b) The designated agency shall have the power to make contracts and arrangements to provide related services necessary in connection with such stevedoring operations, and shall have the power to make such contracts and arrangements with ship owners, charterers, agents and operators, wharf and pier owners and operators, stevedoring companies, trucking operators, warehousemen, and other persons as may be required.

(c) The designated agency shall have the power to employ such labor in the conduct of such stevedoring operations as

may be necessary, provided, however, that no persons on strike prior to the injunction hereinabove provided for shall be employed. All individuals employed by the designated agency during the period of government operations shall be employed on contracts for special temporary service as provided in Section 67 (b), Revised Laws of Hawaii 1945. All such individuals shall be employed in the service of the government of the Territory and subject to all provisions of law with respect to such employees, including without limitation Sections 451 and 600, Revised Laws of Hawaii 1945, as amended.

(d) The designated agency shall maintain the same wages and hours, and in so far as possible, the same conditions of employment as existed in the industry at the time of the strike or lockout, it being intended that all questions concerning the same shall be settled by collective bargaining between the parties to the dispute. The Director and the board of inquiry shall continue to encourage the settlement of the dispute by the parties concerned during the period of government operations but neither the Governor nor the designated agency shall have any power or authority to enter into negotiations with any employer or with any labor organization for a collective bargaining contract or to enter into any other negotiations with respect to wages, hours and other terms and conditions of employment, or concerning the association or representation of persons negotiating, fixing, maintaining, changing or seeking to arrange, wages, hours or other terms and conditions of employment.

(e) If the Governor seizes any equipment as hereinabove provided, the Territory shall pay to the owners of such equipment a fair and just rental for the use thereof, which may be based on the rates charged and terms provided by such owners for the use of such equipment in accordance with the rate schedules of such owners in effect prior to the proclamation of the emergency. If any owner is unwilling to accept, as full and complete compensation for the use of such equipment, the rental determined by the Governor, such owner shall be paid 50% of the sum so determined by the Governor, and shall be entitled to sue the Territory for such additional sum as, when added to the sum already received by such owner, such owner may consider fair and just rental for such use, in the manner provided in Chapter 220, Revised Laws of Hawaii 1945, provided that such suit shall be instituted within one year after such seizure; provided further that recovery shall be confined to fair and just rental value of such equipment, without allowance for prospective profits, punitive or other damages. Any profits accruing to the Territory from the conduct of stevedoring operations during the period of government operation shall accrue to and remain the property of the Territory.

(f) In the event of government operation the Territory shall be liable for any loss or damage to stevedoring equipment, ships, cargo, wharves and other property when such loss

or damage is caused by the fault or negligence of the Territory or any of its agents or employees. The designated agency shall have the power to enter into agreements with other persons to indemnify and hold harmless such persons against any claims, actions or demands which may be brought against such persons as a result of the fault or negligence of the Territory or any of its agents or employees. The Territory shall have authority to protect itself against any liability in carrying on stevedoring operations by insurance coverage in such amounts and with such underwriters as the designated agency shall determine. The Territory shall maintain such stevedoring equipment in good order and condition, reasonable wear and tear and damage by the elements excepted. Any owner of such stevedoring equipment shall be entitled to sue the Territory for any violation of this subsection in the manner provided in Chapter 220, Revised Laws of Hawaii 1945.

(g) Whenever the parties to a labor dispute which has led the Governor to proclaim the existence of an emergency under this Act shall jointly report in writing to the Governor that they have arrived at an agreement terminating or adjusting the dispute and that they are in a position to resume or continue without interruption the stevedoring operations concerned, the Governor shall forthwith declare the emergency at an end and terminate the government operation and restore any seized equipment to the persons entitled thereto.

(h) Whenever in the opinion of the Governor government operation under this Act is no longer necessary to safeguard the public health, safety and welfare he shall declare the termination of the emergency without regard to the settlement

or continuation of the labor dispute, and shall order the designated agency to return any equipment seized and to cease the conduct of the stevedoring operations.

(i) During any period of government operation as provided for herein it shall be unlawful for any persons to engage in a strike or any other concerted activity interfering or threatening to interfere with the conduct of any stevedoring operations by the Territory; or to aid or encourage any such strike or other concerted activity by giving direction or guidance in the conduct thereof or by providing funds for the payment of strike, unemployment or other benefits to persons participating therein, or to violate any rule or regulation prescribed by the Governor.

(j) All moneys received by the Territory from any stevedoring operations conducted by it under this Act shall be placed in a special stevedoring fund which shall be expendable for the expenses of such operations and for any other purposes covered by this Act. In addition, for the purposes of carrying out any of the provisions of this Act, the Governor is authorized to expend any available moneys in any of the following:

a. The Governor's contingent fund for the then current bi-ennium;

b. Current appropriations for the general expenses of the Department of Labor and Industrial Relations; and

c. The Harbor Board's special fund over and above requirements for purposes designated as "first", "third" and "fourth" in Section 4998 of the Revised Laws of Hawaii 1945, as amended;

but any moneys expended from any of such funds shall be reimbursed to such funds as far as possible from moneys in said special stevedoring fund when available.

SECTION 5. Nothing in this Act shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this Act be construed to make the quitting of his labor or service by an individual employee an illegal act.

SECTION 6. Nothing in this Act shall be construed to impair, curtail or destroy the rights of employees and their representatives to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection; provided, however, that in so doing the provisions of this Act, when applicable, shall be followed and complied with.

SECTION 7. This Act shall be deemed an exercise of the police power of the Territory for the protection of the public welfare, safety, prosperity, health and peace of the people; and all of the provisions of the Act shall be

liberally construed for the accomplishment of said purposes.

SECTION 8. For the purpose of carrying out the provisions of this Act the Governor and the Director shall have the power to prescribe rules and regulations having the force and effect of law. The power to prescribe rules and regulations having the force and effect of law shall not be deemed in derogation of the power of the Governor, or the designated agency, or the Director to make orders for the enforcement of the appropriate provisions of this Act or the rules and regulations issued hereunder. Such rules and regulations may provide for the making of administrative findings by duly authorized representatives or agencies, or for the application of such rules or regulations by such representatives or agencies as the circumstances may require, and the issuance of orders therefor. Rules and regulations prescribed pursuant to the provisions of this Act shall be promulgated by publishing the same in a newspaper of general circulation in the Territory, or, where only known persons are concerned, the same may be promulgated by service upon such persons by registered mail, or by personal service thereof. The provisions of Sections 466 to 476, inclusive, Revised Laws of Hawaii 1945 shall not be applicable to rules and regulations prescribed under the provisions of this Act.

SECTION 9. If any section, sentence, clause or phrase of this Act, or its application to any employer, employee, person or circumstances is for any reason held to be unconstitutional or invalid, the remaining portions

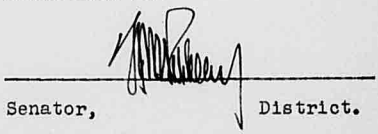
of this Act, or the application of this Act to other employers, employees, persons or circumstances shall not be affected. The Legislature hereby declares that it would have passed this Act and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, sentences, clauses or phrases be declared unconstitutional or invalid and irrespective of the fact that the application of this Act to any one or more employers, employees, persons or circumstances be declared unconstitutional or invalid.

SECTION 10. Any person violating any of the provisions of this Act or instigating or inducing any such violation shall be guilty of a misdemeanor and shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both.

SECTION 11. The provisions of this Act shall not be applicable with respect to any person subject to the Federal Railway Labor Act as amended from time to time, and with respect to any other person over whose employment, wages, hours and working conditions the Government of the United States has assumed exclusive regulation and control.

SECTION 12. This Act shall take effect upon its approval and shall be applicable to strikes or lockouts which are occurring when this Act becomes effective or at any time thereafter.

INTRODUCED BY:



Senator, District.

Honolulu, T. H.

July 6, 1949.

S.B.No. 4
S.D. 1

A N  A C T

RELATING TO THE STEVEDORING INDUSTRY (HEREIN DEFINED TO INCLUDE TERMINAL AND OTHER RELATED SERVICES); DECLARING SUCH INDUSTRY TO BE ESSENTIAL TO THE PUBLIC HEALTH, SAFETY AND WELFARE; DECLARING THAT STRIKES, LOCKOUTS, STOPPAGES, SLOWDOWNS, OR RETARDATION OF SERVICE IN SAID INDUSTRY IMPERIL THE PUBLIC HEALTH, SAFETY AND WELFARE; PROVIDING FOR THE PEACEFUL SETTLEMENT OF LABOR DISPUTES IN SAID INDUSTRY; PROHIBITING STRIKES, LOCKOUTS, STOPPAGES, SLOWDOWNS, OR RETARDATION OF SERVICE IN SAID INDUSTRY, EXCEPT UNDER PRESCRIBED CONDITIONS; PROVIDING FOR THE TERRITORY OF HAWAII TO SEIZE AND TAKE POSSESSION OF AND OPERATE THE PLANTS AND OTHER FACILITIES, INCLUDING RELATED FACILITIES, OF SUCH STEVEDORING INDUSTRY IN THE EVENT OF STRIKES, LOCKOUTS, STOPPAGES, SLOWDOWNS, OR RETARDATION OF SERVICE IN SUCH INDUSTRY; MAKING PROVISIONS AGAINST INTERFERENCE WITH THE

CONDUCT OF SUCH OPERATIONS BY THE TERRITORY BY STRIKES, BOYCOTTS, PICKETING, OR OTHER MEANS; CONFERRING CERTAIN POWERS AND IMPOSING CERTAIN DUTIES UPON THE GOVERNOR OF THE TERRITORY OF HAWAII IN REGARD TO SUCH INDUSTRY, BEFORE AND DURING SUCH STRIKES, LOCKOUTS, STOPPAGES, SLOWDOWNS, OR RETARDATION OF SERVICE; PROVIDING FOR INJUNCTIONS AND OTHER REMEDIES OF THE GOVERNMENT TO ENFORCE THE PROVISIONS OF THIS ACT AND CRIMINAL PENALTIES FOR VIOLATIONS OF CERTAIN PROVISIONS HEREOF; MAKING AN APPROPRIATION AND PROVIDING OTHER FUNDS IN CONNECTION HEREWITH.

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

SECTION 1. Findings and declarations of legislature. The legislature of the Territory of Hawaii finds that the continuous furnishing of stevedoring services, together with all related services (including terminal services) necessary to the loading and unloading and arrival and departure of vessels at ports in the Territory of Hawaii, is essential

to the public health, safety and welfare. The legislature finds that the settlement of industrial disputes between employers and employees in the stevedoring industry is affected with a public interest; that the industrial disputes in such industry have been and are extremely damaging to the public health, safety and welfare; that special provisions for the handling of such disputes are required and that the provisions of this Act for the settlement of such disputes and for the protection of the public are necessary in the public interest. In making these findings the legislature has taken into consideration, in addition to the foregoing, the geographical isolation of these islands and their dependence upon imports and exports for the necessities of life and the functioning of their essential economy, and the fact that continuous ocean shipping is a life line essential to the existence of the community. It is hereby declared as the public policy of this Territory that the best interests of the people of the Territory are served by the prevention or prompt settlement of labor disputes in the stevedoring industry; that strikes, lockouts, stoppages, slowdowns,

or retardation of service in the stevedoring industry, regardless of where the merits of the controversy lie, are detrimental to and imperil the public health, safety and welfare; that while the public is not a direct party to such labor disputes, its interests and rights should always be considered and protected; that the preservation of the process of free collective bargaining between the parties to such labor disputes provides the best method for the prompt and orderly settlement of such disputes; that when the parties to such labor disputes do not settle such disputes and strikes, lockouts, stoppages, or retardation of service in the stevedoring industry do occur, it is necessary that the governor be authorized to seize, take over and operate the plants and other facilities, including related facilities, of the stevedoring companies involved in the dispute, as he may deem necessary, to keep open to commerce the ports of the Territory of Hawaii; and that the provisions herein with respect to the settlement of such labor disputes, prevention of strikes, lockouts, stoppages, slowdowns or retardation of service, and the other provisions hereof will best tend to promote the health, safety and welfare of the Territory.

SECTION 2. Definitions. As used in this Act unless the context clearly indicates otherwise:

(a) The term "person" includes one or more individuals, labor organizations, partnerships, associations, corporations, legal representatives, trustees or receivers.

(b) "Stevedoring industry" means the business of furnishing services for the loading and unloading of cargo transported or to be transported on vessels and other craft, at any ports within the Territory of Hawaii, and also means the business of furnishing related services, as hereinafter defined.

(c) "Stevedoring services" means services for the loading and unloading of cargo transported or to be transported on vessels and other craft and the handling of lines of vessels and other craft, at any ports within the Territory of Hawaii.

(d) "Related services" means and includes all services, other than stevedoring services, ordinarily or necessarily performed in regard to cargo, goods, wares, and merchandise of every kind arriving at a terminal facility for shipment by

or discharge from vessels and other craft; and "related facilities" means and includes all facilities in connection therewith.

(e) "Company" and "stevedoring company" shall mean any persons engaged in the stevedoring industry as an employer whether in the business of furnishing stevedoring services or related services or both.

(f) "Dispute" and "labor dispute" mean any controversy concerning wages, hours or other terms or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange wages, hours, or other terms or conditions of employment.

(g) "Director" means the director of labor and industrial relations of the Territory of Hawaii.

(h) "Strike" means the temporary stoppage of work, slowdown, or retarding of production or operations by the concerted action of employees.

(i) "Lockout" means the refusal of an employer to furnish work to employees as the result of a labor dispute between such employer and its employees.

(j) "Labor organization" means any organization of employees which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning wages, hours and other terms and conditions of employment.

(k) "Bargaining unit" shall mean the unit appropriate for the purposes of collective bargaining as determined under the Federal Labor Management Relations Act, as amended from time to time.

(l) "Employer" shall mean any person who employs the services of employees in the stevedoring industry, but shall not include the Territory or any agency thereof.

(m) "Employee" shall mean any person employed by an employer.

(n) "Representative" means any person designated either by an employer or by employees, to act for him or them.

(o) "Terminal facility" means any dock, wharf, pier, quay, bulkhead or landing, with the appurtenances thereto, and any warehouse used in connection therewith.

SECTION 3. Duty to avoid lockouts and strikes by collective bargaining.

In order to avoid any interruption of services in the stevedoring industry, it shall be the duty of each employer and its employees and their respective representatives to use the processes of conference and collective bargaining in the settlement of all disputes between the employer and its employees without resort to lockout or strike.

SECTION 4. Notice of impasse required; effect of collective bargaining agreements.

(a) When an impasse is reached in any dispute between an employer and its employees, either party to the dispute claiming the existence of an impasse shall notify the director in writing of the existence of such impasse. The notice shall contain a clear and concise statement of each issue on which an impasse has been reached, and a certificate as to the good faith of said notice and the statements contained therein, which certification shall be made by the

representatives actively engaged in the conduct of negotiations for the party filing the notice. A copy of the notice shall be delivered to the other party to the dispute simultaneously with delivery of notice to the director.

(b) Sections 4 to 11, inclusive, shall not apply in any case where there exists a collective bargaining agreement between an employer and its employees, except where:

(i) A dispute arises under the agreement concerning an interpretation or application of the terms of such collective bargaining agreement, and the agreement contains no procedure for the settlement of such a dispute; or

(ii) In accordance with the terms of such collective bargaining agreement, the parties undertake negotiations for a new agreement or an amendment of the existing agreement pursuant to specific designation in the agreement of a certain time or period for such negotiations, and no agreement has been reached at the expiration of such time or period, and the agreement does not prohibit

strikes or lockouts following such negotiation and failure to arrive at an agreement.

SECTION 5. Appointment of mediator.

(a) Following receipt of a notice of impasse from either party as specified in section 4, the director shall within five days appoint a mediator who shall expeditiously meet with the disputing parties or their representatives and shall exert every reasonable effort to effect a prompt settlement of the labor dispute.

(b) The mediator, unless he is an employee of the department of labor and industrial relations, shall receive compensation at a rate to be fixed by the director but not less than $25.00 for each day actually spent by him in mediation, together with necessary travel and subsistence expense. Payment shall be made by the director out of funds allotted to him as hereinafter provided.

(c) In the discretion of the director, he may appoint a board of mediation consisting of not more than three members,

which shall have all of the powers, duties and functions of the mediator herein provided for, and each member of the board shall receive the compensation of a mediator.

SECTION 6. Mediation.

(a) The mediator shall use his best efforts to bring the parties into agreement and shall continue his intervention until such time as he is convinced further efforts would be unsuccessful, but in any case he shall report the results of his mediation to the director not later than thirty days after his appointment, and the director shall advise the governor thereof.

(b) Thereafter and until the dispute is settled, whenever requested by the parties or the governor, the director shall make available the services of a mediator, who shall resume efforts to bring the parties to agreement.

SECTION 7. Employer's final offer; vote by employees.

(a) Within five days after the governor is advised of the results of mediation and if the dispute is not settled,

each employer involved in the dispute shall submit to the director a written statement of his final offer of settlement.

(b) Within fifteen days following the date the mediator governor is advised of the results of mediation reports to the director, the director shall take a secret ballot of all employees engaged in stevedoring services, or related services, as the case may be, in each bargaining unit (whether or not such employees are members of the labor organization representing such bargaining unit) which is involved in the dispute on the question of whether they wish to accept the final offer of settlement made by their employer as stated by him, and shall certify the results thereof to the governor. The voting shall be conducted and supervised by the director under rules and regulations promulgated by him. The director shall have power and authority to promulgate and shall promulgate rules and regulations as provided in section 21 covering the conduct of such voting. Such rules and regulations shall facilitate voting by all such employees, but shall also insure secrecy of the ballot. The director shall also have the power and the authority to determine,

after proper hearing (which may be held either before or after a vote and may be conducted by a duly authorized representative of the director), any dispute concerning the eligibility of a person or persons to vote. If the director finds that the number of votes cast by ineligible voters could have affected the result of the vote, he shall conduct a new secret ballot as soon as possible; the procedure on the new balloting shall be the same as on the original ballot.

SECTION 8. Appointment of emergency board.

(a) Within five days after the vote of the employees is certified to the governor and if the dispute is not settled, the governor shall appoint a board to investigate the dispute, which shall be known as an emergency board. The board shall be composed of a chairman and such other members as the governor shall determine, but not more than five persons, including the chairman. Whenever there are, in the same bargaining unit, employees engaged in stevedoring or related

services who are parties to the dispute which the board is appointed to investigate, and other employees not engaged in stevedoring or related services who are also parties to the dispute, in such event, at the discretion of the governor, the board may be directed to investigate the entire dispute, and if the governor so directs, all of the provisions of sections 8, 9 and 10 shall apply to the entire matter under investigation.

(b) Members of the board shall receive compensation at the rate of $25.00 for each day actually spent by them in the work of the board, together with necessary travel and subsistence expense. The director shall provide for the board such stenographic, clerical, and other assistance and such facilities and services as may be necessary for the discharge of its functions. Payment of expenses incurred under this section shall be made by the director out of funds allotted to him as hereinafter provided.

SECTION 9. Hearings; report.

(a) The emergency board shall notify the employer and

the employees or their representatives of the time and place for commencement of hearings, which hearings must commence within five days from the date of its appointment.

(b) Each board shall conduct such hearings either in public or in private as it may deem necessary or proper to ascertain the facts with respect to the cause and circumstances of the dispute.

(c) Within five days from the date of termination of the hearings, but in any event not later than twenty-five days after its appointment, the board shall submit to the governor a written report of its findings and recommendations. The governor may thereupon confer with the parties respecting the board's recommendations and attempt to effect a settlement of the dispute. Within five days from the receipt of such report and if no agreement is reached during this period, the governor shall make the report public.

SECTION 10. Powers of board; evidence, witnesses; subpoenas, etc.

(a) Each emergency board shall have power to hold

hearings at any place within the Territory, subpoena witnesses and compel their attendance, compel the production of books and papers, administer oaths, take testimony and receive evidence.

(b) Subpoenas of the board shall run in the name of the Territory of Hawaii and any such subpoena shall be sufficient if it: (1) states that the proceeding is before such board (of inquiry and mediation,) (2) is addressed to the person desired as a witness, (3) requires the attendance of the person desired as a witness at a time and place certain, and (4) is signed by the chairman of such board, or in his absence any member designated by the board to act in his absence. Any such subpoena may be served by the high sheriff of the Territory or his deputy, or a sheriff of any county or his deputy, or any police officer, or any other person designated by the board to serve the same.

(c) Each member of any board shall have authority to administer oaths in the discharge of his duties pursuant to the provisions of this Act.

(d) In case of contumacy or refusal to obey a subpoena issued to any person, the circuit court of any judicial circuit within the jurisdiction of which the inquiry is carried on, upon application by the board, shall have jurisdiction to issue an order requiring such person to appear before the board, to compel the production of papers, to produce evidence or to give testimony touching the matter in question. Failure to obey any such order may be punished by the court as a contempt thereof.

(e) Subpoenas and papers of the board may be served either personally or by registered mail or by radiogram, or by leaving a copy thereof at the principal office or place of business of the person to be served. Return by the individual serving the same setting forth the manner of such service, return post office receipt, or radiogram receipt shall be proof of service of the same.

SECTION 11. Status quo maintained.

After the notice required by section 4 is filed with the director and until fifteen days after the report of the

emergency board has been filed with the governor:

(a) No change in wages, hours or other terms and conditions of employment prevailing before the actual or proposed change out of which the dispute arose shall be made by the employer named in the notice, except by agreement of the parties; and

(b) The employer involved in the dispute shall be free to make such changes in operations or personnel as are consistent with the operation of its business; provided, however, that if written objection to any such change is filed by the employees with the director such change shall require the approval of the director.

SECTION 12. (Strikes and lockouts prohibited. It shall be unlawful for any employee in the stevedoring industry or the representatives of such employee to call a strike or go out on strike, or for any employer in such industry or the representatives of such employer to declare a lockout or to lock out its employees, before or after the notice

required by section 4 is filed with the director and until fifteen days after the report of the emergency board has been filed with the governor.

During the term of any collective bargaining agreement, there shall be no lockout by the employer and there shall be no strike on the part of any employees covered by the agreement, except where:

(a) A dispute arises under the agreement concerning an interpretation or application of the terms of such collective bargaining agreement, and the agreement contains no procedure for the settlement of such dispute; or

(b) In accordance with the terms of such collective bargaining agreement, the parties undertake negotiations for a new agreement or an amendment of the existing agreement pursuant to specific designation in the agreement of a certain time or period for such negotiations, and no agreement has been reached at the expiration of such time or period, and the agreement does not prohibit strikes or lockouts following

such negotiation and failure to arrive at an agreement;

and the provisions of this Act for settlement of disputes have first been complied with.

It shall be unlawful for any person or persons to instigate, induce, or assist any other person or persons to engage in any strike or lockout in violation of the provisions of this section.

SECTION 13. Injunction. The attorney general, at his own instance or at the request of the director, in the event any employer or any employee or any other person shall be found to be violating or failing to comply with any of the requirements or provisions of sections 4 to 12, inclusive, or there shall be reasonable cause to believe that such employer or employee or other person is violating or failing to comply with such requirements or provisions, shall institute appropriate proceedings in equity in any circuit in which the violation occurs to enjoin the performance of any acts or

practices forbidden by this Act, or to require such employer or employee or other person to comply with such requirements or provisions. Jurisdiction to hear and dispose of all actions under this section is hereby conferred upon each circuit judge, and each such judge shall have power to issue such orders and decrees, by way of injunction, mandatory injunction or otherwise, as may be appropriate to enforce the provisions of this Act. All such suits shall be brought in the name of the Territory by the attorney general, and may be brought against any association or labor organization under its common name, in which event process may be served on any officer, trustee or agent of such association or labor organization or otherwise as provided by law, and the joint or common property of the association or labor organization shall be bound for the satisfaction of any award of damages. In the event of a violation of or failure to comply with any such order of the court compensatory or punitive damages may be awarded to the Territory, or such other proceedings may be had as the court may deem proper. The county attorney of each county

shall, at the request of the attorney general, conduct such proceedings in behalf of the Territory.

SECTION 14. Penalties.

(a) Any employer calling or causing a lockout in violation of section 12, or without giving the notice required by section 4, or otherwise contrary to the provisions of sections 4 to 12, inclusive, of this Act, shall be guilty of a misdemeanor.

(b) Any employee or organization of employees calling a strike or going out on strike in violation of the provisions of section 12, or without giving the notice required by section 4, or otherwise contrary to the provisions of sections 4 to 12, inclusive, of this Act shall be guilty of a misdemeanor.

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(c) Any person instigating, inducing or assisting any strike or lockout in violation of section 12 or otherwise contrary to the foregoing provisions of this Act, shall be guilty of a misdemeanor.

(d) The penalty for any misdemeanor defined by this section shall be, in the case of a corporation, association, partnership, or labor organization, a fine of not more than $5,000.00, and in the case of an individual, a fine of not

more than $500.00 or imprisonment for not more than three months, or both such fine and imprisonment.

SECTION 15. Emergencies; proclamation.

(a) Whenever in the opinion of the governor a strike or lockout in the stevedoring industry or any substantial part thereof is threatened or has occurred, and such threatened or actual strike or lockout, if it shall occur or continue, will imperil the public health, safety or welfare, he shall have the power and authority, whether or not any or all of the provisions of sections 4 to 12, inclusive, have been complied with, to issue a proclamation to that effect declaring an emergency, and urging the parties to the dispute to refrain from a stoppage of work or, if such stoppage has occurred, to resume work and operation in the public interest, and stating that if such stoppage of work shall occur or such work and operation shall not be resumed, as the case may be, he will exercise his powers under section 16 of this Act.

(b) Before or after such proclamation the governor may make such preparations as he may deem necessary or proper

to carry out the provisions of section 16 of this Act.

SECTION 16. Government operations.

(a) After the issuance of a proclamation pursuant to section 15, and during the emergency thereby proclaimed, and in the event of an actual strike or lockout (whether in existence at the time of issuance of such proclamation or occurring thereafter) ~~(which)~~ which, in the opinion of the governor, imperils or threatens to imperil the public health, safety or welfare, the governor shall have the power and authority to seize and take possession of and operate the entire plant and facilities, including related facilities, of any or every stevedoring company involved in the dispute, or so much thereof, or such interest therein, as the governor may deem necessary in order to carry out the purposes of this Act. It is the intention of this Act that such government operations shall be a temporary expedient to safeguard the public interest pending the settlement of the dispute by the parties.

(b) Such government operations may be conducted by

the governor through such department or agency of the Territory as he may designate, and he may delegate to such agency such of his powers as are necessary to conduct such operations.

(c) The governor shall have such power and authority as shall be reasonably necessary to conduct such government operations in a manner consistent with the public health, safety and welfare, including without limitation upon the generality of the foregoing the power to make such contracts and arrangements with shipowners, charterers, agents and operators, wharf and pier owners and operators, stevedoring companies, trucking operators, warehousemen, and other persons as may be required in order to provide stevedoring services and related services. The governor shall have the power to make contracts without regard to the provisions of sections 351-363 of chapter 9, Revised Laws of Hawaii 1945, and, specifically, the certificate of the auditor as to the availability of an unexpended appropriation or balance of an

appropriation to cover the amount required by any such contract, shall not be required.

(d) In operating the plant and facilities of each company the governor, so far as possible, and to the extent employees are needed, shall employ or engage the personnel, including employees on strike or locked out, employed by such company upon the seizure and taking of possession thereof or immediately prior to the beginning of the strike or lockout. Persons so employed or engaged by the governor or otherwise employed or engaged by the governor shall not by reason of such employment be or become entitled to civil service, retirement, vacation, or other benefits provided by law for other employees of the Territory, nor shall they be required to possess the qualifications of other government employees, and no person shall be ineligible for employment by reason of the fact that he is not a citizen of the United States or of the Territory; provided that, if it shall be necessary to employ persons who were not theretofore employed by the company, such persons shall possess the residence qualifications

prescribed by section 451, Revised Laws of Hawaii 1945; provided, further, that all citizens employed or engaged by the governor under the provisions of this Act shall subscribe to the oath or affirmation prescribed by the provisions of chapter 13, Revised Laws of Hawaii 1945, and all non-citizens shall subscribe to the following oath or affirmation:

> "I _____ do solemnly swear and declare, on oath, that I am not now nor have I been at any time within the five years next preceding the taking of this oath a communist or a member of the communist party; that I have not at any time within the five years next preceding the taking of this oath held membership in, paid assessments, dues, or made contributions to any organization or any political party which advocates the overthrow of the constitutional form of government of the United States of America or any change in the government of the United States of America, except as provided by its constitution; that I take this obligation freely, without any mental reservation or purpose of evasion; So help me God."

Upon a showing as to the sincerity of any person claiming that

he is unwilling to take the above prescribed oath only because due to religious beliefs he is unwilling to be sworn, he may be permitted, in lieu of such oath, to make his solemn affirmation which shall be in the same form as the said oath except that the words "sincerely and truly affirm" shall be substituted for the words "swear", and the phrases "on oath" and "So help me God" shall be omitted.

The salaries and wage rates of the persons employed by the Territory shall not be higher than those which existed in the industry immediately prior to the beginning of the strike or lockout. There shall be no deductions from such salaries and wages except as authorized by law in the case of other territorial employees. The hours of employment shall be the same as existed in the industry immediately prior to the beginning of the strike or lockout, and in so far as possible the other conditions of employment shall be the same as then existed, and neither the governor nor the designated agency shall have authority to enter into negotiations with any such company or with any labor organization

for a collective bargaining contract with respect to wages, hours, and other terms and conditions of employment in the industry. All services performed in the employ of the Territory in government operations under this Act shall constitute employment for the purposes of chapter 74, Revised Laws of Hawaii 1945, as amended, known as the Hawaii Employment Security Law, and to the extent of such services the Territory shall be deemed an employer within the meaning of said chapter 74, and shall make the contributions required of a new employer as prescribed by said chapter 74.

(e) There is hereby established in the treasury of the Territory a revolving fund to be known as the "stevedoring revolving fund". The sum of $250,000.00 is hereby appropriated to said fund from the general revenues of the Territory and shall be deposited in said fund. The governor may further augment said appropriation from his contingent fund, and in addition thereto may cause to be deposited in said revolving fund as a loan or loans from the general fund further amounts

from time to time as required for the purposes of this Act, but the amount of such further loans from the general fund, outstanding at any one time, shall not exceed $250,000.00. All revenues collected by the governor shall be deposited in said revolving fund and are hereby appropriated for the purposes thereof. Expenditures may be made from said stevedoring revolving fund for any and all of the purposes of this Act and the operations of the government under this Act, including without limitation of the generality of the foregoing, the compensation of employees and for other personal services, other current expenses, insurance, taxes, and expenditures for the performance of any and all contracts and arrangements authorized by this Act. The conducting of such operations by the Territory shall not render inapplicable the general excise tax of the Territory. Such expenditures may be made by the governor or the governor may allot any money in said fund to the director or the designated agency for expenditure upon his or its own vouchers.

(f) Charges shall be made and collected for deposit in said revolving fund. Such charges so far as possible shall be based upon the rates prevailing in the industry immediately prior to the commencement of the strike or lockout, but due consideration shall be given to current conditions existing in the industry, including the expenses and other costs incurred or which may be incurred by the Territory under this Act. From time to time the governor shall pay from the revolving fund to each company whose property has been appropriated just compensation for the appropriation and use of its property. If any company is unwilling to accept, as full and complete compensation for such appropriation and use, the amount determined by the governor, such company shall be paid fifty per centum of the amount so determined by the governor, and shall be entitled to sue the Territory, in the manner provided in chapter 220, Revised Laws of Hawaii 1945, for such additional sum as, when added to the sum already received by such company, shall constitute just compensation for the

appropriation and use of its property; provided, that such suit shall be instituted within three months after the termination of such appropriation.

SECTION 17. Termination of government operations.

(a) Whenever any company, whose plant or facilities have been taken over by the Territory, and its employees involved in the dispute shall jointly report in writing to the governor that they have arrived at an agreement adjusting and terminating the dispute out of which the strike or lockout arose, and that they are in a position to immediately resume and continue without interruption their services and the operation of such company, the governor shall forthwith terminate the government operation of and restore such plant or facilities to such company.

(b) Whenever in the opinion of the governor government operation of the plant or facilities of any such company is no longer necessary to preserve the public health, safety and welfare he shall, without regard to the settlement or con-

tinuation of the dispute, forthwith terminate the government operation of and restore such plant and facilities to such company.

(c)
(d)

SECTION 18. Interference with government operations; injunction.

(a) As used in this section, unless the context clearly indicates otherwise:

(1) The term "employee" includes any employee, and is not limited to the employees of a particular employer.

(2) The term "government employee" means one employed by the government.

(3) The term "private employee" means one employed by other than the government.

(4) The terms "person", "strike", "labor dispute", and "labor organization", have the meanings defined by section 2 of this Act.

(b) After a proclamation of an emergency pursuant to section 15 and until the termination of government operations

as provided by section 17, any of the following shall be unlawful:

(1) For any government employees to participate in any strike against the government with respect to its operations under the provisions of this Act, or for any person to picket or to establish or maintain a picket line of one or more persons with a purpose of instigating, inducing, procuring, bringing about, coercing or inciting any such strike or a continuation thereof.

(2) For (I) any private employees or labor organization to engage in a strike, or a concerted refusal to transport or otherwise handle any cargo or to perform services on any vessel with respect to any facility, or (II) any person to concert to withhold patronage, employment, or other beneficial business intercourse, or (III) any person, with a purpose of instigating, inducing, procuring, bringing about, coercing or inciting any such strike or concerted action or a continuation

thereof, to picket or to establish or maintain a picket line of one or more persons, where an object of any such strike, concerted action, or picketing, is to (A) interfere with government operations under the provisions of this Act, or (B) force or require any person to cease transporting or otherwise handling cargo (with respect to which stevedoring services or related services have been or are to be performed loaded or unloaded or to be loaded or unloaded) by the government under the provisions of this Act, or (C) cause loss, injury or damage to any person by reason of his having transported or otherwise handled or being about to transport or otherwise handle any cargo (with respect to which stevedoring services or related services have been or are to be performed loaded or unloaded or to be loaded or unloaded) by the government under the provisions of this Act; provided, however, that this paragraph shall not, by reason of refusal to return to employment involved in the labor dispute which occasioned the proclamation of an emergency under section 15 hereof or by reason of refusal to accept employ-

ment by the government, apply to any employee engaged in such labor dispute.

(3) For any person to instigate, induce, procure, order, direct, coerce, or incite any violation of this section, or to undertake or concert with another to violate this section.

(c) The attorney general at his own instance or at the request of the governor or the designated agency, in the event any person shall be violating or failing to comply with the provisions of this section, or there shall be reasonable cause to believe that such person is about to violate or fail to comply with the provisions of this section, shall institute appropriate proceedings before a court having equity jurisdiction, to enjoin the performance of any acts or practices forbidden by this section, or to require such person to comply with the provisions of this section. Jurisdiction to hear and dispose of all actions under this section is hereby conferred upon each circuit judge and each such judge shall

have power to issue such orders and decrees by way of injunction, mandatory injunction or otherwise, as may be appropriate to enforce the provisions of this section. All such suits shall be brought in the name of the Territory by the attorney general, and may be brought against any association or labor organization under its common name, in which event process may be served on any officer, trustee or agent of such association or labor organization or otherwise as provided by law, and the joint or common property of the association or labor organization shall be bound for the satisfaction of any award of damages. In the event of a violation of or failure to comply with any such order of the court compensatory or punitive damages may be awarded to the Territory, or such other proceedings may be had as the court may deem proper. The county attorney of each county shall at the request of the attorney general conduct on behalf of the Territory any proceedings provided for by this section. This paragraph shall not be construed as precluding the attorney general from resorting to any other remedies or proceedings which may be

appropriate, the attorney general being hereby authorized to represent the Territory in all such matters and to resort to any or all of the applicable remedies and proceedings, according to his best judgment.

SECTION 19. Employee need not work involuntarily. Nothing in this Act shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this Act be construed to make the quitting of his labor or service by an individual employee an illegal act.

SECTION 20. Law an exercise of police power. This Act shall be deemed an exercise of the police power of the Territory for the protection of the public welfare, safety, prosperity, health and peace of the people; and all of the provisions of the Act shall be liberally construed for the accomplishment of said purposes.

SECTION 21. Rules and regulations. For the purpose

of carrying out the provisions of sections 7 and 16 of this Act the governor and the director shall have the power to prescribe rules and regulations having the force and effect of law. Such rules and regulations of the governor may provide for maintenance, as part of the stevedoring revolving fund, of special bank accounts and cash funds, for drawing thereon by paymasters or other persons approved by the governor or the designated agency, and for the manner of accounting therefor. Rules and regulations prescribed pursuant to the provisions of this Act shall be promulgated by publishing the same in a newspaper of general circulation in the Territory, or, where only known persons are concerned, the same may be promulgated by service upon such persons by registered mail, or by personal service thereof. The provisions of sections 466 to 476, inclusive, Revised Laws of Hawaii 1945, shall not be applicable to the rules and regulations prescribed under the provisions of this Act. Any wilful violation of any rule or regulation promulgated by the governor or the director under the provisions of this section shall be a misdemeanor, punishable

by a fine of not more than $500.00 or by imprisonment for not more than three months, or both such fine and imprisonment.

SECTION 22. Separability. If any section, sentence, clause or phrase of this Act, or its application to any employer, employee, 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 employers, employees, 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 and irrespective of the fact that the application of this Act to any one or more employers, employees, persons or circumstances be declared unconstitutional or invalid.

SECTION 23. Powers in addition to other powers. The powers conferred by this Act shall be in addition and

supplemental to the powers conferred by any other law, including Act 2 of the Special Session Laws of Hawaii 1949, as amended, and nothing contained herein shall be construed as limiting any other powers of the governor or the designated agency mentioned in section 16 (b) hereof.

SECTION 24. Exemption. The provisions of this Act shall not be applicable with respect to any person subject to the Federal Railway Labor Act.

SECTION 25. Acts 2 and 3 not repealed, etc. This Act shall not be deemed to repeal, amend or in any way affect Act 2 or Act 3 of the Special Session Laws of Hawaii 1949, or any provision or provisions of said Act 2 or Act 3, or any proclamations, actions, proceedings or government operations had or undertaken under said Act 2 or Act 3. Provided, that section 9 of said Act 3 shall not be invoked by the governor in the event that, after the termination of the emergency declared by section 1 of said Act 2, another emergency shall occur,

and in lieu thereof the provisions of this Act shall apply.

SECTION 26. Emergency proclaimed under Act 2, effect of continuance of. In case the strike in the stevedoring industry of the Territory of Hawaii, which has been in effect since May 1, 1949, is still in effect upon the expiration of Act 2 of the Special Session Laws of Hawaii 1949, as amended, and such strike continues to imperil the public health, safety or welfare at said time, the governor of Hawaii is hereby authorized and empowered to continue in effect, in lieu of the proclamation provided for by section 15 of this Act, the proclamation heretofore made by him under said Act 2 and, without regard to or compliance with the provisions of sections 4 to 15, inclusive, of this Act, to continue possession of the entire plant and facilities, including related facilities, of each stevedoring company involved in the dispute which he, or his designated agent, is then operating, and to continue to operate the same under and subject to the provisions of

sections 16 to 24 of this Act during the existence of the said strike without prejudice, however, to the enforcement of rights and liabilities theretofore accrued or attached as set forth in section 13 of said Act 2, and without prejudice to the other provisions of said section 13 of said Act 2.

SECTION 27. Effective date. This Act shall take effect upon its approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., October 11, 1949

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

President of the Senate

Clerk of the Senate.

S. B. No. 4
S. D. 1
H. D. 1

# A N  A C T

RELATING TO THE STEVEDORING INDUSTRY (HEREIN DEFINED TO INCLUDE TERMINAL AND OTHER RELATED SERVICES); DECLARING SUCH INDUSTRY TO BE ESSENTIAL TO THE PUBLIC HEALTH, SAFETY AND WELFARE; DECLARING THAT STRIKES, LOCKOUTS, STOPPAGES, SLOWDOWNS, OR RETARDATION OF SERVICE IN SAID INDUSTRY IMPERIL THE PUBLIC HEALTH, SAFETY AND WELFARE; PROVIDING FOR THE PEACEFUL SETTLEMENT OF LABOR DISPUTES IN SAID INDUSTRY; PROHIBITING STRIKES, LOCKOUTS, STOPPAGES, SLOWDOWNS, OR RETARDATION OF SERVICE IN SAID INDUSTRY, EXCEPT UNDER PRESCRIBED CONDITIONS; PROVIDING FOR THE TERRITORY OF HAWAII TO SEIZE AND TAKE POSSESSION OF AND OPERATE THE PLANTS AND OTHER FACILITIES, INCLUDING RELATED FACILITIES, OF SUCH STEVEDORING INDUSTRY IN THE EVENT OF STRIKES, LOCKOUTS, STOPPAGES, SLOWDOWNS, OR RETARDATION OF SERVICE IN SUCH INDUSTRY; MAKING PROVISIONS AGAINST

INTERFERENCE WITH THE CONDUCT OF SUCH OPERATIONS BY THE TERRITORY BY STRIKES, BOYCOTTS, PICKETING, OR OTHER MEANS; CONFERRING CERTAIN POWERS AND IMPOSING CERTAIN DUTIES UPON THE GOVERNOR OF THE TERRITORY OF HAWAII IN REGARD TO SUCH INDUSTRY, BEFORE AND DURING SUCH STRIKES, LOCKOUTS, STOPPAGES, SLOWDOWNS, OR RETARDATION OF SERVICE; PROVIDING FOR INJUNCTIONS AND OTHER REMEDIES OF THE GOVERNMENT TO ENFORCE THE PROVISIONS OF THIS ACT AND CRIMINAL PENALTIES FOR VIOLATIONS OF CERTAIN PROVISIONS HEREOF; MAKING AN APPROPRIATION AND PROVIDING OTHER FUNDS IN CONNECTION HEREWITH.

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

SECTION 1. Findings and declarations of legislature. The legislature of the Territory of Hawaii finds that the continuous furnishing of stevedoring services, together with all related services (including terminal services) necessary to the loading and unloading and arrival and departure of

vessels at ports in the Territory of Hawaii, is essential to the public health, safety and welfare. The legislature finds that the settlement of industrial disputes between employers and employees in the stevedoring industry is affected with a public interest; that the industrial disputes in such industry have been and are extremely damaging to the public health, safety and welfare; that special provisions for the handling of such disputes are required and that the provisions of this Act for the settlement of such disputes and for the protection of the public are necessary in the public interest. In making these findings the legislature has taken into consideration, in addition to the foregoing, the geographical isolation of these islands and their dependence upon imports and exports for the necessities of life and the functioning of their essential economy, and the fact that continuous ocean shipping is a life line essential to the existence of the community. It is hereby declared as the public policy of this Territory that the best interests of the people of the Territory are served by the prevention or prompt settlement of labor disputes in the stevedoring

industry; that strikes, lockouts, stoppages, slowdowns, or retardation of service in the stevedoring industry, regardless of where the merits of the controversy lie, are detrimental to and imperil the public health, safety and welfare; that while the public is not a direct party to such labor disputes, its interests and rights should always be considered and protected; that the preservation of the process of free collective bargaining between the parties to such labor disputes provides the best method for the prompt and orderly settlement of such disputes; that when the parties to such labor disputes do not settle such disputes and strikes, lockouts, stoppages, or retardation of service in the stevedoring industry do occur, it is necessary that the governor be authorized to seize, take over and operate the plants and other facilities, including related facilities, of the stevedoring companies involved in the dispute, as he may deem necessary, to keep open to commerce the ports of the Territory of Hawaii; and that the provisions herein with respect to the settlement of such labor disputes, prevention of strikes, lockouts, stoppages, slowdowns or retardation of service,

and the other provisions hereof will best tend to promote the health, safety and welfare of the Territory.

SECTION 2. Definitions. As used in this Act unless the context clearly indicates otherwise:

(a) The term "person" includes one or more individuals, labor organizations, partnerships, associations, corporations, legal representatives, trustees or receivers.

(b) "Stevedoring industry" means the business of furnishing services for the loading and unloading of cargo transported or to be transported on vessels and other craft, at any ports within the Territory of Hawaii, and also means the business of furnishing related services, as hereinafter defined.

(c) "Stevedoring services" means services for the loading and unloading of cargo transported or to be transported on vessels and other craft and the handling of lines of vessels and other craft, at any ports within the Territory of Hawaii.

(d) "Related services" means and includes all services, other than stevedoring services, ordinarily or necessarily

performed in regard to cargo, goods, wares, and merchandise of every kind arriving at a terminal facility for shipment by or discharge from vessels and other craft; and "related facilities" means and includes all facilities in connection therewith.

(e) "Company" and "stevedoring company" shall mean any persons engaged in the stevedoring industry as an employer whether in the business of furnishing stevedoring services or related services or both.

(f) "Dispute" and "labor dispute" mean any controversy concerning wages, hours or other terms or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange wages, hours, or other terms or conditions of employment.

(g) "Director" means the director of labor and industrial relations of the Territory of Hawaii.

(h) "Strike" means the temporary stoppage of work, slowdown, or retarding of production or operations by the concerted action of employees.

(i) "Lockout" means the refusal of an employer to furnish work to employees as the result of a labor dispute between such employer and its employees.

(j) "Labor organization" means any organization of employees which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning wages, hours and other terms and conditions of employment.

(k) "Bargaining unit" shall mean the unit appropriate for the purposes of collective bargaining as determined under the Federal Labor Management Relations Act, as amended from time to time.

(l) "Employer" shall mean any person who employs the services of employees in the stevedoring industry, but shall not include the Territory or any agency thereof.

(m) "Employee" shall mean any person employed by an employer.

(n) "Representative" means any person designated either by an employer or by employees, to act for him or them.

(o) "Terminal facility" means any dock, wharf, pier,

tained therein, which certification shall be made by the representatives actively engaged in the conduct of negotiations for the party filing the notice. A copy of the notice shall be delivered to the other party to the dispute simultaneously with delivery of notice to the director.

(b) Sections 4 to 11, inclusive, shall not apply in any case where there exists a collective bargaining agreement between an employer and its employees, except where:

(i) A dispute arises under the agreement concerning an interpretation or application of the terms of such collective bargaining agreement, and the agreement contains no procedure for the settlement of such a dispute; or

(ii) In accordance with the terms of such collective bargaining agreement, the parties undertake negotiations for a new agreement or an amendment of the existing agreement pursuant to specific designation in the agreement of a certain time or period for such negotiations, and no agreement has been reached at the expiration of such time or period,

quay, bulkhead or landing, with the appurtenances thereto, and any warehouse used in connection therewith.

SECTION 3. Duty to avoid lockouts and strikes by collective bargaining.

In order to avoid any interruption of services in the stevedoring industry, it shall be the duty of each employer and its employees and their respective representatives to use the processes of conference and collective bargaining in the settlement of all disputes between the employer and its employees without resort to lockout or strike.

SECTION 4. Notice of impasse required; effect of collective bargaining agreements.

(a) When an impasse is reached in any dispute between an employer and its employees, either party to the dispute claiming the existence of an impasse shall notify the director in writing of the existence of such impasse. The notice shall contain a clear and concise statement of each issue on which an impasse has been reached, and a certificate as to the good faith of said notice and the statements con-

and the agreement does not prohibit strikes or lock-outs following such negotiation and failure to arrive at an agreement.

SECTION 5. Appointment of mediator.

(a) Following receipt of a notice of impasse from either party as specified in section 4, the director shall within five days appoint a mediator who shall expeditiously meet with the disputing parties or their representatives and shall exert every reasonable effort to effect a prompt settlement of the labor dispute.

(b) The mediator, unless he is an employee of the department of labor and industrial relations, shall receive compensation at a rate to be fixed by the director but not less than $25.00 for each day actually spent by him in mediation, together with necessary travel and subsistence expense. Payment shall be made by the director out of funds allotted to him as hereinafter provided.

(c) In the discretion of the director, he may appoint a board of mediation consisting of not more than three members, which shall have all of the powers, duties and

functions of the mediator herein provided for, and each member of the board shall receive the compensation of a mediator.

SECTION 6. Mediation.

(a) The mediator shall use his best efforts to bring the parties into agreement and shall continue his intervention until such time as he is convinced further efforts would be unsuccessful, but in any case he shall report the results of his mediation to the director not later than thirty days after his appointment, and the director shall advise the governor thereof.

(b) Thereafter and until the dispute is settled, whenever requested by the parties or the governor, the director shall make available the services of a mediator, who shall resume efforts to bring the parties to agreement.

SECTION 7. Employer's final offer; vote by employees.

(a) Within five days after the mediator reports to the director and if the dispute is not settled, each employer involved in the dispute shall submit to the director a

written statement of his final offer of settlement.

(b) Within fifteen days following the date the mediator reports to the director, the director shall take a secret ballot of all employees engaged in stevedoring services, or related services, as the case may be, in each bargaining unit (whether or not such employees are members of the labor organization representing such bargaining unit) which is involved in the dispute on the question of whether they wish to accept the final offer of settlement made by their employer as stated by him, and shall certify the results thereof to the governor. The voting shall be conducted and supervised by the director under rules and regulations promulgated by him. The director shall have power and authority to promulgate and shall promulgate rules and regulations as provided in section 21 covering the conduct of such voting. Such rules and regulations shall facilitate voting by all such employees, but shall also insure secrecy of the ballot. The director shall also have the power and the authority to determine, after proper hearing (which may be held either before or after a vote and may be conducted by a duly authorized representative

of the director), any dispute concerning the eligibility of a person or persons to vote. If the director finds that the number of votes cast by ineligible voters could have affected the result of the vote, he shall conduct a new secret ballot as soon as possible; the procedure on the new balloting shall be the same as on the original ballot.

SECTION 8. Appointment of emergency board.

(a) Within five days after the vote of the employees is certified to the governor and if the dispute is not settled, the governor shall appoint a board to investigate the dispute, which shall be known as an emergency board. The board shall be composed of a chairman and such other members as the governor shall determine, but not more than five persons, including the chairman. Whenever there are, in the same bargaining unit involved in the dispute which the board is appointed to investigate, employees not engaged in stevedoring or related services as well as employees engaged in stevedoring or related services in such

event, at the discretion of the governor, the board may be directed to investigate the entire dispute, and if the governor so directs, all of the provisions of sections 8, 9 and 10 shall apply to the entire matter under investigation.

(b) Members of the board shall each receive compensation at the rate of $25.00 for each day actually spent by them in the work of the board, together with necessary travel and subsistence expense. The director shall provide for the board such stenographic, clerical, and other assistance and such facilities and services as may be necessary for the discharge of its functions. Payment of compensation of members of emergency boards and other expenses incurred under this section shall be made by the director out of funds allotted to him as hereinafter provided.

SECTION 9. Hearings; report.

(a) The emergency board shall notify the employer and the employees or their representatives of the time and place for commencement of hearings, which hearings must commence

within five days from the date of its appointment.

(b) Each board shall conduct such hearings either in public or in private as it may deem necessary or proper to ascertain the facts with respect to the cause and circumstances of the dispute.

(c) Within five days from the date of termination of the hearings, but in any event not later than twenty-five days after its appointment, the board shall submit to the governor a written report of its findings and recommendations. The governor may thereupon confer with the parties respecting the board's recommendations and attempt to effect a settlement of the dispute. Within five days from the receipt of such report and if no agreement is reached during this period, the governor shall make the report public.

SECTION 10. Powers of board; evidence, witnesses; subpoenas, etc.

(a) Each emergency board shall have power to hold hearings at any place within the Territory, subpoena wit-

nesses and compel their attendance, compel the production of books and papers, administer oaths, take testimony and receive evidence.

(b) Subpoenas of the board shall run in the name of the Territory of Hawaii and any such subpoena shall be sufficient if it: (1) states that the proceeding is before such board, (2) is addressed to the person desired as a witness, (3) requires the attendance of the person desired as a witness at a time and place certain, and (4) is signed by the chairman of such board, or in his absence any member designated by the board to act in his absence. Any such subpoena may be served by the high sheriff of the Territory or his deputy, or a sheriff of any county or his deputy, or any police officer, or any other person designated by the board to serve the same.

(c) Each member of any board shall have authority to administer oaths in the discharge of his duties pursuant to the provisions of this Act.

(d) In case of contumacy or refusal to obey a subpoena

issued to any person, the circuit court of any judicial circuit within the jurisdiction of which the inquiry is carried on, upon application by the board, shall have jurisdiction to issue an order requiring such person to appear before the board, to compel the production of papers, to produce evidence or to give testimony touching the matter in question. Failure to obey any such order may be punished by the court as a contempt thereof.

(e) Subpoenas and papers of the board may be served either personally or by registered mail or by radiogram, or by leaving a copy thereof at the principal office or place of business of the person to be served. Return by the individual serving the same setting forth the manner of such service, return post office receipt, or radiogram receipt shall be proof of service of the same.

SECTION 11. Status quo maintained.

After the notice required by section 4 is filed with the director and until fifteen days after the report of the emergency board has been filed with the governor:

(a) No change in wages, hours or other terms and conditions of employment prevailing before the actual or proposed change out of which the dispute arose shall be made by the employer named in the notice, except by agreement of the parties; and

(b) The employer involved in the dispute shall be free to make such changes in operations or personnel as are consistent with the operation of its business; provided, however, that if written objection to any such change is filed by the employees with the director such change shall require the approval of the director.

SECTION 12. Strikes and lockouts prohibited. It shall be unlawful for any employee in the stevedoring industry or the representatives of such employee to call a strike or go out on strike, or for any employer in such industry or the representatives of such employer to declare a lockout or to lock out its employees, unless all of the terms, requirements and provisions of sections 4 to 11, inclusive, have been complied with and until the expiration

of fifteen days after the report of the emergency board has been filed with the governor.

During the term of any collective bargaining agreement, there shall be no lockout by the employer and there shall be no strike on the part of any employees covered by the agreement, except where:

(a) A dispute arises under the agreement concerning an interpretation or application of the terms of such collective bargaining agreement, and the agreement contains no procedure for the settlement of such dispute; or

(b) In accordance with the terms of such collective bargaining agreement, the parties undertake negotiations for a new agreement or an amendment of the existing agreement pursuant to specific designation in the agreement of a certain time or period for such negotiations, and no agreement has been reached at the expiration of such time or period, and the agreement does not prohibit strikes or lockouts

following such negotiation and failure to arrive at an agreement;

and the provisions of this Act for settlement of disputes have first been complied with.

It shall be unlawful for any person or persons to instigate, induce, or assist any other person or persons to engage in any strike or lockout in violation of the provisions of this section.

SECTION 13. Injunction. The attorney general, at his own instance or at the request of the director, in the event any employer or any employee or any other person shall be found to be violating or failing to comply with any of the requirements or provisions of sections 4 to 12, inclusive, or there shall be reasonable cause to believe that such employer or employee or other person is violating or failing to comply with such requirements or provisions, shall institute appropriate proceedings in equity in any circuit in which the violation occurs to enjoin the performance of any acts or practices forbidden by this Act, or to require such employer or employee or other person to

comply with such requirements or provisions. Jurisdiction to hear and dispose of all actions under this section is hereby conferred upon each circuit judge, and each such judge shall have power to issue such orders and decrees, by way of injunction, mandatory injunction or otherwise, as may be appropriate to enforce the provisions of this Act. All such suits shall be brought in the name of the Territory by the attorney general, and may be brought against any association or labor organization under its common name, in which event process may be served on any officer, trustee or agent of such association or labor organization or otherwise as provided by law, and the joint or common property of the association or labor organization shall be bound for the satisfaction of any award of damages. In the event of a violation of or failure to comply with any such order of the court compensatory or punitive damages may be awarded to the Territory, or such other proceedings may be had as the court may deem proper. The county attorney of each county shall, at the request of the attorney general, conduct such proceedings in behalf of the Territory.

SECTION 14. Penalties.

(a) Any employer calling or causing a lockout in violation of section 12, or without giving the notice required by section 4, or otherwise contrary to the provisions of sections 4 to 12, inclusive, of this Act, shall be guilty of a misdemeanor.

(b) Any employee or organization of employees calling a strike or going out on strike in violation of the provisions of section 12, or without giving the notice required by section 4, or otherwise contrary to the provisions of sections 4 to 12, inclusive, of this Act shall be guilty of a misdemeanor.

(c) Any person instigating, inducing or assisting any strike or lockout in violation of section 12, or otherwise contrary to the provisions of sections 4 to 12, inclusive, of this Act, shall be guilty of a misdemeanor.

(d) The penalty for any misdemeanor defined by this section shall be, in the case of a corporation, association, partnership, or labor organization, a fine of not more than

$5,000.00, and in the case of an individual, a fine of not more than $500.00 or imprisonment for not more than three months, or both such fine and imprisonment.

SECTION 15. Emergencies; proclamation.

(a) Whenever in the opinion of the governor a strike or lockout in the stevedoring industry or any substantial part thereof is threatened or has occurred, and such threatened or actual strike or lockout, if it shall occur or continue, will imperil the public health, safety or welfare, he shall have the power and authority, whether or not any or all of the provisions of sections 4 to 12, inclusive, have been complied with, to issue a proclamation to that effect declaring an emergency, and urging the parties to the dispute to refrain from a stoppage of work or, if such stoppage has occurred, to resume work and operation in the public interest, and stating that if such stoppage of work shall occur or such work and operation shall not be resumed, as the case may be, he will exercise

his powers under section 16 of this Act.

(b) Before or after such proclamation the governor may make such preparations as he may deem necessary or proper to carry out the provisions of section 16 of this Act.

SECTION 16. Government operations.

(a) After the issuance of a proclamation pursuant to section 15, and during the emergency thereby proclaimed, and in the event of an actual strike or lockout (whether in existence at the time of issuance of such proclamation or occurring thereafter) which, in the opinion of the governor, imperils or threatens to imperil the public health, safety or welfare, the governor shall have the power and authority to seize and take possession of and operate the entire plant and facilities, including related facilities, of any or every stevedoring company involved in the dispute, or so much thereof, or such interest therein, as the governor may deem necessary in order to carry out the purposes of this Act. It is

the intention of this Act that such government operations shall be a temporary expedient to safeguard the public interest pending the settlement of the dispute by the parties.

(b) Such government operations may be conducted by the governor through such department or agency of the Territory as he may designate, and he may delegate to such agency such of his powers as are necessary to conduct such operations.

(c) The governor shall have such power and authority as shall be reasonably necessary to conduct such government operations in a manner consistent with the public health, safety and welfare, including without limitation upon the generality of the foregoing the power to make such contracts and arrangements with shipowners, charterers, agents and operators, wharf and pier owners and operators, stevedoring companies, trucking operators, warehousemen, and other persons as may be required in order to provide stevedoring services and related services. The governor shall have the power to make contracts without regard to the provisions of

sections 351-363 of chapter 9, Revised Laws of Hawaii 1945, and, specifically, the certificate of the auditor as to the availability of an unexpended appropriation or balance of an appropriation to cover the amount required by any such contract, shall not be required.

(d) In operating the plant and facilities of each company the governor, so far as possible, and to the extent employees are needed, shall employ or engage the personnel, including employees on strike or locked out, employed by such company upon the seizure and taking of possession thereof or immediately prior to the beginning of the strike or lockout. Persons so employed or engaged by the governor or otherwise employed or engaged by the governor shall not by reason of such employment be or become entitled to civil service, retirement, vacation, or other benefits provided by law for other employees of the Territory, nor shall they be required to possess the qualifications of other government employees, and no person shall be ineligible for employment

by reason of the fact that he is not a citizen of the United States or of the Territory; provided that, if it shall be necessary to employ persons who were not theretofore employed by the company, such persons shall possess the residence qualifications prescribed by section 451, Revised Laws of Hawaii 1945; provided, further, that all citizens employed or engaged by the governor under the provisions of this Act shall subscribe to the oath or affirmation prescribed by the provisions of chapter 13, Revised Laws of Hawaii 1945, and all non-citizens shall subscribe to the following oath or affirmation:

> "I_____do solemnly swear and declare, on oath, that I am not now nor have I been at any time within the five years next preceding the taking of this oath a communist or a member of the communist party; that I have not at any time within the five years next preceding the taking of this oath held membership in, paid assessments, dues, or made contributions to any organization or any political party which advocates the overthrow of the constitutional form of government of the United States of America or any change

in the government of the United States of America, except as provided by its constitution; that I take this obligation freely, without any mental reservation or purpose of evasion; So help me God."

Upon a showing as to the sincerity of any person claiming that he is unwilling to take the above prescribed oath only because due to religious beliefs he is unwilling to be sworn, he may be permitted, in lieu of such oath, to make his solemn affirmation which shall be in the same form as the said oath except that the words "sincerely and truly affirm" shall be substituted for the words "swear", and the phrases "on oath" and "So help me God" shall be omitted.

The salaries and wage rates of the persons employed by the Territory shall not be higher than those which existed in the industry immediately prior to the beginning of the strike or lockout. There shall be no deductions from such salaries and wages except as authorized by law in the case of other territorial employees. The hours of employment shall be the same as existed in the industry immediately

prior to the beginning of the strike or lockout, and in so far as possible the other conditions of employment shall be the same as then existed, and neither the governor nor the designated agency shall have authority to enter into negotiations with any such company or with any labor organization for a collective bargaining contract with respect to wages, hours, and other terms and conditions of employment in the industry. All services performed in the employ of the Territory in government operations under this Act shall constitute employment for the purposes of chapter 74, Revised Laws of Hawaii 1945, as amended, known as the Hawaii Employment Security Law, and to the extent of such services the Territory shall be deemed an employer within the meaning of said chapter 74, and shall make the contributions required of a new employer as prescribed by said chapter 74.

(e) There is hereby established in the treasury of the Territory a revolving fund to be known as the "stevedoring revolving fund". The sum of $250,000.00 is hereby appropriated to said fund from the general revenues of the Territory and

shall be deposited in said fund. The governor may further augment said appropriation from his contingent fund, and in addition thereto may cause to be deposited in said revolving fund as a loan or loans from the general fund further amounts from time to time as required for the purposes of this Act, but the amount of such further loans from the general fund, outstanding at any one time, shall not exceed $250,000.00. All revenues collected by the governor shall be deposited in said revolving fund and are hereby appropriated for the purposes thereof. Expenditures may be made from said stevedoring revolving fund for any and all of the purposes of this Act and the operations of the government under this Act, including without limitation of the generality of the foregoing, the compensation of employees and for other personal services, other current expenses, insurance, taxes, and expenditures for the performance of any and all contracts and arrangements authorized by this Act. The conducting of such operations by the Territory shall not render inapplicable the general excise

tax of the Territory. Such expenditures may be made by the governor or the governor may allot any money in said fund to the director or the designated agency for expenditure upon his or its own vouchers.

(f) Charges shall be made and collected for deposit in said revolving fund. Such charges so far as possible shall be based upon the rates prevailing in the industry immediately prior to the commencement of the strike or lock-out, but due consideration shall be given to current conditions existing in the industry, including the expenses and other costs incurred or which may be incurred by the Territory under this Act. From time to time the governor shall pay from the revolving fund to each company whose property has been appropriated just compensation for the appropriation and use of its property. If any company is unwilling to accept, as full and complete compensation for such appropriation and use, the amount determined by the governor, such company shall be paid fifty per centum of the amount so determined

by the governor, and shall be entitled to sue the Territory, in the manner provided in chapter 220, Revised Laws of Hawaii 1945, for such additional sum as, when added to the sum already received by such company, shall constitute just compensation for the appropriation and use of its property; provided, that such suit shall be instituted within three months after the termination of such appropriation.

SECTION 17. Termination of government operations.

(a) Whenever any company, whose plant or facilities have been taken over by the Territory, and its employees involved in the dispute shall jointly report in writing to the governor that they have arrived at an agreement adjusting and terminating the dispute out of which the strike or lockout arose, and that they are in a position to immediately resume and continue without interruption their services and the operation of such company, the governor shall forthwith terminate the government operation of and restore such plant or facilities to such company.

(b) Whenever in the opinion of the governor government operation of the plant or facilities of any such company is no longer necessary to preserve the public health, safety and welfare he shall, without regard to the settlement or continuation of the dispute, forthwith terminate the government operation of and restore such plant and facilities to such company.

(c) Whenever in a dispute which has resulted in a strike a majority of the employees engaged in stevedoring services in any bargaining unit at any port where the Territory is furnishing stevedoring services ordinarily performed by such employees report to the governor in writing stating that they are in a position to and can and will resume operations and render normal stevedoring services for their employer on terms satisfactory to them and to such employer, and shall satisfy the governor of the correctness of such statement, the governor shall forthwith declare the termination of the emergency at such port and shall forthwith terminate the

furnishing of government services at such port and restore any seized equipment used at such port. In the event that the governor for any reason refuses to terminate the furnishing of government services at such port, such employees shall have the right to have an order issued by the circuit judge at chambers in equity of the circuit in which such port is located to show cause why the furnishing of such government services should not be terminated. Such order shall be served upon the attorney general of the Territory and shall be returnable in ten days. The decision of such court shall be final as to conditions then existing but shall not be a bar to subsequent applications for such order to show cause. For the purpose of this paragraph, one or more employees may be appointed by the court to represent the class of employees applying for the order to show cause.

(d) Whenever in a dispute which has resulted in a lockout an employer or employers representing a substantial portion of the stevedoring industry at any port where the

Territory is furnishing stevedoring services ordinarily performed by such employer or employers report to the governor in writing stating that they are in a position to and can and will resume operations and render normal stevedoring services with their employees on terms satisfactory to them and to such employees, and shall satisfy the governor of the correctness of such statement, the governor shall forthwith declare the termination of the emergency at such port and shall forthwith terminate the furnishing of government services at such port and restore any seized equipment used at such port. In the event that the governor for any reason refuses to terminate the furnishing of government services at such port, such employer or employers shall have the right to have an order issued by the circuit judge at chambers in equity of the circuit in which such port is located to show cause why the furnishing of such government services should not be terminated. Such order shall be served upon the attorney general of the Territory and shall be returnable in ten days. The decision

of such court shall be final as to conditions then existing but shall not be a bar to subsequent applications for such order to show cause.

SECTION 18. Interference with government operations; injunction.

(a) As used in this section, unless the context clearly indicates otherwise:

(1) The term "employee" includes any employee, and is not limited to the employees of a particular employer.

(2) The term "government employee" means one employed by the government.

(3) The term "private employee" means one employed by other than the government.

(4) The terms "person", "strike", "labor dispute", and "labor organization", have the meanings defined by section 2 of this Act.

(b) After a proclamation of an emergency pursuant to

section 15 and until the termination of government operations as provided by section 17, any of the following shall be unlawful:

(1) For any government employees to participate in any strike against the government with respect to its operations under the provisions of this Act, or for any person to picket or to establish or maintain a picket line of one or more persons with a purpose of instigating, inducing, procuring, bringing about, coercing or inciting any such strike or a continuation thereof.

(2) For (I) any private employees or labor organization to engage in a strike, or a concerted refusal to transport or otherwise handle any cargo or to perform services on any vessel or with respect to any facility, or (II) any person to concert to withhold patronage, employment, or other beneficial business intercourse, or (III) any person, with a

purpose of instigating, inducing, procuring, bringing about, coercing or inciting any such strike or concerted action or a continuation thereof, to picket or to establish or maintain a picket line of one or more persons, where an object of any such strike, concerted action, or picketing, is to (A) interfere with government operations under the provisions of this Act, or (B) force or require any person to cease transporting or otherwise handling cargo with respect to which stevedoring services or related services have been or are to be performed by the government under the provisions of this Act, or (C) cause loss, injury or damage to any person by reason of his having transported or otherwise handled or being about to transport or otherwise handle any cargo with respect to which stevedoring services or related services have been or are to be performed by the government under the provisions of this Act; provided, however, that this paragraph shall not, by reason of refusal to return

to employment involved in the labor dispute which occasioned the proclamation of an emergency under section 15 hereof or by reason of refusal to accept employment by the government, apply to any employee engaged in such labor dispute.

(3) For any person to instigate, induce, procure, order, direct, coerce, or incite any violation of this section, or to undertake or concert with another to violate this section.

(c) The attorney general at his own instance or at the request of the governor or the designated agency, in the event any person shall be violating or failing to comply with the provisions of this section, or there shall be reasonable cause to believe that such person is about to violate or fail to comply with the provisions of this section, shall institute appropriate proceedings before a court having equity jurisdiction, to enjoin the performance of any acts or practices forbidden by this section, or to require such person to comply with the provisions of this section.

Jurisdiction to hear and dispose of all actions under this section is hereby conferred upon each circuit judge and each such judge shall have power to issue such orders and decrees by way of injunction, mandatory injunction or otherwise, as may be appropriate to enforce the provisions of this section. All such suits shall be brought in the name of the Territory by the attorney general, and may be brought against any association or labor organization under its common name, in which event process may be served on any officer, trustee or agent of such association or labor organization or otherwise as provided by law, and the joint or common property of the association or labor organization shall be bound for the satisfaction of any award of damages. In the event of a violation of or failure to comply with any such order of the court compensatory or punitive damages may be awarded to the Territory, or such other proceedings may be had as the court may deem proper. The county attorney of each county shall at the request of the attorney general

conduct on behalf of the Territory any proceedings provided for by this section. This paragraph shall not be construed as precluding the attorney general from resorting to any other remedies or proceedings which may be appropriate, the attorney general being hereby authorized to represent the Territory in all such matters and to resort to any or all of the applicable remedies and proceedings, according to his best judgment.

SECTION 19. Employee need not work involuntarily. Nothing in this Act shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this Act be construed to make the quitting of his labor or service by an individual employee an illegal act.

SECTION 20. Law an exercise of police power. This Act shall be deemed an exercise of the police power of the Territory for the protection of the public welfare, safety, prosperity, health and peace of the people; and all of the

provisions of the Act shall be liberally construed for the accomplishment of said purposes.

SECTION 21. Rules and regulations. For the purpose of carrying out the provisions of sections 7 and 16 of this Act the governor and the director shall have the power to prescribe rules and regulations having the force and effect of law. Such rules and regulations of the governor may provide for maintenance, as part of the stevedoring revolving fund, of special bank accounts and cash funds, for drawing thereon by paymasters or other persons approved by the governor or the designated agency, and for the manner of accounting therefor. Rules and regulations prescribed pursuant to the provisions of this Act shall be promulgated by publishing the same in a newspaper of general circulation in the Territory, or, where only known persons are concerned, the same may be promulgated by service upon such persons by registered mail, or by personal service thereof. The provisions of sections 466 to 476, inclusive, Revised Laws of Hawaii 1945, shall not be applicable to the rules and

regulations prescribed under the provisions of this Act. Any wilful violation of any rule or regulation promulgated by the governor or the director under the provisions of this section shall be a misdemeanor, punishable by a fine of not more than $500.00 or by imprisonment for not more than three months, or both such fine and imprisonment.

SECTION 22. Separability. If any section, sentence, clause or phrase of this Act, or its application to any employer, employee, 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 employers, employees, 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 and irrespective of the fact that the application of this Act to any one or more

employers, employees, persons or circumstances be declared unconstitutional or invalid.

SECTION 23. Powers in addition to other powers. The powers conferred by this Act shall be in addition and supplemental to the powers conferred by any other law, including Act 2 of the Special Session Laws of Hawaii 1949, as amended, and nothing contained herein shall be construed as limiting any other powers of the governor or the designated agency mentioned in section 16 (b) hereof.

SECTION 24. Exemption. The provisions of this Act shall not be applicable with respect to any person subject to the Federal Railway Labor Act.

SECTION 25. Acts 2 and 3 not repealed, etc. This Act shall not be deemed to repeal, amend or in any way affect Act 2 or Act 3 of the Special Session Laws of Hawaii 1949, or any provision or provisions of said Act 2 or Act 3, or any proclamations, actions, proceedings or government

operations had or undertaken under said Act 2 or Act 3. Provided, that section 9 of said Act 3 shall not be invoked by the governor in the event that, after the termination of the emergency declared by section 1 of said Act 2, another emergency shall occur, and in lieu thereof the provisions of this Act shall apply.

SECTION 26. Effective date. Subject to the provisions of Section 25 hereof, this Act shall take effect upon its approval.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., October 14, 1949.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 5

# SENATE

## The Legislature
of the
## Territory of Hawaii
SPECIAL SESSION 1949

# AN ACT

RELATING TO LABOR DISPUTES AFFECTING THE PUBLIC HEALTH, SAFETY OR WELFARE.

Introduced July 26, 1949, by
Senator WM. H. HEEN

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| First Reading in Senate | July 26, 1949 |
| Referred to Printing Committee | --- |
| Second Reading in Senate | July 27, 1949 |
| Referred to | |
| Third Reading in Senate | |

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| 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. 5

A N  A C T

RELATING TO LABOR DISPUTES AFFECTING THE PUBLIC HEALTH, SAFETY OR WELFARE.

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

SECTION 1. It is hereby declared as the public policy of this Territory that the best interests of the people of the Territory are served by the prevention or prompt settlement of labor disputes which affect the public health, safety or welfare; that strikes and lockouts and other forms of industrial strife, regardless of where the merits of the controversy lie, which are detrimental to the public health, safety and welfare are affected with a public interest; that the interests and rights of the public, while not a direct party to such labor disputes, should always be considered and protected; that the preservation of the process of free collective bargaining between the parties to such labor disputes provides the best method for the prompt and orderly settlement of such disputes; and that the provisions herein with respect to the settlement of such labor disputes, prohibition of strikes and lockouts, and the other provisions hereof, will tend to promote the health, safety and welfare of the Territory. In making this declaration of policy the legislature has taken into consideration in addition to the foregoing, the peculiar vulnerability of these Islands and their economy to the results of industrial strife, the geographic isolation of these Islands, and their dependence

upon imports and exports for the necessities of life and the functioning of their essential economy, with due regard to the rights and interests of employees, of employers and of the public generally.

SECTION 2. As used in this Act:

(a) The term "person" means one or more individuals, labor organizations, partnerships, associations, corporations, legal representatives, trustees or receivers.

(b) "Dispute" and "Labor Dispute" means any controversy concerning wages, hours and other terms and conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange wages, hours or other terms and conditions of employment.

(c) "Lockout" means the refusal of an employer to furnish work to employees as a result of a labor dispute.

(d) "Strike" means the temporary stoppage of work, slowdown, or retarding of production or operations by the concerted action of two or more employees as a result of a labor dispute.

(e) "Director" means the Director of Labor and Industrial Relations of the Territory of Hawaii.

(f) "Labor Organizations" means any organization of employees which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning wages, hours and other terms and conditions of employment.

SECTION 3. Whenever in the opinion of the Governor of the Territory of Hawaii a threatened or actual strike or lockout affecting an entire industry or a substantial part thereof

engaged in trade, commerce, transportation, transmission, or communication within the Territory of Hawaii, or between the Territory and any other place, or engaged within the Territory in the production of goods for commerce will, if permitted to occur or to continue, imperil the public health, safety or welfare, he shall issue a proclamation to that effect and urge the parties to the dispute to refrain from a strike or lockout, or if such strike or lockout has occurred, to resume work and operations in the public interest. After issuing such a proclamation the Governor may direct the Attorney General of the Territory to petition any circuit court of the Territory having jurisdiction of the parties to enjoin such strike or lockout or the continuing thereof. If the court finds that such threatened or actual strike or lockout (a) affects an entire industry or a substantial part thereof engaged in trade, commerce, transportation, transmission, or communication within the Territory of Hawaii, or between the Territory and any other place, or engaged within the Territory in the production of goods for commerce; and (b) if permitted to occur or to continue will imperil the public health, safety or welfare, it shall have jurisdiction to enjoin any such strike or lockout, or the continuing thereof, and to make such other orders as may be appropriate. The order or orders of the circuit court shall be subject to review by the Supreme Court of the Territory and shall remain in effect pending judgment on review.

SECTION 4. Whenever a circuit court has issued an order under this Act enjoining acts or practices which imperil or

threaten to imperil the public health, safety or welfare, it shall be the duty of the parties to the labor dispute giving rise to such an order to make every effort to adjust and settle their differences.

SECTION 5. Upon the issuance of such an order by a circuit court, the Governor shall promptly appoint a board of inquiry. The board of inquiry shall promptly investigate the dispute, shall seek to induce the parties to reach a settlement of the dispute, and in any event, shall make a report to the Governor within a period of time to be determined by the Governor but not more than 30 days after the issuance of such order by a circuit court, unless the time is extended by agreement of the parties with the approval of the board. Such report shall include a statement of the facts with respect to the dispute, including each party's statement of its position, but shall not contain any recommendations. The Governor shall file a copy of such report with the Director and shall make its contents available to the public.

SECTION 6. The board of inquiry shall be composed of a chairman and such other members as the Governor shall determine, and shall have power to hold hearings at any place within the Territory, subpoena witnesses and compel their attendance, compel the production of books and papers, administer oaths, take testimony and receive evidence. In case of contumacy or refusal to obey a subpoena issued to any person, the circuit court of any judicial circuit within the jurisdiction of which the inquiry is carried on, upon application by

the board of inquiry, shall have jurisdiction to issue an order requiring such person to appear before the board of inquiry, to compel the production of papers, to produce evidence or to give testimony touching the matter in question. Failure to obey any such order may be punished by the court as a contempt thereof. Process and papers of the board of inquiry may be served either personally or by registered mail or by radiogram or by leaving a copy thereof at the principal office or place of business of the person to be served, or in the case of an individual at his last place of residence. Return by the individual serving the same setting forth the manner of such service, return post office receipt, or radiogram receipt, shall be proof of service of the same. Members of the board of inquiry shall receive compensation at the rate of $20.00 for each day actually spent by them in the work of the board, together with necessary travel and subsistence expense. Payment shall be made by the Director from the funds made available to the Department of Labor and Industrial Relations. The Director shall provide the board with such stenographic, clerical and other assistance and with such facilities and services as may be necessary for the discharge of its functions.

SECTION 7. Each board of inquiry shall continue in existence after making its initial report for such time as the emergency continues for the purpose of mediating the dispute should the parties request its services. When a board has been dissolved its records shall be transferred to the Director.

SECTION 8. Whenever the report of a board of inquiry has been filed with the Governor it shall be the duty of the parties to the labor dispute giving rise to such report to again make every effort to adjust and settle their differences. At the end of an 80 day period after said report of the board has been filed with the Governor (unless the dispute has been settled by that time) the board of inquiry shall report to the Governor the current position of the parties, and the efforts which have been made for settlement, and shall include a statement by each party of its position, and a statement of the employer's last offer of settlement. The Governor shall make such report available to the public.

SECTION 9. Within the succeeding fifteen (15) days following such 80 day period the Director shall take a secret ballot of the employees of each employer who are involved in the dispute on the question of whether they wish to accept the final offer of settlement made by their employer as stated by him or to strike, and shall certify the results thereof to the Attorney General within five (5) days thereafter. The voting shall be conducted and supervised by the Director. The expense of the voting shall be defrayed by the parties to the dispute equally. Every employee involved in the dispute shall be entitled to vote in such secret ballot. It shall be unlawful for a labor organization to call, engage in, induce or encourage a strike after such vote shall have been taken unless the majority of all employees involved in the dispute shall have voted to strike, as aforesaid. The Director shall have power and authority to promulgate and shall promulgate rules and regulations

covering the conduct of such voting, and the wilful violation of any such rules and regulations shall be a violation of the provisions of this Act. Such rules and regulations shall facilitate voting by all employees, but shall also insure secrecy of the ballot. The Director shall also have the power and authority to determine, after proper hearing (which may be held either before or within three (3) days after a vote and may be conducted by a duly authorized representative of the Director) any disputed issue concerning the eligibility of a person or persons to vote. If the Director finds that the number of votes cast by ineligible voters could have affected the result of the vote, he shall conduct a new secret ballot as soon as possible, and the procedure on the new balloting shall be the same as on the original balloting. Any such determination with respect to eligibility shall be applicable in the administration of this section, but shall have no force and effect for any other purpose.

SECTION 10. Upon the certification of the results of such vote, or upon a settlement of the dispute being reached, whichever happens sooner, the Attorney General shall move the court to discharge the injunction, which motion shall be granted and the injunction discharged. When such motion is granted, the Governor shall make public a full and comprehensive report of the proceedings, including the findings of the board of inquiry and the results of the vote taken by the Director. The Governor may submit such report to the Legislature, together with such recommendations as he may see fit to make for consideration and appropriate action.

SECTION 11. Nothing in this Act shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this Act be construed to make the quitting of his labor or service by an individual employee an illegal act.

SECTION 12. Nothing in this Act shall be construed to impair, curtail or destroy the rights of employees and their representatives to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection; provided, however, that in so doing the provisions of this Act, when applicable, shall be followed and complied with.

SECTION 13. This Act shall be deemed an exercise of the police power of the Territory for the protection of the public welfare, safety, prosperity, health and peace of the people; and all of the provisions of the Act shall be liberally construed for the accomplishment of said purposes.

SECTION 14. For the purpose of carrying out the provisions of this Act the Governor and the Director shall have the power to prescribe rules and regulations having the force and effect of law. The power to prescribe rules and regulations having the force and effect of law shall not be deemed in derogation of the power of the Governor, or the designated agency, or the Director to make orders for the enforcement of the appropriate provisions of this Act or the rules and

regulations issued hereunder. Such rules and regulations may provide for the making of administrative findings by duly authorized representatives or agencies, or for the application of such rules or regulations by such representatives or agencies as the circumstances may require, and the issuance of orders therefor. Rules and regulations prescribed pursuant to the provisions of this Act shall be promulgated by publishing the same in a newspaper of general circulation in the Territory, or, where only known persons are concerned, the same may be promulgated by service upon such persons by registered mail, or by personal service thereof. The provisions of Sections 466 to 476, inclusive, Revised Laws of Hawaii 1945, shall not be applicable to rules and regulations prescribed under the provisions of this Act.

SECTION 15. If any section, setence, clause or phrase of this Act, or its application to any employer, employee, 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 employers, employees, 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 and irrespective of the fact that the application of this Act to any one or more employers, employees, persons or circumstances be declared unconstitutional or invalid.

SECTION 16. Any person violating any of the provisions of this Act or instigating or inducing any such violation shall be guilty of a misdemeanor and shall be punished by a fine of not more than $1,000.00 or by imprisonment for not more than one year, or both.

SECTION 17. The provisions of this Act shall not be applicable with respect to any person subject to the Federal Railway Labor Act as amended from time to time, and with respect to any other person over whose employment, wages, hours and working conditions the Government of the United States has assumed exclusive regulation and control. The provisions of this Act shall not be applicable with respect to any labor dispute in the stevedoring industry. This Act shall not be deemed to repeal any provision of Chapter 73, Revised Laws of Hawaii 1945, as amended.

SECTION 18. This Act shall take effect upon its approval and shall be applicable to strikes or lockouts which are occurring when this Act becomes effective or at any time thereafter.

Introduced by:

Senator, 1st District

Honolulu, T. H.,
July 26, 1949.

Senate Bill No. 6

# SENATE

## The Legislature
of the
## Territory of Hawaii

SPECIAL SESSION 1949

# AN ACT

RELATING TO THE FURNISHING OF LONGSHORE SERVICES BY THE GOVERNMENT, AND MAKING APPROPRIATIONS THEREFOR.

Introduced July 26 , 1949 , by
Senator WM. H. HEEN

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| First Reading in Senate | July 26, 1949 |
| Referred to Printing Committee | -- |
| Second Reading in Senate | July 27, 1949 |
| Referred to | |
| Third Reading in Senate | |

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| 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. 6

AN ACT

RELATING TO THE FURNISHING OF LONGSHORE SERVICES BY THE GOVERNMENT, AND MAKING APPROPRIATIONS THEREFOR.

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

SECTION 1. Chapter 90 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by amending Section 4986 thereof by inserting in the seventh line, after the word "pilotage," the following:

"longshore services,".

SECTION 2. Chapter 90 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by inserting therein two new sections to be numbered and to read as follows:

"Sec. 4987.01. Longshore services.

(a) Definitions. As used in this chapter, unless otherwise indicated by the context.

The term 'longshore services' means and includes services ordinarily or necessarily performed in or for the loading, unloading, stowing and handling of freight, goods, wares, and merchandise of every kind arriving for shipment or discharge by or from water-borne transport at, or moving on, over or across a dock, wharf, pier, quay, bulkhead or landing, including without prejudice to the generality of the foregoing all services in connection therewith at or on such water-borne transport, dock, wharf, pier, quay, bulkhead or landing, or any other place.

The term 'longshoremen' includes stevedores, longshoremen, dock checkers, tally clerks, winch drivers, hatch tenders, slingers, coopers, spotters, carloaders, and all other persons whose services are encompassed within longshore services, but does not include administrative or clerical personnel, or supervisory personnel unless classed as longshoremen by the board of harbor commissioners.

The term 'territorial longshore services' means longshore services performed by longshoremen employed by the board.

(b) Powers. The board, if and to the extent necessary or advisable, in order that it may establish and maintain upon a practical, efficient, economical basis, territorial longshore services at the docks, wharves, piers, quays, bulkheads and landings, belonging to or controlled by the Territory (hereinafter called 'territorial facilities'), may do any or all of the following: (1) prohibit the use of such territorial facilities, or any of them, other than territorial longshore services; (2) offer and furnish territorial longshore services at other than territorial facilities.

(c) Longshoremen. Longshoremen shall be part-time or full-time employees of the Territory as the case may be, and shall be subject to all of the provisions of law relating to such employment, except that Chapter 3 shall not apply thereto. The board of harbor commissioners shall fix and adjust, from time to time,

the rates of compensation for such longshoremen."

"Sec. 4998.02. Longshore services fund; rates.

(a) There is hereby established in the treasury of the Territory a revolving fund to be known as the 'longshore services revolving fund'. There shall be deposited in such fund all moneys appropriated by the legislature therefor and all revenues derived from longshore services. From time to time there shall be transferred to the general fund any surplus therein resulting from the operations of the board not required for such operations.

(b) Expenditures may be made from said fund by the board for the furnishing of territorial longshore services, including without limitation of the generality of the foregoing, the compensation of longshoremen, administrative, clerical and supervisory personnel, other personal services, other current expenses, and the acquisition, renting or leasing of equipment and other facilities.

(c) Sections 4996 and 4998 shall not apply to longshore services or the revenue therefrom. The revenue from longshore services shall not be pledged for the payment of any bonds, and longshore services shall not be deemed part of any undertaking charged with the payment of bonds. The board shall have recourse to the territorial insurance fund for any purpose having to do with longshore services, as provided by law.

(d) Charges shall be made and collected by the board

for longshore services at reasonable rates, based on the expenses of furnishing such services (including general administrative overhead or a proper pro rato thereof) and the cost to the Territory of the equipment and facilities used."

SECTION 2. There is hereby appropriated to the longshore services revolving fund from the general fund of the Territory the sum of $_____. When and if necessary in the opinion of the governor, further deposits may be made in said revolving fund as a loan or loans from the general fund, but the amount of such loans outstanding at any one time shall not exceed $_____.

SECTION 3. 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 the 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 4. This Act shall take effect upon its approval.

Introduced by:

Senator, _____ District

Honolulu, T. H.,
July 26, 1949.

Senate Bill No. 7

# SENATE

## The Legislature
of the
## Territory of Hawaii
SPECIAL SESSION 1949

# AN ACT

TO AMEND CHAPTER 219 OF THE REVISED LAWS OF HAWAII 1945, ENTITLED "REPLEVIN, AIDS TO", BY AMENDING THE TITLE THEREOF, BY AMENDING SECTIONS 10461, 10462, 10464, 10466, 10468 AND 10471, AND BY ADDING A NEW SECTION THERETO.

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| Introduced | July 26 | , 19 49, by |
| Senator | WM. H. HEEN | |

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| First Reading in Senate | July 26, 1949 |
| Referred to Printing Committee | -- |
| Second Reading in Senate | July 27, 1949 |
| Referred to | |
| Third Reading in Senate | |

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| 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. 7

A N  A C T

TO AMEND CHAPTER 219 OF THE REVISED LAWS OF HAWAII 1945, ENTITLED "REPLEVIN, AIDS TO", BY AMENDING THE TITLE THEREOF, BY AMENDING SECTIONS 10461, 10462, 10464, 10466, 10468 AND 10471, AND BY ADDING A NEW SECTION THERETO.

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

SECTION 1. The title of Chapter 219 of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"CHAPTER 219, CLAIM AND DEMAND".

SECTION 2. Sections 10461, 10462, 10464, 10466, 10468 and 10471 of the Revised Laws of Hawaii 1945, are hereby amended to read as follows:

"Sec. 10461. Delivery of personal property, when it may be claimed. The plaintiff in an action to receive or recover the possession of personal property may, at the time of issuing the summons, or at any time before issue being joined in the action, claim the delivery to him of such personal property. If such property is a portion of divisible property of uniform kind, quality and value, the plaintiff may claim delivery or recovery of his portion.

Sec. 10462. Affidavit and its requisites. Where a delivery is claimed, an affidavit shall be made by the plaintiff or by someone in his behalf, showing:

1. That the plaintiff is entitled to the immediate possession of the property claimed;

2. A particular description of the property claimed. If the property claimed is a portion of divisible property of uniform kind, quality and value, the affidavit shall so state, and the amount thereof which the the plaintiff claims;

3. The actual value of the property claimed;

4. That the property has not been taken for a tax, assessment or fine pursuant to a statute, or seized under an execution or an attachment against the plaintiff or his property, or if so seized that it is by statute exempt from such seizure;

5. That the property is in the possession of the defendant and a statement of the facts and circumstances relating to the possession thereof by the defendant, according to the plaintiff's best knowledge or belief.

Sec. 10464. Bond by plaintiff; seizure; service of certain papers. Upon receipt of the affidavit and notice, with a written undertaking executed by two or more sureties approved by the officer or by a corporate surety authorized to act as surety in the Territory, as is provided by Sec. 497, to the effect that they or it are or is bound to the defendant in double the value of the property, as stated in the affidavit, for the prosecution of the action for the return of the property to the defendant, if return thereof be adjudged, and for the payment to the defendant of such sum as may from any cause be recovered against the plaintiff, the officer shall forthwith take the property described in the affidavit if it be in the possession of the defendant or his agent, and retain it in his custody. He shall also, without delay, serve on the defendant a copy of the affidavit, notice and undertaking, by delivering the same to him personally if he can be found, or to his agent from whose possession the property is taken; or if neither can be found, by leaving them at the usual place of abode of either, with some person of suitable age and discretion; or if neither has any known place of abode, by putting them in the nearest post office, postpaid, and addressed to the defendant at his last known place of residence. In the case of a corporation defendant, such service shall be made in the manner provided by Chapter 159.

Sec. 10466. Objections to sureties. The defendant may, within two days after the service upon him, or his agent, as above provided, of a copy of the affidavit and undertaking, or, if he be served with such copy upon an island other than that upon which such action is commenced, within five days after such service, give notice in writing to the officer or his superiors at the seat of the court issuing the process therein, that he objects to the sufficiency of the sureties. If he fails to give such notice within the time specified, he shall be deemed to have waived all objection to them. When the defendant excepts, the sureties or others in their place shall justify as

hereinafter provided; but where other sureties are substitued for the original, there shall be a new undertaking.

Sec. 10468. Manner of justifying. The manner of justifying shall be by making oath to the following facts, by each surety;

1. If an individual, that he is resident within the Territory, stating his place of residence, and is either a freeholder or a householder therein;

2. If an individual, that he is worth the amount specified in his undertaking to the defendant, over and above all debts and liabilities in property unencumbered, and not exempt from sale under execution. To this end he may be examined by the judge, clerk or justice, or by the defendant or his attorney, if present, concerning his sufficiency. The examination shall, in all cases, be reduced to writing and subscribed by the surety, if required by the defendant. The officer holding such examination shall certify the same and attach it to the written undertaking of the sureties;

3. If the surety be a corporation claiming to be authorized to do business in the Territory pursuant to the provisions of Sec. 497, proof that such corporation is authorized under said section to do a surety business within the Territory and to execute an undertaking equal in amount to the undertaking shall be given pursuant to Sec. 10464.

Sec. 10471. Bond for delivery to defendant; justification of sureties. At any time before the delivery of the property to the plaintiff the defendant may, if he does not except to the sureties of the plaintiff, require the return thereof upon giving to the officer a written undertaking executed by two or more sufficient sureties, if individual, or by a corporate surety authorized to act in the Territory as provided by Sec. 497, to the effect that they are bound in double the value of the property, as stated in the affidavit of the plaintiff, for the delivery thereof to the plaintiff, if such delivery be adjudged, and for the payment to him of such sum as may, for any cause, be recovered against the defendant. If a return of the property be not so required within five days after the taking and service of notice to the defendant, it must be delivered to the plaintiff, except where the property is claimed by a third party, as is provided in Section 10470.

The defendant's sureties, upon notice to the plaintiff of not less than two days nor more than five days, shall justify before a judge or the clerk of the court in which the action is pending in the same manner

as is required in the case of justification of sureties by Section 10468."

SECTION 3. Chapter 219 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto two new sections, which shall be appropriately numbered by the Secretary of Hawaii, and shall read as follows:

"Sec._____ Costs. The plaintiff shall recover no fees, costs or expenses in any such proceeding unless he shall prove that the defendant was able to put the plaintiff in possession of such property and that the defendant, without right or justification, refused to do so."

"Sec._____ Process on Sunday. If the plaintiff alleges in his petition that he will lose the property unless process issues on Sunday, the seizing officer may take possession thereof on Sunday."

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

Introduced by:

Senator, _____ District

Honolulu, T. H.,

July 26, 1949.

Senate Bill No. 8

# SENATE

## The Legislature
of the
## Territory of Hawaii
SPECIAL SESSION 1949

# AN ACT

TO AMEND CHAPTER 219 OF THE REVISED LAWS OF HAWAII 1945, ENTITLED "REPLEVIN; AIDS TO", BY ADDING A NEW PART THERETO TO BE DESIGNATED AS "PART II, SPECIAL PROCEEDINGS FOR IMMEDIATE POSSESSION OF PERSONAL PROPERTY".

| | | |
|---|---|---|
| Introduced | July 26 | , 1949, by |
| Senator | WM. H. HEEN | |

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| First Reading in Senate | July 26, 1949 |
| Referred to Printing Committee | --- |
| Second Reading in Senate | July 27, 1949 |
| Referred to | |
| Third Reading in Senate | |

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| 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. 8

A N  A C T

TO AMEND CHAPTER 219 OF THE REVISED LAWS OF HAWAII 1945, ENTITLED "REPLEVIN, AIDS TO", BY ADDING A NEW PART THERETO TO BE DESIGNATED AS "PART II, SPECIAL PROCEEDINGS FOR IMMEDIATE POSSESSION OF PERSONAL PROPERTY."

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

SECTION 1. Chapter 219 of the Revised Laws of Hawaii 1945, is hereby amended by adding a new part thereto, to be designated as "Part II, Special Proceedings for Immediate Possession of Personal Property," consisting of nine sections to be appropriately numbered by the Secretary of Hawaii, and to read as follows:

"Sec._____Where Brought - Petition. A special proceeding may be brought to secure the immediate possession of personal property in the circuit court of the judicial circuit in which the property or some ~~of the judicial circuit in which the property or some~~ part thereof is situated, by filing a verified petition showing: (1) That the plaintiff is entitled to the immediate possession of the property claimed; (2) a particular description of the property claimed; if the property claimed is a portion of divisible property of uniform kind, quality, or value, the affidavit shall so state, and the amount thereof which the plaintiff claims; (3) the actual value of the property claimed; (4) that the property has not been taken for a tax assessment, or fine pursuant to a statute, or seized under an execution or an attachment against the plaintiff or his property, or if so seized that it is by statute exempt from such seizure; (5) that the property is in the possession of the defendant and a statement of the facts and circumstances relating to the possession thereof by the defendant, according to the plaintiff's best knowledge and belief; (6) the names of all persons other than the named defendant or defendants having or claiming or who might have or claim to have an interest in the property, according to the best belief of plaintiff.

Sec._____Procedure. When the plaintiff desires the immediate delivery of the property, he shall execute

a bond to the defendant and to all persons named in the petition as having an interest therein, of such amount and with such sureties as shall be approved by the judge, conditioned that he will appear on the day fixed by the court and prosecute his action to judgment, and return the property, if a return is awarded, and pay all costs and damages that may be adjudged against him. Upon the filing of the petition with the bond, as aforesaid, and the filing of a motion for immediate consideration of the matter, the judge shall forthwith inquire into the matter, ex parte or otherwise, as in his discretion he shall determine. If thereupon the judge shall find that a claim for relief under Part II of this Chapter has been established, he shall issue an order under his hand and seal directed to the high sheriff, or his deputy, or the sheriff of the city and county, or the chief of police, or an authorized police officer of any county where the action is brought, or his deputy, to take the property therein described and deliver the same to the plaintiff.

Sec._____New Parties. Any person designated in the petition as having an interest in the property or any third person claiming any interest therein may upon amended petition of the plaintiff be brought in as a party co-defendant, or by motion of the defendant be substituted as a party, or may himself intervene in the special proceeding in the manner provided by Section 10049.

Sec._____Execution of the Order. The officer to whom an order has been issued shall forthwith execute the same by taking possession of the property therein described, for which purpose he may enter in or upon any enclosure or other property, including any building or other structure, vehicle, vessel, or aircraft, and may, upon denial of entrance and after exhibiting his authority if requested, use necessary force to secure such entrance.

Sec._____Examination of Defendant. When it appears by the return of the officer to whom the order was issued that the property claimed has been disposed of or concealed so that the order cannot be executed, the judge, upon motion and affidavit, may compel the attendance of the defendant or other person claiming or concealing the property, to examine him on oath as to the situation of the property, and punish a wilful obstruction or hindrance or disobedience to the order of the court in this respect as in the case of contempt.

Sec._____Delivery Bond. The officer, having

taken possession of the property or any part thereof, shall forthwith deliver the same to the plaintiff, unless, before the actual delivery to him, the defendant, or any person claiming an interest and a right to the possession thereof, upon making an affidavit of his interest and of his right to the possession stating the grounds thereof, executes a bond to the plaintiff in such amount and with such sureties as shall be approved by the judge, conditioned that he will appear in and defend the action, and deliver the property to the plaintiff, if the plaintiff recovers judgment therefor, in as good condition as it was when the action was commenced, and that he will pay all costs and damages that may be adjudged against him for the taking or detention of the property.

Sec._____Return of Officer. The officer shall return the order on or before the return day specified in the order issued to him and state fully what he has done thereunder. If he has taken any property he shall describe the same particularly.

Sec._____Judgment. The judgment shall determine which party is entiled to the possession of the property and shall designate his right therein and if such party have not the possession thereof shall also determine the value of the right of such party, and shall also award damages for the detention thereof. If the judgment be against the plaintiff for the money value of the property it shall also be against the sureties on his bond.

Sec._____Plaintiff's Option. If the party found to be entitled to the property be not already in possession thereof by delivery under the provisions of Part II of this Chapter, or otherwise, he may at his option have an execution for the delivery of the specific property, or for the value thereof, and if any article of the property cannot be obtained on execution, he may take the remainder with the value of the missing articles."

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

Introduced by:

Senator, _____ District

Honolulu, T. H.,

July 26, 1949

Senate Bill No. 9

# SENATE

## The Legislature
of the
## Territory of Hawaii
SPECIAL SESSION 1949

# AN ACT

RELATING TO SUITS BY AND AGAINST LABOR ORGANIZATIONS.

Introduced July 26, 1949, by
Senator WM. H. HEEN

| | |
|---|---|
| First Reading in Senate | July 26, 1949 |
| Referred to Printing Committee | -- |
| Second Reading in Senate | July 27, 1949 |
| Referred to | |
| Third Reading in Senate | |

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| 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. 9

A N  A C T

RELATING TO SUITS BY AND AGAINST LABOR ORGANIZATIONS.

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

SECTION 1. Suits for violation of contracts between an employer within the Territory and a labor organization representing his employees, or between any such labor organizations, may be brought in any court of the Territory having jurisdiction of the parties.

SECTION 2. Any labor organization which represents employees of an employer within the Territory, and any employer within the Territory shall be bound by the acts of its agents. Any such labor organization may sue or be sued as an entity and in behalf of the employees whom it represents in the courts of the Territory. Any money judgment against a labor organization in the courts of the Territory shall be enforceable only against the organization as an entity and against its assets, and shall not be enforceable against any individual member or his assets.

SECTION 3. For the purposes of actions and proceedings by or against labor organizations in the courts of the Territory, circuit courts shall be deemed to have jurisdiction of a labor organization (a) in the circuit in which such organization maintains its principal office within the Territory, or (b) in any circuit in which its duly authorized officers or

agents are engaged in representing or acting for employee members.

SECTION 4. The service of summons, subpoena, or other legal process of any court of the Territory upon an officer or agent of a labor organization, in his capacity as such, shall constitute service upon the labor organization.

SECTION 5. For the purposes of this Act, in determining whether any person is acting as an "agent" of another person so as to make such other person responsible for his acts, the question of whether the specific acts performed were actually authorized or subsequently ratified shall not be controlling.

The term "labor organization" as used in this Act shall mean any organization of employees which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning wages, hours and other terms and conditions of employment.

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

Introduced by:

[illegible] Senator, [illegible] District

Honolulu, T. H.
July 26, 1949.

Senate Bill No. 10

# SENATE

## The Legislature
of the
## Territory of Hawaii

SPECIAL SESSION 1949

# AN ACT

TO PROHIBIT INTERFERENCE WITH ANY LAWFUL WORK OR OCCUPATION OR INTIMIDATING OR HARASSING FAMILIES BY PICKETING HOMES, AND TO PROVIDE PENALTIES.

| | | |
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| Introduced | JULY 26 | , 19 49, by |
| Senator | WM. H. HEEN | |

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| First Reading in Senate | July 26, 1949 |
| Referred to Printing Committee | |
| Second Reading in Senate | July 27, 1949 |
| Referred to | |
| Third Reading in Senate | |

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| 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. 10

A N  A C T

TO PROHIBIT INTERFERENCE WITH ANY LAWFUL WORK OR OCCUPATION OR INTIMIDATING OR HARASSING FAMILIES BY PICKETING HOMES, AND TO PROVIDE PENALTIES.

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

SECTION 1. It shall be unlawful for any two or more persons to prevent or attempt to prevent any other person from engaging in any lawful work or occupation b picketing, patrolling or loitering before or about the home or residence of such other person; provided that nothing herein shall be deemed to prohibit the picketing in any lawful manner of the place of work or business of such other person.

SECTION 2. It shall be unlawful for any two or more persons to intimidate or harass the family or members of the household of any other person by picketing, patrolling or loitering before or about the home or residence of such other person; provided, that nothing herein shall be deemed to prohibit the picketing in any lawful manner of the place of work or business of such other person.

SECTION 3. Any person violating this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed $200. or by imprisonment for not more than six months, or both such fine or imprisonment.

SECTION 4. 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 toher sections, sentences, calsues or phrases be declared unconstitutional or invalid.

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

Introduced by:



Senator, ____ District

Honolulu, T. H.,
July 26, 1949

Senate Bill No. 11

# SENATE

## The Legislature
of the
## Territory of Hawaii

SPECIAL SESSION 1949

# AN ACT

RELATING TO JUDICIAL PROCEDURE, PARTIES TO ACTIONS, AND SERVICE OF JUDICIAL PROCESSES AND CERTAIN OTHER NOTICES.

| | | |
|---|---|---|
| Introduced | July 26 | , 19 49 by |
| Senator | WM. H. HEEN | |

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| First Reading in Senate | July 26, 1949 |
| Referred to Printing Committee | -- |
| Second Reading in Senate | July 27, 1949 |
| Referred to | |
| Third Reading in Senate | |

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| 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. 11

A N  A C T

RELATING TO JUDICIAL PROCEDURE, PARTIES TO ACTIONS, AND SERVICE OF JUDICIAL PROCESSES AND CERTAIN OTHER NOTICES.

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

SECTION 1. When two or more persons associate and act, whether for profit or not, under a common name, including associating and acting as a labor organization or employer organization, whether such common name comprises the names of such persons or not, they may sue in or be sued by such common name, and the process shall be served on any officer, trustee or agent of such association if he can be found, or if no such officer, trustee or agent can be found as shown by the return of the serving officer, then upon any one or more members of the association. Any such service shall constitute service upon the association. The judgment in such cases shall accrue to the joint or common benefit of and bind the joint or common property of the association, the same as though all members had been named as parties to the action. No such judgment shall be enforceable against any individual or his individual assets unless he has been joined and served as an individual party to the action.

SECTION 2. The transaction of any acts, business or activities within the Territory by any officer, agent, representative, employee or member of any such association having officers, agents, members or property without the Territory, on behalf of such association, or any of its members or affiliated local associations, shall be deemed an appointment by such association of the Treasurer of the Territory to be the true and lawful attorney of such association, upon whom may be served all legal processes or

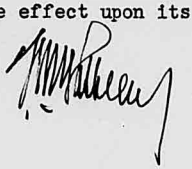
notices in any action or proceeding against or involving such association growing out of such acts, business or activities within the Territory giving rise to any cause of action, and such acts, business or activities shall be a signification of the agreement of such association and its members that any such process or notice in any action, matter or proceeding against or involving it, which it so served, shall be of the same legal force and validity as if served upon such association and its members personally. Service of such process or notice shall be made by filing a copy thereof in the office of the Treasurer of the Territory together with payment of a fee of $5.00 and such service shall be sufficient service upon such association and its members; and notice of such service and a copy of the process or notice shall, within ten days thereafter, be sent by registered mail by the Treasurer to such association at its last known address and an affidavit of compliance with the provisions of this chapter shall be filed with the Court or other territorial agency or department before which the action, matter or proceeding is pending.

SECTION 3. Nothing herein contained shall be construed to amend or repeal Chapter 163 or Section 10040, Revised Laws of Hawaii 1945, as amended.

SECTION 4. The provisions of this Act are severable and if any provisions of this Act or the application thereof to any person or circumstances shall be adjudged to be invalid by any court of competent jurisdiction, such invalidity shall not affect the provisions or application of this Act which can be given effect without the provisions or application held invalid.

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

INTRODUCED BY:



REPRESENTATIVE, DISTRICT
July , 1949

Senate Bill No. 12

# SENATE

## The Legislature
of the
## Territory of Hawaii
SPECIAL SESSION 1949

# AN ACT

RELATING TO MASS PICKETING, DEFINING THE SAME, MAKING THE SAME AN OFFENSE, AND PRESCRIBING THE PUNISHMENT THEREFOR.

Introduced July 26 , 19 49, by

Senator WM. H. HEEN

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|---|---|
| First Reading in Senate | July 26, 1949 |
| Referred to Printing Committee | -- |
| Second Reading in Senate | July 27, 1949 |
| Referred to | |
| Third Reading in Senate | |

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| 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.12

A N  A C T

RELATING TO MASS PICKETING, DEFINING THE SAME, MAKING THE SAME AN OFFENSE, AND PRESCRIBING THE PUNISHMENT THEREFOR.

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

SECTION 1. Mass picketing. It shall be unlawful for any person to engage in mass picketing. For the purpose of this Act: "mass picketing" is defined as assembling or congregating on any street or highway or other public place for the purpose of physically preventing or obstructing free ingress and egress to and from any place of employment which is affected by a labor dispute; a "labor dispute" is defined as including any controversy concerning wages, hours or other terms or conditions of employment or concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange wages, hours or terms or conditions of employment.

SECTION 2. Penalty. Any person who shall engage in mass picketing shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed two hundred dollars or by imprisonment for not more than six months, or both such fine and imprisonment.

SECTION 3. Effective date. This Act shall take effect on its approval.

INTRODUCED BY:

SENATOR, DISTRICT

July , 1949.

Senate Bill No. 13

# SENATE

## The Legislature
of the
## Territory of Hawaii

SPECIAL SESSION 1949

# AN ACT

RELATING TO THE REFUSAL TO MOVE AS DIRECTED BY A PEACE OFFICER TO PROVIDE INGRESS AND EGRESS, MAKING THE SAME AN OFFENSE, AND PRESCRIBING THE PUNISHMENT THEREFOR.

Introduced July 26 , 19 49 , by

Senator WM. H. HEEN

| | |
|---|---|
| First Reading in Senate | July 26, 1949 |
| Referred to Printing Committee | -- |
| Second Reading in Senate | July 27, 1949 |
| Referred to | |
| Third Reading in Senate | |

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| 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. 13

A N  A C T

RELATING TO THE REFUSAL TO MOVE AS DIRECTED BY A PEACE OFFICER TO PROVIDE INGRESS AND EGRESS, MAKING THE SAME AN OFFENSE, AND PRESCRIBING THE PUNISHMENT THEREFOR.

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

SECTION 1. Refusal to provide ingress or egress. Whenever ingress to or egress from any public or private place shall be obstructed by any person or persons in such manner as not to leave a free passageway for persons and vehicles lawfully seeking to enter or leave such place, it shall be the duty of any police or other peace officer to direct such person or persons to move so as to provide and maintain a free and unobstructed passageway for persons and vehicles lawfully going into or out of such place. It shall be unlawful for any person to refuse or wilfully fail to move as directed by such officer.

SECTION 2. Penalty. Any person who shall refuse or wilfully fail to move as directed by such officer shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed two hundred dollars or by imprisonment for not more than six months, or both such fine and imprisonment.

SECTION 3. Effective date. This Act shall take effect on its approval.

INTRODUCED BY:

SENATOR, DISTRICT

July , 1949.

Senate Bill No. 14

# SENATE

## The Legislature
of the
## Territory of Hawaii

SPECIAL SESSION 1949

# AN ACT

TO PROVIDE CRIMINAL PENALTIES FOR WILFULLY AND KNOWINGLY MAKING, CIRCULATING OR TRANSMITTING FALSE STATEMENTS AFFECTING EMPLOYER-EMPLOYEE RELATIONS.

Introduced July 26 , 1949 , by
Senator WM. H. HEEN

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|---|---|
| First Reading in Senate | July 26, 1949 |
| Referred to Printing Committee | -- |
| Second Reading in Senate | July 27, 1949 |
| Referred to | |
| Third Reading in Senate | |

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| 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. 14

AN ACT

TO PROVIDE CRIMINAL PENALTIES FOR WILFULLY AND KNOWINGLY MAKING, CIRCULATING OR TRANSMITTING FALSE STATEMENTS AFFECTING EMPLOYER-EMPLOYEE RELATIONS.

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

SECTION 1. Any person who wilfully makes, circulates or transmits to another or others any statement or rumor, written, printed or by word of mouth, which he knows to be untrue in fact, for the purpose of inducing the employees of any employer to go or continue on strike, or for the purpose of inducing any employer to institute or continue a lockout of his employees, or for the purpose of influencing or affecting the result of any vote of any such employees as to whether they shall accept or reject any proposal relating to the terms and conditions of their employment or as to whether they shall go or continue on strike, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by fine of not exceeding one thousand dollars or by imprisonment for not exceeding one year, or both such fine and imprisonment.

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

INTRODUCED BY:

SENATOR, _____ DISTRICT.

July _____, 1949.

Senate Bill No. 15

# SENATE

Grossed amended form 8/17/49 EPH

## The Legislature
of the
## Territory of Hawaii

SPECIAL SESSION 1949

# AN ACT

RELATING TO CONSPIRACY, AMENDING SECTIONS 11120, 11128 AND 11129 OF THE REVISED LAWS OF HAWAII 1945, REPEALING SECTIONS 11127 AND 11130 THEREOF, AND ENACTING A NEW SECTION OF THE REVISED LAWS OF HAWAII 1945 TO BE NUMBERED 11127.01.

Introduced July 26, 1949, by
Senator WM. H. HEEN

First Reading in Senate July 26, 1949
Referred to Printing Committee --
Second Reading in Senate July 27, 1949
Referred to COMMITTEE OF THE WHOLE SENATE
Third Reading in Senate August 12, 1949.

First Reading in House August 12, 1949
Referred to COMMITTEE OF THE WHOLE HOUSE
Second Reading in House August 15, 1949
Referred to
Third Reading in House August 16, 1949

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 15

AN ACT

TO AMEND SECTIONS 11120, 11127, 11128, AND 11129 OF THE REVISED LAWS OF HAWAII 1945, AND TO REPEAL SECTION 11130 THEREOF, ALL RELATING TO CONSPIRACY.

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

SECTION 1. Section 11120 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 11120. Conspiracy defined. If two or more persons conspire:

1. To commit any crime, or

2. To cause, instigate, or incite another or others to commit any crime, or

3. To bring or maintain any suit or proceeding knowing the same to be groundless, or

4. To cause another or others to be arrested, charged or indicted for crime, knowing them to be innocent thereof,

they shall be guilty of conspiracy."

SECTION 2. Section 11127 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 11127. Witnesses' privileges. No person shall be excused from attending and testifying, or producing any books, papers or other documents, at a trial for conspiracy, upon the ground that the testimony or evidence, documentary or otherwise, required of him may tend to convict him of a crime, or to subject him to a penalty or forfeiture; but no individual shall be prosecuted, or subjected to any penalty or forfeiture, for or on account of any transaction, matter or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury in so testifying."

SECTION 3. Section 11128 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 11128. First degree. Conspiracy to commit a felony, or to cause, instigate, or incite another or others

to commit a felony, or to cause another or others to be arrested, charged, or indicted for felony knowing them to be innocent thereof, is conspiracy in the first degree, and shall be punished by imprisonment at hard labor for not more than ten years, or by a fine not exceeding ten thousand dollars, or by both such fine and imprisonment; provided that the punishment for such conspiracies shall not exceed the punishment that could be given for commission of the felony involved in the conspiracy."

SECTION 4. Section 11129 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 11129. Second degree. Conspiracy not included in section 11128 is conspiracy in the second degree, and shall be punished by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or by both such fine and imprisonment."

SECTION 5. Section 11130 of the Revised Laws of Hawaii 1945 is hereby repealed.

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

Introduced by:

SENATOR, _____ DISTRICT.

JULY _____, 1949.

S. B. No. 15
S. D. 1

A N  A C T

RELATING TO CONSPIRACY, AMENDING SECTIONS 11120, 11128 AND 11129 OF THE REVISED LAWS OF HAWAII 1945, REPEALING SECTIONS 11127 AND 11130 THEREOF, AND ENACTING A NEW SECTION OF THE REVISED LAWS OF HAWAII 1945 TO BE NUMBERED 11127.01.

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

SECTION 1. Section 11120 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 11120. Conspiracy defined. If two or more persons conspire:

1. To commit any offense, or

2. To instigate or incite another or others to commit any offense, or

3. To bring or maintain any suit or proceeding knowing the same to be groundless, or

4. To cause another or others to be arrested, charged or indicted for any offense, knowing them to be innocent thereof,

each shall be guilty of conspiracy."

SECTION 2. There is hereby added to chapter 243 of the Revised Laws of Hawaii 1945 a new section 11127.01 to read as follows:

"Sec. 11127.01. Witnesses' privileges. No person shall be excused from attending and testifying, or producing any books, papers or other documents, at a trial for conspiracy, upon the ground that the testimony or evidence, documentary or otherwise, required of him may tend to convict him of a crime, or to subject him to a penalty or forfeiture; but no individual shall be prosecuted, or subjected to any penalty or forfeiture, for or on account of any transaction, matter or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury in so testifying."

SECTION 3. Section 11128 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 11128. First degree. Conspiracy to commit a felony, or to instigate or incite another or others to commit a felony, or to cause another or others to be arrested, charged, or indicted for a felony, knowing them to be innocent thereof, is conspiracy in the

first degree, and shall be punished by imprisonment at hard labor for not more than ten years, or by a fine not exceeding ten thousand dollars, or by both such fine and imprisonment; provided, that the punishment for any conspiracy to commit a felony, or to instigate or incite another or others to commit a felony, shall not exceed the punishment that could be given for commission of the felony involved in the conspiracy."

SECTION 4. Section 11129 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 11129. Second degree. Conspiracy not included in section 11128 is conspiracy in the second degree, and shall be punished by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or by both such fine and imprisonment."

SECTION 5. Sections 11127 and 11130 of the Revised Laws of Hawaii 1945 are hereby repealed.

SECTION 6. If any section, sentence, clause or phrase of this Act, or its application to any person or circumstances, is for any reason held to be unconstitutional or invalid, the remaining portions of this Act, or the application of this Act

to other persons or circumstances, shall not be affected. The legislature hereby declares that it would have passed this Act and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 7. This Act shall take effect upon its approval; provided, that this Act shall not affect the liability of any person to prosecution and punishment for the offense of conspiracy committed prior to said effective date and all such offenses may be prosecuted and punished the same as if this Act had not been enacted.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., August 12, 1949.

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

President of the Senate

Clerk of the Senate.

S. B. No. 15
S. D. 1
H. D. 1

A N  A C T

RELATING TO CONSPIRACY, AMENDING SECTIONS 11120, 11128 AND 11129 OF THE REVISED LAWS OF HAWAII 1945, REPEALING SECTIONS 11127 AND 11130 THEREOF, AND ENACTING A NEW SECTION OF THE REVISED LAWS OF HAWAII 1945 TO BE NUMBERED 11127.01.

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

SECTION 1. Section 11120 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 11120. Conspiracy defined. If two or more persons conspire:

1. To commit any offense, or

2. To instigate or incite another or others to commit any offense, or

3. To bring or maintain any suit or proceeding knowing the same to be groundless, or

4. To cause another or others to be arrested, charged or indicted for any offense,

knowing them to be innocent thereof, each shall be guilty of conspiracy."

SECTION 2. There is hereby added to chapter 243 of the Revised Laws of Hawaii 1945 a new section 11127.01 to read as follows:

"Sec. 11127.01. Witnesses' privileges. No person shall be excused from attending and testifying, or producing any books, papers or other documents, in any proceeding involving a conspiracy before any grand jury, district court or magistrate, or circuit court or judge, upon the ground that the testimony or evidence, documentary or otherwise, required of him may tend to convict him of a crime, or to subject him to a penalty or forfeiture; but no individual shall be prosecuted, or subjected to any penalty or forfeiture, for or on account of any transaction, matter or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury in so testifying."

SECTION 3. Section 11128 of the Revised Laws of Hawaii

1945 is hereby amended to read as follows:

"Sec. 11128. First degree. Conspiracy to commit a felony, or to instigate or incite another or others to commit a felony, or to cause another or others to be arrested, charged, or indicted for a felony, knowing them to be innocent thereof, is conspiracy in the first degree, and shall be punished by imprisonment at hard labor for not more than ten years, or by a fine not exceeding ten thousand dollars, or by both such fine and imprisonment; provided, that the punishment for any conspiracy to commit a felony, or to instigate or incite another or others to commit a felony, shall not exceed the punishment that could be given for commission of the felony involved in the conspiracy."

SECTION 4. Section 11129 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 11129. Second degree. Conspiracy not included in section 11128 is conspiracy in the second degree, and shall be punished by imprisonment for not more than one year, or by a fine of

not more than one thousand dollars, or by both such fine and imprisonment; provided, that the punishment for any conspiracy to commit a misdemeanor, or to instigate or incite another or others to commit a misdemeanor, shall not exceed the punishment that could be given for commission of the misdemeanor involved in the conspiracy."

SECTION 5. Sections 11127 and 11130 of the Revised Laws of Hawaii 1945 are hereby repealed.

SECTION 6. If any section, sentence, clause or phrase of this Act, or its application to any person or circumstances, is for any reason held to be unconstitutional or invalid, the remaining portions of this Act, or the application of this Act to other persons or circumstances, shall not be affected. The legislature hereby declares that it would have passed this Act and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, sentences,

clauses or phrases be declared unconstitutional or invalid.

SECTION 7. This Act shall take effect upon its approval; provided, that this Act shall not affect the liability of any person to prosecution and punishment for the offense of conspiracy committed prior to said effective date and all such offenses may be prosecuted and punished the same as if this Act had not been enacted.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., August 16, 1949

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

Hiram L. Fong
Speaker, House of Representatives.

Jas K. Achong
Clerk, House of Representatives.

Senate Bill No. 16

# SENATE

## The Legislature
of the
## Territory of Hawaii
SPECIAL SESSION 1949

# AN ACT

TO AMEND SECTION 10750 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO BONDS TO KEEP THE PEACE.

Introduced July 26 , 1949 , by
Senator WM. H. HEEN

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|---|---|
| First Reading in Senate | July 26, 1949 |
| Referred to Printing Committee | -- |
| Second Reading in Senate | July 27, 1949 |
| Referred to | COMMITTEE OF THE WHOLE SENATE |
| Third Reading in Senate | August 12, 1949. |

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

ELLEN D. SMYTHE
*Clerk of the Senate*

Aug 17th
Com whole Rep 6 - Carried

S.B. No. 16

AN ACT

TO AMEND SECTION 10750 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO BONDS TO KEEP THE PEACE.

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

SECTION 1. Section 10750 of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"Sec. 10750. Offense against complainant, arrest. When anyone fears that another intends by means of violence or any unlawful act to commit an offense against his person or property, he may apply to any district magistrate, who shall take the declaration of the applicant, under oath, reduced to writing, and if it appears that he has good reason to fear the commission of the offense, the magistrate may cause the person complained of to be arrested and brought before him by warrant."

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

INTRODUCED BY:



SENATOR, 1 DISTRICT.

July _____, 1949.

Senate Bill No. 17

# SENATE

## The Legislature
of the
## Territory of Hawaii
SPECIAL SESSION 1949

# AN ACT

TO PROTECT THE SAFETY AND WELFARE OF THE PEOPLE OF THE TERRITORY OF HAWAII, TO PREVENT THE USE OF LABOR DISPUTES IN FURTHERANCE OF A PURPOSE TO OVERTHROW THE GOVERNMENT OF THE TERRITORY OF HAWAII BY FORCE AND VIOLENCE AND OTHER ILLEGAL MEANS, AND PROVIDING PENALTIES THEREFOR.

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|---|---|---|
| Introduced | July 26 | , 19 49 , by |
| Senator | WM. H. HEEN | |

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|---|---|
| First Reading in Senate | July 26, 1949 |
| Referred to Printing Committee | -- |
| Second Reading in Senate | July 27, 1949 |
| Referred to | |
| Third Reading in Senate | |

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

ELLEN D. SMYTHE
*Clerk of the Senate*

Jul 13 filed

S.B. No. 17

AN ACT

TO PROTECT THE SAFETY AND WELFARE OF THE PEOPLE OF THE TERRITORY OF HAWAII, TO PREVENT THE USE OF LABOR DISPUTES IN FURTHERANCE OF A PURPOSE TO OVERTHROW THE GOVERNMENT OF THE TERRITORY OF HAWAII BY FORCE AND VIOLENCE AND OTHER ILLEGAL MEANS, AND PROVIDING PENALTIES THEREFOR.

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

SECTION 1. Declaration of legislative policy and findings.

The Territory of Hawaii, by reason of its geographical position, the nature of its economy and the characteristics of its basic industries (the production, manufacture and transportation of sugar and pineapples), is particularly vulnerable to strikes, work stoppages and labor disputes so that the existence of such disputes and the interruption of production and transportation in such industries affect the entire economy of the Territory and the welfare of its inhabitants whether or not engaged in work in such basic industries and transportation. There is reason to believe that the Communist Party of the United States is engaged in a worldwide conspiracy to overthrow by force and violence and other illegal means the individual enterprise economic system of the United States. There is further reason to believe that as a means of achieving this unlawful end the Communist Party of the United States has caused persons dominated by it to obtain positions of power in labor organizations within the Territory of Hawaii for the accomplishment of the aforesaid unlawful purposes whereby such persons cause strikes, stoppages or other interruptions of pro-

duction and utilize collective labor activities under the guise of achieving legitimate labor objectives but with the purpose of weakening the economy of the Territory of Hawaii, injuring economically persons whom they cannot control and creating civil unrest and disturbance, all in furtherance of the aforesaid unlawful plan. It is to the interest of the labor movement in the Territory of Hawaii that the lawful objectives of the labor movement be maintained, fostered and achieved under the direction of persons with undivided loyalty to the governments of the United States of America and of the Territory of Hawaii. It is self-evident that the people of the Territory of Hawaii, labor and management, have been unable to secure for themselves the freedom and liberty designed to be secured under the Constitution of the United States and the laws made in pursuance thereof and the laws of the Territory of Hawaii, and it is in the interest of the public generally that the people be secure against attacks and injuries resulting from the misuse for unlawful ends of economic strength in labor disputes and in collective bargaining. The necessity in the public interest for the enactment of the provisions hereof is hereby declared as a matter of legislative determination.

SECTION 2. It shall be unlawful for any officer, trustee, official, director, agent or representative, in title or in fact, of any labor organization to hold office in or represent any labor organization unless such officer, trustee, official, director, agent or representative shall comply with the provisions of Section 3 of this Act.

SECTION 3. Every officer, trustee, official, director, agent or representative, in title or in fact, now or hereafter holding office in or representing any labor organization in the Territory of Hawaii shall take, execute and file with the Department of Labor the oath or affirmation prescribed by Section 600, Revised Laws of Hawaii 1945, as amended, on forms supplied by the Department of Labor. Every such person holding office in or representing any labor organization on the effective date of this Act shall comply with the provisions of this Act within thirty days after such effective date. Any person who shall hereafter become subject to the provisions of this Act shall comply with the provisions hereof within ten days after becoming subject hereto.

SECTION 4. Any person who knowingly and wilfully violates any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment of not more than one year or by fine not exceeding $5,000 or by both such fine and imprisonment.

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

INTRODUCED BY:

SENATOR, _____ DISTRICT

July ____, 1949.

Senate Bill No. 18

# SENATE

## The Legislature
of the
## Territory of Hawaii
SPECIAL SESSION 1949

Enrolled 8/1/49 GPH

# AN ACT

TO AMEND SECTION 80 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO ASSOCIATIONS AND ORGANIZATIONS OF PUBLIC OFFICERS AND EMPLOYEES.

Introduced JULY 26 , 19 49 , by
Senator WM. H. HEEN

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|---|---|
| First Reading in Senate | July 26, 1949 |
| Referred to Printing Committee | |
| Second Reading in Senate | July 27, 1949 |
| Referred to | COMMITTEE OF THE WHOLE SENATE |
| Third Reading in Senate | August 17, 1949 |
| First Reading in House | August 17, 1949 |
| Referred to | |
| Second Reading in House | August 18, 1949 |
| Referred to | |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

S.B.NO. 18

A N  A C T

TO AMEND SECTION 80 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO ASSOCIATIONS AND ORGANIZATIONS OF PUBLIC OFFICERS AND EMPLOYEES.

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

SECTION 1. Section 80 of the Revised Laws of Hawaii 1945, as amended by Act 119, Series A-3 of the Session Laws of Hawaii 1947, is hereby further amended to read as follows:

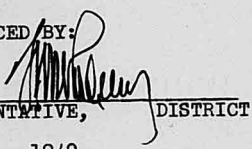
"Sec. 80. Membership in any association or other organization of public employees not affiliated with any outside organization imposing an obligation or duty upon them to engage in any strike, or proposing to assist them in any strike, by any person in the civil service, or the presenting by any such person or groups of persons of any grievance or proposal to the legislature or any public officer or body shall not constitute or be cause for reduction in rank or compensation or removal from said service. The right of any individual officer or employee in the civil service, or any group of officers or employees, or of officers and employees, to present grievances or to petition for redress of grievances to the legislature or any member thereof, or any other public officer or body, shall not be denied or interfered with. Further, no person in said service shall be required as a condition of employment or promotion to be a member of any association or organization.

"For the purposes of submitting to the legislature and its committees and members, and all other public officers and bodies, proposals concerning compensation, hours of employment and other conditions of employment, the employees shall be authorized to select and designate, in the manner hereinafter provided, one association or organization as their sole and exclusive representative. Upon the written petition of not less than five hundred employees, the secretary of the Territory shall conduct and supervise an election to determine which association or organization shall be so selected and designated. The secretary shall give notice of such election by publishing notice thereof for three successive weeks (three insertions) in a newspaper of general circulation in the Territory published in Honolulu, the first to be not less than ninety days before the date of election. Any association or organization that is nominated by the written petition of not less than five hundred employees shall be placed on the ballot. The petition for election hereinabove referred to and the petition for nomination may be combined and the signatures made applicable to each petition. The election shall be conducted by secret ballot. The secretary shall be authorized to prescribe rules and regulations (which shall not be subject to the provisions in chapter 11 respecting rules and regulations) governing the balloting so as to preserve secrecy and prevent fraud in the casting of ballots. The association or organization receiving a majority of the votes cast shall be designated as the sole and exclusive representative of the

employees for the purposes hereinabove stated. If no association or organization shall receive a majority of the votes cast, a new ballot shall be taken between the two associations or organizations receiving the highest number of votes. Not oftener than once a year and only upon the written petition of not less than five hundred employees, a new election may be held. The term 'employees' as used in this paragraph shall mean and include all officers and employees of the Territory and its political and municipal subdivisions except teachers and other persons holding certificates issued under the provisions of chapter 28, who shall be authorized to select and designate in like manner another association or organization to represent them for such purposes."

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

INTRODUCED BY:



REPRESENTATIVE, DISTRICT

July , 1949.

S. B. No. 18

A N  A C T

TO AMEND SECTION 80 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO ASSOCIATIONS AND ORGANIZATIONS OF PUBLIC OFFICERS AND EMPLOYEES.

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

SECTION 1. Section 80 of the Revised Laws of Hawaii 1945, as amended by Act 119, Series A-3 of the Session Laws of Hawaii 1947, is hereby further amended to read as follows:

"Sec. 80. Membership in any association or other organization of public employees not affiliated with any outside organization imposing an obligation or duty upon them to engage in any strike, or proposing to assist them in any strike, by any person in the civil service, or the presenting by any such person or groups of persons of any grievance or proposal to the legislature or any public officer or body shall not constitute or be cause for reduction in rank or compensation or removal from said service. The right of any individual officer or employee in the civil service, or any group of officers or employees, or of officers and employees, to present grievances or to petition for

redress of grievances to the legislature or any member thereof, or any other public officer or body, shall not be denied or interfered with. Further, no person in said service shall be required as a condition of employment or promotion to be a member of any association or organization.

For the purposes of submitting to the legislature and its committees and members, and all other public officers and bodies, proposals concerning compensation, hours of employment and other conditions of employment, the employees shall be authorized to select and designate, in the manner hereinafter provided, one association or organization as their sole and exclusive representative. Upon the written petition of not less than five hundred employees, the secretary of the Territory shall conduct and supervise an election to determine which association or organization shall be so selected and designated. The secretary shall give notice of such election by publishing notice thereof for three successive weeks (three insertions) in a newspaper of general circulation in the Territory published in Honolulu, the first to be not less than ninety days before the date of election. Any association or organization that is nominated by the written petition of not less than five hundred employees shall be placed on the ballot. The petition for election hereinabove referred to and the petition for nomination may be combined and the signatures made applicable to each petition. The election

shall be conducted by secret ballot. The secretary shall be authorized to prescribe rules and regulations (which shall not be subject to the provisions in chapter 11 respecting rules and regulations) governing the balloting so as to preserve secrecy and prevent fraud in the casting of ballots. The association or organization receiving a majority of the votes cast shall be designated as the sole and exclusive representative of the employees for the purposes hereinabove stated. If no association or organization shall receive a majority of the votes cast, a new ballot shall be taken between the two associations or organizations receiving the highest number of votes. Not oftener than once a year and only upon the written petition of not less than five hundred employees, a new election may be held. The term 'employees' as used in this paragraph shall mean and include all officers and employees of the Territory and its political and municipal subdivisions except teachers and other persons holding certificates issued under the provisions of chapter 28, who shall be authorized to select and designate in like manner another association or organization to represent them for such purposes."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., August 17, 1949.

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

Wilfred C. Tsukiyama
President of the Senate

Ellen D. Smythe
Clerk of the Senate.

S. B. No. 18
H. D. 1

# A N  A C T

TO AMEND SECTION 80 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO ASSOCIATIONS AND ORGANIZATIONS OF PUBLIC OFFICERS AND EMPLOYEES.

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

SECTION 1. Section 80 of the Revised Laws of Hawaii 1945, as amended by Act 119, Series A-3 of the Session Laws of Hawaii 1947, is hereby further amended to read as follows:

"Sec. 80. Membership in any association or other organization of public employees not affiliated with any outside organization imposing an obligation or duty upon them to engage in any strike, or proposing to assist them in any strike, by any person in the civil service, or the presenting by any such person or groups of persons of any grievance or proposal to the legislature or any public officer or body shall not constitute or be cause for reduction in rank or compensation or removal from said service. The right of any

individual officer or employee in the civil service, or any group of officers or employees, or of officers and employees, to present grievances or to petition for redress of grievances to the legislature or any member thereof, or any other public officer or body, shall not be denied or interfered with. Further, no person in said service shall be required as a condition of employment or promotion to be a member of any association or organization.

For the purposes of submitting to the legislature and its committees and members, and all other public officers and bodies, proposals concerning compensation, hours of employment and other conditions of employment, the employees shall be authorized to select and designate, in the manner hereinafter provided, one association or organization as their sole and exclusive representative. Upon the written petition of not less than five hundred employees, the secretary of the Territory shall conduct and supervise an election to determine which association or organization shall be so selected and designated. The secretary shall give notice of such election by publishing notice thereof for three successive weeks (three insertions) in a newspaper of general circulation in the Territory published in Honolulu, the first to be not less than

ninety days before the date of election. Any association or organization that is nominated by the written petition of not less than five hundred employees shall be placed on the ballot; provided, however, that no such association or organization shall be placed on the ballot unless and until all of the officers, agents or other persons speaking for or on behalf of such association or organization have subscribed to the oath or affirmation provided by Chapter 13 of the Revised Laws of Hawaii 1945, as amended, and filed the same with the secretary. The petition for election hereinabove referred to and the petition for nomination may be combined and the signatures made applicable to each petition. The election shall be conducted by secret ballot. The secretary shall be authorized to prescribe rules and regulations (which shall not be subject to the provisions in Chapter 11 respecting rules and regulations) governing the balloting so as to preserve secrecy and prevent fraud in the casting of ballots. The association or organization receiving a majority of the votes cast shall be designated as the sole and exclusive representative of the employees for the purposes

hereinabove stated. If no association or organization shall receive a majority of the votes cast, a new ballot shall be taken between the two associations or organizations receiving the highest number of votes. Not oftener than once a year and only upon the written petition of not less than five hundred employees, a new election may be held. The term 'employees' as used in this paragraph shall mean and include all officers and employees of the Territory and its political and municipal subdivisions except teachers and other persons holding certificates issued under the provisions of Chapter 28, who shall be authorized to select and designate in like manner another association or organization to represent them for such purposes."

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

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., August 19, 1949.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 19

SENATE

SPEC SESSION

# The Legislature

of the

# Territory of Hawaii

## AN ACT

RELATING TO GOVERNMENT EMPLOYMENT, PROHIBITING STRIKES, STOPPAGE, SLOWDOWN, RETARDATION OR OTHER CONCERTED INTERRUPTION OF WORK OR SERVICES THEREIN, AND PROVIDING FOR REMEDIES OF THE GOVERNMENT AGAINST VIOLATIONS OF THIS ACT.

Introduced JULY 26 , 1949 , by

Senator WM. H. HEEN

| | |
|---|---|
| First Reading in Senate | July 26, 1949 |
| Referred to Printing Committee | ------- |
| Second Reading in Senate | July 27, 1949 |
| Referred to | COMMITTEE OF THE WHOLE SENATE |
| Third Reading in Senate | October 11, 1949 |
| First Reading in House | October 11, 1949 |
| Referred to | |
| Second Reading in House | October 12, 1949 |
| Referred to | COMMITTEE OF THE WHOLE HOUSE |
| Third Reading in House | |

ELLEN D. SMYTHE

*Clerk of the Senate*

S.B.NO. 19

A N  A C T

PROHIBITING STRIKES IN GOVERNMENT EMPLOYMENT, AND PROVIDING FOR REMEDIES OF THE GOVERNMENT AGAINST SUCH STRIKES.

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

SECTION 1. Definitions. As used herein, unless otherwise indicated by the context:

"Government" means the Territory, its political subdivisions, and any officer, board, commission, or other agency of the Territory or a political subdivision.

"Government employee" means one employed by the government.

"Employed" means and refers to the holding of an employer-employee relationship in which the government is the employer, including without prejudice to the generality of the foregoing, the holding of an office.

"Strike" includes any strike or other concerted stoppage of work by government employees, and any concerted slow-down or other concerted interruption of work by government employees.

SECTION 2. Strikes in government employment prohibited. It shall be unlawful:

(a) For any individual employed by the government to participate in any strike;

(b) For any person to undertake or concert with, or coerce, instigate, induce, encourage, procure, counsel, or incite, any individual employed by the government to participate in any strike;

(c) For any person to aid any strike of government employees by giving direction or guidance in the conduct thereof, or

by providing funds for the conduct or direction thereof or for the payment of strike, unemployment, or other benefits to those participating therein.

SECTION 3. Dismissal, etc. Any individual employed by the government who violates any provision of this Act may be dismissed, suspended, or reduced in rank or compensation.

SECTION 4. Suits and proceedings. For any violation of this Act the government, at its election, shall be entitled to injunctive relief or compensatory or penal damages, or all or any of such remedies, which may be combined in a single suit, the distinction between actions of law and suits in equity notwithstanding. For any violation of this Act which is about to occur, injunctive relief may be had.

SECTION 5. Severability clause. If any phrase, clause, sentence, subsection, section, provision or part 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 phrase, clause, sentence, subsection, section, provision or part thereof, irrespective of the fact that any one or more other phrases, clauses, sentences, subsections, sections, provisions or parts be declared unconstitutional or invalid.

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

INTRODUCED BY:

SENATOR, DISTRICT

July , 1949.

S. B. No. 19
S. D. 3

A N  A C T

RELATING TO GOVERNMENT EMPLOYMENT, PROHIBITING STRIKES, STOPPAGE, SLOWDOWN, RETARDATION OR OTHER CONCERTED INTERRUPTION OF WORK OR SERVICES THEREIN, AND PROVIDING FOR REMEDIES OF THE GOVERNMENT AGAINST VIOLATIONS OF THIS ACT.

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

SECTION 1. Definitions. As used herein, unless otherwise indicated by the context:

"Government" means the Territory, its political subdivisions, and any officer, board, commission, or other agency of the Territory or a political subdivision thereof, whether performing or engaged in governmental or proprietary operations or functions.

"Government employee" means one employed by the government, including the holder of an office.

"Strike" means the temporary stoppage of work, slowdown, or retarding of work or services by the concerted action of employees.

SECTION 2. Acts, activities and conduct prohibited. It shall be unlawful:

(a) For any government employee to participate in any strike against the government; or

(b) For any person, by picketing or otherwise, to instigate, induce, procure, order, direct, coerce, or incite any violation of this Act, or to undertake or concert with another to violate this Act.

SECTION 3. Dismissal, etc. Any individual employed by the government who violates any provision of this Act may be dismissed, suspended, or reduced in rank or compensation.

SECTION 4. Enforcement. The provisions of this Act shall be enforceable by injunction proceedings as herein provided. The attorney general, at his own instance or at the re-

quest of the governor or any other officer, board, commission, or other agency of the government, in the event any person shall be violating any provision of this Act, or there shall be reasonable cause to believe that such person is about to violate any provision of this Act, shall institute appropriate proceedings before a court having equity jurisdiction, to enjoin any acts, activities or conduct forbidden by this Act. Jurisdiction to hear and dispose of all actions under this Act is hereby conferred upon each circuit judge and each such judge shall have power to issue such orders and decrees by way of injunction, mandatory injunction or otherwise, as may be appropriate to enforce the provisions of this Act. All such suits shall be brought in the name of the Territory by the attorney general, or in the name of a political subdivision of the Territory, or both, and may be brought against any association or labor organization under its common name, in which event process may be served on any officer, trustee, agent or representative of such association or labor organization or otherwise as pro-

vided by law, and the joint or common property of the association or labor organization shall be bound for the satisfaction of any award of damages. In the event of a violation of or failure to comply with any such order of the court, compensatory or punitive damages may be awarded to the government, or such other proceedings may be had as the court may deem proper. The appropriate county attorney shall at the request of the attorney general conduct any proceeding provided for by this section. This section shall not be construed as precluding the attorney general, or at his request the county attorney, from resorting to any other remedies or proceedings which may be appropriate, the attorney general being hereby authorized to represent, or to cause the county attorney to represent, the government in all such matters, and to resort to any or all of the applicable remedies and proceedings, according to his best judgment.

SECTION 5. Construction of Act. Nothing in this Act shall be construed to require an individual employee to perform

work or services without his consent, nor shall anything in this Act be construed to make the quitting of government employment by an individual employee an illegal act.

SECTION 6. Separability. If any phrase, clause, sentence, subsection, section, provision or part 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 phrase, clause, sentence, subsection, section, provision or part thereof, irrespective of the fact that any one or more other phrases, clauses, sentences, subsections, sections, provisions or parts be declared unconstitutional or invalid.

SECTION 7. Application of other laws. This Act shall not apply to any government employment which is protected from strikes therein by any other Act, so long as, but only so

long as, such other Act applies thereto.

SECTION 8. Effective date. This Act shall take effect upon its approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., October 11, 1949.

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

Richard Tsukiyama
President of the Senate

Ellen D. Smythe
Clerk of the Senate.

S. B. No. 19
S. D. 3
H. D. 1

A N  A C T

RELATING TO GOVERNMENT EMPLOYMENT, PROHIBITING STRIKES, STOPPAGE, SLOWDOWN, RETARDATION OR OTHER CONCERTED INTERRUPTION OF WORK OR SERVICES THEREIN, AND PROVIDING FOR REMEDIES OF THE GOVERNMENT AGAINST VIOLATIONS OF THIS ACT.

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

SECTION 1. Definitions. As used herein, unless otherwise indicated by the context:

"Government" means the Territory, its political subdivisions, and any officer, board, commission, or other agency of the Territory or a political subdivision thereof, whether performing or engaged in governmental or proprietary operations or functions.

"Government employee" means one employed by the government,

including the holder of an appointive office.

"Strike" means the temporary stoppage of work, slowdown, or retarding of work or services by the concerted action of employees.

SECTION 2. Acts, activities and conduct prohibited. It shall be unlawful:

(a) For any government employee to participate in any strike against the government; or

(b) For any person, by picketing or otherwise, to instigate, induce, procure, order, direct, coerce, or incite any violation of this Act, or to undertake or concert with another to violate this Act.

SECTION 3. Dismissal, etc. Any individual employed by the government who violates any provision of this Act may be dismissed, suspended, or reduced in rank or compensation.

SECTION 4. Enforcement. The provisions of this Act

shall be enforceable by injunction proceedings as herein provided. The attorney general, at his own instance or at the request of the governor or any other officer, board, commission, or other agency of the government, in the event any person shall be violating any provision of this Act, or there shall be reasonable cause to believe that such person is about to violate any provision of this Act, shall institute appropriate proceedings before a court having equity jurisdiction, to enjoin any acts, activities or conduct forbidden by this Act. Jurisdiction to hear and dispose of all actions under this Act is hereby conferred upon each circuit judge and each such judge shall have power to issue such orders and decrees by way of injunction, mandatory injunction or otherwise, as may be appropriate to enforce the provisions of this Act. All such suits shall be brought in the name of the Territory by the attorney general, or in the name of a political subdivision of the Territory, or both, and may be brought against any association or labor organization under

its common name, in which event process may be served on any officer, trustee, agent or representative of such association or labor organization or otherwise as provided by law, and the joint or common property of the association or labor organization shall be bound for the satisfaction of any award of damages. In the event of a violation of or failure to comply with any such order of the court, compensatory or punitive damages may be awarded to the government, or such other proceedings may be had as the court may deem proper. The appropriate county attorney shall at the request of the attorney general conduct any proceeding provided for by this section. This section shall not be construed as precluding the attorney general, or at his request the county attorney, from resorting to any other remedies or proceedings which may be appropriate, the attorney general being hereby authorized to represent, or to cause the county attorney to represent, the government in all such matters, and to resort to any or all of the applicable remedies and

proceedings, according to his best judgment.

SECTION 5. Construction of Act. Nothing in this Act shall be construed to require an individual employee to perform work or services without his consent, nor shall anything in this Act be construed to make the quitting of government employment by an individual employee an illegal act.

SECTION 6. Separability. If any phrase, clause, sentence, subsection, section, provision or part 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 phrase, clause, sentence, subsection, section, provision or part thereof, irrespective of the fact that any one or more other phrases, clauses, sentences, subsections, sections, provisions or parts be declared unconstitutional

or invalid.

SECTION 7. Application of other laws. This Act shall not apply to any government employment which is protected from strikes therein by any other Act, so long as, but only so long as, such other Act applies thereto.

SECTION 8. Effective date. This Act shall take effect upon its approval.

SB19

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., October 14, 1949.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 20

SENATE

SPEC SESSION

# The Legislature

of the

# Territory of Hawaii

## AN ACT

TO AMEND ACT 335 OF THE SESSION LAWS OF HAWAII 1949, RELATING TO THE APPROPRIATION THEREIN MADE TO THE HAWAII VISITORS BUREAU.

Introduced JULY 26 , 1949 , by

Senator WM. H. HEEN

| | |
|---|---|
| First Reading in Senate | July 26, 1949 |
| Referred to Printing Committee | |
| Second Reading in Senate | July 27, 1949 |
| Referred to | COMMITTEE OF THE WHOLE SENATE |
| Third Reading in Senate | September 13, 1949 |

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

ELLEN D. SMYTHE

*Clerk of the Senate*

Senate Bill No. 20

# SENATE

## The Legislature

of the

## Territory of Hawaii

SPECIAL SESSION 1949

# AN ACT

TO AMEND THE "RIDER" TO THE HAWAII VISITORS BUREAU APPROPRIATION, AS CONTAINED IN ACT 335, SESSION LAWS OF HAWAII 1949, AND RELATING TO THE MATCHING OF THE FUNDS APPROPRIATED BY SAID ACT.

| | | |
|---|---|---|
| Introduced | July 26 | , 1949 , by |
| Senator | WM. H. HEEN | |

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|---|---|
| First Reading in Senate | July 26, 1949 |
| Referred to Printing Committee | -- |
| Second Reading in Senate | July 27, 1949 |
| Referred to | |
| Third Reading in Senate | |

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| 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. 20

A N  A C T

TO AMEND THE "RIDER" TO THE HAWAII VISITORS BUREAU APPROPRIATION, AS CONTAINED IN ACT 335, SESSION LAWS OF HAWAII 1949, AND RELATING TO THE MATCHING OF THE FUNDS APPROPRIATED BY SAID ACT.

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

SECTION 1. That certain "rider" to the Hawaii Visitors Bureau appropriation, contained in Act 335, Session Laws of Hawaii 1949, is hereby amended by deleting the word "one-half" from the first proviso of said "rider".

SECTION 2. This Act shall take effect as of July 1, 1949.

INTRODUCED BY:



SENATOR, , DISTRICT

July , 1949.

Senate Bill No. 21

# SENATE

## The Legislature

of the

## Territory of Hawaii

SPECIAL SESSION 1949

# AN ACT

RELATING TO FISHING; REPEALING ACT 348 OF THE SESSION LAWS OF HAWAII 1949, RELATING TO SPORT FISHING, AND PROVIDING FOR REFUND OF FEES COLLECTED THEREUNDER; REQUIRING LICENSES FOR FISHING FOR, TAKING OR CATCHING ANY INTRODUCED FRESH WATER GAME FISH; AUTHORIZING THE EXAMINATION AND SEARCH OF BAGS, CONTAINERS, VEHICLES AND CONVEYANCES USED TO CARRY AND TRANSPORT FISH; AND PROVIDING PENALTIES AND FOR FORFEITURES.

Introduced July 26 , 19 49, by

Senator WILLIAM J. NOBRIGA

| | |
|---|---|
| First Reading in Senate | July 26, 1949 |
| Referred to Printing Committee | -- |
| Second Reading in Senate | July 27, 1949 |
| 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. 21

A N  A C T

RELATING TO FISHING; REPEALING ACT 348 OF THE SESSION LAWS OF HAWAII 1949, RELATING TO SPORT FISHING, AND PROVIDING FOR REFUND OF FEES COLLECTED THEREUNDER; REQUIRING LICENSES FOR FISHING FOR, TAKING OR CATCHING ANY INTRODUCED FRESH WATER GAME FISH; AUTHORIZING THE EXAMINATION AND SEARCH OF BAGS, CONTAINERS, VEHICLES AND CONVEYANCES USED TO CARRY AND TRANSPORT FISH; AND PROVIDING PENALTIES AND FOR FORFEITURES.

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

SECTION 1. No person shall fish for, take or catch any introduced fresh water game fish without first procuring a license pursuant to the provisions of this Act.

SECTION 2. The licenses required by section 1 of this Act and badges shall be issued by agents of the board of commissioners of agriculture and forestry upon written application in such form as may be prescribed by said board and the payment of a fee as hereinafter provided. The application shall require a statement under oath of the applicant's name, address, domicile or residence, length of residence in the Territory, age, race, height, weight, and color of hair and eyes. All such licenses and badges shall expire and become void on June 30, following the date of issuance. A duplicate license or badge may be issued upon affidavit that the original license or badge has been lost or destroyed and upon payment of fifty cents. The fee for such license shall be (a) two dollars and fifty cents for any person who is a resident of the Territory and (b) five dollars for all others.

No person to whom such license or badge has been issued shall permit any other person to carry, display or use such license

or badge in any way. Every person to whom such license or badge has been issued shall display the badge while fishing or show the license upon demand of any officer authorized to enforce the fish and game laws of the Territory; and any person who fails to do so shall be guilty of a violation of this Act.

SECTION 3. The director and any agent of the division of fish and game of the board of commissioners of agriculture and forestry and any police officer shall have the right, for purposes of investigation and inspection, to examine the contents of any bag or container of any kind used to carry fish and to examine and search any vehicle or conveyance used to transport fish. Any person who shall wilfully refuse to permit such examination or search or wilfully interfere with the director or any agent of the division of fish and game or any police officer in the exercise of any authority conferred by this Act shall be guilty of a violation of the provisions of this Act.

SECTION 4. Any person violating any provision of this Act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than two hundred dollars or by imprisonment of not more than sixty days, or by both fine and imprisonment. In addition, the license of any person convicted of a violation of any provision of this Act or of any other law relating to fishing or the conservation thereof shall be revoked by the court and no such person shall be issued another such license until June 30 following the date of such revocation.

SECTION 5. Any fishing gear used in violation of any of the provisions of this Act is declared to be a public nuisance and shall be subject to seizure by any agent of the fish and game division of the board of commissioners of agriculture and forestry or any police officer; and upon conviction of the person using such gear for a violation of any provision of this Act, such fishing gear shall be

declared by the court to be forfeited to the Territory. Any property so forfeited shall be sold or destroyed as the court in its discretion may direct. The proceeds from all such sales shall be paid into the fish and game special fund.

SECTION 6. Act 348 of the Session Laws of Hawaii 1949 is hereby repealed.

SECTION 7. The board of commissioners of agriculture and forestry is hereby authorized and directed to refund all fees heretofore collected under the provisions of Act 348 of the Session Laws of Hawaii 1949, provided that no refund shall be made to anyone unless he shall make demand therefor on or before December 31, 1949 and shall at the time of such demand surrender the license and badge issued to him under the provisions of said Act. Such refunds shall be made from the fish and game special fund.

SECTION 8. This Act shall take effect upon its approval; provided, however, that this Act shall not affect the liability of any person to prosecution and punishment for any criminal offense committed prior to said effective date and all such offenses may be prosecuted and punished the same as if this Act had not been enacted.

INTRODUCED BY:

SENATOR, 1st DISTRICT

July , 1949.

Senate Bill No. 22

Approved 7/30/49 Gov

# SENATE

## The Legislature
of the
## Territory of Hawaii

SPECIAL SESSION OF '49

# AN ACT

TO APPROPRIATE MONEY FOR THE EXPENSES OF THE TWENTY-FIFTH LEGISLATURE OF THE TERRITORY OF HAWAII FOR THE SPECIAL SESSION THEREOF COMMENCING JULY 26, 1949, AND OF THE HOLDOVER COMMITTEE OF SAID LEGISLATURE.

| | | |
|---|---|---|
| Introduced | July 26 | , 1949 , by |
| Senator | WM. H. HEEN | |

| | |
|---|---|
| First Reading in Senate | July 26, 1949 |
| Referred to Printing Committee | July 26, 1949 |
| Second Reading in Senate | July 27, 1949 |
| Referred to | --- |
| Third Reading in Senate | July 28, 1949 |
| First Reading in House | July 28, 1949 |
| Referred to | |
| Second Reading in House | July 29, 1949 |
| Referred to | |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

S.B.No. 2

A N  A C T

TO APPROPRIATE MONEY FOR THE EXPENSES OF THE TWENTY-FIFTH LEGISLATURE OF THE TERRITORY OF HAWAII FOR THE SPECIAL SESSION THEREOF COMMENCING JULY 26, 1949, AND OF THE HOLDOVER COMMITTEE OF SAID LEGISLATURE.

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

SECTION 1. There is hereby appropriated from the public treasury the sum of SEVENTY-FIVE THOUSAND DOLLARS ($ 75,000.00), or so much thereof as may be necessary, for the purpose of defraying the expenses of the Senate of the Twenty-fifth Legislature of the Territory of Hawaii at a special session thereof commencing July 26, 1949.

SECTION 2. Should there remain any balance of the aforesaid sum of SEVENTY-FIVE THOUSAND DOLLARS ($ 75,000.00) unexpended and not contracted for expenditure at the close of said special session, such balance, or so much thereof as may be necessary, is hereby deemed appropriated (in addition to any specific appropriation which may be made for the same purpose) for the purpose of defraying the expenses of the holdover committee of 1949 created by Act 61 of the Session Laws of Hawaii 1949.

SECTION 3. There is hereby appropriated from the public treasury the sum of ONE HUNDRED THOUSAND DOLLARS ($100,000.00), or so much thereof as may be necessary, for the purpose of defraying the expenses of the House of

Representatives of the Twenty-fifth Legislature of the Territory of Hawaii at a special session thereof commencing July 26, 1949.

SECTION 4. Should there remain any balance of the aforesaid sum of ONE HUNDRED THOUSAND DOLLARS ($100,000.00) unexpended and not contracted for expenditure at the close of said special session, such balance, or so much thereof as may be necessary, is hereby deemed appropriated (in addition to any specific appropriation which may be made for the same purpose) for the purpose of defraying the expenses of the holdover committee of 1949 created by said Act 61 of the Session Laws of Hawaii 1949.

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



S. B. No. 22
S. D. 1

A N  A C T

TO APPROPRIATE MONEY FOR THE EXPENSES OF THE TWENTY-FIFTH LEGISLATURE OF THE TERRITORY OF HAWAII FOR THE SPECIAL SESSION THEREOF COMMENCING JULY 26, 1949, AND OF THE HOLDOVER COMMITTEE OF SAID LEGISLATURE.

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

SECTION 1. There is hereby appropriated from the public treasury the sum of seventy-five thousand dollars ($75,000.00), or so much thereof as may be necessary, for the purpose of defraying the expenses of the Senate of the Twenty-fifth Legislature of the Territory of Hawaii at a special session thereof commencing July 26, 1949.

SECTION 2. Should there remain any balance of the aforesaid sum of seventy-five thousand dollars ($75,000.00) unexpended and not contracted for expenditure at the close of said special session, such balance, or so much thereof as may

be necessary, is hereby deemed appropriated (in addition to any specific appropriation made for the same purpose) for the purpose of defraying the expenses of the holdover committee of 1949 created by Act 61 of the Session Laws of Hawaii 1949.

SECTION 3. There is hereby appropriated from the public treasury the sum of one hundred thousand dollars ($100,000.00), or so much thereof as may be necessary, for the purpose of defraying the expenses of the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii at a special session thereof commencing July 26, 1949.

SECTION 4. Should there remain any balance of the aforesaid sum of one hundred thousand dollars ($100,000.00) unexpended and not contracted for expenditure at the close of said special session, such balance, or so much thereof as may be necessary, is hereby deemed appropriated (in addition to any specific appropriation made for the same purpose) for the purpose of defraying the expenses of the holdover committee

of 1949 created by said Act 61 of the Session Laws of Hawaii 1949.)

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., July 28, 1949

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

Wilfred D Tsukiyama
President of the Senate

Ellen D Smythe
Clerk of the Senate.

S. B. No. 22
S. D. 1
H. D. 1

A N A C T

TO APPROPRIATE MONEY FOR THE EXPENSES OF THE TWENTY-FIFTH LEGISLATURE OF THE TERRITORY OF HAWAII FOR THE SPECIAL SESSION THEREOF COMMENCING JULY 26, 1949.

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

SECTION 1. There is hereby appropriated from the public treasury the sum of seventy-five thousand dollars ($75,000.00), or so much thereof as may be necessary, for the purpose of defraying the expenses of the Senate of the Twenty-fifth Legislature of the Territory of Hawaii at a special session thereof commencing July 26, 1949.

SECTION 2. Should there remain any balance of the aforesaid sum of seventy-five thousand dollars ($75,000.00) unexpended and not contracted for expenditure at the close of said special session, such balance shall revert to the general

fund of the Territory of Hawaii.

SECTION 3. There is hereby appropriated from the public treasury the sum of one hundred thousand dollars ($100,000.00), or so much thereof as may be necessary, for the purpose of defraying the expenses of the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii at a special session thereof commencing July 26, 1949.

SECTION 4. Should there remain any balance of the aforesaid sum of one hundred thousand dollars ($100,000.00) unexpended and not contracted for expenditure at the close of said special session, such balance shall revert to the general fund of the Territory of Hawaii.

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

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., July 30, 1949.

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

Speaker, House of Representatives.

Clerk, House of Representatives.

EP 8/17/49

Senate Bill No. 23

SENATE

SPEC SESSION

# The Legislature

of the

# Territory of Hawaii

## AN ACT

TO AMEND ACT 2 OF THE SPECIAL SESSION LAWS OF HAWAII 1949 BY AMENDING SECTION 5 THEREOF WITH RESPECT TO FURTHERING GOVERNMENT OPERATIONS UNDER AND ACCOMPLISHING THE PURPOSES OF SAID ACT, AND PREVENTING INTERFERENCE THEREWITH.

| | | |
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| Introduced | AUGUST 12 | , 19 49 , by |
| Senator | WM. H. HEEN | |

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|---|---|
| First Reading in Senate | August 12, 1949 |
| Referred to Printing Committee | August 12, 1949 |
| Second Reading in Senate | August 13, 1949 |
| Referred to | COMMITTEE OF THE WHOLE SENATE |
| Third Reading in Senate | August 15, 1949 |
| First Reading in House | August 15, 1949 |
| Referred to | |
| Second Reading in House | August 16, 1949 |
| Referred to | |
| Third Reading in House | August 16, 1949 |

ELLEN D. SMYTHE

*Clerk of the Senate*

SB23

AN ACT

TO AMEND ACT 2 OF THE SPECIAL SESSION LAWS OF HAWAII 1949 BY AMENDING SECTION 5 THEREOF WITH RESPECT TO FURTHERING GOVERNMENT OPERATIONS UNDER AND ACCOMPLISHING THE PURPOSES OF SAID ACT, AND PREVENTING INTERFERENCE THEREWITH.

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

SECTION 1. Section 5 of Act 2 of the Special Session Laws of Hawaii 1949 is hereby amended by deleting the first paragraph of said section and inserting in lieu thereof the following:

"SECTION 5. Interference with government operations; injunctions. (a) As used in this section, unless the context clearly indicates otherwise:

"(1) The term 'employee' includes any employee, and is not limited to the employees of a particular employer.

"(2) The term 'government employee' means one employed by the government.

"(3) The term 'private employee' means one employed by other than the government.

"(4) The term 'strike' includes any strike or other concerted stoppage of work by employees, and any concerted slowdown, retardation, or other concerted interruption of work by employees.

"(5) The terms 'person' and 'labor organization' have the meanings defined by section 2 of this Act.

"(b) During any period of government operations as provided for by this Act any of the following shall be unlawful:

"(1) For any government employee engaged in such government operations to participate in any strike.

"(2) To establish or maintain a picket line of one or more persons with an object of picketing any pier, dock, wharf, landing, or warehouse which is a place of government operations under this Act, or to participate in such picketing, the legislature hereby finding that such picketing constitutes an obstruction to the accomplishment of the purposes of this Act.

"(3) To establish or maintain a picket line of one or more persons to picket any place of government operations under this Act, if such picketing interferes or threatens to interfere with such government operations or with the accomplishment of the purposes of this Act; or to participate in such picketing.

"(4) For any private employee to engage in a strike or other concerted refusal to transport or otherwise handle any cargo loaded or unloaded or to be loaded or unloaded by the government pursuant to the provisions of this Act, or to perform services on any vessel worked or to be worked by the government, where an object of any such strike or concerted refusal is (A) to

interfere with the conducting of government operations, or (B) to force or require any person to cease transporting or otherwise handling cargo loaded or unloaded or to be loaded or unloaded by the government pursuant to the provisions of this Act, or (C) to cause loss, injury or damage to any person by reason of his having transported or otherwise handled or being about to transport or otherwise handle any cargo loaded or unloaded or to be loaded or unloaded by the government pursuant to the provisions of this Act.

"(5) For any person to establish or maintain a picket line of one or more persons or engage in any other concerted activity with an object of (A) interfering with the conducting of government operations, or (B) forcing or requiring any person to cease transporting cargo loaded or unloaded or to be loaded or unloaded by the government pursuant to the provisions of this Act, or (C) causing loss, injury or damage to any person by reason of his having transported or handled or being about to transport or handle any cargo loaded or unloaded or to be loaded or unloaded by the government pursuant to the provisions of this Act; or to participate in such picketing or such other concerted activity.

"(6) For any person, by picketing or otherwise, to instigate, induce, procure, bring about,

coerce, or incite any violation of this section, or to undertake or concert with another to violate this section.

"(7) For any person to aid or encourage any violation of this section by giving orders, direction or guidance therefor or in the conduct thereof, or by providing funds for the conduct or direction thereof or for the payment of strike, unemployment or other benefits to those participating therein."

SECTION 2. Section 5 of Act 2 of the Special Session Laws of Hawaii 1949 is hereby further amended by designating the last paragraph thereof as (c).

SECTION 3. Separability. If any section, sentence, clause or phrase of this Act, or its application to any employee, 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 employees, 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 and irrespective of the fact that the application of this Act to any one or more employees, persons or circumstances be declared unconstitutional or invalid.

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

S. B. No. 23

A N  A C T

TO AMEND ACT 2 OF THE SPECIAL SESSION LAWS OF HAWAII 1949 BY AMENDING SECTION 5 THEREOF WITH RESPECT TO FURTHERING GOVERNMENT OPERATIONS UNDER AND ACCOMPLISHING THE PURPOSES OF SAID ACT, AND PREVENTING INTERFERENCE THEREWITH.

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

SECTION 1. Section 5 of Act 2 of the Special Session Laws of Hawaii 1949 is hereby amended by deleting the first paragraph of said section and inserting in lieu thereof the following:

"SECTION 5. Interference with government operations; injunctions. (a) As used in this section, unless the context clearly indicates otherwise:

(1) The term 'employee' includes any employee, and is not limited to the employees of a particular employer.

(2) The term 'government employee' means one employed by the government.

(3) The term 'private employee' means one employed by other than the government.

(4) The term 'strike' includes any strike or other concerted stoppage of work by employees, and any concerted slowdown, retardation, or other concerted interruption of work by employees.

(5) The terms 'person' and 'labor organization' have the meanings defined by section 2 of this Act.

(b) During any period of government operations as provided for by this Act any of the following shall be unlawful:

(1) For any government employee engaged in such government operations to participate in any strike.

(2) To establish or maintain a picket line of one or more persons with an object of picketing any pier, dock, wharf, landing, or warehouse which is a place of government operations under this Act, or to participate in such picketing, the legislature hereby finding that such picketing constitutes an obstruction to the accomplishment of the purposes of this Act.

(3) To establish or maintain a picket line of one or more persons to picket any place of government operations under this Act, if such picketing interferes or threatens to interfere with such government operations or with the

accomplishment of the purposes of this Act; or to participate in such picketing.

(4) For any private employee to engage in a strike or other concerted refusal to transport or otherwise handle any cargo loaded or unloaded or to be loaded or unloaded by the government pursuant to the provisions of this Act, or to perform services on any vessel worked or to be worked by the government, where an object of any such strike or concerted refusal is (A) to interfere with the conducting of government operations, or (B) to force or require any person to cease transporting or otherwise handling cargo loaded or unloaded or to be loaded or unloaded by the government pursuant to the provisions of this Act, or (C) to cause loss, injury or damage to any person by reason of his having transported or otherwise handled or being about to transport or otherwise handle any cargo loaded or unloaded or to be loaded or unloaded by the government pursuant to the provisions of this Act.

(5) For any person to establish or maintain a picket line of one or more persons or engage in any other concerted activity with an object of (A) interfering with the conducting of government operations, or (B) forcing or requiring any person to cease transporting cargo

loaded or unloaded or to be loaded or unloaded by the government pursuant to the provisions of this Act, or (C) causing loss, injury or damage to any person by reason of his having transported or handled or being about to transport or handle any cargo loaded or unloaded or to be loaded or unloaded by the government pursuant to the provisions of this Act; or to participate in such picketing or such other concerted activity.

(6) For any person, by picketing or otherwise, to instigate, induce, procure, bring about, coerce, or incite any violation of this section, or to undertake or concert with another to violate this section.

(7) For any person to aid or encourage any violation of this section by giving orders, direction or guidance therefor or in the conduct thereof, or by providing funds for the conduct or direction thereof or for the payment of strike, unemployment or other benefits to those participating therein."

SECTION 2. Section 5 of Act 2 of the Special Session Laws of Hawaii 1949 is hereby further amended by designating the last paragraph thereof as (c).

SECTION 3. Separability. If any section, sentence, clause or phrase of this Act, or its application to any employee, per-

son 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 employees, 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 and irrespective of the fact that the application of this Act to any one or more employees, persons or circumstances be declared unconstitutional or invalid.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., August 15, 1949.

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

Wilfred Oshiyama
President of the Senate

Ellen L. Smythe
Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H.,August 17, 1949.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

Speaker, House of Representatives.

Clerk, House of Representatives.

S. B. No. 23
H. D. 1

A N  A C T

TO AMEND ACT 2 OF THE SPECIAL SESSION LAWS OF HAWAII 1949 BY AMENDING SECTION 5 THEREOF WITH RESPECT TO FURTHERING GOVERNMENT OPERATIONS UNDER AND ACCOMPLISHING THE PURPOSES OF SAID ACT AND PREVENTING INTERFERENCE THEREWITH, AND BY AMENDING SECTION 11 THEREOF WITH RESPECT TO PRESERVATION OF POWERS CONFERRED BY OTHER LAWS; AND APPROVING THE GOVERNOR'S DESIGNATION OF THE AGENCY TO ADMINISTER SAID ACT 2.

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

SECTION 1. Section 5 of Act 2 of the Special Session Laws of Hawaii 1949 is hereby amended by deleting the first paragraph of said section and inserting in lieu thereof the following:

"SECTION 5. Interference with government operations; injunctions. (a) As used in this section, unless the context clearly indicates

otherwise:

(1) The term 'employee' includes any employee, and is not limited to the employees of a particular employer.

(2) The term 'government employee' means one employed by the government.

(3) The term 'private employee' means one employed by other than the government.

(4) The term 'strike' includes any strike or other concerted stoppage of work by employees, and any concerted slowdown, retardation, or other concerted interruption of work by employees.

(5) The terms 'person', 'labor dispute', and 'labor organization', have the meanings defined by section 2 of this Act.

(b) During any period of government operations as provided for by this Act any of the following shall be unlawful:

(1) For any government employee engaged in such government operations to participate in any strike.

(2) To establish or maintain a picket line of one or more persons with an object of picketing any pier, dock, wharf, landing, or warehouse which is a place of government opera-

tions under this Act, or to engage in picketing any pier, dock, wharf, landing, or warehouse which is a place of government operations under this Act, the legislature hereby finding that such picketing constitutes an obstruction to the accomplishment of the purposes of this Act.

(3) To establish or maintain a picket line of one or more persons to picket, or to engage in picketing of, any place where government operations are or are about to be conducted under this Act, if such picketing interferes or threatens to interfere with such government operations or with the accomplishment of the purposes of this Act.

(4) For any private employee to engage in a strike or other concerted refusal to transport or otherwise handle any cargo loaded or unloaded or to be loaded or unloaded by the government pursuant to the provisions of this Act, or to perform services on any vessel worked or to be worked by the government, where an object of any such strike or concerted refusal is (A) to interfere with the conducting of government operations, or (B) to force or require any person to cease transporting or otherwise handling cargo loaded or unloaded or to be loaded or unloaded by the government pursuant to the provisions of this Act, or (C) to cause loss,

injury or damage to any person by reason of his having transported or otherwise handled or being about to transport or otherwise handle any cargo loaded or unloaded or to be loaded or unloaded by the government pursuant to the provisions of this Act; provided, however, that this paragraph shall not, by reason of refusal to return to employment involved in the labor dispute which occasioned the existing public emergency or by reason of refusal to accept employment by the government, apply to any employee engaged in such labor dispute.

(5) To establish or maintain a picket line of one or more persons or engage in picketing or any other concerted activity with an object of (A) interfering with the conducting of government operations, or (B) forcing or requiring any person to cease transporting cargo loaded or unloaded or to be loaded or unloaded by the government pursuant to the provisions of this Act, or (C) causing loss, injury or damage to any person by reason of his having transported or handled or being about to transport or handle any cargo loaded or unloaded or to be loaded or unloaded by the government pursuant to the provisions

of this Act.

(6) For any person, by picketing or otherwise, to instigate, induce, procure, bring about, coerce, or incite any violation of this section, or to undertake or concert with another to violate this section.

(7) For any person to aid or encourage any violation of this section by giving orders, direction or guidance therefor or in the conduct thereof, or by providing funds for the conduct or direction thereof or for the payment of strike, unemployment or other benefits to those participating therein."

SECTION 2. Section 5 of Act 2 of the Special Session Laws of Hawaii 1949 is hereby further amended by designating the last paragraph thereof as (c), and amending the same to read as follows:

"(c) The attorney general at his own instance or at the request of the governor or the designated agency, in the event any person shall be violating or failing to comply with the provisions of this section, or there shall be reasonable cause to believe that such person is about to violate or

fail to comply with the provisions of this section, shall institute appropriate proceedings before a court having equity jurisdiction, to enjoin the performance of any acts or practices forbidden by this section, or to require such person to comply with the provisions of this section. Jurisdiction to hear and dispose of all actions under this section is hereby conferred upon each circuit judge and each such judge shall have power to issue such orders and decrees by way of injunction, mandatory injunction or otherwise, as may be appropriate to enforce the provisions of this section. All such suits shall be brought in the name of the Territory by the attorney general, and may be brought against any association or labor organization under its common name, in which event process may be served on any officer, trustee or agent of such association or labor organization or otherwise as provided by law, and the joint or common property of the association or labor organization shall be bound for the satisfaction of any award of damages. In the event of a violation or failure to comply with any such order of the court compensatory or punitive damages may be awarded to the Territory, or such other proceedings may be had as the court may deem proper. The county attorney of each county shall at the request of the attorney general conduct on behalf

of the Territory any proceeding provided for by this section. This paragraph shall not be construed as precluding the attorney general from resorting to any other remedies or proceedings which may be appropriate, the attorney general being hereby authorized to represent the Territory in all such matters and to resort to any or all of the applicable remedies and proceedings, according to his best judgment."

SECTION 3. Section 11 of Act 2 of the Special Session Laws of Hawaii 1949 is hereby amended to read as follows:

"SECTION 11. Powers in addition to other powers. The powers conferred by this Act shall be in addition and supplemental to the powers conferred by any other law, and nothing contained herein shall be construed as limiting any other powers of the governor or the designated agency."

SECTION 4. The governor's designation of the Board of Harbor Commissioners of the Territory of Hawaii, acting through its Manager and Chief Engineer subject to the control of the board, as the agency to administer said Act 2 of the Special Session Laws of Hawaii 1949, is hereby ratified, approved and

confirmed.

SECTION 5. Separability. If any section, sentence, clause or phrase of this Act, or its application to any employee, 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 employees, 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 and irrespective of the fact that the application of this Act to any one or more employees, persons or circumstances be declared unconstitutional or invalid.

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

THE HOUSE OF REPRESENTATIVES OF THE

TERRITORY OF HAWAII

Honolulu, T. H., August 17, 1949.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

William L. Long

Speaker, House of Representatives.

Jas. L. Achong

Clerk, House of Representatives.

Senate Bill No. 24

# SENATE

## The Legislature
of the
## Territory of Hawaii
SPECIAL SESSION OF 1949

# AN ACT

PROVIDING A MONTHLY TWENTY-FIVE DOLLAR BONUS FOR PENSIONERS, AND APPROPRIATING FUNDS FOR PAYMENT THEREOF.

HB 25 on same subject received from House so SB 6a to be filed - + HB 25 to be acted on

Introduced September 15, 1949, by

Senators: REUBEN GOODNESS, TOSHIO ANSAI, JOHN G. DUARTE, CHARLES H. SILVA, M.R. AGUIAR, JR., BEN DILLINGHAM, JOHN B. FERNANDES, THELMA M. AKANA, W.H. HILL, WILFRED C. TSUKIYAMA, WM.H.HEEN, E.S. CAPELLAS, ~~WILLIAM J. NOBRIGA, NEAL S. BLAISDELL & HERBERT K.H.LEE~~

| | |
|---|---|
| First Reading in Senate | September 15, 1949 |
| Referred to Printing Committee | September 15, 1949 |
| Second Reading in Senate | September 19, 1949 |
| Referred to | |
| Third Reading in Senate | |
| First Reading in House | |
| Referred to | |
| Second Reading in House | |
| Referred to | |
| Third Reading in House | |

Oct 13
filed

ELLEN D. SMYTHE
*Clerk of the Senate*

Dil - Lee
9-19-49 Com whole
2 PM Ref to Spec Com. Heen Lee Silva for amendment
Dil +

SB (A)1
SB 24

(a)
olc

AN ACT

PROVIDING A MONTHLY TWENTY-FIVE DOLLAR BONUS FOR PENSIONERS, AND APPROPRIATING FUNDS FOR PAYMENT THEREOF.

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

SECTION 1. Every pension payable under the employees' retirement system of the Territory of Hawaii, or payable under or pursuant to any law of the Territory, or by any county, or independent public board or commission, shall be increased by a bonus of twenty-five dollars per month for the period commencing on the first day of the first month immediately succeeding the approval of this Act, and ending June 30, 1951, any provision in any other law to the contrary notwithstanding; provided, that where the dependents of a deceased pensioner are receiving pensions by reason of his death, the total only of all amounts paid to such dependents shall be so increased, and the increase herein provided for shall be shared by them in proportion to the respective amounts of pension receivable by them exclusive of this increase; provided further, that such bonus in such amount shall be payable only so long as the general employees' bonus in the maximum amount of $25 per month is payable under the provisions of Act 208 of the Session Laws of Hawaii 1947, as continued by Act 367 of the Session Laws of Hawaii 1949, and that in the event the amount of the general employees' bonus is reduced pursuant to the provisions of said Acts, the amount of the bonus provided by this Act shall be reduced in like amount or percentage.

Aug. 17 - Presented for introduction
1. Steering Com

SECTION 2. The board of trustees of the employees' retirement system of the Territory of Hawaii is hereby authorized and directed to pay the bonus required by this Act to pensioners under said system, the territorial auditor is hereby authorized and directed to pay the bonus required by this Act to all territorial pensioners who are not under said system, and the appropriate officer of each county, and each independent board or commission hereby affected, is hereby authorized and directed to pay the bonus hereby granted to pensioners whose pensions are payable by said respective counties, boards and commissions, all such payments to be made from allotments pursuant to section 3; and all such boards, commissions and officers are hereby directed to certify to the director of the bureau of the budget, promptly upon the enactment of this Act, the amounts required to meet such bonus payments to and including December 31, 1949, and to similarly certify the amounts required every six months, as directed by the bureau of the budget.

SECTION 3. There is hereby appropriated from the general revenues of the Territory sufficient moneys to pay the bonus provided for by this Act. Such appropriation shall be allotted by the director of the bureau of the budget, with the approval of the governor, to the several boards, commissions and officers required to make such payments, and in the case of the counties the moneys so allotted shall be paid into the county treasuries and held in special funds solely for such purpose.

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

INTRODUCED BY:

Reuben Goodness
Toshiro Arsai District

Senate Bill No. 25

SENATE
SPEC SESSION

# The Legislature
of the
# Territory of Hawaii

## AN ACT

AMENDING SECTION 5828 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED BY ACT 321 OF THE SESSION LAWS OF HAWAII 1949, RELATING TO AND PRESCRIBING FEES TO BE CHARGED BANKS, TRUST COMPANIES, BUILDING AND LOAN OR SAVINGS AND LOAN ASSOCIATIONS, INDUSTRIAL LOAN COMPANIES, SMALL LOAN COMPANIES AND OTHER FIDUCIARY COMPANIES FOR EXAMINATIONS CONDUCTED BY THE TERRITORIAL BANK EXAMINER.

Introduced September 15, 1949, by
Senator NEAL S. BLAISDELL

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|---|---|
| First Reading in Senate | September 15, 1949 |
| Referred to Printing Committee | September 15, 1949 |
| Second Reading in Senate | September 19, 1949 |
| Referred to | - - |
| Third Reading in Senate | September 20, 1949 |
| First Reading in House | September 21, 1949 |
| Referred to | |
| Second Reading in House | September 26, 1949 |
| Referred to | COMMITTEE ON FINANCE |
| Third Reading in House | October 5, 1949 |

ELLEN D. SMYTHE
*Clerk of the Senate*

(c) (a) SB325 (A)

AN ACT

AMENDING SECTION 5828 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED BY ACT 321 OF THE SESSION LAWS OF HAWAII 1949, RELATING TO AND PRESCRIBING FEES TO BE CHARGED BANKS, TRUST COMPANIES, BUILDING AND LOAN OR SAVINGS AND LOAN ASSOCIATIONS, INDUSTRIAL LOAN COMPANIES, SMALL LOAN COMPANIES AND OTHER FIDUCIARY COMPANIES FOR EXAMINATIONS CONDUCTED BY THE TERRITORIAL BANK EXAMINER.

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

SECTION 1. Section 5828 of the Revised Laws of Hawaii 1945, as amended by Act 321 of the Session Laws of Hawaii 1949, is hereby further amended by amending subsection "3" thereof to read as follows:

"3. Industrial loan companies and small loan companies licensed under chapter 171, a sum based on the total dollar loan volume during the twelve calendar months immediately preceding the date of its last semi-annual report made prior to examination as follows:

| | |
|---|---|
| On loan volume of less than $50,000.00 ... | $ 25.00 |
| On loan volume of $50,000.00 or more, but less than $150,000.00 ..... | 50.00 |
| On loan volume of $150,000.00 or more, but less than $250,000.00 ..... | 75.00 |
| On loan volume of $250,000.00 or more, but less than $350,000.00 ..... | 100.00 |
| On loan volume of $350,000.00 or more, but less than $500,000.00 ..... | 125.00 |

plus $5.00 for each additional $100,000.00 or portion thereof, of loan volume in excess of $500,000.00; provided, that fees for examination of foreign corporations licensed to do an industrial loan or small loan business in the Territory shall be based upon the actual per diem cost and expenses of each man engaging in such examination."

SECTION 2. This Act shall take effect upon its approval, and shall be applicable to all examinations commenced after said approval.

INTRODUCED BY:

Neal S. Blaisdell

NEAL S. BLAISDELL
Senator, Third Senatorial District

(D)

S.B.No. 25

A N  A C T

AMENDING SECTION 5828 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED BY ACT 321 OF THE SESSION LAWS OF HAWAII 1949, RELATING TO AND PRESCRIBING FEES TO BE CHARGED BANKS, TRUST COMPANIES, BUILDING AND LOAN OR SAVINGS AND LOAN ASSOCIATIONS, INDUSTRIAL LOAN COMPANIES, SMALL LOAN COMPANIES AND OTHER FIDUCIARY COMPANIES FOR EXAMINATIONS CONDUCTED BY THE TERRITORIAL BANK EXAMINER.

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

SECTION 1. Section 5828 of the Revised Laws of Hawaii 1945, as amended by Act 321 of the Session Laws of Hawaii 1949, is hereby further amended by amending subsection "3" thereof to read as follows:

"3. Industrial loan companies and small loan companies licensed under chapter 171, a sum based on the total dollar loan volume during the twelve calendar months immediately preceding the date of its last semi-annual report made prior to examination as follows:

On loan volume of less than $50,000.00 ... $ 25.00

On loan volume of $50,000.00 or more, but less than $150,000.00 ... 50.00

On loan volume of $150,000.00 or more,
but less than $250,000.00 ... 75.00
On loan volume of $250,000.00 or more,
but less than $350,000.00 ... 100.00
On loan volume of $350,000.00 or more,
but less than $500,000.00 ... 125.00
plus $5.00 for each additional $100,000.00 or portion thereof, of loan volume in excess of $500,000.00; provided, that fees for examination of foreign corporations licensed to do an industrial loan or small loan business in the Territory shall be based upon the actual per diem cost and expenses of each man engaging in such examination."

SECTION 2. This Act shall take effect upon its approval, and shall be applicable to all examinations commenced after said approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., September 20, 1949.

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

Wilfred Tsukiyama
President of the Senate

Ellen D. Smythe
Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H., October 5, 1949.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

Tomas L. Tong
Speaker, House of Representatives.

Jas. S. Achong
Clerk, House of Representatives.

Senate Bill No. 26

SENATE

SPEC SESSION

# The Legislature

of the

# Territory of Hawaii

## AN ACT

TO AMEND ACT 54 OF THE SESSION LAWS OF HAWAII 1949, RELATING TO THE COUNTY OF HAWAII EXTRA TAX ON LIQUID FUEL AND THE EXPENDITURE OF THE PROCEEDS THEREOF.

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| Introduced | September 15, 1949, by |
| Senator | E.S. CAPELLAS, CHARLES H. SILVA, WILLIAM J. NOBRIGA AND W. H. HILL |

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|---|---|
| First Reading in Senate | September 15, 1949 |
| Referred to Printing Committee | September 15, 1949 |
| Second Reading in Senate | September 19, 1949 |
| Referred to | |
| Third Reading in Senate | |

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

ELLEN D. SMYTHE

*Clerk of the Senate*

9-19-49.

(E)

~~SB25~~ (A) 3

SB26

AN ACT

TO AMEND ACT 54 OF THE SESSION LAWS OF HAWAII 1949, RELATING TO THE COUNTY OF HAWAII EXTRA TAX ON LIQUID FUEL AND THE EXPENDITURE OF THE PROCEEDS THEREOF.

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

SECTION 1. Act 54 of the Session Laws of Hawaii 1949 is hereby amended by amending item 3 of Section 3 thereof to read as follows:

"3. Widen, realign and pave Mamalahoa highway from Palani road junction to Huehue, North Kona, or widen, realign and pave said Mamalahoa highway from Holualoa village to said Palani road junction, or both said projects, in the discretion of said board ---------- $22,200.00."

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

INTRODUCED BY:

E B Capellas

~~CHARLES H. SILVA~~
Senator, First Senatorial District

S. B. No. 26

A N  A C T

TO AMEND ACT 54 OF THE SESSION LAWS OF HAWAII 1949, RELATING TO THE COUNTY OF HAWAII EXTRA TAX ON LIQUID FUEL AND THE EXPENDITURE OF THE PROCEEDS THEREOF.

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

SECTION 1. Act 54 of the Session Laws of Hawaii 1949 is hereby amended by amending Item 3 of section 3 thereof to read as follows:

"3. Widen, realign and pave Mamalahoa highway from Palani road junction to Huehue, North Kona, or widen, realign and pave said Mamalahoa highway from Holualoa village to said Palani road junction, or both said projects, in the discretion of said board . . . . . $22,200.00."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., September 21, 1949.

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

President of the Senate

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H., October 4, 1949.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

Speaker, House of Representatives.

Clerk, House of Representatives.

ERA
10/4/49

Senate Bill No. 27

SENATE
SPEC SESSION

# The Legislature
of the
# Territory of Hawaii

# AN ACT

AMENDING ACT 230 OF THE SESSION LAWS OF HAWAII 1943, AS AMENDED, RELATING TO APPROPRIATIONS BY WAY OF ADVANCEMENT FROM THE GENERAL FUND OF THE TERRITORY OF HAWAII FOR THE CONSTRUCTION OF CERTAIN ROADS AND OTHER PUBLIC IMPROVEMENTS AND THE ACQUISITION OF LAND FOR SUCH PURPOSES IN THE COUNTY OF HAWAII.

Introduced September 15, , 1949, by

Senator s CHARLES H. SILVA, WILLIAM J. NOBRIGA, E. S. CAPELLAS and W. H. HILL

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|---|---|
| First Reading in Senate | September 15, 1949 |
| Referred to Printing Committee | September 15, 1949 |
| Second Reading in Senate | September 19, 1949 |
| Referred to | - - - - - - - - |
| Third Reading in Senate | September 21, 1949 |
| First Reading in House | September 26, 1949 |
| Referred to | |
| Second Reading in House | September 27, 1949 |
| Referred to | Committee on Finance |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

(f)

SB27 (A) 5

AN ACT

AMENDING ACT 230 OF THE SESSION LAWS OF HAWAII 1943, AS AMENDED, RELATING TO APPROPRIATIONS BY WAY OF ADVANCEMENT FROM THE GENERAL FUND OF THE TERRITORY OF HAWAII FOR THE CONSTRUCTION OF CERTAIN ROADS AND OTHER PUBLIC IMPROVEMENTS AND THE ACQUISITION OF LAND FOR SUCH PURPOSES IN THE COUNTY OF HAWAII.

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

SECTION 1. Act 230 of the Session Laws of Hawaii 1943, as amended by Act 259 of the Session Laws of Hawaii 1945 and by Acts 45 and 227 of the Session Laws of Hawaii 1947, is hereby further amended by amending item 3 of Section 1 thereof to read as follows:

"3. Clearing and improving leased land at Mahukona, Kohala, county of Hawaii, for a public park, by the board of supervisors, including construction of improvements thereon or in connection therewith ---------- $4,000.00."

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

INTRODUCED BY:

CHARLES H. SILVA
Senator, First Senatorial District

S. B. No. 27

A N  A C T

AMENDING ACT 230 OF THE SESSION LAWS OF HAWAII 1943, AS AMENDED, RELATING TO APPROPRIATIONS BY WAY OF ADVANCEMENT FROM THE GENERAL FUND OF THE TERRITORY OF HAWAII FOR THE CONSTRUCTION OF CERTAIN ROADS AND OTHER PUBLIC IMPROVEMENTS AND THE ACQUISITION OF LAND FOR SUCH PURPOSES IN THE COUNTY OF HAWAII.

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

SECTION 1. Act 230 of the Session Laws of Hawaii 1943, as amended by Act 259 of the Session Laws of Hawaii 1945 and by Acts 45 and 227 of the Session Laws of Hawaii 1947, is hereby further amended by amending Item 3 of section 1 thereof to read as follows:

"3. Clearing and improving leased land at Mahukona, Kohala, county of Hawaii, for a public park, by the board of supervisors, including construction of improvements thereon or in connection therewith . . . . . $4,000.00."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., September 21, 1949.

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

President of the Senate

Clerk of the Senate.

**THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII**

**Honolulu, T. H., October 4, 1949.**

**We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.**

**Speaker, House of Representatives.**

**Clerk, House of Representatives.**

SENATE Senate Bill No. 28

SPEC SESSION

1949

# The Legislature

of the

# Territory of Hawaii

## AN ACT

TO AMEND SECTION 8438 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO LOANS BY BANKS, SAVINGS BANKS, BUILDING AND LOAN AND SAVINGS AND LOAN ASSOCIATIONS, INSURANCE COMPANIES AND TRUST COMPANIES.

Introduced September 15, 1949, by

Senator BEN DILLINGHAM

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|---|---|
| First Reading in Senate | September 15, 1949 |
| Referred to Printing Committee | September 15, 1949 |
| Second Reading in Senate | September 19, 1949 |
| Referred to | COMMITTEE OF THE WHOLE SENATE |
| Third Reading in Senate | September 26, 1949 |
| First Reading in House | September 26, 1949 |
| Referred to | |
| Second Reading in House | September 27, 1949 |
| Referred to | Committee on Finance |
| Third Reading in House | October 6, 1949 |

ELLEN D. SMYTHE

*Clerk of the Senate*

(S)

SB28 (A) 6

AN ACT

TO AMEND SECTION 8438 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO LOANS BY BANKS, SAVINGS BANKS, BUILDING AND LOAN AND SAVINGS AND LOAN ASSOCIATIONS, INSURANCE COMPANIES AND TRUST COMPANIES.

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

SECTION 1. Section 8438 of the Revised Laws of Hawaii 1945, as amended by Act 223 of the Session Laws of Hawaii 1945 and by Act 118 of the Session Laws of Hawaii 1949, is hereby further amended to read as follows:

"Sec. 8438. Mortgages and loans insured under National Housing Act; exempt from Territorial requirements. Pursuant to such regulations not inconsistent with this part, as the bank examiner of the Territory finds to be necessary and proper and prescribes (which regulations need not be published in any newspaper in order to be valid), banks, savings banks, building and loan and savings and loan associations, insurance companies and trust companies are authorized to make such loans secured by mortgages as are insured by the Federal Housing Administration, and to obtain such insurance; also to make such loans, whether secured by mortgage or not, as are insured pursuant to Title I of the Act of Congress entitled 'National Housing Act', and to obtain such insurance; and also to make such loans upon the security of real property or interests in real property, including such household appliances as are fixtures and a part of the realty and a portion of the security for such loans, as are guaranteed or insured by the administrator of veterans' affairs pursuant to the service men's readjustment Act of 1944, as amended, or for which there is a commitment to so guarantee or insure.

No law of the Territory prescribing the nature, amount or form of security or requiring security upon which loans or advances of credit may be made, or prescribing or limiting interest rates upon loans or advances of credit, or prescribing or limiting the period for which loans or advances of credit may be made shall be deemed to apply to loans made pursuant to the foregoing paragraph."

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

Printed

S. Standing Com

INTRODUCED BY:

BENJAMIN F. DILLINGHAM
Senator, Third Senatorial District

S.B.No. 28
S.D. 1

A N  A C T

TO AMEND SECTION 8438 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO LOANS BY BANKS, SAVINGS BANKS, BUILDING AND LOAN AND SAVINGS AND LOAN ASSOCIATIONS, INSURANCE COMPANIES AND TRUST COMPANIES.

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

SECTION 1. Section 8438 of the Revised Laws of Hawaii 1945, as amended by Act 223 of the Session Laws of Hawaii 1945 and by Act 118 of the Session Laws of Hawaii 1949, is hereby further amended to read as follows:

"Sec. 8438. Mortgages and loans insured under federal laws; exempt from territorial requirements. Pursuant to such regulations not inconsistent with this part, as the bank examiner of the Territory finds to be necessary and proper and prescribes (which regulations need not be published in any newspaper in order to be valid), banks, savings banks, building and loan and savings and loan associations, insurance companies and trust companies are authorized to make such loans secured

by mortgages as are insured by the Federal Housing Administration, and to obtain such insurance; also to make such loans, whether secured by mortgage or not, as are insured pursuant to Title I of the Act of Congress entitled 'National Housing Act', and to obtain such insurance; and also to make such loans upon the security of real property or interests in real property, including such household appliances as are a portion of the security for such loans, as are guaranteed or insured by the administrator of veterans' affairs pursuant to the servicemen's readjustment Act of 1944, as amended, or for which there is a commitment to so guarantee or insure. The said household appliances shall be deemed to be fixtures and a part of the real property or interests in real property, which are security for such loans, when they are so described in the loan or mortgage instrument.

No law of the Territory prescribing the nature, amount or form of security or requiring security upon which loans or advances of credit may be made, or prescribing or limiting interest rates upon loans or advances of credit, or prescribing or limiting the period for which loans or advances of credit may be made shall be deemed to apply to loans made pursuant to the foregoing paragraph."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., September 26, 1949

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

Wilfred Oshikyama
President of the Senate

Ellen D. Smythe
Clerk of the Senate.

S. B. No. 28
S. D. 1
H. D. 1

A N  A C T

TO AMEND SECTION 8438 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO LOANS BY BANKS, SAVINGS BANKS, BUILDING AND LOAN AND SAVINGS AND LOAN ASSOCIATIONS, INSURANCE COMPANIES AND TRUST COMPANIES.

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

SECTION 1. Section 8438 of the Revised Laws of Hawaii 1945, as amended by Act 223 of the Session Laws of Hawaii 1945 and by Act 118 of the Session Laws of Hawaii 1949, is hereby further amended to read as follows:

"Sec. 8438. Mortgages and loans insured under federal laws; exempt from territorial requirements. Pursuant to such regulations not inconsistent with this part, as the bank examiner of the Territory finds to be necessary and proper and prescribes (which regulations need not be published in any newspaper in order to be valid), banks, savings banks,

building and loan and savings and loan associations, insurance companies and trust companies are authorized to make such loans secured by mortgages as are insured by the Federal Housing Administration, and to obtain such insurance; also to make such loans, whether secured by mortgage or not, as are insured pursuant to Title I of the Act of Congress entitled 'National Housing Act', and to obtain such insurance; and also to make such loans upon the security of real property or interests in real property, including such household appliances as are a portion of the security for such loans, as are guaranteed or insured by the administrator of veterans' affairs pursuant to the servicemen's readjustment Act of 1944, as amended, or for which there is a commitment to so guarantee or insure. The said household appliances shall be deemed to be fixtures and a part of the real property or interests in real property, which are security for such loans, when they are so described in the loan or mortgage instrument.

No law of the Territory prescribing the nature, amount or form of security or requiring security upon which loans or advances of credit may be made, or prescribing or limiting interest

rates upon loans or advances of credit, or prescribing or limiting the period for which loans or advances of credit may be made shall be deemed to apply to loans made pursuant to the foregoing paragraph."

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

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., October 6, 1949.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 29

SENATE
SPEC SESSION

1949

# The Legislature
of the
# Territory of Hawaii

## AN ACT

RELATING TO PUBLIC IMPROVEMENTS, AND THE FINANCING THEREOF, MAKING APPROPRIATIONS FOR PUBLIC IMPROVEMENTS, PROVIDING FOR THE ISSUANCE OF PUBLIC IMPROVEMENT BONDS, AND REPEALING ACT 368 OF THE SESSION LAWS OF HAWAII 1949.

| | |
|---|---|
| Introduced | September 15 , 1949 , by |
| Senator | TOSHIO ANSAI, REUBEN GOODNESS and JOHN G. DUARTE |

| | |
|---|---|
| First Reading in Senate | September 15, 1949 |
| Referred to Printing Committee | September 15, 1949 |
| Second Reading in Senate | September 19, 1949 |
| Referred to | - - - - - - - - - - |
| Third Reading in Senate | September 21, 1949 |
| First Reading in House | September 26, 1949 |
| Referred to | |
| Second Reading in House | September 27, 1949 |
| Referred to | Committee on Finance |
| Third Reading in House | October 5, 1949 |

ELLEN D. SMYTHE
*Clerk of the Senate*

(G)

SB 29 (A)

AN ACT

RELATING TO PUBLIC IMPROVEMENTS, AND THE FINANCING THEREOF, MAKING APPROPRIATIONS FOR PUBLIC IMPROVEMENTS, PROVIDING FOR THE ISSUANCE OF PUBLIC IMPROVEMENT BONDS, AND REPEALING ACT 368 OF THE SESSION LAWS OF HAWAII 1949.

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

SECTION 1. There is hereby appropriated for expenditure by the Hawaii Aeronautics Commission the sum of $1,641,770.00, or so much thereof as may be necessary, out of any moneys hereafter received by the treasurer of the Territory of Hawaii for or on account of loan funds, and bonds may be issued as provided by law to the extent necessary to yield the amounts herein appropriated, for construction, reconstruction, improvement, alteration, betterment or extension of airports and air navigation facilities operated by the Hawaii Aeronautics Commission as follows:

1. Honolulu Airport . . . . . $442,570.00
2. Territorial airports in the Counties of Maui and Kalawao . . . . $251,050.00
3. Territorial airports in the County of Hawaii . . . . . $546,925.00
4. Territorial airports in the County of Kauai . . . . . $401,225.00

Expenditures for preparatory studies, plans and specifications for such projects may be made from the sums so appropriated.

SECTION 2. The money appropriated hereby shall be disbursed and the improvements provided for shall be initiated and constructed in accordance with the pertinent provisions of Act 32, Session Laws of Hawaii 1947.

SECTION 3. The Hawaii Aeronautics Commission shall pay to the treasurer of the Territory on the interest dates of serial bonds issued by the Territory under this Act, the proceeds of which shall have been or are to be expended for the projects for which provision is herein made, the interest then due thereon and in addition thereto shall pay to the treasurer of the Territory on or before the twentieth day of November of each year the amount of the principal of such serial bonds maturing the following year.

The auditor of the Territory is authorized to deduct from the amount of any warrant or warrants otherwise issuable by him to the Hawaii Aeronautics Commission such amounts when due as are required by this section to be paid by the Hawaii Aeronautics Commission, and proper receipts shall thereupon be exchanged between the Hawaii Aeronautics Commission and the treasurer of the Territory.

SECTION 4. Any provision of this Act or any other territorial law to the contrary notwithstanding, it is expressly provided that, in the event that it is found possible to secure federal funds made available under any act of the Congress of the United States to be expended in connection with or for the construction of any of the projects or works authorized by any item of this Act, the Hawaii Aeronautics Commission shall have power to enter into such undertakings with the proper officers or agencies of the federal government, agree to such conditions, transfer the funds appropriated by this Act to such other officer, officers or agency of the Territory (who are hereby given power to expend the same pursuant to this Act) for expenditure thereof, and do and perform such other acts and things as may be necessary or be required by such acts of said Congress or any regulations or requirements of the federal

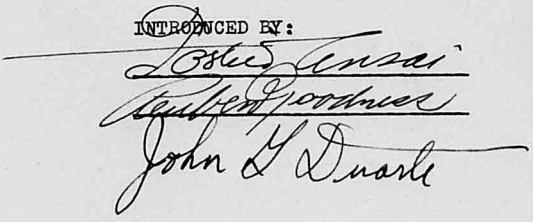
government, as a condition to securing such federal funds for such projects or works.

Any other provision of law to the contrary notwithstanding, any bonds issued under this Act may, with the approval of the governor, be deposited with and pledged to, or be otherwise disposed of to, the United States or any board, agency or instrumentality of the United States government, to secure the repayment, or in actual payment, of any loans or advances made or to be made, under any act or acts of the Congress of the United States authorizing such loans or advances by the United States or any such board, agency or instrumentality to the Territory for the construction, in whole or in part, of any public works project authorized under this Act or the cost of which, or any portion thereof, would be payable or could legally be paid out of the proceeds of such bonds if sold.

SECTION 5. Act 368 of the Session Laws of Hawaii 1949 is hereby repealed.

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

INTRODUCED BY:



S.B.No. 29

A N  A C T

RELATING TO PUBLIC IMPROVEMENTS, AND THE FINANCING THEREOF, MAKING APPROPRIATIONS FOR PUBLIC IMPROVEMENTS, PROVIDING FOR THE ISSUANCE OF PUBLIC IMPROVEMENT BONDS, AND REPEALING ACT 368 OF THE SESSION LAWS OF HAWAII 1949.

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

SECTION 1. There is hereby appropriated for expenditure by the Hawaii Aeronautics Commission the sum of $1,641,770.00, or so much thereof as may be necessary, out of any moneys hereafter received by the treasurer of the Territory of Hawaii for or on account of loan funds, and bonds may be issued as provided by law to the extent necessary to yield the amounts herein appropriated, for construction, reconstruction, improvement, alteration, betterment or extension of airports and air navigation facilities operated by the Hawaii Aeronautics Commission as follows:

| | |
|---|---|
| 1. Honolulu Airport | $ 442,570.00 |
| 2. Territorial airports in the counties of Maui and Kalawao | 251,050.00 |
| 3. Territorial airports in the county of Hawaii | 546,925.00 |
| 4. Territorial airports in the county of Kauai | 401,225.00. |

Expenditures for preparatory studies, plans and specifications for such projects may be made from the sums so appropriated.

SECTION 2. The money appropriated hereby shall be disbursed and the improvements provided for shall be initiated and constructed in accordance with the pertinent provisions of Act 32, Session Laws of Hawaii 1947.

SECTION 3. The Hawaii Aeronautics Commission shall pay to the treasurer of the Territory on the interest dates of serial bonds issued by the Territory under this Act, the proceeds of which shall have been or are to be expended for the projects for which provision is herein made, the interest then due thereon and in addition thereto shall pay to the treasurer of the Territory on or before the twentieth day of November of each

year the amount of the principal of such serial bonds maturing the following year.

The auditor of the Territory is authorized to deduct from the amount of any warrant or warrants otherwise issuable by him to the Hawaii Aeronautics Commission such amounts when due as are required by this section to be paid by the Hawaii Aeronautics Commission, and proper receipts shall thereupon be exchanged between the Hawaii Aeronautics Commission and the treasurer of the Territory.

SECTION 4. Any provision of this Act or any other territorial law to the contrary notwithstanding, it is expressly provided that, in the event that it is found possible to secure federal funds made available under any act of the Congress of the United States to be expended in connection with or for the construction of any of the projects or works authorized by any item of this Act, the Hawaii Aeronautics Commission shall have power to enter into such undertakings with the proper officers or agencies of the federal government, agree to such conditions, transfer the funds appropriated by this Act to such other officer, officers or agency of the Territory (who are hereby given power

to expend the same pursuant to this Act) for expenditure thereof, and do and perform such other acts and things as may be necessary or be required by such acts of said Congress or any regulations or requirements of the federal government, as a condition to securing such federal funds for such projects or works.

Any other provision of law to the contrary notwithstanding, any bonds issued under this Act may, with the approval of the governor, be deposited with and pledged to, or be otherwise disposed of to, the United States or any board, agency or instrumentality of the United States government, to secure the repayment, or in actual payment, of any loans or advances made or to be made, under any act or acts of the Congress of the United States authorizing such loans or advances by the United States or any such board, agency or instrumentality to the Territory for the construction, in whole or in part, of any public works project authorized under this Act or the cost of which, or any portion thereof, would be payable or could legally be paid out of the proceeds of such bonds if sold.

SECTION 5. Act 368 of the Session Laws of Hawaii 1949

is hereby repealed.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., September 21, 1949

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

President of the Senate

Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H., October 5, 1949.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 30

SENATE
SPEC SESSION

1949

# The Legislature
of the
# Territory of Hawaii

## AN ACT

TO AMEND PART I OF CHAPTER 138 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO THE LICENSING OF CHAUFFEURS, DRIVERS AND OPERATORS OF MOTOR VEHICLES.

| | |
|---|---|
| Introduced | September 15, 1949, by |
| Senator | REUBEN GOODNESS, JOHN G. DUARTE and TOSHIO ANSAI |

| | |
|---|---|
| First Reading in Senate | September 15, 1949 |
| Referred to Printing Committee | September 15, 1949 |
| Second Reading in Senate | September 19, 1949 |
| Referred to | - - - - - - - - - |
| Third Reading in Senate | September 22, 1949 |
| First Reading in House | September 26, 1949 |
| Referred to | |
| Second Reading in House | September 27, 1949 |
| Referred to | Committee on Judiciary |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

SB330 (A) 8

(H)

AN ACT

TO AMEND PART I OF CHAPTER 138 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO THE LICENSING OF CHAUFFEURS, DRIVERS AND OPERATORS OF MOTOR VEHICLES.

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

SECTION 1. Part I of chapter 138 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto a new section to be appropriately numbered by the secretary of Hawaii and reading as follows:

"Sec. _____. Authority of examiner of chauffers to suspend or revoke licenses. The examiner of chauffeurs is hereby authorized to suspend immediately the license of any person without hearing whenever he has reason to believe that such person is incompetent to drive a motor vehicle or is afflicted with mental or physical infirmities or disabilities rendering it unsafe for such person to drive a motor vehicle upon the highways. Whenever the examiner of chauffeurs suspends the license of any person for such reason, he shall immediately notify the licensee and afford him an opportunity of a hearing before him, and upon such hearing he shall either rescind his order of suspension, or good cause appearing therefor, may suspend the license of such person for a further period or revoke said license."

SECTION 2. The provisions of section 1 shall apply to any license heretofore or hereafter issued under the provisions of part I of chapter 138 of the Revised Laws of Hawaii 1945, as amended.

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

INTRODUCED BY:

Senator, Second District

S. B. No. 30

A N  A C T

TO AMEND PART I OF CHAPTER 138 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO THE LICENSING OF CHAUFFEURS, DRIVERS AND OPERATORS OF MOTOR VEHICLES.

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

SECTION 1. Part I of chapter 138 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto a new section to be appropriately numbered by the secretary of Hawaii and reading as follows:

"Sec. _____. Authority of examiner of chauffeurs to suspend or revoke licenses. The examiner of chauffeurs is hereby authorized to suspend immediately the license of any person without hearing whenever he has reason to believe that such person is incompetent to drive a motor vehicle or is afflicted with mental or physical infirmities or disabilities rendering it unsafe for such person to drive a motor vehicle upon the highways. Whenever the examiner of chauffeurs suspends the license of any person for

such reason, he shall immediately notify the licensee and afford him an opportunity of a hearing before him, and upon such hearing he shall either rescind his order of suspension, or good cause appearing therefor, may suspend the license of such person for a further period or revoke said license."

SECTION 2. The provisions of section 1 shall apply to any license heretofore or hereafter issued under the provisions of part I of chapter 138 of the Revised Laws of Hawaii 1945, as amended.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., September 22, 1949.

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

Wilfred D Tsukiyama
President of the Senate

Ellen D Smythe
Clerk of the Senate.

S. B. No. 30
H. D. 2

# A N  A C T

TO AMEND PART I OF CHAPTER 138 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO THE LICENSING OF CHAUFFEURS, DRIVERS AND OPERATORS OF MOTOR VEHICLES.

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

SECTION 1. Part I of chapter 138 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto a new section to be appropriately numbered by the secretary of Hawaii and reading as follows:

"Sec. _____. Authority of examiner of chauffeurs to suspend or revoke licenses. The examiner of chauffeurs is hereby authorized to suspend immediately the license of any person without hearing whenever he has reason to believe that such person is incompetent to drive a motor vehicle or is afflicted with mental or physical infirmities or disabilities rendering it unsafe for such person to drive a motor vehicle upon the highways. Whenever the examiner of chauffeurs suspends the license of any person for such reason, he shall immediately

notify the licensee and afford him an opportunity of a hearing before him, and upon such hearing he shall either rescind his order of suspension, or good cause appearing therefor, may suspend the license of such person for a further period or revoke said license. Any person whose license shall have been suspended or revoked as herein provided may appeal from such suspension or revocation in the manner provided by section 7327."

SECTION 2. The provisions of section 1 shall apply to any license heretofore or hereafter issued under the provisions of part I of chapter 138 of the Revised Laws of Hawaii 1945, as amended.

SECTION 3. Section 7303 of the Revised Laws of Hawaii 1945 is hereby amended by deleting the last paragraph thereof and in lieu inserting the following:

"Non-resident, when. Any non-resident who is at least 20 years of age, and who has in his

possession a valid operator's license issued to him in his home state may operate a motor vehicle in this Territory only as an operator for a period of not more than ninety (90) days."

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

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., October 4, 1949.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

Speaker, House of Representatives.

Clerk, House of Representatives.

EPIT
10/5/+9

Senate Bill No. 31

SENATE
SPEC SESSION

1949

# The Legislature
of the
# Territory of Hawaii

## AN ACT

RELATING TO BONUSES FOR PUBLIC OFFICERS AND EMPLOYEES, AND AMENDING ACT 208 OF THE SESSION LAWS OF HAWAII 1947, AS AMENDED.

Introduced September 15, 1949, by

Senators: E.S. CAPELLAS and CHARLES H. SILVA

| | |
|---|---|
| First Reading in Senate | September 15, 1949 |
| Referred to Printing Committee | September 15, 1949 |
| Second Reading in Senate | September 19, 1949 |
| 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*

Pass 2nd Reading

9-19-49
Com Whole - Ref to Spec Com Heen Lee Silva for amendment.

SB 31 (A 10)

AN ACT

RELATING TO BONUSES FOR PUBLIC OFFICERS AND EMPLOYEES, AND AMENDING ACT 208 OF THE SESSION LAWS OF HAWAII 1947, AS AMENDED.

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

SECTION 1. Act 208 of the Session Laws of Hawaii 1947, as amended and continued in effect by Act 367 of the Session Laws of Hawaii 1949, is hereby further amended by amending the second and third paragraphs of Section 3 thereof to read as follows:

"(2) For all other public employees as defined by section 1 of this Act, a uniform maximum amount of twenty-five dollars per month each (hereinafter called the "general employees' bonus"). If the governor so orders the payment of bonuses of less than the maximums aforesaid, such order shall provide for a reduction by a uniform and identical amount of the maximum teachers' bonus and the maximum general employees' bonus.

If, after such bonuses shall have been so granted, the governor shall at any time determine, from the best available estimates, that the finances of the Territory are or will be insufficient to cover the full amount of the bonuses so ordered paid, then, to the extent necessary in his judgment to bring such expenditures within the estimated available revenues of the Territory, he may, by executive order duly promulgated, eliminate all bonuses provided by this Act, or reduce all such bonuses by a uniform and identical amount, applicable alike to all employees covered by this Act. In the event any such elimination is effected, the governor thereafter, whenever in his judgment the finances of the Territory will permit, may by similar executive order, order the payment of bonuses for all of the said classes of employees, within the respective maximum amounts fixed by this Act for the teachers' bonus and the general employees' bonus; provided that the bonuses so ordered paid to said respective classes of employees shall preserve the ratio of 48 to 25 for said respective classes established by said maximum amounts. In the event any such reduction is effected, the governor thereafter, whenever in his judgment the finances of the Territory will permit, may by similar executive order, increase all such bonuses by a uniform and

identical amount, applicable alike to all employees covered by this Act. Such eliminations, reductions or increases may be made successively and from time to time, as required; provided that bonuses shall not exceed the maximum amounts fixed by this section and shall not continue beyond June 30, 1951."

SECTION 2. Nothing contained in this Act shall be construed to affect the continuance in effect of sections 1, 3 (as amended above) and 4 of said Act 208 of the Session Laws of Hawaii 1947 for and during the biennium beginning July 1, 1949 and ending June 30, 1951.

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

INTRODUCED BY:

E. S. Capellas

EUGENE S. CAPELLAS
Senator, First Senatorial
District

GOVT
10/4/49

Senate Bill No. 32

SENATE
SPEC SESSION

1949

# The Legislature
of the
# Territory of Hawaii

## AN ACT

AMENDING ACT 281 OF THE SESSION LAWS OF HAWAII 1949 RELATING TO HOUSING PROJECTS AND HOUSING; AND CONFERRING RIGHTS, POWERS AND PRIVILEGES UPON THE HAWAII HOUSING AUTHORITY AND UPON THE SEVERAL COUNTIES IN REGARD TO SUCH HOUSING PROJECTS AND HOUSING.

| | | |
|---|---|---|
| Introduced | September 15 | , 1949 , by |
| Senator | W. H. HILL | |

| | |
|---|---|
| First Reading in Senate | September 15, 1949 |
| Referred to Printing Committee | September 15, 1949 |
| Second Reading in Senate | September 19, 1949 |
| Referred to | - - - - - - - - - - |
| Third Reading in Senate | September 21, 1949 |
| First Reading in House | September 26, 1949 |
| Referred to | |
| Second Reading in House | September 27, 1949 |
| Referred to | Committee on Finance |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

SB A-11

SB 32

AN ACT

AMENDING ACT 281 OF THE SESSION LAWS OF HAWAII 1949 RELATING TO HOUSING PROJECTS AND HOUSING; AND CONFERRING RIGHTS, POWERS AND PRIVILEGES UPON THE HAWAII HOUSING AUTHORITY AND UPON THE SEVERAL COUNTIES IN REGARD TO SUCH HOUSING PROJECTS AND HOUSING.

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

SECTION 1. Section 2 of Act 281 of the Session Laws of Hawaii 1949 is hereby amended by adding a new sentence thereto at the end thereof which shall read as follows:

> "Nothing in this section shall prohibit or prevent the Authority from paying, and any such county from receiving, any sum or sums which the Authority in its discretion may agree to pay as reasonable compensation for the services or facilities provided by any county pursuant to this section."

SECTION 2. This Act shall take effect as of May 14, 1949.

INTRODUCED BY:

1st Pf Dist

S.B.No. 32

A N  A C T

AMENDING ACT 281 OF THE SESSION LAWS OF HAWAII 1949 RELATING TO HOUSING PROJECTS AND HOUSING; AND CONFERRING RIGHTS, POWERS AND PRIVILEGES UPON THE HAWAII HOUSING AUTHORITY AND UPON THE SEVERAL COUNTIES IN REGARD TO SUCH HOUSING PROJECTS AND HOUSING.

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

SECTION 1. Section 2 of Act 281 of the Session Laws of Hawaii 1949 is hereby amended by adding a new sentence thereto at the end thereof which shall read as follows:

"Nothing in this section shall prohibit or prevent the Authority from paying, and any such county from receiving, any sum or sums which the Authority in its discretion may agree to pay as reasonable compensation for the services or facilities provided by any county pursuant to this section."

SECTION 2. This Act shall take effect as of May 14, 1949.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., September 21, 1949.

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

President of the Senate

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H., October 4, 1949.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 33

SENATE
SPEC SESSION
1949

# The Legislature
of the
# Territory of Hawaii

## AN ACT

TO AMEND SECTION 1223, AS AMENDED, AND SECTION 1232, AS AMENDED, OF THE REVISED LAWS OF HAWAII 1945, RELATING TO FISHING.

Introduced September 15, 1949, by

Senator S: REUBEN GOODNESS, JOHN G. DUARTE and CHARLES H. SILVA

| | |
|---|---|
| First Reading in Senate | September 15, 1949 |
| Referred to Printing Committee | September 15, 1949 |
| Second Reading in Senate | September 19, 1949 |
| 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*

Passed 2nd 1

Com Whole 9-23-49 def to Monday 26th

9-19-49 Com Whole

Friday 2 P.M.

A-12

SB 33

AN ACT

TO AMEND SECTION 1223, AS AMENDED, AND SECTION 1232, AS AMENDED, OF THE REVISED LAWS OF HAWAII 1945, RELATING TO FISHING.

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

SECTION 1. Section 1223 of the Revised Laws of Hawaii 1945, as amended by Act 211 of the Session Laws of Hawaii 1949, is hereby further amended to read as follows:

"Sec. 1223. Drag nets, etc.; traps. It shall be unlawful for any person to use any throw net, hukilau net, seine or gill net used as a drag net, with a mesh of less than two inches, or to use any kind of fish trap other than the basket or portable trap; such trap shall not exceed ten feet in length or six feet in height or width, and the mesh thereof shall not be less than one inch measured across the narrowest way; provided, however, that owners or operators of fish ponds, for the purpose of catching pua or other small fish for stocking ponds, and citizens and commercial fishermen, for the purpose of catching nehu and iao for bait, and for the purpose of catching opelu, iheihe, puili, hahalalu, uouoa, oama and ohua, may lawfully use fine meshed nets or seines, provided the same are used for surrounding the fish in the water and are not dragged upon the shore. The provisions of this section as to size and length shall be taken to mean stretched measure, and the term "commercial fishermen" when used in this section has the meaning defined by section 1256."

SECTION 2. Section 1232 of the Revised Laws of Hawaii 1945, as amended by Act 211 of the Session Laws of Hawaii 1949, is hereby further amended to read as follows:

"Sec. 1232. Minimum sizes. It shall be unlawful to sell, offer for sale, or for any peddler or dealer in fish to have in his possession at any time whatsoever, any aholehole, or manini, less than five inches in length, or any mullet, commonly known by the name of amaama, or any moi, or any weke, known as oama, less than seven inches long, or any awa less than nine inches in length, opakapaka, ulaula, uku, ulua, or papio, or uhu, weighing less than one pound; or any lobster weighing less than one pound; or any clam measuring less than one and one-half inches across the long way, or any crab, known as

kuahonu measuring less than four inches in width from point to point; provided, that nothing in this section shall interfere with the lawful operation of any one owning or operating a fish pond; provided, further, that nothing in this section shall interfere with the owner or operator of a fish pond catching or having in his possession living pua for stocking fish ponds."

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

INTRODUCED BY:

REUBEN GOODNESS
Senator, Second Senatorial District

Senate Bill No. 34

SENATE
SPEC SESSION

1949

# The Legislature
of the
# Territory of Hawaii

## AN ACT

AMENDING ACT 205 OF THE SESSION LAWS OF HAWAII 1947, AS AMENDED, RELATING TO PUBLIC IMPROVEMENTS AND THE ISSUANCE OF PUBLIC IMPROVEMENT BONDS, PROVIDING FOR AN OVERSEAS TERMINAL AT KAWAIHAE, COUNTY OF HAWAII, MAKING AN APPROPRIATION FOR SAID OVERSEAS TERMINAL AND APPURTENANCES, AND PROVIDING FOR THE ISSUANCE OF BONDS THEREFOR.

Filed

Introduced September 15, 1949, by

Senators: CHARLES H. SILVA, WILLIAM J, NOBRIGA, E. S. CAPELLAS and W. H. HILL

| | |
|---|---|
| First Reading in Senate | September 15, 1949 |
| Referred to Printing Committee | September 15, 1949 |
| Second Reading in Senate | September 19, 1949 |
| 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*

9-19-49
Com whole
9-26-49
Filed

(A-14)

SB34

AN ACT

AMENDING ACT 205 OF THE SESSION LAWS OF HAWAII 1947, AS AMENDED, RELATING TO PUBLIC IMPROVEMENTS AND THE ISSUANCE OF PUBLIC IMPROVEMENT BONDS, PROVIDING FOR AN OVERSEAS TERMINAL AT KAWAIHAE, COUNTY OF HAWAII, MAKING AN APPROPRIATION FOR SAID OVERSEAS TERMINAL AND APPURTENANCES, AND PROVIDING FOR THE ISSUANCE OF BONDS THEREFOR.

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

SECTION 1. Act 205 of the Session Laws of Hawaii 1947, as amended by Act 30 of the Session Laws of Hawaii 1949, is hereby further amended in the following respects:

(a) By amending subsection lettered "(a)" of section 1 thereof by adding thereto, under "Territorial Improvements To be expended under the direction of the Board of Harbor Commissioners:", immediately after item numbered "2" thereof, a new item to be numbered "2-A" and to read as follows:

"2-A. For overseas terminal, Kawaihae harbor, county of Hawaii, including plans, land acquisition, improvements to land, and other necessary expenses ---------- $1,000,000.00".

(b) By further amending said section 1 thereof by adding thereto, at the end thereof, a new subsection to be lettered "(c)" and to read as follows:

"(c) No expenditures, except for surveys and design work, are to be made for the item numbered 2-A, above, unless and until the United States engineer department approves the project and agrees to cooperate, through the development of Kawaihae harbor. The certificate of the governor that such approval and agreement have been obtained shall be final and conclusive for all purposes. The board

of harbor commissioners is hereby authorized to use funds from the harbor board reserve fund to supplement funds herein appropriated for said item numbered 2-A."

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

INTRODUCED BY:

CHARLES H. SILVA
Senator, First Senatorial District

SENATE
SPEC SESSION

Senate Bill No. 35

1949

# The Legislature
of the
# Territory of Hawaii

## AN ACT

TO AMEND SECTION 195 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO THE APPOINTMENT OF ELECTION INSPECTORS.

| | | |
|---|---|---|
| Introduced | September 15 | , 1949 , by |
| Senator | WM. H. HEEN | |

| | |
|---|---|
| First Reading in Senate | September 15, 1949 |
| Referred to Printing Committee | September 15, 1949 |
| Second Reading in Senate | September 19, 1949 |
| Referred to | - - - - - - - - - - |
| Third Reading in Senate | September 21, 1949 |
| First Reading in House | September 26, 1949 |
| Referred to | |
| Second Reading in House | September 27, 1949 |
| Referred to | Committee on Judiciary |
| Third Reading in House | September 30, 1949 |

ELLEN D. SMYTHE
*Clerk of the Senate*

S BILL NO. 35

AN ACT

TO AMEND SECTION 195 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO THE APPOINTMENT OF ELECTION INSPECTORS.

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

SECTION 1. Section 195 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto the following paragraph:

"In case of inability, failure or refusal of any person so appointed to act as such inspector, the governor shall, so far as reasonably practicable, appoint a person to fill such vacancy from the same party that such person so failing to act belonged to; provided, however, that if it is impossible to communicate with the governor in time for him to make such appointment before the election is held, the remaining inspector or inspectors shall appoint a person or persons to fill such vacancy."

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

INTRODUCED BY:

S. B. No. 35

A N  A C T

TO AMEND SECTION 195 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO THE APPOINTMENT OF ELECTION INSPECTORS.

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

SECTION 1. Section 195 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding thereto the following paragraph:

"In case of inability, failure or refusal of any person so appointed to act as such inspector, the governor shall, so far as reasonably practicable, appoint a person to fill such vacancy from the same party that such person so failing to act belonged to; provided, however, that if it is impossible to communicate with the governor in time for him to make such appointment before the election is held, the remaining inspector or inspectors shall appoint a person or persons to fill such vacancy."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., September 21, 1949.

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

President of the Senate

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H., September 30, 1949.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill N 36

SENATE
SPEC SESSION

1949

# The Legislature
of the
# Territory of Hawaii

## AN ACT

EMPOWERING THE GOVERNOR AND HIS AUTHORIZED REPRESENTATIVES TO TAKE MEASURES TO MAKE AVAILABLE NECESSARY COMMODITIES IN AN EMERGENCY AND TO TAKE MEASURES INCIDENTAL THERETO; MAKING IT A MISDEMEANOR TO DECEIVE OR ATTEMPT TO DECEIVE THE GOVERNOR OR SUCH REPRESENTATIVES IN THE ASCERTAINMENT OF FACTS FOR USE IN ADMINISTERING THIS ACT; AND MAKING AN APPROPRIATION FOR THE PURPOSES OF THIS ACT.

| | |
|---|---|
| Introduced | September 15, 1949, by |
| Senator | WM. H. HEEN |

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|---|---|
| First Reading in Senate | September 15, 1949 |
| Referred to Printing Committee | September 15, 1949 |
| Second Reading in Senate | September 19, 1949 |
| Referred to | COMMITTEE OF THE WHOLE |
| Third Reading in Senate | September 22, 1949 |
| First Reading in House | September 26, 1949 |
| Referred to | |
| Second Reading in House | September 27, 1949 |
| Referred to | Committee on Finance |
| Third Reading in House | October 1, 1949 |

ELLEN D. SMYTHE
*Clerk of the Senate*

A-16
SB36

AN ACT

EMPOWERING THE GOVERNOR AND HIS AUTHORIZED REPRESENTATIVES TO TAKE MEASURES TO MAKE AVAILABLE NECESSARY COMMODITIES IN AN EMERGENCY AND TO TAKE MEASURES INCIDENTAL THERETO; MAKING IT A MISDEMEANOR TO DECEIVE OR ATTEMPT TO DECEIVE THE GOVERNOR OR SUCH REPRESENTATIVES IN THE ASCERTAINMENT OF FACTS FOR USE IN ADMINISTERING THIS ACT; AND MAKING AN APPROPRIATION FOR THE PURPOSES OF THIS ACT.

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

SECTION 1. "Emergency" defined. As used in this Act, unless otherwise indicated by the context, "emergency" means any state of affairs or circumstances which imperils the availability to the public of commodities necessary to public health, safety, or welfare.

SECTION 2. Powers in an emergency. In the event ~~of an emergency the governor~~ the governor declares that an emergency as defined in Section 1 exists, he or his authorized representatives, in order to make available commodities necessary to the public health, safety, or welfare, may:

(a) Whenever the availability of shipping space depends upon determination, by the governor or his authorized representatives, of the emergency needs of the population, allocate such space to and among types of commodities and consignees, such distribution of space among consignees to be upon an equitable basis so far as reasonably practicable.

(b) Charter or affreight a ship or ships, and transport cargoes to the Territory. Cargoes from the Territory may be transported on any return voyage.

(c) Purchase and resell, or otherwise distribute commodities.

SECTION 3. Charges. Whenever under this Act any transportation or services are furnished or commodities sold by the Territory, such charges shall be made and collected therefor as will compensate the Territory for its expenditures in connection therewith. Any moneys so realized are hereby reappropriated for the purposes of this Act, and may be expended or allotted in the same manner as the appropriation made by this Act.

SECTION 4. Personnel, delegation of powers. The governor may appoint or employ boards, agencies, officers, employees and other persons, or any of them, for the purpose of carrying out the provisions of this Act, and may delegate to such boards, agencies or persons, or to any government board, agency, officer or employee, territorial or otherwise, any of his duties or powers under this Act.

All such officers and employees employed on a temporary basis, whether or not employed by contract, shall be exempt from and not subject to the provisions of chapters 2, 3, 12 and 15 of the Revised Laws of Hawaii 1945, as well as any other law which is inapplicable to temporary employees of the Territory.

SECTION 5. Contributions. The governor or his authorized representative may receive, expend or use contributions or grants in money or property, or special contributions thereof for special purposes provided for by this Act, and may establish suitable funds in the treasury for the deposit and expenditures of such moneys. Such contributions or grants are hereby appropriated for the purpose of this Act, or for such special purposes, as the case may be.

SECTION 6. Investigations, surveys. The governor and his authorized representatives shall have the power to make investigations and surveys for the purpose of ascertaining facts to be used in administering this Act, and in making such investigations and surveys, may require the making, filing or keeping of applications, schedules, records, reports or statements, under oath or otherwise, administer oaths, take evidence under oath, subpoena witnesses, and require the production of books, papers and records. Witnesses shall be allowed their fees and mileage as in cases in the circuit courts. The circuit court of any circuit or judge thereof shall have power to enforce by proper proceedings the attendance and testimony of any witness subpoenaed to appear within the circuit, or the production of such books, papers and records.

SECTION 7. Fraud, misdemeanor. Any person required by the governor or his authorized representative, pursuant to section 6 of this Act, to make, keep or file any application, schedule, record, report or statement, whether or not under oath, who shall intentionally make, file or keep a false or fraudulent application, schedule, record, report or statement or shall intentionally conceal therein any material fact, and any person who shall in any other manner intentionally deceive or attempt to deceive the governor or his authorized representative with respect to any fact to be used in administering this Act, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars or by imprisonment not exceeding six months or by both such fine or imprisonment.

SECTION 8. Appropriation. There is hereby appro-

priated from the general revenues of the Territory for the purposes of this Act the sum of $10,000.00. Such appropriation may be augmented from the governor's contingent fund. The governor may allot moneys appropriated by this Act to any board, agency, officer or employee created, appointed or employed under the provisions of this Act or to any government board, agency, officer or employee to whom powers or duties have been delegated pursuant to this Act, to be expended upon its or his own vouchers in carrying out the provisions of this Act.

Moneys appropriated by this Act may be expended for personal services of officers, employees, or other persons, current expenses, equipment, or any of the purposes of this Act.

SECTION 9. Effective date. This Act shall take effect upon its approval.

INTRODUCED BY:

_____, ____District

S. B. No. 36
S. D. 1

A N  A C T

EMPOWERING THE GOVERNOR AND HIS AUTHORIZED REPRESENTATIVES TO TAKE MEASURES TO MAKE AVAILABLE NECESSARY COMMODITIES IN AN EMERGENCY AND TO TAKE MEASURES INCIDENTAL THERETO; MAKING IT A MISDEMEANOR TO DECEIVE OR ATTEMPT TO DECEIVE THE GOVERNOR OR SUCH REPRESENTATIVES IN THE ASCERTAINMENT OF FACTS FOR USE IN ADMINISTERING THIS ACT; AND MAKING AN APPROPRIATION FOR THE PURPOSES OF THIS ACT.

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

SECTION 1. "Emergency" defined. As used in this Act, unless otherwise indicated by the context, "emergency" means any state of affairs or circumstances which imperils the availability to the public of commodities necessary to public health, safety, or welfare.

SECTION 2. Powers in an emergency. In the event the governor declares that an emergency as defined in section 1 exists, he or his authorized representatives, in order to make

available commodities necessary to the public health, safety, or welfare, may:

(a) Whenever the availability of shipping space depends upon determination, by the governor or his authorized representatives, of the emergency needs of the population, allocate such space to and among types of commodities and consignees, such distribution of space among consignees to be upon an equitable basis so far as reasonably practicable.

(b) Charter or affreight a ship or ships, and transport cargoes to the Territory. Cargoes from the Territory may be transported on any return voyage.

(c) Purchase and resell, or otherwise distribute commodities.

SECTION 3. Charges. Whenever under this Act any transportation or services are furnished or commodities sold by the Territory, such charges shall be made and collected therefor as will compensate the Territory for its expenditures in connection therewith. Any moneys so realized are hereby reappropriated for the purposes of this Act, and may be expended or allotted in the same manner as the appropriation made by this Act.

SECTION 4. Personnel, delegation of powers. The governor may appoint or employ boards, agencies, officers, employees and other persons, or any of them, for the purpose of carrying out the provisions of this Act, and may delegate to such boards, agencies or persons, or to any government board, agency, officer or employee, territorial or otherwise, any of his duties or powers under this Act.

All such officers and employees employed on a temporary basis, whether or not employed by contract, shall be exempt from and not subject to nor entitled to the benefits of the provisions of chapters 2, 3, 12 and 15 of the Revised Laws of Hawaii 1945, or any other law which is inapplicable to temporary employees of the Territory.

SECTION 5. Contributions. The governor or his authorized representative may receive, expend or use contributions or grants in money or property, or special contributions thereof for special purposes provided for by this Act, and may establish suitable funds in the treasury for the deposit and expenditures of such moneys. Such contributions or grants are hereby appro-

priated for the purpose of this Act, or for such special purposes, as the case may be.

SECTION 6. Investigations, surveys. The governor and his authorized representative shall have the power to make investigations and surveys for the purpose of ascertaining facts to be used in administering this Act, and in making such investigations and surveys, may require the making, filing or keeping of applications, schedules, records, reports or statements, under oath or otherwise, administer oaths, take evidence under oath, subpoena witnesses, and require the production of books, papers and records. Witnesses shall be allowed their fees and mileage as in cases in the circuit courts. The circuit court of any circuit or judge thereof shall have power to enforce by proper proceedings the attendance and testimony of any witness subpoenaed to appear within the circuit, or the production of such books, papers and records.

SECTION 7. Fraud, misdemeanor. Any person required by the governor or his authorized representative, pursuant to section 6 of this Act, to make, keep or file any application,

schedule, record, report or statement, whether or not under oath, who shall intentionally make, file or keep a false or fraudulent application, schedule, record, report or statement or shall intentionally conceal therein any material fact, and any person who shall in any other manner intentionally deceive or attempt to deceive the governor or his authorized representative with respect to any fact to be used in administering this Act, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars or by imprisonment not exceeding six months or by both such fine or imprisonment.

SECTION 8. Appropriation. There is hereby appropriated from the general revenues of the Territory for the purposes of this Act the sum of $10,000.00. Such appropriation may be augmented from the governor's contingent fund. The governor may allot moneys appropriated by this Act to any board, agency, officer or employee created, appointed or employed under the provisions of this Act or to any government board, agency, officer or employee to whom powers or duties have been delegated pursuant to this Act, to be expended upon its or his own

vouchers in carrying out the provisions of this Act.

Moneys appropriated by this Act may be expended for personal services of officers, employees, or other persons, current expenses, equipment, or any of the purposes of this Act.

SECTION 9. Effective date. This Act shall take effect upon its approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., September 22, 1949

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

President of the Senate

Clerk of the Senate.

S. B. No. 36
S. D. 1
H. D. 2

A N  A C T

EMPOWERING THE GOVERNOR AND HIS AUTHORIZED REPRESENTATIVES TO TAKE MEASURES TO MAKE AVAILABLE NECESSARY COMMODITIES IN AN EMERGENCY AND TO TAKE MEASURES INCIDENTAL THERETO; MAKING IT A MISDEMEANOR TO DECEIVE OR ATTEMPT TO DECEIVE THE GOVERNOR OR SUCH REPRESENTATIVES IN THE ASCERTAINMENT OF FACTS FOR USE IN ADMINISTERING THIS ACT; AND MAKING AN APPROPRIATION FOR THE PURPOSES OF THIS ACT.

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

SECTION 1. "Emergency" defined. As used in this Act, unless otherwise indicated by the context, "emergency" means any state of affairs or circumstances which imperils the availability to the public of commodities necessary to public health, safety, or welfare.

SECTION 2. Powers in an emergency. In the event the governor declares that an emergency as defined in section 1 exists, he or his authorized representatives, in order to make available commodities necessary to the public health, safety, or welfare, may:

(a) Whenever the availability of shipping space depends upon determination, by the governor or his authorized representatives, of the emergency needs of the population, allocate such space to and among types of commodities and consignees, such distribution of space among consignees to be upon an equitable basis so far as reasonably practicable.

(b) Charter or affreight a ship or ships, make any other arrangements, including contracts of guaranty, for the procurement of ships and any other means of transportation, and transport cargoes to the Territory. Cargoes from the Territory may be transported on any return voyage.

(c) Purchase and resell, or otherwise distribute commodities.

SECTION 3. Charges. Whenever under this Act any transportation or services are furnished or commodities sold by the Territory, such charges shall be made and collected therefor as will compensate the Territory for its expenditures in connection therewith. Any moneys so realized are hereby reappropriated for the purposes of this Act, and may be expended or allotted in the same manner as the appropriation made by this Act.

SECTION 4. Personnel, delegation of powers. The governor may appoint or employ boards, agencies, officers, employees and other persons, or any of them, for the purpose of carrying out the provisions of this Act, and may delegate to such boards, agencies or persons, or to any government board, agency, officer or employee, territorial or otherwise, any of his duties or powers under this Act.

All such officers and employees employed on a temporary basis, whether or not employed by contract, shall be exempt from and not subject to nor entitled to the benefits of the provisions of chapters 2, 3, 12 and 15 of the Revised Laws of Hawaii 1945, or any other law which is inapplicable to temporary employees of the Territory.

SECTION 5. Contributions. The governor or his authorized representative may receive, expend or use contributions or grants in money or property, or special contributions thereof for special purposes provided for by this Act, and may establish suitable funds in the treasury for the deposit and expenditures of such moneys. Such contributions or grants are hereby appropriated for the purpose of this Act, or for such special purposes, as the case may be.

SECTION 6. Investigations, surveys. The governor

and his authorized representative shall have the power to make investigations and surveys for the purpose of ascertaining facts to be used in administering this Act, and in making such investigations and surveys, may require the making, filing or keeping of applications, schedules, records, reports or statements, under oath or otherwise, administer oaths, take evidence under oath, subpoena witnesses, and require the production of books, papers and records. Witnesses shall be allowed their fees and mileage as in cases in the circuit courts. The circuit court of any circuit or judge thereof shall have power to enforce by proper proceedings the attendance and testimony of any witness subpoenaed to appear within the circuit, or the production of such books, papers and records.

SECTION 7. Fraud, misdemeanor. Any person required by the governor or his authorized representative, pursuant

to section 6 of this Act, to make, keep or file any application, schedule, record, report or statement, whether or not under oath, who shall intentionally make, file or keep a false or fraudulent application, schedule, record, report or statement or shall intentionally conceal therein any material fact, and any person who shall in any other manner intentionally deceive or attempt to deceive the governor or his authorized representative with respect to any fact to be used in administering this Act, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars or by imprisonment not exceeding six months or by both such fine and imprisonment.

SECTION 8. Appropriation. There is hereby appropriated from the general revenues of the Territory for the purposes of this Act the sum of $10,000.00. Such appropriation may be augmented from the governor's

contingent fund. The governor may allot moneys appropriated by this Act to any board, agency, officer or employee created, appointed or employed under the provisions of this Act or to any government board, agency, officer or employee to whom powers or duties have been delegated pursuant to this Act, to be expended upon its or his own vouchers in carrying out the provisions of this Act.

Moneys appropriated by this Act may be expended for personal services of officers, employees, or other persons, current expenses, equipment, or any of the purposes of this Act.

SECTION 9. Effective date. This Act shall take effect upon its approval.

THE HOUSE OF REPRESENTATIVES OF THE

TERRITORY OF HAWAII

Honolulu, T. H., October 4, 1949.

We hereby certify that the foregoing Bill this day passed Final Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 37

SENATE
SPEC SESSION

1949

# The Legislature
of the
# Territory of Hawaii

## AN ACT

RELATING TO PUBLIC IMPROVEMENTS AND THE FINANCING THEREOF, PROVIDING FOR AN OVERSEAS TERMINAL AT KAWAIHAE, COUNTY OF HAWAII, MAKING AN APPROPRIATION FOR SAID OVERSEAS TERMINAL AND APPURTENANCES, AND PROVIDING FOR THE ISSUANCE OF BONDS THEREFOR.

| | | |
|---|---|---|
| Introduced | SEPTEMBER 26 | , 19 49 , by |
| Senator | CHARLES H. SILVA | |

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|---|---|
| First Reading in Senate | September 26, 1949 |
| Referred to Printing Committee | September 26, 1949 |
| Second Reading in Senate | September 27, 1949 |
| Referred to Third Reading in Senate | September 28, 1949 |
| First Reading in House | September 29, 1949 |
| Referred to Second Reading in House | September 30, 1949 |
| Referred to Third Reading in House | COMMITTEE ON FINANCE. October 15, 1949 |

ELLEN D. SMYTHE
*Clerk of the Senate*

S.B.No. 37

A N  A C T

RELATING TO PUBLIC IMPROVEMENTS AND THE FINANCING THEREOF, PROVIDING FOR AN OVERSEAS TERMINAL AT KAWAIHAE, COUNTY OF HAWAII, MAKING AN APPROPRIATION FOR SAID OVERSEAS TERMINAL AND APPURTENANCES, AND PROVIDING FOR THE ISSUANCE OF BONDS THEREFOR.

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

SECTION 1. There is hereby appropriated the sum of $1,000,000.00, or so much thereof as may be necessary, out of any moneys hereafter received by the treasurer of the Territory of Hawaii for or on account of loan funds, and bonds may be issued as provided by law to the extent necessary to yield the amount herein appropriated, for an overseas terminal at Kawaihae harbor, Kawaihae, county of Hawaii, including surveys, design work, plans, land acquisition, improvements to land, and other necessary expenses.

SECTION 2. The moneys appropriated hereby shall be expended and the said overseas terminal herein provided for shall be initiated, constructed and carried out by the board of harbor commissioners. Funds from the harbor board reserve fund may be used in connection with, or to supplement, funds appropriated by this Act.

SECTION 3. This Act shall not be deemed to amend Act 95 of the Session Laws of Hawaii 1947 or to affect the appropriation therein made for the said overseas terminal, Kawaihae harbor, Hawaii. No expenditures, however, shall be made from funds appropriated by this Act for the said overseas terminal unless and until it is determined by the said board of harbor commissioners that revenue bonds cannot be issued and sold by the said board of harbor commissioners for the said overseas terminal (as authorized by said Act 95) at a rate of interest which will be no more, and upon terms which will be no less favorable to said board, than it determines bonds can be issued and sold for under this Act. The certificate of the chairman of the said board in regard to the said determinations by the said board shall be final and conclusive for all purposes.

In the event such determinations are made and bonds are issued and sold under this Act for the said overseas terminal, no bonds shall be issued and sold by the said board under said Act 95 for the said overseas terminal.

SECTION 4. The said board of harbor commissioners shall pay to the treasurer of the Territory on the interest dates of serial bonds issued by the Territory under this Act, the proceeds of which shall have been or are to be expended for the said overseas terminal for which provision is herein made, the interest then due thereon and in addition thereto shall pay to the treasurer of the Territory on or before the first day of December of each year the amount of principal of such serial bonds maturing the following year. Said payments shall be made from the harbor board special fund.

The auditor of the Territory is authorized to deduct from said harbor board special fund or from the amount of any warrant or warrants otherwise issuable by him to the said board of harbor commissioners such amounts when due as are required by this section

to be paid by the said board of harbor commissioners, and proper receipts shall thereupon be exchanged between the said board of harbor commissioners and the Treasurer of the Territory.

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 or development of the said overseas terminal authorized by this Act, the said board of harbor commissioners shall have power to enter into such undertakings with the proper officers or agencies of the federal government, agree to such conditions, transfer the funds appropriated by this Act to such other officer, officers or agency of the Territory (who are hereby given power to expend the same pursuant to this Act) for expenditure thereof, and do and perform such other acts and things as may be necessary or be required by such acts of said Congress or any regulations or requirements of the federal government, as a condition to securing such federal funds for such overseas terminal.

Any other provision of law to the contrary notwithstanding, any bonds issued under this Act may, with the approval of the governor, be deposited with and pledged to, or be otherwise disposed of to, the United States or any board, agency or instrumentality of the United States government, to secure the repayment, or in actual payment, of any loans or advances made or to be made, under any act or acts of the Congress of the United States authorizing such loans or advances by the United States or any such board, agency or instrumentality to the Territory or to the said board of harbor commissioners for the construction, in whole or in part, of the said overseas terminal authorized under this Act or the cost of which, or any portion thereof, would be payable or could legally be paid out of the proceeds of such bonds if sold.

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

INTRODUCED BY

Charles H. Silva
Senator, 1st District.

S.B.No. 37
S.D. 1

A N  A C T

RELATING TO PUBLIC IMPROVEMENTS AND THE FINANCING THEREOF, PROVIDING FOR AN OVERSEAS TERMINAL AT KAWAIHAE, COUNTY OF HAWAII, MAKING AN APPROPRIATION FOR SAID OVERSEAS TERMINAL AND APPURTENANCES, AND PROVIDING FOR THE ISSUANCE OF BONDS THEREFOR.

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

SECTION 1. There is hereby appropriated the sum of $1,000,000.00 or so much thereof as may be necessary, out of any moneys hereafter received by the treasurer of the Territory of Hawaii for or on account of loan funds, and bonds may be issued as provided by law to the extent necessary to yield the amount herein appropriated, for an overseas terminal at Kawaihae harbor, Kawaihae, county of Hawaii, including surveys, design work, plans, land acquisition, improvements to land, and other necessary expenses.

SECTION 2. The moneys appropriated hereby shall be expended and the said overseas terminal herein provided for shall be initiated, constructed and carried out by the board of harbor commissioners. Funds from the harbor board reserve fund may be used in connection with, or to supplement, funds appropriated by this Act.

SECTION 3. This Act shall not be deemed to amend Act 95 of the Session Laws of Hawaii 1947 or to affect the appropriation therein made for the said overseas terminal, Kawaihae harbor, Hawaii. No expenditures, however, shall be made from funds appropriated by this Act for the said overseas terminal unless and until it is determined by the said board of harbor commissioners that revenue bonds cannot be issued and sold by the said board of harbor commissioners for the said overseas terminal (as authorized by said Act 95) at a rate of interest which will be no more, and upon terms which will be no less favorable to said board, than it determines bonds can be issued and sold for under this Act. The certificate of the chairman of the said board in regard to the said determinations by

the said board shall be final and conclusive for all purposes.

In the event such determinations are made and bonds are issued and sold under this Act for the said overseas terminal, no bonds shall be issued and sold by the said board under said Act 95 for the said overseas terminal.

SECTION 4. The said board of harbor commissioners shall pay to the treasurer of the Territory on the interest dates of serial bonds issued by the Territory under this Act, the proceeds of which shall have been or are to be expended for the said overseas terminal for which provision is herein made, the interest then due thereon and in addition thereto shall pay to the treasurer of the Territory on or before the first day of December of each year the amount of principal of such serial bonds maturing the following year. Said payments shall be made from the harbor board special fund as provided in section 4998 of the Revised Laws of Hawaii 1945, as amended.

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 or development of the said overseas terminal authorized by this Act, the said board of harbor commissioners shall have power to enter into such undertakings with the proper officers or agencies of the federal government, agree to such conditions, transfer the funds appropriated by this Act to such other officer, officers or agency of the Territory (who are hereby given power to expend the same pursuant to this Act) for expenditure thereof, and do and perform such other acts and things as may be necessary or be required by such acts of said Congress or any regulations or requirements of the federal government, as a condition to securing such federal funds for such overseas terminal.

Any other provision of law to the contrary notwithstanding, any bonds issued under this Act may, with the approval of the governor, be deposited with and pledged to, or be otherwise disposed of to, the United States or any board, agency or instrumentality of the United States government, to secure the repayment, or in actual payment, of any loans or advances made

or to be made, under any act or acts of the Congress of the United States authorizing such loans or advances by the United States or any such board, agency or instrumentality to the Territory or to the said board of harbor commissioners for the construction, in whole or in part, of the said overseas terminal authorized under this Act or the cost of which, or any portion thereof, would be payable or could legally be paid out of the proceeds of such bonds if sold.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., September 28, 1949.

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

President of the Senate

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H., October 15, 1949.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 38

SENATE
SPEC SESSION

1949

# The Legislature
of the
# Territory of Hawaii

## AN ACT

AMENDING ACT 207 OF THE SESSION LAWS OF HAWAII 1949, RELATING TO PUBLIC IMPROVEMENTS IN THE DISTRICT OF SOUTH KOHALA, COUNTY OF HAWAII, AND MAKING APPROPRIATIONS THEREFOR BY WAY OF ADVANCEMENT FROM THE GENERAL FUND OF THE TERRITORY.

Introduced September 28, 1949, by

Senators: CHARLES H. SILVA, WILLIAM J. NOBRIGA, E. S. CAPELLAS and W. H. HILL

| | |
|---|---|
| First Reading in Senate | September 28, 1949 |
| Referred to Printing Committee | September 28, 1949 |
| Second Reading in Senate | September 29, 1949 |
| Referred to | COMMITTEE OF THE WHOLE SENATE |
| Third Reading in Senate | September 30, 1949 |
| First Reading in House | October 1, 1949 |
| Referred to | |
| Second Reading in House | October 3, 1949 |
| Referred to | COMMITTEE ON FINANCE |
| Third Reading in House | October 6, 1949 |

ELLEN D. SMYTHE
*Clerk of the Senate*

SB 38
A-17

AN ACT

AMENDING ACT 207 OF THE SESSION LAWS OF HAWAII 1949, RELATING TO PUBLIC IMPROVEMENTS IN THE DISTRICT OF SOUTH KOHALA, COUNTY OF HAWAII, AND MAKING APPROPRIATIONS THEREFOR BY WAY OF ADVANCEMENT FROM THE GENERAL FUND OF THE TERRITORY.

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

SECTION 1. Act 207 of the Session Laws of Hawaii 1949 is hereby amended in the following respects:

1. By amending Section 1 thereof to read as follows:

"SECTION 1. The sum of $175,000.00, or so much thereof as may be necessary, is hereby appropriated, by way of advancement, out of the territorial general fund for the following purposes: (a) the acquisition of land in fee simple for a forty-foot wide road right of way in the district of South Kohala, county of Hawaii, commencing at the south end of the Kawaihae park road, at Kawaihae park, and thence running in a southerly direction across the lands of Kawaihae 2 and Ouli and Lalamilo and to and through the beach area at said Lalamilo reserved for houselot subdivision in territorial general lease number 3083; and (b) the construction of a gravel or water-bound macadam road, or the equivalent thereof, commencing at the said south end of the said Kawaihae park road and running as aforesaid along and over the said right of way to and through the said beach area, including storm drains, bridges, and other structures necessary to road construction; and (c) the acquisition of all such rights of way for domestic water pipe lines as are deemed necessary or advisable by the commissioner of public lands of the Territory to furnish and supply all houselots hereafter subdivided at the said beach area and at other beach areas in the land of Lalamilo with an adequate supply of domestic water, together with rights of ingress and egress thereto over lands adjacent to said rights of way; and (d) the acquisition of land for tanks, including accessories thereto, to be used in connection with the said pipe lines; and (e) the construction of pipe lines for a domestic water system (including

(1)
9-22-49

Print Category

tanks and accessories thereto) commencing from such point on the Waimea-Kawaihae pipe line system as the commissioner of public lands shall determine to be advisable and running thence through the lands aforesaid and to and through the said beach area and the other said beach areas. Said Appropriation shall be expended for the said purposes and in the amounts set forth in the schedule hereinafter set forth, to-wit:

1. For the acquisition of land for the said road, for the construction of the said road, and for the acquisition of rights of way for the said pipe lines and of land for the said tanks and accessories ---------- $65,000.00.

2. For the construction of the said domestic water pipe lines, including tanks and other accessories ---------- $110,000.00.

In case the amount specified in either of the two items set forth in the above schedule shall not be wholly required to complete the work on such item the unrequired balance may, after completion of said work or after it is definitely found by the officer or officers in charge of the work authorized by said item that not more than a specified amount, less than the whole amount specified for such item, will be required to complete said work, be expended for the work specified in the other item."

2. By amending Section 2 thereof to read as follows:

"SECTION 2. The said commissioner of public lands shall acquire the said land for the said road, tanks and accessories and the said rights of way for the said pipe lines, and shall construct the said road, pipe lines and other improvements authorized by this Act as soon as possible. Land and rights of way may be acquired by purchase or eminent domain or, in the manner provided in and subject to the provisions of the Organic Act and chapter 78 of the Revised Laws of Hawaii 1945, by exchange of the old government trail running across the aforesaid lands of Kawaihae 2 and Ouli for the fee simple title to the said road right of way, or any part thereof, or by any two or all of said methods. The said road and the said pipe lines, including tanks and accessories, may be constructed or improved under section 4527 of the Revised Laws of Hawaii 1945, as amended."

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

INTRODUCED BY:

CHARLES H. SILVA
Senator, First District

S.B.No. 38

A N  A C T

AMENDING ACT 207 OF THE SESSION LAWS OF HAWAII 1949, RELATING TO PUBLIC IMPROVEMENTS IN THE DISTRICT OF SOUTH KOHALA, COUNTY OF HAWAII, AND MAKING APPROPRIATIONS THEREFOR BY WAY OF ADVANCEMENT FROM THE GENERAL FUND OF THE TERRITORY.

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

SECTION 1. Act 207 of the Session Laws of Hawaii 1949 is hereby amended in the following respects:

1. By amending section 1 thereof to read as follows:

"SECTION 1. The sum of $175,000.00, or so much thereof as may be necessary, is hereby appropriated, by way of advancement, out of the territorial general fund for the following purposes: (a) the acquisition of land in fee simple for a forty-foot wide road right of way in the district of South Kohala, county of Hawaii, commencing at the south end of the Kawaihae park road, at Kawaihae park, and thence running in a southerly direction across the lands of Kawaihae 2 and Ouli and Lalamilo and to and through the beach

area at said Lalamilo reserved for houselot subdivision in territorial general lease number 3083; and (b) the construction of a gravel or water-bound macadam road, or the equivalent thereof, commencing at the said south end of the said Kawaihae park road and running as aforesaid along and over the said right of way to and through the said beach area, including storm drains, bridges, and other structures necessary to road construction; and (c) the acquisition of all such rights of way for domestic water pipe lines as are deemed necessary or advisable by the commissioner of public lands of the Territory to furnish and supply all houselots hereafter subdivided at the said beach area and at other beach areas in the land of Lalamilo with an adequate supply of domestic water, together with rights of ingress and egress thereto over lands adjacent to said rights of way; and (d) the acquisition of land for tanks, including accessories thereto, to be used in connection with the said pipe lines; and (e) the construction of pipe lines for a domestic water system (including tanks and accessories thereto) commencing from such point on the Waimea-Kawaihae pipe line system as the commissioner of public lands shall determine to be advisable and running thence through the lands aforesaid and to and through the said beach area and the other said beach areas.

Said appropriation shall be expended for the said purposes and in the amounts set forth in the schedule hereinafter set forth, to-wit:

1. For the acquisition of land for the said road, for the construction of the said road, and for the acquisition of rights of way for the said pipe lines and of land for the said tanks and accessories $ 65,000.00

2. For the construction of the said domestic water pipe lines, including tanks and other accessories 110,000.00.

In case the amount specified in either of the two items set forth in the above schedule shall not be wholly required to complete the work on such item the unrequired balance may, after completion of said work or after it is definitely found by the officer or officers in charge of the work authorized by said item that not more than a specified amount, less than the whole amount specified for such item, will be required to complete said work, be expended for the work specified in the other item."

2. By amending section 2 thereof to read as follows:

"SECTION 2. The said commissioner of public lands shall acquire the said land for the said road, tanks and accessories and the said rights of way for

the said pipe lines, and shall construct the said road, pipe lines and other improvements authorized by this Act as soon as possible. Land and rights of way may be acquired by purchase or eminent domain or, in the manner provided in and subject to the provisions of the Organic Act and chapter 78 of the Revised Laws of Hawaii 1945, by exchange of the old government trail running across the aforesaid lands of Kawaihae 2 and Ouli for the fee simple title to the said road right of way, or any part thereof, or by any two or all of said methods. The said road and the said pipe lines, including tanks and accessories, may be constructed or improved under section 4527 of the Revised Laws of Hawaii 1945, as amended."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., September 30, 1949

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

President of the Senate

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H., October 6, 1949.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 39

SENATE
SPEC SESSION
1949

# The Legislature
of the
# Territory of Hawaii

## AN ACT

APPROPRIATING $43,230.00 TO THE DEPARTMENT OF PUBLIC LANDS AND SURVEY.

Introduced September 28, 1949, 19, by

Senators: BEN DILLINGHAM, W.H. HILL, WILLIAM J. NOBRIGA, THELMA M. AKANA, TOSHIO ANSAI, CHARLES H. SILVA, JOHN G. DUARTE, M.R. AGUIAR, JR., & REUBEN GOODNESS

| | |
|---|---|
| First Reading in Senate | September 28, 1949 |
| Referred to Printing Committee | September 28, 1949 |
| Second Reading in Senate | September 29, 1949 |
| 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 39 9-27-49 A 19

to the Governor

AN ACT

APPROPRIATING $43,230.00 TO THE DEPARTMENT OF PUBLIC LANDS AND SURVEY.

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

SECTION 1. There is hereby appropriated to the Department of Public Lands and Survey from the general revenues of the Territory not otherwise appropriated the sum of forty-three thousand two hundred and thirty dollars ($43,230.00), or so much thereof as may be necessary, for the following purposes and in the following amounts:

| | | | | |
|---|---|---|---|---|
| "A" | Personal Services | | | |
| | Cadastral Engineer | P-4 | $9,990.00 | |
| | Engineering Aide | SP-3 | 4,590.00 | |
| | Engineering Aide | SP-3 | 4,590.00 | |
| | PCB 7075 Territorial Ranger | P-4 | 9,990.00 | |
| | PCB 6552 Cadastral Engineer | P-3 | 9,770.00 | |
| | Total Personal Services | | | $38,930.00 |
| "B" | Travel Allowances | | $ 800.00 | |
| | Other Allowances | | 1,500.00 | |
| | Total Travel and Other Allowances | | | $ 2,300.00 |
| "M" | Motor Vehicles | | $2,000.00 | |
| | Total Services on Motor Vehicles | | | $ 2,000.00 |
| | TOTAL . . . . . | | | $43,230.00 |

SECTION 2. The moneys appropriated by this Act shall be in addition to moneys appropriated to the Department of Public Lands and Survey by Act 335, Session Laws of 1949.

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

INTRODUCED BY:

Honolulu, T. H.

Senate Bill No. 40

SENATE
SPEC SESSION
1949

EPH 10/7/49

# The Legislature
of the
# Territory of Hawaii

## AN ACT

TO AMEND SECTION 7183 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO FIREARMS, THE REGISTRATION OF FIREARMS, AND PERMITS TO ACQUIRE OR POSSESS FIREARMS.

Introduced SEPTEMBER 28, 1949, by
Senators TOSHIO ANSAI AND REUBEN GOODNESS

| | |
|---|---|
| First Reading in Senate | September 28, 1949 |
| Referred to Printing Committee | September 28, 1949 |
| Second Reading in Senate | September 29, 1949 |
| Referred to | COMMITTEE OF THE WHOLE SENATE |
| Third Reading in Senate | September 30, 1949 |
| First Reading in House | October 1, 1949 |
| Referred to | |
| Second Reading in House | October 3, 1949 |
| Referred to | COMMITTEE ON JUDICIARY. |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

SB 40

A - 21
Print

AN ACT

TO AMEND SECTION 7183 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO FIREARMS, THE REGISTRATION OF FIREARMS, AND PERMITS TO ACQUIRE OR POSSESS FIREARMS.

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

SECTION 1. Section 7183 of the Revised Laws of Hawaii 1945, as amended by Act 192 of the Session Laws of Hawaii 1949, is hereby further amended by amending the last sentence of the first paragraph thereof to read as follows:

> "Further, no person shall keep in his possession any such firearm which is owned by another, irrespective of whether or not said owner has consented to such possession, without a permit from the chief of police of the aforesaid county; provided, however, that any rifle or shotgun, which is registered under, and in respect of which the owner has fully complied with, this chapter, may be loaned to another for hunting, target or skeet shooting, and such other person may keep the same in his possession, for a period of not more than thirty days, without such a permit; and, provided, further, that any pistol or revolver, which is registered under, and in respect of which the owner has fully complied with, this chapter, may be loaned to another upon a target range, for a period not longer than to allow such other person to then and there use the same for target shooting, without such a permit."

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

INTRODUCED BY:

Foster Ansai

SENATOR, DISTRICT.

Reuben Goodness

S. B. No. 40

A N  A C T

TO AMEND SECTION 7183 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO FIREARMS, THE REGISTRATION OF FIREARMS, AND PERMITS TO ACQUIRE OR POSSESS FIREARMS.

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

SECTION 1. Section 7183 of the Revised Laws of Hawaii 1945, as amended by Act 192 of the Session Laws of Hawaii 1949, is hereby further amended by amending the last sentence of the first paragraph thereof to read as follows:

"Further, no person shall keep in his possession any such firearm which is owned by another, irrespective of whether or not said owner has consented to such possession, without a permit from the chief of police of the aforesaid county; provided, however, that any rifle or shotgun, which is registered under, and in respect of which the owner has fully complied with, this chapter, may be loaned to another for hunting, target or skeet shooting, and such other person may keep the same in his

possession, for a period of not more than thirty days, without such a permit; and, provided, further, that any pistol or revolver, which is registered under, and in respect of which the owner has fully complied with, this chapter, may be loaned to another upon a target range, for a period not longer than to allow such other person to then and there use the same for target shooting, without such a permit."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., September 30, 1949.

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

President of the Senate

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H., October 7, 1949.

We hereby certify that the foregoing Bill passed Third Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session on October 7, 1949.

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 41

SENATE
SPEC SESSION
1949

# The Legislature
of the
# Territory of Hawaii

## AN ACT

AMENDING ACT 335, SESSION LAWS OF HAWAII 1949, RELATING TO APPROPRIATIONS OUT OF THE GENERAL REVENUES FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1951.

Introduced SEPTEMBER 28, 19 49, by
Senator M. R. AGUIAR, JR.

| | |
|---|---|
| First Reading in Senate | September 28, 1949 |
| Referred to Printing Committee | September 28, 1949 |
| Second Reading in Senate | September 29, 1949 |
| Referred to | COMMITTEE OF THE WHOLE SENATE |
| Third Reading in Senate | September 30, 1949 |
| First Reading in House | October 1, 1949 |
| Referred to | |
| Second Reading in House | October 3, 1949 |
| Referred to | COMMITTEE ON FINANCE. |
| Third Reading in House | October 15, 1949 |

ELLEN D. SMYTHE
*Clerk of the Senate*

SB 41

A-22
Print

H. B. No. _____

AN ACT

AMENDING ACT 335, SESSION LAWS OF HAWAII 1949, RELATING TO APPROPRIATIONS OUT OF THE GENERAL REVENUES FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1951.

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

SECTION 1. Act 335 of the Session Laws of Hawaii 1949 is hereby amended by inserting under the caption "QUASI-PUBLIC INSTITUTIONS" and following the entry "Wilcox Memorial Hospital....$43,253.00", the words and figures:

"Waimea Hospital ..... $25,000.00".

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

INTRODUCED BY:

M. R. Aquino Jr.
~~Rep. 4th District~~ Sen. 4th District.

Honolulu, T. H.
September , 1949.

S. B. No. 41

A N  A C T

AMENDING ACT 335, SESSION LAWS OF HAWAII 1949, RELATING TO APPROPRIATIONS OUT OF THE GENERAL REVENUES FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1951.

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

SECTION 1. Act 335 of the Session Laws of Hawaii 1949 is hereby amended by inserting under the caption "QUASI-PUBLIC INSTITUTIONS" and following the entry "Wilcox Memorial Hospital . . . . . $43,253.00", the words and figures:

"Waimea Hospital . . . . . $ 25,000.00".

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., September 30, 1949.

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

President of the Senate

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H., October 15, 1949.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 42

# SENATE
SPEC SESSION
1949

## The Legislature
of the
## Territory of Hawaii

# AN ACT

TO AMEND ACT 359 OF THE SESSION LAWS OF HAWAII 1949, RELATING TO THE EXTENSION OF THE HIGHWAY FROM KANAIO TO KALAMA PARK, COUNTY OF MAUI, AND AN APPROPRIATION THEREFOR.

Introduced SEPTEMBER 28, 1949, by
Senators REUBEN GOODNESS AND JOHN G. DUARTE

| | |
|---|---|
| First Reading in Senate | September 28, 1949 |
| Referred to Printing Committee | September 28, 1949 |
| Second Reading in Senate | September 29, 1949 |
| Referred to | COMMITTEE OF THE WHOLE SENATE |
| Third Reading in Senate | September 30, 1949 |
| First Reading in House | October 1, 1949 |
| Referred to | |
| Second Reading in House | October 3, 1949 |
| Referred to | COMMITTEE ON FINANCE. |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

SB 42

A-23
Print

AN ACT

TO AMEND ACT 359 OF THE SESSION LAWS OF HAWAII 1949, RELATING TO THE EXTENSION OF THE HIGHWAY FROM KANAIO TO KALAMA PARK, COUNTY OF MAUI, AND AN APPROPRIATION THEREFOR.

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

SECTION 1. Sections 2 and 3 of Act 359 of the Session Laws of Hawaii 1949 are hereby amended to read as follows:

"SECTION 2. The construction authorized herein shall be under the supervision of and be carried out by the superintendent of public works of the Territory who shall furnish engineering services and general supervision. The department of institutions shall at all times furnish not less than thirty-five (35) prisoners each day, together with guards and camps for, and maintenance of prisoners, as required for the actual construction work. The sum of fifteen thousand dollars ($15,000.00) of the sum appropriated by section 1 shall be used for personnel required to administer such camps, such amount to be expended upon warrants drawn by the territorial auditor on the treasurer, based upon vouchers approved by the director of institutions.

SECTION 3. The moneys appropriated by this Act, other than the moneys earmarked for personnel required to administer the camps established under section 2, shall be expended upon warrants drawn by the territorial auditor on the treasurer, based upon vouchers approved by the said superintendent of public works."

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

INTRODUCED BY:

Reuben Goodness
Senator, Second District

John G Duarte

S. B. No. 42

A N  A C T

TO AMEND ACT 359 OF THE SESSION LAWS OF HAWAII 1949, RELATING TO THE EXTENSION OF THE HIGHWAY FROM KANAIO TO KALAMA PARK, COUNTY OF MAUI, AND AN APPROPRIATION THEREFOR.

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

SECTION 1. Sections 2 and 3 of Act 359 of the Session Laws of Hawaii 1949 are hereby amended to read as follows:

"SECTION 2. The construction authorized herein shall be under the supervision of and be carried out by the superintendent of public works of the Territory who shall furnish engineering services and general supervision. The department of institutions shall at all times furnish not less than thirty-five (35) prisoners each day, together with guards and camps for, and maintenance of prisoners, as required for the actual construction work. The sum of fifteen thousand dollars ($15,000.00) of the sum appropriated by section 1 shall be used for personnel required to administer such camps, such amount to be expended upon warrants drawn by the terri-

torial auditor on the treasurer, based upon vouchers approved by the director of institutions.

SECTION 3. The moneys appropriated by this Act, other than the moneys earmarked for personnel required to administer the camps established under section 2, shall be expended upon warrants drawn by the territorial auditor on the treasurer, based upon vouchers approved by the said superintendent of public works."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., September 30, 1949.

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

President of the Senate

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H., October 10, 1949.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 43

SENATE

SPEC SESSION

1949

# The Legislature

of the

# Territory of Hawaii

## AN ACT

FOR THE RELIEF OF JOHN G. MEDEIROS, LIMITED, PROVIDING FOR THE REIMBURSEMENT OF SAID JOHN G. MEDEIROS, LIMITED, FOR ADDITIONAL BORROW PLACED AT AND FOR ADDITIONAL EXCAVATION REQUIRED, AND FOR ADDITIONAL WORK PERFORMED IN THE CONSTRUCTION OF KAILUA AIRPORT, COUNTY OF HAWAII; AND MAKING APPROPRIATIONS.

Introduced September 28 , 1949 , by

Senators: CHARLES H. SILVA, TOSHIO ANSAI, E. S. CAPELLAS, JOHN G. DUARTE, REUBEN GOODNESS, W.H. HILL & M. R. AGUIAR, JR.

| | |
|---|---|
| First Reading in Senate | September 28, 1949 |
| Referred to Printing Committee | September 28, 1949 |
| Second Reading in Senate | September 29, 1949 |
| Referred to | COMMITTEE OF THE WHOLE SENATE |
| Third Reading in Senate | September 30, 1949 |
| First Reading in House | October 1, 1949 |
| Referred to | |
| Second Reading in House | October 3, 1949 |
| Referred to | COMMITTEE ON FINANCE. |
| Third Reading in House | October 6, 1949 |

ELLEN D. SMYTHE

*Clerk of the Senate*

SB 43

A 24

Prim

S. B. NO. _____

AN ACT

For the relief of John G. Medeiros, Limited, providing for the reimbursement of said John G. Medeiros, Limited, for additional borrow placed at and for additional excavation required, and for other additional work performed in the construction of Kailua Airport, County of Hawaii; and making appropriations.

WHEREAS, the Territory of Hawaii and John G. Medeiros, Limited, a Hawaiian corporation, entered into a contract dated April 22, 1948, relating to Kailua Airport, County of Hawaii (Job Number 5301) whereby the said John G. Medeiros, Limited, among other things, agreed to place 53,200 cubic yards of borrow in the said project; and agree to excavate materials in shoulders on runways, but not to a depth of six inches below subgrade; and agreed to follow the lines and grades furnished and established by the Territorial Engineering staff; and agreed to eliminate the furnishing and placing of select material; and agreed to place 700 cubic yards of borrow in the approach road; and agreed to secure the borrow from a designated area of land 40 acres in area; and

WHEREAS, in the course of the construction of the said project, due to either the cross sections being erroneous or the grades set on the ground being in error or the failure of the Territory to furnish to the said John G. Medeiros, Limited, the construction plans or revised cross sections of the said project, the said John G. Medeiros, Limited, placed about 80,000 cubic yards of borrow in the said project, an addition of about 27,000 cubic yards of such borrow over and above the amount required by the said contract; and

WHEREAS, the Territorial Resident Engineer in charge of said project required the said John G. Medeiros, Limited, to excavate materials in the shoulders on both sides of the runways of said project to a depth of six inches below subgrade, which additional work amounted to 5,300 cubic yards of such excavation; and

WHEREAS, on account of errors in establishing grades on the ground by the Territorial Engineering staff, the said John G. Medeiros, Limited, did perform 6,000 cubic yards of excavation, which work was not necessary if the grade stakes had been correctly established by the Territory; and

WHEREAS, on account of errors in establishing grades on the ground by the Territorial Engineering staff, the said John G. Medeiros, Limited, did perform additional work in furnishing additional embankment material and dressing the surface again, which work was not necessary if the grade stakes had been correctly established by the Territory; and

WHEREAS, the item of select material was eliminated from the contract by a change order agreement, the said John G. Medeiros, Limited was requested to place 5,600 cubic yards of this select material on the base course, only 700 cubic yards of which were compensated for; and

WHEREAS, in the course of the construction of the approach road, due to either the cross sections being erroneous or the grades set on the ground being in error, the said John G. Medeiros, Limited placed about 5,000 additional cubic yards of such borrow over and above the amount required by the said contract; and

WHEREAS, the designated 40-acre borrow pit was definitely located without the limits of the airport, but in the course of construction the materials from this area was not sufficient to complete the grading of the airport, an additional area of approximately 60 acres were secured and redesignated, thus necessitated an increase cost of hauling to the John G. Medeiros, Limited; and

WHEREAS, although the Territory of Hawaii has received the benefit of such additional work performed by the said John G. Medeiros, Limited, and is legally or morally obligated to pay for the same, it has refused to pay the fair and reasonable value of the said 27,000 cubic yards of borrow, to-wit: has refused to pay $48,600.00 therefor; and has so refused to pay the fair and reasonable value of the said 4,900 cubic yards of additional excavation, to-wit: has refused to pay $12,720.00 therefor; has refused to pay the fair and reasonable value of 6,000 cubic yards of additional excavation on account of errors in grade stakes, to-wit: has refused to pay $14,400.00 therefor; has refused to pay the fair and reasonable amount of extra work in resurfacing the embankment on account of errors in grade stakes, to-wit: has refused to pay $2,000.00 therefor; has refused to pay the fair and reasonable value of 5,600 cubic yards of select material, to-wit: has refused to pay $29,750.00 therefor; has refused to pay the fair and reasonable value of the said 5,000 cubic yards of borrow for the approach road, to-wit: has refused to pay $9,000.00 therefor; has refused to pay the cost of the extra hauling of borrow material from a new borrow pit, to-wit: has refused to pay $5,000.00 therefor;

NOW, THEREFORE, 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 Twenty-One Thousand Four Hundred and Seventy Dollars ($121,470.00) for the relief of John G. Medeiros, Limited, to cover the work performed and the materials supplied by the said John G. Medeiros, Limited, in connection with the improvement of Kailua Airport, County of Hawaii, as aforesaid, and for which said work and materials the Territory has not paid the said John G. Medeiros, Limited.

SECTION 2. That John G. Medeiros, Limited, upon due process of law, shall first establish the claims or any portion thereof, as aforementioned, in the Court of Equity.

SECTION 3. The said sum of $121,470.00 or any portion thereof, which the Court may deem just and fair, shall be paid by the Territorial Treasurer, to the said John G. Medeiros, Limited, upon a warrant which shall be drawn and issued by the Territorial Auditor, in the sum so prescribed by the Court to the said John G. Medeiros, Limited.

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

Charles H. Silva
Toshio Ansai
E. S. Capellas
John G. Duarte
Reuben Goodness
N. H. Hill
M. R. Aguiar Jr.

S.B.No. 43
S.D. 1

A N  A C T

FOR THE RELIEF OF JOHN G. MEDEIROS, LIMITED, PROVIDING FOR THE REIMBURSEMENT OF SAID JOHN G. MEDEIROS, LIMITED, FOR ADDITIONAL BORROW PLACED AT AND FOR ADDITIONAL EXCAVATION REQUIRED, AND FOR OTHER ADDITIONAL WORK PERFORMED IN THE CONSTRUCTION OF KAILUA AIRPORT, COUNTY OF HAWAII; AND MAKING APPROPRIATIONS.

WHEREAS, the Territory of Hawaii and John G. Medeiros, Limited, a Hawaiian corporation, entered into a contract dated April 22, 1948, relating to Kailua airport, county of Hawaii (Job Number 5301) whereby the said John G. Medeiros, Limited, among other things, agreed to place 53,200 cubic yards of borrow in the said project; and agreed to excavate materials in shoulders on runways, but not to a depth of six inches below subgrade; and agreed to follow the lines and grades furnished and established by the territorial engineering

staff; and agreed to eliminate the furnishing and placing of select material; and agreed to place 700 cubic yards of borrow in the approach road; and agreed to secure the borrow from a designated area of land 40 acres in area; and

WHEREAS, in the course of the construction of the said project, due to either the cross sections being erroneous or the grades set on the ground being in error or the failure of the Territory to furnish to the said John G. Medeiros, Limited, the construction plans or revised cross sections of the said project, the said John G. Medeiros, Limited, placed about 80,000 cubic yards of borrow in the said project, an addition of about 27,000 cubic yards of such borrow over and above the amount required by the said contract; and

WHEREAS, the territorial resident engineer in charge of said project required the said John G. Medeiros, Limited, to excavate materials in the shoulders on both sides of the runways of said project to a depth of six inches below subgrade, which additional work amounted to 5,300 cubic yards of such

excavation; and

WHEREAS, on account of errors in establishing grades on the ground by the territorial engineering staff, the said John G. Medeiros, Limited, did perform 6,000 cubic yards of excavation, which work was not necessary if the grade stakes had been correctly established by the Territory; and

WHEREAS, on account of errors in establishing grades on the ground by the territorial engineering staff, the said John G. Medeiros, Limited, did perform additional work in furnishing additional embankment material and dressing the surface again, which work was not necessary if the grade stakes had been correctly established by the Territory; and

WHEREAS, the item of select material was eliminated from the contract by a change order agreement, the said John G. Medeiros, Limited, was requested to place 5,600 cubic yards of this select material on the base course, only 700 cubic yards of which were compensated for; and

WHEREAS, in the course of the construction of the approach road, due to either the cross sections being erroneous

or the grades set on the ground being in error, the said John G. Medeiros, Limited, placed about 5,000 additional cubic yards of such borrow over and above the amount required by the said contract; and

WHEREAS, the designated 40-acre borrow pit was definitely located without the limits of the airport, but in the course of construction the materials from this area were not sufficient to complete the grading of the airport, an additional area of approximately 60 acres was secured and redesignated, thus necessitating an increasedcost of hauling to the John G. Medeiros, Limited; and

WHEREAS, although the Territory of Hawaii has received the benefit of such additional work performed by the said John G. Medeiros, Limited, and is legally or morally obligated to pay for the same, it has refused to pay the fair and reasonable value of the said 27,000 cubic yards of borrow, to-wit: has refused to pay $48,600.00 therefor; and has so refused to pay the fair and reasonable value of the said 4,900 cubic yards of

additional excavation, to-wit: has refused to pay $12,720.00 therefor; has refused to pay the fair and reasonable value of 6,000 cubic yards of additional excavation on account of errors in grade stakes, to-wit: has refused to pay $14,400.00 therefor; has refused to pay the fair and reasonable amount of extra work in resurfacing the embankment on account of errors in grade stakes, to-wit: has refused to pay $2,000.00 therefor; has refused to pay the fair and reasonable value of 5,600 cubic yards of select material, to-wit: has refused to pay $29,750.00 therefor; has refused to pay the fair and reasonable value of the said 5,000 cubic yards of borrow for the approach road, to-wit: has refused to pay $9,000.00 therefor; has refused to pay the cost of the extra hauling of borrow material from a new borrow pit, to-wit: has refused to pay $5,000.00 therefor; now, therefore,

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 twenty-one thousand four hundred and seventy dollars ($121,470.00) for the relief of John G. Medeiros,

Limited, to cover the work performed and the material supplied by the said John G. Medeiros, Limited, in connection with the improvement of Kailua airport, county of Hawaii, as aforesaid, and for which said work and materials the Territory has not paid the said John G. Medeiros, Limited.

SECTION 2. That John G. Medeiros, Limited, upon due process of law, shall first establish the claims or any portion thereof, as aforementioned, in a court of competent jurisdiction.

SECTION 3. That said sum of one hundred twenty-one thousand four hundred and seventy dollars ($121,470.00) or any portion thereof, which the court may deem just and fair, shall be paid by the territorial treasurer, to the said John G. Medeiros, Limited, upon a warrant which shall be drawn and issued by the territorial auditor, in the sum so prescribed by the court to the said John G. Medeiros, Limited.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., September 30, 1949

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

President of the Senate

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H., October 6, 1949.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

Speaker, House of Representatives.

Clerk, House of Representatives.

S. B. No. 43
S. D. 1
H. D. 1

A N  A C T

TO AUTHORIZE LITIGATION FOR THE DETERMINATION OF THE MERITS OF THE CLAIMS OF JOHN G. MEDEIROS, LIMITED, FOR ADDITIONAL WORK AND MATERIALS FURNISHED IN CONNECTION WITH THE CONSTRUCTION OF KAILUA AIRPORT, COUNTY OF HAWAII; AND MAKING APPROPRIATIONS THEREFOR.

WHEREAS, the Territory of Hawaii and John G. Medeiros, Limited, a Hawaiian corporation, entered into a contract dated April 22, 1948, under which the said John G. Medeiros, Limited, furnished work and materials for the construction of Kailua Airport, County of Hawaii; and

WHEREAS, the said John G. Medeiros, Limited, has made claims for the furnishing of work and materials over and above those called for by the plans and specifications of said project, and the said John G. Medeiros, Limited, has

made claim that said extra work and materials were furnished at the insistence and direction of representatives of the Territory; and

WHEREAS, the said John G. Medeiros, Limited, has claimed that the furnishing of extra work and materials was made necessary by reason of inaccuracies in plans and specifications and engineering work done by the Territory of Hawaii; and

WHEREAS, the Department of Public Works of the Territory of Hawaii has denied the validity of the said claims of the said John G. Medeiros, Limited; and

WHEREAS, the Legislature believes that compensation should be paid to John G. Medeiros, Limited, in the event it may be established by trial in court that the Territory of Hawaii has received the benefit of additional work and materials furnished by the said John G. Medeiros, Limited, and that: (a) said additional work and materials were not

required by the aforesaid contract, or (b) the furnishing of said additional work and materials was necessitated by errors in plans or specifications or the establishment of grades set on the ground or the establishment of cross-sections by the engineering staff of the Territory of Hawaii; now, therefore,

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

SECTION 1. The circuit courts of the Territory of Hawaii shall, subject to appeal or review as provided by law, have jurisdiction to hear and determine the merits of the claim or claims of John G. Medeiros, Limited, for reimbursement for extra or additional work and materials furnished to the Territory of Hawaii in connection with the construction of Kailua Airport.

SECTION 2. There is hereby appropriated out of the general revenues of the Territory, not otherwise appropriated, the sum of $121,470, for the payment of the judgment of the

court trying the action authorized by this Act to be brought, in the event any judgment in favor of John G. Medeiros, Limited, is made and entered by the court; such payment, if any, shall be made by the territorial treasurer upon a warrant drawn and issued by the territorial auditor.

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

THE HOUSE OF REPRESENTATIVES OF THE

TERRITORY OF HAWAII

Honolulu, T. H., October 12, 1949.

We hereby certify that the foregoing Bill this day passed Final Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 44

SENATE

SPEC SESSION

1949

# The Legislature

of the

# Territory of Hawaii

## AN ACT

AUTHORIZING THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO ISSUE BONDS IN THE SUM OF THREE MILLION DOLLARS ($3,000,000.00) FOR CONSTRUCTION OF THE KOOLAU TUNNEL PROJECT ON THE ISLAND OF OAHU.

Introduced September 28, , 19 49, by

Senator WILFRED C. TSUKIYAMA

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|---|---|
| First Reading in Senate | September 28, 1949 |
| Referred to Printing Committee | September 28, 1949 |
| Second Reading in Senate | September 29, 1949 |
| Referred to | COMMITTEE OF THE WHOLE SENATE |
| Third Reading in Senate | September 30, 1949 |
| First Reading in House | October 1, 1949 |
| Referred to | |
| Second Reading in House | October 3, 1949 |
| Referred to | COMMITTEE ON COUNTY & MUNICIPAL AFFAIRS |
| Third Reading in House | October 15, 1949 |

ELLEN D. SMYTHE

*Clerk of the Senate*

SB 44 A-25

S. B. NO. 44

AN ACT

AUTHORIZING THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO ISSUE BONDS IN THE SUM OF THREE MILLION DOLLARS ($3,000,000.00) FOR CONSTRUCTION OF THE KOOLAU TUNNEL PROJECT ON THE ISLAND OF OAHU.

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 empowered and authorized to issue bonds in an amount not exceeding three million dollars ($3,000,000.00), provided, however, that the limitations and requirements in the Organic Act and in chapter 117 of the Revised Laws of Hawaii 1945, as to the total bond indebtedness which may be incurred at any time or in any one year shall be waived as to the bonds issued under this Act.

SECTION 2. The moneys realized from such bond issue shall be expended for the construction of the Koolau tunnel project, a tunnel through the Koolau mountain range at the head of Kalihi valley between the leeward and the windward sides of the island of Oahu, including appurtenances thereto and all necessary expenses thereof.

SECTION 3. This Act shall take effect upon the enactment of legislation by the Congress of the United States of America ratifying this Act and authorizing such bond issue, notwithstanding the limitations of section 55 of the Organic Act of the Territory of Hawaii or any other law to the contrary.

INTRODUCED BY:

Wilfred Tsukiyama

Honolulu, T. H.

S. B. No. 44

A N  A C T

AUTHORIZING THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO ISSUE BONDS IN THE SUM OF THREE MILLION DOLLARS ($3,000,000.00) FOR CONSTRUCTION OF THE KOOLAU TUNNEL PROJECT ON THE ISLAND OF OAHU.

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 empowered and authorized to issue bonds in an amount not exceeding three million dollars ($3,000,000.00), provided, however, that the limitations and requirements in the Organic Act and in chapter 117 of the Revised Laws of Hawaii 1945, as to the total bond indebtedness which may be incurred at any time or in any one year shall be waived as to the bonds issued under this Act.

SECTION 2. The moneys realized from such bond issue shall be expended for the construction of the Koolau tunnel

project, a tunnel through the Koolau mountain range at the head of Kalihi valley between the leeward and the windward sides of the island of Oahu, including appurtenances thereto and all necessary expenses thereof.

SECTION 3. This Act shall take effect upon the enactment of legislation by the Congress of the United States of America ratifying this Act and authorizing such bond issue, notwithstanding the limitations of section 55 of the Organic Act of the Territory of Hawaii or any other law to the contrary.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., September 30, 1949.

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

President of the Senate

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H., October 15, 1949.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 45

SENATE
SPEC SESSION
1949

# The Legislature
of the
# Territory of Hawaii

# AN ACT

RELATING TO FUEL TAXES AND THE DISPOSITION THEREOF: AMENDING SECTIONS 5260 AND 5404 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, AND SECTION 5 OF ACT 196 OF THE SESSION LAWS OF HAWAII 1947, RELATING TO CITY AND COUNTY OF HONOLULU FUEL TAXES AND FUEL TAX FUNDS.

Introduced SEPTEMBER 28 , 1949 , by
Senator WILFRED C. TSUKIYAMA

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|---|---|
| First Reading in Senate | September 28, 1949 |
| Referred to Printing Committee | September 28, 1949 |
| Second Reading in Senate | September 29, 1949 |
| Referred to | COMMITTEE OF THE WHOLE SENATE |
| Third Reading in Senate | September 30, 1949 |
| First Reading in House | October 1, 1949 |
| Referred to | |
| Second Reading in House | October 3, 1949 |
| Referred to | COMMITTEE ON FINANCE |
| Third Reading in House | October 15, 1949 |

ELLEN D. SMYTHE
*Clerk of the Senate*

SB 45

A-26
Joint

____ BILL NO. ____

AN ACT

RELATING TO FUEL TAXES AND THE DISPOSITION THEREOF: AMENDING SECTIONS 5260 AND 5404 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, AND SECTION 5 OF ACT 196 OF THE SESSION LAWS OF HAWAII 1947, RELATING TO CITY AND COUNTY OF HONOLULU FUEL TAXES AND FUEL TAX FUNDS.

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

SECTION 1. Section 5260 of the Revised Laws of Hawaii 1945, as amended by Act 82 of the Session Laws of Hawaii 1945 and Act 196 of the Session Laws of Hawaii 1947, is hereby further amended in the following respects:

(a) By amending the first paragraph thereof to read as follows:

"Sec. 5260. Special funds in treasury of Territory.

(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, except the city and county of Honolulu extra tax, city and county of Honolulu special tax, county of Maui extra tax, and county of Kauai extra tax, shall be deposited in the territorial highway fund; provided, however, that all taxes collected under chapter 100 in respect to gasoline sold for use in, or use for, airplanes shall be set aside in the territorial airport fund."

(b). By amending the sixth sentence of paragraph (2) of subsection (b) thereof to read as follows:

"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 (not including in the credit for Hawaii, for said purpose, the county of Hawaii extra tax), and the amount so determined for each county shall be deemed its share of the collections in said fund remaining after the deduction of charges for bonds and maintenance, provided, that there shall be additionally credited to the county of Hawaii's share the county of Hawaii extra tax; provided, further, that so long as the city and county of Honolulu special tax shall be collected, the collections of said city and county of Honolulu special tax shall, for the purpose of determining the respective shares of the several counties as herein provided, be deemed to be part of the balance subject to division among the several counties and shall be credited as collections of the city and county of Honolulu and shall be deemed a part of the share of the city and county of Honolulu so determined."

SECTION 2. Section 5404 of the Revised Laws of Hawaii 1945, as amended by Act 196 of the Session Laws of Hawaii 1947, is hereby further amended in the following respects:

(a). By amending paragraph (4) of subsection (a) thereof to read as follows:

"(4) For each gallon of liquid fuel other than the fuel mentioned in items (1) and (2), sold or used in the City and County of Honolulu, or in any county for ultimate use in the City and County of Honolulu, six cents, of which tax, during the period July 1, 1949 to June 30, 1953, inclusive, one-third, or two cents, shall be known as the 'City and County of Honolulu extra tax' and is so referred to in chapter 96, and in addition thereto, during the period July 1, 1949 to June 30, 1953, inclusive, an additional one-sixth, or additional one cent of the six cents tax, shall be known as the 'City and County of Honolulu special tax' and is so referred to in Chapter 96."

(b). By amending paragraph (2) of subsection (b) thereof to read as follows:

"(2) For each gallon of diesel oil so used upon the public highways in the City and County of Honolulu, five cents, of which two-fifths, or two cents, shall be known as the 'City and County of Honolulu extra tax' and is so referred to in Chapter 96."

SECTION 3. Section 5 of Act 196 of the Session Laws of Hawaii 1947 is hereby amended to read as follows:

"Section 5. The City and County of Honolulu extra tax shall be paid by the tax commissioner into the Territorial treasury, and shall, by the Territorial Treasurer, be paid over to the treasurer of the City and County of Honolulu for deposit in a fund hereby created, to be known as the 'fuel tax fund of the City and County of Honolulu'. The moneys in said fund shall be expended for the repair and maintenance of public roads and highways, including storm drains and bridges, for the new construction or reconstruction of main or general thoroughfares as defined in Chapter 129 and, in addition thereto, any law to the contrary notwithstanding, for the payment of interest on, and the redemption or contributing to the redemption of, any one or more bonds that may now or hereafter be duly authorized, issued or sold under the provisions of Chapter 117 for financing or aiding in financing the construction of the Koolau Tunnel Project, a tunnel through the Koolau mountain range at the head of Kalihi valley between the leeward and windward sides of the Island of Oahu."

SECTION 4. The City and County of Honolulu special tax shall be paid by the tax commissioner into the Territorial treasury and shall, by the Territorial treasurer, be paid over to the treasurer of the City and County of Honolulu for deposit

# CORRECTION

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

SB 45

A-26
Print

____ BILL NO. ____

AN ACT

RELATING TO FUEL TAXES AND THE DISPOSITION THEREOF: AMENDING SECTIONS 5260 AND 5404 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, AND SECTION 5 OF ACT 196 OF THE SESSION LAWS OF HAWAII 1947, RELATING TO CITY AND COUNTY OF HONOLULU FUEL TAXES AND FUEL TAX FUNDS.

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

SECTION 1. Section 5260 of the Revised Laws of Hawaii 1945, as amended by Act 82 of the Session Laws of Hawaii 1945 and Act 196 of the Session Laws of Hawaii 1947, is hereby further amended in the following respects:

(a) By amending the first paragraph thereof to read as follows:

"Sec. 5260. Special funds in treasury of Territory.

(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, except the city and county of Honolulu extra tax, city and county of Honolulu special tax, county of Maui extra tax, and county of Kauai extra tax, shall be deposited in the territorial highway fund; provided, however, that all taxes collected under chapter 100 in respect to gasoline sold for use in, or use for, airplanes shall be set aside in the territorial airport fund."

(b). By amending the sixth sentence of paragraph (2) of subsection (b) thereof to read as follows:

"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 (not including in the credit for Hawaii, for said purpose, the county of Hawaii extra tax), and the amount so determined for each county shall be deemed its share of the collections in said fund remaining after the deduction of charges for bonds and maintenance, provided, that there shall be additionally credited to the county of Hawaii's share the county of Hawaii extra tax; provided, further, that so long as the city and county of Honolulu special tax shall be collected, the collections of said city and county of Honolulu special tax shall, for the purpose of determining the respective shares of the several counties as herein provided, be deemed to be part of the balance subject to division among the several counties and shall be credited as collections of the city and county of Honolulu and shall be deemed a part of the share of the city and county of Honolulu so determined."

SECTION 2. Section 5404 of the Revised Laws of Hawaii 1945, as amended by Act 196 of the Session Laws of Hawaii 1947, is hereby further amended in the following respects:

(a). By amending paragraph (4) of subsection (a) thereof to read as follows:

"(4) For each gallon of liquid fuel other than the fuel mentioned in items (1) and (2), sold or used in the City and County of Honolulu, or in any county for ultimate use in the City and County of Honolulu, six cents, of which tax, during the period July 1, 1949 to June 30, 1953, inclusive, one-third, or two cents, shall be known as the 'City and County of Honolulu extra tax' and is so referred to in chapter 96, and in addition thereto, during the period July 1, 1949 to June 30, 1953, inclusive, an additional one-sixth, or additional one cent of the six cents tax, shall be known as the 'City and County of Honolulu special tax' and is so referred to in Chapter 96."

(b). By amending paragraph (2) of subsection (b) thereof to read as follows:

"(2) For each gallon of diesel oil so used upon the public highways in the City and County of Honolulu, five cents, of which two-fifths, or two cents, shall be known as the 'City and County of Honolulu extra tax' and is so referred to in Chapter 96."

SECTION 3. Section 5 of Act 196 of the Session Laws of Hawaii 1947 is hereby amended to read as follows:

"Section 5. The City and County of Honolulu extra tax shall be paid by the tax commissioner into the Territorial treasury, and shall, by the Territorial Treasurer, be paid over to the treasurer of the City and County of Honolulu for deposit in a fund hereby created, to be known as the 'fuel tax fund of the City and County of Honolulu'. The moneys in said fund shall be expended for the repair and maintenance of public roads and highways, including storm drains and bridges, for the new construction or reconstruction of main or general thoroughfares as defined in Chapter 129 and, in addition thereto, any law to the contrary notwithstanding, for the payment of interest on, and the redemption or contributing to the redemption of, any one or more bonds that may now or hereafter be duly authorized, issued or sold under the provisions of Chapter 117 for financing or aiding in financing the construction of the Koolau Tunnel Project, a tunnel through the Koolau mountain range at the head of Kalihi valley between the leeward and windward sides of the Island of Oahu."

SECTION 4. The City and County of Honolulu special tax shall be paid by the tax commissioner into the Territorial treasury and shall, by the Territorial treasurer, be paid over to the treasurer of the City and County of Honolulu for deposit

in a special fund hereby created, to be known as the "special fuel tax fund of the City and County of Honolulu". The moneys in said fund shall be expended for the construction, under the provisions of Chapter 129, of approach roads to the leeward and windward portals of the Koolau Tunnel, a tunnel at the head of Kalihi valley between the leeward and windward sides of the Island of Oahu.

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

INTRODUCED BY:

Honolulu, T. H.

S. B. No. 45

A N  A C T

RELATING TO FUEL TAXES AND THE DISPOSITION THEREOF: AMENDING SECTIONS 5260 AND 5404 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, AND SECTION 5 OF ACT 196 OF THE SESSION LAWS OF HAWAII 1947, RELATING TO CITY AND COUNTY OF HONOLULU FUEL TAXES AND FUEL TAX FUNDS.

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

SECTION 1. Section 5260 of the Revised Laws of Hawaii 1945, as amended by Act 82 of the Session Laws of Hawaii 1945 and Act 196 of the Session Laws of Hawaii 1947, is hereby further amended in the following respects:

(a) By amending the first paragraph thereof to read as follows:

"Sec. 5260. Special funds in treasury of Territory.

(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, except the city and county of Honolulu extra tax, city and county of Honolulu special tax, county of Maui extra tax, and county of Kauai extra tax, shall be deposited in the territorial highway fund; provided, however, that all taxes collected under chapter 100 in respect to gasoline sold for use in, or use for, airplanes shall be set aside in the territorial airport fund."

(b) By amending the sixth sentence of paragraph (2) of subsection (b) thereof to read as follows:

"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 (not including in the credit for Hawaii, for said purpose, the county of Hawaii extra tax), and the amount so determined for each county shall be deemed its share of the collections in said fund remaining after the deduction of charges for bonds and maintenance, provided, that there shall be additionally credited to the county of Hawaii's share the county of Hawaii extra tax; provided, further, that so long as the city and county of Honolulu special tax shall be collected, the

collections of said city and county of Honolulu special tax shall, for the purpose of determining the respective shares of the several counties as herein provided, be deemed to be part of the balance subject to division among the several counties and shall be credited as collections of the city and county of Honolulu and shall be deemed a part of the share of the city and county of Honolulu so determined."

SECTION 2. Section 5404 of the Revised Laws of Hawaii 1945, as amended by Act 196 of the Session Laws of Hawaii 1947 and Act 360 of the Session Laws of Hawaii 1949 is hereby further amended in the following respects:

(a) By amending paragraph (4) of subsection (a) thereof to read as follows:

"(4) For each gallon of liquid fuel other than the fuel mentioned in items (1) and (2), sold or used in the city and county of Honolulu, or in any county for ultimate use in the city and county of Honolulu, six cents, of which tax, during the period July 1, 1949 to June 30, 1953, inclusive, one-third or two cents, shall be known as the 'city and county of Honolulu extra tax' and is so referred to in chapter 96, and

in addition thereto, during the period July 1, 1949 to June 30, 1953, inclusive, an additional one-sixth, or additional one cent of the six cents tax, shall be known as the 'city and county of Honolulu special tax' and is so referred to in chapter 96."

(b) By amending paragraph (2) of subsection (b) thereof to read as follows:

"(2) For each gallon of diesel oil so used upon the public highways in the city and county of Honolulu, five cents, of which two-fifths, or two cents, shall be known as the 'city and county of Honolulu extra tax' and is so referred to in chapter 96."

Section
CHAPTER 3. Section 5 of Act 196 of the Session Laws of Hawaii 1947 is hereby amended to read as follows:

"Section 5. The city and county of Honolulu extra tax shall be paid by the tax commissioner into the territorial treasury, and shall, by the territorial treasurer, be paid over to the treasurer of the city and county of Honolulu for deposit in a fund hereby created, to be known as the 'fuel tax fund of the city and county of Honolulu'. The moneys in said fund shall be

expended for the repair and maintenance of public roads and highways, including storm drains and bridges, for the new construction or reconstruction of main or general thoroughfares as defined in chapter 129 and, in addition thereto, any law to the contrary notwithstanding, for the payment of interest on, and the redemption or contributing to the redemption of, any one or more bonds that may now or hereafter be duly authorized, issued or sold under the provisions of chapter 117 for financing or aiding in financing the construction of the Koolau tunnel project, a tunnel through the Koolau mountain range at the head of Kalihi valley between the leeward and windward sides of the island of Oahu."

SECTION 4. The city and county of Honolulu special tax shall be paid by the tax commissioner into the territorial treasury and shall, by the territorial treasurer, be paid over to the treasurer of the city and county of Honolulu for deposit in a special fund hereby created, to be known as the "special fuel tax fund of the city and county of Honolulu". The moneys in said fund shall be expended for the construction, under the

provisions of chapter 129, of approach roads to the leeward and windward portals of the Koolau tunnel, a tunnel at the head of Kalihi valley between the leeward and windward sides of the island of Oahu.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., September 30, 1949.

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

President of the Senate

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., October 15, 1949.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

Speaker, House of Representatives.

Clerk, House of Representatives.

S. B. No. 45
H. D. 1

A N  A C T

RELATING TO FUEL TAXES AND THE DISPOSITION THEREOF: AMENDING SECTIONS 5260 AND 5404 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, AND SECTION 5 OF ACT 196 OF THE SESSION LAWS OF HAWAII 1947, RELATING TO CITY AND COUNTY OF HONOLULU FUEL TAXES AND FUEL TAX FUNDS.

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

SECTION 1. Section 5260 of the Revised Laws of Hawaii 1945, as amended by Act 82 of the Session Laws of Hawaii 1945 and Act 196 of the Session Laws of Hawaii 1947, is hereby further amended in the following respects:

(a) By amending the first paragraph thereof to read as follows:

"Sec. 5260. Special funds in treasury of Territory.

(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, except the city and county of Honolulu extra tax, city and county of Honolulu special tax, county of Maui extra tax, and county of Kauai extra tax, shall be deposited in the territorial highway fund; provided, however, that all taxes collected under chapter 100 in respect to gasoline sold for use in, or use for, airplanes shall be set aside in the territorial airport fund."

(b) By amending the sixth sentence of paragraph (2) of subsection (b) thereof to read as follows:

"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 (not including in the credit for Hawaii, for said purpose, the county of Hawaii extra tax), and the amount so determined for each county shall be deemed its share of the collections in said fund remaining after the deduction of charges for bonds and maintenance, provided, that there shall be additionally credited to the county of Hawaii's share the county of Hawaii extra tax; provided,

further, that so long as the city and county of Honolulu special tax shall be collected, the collections of said city and county of Honolulu special tax shall, for the purpose of determining the respective shares of the several counties as herein provided, be deemed to be part of the balance subject to division among the several counties and shall be credited as collections of the city and county of Honolulu and shall be deemed a part of the share of the city and county of Honolulu so determined."

SECTION 2. Section 5404 of the Revised Laws of Hawaii 1945, as amended by Act 196 of the Session Laws of Hawaii 1947 and Act 360 of the Session Laws of Hawaii 1949 is hereby further amended in the following respects:

(a) By amending paragraph (4) of subsection (a) thereof to read as follows:

"(4) For each gallon of liquid fuel other than the fuel mentioned in Items (1) and (2), sold or used in the city and county of Honolulu, or in any county for ultimate use in the city and county of Honolulu, four cents, and in addition thereto during

the period July 1, 1949 to June 30, 1951, inclusive, an extra tax of two cents, which shall be known as the 'city and county of Honolulu extra tax' and is so referred to in chapter 96; provided, that, during the period July 1, 1949 to June 30, 1951, inclusive, of the four cents tax aforementioned, one-fourth, or one cent, shall be known as the 'city and county of Honolulu special tax' and is so referred to in chapter 96."

(b) By amending paragraph (2) of subsection (b) thereof to read as follows:

"(2) For each gallon of diesel oil so used upon the public highways in the city and county of Honolulu, five cents, of which two-fifths, or two cents, shall be known as the 'city and county of Honolulu extra tax' and is so referred to in chapter 96."

SECTION 3. Section 5 of Act 196 of the Session Laws of Hawaii 1947 is hereby amended to read as follows:

"Section 5. The city and county of Honolulu extra tax shall be paid by the tax commissioner

into the territorial treasury, and shall, by the territorial treasurer, be paid over to the treasurer of the city and county of Honolulu for deposit in a fund hereby created, to be known as the 'fuel tax fund of the city and county of Honolulu'. The moneys in said fund shall be expended for the repair and maintenance of public roads and highways, including storm drains and bridges, for the new construction or reconstruction of main or general thoroughfares as defined in chapter 129 and, in addition thereto, any law to the contrary notwithstanding, for the payment of interest on, and the redemption or contributing to the redemption of, any one or more bonds that may now or hereafter be duly authorized, issued or sold under the provisions of chapter 117 for financing or aiding in financing the construction of the Koolau tunnel project, a tunnel through the Koolau mountain range at the head of Kalihi valley between the leeward and windward sides of the island of Oahu."

SECTION 4. The city and county of Honolulu special tax shall be paid by the tax commissioner into the territorial

treasury and shall, by the territorial treasurer, be paid over to the treasurer of the city and county of Honolulu for deposit in a special fund hereby created, to be known as the "special fuel tax fund of the city and county of Honolulu". The moneys in said fund shall be expended for the construction, under the provisions of chapter 129, of approach roads to the leeward and windward portals of the Koolau tunnel, a tunnel at the head of Kalihi valley between the leeward and windward sides of the island of Oahu.

SECTION 5. Notwithstanding the provisions of Sections 3 and 4 of this Act, no moneys shall be expended from the city and county of Honolulu extra tax or the city and county of Honolulu special tax for the construction of the Koolau tunnel at the head of Kalihi valley or of the approach roads thereto, or for the financing directly or indirectly of such construction, and any funds in the city and county of Honolulu special tax fund may be held by the territorial

treasurer and used by the territorial superintendent of public works in the same manner and for the same purposes as other funds in the territorial highway fund, unless and until the construction of both said tunnel and said approach roads are duly authorized and approved in accordance with law, and the construction of said approach roads is approved in accordance with the provisions of chapter 129, Revised Laws of Hawaii 1945, as amended.

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

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., October 15, 1949

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 46

SENATE

SPEC SESSION

1949

# The Legislature

of the

# Territory of Hawaii

## AN ACT

AMENDING ACT 95 OF THE SESSION LAWS OF HAWAII 1947, BY REPEALING SECTIONS 3, 4 AND 5 THEREOF, RELATING TO FINANCING THE KOOLAU TUNNEL PROJECT (CITY AND COUNTY OF HONOLULU) BY ISSUANCE OF REVENUE BONDS.

Introduced SEPTEMBER 28 , 19 49 , by

Senator WM. H. HEEN

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| First Reading in Senate | September 28, 1949 |
| Referred to Printing Committee | September 28, 1949 |
| Second Reading in Senate | September 29, 1949 |
| Referred to | COMMITTEE OF THE WHOLE SENATE |
| Third Reading in Senate | September 30, 1949 |
| First Reading in House | October 1, 1949 |
| Referred to | |
| Second Reading in House | October 3, 1949 |
| Referred to | COMMITTEE ON COUNTY & MUNICIPAL AFFAIRS. |
| Third Reading in House | October 15, 1949 |

ELLEN D. SMYTHE

*Clerk of the Senate*

A-28

S BILL NO. 46

AN ACT

AMENDING ACT 95 OF THE SESSION LAWS OF HAWAII 1947, BY REPEALING SECTIONS 3, 4 AND 5 THEREOF, RELATING TO FINANCING THE KOOLAU TUNNEL PROJECT (CITY AND COUNTY OF HONOLULU) BY ISSUANCE OF REVENUE BONDS.

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

SECTION 1. Act 95 of the Session Laws of Hawaii 1947 is hereby amended in the following respects:

(a). By deleting and repealing sections 3, 4 and 5 thereof.

(b). By renumbering sections 6 and 7 thereof, sections 3 and 4, respectively.

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

INTRODUCED BY:

Honolulu, T. H.

Same as SB 360, 149

S. B. No. 46

A N  A C T

AMENDING ACT 95 OF THE SESSION LAWS OF HAWAII 1947, BY REPEALING SECTIONS 3, 4 AND 5 THEREOF, RELATING TO FINANCING THE KOOLAU TUNNEL PROJECT (CITY AND COUNTY OF HONOLULU) BY ISSUANCE OF REVENUE BONDS.

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

SECTION 1. Act 95 of the Session Laws of Hawaii 1947 is hereby amended in the following respects:

(a) By deleting and repealing sections 3, 4 and 5 thereof.

(b) By renumbering sections 6 and 7 thereof, sections 3 and 4, respectively.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., September 30, 1949.

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

President of the Senate

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H., October 15, 1949.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 47

# SENATE

SPEC SESSION

1949

## The Legislature

of the

## Territory of Hawaii

SPECIAL SESSION 1949

# AN ACT

TO AMEND CHAPTER 2 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO CIVIL SERVICE, BY AMENDING SUB-SECTION (12) OF SECTION 68 THEREOF.

Introduced September 28, 1949, by

Senator WILFRED C. TSUKIYAMA

First Reading in Senate September 28, 1949

Referred to Printing Committee September 28, 1949

Second Reading in Senate September 29, 1949

Referred to COMMITTEE, WHOLE SENATE

Third Reading in Senate October 3, 1949

First Reading in House October 3, 1949

Referred to

Second Reading in House October 4, 1949

Referred to COMMITTEE ON JUDICIARY.

Third Reading in House

ELLEN D. SMYTHE

*Clerk of the Senate*

SB347

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Print

A N  A C T

TO AMEND CHAPTER 2 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO CIVIL SERVICE, BY AMENDING SUBSECTION (12) OF SECTION 68 THEREOF.

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

SECTION 1. Subsection (12) of section 68, Revised Laws of Hawaii 1945, is hereby amended by inserting a period after the word "list" in the second sentence thereof and by deleting the remainder of that sentence as well as the remaining portions of that section, and substituting in lieu thereof the following:

"Provisional appointments shall not exceed a total of ninety days in any one year; provided, however, that the commission may allow extensions of such appointments beyond ninety days for an additional period of not more than ninety days, if necessary, to prevent stoppage of public business or inconvenience to the public."

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

INTRODUCED BY:

Wilford D. Tsukiyama

SENATOR, DISTRICT

S.B.No. 47

A N  A C T

TO AMEND CHAPTER 2 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO CIVIL SERVICE, BY AMENDING SUBSECTION (12) OF SECTION 68 THEREOF.

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

SECTION 1. Subsection (12) of section 68, Revised Laws of Hawaii 1945, is hereby amended by inserting a period after the word "list" in the second sentence thereof and by deleting the remainder of that sentence as well as the remaining portions of that section, and substituting in lieu thereof the following:

> "Provisional appointments shall not exceed a total of ninety days in any one year; provided, however, that the commission may allow extensions of such appointments beyond ninety days for an additional period of not more than ninety days, if necessary, to prevent stoppage of public business or inconvenience to the public."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., October 3, 1949.

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

Wilfred Tsukiyama
President of the Senate

Ellen D. Smythe
Clerk of the Senate.

S. B. No. 47
H. D. 1

# A N  A C T

TO AMEND CHAPTER 2 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO CIVIL SERVICE, BY AMENDING SUBSECTION (12) OF SECTION 68 THEREOF.

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

SECTION 1. Subsection (12) of section 68, Revised Laws of Hawaii 1945, is hereby amended by inserting a period after the word "list" in the second sentence thereof and by deleting the remainder of that sentence as well as the remaining portions of that section, and substituting in lieu thereof the following:

"Provisional appointments shall not exceed a total of ninety days in any one year; provided, however, that the commission may, during the period July 1, 1949, to June 30, 1951, both dates inclusive, allow extensions of such appointments beyond ninety days for an additional period of not more than ninety days, if necessary, to prevent stoppage of public

business or inconvenience to the public."

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

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., October 7, 1949.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 48

SENATE
SPEC SESSION
1949

# The Legislature
of the
# Territory of Hawaii

## AN ACT

RELATING TO PUBLIC OFFICERS AND EMPLOYEES OF THE TERRITORY OF HAWAII AND OF ITS SEVERAL POLITICAL SUBDIVISIONS; PROVIDING FOR PERMANENT INCREASES IN THE BASE PAY RATES OF COMPENSATION OF CERTAIN OF SUCH OFFICERS AND EMPLOYEES AND, IN ADDITION, FOR A BONUS FOR ALL SUCH OFFICERS AND EMPLOYEES DURING THE BIENNIUM 1949-1951; AND AMENDING ACT 208 OF THE SESSION LAWS OF HAWAII 1947, AS AMENDED, AND ACT 367 OF THE SESSION LAWS OF HAWAII 1949.

Introduced September 28 , 1949 , by
Senator JOHN G. DUARTE

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| First Reading in Senate | September 28, 1949 |
| Referred to Printing Committee | September 28, 1949 |
| Second Reading in Senate | September 29, 1949 |
| Referred to | COMMITTEE OF THE WHOLE SENATE |
| Third Reading in Senate | September 30, 1949 |
| First Reading in House | October 1, 1949 |
| Referred to | |
| Second Reading in House | October 3, 1949 |
| Referred to | COMMITTEE ON FINANCE. |
| Third Reading in House | October 10, 1949 |

ELLEN D. SMYTHE
*Clerk of the Senate*

9-28-49

SB48

A-30
Print

AN ACT

RELATING TO PUBLIC OFFICERS AND EMPLOYEES OF THE TERRITORY OF HAWAII AND OF ITS SEVERAL POLITICAL SUBDIVISIONS; PROVIDING FOR PERMANENT INCREASES IN THE BASE PAY RATES OF COMPENSATION OF CERTAIN OF SUCH OFFICERS AND EMPLOYEES AND, IN ADDITION, FOR A BONUS FOR ALL SUCH OFFICERS AND EMPLOYEES DURING THE BIENNIUM 1949-1951; AND AMENDING ACT 208 OF THE SESSION LAWS OF HAWAII 1947, AS AMENDED, AND ACT 367 OF THE SESSION LAWS OF HAWAII 1949.

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

SECTION 1. As used in this Act, the following terms shall have the following respective meanings unless a different meaning clearly appears from the context:

"Position" or "public position" includes any office or employment of, or in the service of, the Territory of Hawaii or of, or in the service of, any county, or of any independent board, commission, body politic or other agency of the Territory or of any county, including the university of Hawaii.

"Employee" or "employees" include the holders of any position.

Where "full-time base pay rates" or "base pay rates" are mentioned, the rates for part-time positions not expressly excepted shall be adjusted proportionately.

SECTION 2. (a) The full-time base pay rates of teachers and others covered by subsection (b) of section 2 of Act 208 of the Session Laws of Hawaii 1947, and for members of the faculty of the university of Hawaii, as

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defined by subsection 5 of section 105 of the Revised Laws of Hawaii 1945, are hereby further increased by the addition to each such base pay rate of the sum of twenty-three dollars per month, until otherwise provided by law.

(b) It is the intent of this Act to establish the aforesaid additions as a permanent portion of the base pay for each such position, and it is provided that nothing in this Act contained shall be deemed to nullify or affect: (1) any of the adjustments of salary increments and other adjustments heretofore made by the governor; (2) any other similar adjustments heretofore made pursuant to the laws of the Territory, including the Hawaii defense Act rules mentioned in Act 263 of the Session Laws of Hawaii 1945; and (3) any increases or additions made to any base pay rates pursuant to or under said Act 263 and said Act 208.

SECTION 3. Notwithstanding any other provision of this Act to the contrary, where no base pay increase was paid prior to July 1, 1947, under or pursuant to said Act 263 for a particular class or type of position, no base pay increase shall be payable under this Act for such class or type of position; provided, that this section shall not be construed to exclude any new position created or filled after June 30, 1947, which, if created and filled prior to July 1, 1947, would have been entitled to the benefits of said Act 263.

SECTION 4. Notwithstanding any provision of this Act to the contrary, the total compensation, including increments, for any position covered by this Act, shall not be reduced by this Act below the total payable under laws and regulations existing prior to the effective date of this Act.

SECTION 5. Section 3 of Act 208 of the Session Laws of Hawaii 1947, as amended and continued in effect by Act 367 of the Session Laws of Hawaii 1949, is hereby further amended to read as follows:

"SECTION 3. Whenever, during the biennium 1949-1951, the governor shall find that the finances of the Territory warrant such action as to territorial employees, the governor may order bonuses to be paid under this section to every employee as defined in section 1 of this Act. Such bonuses shall be uniform for all such employees, and shall be not more than twenty-five dollars per month for each such employee.

If a bonus order is so made by the governor, then the provisions of section 5 of said Act 263, except the appropriations made by said section and except, further, as otherwise provided by this Act, shall apply to such bonuses, and such bonuses shall be payable commencing on the first day of the month in which such order is made or on such later date as shall be fixed in such order. After any such bonuses shall be granted, the governor may, pursuant to said Act 263, either eliminate, or increase or decrease by a uniform percentage, all such bonuses, from time to time, by order uniformly applicable to all classes of employees, except that the bonuses shall not exceed the maximums fixed by this section and shall not be continued beyond June 30, 1951."

SECTION 6. The last bonus order made by the governor, under said section 3 of said Act 208, before the effective date of this Act shall be so revised or amended by the governor, as of the effective date of this Act, that it will conform to the provisions of said section 3 of said Act 208, as amended by this Act.

SECTION 7. Act 367 of the Session Laws of Hawaii 1949 is hereby amended in the following respects:

(a) By inserting after the numeral "3" in the first line of section 1 thereof a comma and the words and punctuation "as amended,".

(b) By amending section 2 thereof to read as follows:

"SECTION 2. There is hereby appropriated from the general revenues of the Territory not otherwise

appropriated the sum of $6,250,440 for the bonus payments for Territorial employees provided for by this Act and for the base pay increases provided by Act ___ of the Special Session Laws of Hawaii 1949 during the biennium 1949-1951, which sum shall be allocated by the director of the bureau of the budget to each department, from time to time, as required."

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 upon the first day of the first month immediately following the date of its approval.

INTRODUCED BY:

John G. Duarte

JOHN G. DUARTE
Senator, Second Senatorial District

S.B.No. 48

A N  A C T

RELATING TO PUBLIC OFFICERS AND EMPLOYEES OF THE TERRITORY OF HAWAII AND OF ITS SEVERAL POLITICAL SUBDIVISIONS; PROVIDING FOR PERMANENT INCREASES IN THE BASE PAY RATES OF COMPENSATION OF CERTAIN OF SUCH OFFICERS AND EMPLOYEES AND, IN ADDITION, FOR A BONUS FOR ALL SUCH OFFICERS AND EMPLOYEES DURING THE BIENNIUM 1949-1951; AND AMENDING ACT 208 OF THE SESSION LAWS OF HAWAII 1947, AS AMENDED, AND ACT 367 OF THE SESSION LAWS OF HAWAII 1949.

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

SECTION 1. As used in this Act, the following terms shall have the following respective meanings unless a different meaning clearly appears from the context:

"Position" or "public position" includes any office or employment of, or in the service of, the Territory of Hawaii or of, or in the service of, any county, or of any independent board, commission, body politic or other agency of the Territory or of any county, including the university of Hawaii.

"Employee" or "employees" include the holders of any position.

Where "full-time base pay rates" or "base pay rates" are mentioned, the rates for part-time positions not expressly excepted shall be adjusted proportionately.

SECTION 2. (a) The full-time base pay rates of teachers and others covered by subsection (b) of section 2 of Act 208 of the Session Laws of Hawaii 1947, and for members of the faculty of the university of Hawaii, as defined by subsection 5 of section 105 of the Revised Laws of Hawaii 1945, are hereby further increased by the addition to each such base pay rate of the sum of twenty-three dollars per month, until otherwise provided by law.

(b) It is the intent of this Act to establish the aforesaid additions as a permanent portion of the base pay for each such position, and it is provided that nothing in this Act contained shall be deemed to nullify or affect: (1) any of the adjustments of salary increments and other adjustments heretofore made by the governor; (2) any other similar adjustments heretofore made pursuant to the laws of the Territory,

including the Hawaii Defense Act rules mentioned in Act 263 of the Session Laws of Hawaii 1945; and (3) any increases or additions made to any base pay rates pursuant to or under said Act 263 and said Act 208.

SECTION 3. Notwithstanding any other provision of this Act to the contrary, where no base pay increase was paid prior to July 1, 1947, under or pursuant to said Act 263 for a particular class or type of position, no base pay increase shall be payable under this Act for such class or type of position; provided, that this section shall not be construed to exclude any new position created or filled after June 30, 1947, which, if created and filled prior to July 1, 1947, would have been entitled to the benefits of said Act 263.

SECTION 4. Notwithstanding any provision of this Act to the contrary, the total compensation, including increments, for any position covered by this Act, shall not be reduced by this Act below the total payable under laws and regulations existing prior to the effective date of this Act.

SECTION 5. Section 3 of Act 208 of the Session Laws of Hawaii 1947, as amended and continued in effect by Act 367 of the Session Laws of Hawaii 1949, is hereby further amended to read as follows:

"SECTION 3. Whenever, during the biennium 1949-1951, the governor shall find that the finances of the Territory warrant such action as to territorial employees, the governor may order bonuses to be paid under this section to every employee as defined in section 1 of this Act. Such bonuses shall be uniform for all such employees, and shall be not more than twenty-five dollars per month for each such employee.

If a bonus order is so made by the governor, then the provisions of section 5 of said Act 263, except the appropriations made by said section and except, further, as otherwise provided by this Act, shall apply to such bonuses, and such bonuses shall be payable commencing on the first day of the month in which such order is made or on such later date as shall be fixed in such order. After any such bonuses shall be granted, the governor may, pursuant to said Act 263, either eliminate, or increase or decrease by a uniform percentage, all such bonuses, from time to time, by order uniformly applicable to all classes of employees, except that the bonuses shall not exceed the maximum fixed by this section and shall not be continued beyond June 30, 1951."

SECTION 6. The last bonus order made by the governor, under said section 3 of said Act 208, before the effective date of this Act shall be so revised or amended by the governor, as of the effective date of this Act, that it will conform to the provisions of said section 3 of said Act 208, as amended by this Act.

SECTION 7. Act 367 of the Session Laws of Hawaii 1949 is hereby amended in the following respects:

(a) By inserting after the numeral "3" in the first line of section 1 thereof a comma and the words and punctuation "as amended,".

(b) By amending section 2 thereof to read as follows:

"SECTION 2. There is hereby appropriated from the general revenues of the Territory not otherwise appropriated the sum of $6,250,440.00 for the bonus payments for territorial employees provided for by this Act and for the base pay increases provided by Act of the Special Session Laws of Hawaii 1949 during the biennium 1949-1951, which sum shall be allocated by the director of the bureau of the budget to each department, from time to time, as required."

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 upon the first day of the first month immediately following the date of its approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., September 30, 1949

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

President of the Senate

Clerk of the Senate.

S. B. No. 48
H. D. 1

A N  A C T

RELATING TO PUBLIC OFFICERS AND EMPLOYEES OF THE TERRITORY OF HAWAII AND OF ITS SEVERAL POLITICAL SUBDIVISIONS; PROVIDING FOR PERMANENT INCREASES IN THE BASE PAY RATES OF COMPENSATION AND, IN addition, FOR A BONUS FOR ALL SUCH OFFICERS AND EMPLOYEES DURING THE BIENNIUM 1949-1951; AND AMENDING ACT 208 OF THE SESSION LAWS OF HAWAII 1947, AS AMENDED, AND ACT 367 OF THE SESSION LAWS OF HAWAII 1949.

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

SECTION 1. In addition to all other basic increases heretofore provided by law, the full-time base pay rates of all teachers and other employees whose compensation is fixed by the salary schedules contained in chapter 28 of the Revised Laws of Hawaii 1945, as amended, and the members of the faculty of the University of Hawaii, including

Act 13 62-2
H R 1949

research workers, extension agents and all personnel engaged in instructional work, are hereby further increased by the addition to each such base pay rate of the sum of $23 per month.

SECTION 2. In addition to all other basic increases heretofore provided by law, the full-time base pay rates of all public employees, other than teachers and other employees mentioned in section 1 of this Act, are hereby further increased by the addition to each such base pay rate of the sum of $12 per month.

SECTION 3. The bonus for teachers and other public employees mentioned in section 1 of this Act shall be an amount not exceeding $25 per month for each such employee, and for all other public employees an amount not exceeding $13 per month for each such employee.

SECTION 4. Act 367 of the Session Laws of Hawaii 1949, which continued in effect the provisions of sections

1, 3 and 4 of Act 208 (Ser. A-4) of the Session Laws of Hawaii 1947 for the biennium beginning July 1, 1949 and ending June 30, 1951, is hereby amended to conform to the provisions of section 3 of this Act, but any provision of said Act or of the laws thereby continued which is not inconsistent with section 3 of this Act shall remain in full force and effect.

SECTION 5. The appropriation made in section 2 of Act 367 of the Session Laws of Hawaii 1949 shall be available for payment to territorial employees of the base pay increases and the bonus provided by this Act.

SECTION 6. This Act shall take effect upon the first day of the first month immediately after the date of its approval.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H. October 10, 1949

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 49

SENATE

SPEC SESSION

1949

# The Legislature

of the

# Territory of Hawaii

## AN ACT

TO AMEND PARAGRAPH (2) OF SECTION 4150.03 OF THE REVISED LAWS OF HAWAII 1945 (AS ADDED BY SECTION 3 (2) OF ACT 250, SERIES A-68, SESSION LAWS 1945), THE "HAWAII EMPLOYMENT RELATIONS ACT".

Introduced September 28 , 1949 , by

Senator WM.H.HEEN

| | |
|---|---|
| First Reading in Senate | September 28, 1949 |
| Referred to Printing Committee | September 28, 1949 |
| Second Reading in Senate | September 29, 1949 |
| Referred to | |
| Third Reading in Senate | |

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

ELLEN D. SMYTHE

*Clerk of the Senate*

9-28-49

SB 49

A-32
Print

A N  A C T

TO AMEND PARAGRAPH (2) OF SECTION 4150.03 OF THE REVISED LAWS OF HAWAII 1945 (AS ADDED BY SECTION 3 (2) OF ACT 250, SERIES A-68, SESSION LAWS 1945), THE "HAWAII EMPLOYMENT RELATIONS ACT".

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

SECTION 1. Paragraph numbered (2) of section 4150.03 of the Revised Laws of Hawaii 1945, is hereby amended to read as follows:

"(2) The term 'employer' means a person who engages the services of an employee, and includes any person acting on behalf of an employer, but shall not include the Territory or any political subdivision thereof, nor any corporation or association operating a hospital, if no part of the earnings thereof inures to the benefit of any private shareholder or individual; nor any labor organization or anyone acting on behalf of such organization other than when it is acting as an employer in fact."

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

INTRODUCED BY:

SENATOR, 1 DISTRICT

Senate Bill No. 50

# 1949 SPEC SENATE

## The Legislature
of the
## Territory of Hawaii

# AN ACT

TO AMEND PARAGRAPH (2) OF SECTION 4150.03 OF THE REVISED LAWS OF HAWAII 1945 (AS ADDED BY SECTION 3 (2) OF ACT 250, SERIES A-68, SESSION LAWS 1945), THE "HAWAII EMPLOYMENT RELATIONS ACT".

| | | |
|---|---|---|
| Introduced | SEPTEMBER 28 | , 19 49, by |
| Senator | WM. H. HEEN | |

| | |
|---|---|
| First Reading in Senate | September 28, 1949 |
| Referred to Printing Committee | September 28, 1949 |
| Second Reading in Senate | September 29, 1949 |
| Referred to | |
| Third Reading in Senate | |

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

ELLEN D. SMYTHE
*Clerk of the Senate*

9-28-49
A-33
Print

SB 58

A N  A C T

TO AMEND PARAGRAPH (2) OF SECTION 4150.03 OF THE REVISED LAWS OF HAWAII, 1945 (AS ADDED BY SECTION 3 (2) OF ACT 250, SERIES A-68, SESSION LAWS 1945), THE "HAWAII EMPLOYMENT RELATIONS ACT".

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

SECTION 1. Paragraph numbered (2) of section 4150.03 of the Revised Laws of Hawaii, 1945, is hereby amended to read as follows:

"(2) The term 'employer' means a person who engages the services of an employee, and includes any person acting on behalf of an employer, but shall not include the Territory or any political subdivision thereof, nor any corporation or association operating a hospital, if no part of the earnings thereof inures to the benefit of any private shareholder or individual and if such hospital does not require any means test or charge of or from any person for any test, diagnosis, examination, care, treatment, hospitalization or rehabilitation, nor any labor organization or anyone acting on behalf of such organization other than when it is acting as an employer in fact."

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

INTRODUCED BY:

SENATOR, DISTRICT

SENATE Senate Bill No. 51

SPEC SESSION
1949

# The Legislature
of the
# Territory of Hawaii

## AN ACT

TO AMEND SECTION 458 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO COSTS AND FEES FOR COPIES OF PUBLIC DOCUMENTS.

Introduced SEPTEMBER 28 , 1949 , by
Senator HERBERT K. H. LEE

| | |
|---|---|
| First Reading in Senate | September 28, 1949 |
| Referred to Printing Committee | September 28, 1949 |
| Second Reading in Senate | September 29, 1949 |
| Referred to | COMMITTEE OF THE WHOLE SENATE |
| Third Reading in Senate | September 30, 1949 |
| First Reading in House | October 1, 1949 |
| Referred to | |
| Second Reading in House | October 3, 1949 |
| Referred to | COMMITTEE ON FINANCE. |
| Third Reading in House | October 6, 1949 |

ELLEN D. SMYTHE
*Clerk of the Senate*

SB 51

1-28-49
A-34
Print

AN ACT

TO AMEND SECTION 458 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO COSTS AND FEES FOR COPIES OF PUBLIC DOCUMENTS.

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

SECTION 1. Section 458 of the Revised Laws of Hawaii 1945, as amended by Act 248 of the Session Laws of Hawaii 1945 and Act 345 of the Session Laws of Hawaii 1949, is hereby further amended by amending subdivision numbered "5" thereof to read as follows:

> "5. One dollar for the certification to any copy, when such certification is required or requested; provided, however, that when so required or requested the fee for the certification to a copy, on a printed form, of letters of administration, letters testamentary, or order of probate shall be twenty-five cents;"

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

INTRODUCED BY:

Senator, Third District

S. B. No. 51

A N  A C T

TO AMEND SECTION 458 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO COSTS AND FEES FOR COPIES OF PUBLIC DOCUMENTS.

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

SECTION 1. Section 458 of the Revised Laws of Hawaii 1945, as amended by Act 248 of the Session Laws of Hawaii 1945 and Act 345 of the Session Laws of Hawaii 1949, is hereby further amended by amending subdivision numbered "5" thereof to read as follows:

> "5. One dollar for the certification to any copy, when such certification is required or requested; provided, however, that when so required or requested the fee for the certification to a copy, on a printed form, of letters of administration, letters testamentary, or order of probate shall be twenty-five cents;"

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., September 30, 1949.

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

President of the Senate

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H., October 6, 1949.

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

Speaker, House of Representatives.

Clerk, House of Representatives.

SENATE
SPEC SESSION
1949

Senate Bill No. 52

# The Legislature
of the
# Territory of Hawaii

## AN ACT

TO AMEND ACT 2 OF THE SPECIAL SESSION LAWS OF HAWAII 1949, AS AMENDED, RELATING TO THE STEVEDORING INDUSTRY AND RELATED FACILITIES AND SERVICES, AND THE PUBLIC EMERGENCY ARISING FROM THE PRESENT STEVEDORING STRIKE, AND THE TAKING POSSESSION OF AND TAKING OVER AND OPERATING BY THE TERRITORY OF HAWAII OF SUCH STEVEDORING INDUSTRY AND SUCH RELATED FACILITIES AND SERVICES DURING THE AFORESAID EMERGENCY AND OTHER EMERGENCIES OCCURING THEREAFTER.

Introduced OCTOBER 1, 1949, by
Senators HERBERT K. H. LEE, WM. H. HEEN AND CHARLES H. SILVA

| | |
|---|---|
| First Reading in Senate | October 1, 1949 |
| Referred to Printing Committee | October 1, 1949 |
| Second Reading in Senate | October 3, 1949 |
| Referred to | |
| Third Reading in Senate | |

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

file

ELLEN D. SMYTHE
*Clerk of the Senate*

Act 5 - Com whole
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# CORRECTION

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

SENATE
SPEC SESSION
1949

Senate Bill No. 52

# The Legislature
of the
# Territory of Hawaii

## AN ACT

TO AMEND ACT 2 OF THE SPECIAL SESSION LAWS OF HAWAII 1949, AS AMENDED, RELATING TO THE STEVEDORING INDUSTRY AND RELATED FACILITIES AND SERVICES, AND THE PUBLIC EMERGENCY ARISING FROM THE PRESENT STEVEDORING STRIKE, AND THE TAKING POSSESSION OF AND TAKING OVER AND OPERATING BY THE TERRITORY OF HAWAII OF SUCH STEVEDORING INDUSTRY AND SUCH RELATED FACILITIES AND SERVICES DURING THE AFORESAID EMERGENCY AND OTHER EMERGENCIES OCCURING THEREAFTER.

Introduced OCTOBER 1, 1949, by
Senators HERBERT K. H. LEE, WM. H. HEEN AND CHARLES H. SILVA

| | |
|---|---|
| First Reading in Senate | October 1, 1949 |
| Referred to Printing Committee | October 1, 1949 |
| Second Reading in Senate | October 3, 1949 |
| Referred to | |
| Third Reading in Senate | |

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

file

ELLEN D. SMYTHE
*Clerk of the Senate*

Act 5 - Com whole
Ag - Duarte
H 1 - 2 SPS 4

SB 52

A-35

AN ACT

TO AMEND ACT 2 OF THE SPECIAL SESSION LAWS OF HAWAII 1949, AS AMENDED, RELATING TO THE STEVEDORING INDUSTRY AND RELATED FACILITIES AND SERVICES, AND THE PUBLIC EMERGENCY ARISING FROM THE PRESENT STEVEDORING STRIKE, AND THE TAKING POSSESSION OF AND TAKING OVER AND OPERATING BY THE TERRITORY OF HAWAII OF SUCH STEVEDORING INDUSTRY AND SUCH RELATED FACILITIES AND SERVICES DURING THE AFORESAID EMERGENCY AND OTHER EMERGENCIES OCCURING THEREAFTER.

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

SECTION 1. Act 2 of the Special Session Laws of Hawaii 1949, as amended by Act 3 of the Special Session Laws of Hawaii 1949, is hereby further amended by amending the first sentence of the last paragraph of subsection (d) of section 3 thereof to read as follows:

"The salaries of the persons employed by the Territory shall not be higher than those which existed in the industry immediately prior to the beginning of the strike. The wage rates of persons employed by the Territory to do work the compensation for which, in private industry, is determined by collective bargaining shall be determined for the period of government operations as provided in subsection (g)."

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SECTION 2. Act 2 of the Special Session Laws of Hawaii 1949, as amended, is hereby further amended by amending section 3 by adding thereto a subsection (g) to read as follows:

"(g) The wage rates of persons employed by the Territory to do work the compensation for which, in private industry, is determined by collective bargaining, for the period of government operations shall be determined as herein provided. In exercising the powers conferred upon him by this subsection the governor shall so act as will best further the government operations.

(1) Until otherwise determined by the governor in accordance with this subsection such wage rates shall be those which existed in the industry immediately prior to the beginning of the strike.

(2) Within ten days after the taking effect of this subsection, the governor may appoint a board of three disinterested persons to make recommendations to him concerning such wage rates. The compensation of the members of such board shall be fixed by the governor, which compensation, together with all necessary travelling and other expenses, shall be paid out of the fund provided by subsection (e), upon vouchers of the governor or the designated agency, as the governor may direct. Such board shall have power to hold hearings at any place within the Territory, subpoena witnesses and compel their

attendance, compel the production of books and papers, administer oaths, take testimony and receive evidence. In case of contumacy or refusal to obey a subpoena issued to any person, the circuit court of any judicial circuit within the jurisdiction of which the inquiry is carried on, upon application by the board, shall have jurisdiction to issue an order requiring such person to appear before the board, to compel the production of papers, to produce evidence or to give testimony touching the matter in question. Failure to obey any such order may be punished by the court as a contempt thereof. Process and papers of the board may be served either personally or by registered mail or by radiogram or by leaving a copy thereof at the principal office or place of business of the person to be served. Return by the individual serving the same setting forth the manner of such service, return post office receipt, or radiogram receipt shall be proof of service of the same.

Such board shall base its recommendations upon the following factors: (A) Changes in basic wage rates recommended by the board appointed pursuant to section 4115 of the Revised Laws of Hawaii 1945 shall be given effect; (B) to the extent that the conditions of employment during the period of government operations shall deviate from the conditions which existed in the industry immediately prior to the beginning of the strike and such deviations shall

be unavoidable, the effect thereof on such basic wage rates, so changed, shall be considered, and an adjustment or adjustments shall be made therefor.

Such board shall make its report within ten days from the date of its creation, and if its recommendations are accepted by the governor, the same shall be applied retroactively so as to cover the period from and after the date of the taking effect of this subsection.

(3) If the governor shall not appoint a board as provided by paragraph (2), or shall not accept its recommendations, then upon the termination of government operations if the strike shall have been settled and such settlement shall have resulted in an increase in wage rates over and above those paid pursuant to paragraph (1), the governor shall apply such increased wage rates retroactively so as to cover the period from and after the date of the taking effect of this subsection. There shall be withheld from any payments made to the companies pursuant to the first paragraph of subsection (f), a sufficient sum to cover such contingency."

SECTION 3. This Act shall take effect upon its approval, provided that within ten days after its approval each company which, pursuant to the second paragraph of subsection (f) of section 3 of Act 2, Special Session Laws of Hawaii 1949, had a right of election shall again have such right of election in the manner and with the

effect therein set forth, but such election shall relate only to the period of government operations from and after the taking effect of this Act.

INTRODUCED BY:

Herbert K. H. Lee

Senator, Third District

Senate Bill No. 53

SENATE
SPEC SESSION
1949

# The Legislature
of the
# Territory of Hawaii

## AN ACT

TO AMEND ACT 2 OF THE SPECIAL SESSION LAWS OF HAWAII 1949, AS AMENDED, RELATING TO THE STEVEDORING INDUSTRY AND RELATED FACILITIES AND SERVICES, AND THE PUBLIC EMERGENCY ARISING FROM THE PRESENT STEVEDORING STRIKE, AND THE TAKING POSSESSION OF AND TAKING OVER AND OPERATING BY THE TERRITORY OF HAWAII OF SUCH STEVEDORING INDUSTRY AND SUCH RELATED FACILITIES AND SERVICES DURING THE AFORESAID EMERGENCY AND OTHER EMERGENCIES OCCURRING THEREAFTER.

Introduced October 1, 1949, by

Senators: HERBERT K.H. LEE, WM. H. HEEN AND CHARLES H. SILVA

| | |
|---|---|
| First Reading in Senate | October 1, 1949 |
| Referred to Printing Committee | October 1, 1949 |
| Second Reading in Senate | October 3, 1949 |
| Referred to | |
| Third Reading in Senate | |
| First Reading in House | |
| Referred to | |
| Second Reading in House | |
| Referred to | |
| Third Reading in House | |

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ELLEN D. SMYTHE

*Clerk of the Senate*

Act 3

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SB53

A-36

S.B.No. ___

A N  A C T

TO AMEND ACT 2 OF THE SPECIAL SESSION LAWS OF HAWAII 1949, AS AMENDED, RELATING TO THE STEVEDORING INDUSTRY AND RELATED FACILITIES AND SERVICES, AND THE PUBLIC EMERGENCY ARISING FROM THE PRESENT STEVEDORING STRIKE, AND THE TAKING POSSESSION OF AND TAKING OVER AND OPERATING BY THE TERRITORY OF HAWAII OF SUCH STEVEDORING INDUSTRY AND SUCH RELATED FACILITIES AND SERVICES DURING THE AFORESAID EMERGENCY AND OTHER EMERGENCIES OCCURRING THEREAFTER.

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

SECTION 1. Act 2 of the Special Session Laws of Hawaii 1949, as amended by Act 3 of the Special Session Laws of Hawaii 1949, is hereby further amended by amending the last paragraph of subsection "(d)" of section 3 thereof to read as follows:

"The salaries of persons employed by the Territory on a monthly, semi-monthly or weekly basis, or on any basis other than an hourly basis, shall not be higher than those which existed in the industry immediately prior to the beginning of the strike. The basic wage rate to be paid under this Act to stevedores employed by the Territory shall be one dollar and fifty-four cents ($1.54) per hour. The other wage rates to be paid under this Act to persons employed by the Territory on an hourly basis shall be adjusted and fixed at such amounts as are found by the governor or the designated agency to be fair and reasonable in view of (1) the character of work performed by the employees to whom the same are made applicable as compared to the character of work performed by those paid the said basic wage rate, (2) the basic wage rate paid by the industry to stevedores and the wage rates paid by the industry to such other classes of employees respectively immediately prior to the beginning of the strike, and (3) the amount of the said basic wage rate for stevedores prescribed by

Printed 9-19-49

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this section. There shall be no deductions from such salaries and wages except as authorized by law in the case of other territorial employees. The hours of employment shall be the same as existed in the industry immediately prior to the beginning of the strike, and in so far as possible the other conditions of employment shall be the same as then existed, and neither the governor nor the designated agency shall have authority to enter into negotiations with any such company or with any labor organization for a collective bargaining contract with respect to wages, hours and other terms and conditions of employment in the industry."

SECTION 2. This Act shall take effect upon its approval, but shall not apply to salaries or wages earned and paid prior to its approval.

INTRODUCED BY

H. K. H. Lee

Herbert K. H. Lee
Senator, 3d District.

Senate Bill No. 54

SENATE

SPEC SESSION

1949

# The Legislature

of the

# Territory of Hawaii

## AN ACT

EXEMPTING FROM TAXATION ALL PROPERTY ACTUALLY AND SOLELY USED IN THE MANUFACTURE, REFINING OR SEPARATION OF ASPHALT PRODUCTS, GAS OIL, PETROLEUM PRODUCTS, AND BUTANE, PROPANE AND OTHER GASES FROM CRUDE OIL OR A STRAIGHT-RUN RESIDUUM OF CRUDE OILL OR A BLEND OF A GAS AND SUCH CRUDE OILS, AND EXEMPTING FROM TAXATION THE GROSS INCOME OF AND PRIVILEGE OF ENGAGING IN THE BUSINESS OF SUCH MANUFACTURE, REFINING OR SEPARATION AND THE BUSINESS OF SALE OF SUCH PRODUCTS.

Introduced October 1, 1949, by

Senator NEAL S. BLAISDELL

| | |
|---|---|
| First Reading in Senate | October 1, 1949 |
| Referred to Printing Committee | October 1, 1949 |
| Second Reading in Senate | October 3, 1949 |
| 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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SB 54

A-37

S-601

AN ACT

EXEMPTING FROM TAXATION ALL PROPERTY ACTUALLY AND SOLELY USED IN THE MANUFACTURE, REFINING OR SEPARATION OF ASPHALT PRODUCTS, GAS OIL, PETROLEUM PRODUCTS, AND BUTANE, PROPANE AND OTHER GASES FROM CRUDE OIL OR A STRAIGHT-RUN RESIDUUM OF CRUDE OIL, OR A BLEND OF A GAS AND SUCH CRUDE OILS, AND EXEMPTING FROM TAXATION THE GROSS INCOME OF AND PRIVILEGE OF ENGAGING IN THE BUSINESS OF SUCH MANUFACTURE, REFINING OR SEPARATION AND THE BUSINESS OF SALE OF SUCH PRODUCTS.

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

SECTION 1. All property, both real and personal actually and solely used in connection with the manufacture, refining or separation of asphalt, asphalt products, gas oil, petroleum products, or butane, propane and other gases from crude oil or a straight-run residuum of crude oil, or a blend of a gas and such crude oils, shall be exempt from all property taxes for a period of five years from and after December 31, 1949.

SECTION 2. The provisions of Chapter 101 of the Revised Laws of Hawaii, 1945, as amended from time to time, shall not apply to the gross proceeds of sales of asphalt, asphalt products, gas oil, petroleum products or butane, propane and other gases, as have been manufactured, refined or separated in the Territory of Hawaii from crude oil or a straight-run residuum of crude oil or a blend of a gas and such crude oils, and such gross proceeds of sale shall be exempt from the tax imposed by the said Chapter for the period of five years from December 31, 1949.

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

Neal S. Blaisdell

INTRODUCED BY

Senator, 3d District.

SENATE Senate Bill No. 55

SPEC SESSION

1949

# The Legislature

of the

# Territory of Hawaii

## AN ACT

TO AMEND CHAPTER 126 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, BY INSERTING THEREIN A NEW SECTION RELATING TO THE ENACTMENT OF STANDARD CODES BY REFERENCE BY THE BOARD OF SUPERVISORS OF THE COUNTY OF MAUI.

Introduced October 1 , 19 49 , by

Senator s: TOSHIO ANSAI and REUBEN GOODNESS

| | |
|---|---|
| First Reading in Senate | October 1, 1949 |
| Referred to Printing Committee | October 1, 1949 |
| Second Reading in Senate | October 3, 1949 |
| Referred to | COMMITTEE OF THE WHOLE SENATE |
| Third Reading in Senate | October 6, 1949 |
| First Reading in House | October 12, 1949 |
| Referred to | |
| Second Reading in House | October 13, 1949 |
| Referred to | COMMITTEE ON COUNTY |
| Third Reading in House | |

ELLEN D. SMYTHE

*Clerk of the Senate*

SB 55 A - 38

AN ACT

TO AMEND CHAPTER 126, REVISED LAWS OF HAWAII 1945, BY INSERTING THEREIN A NEW SECTION, NUMBERED 6470, RELATING TO THE ENACTMENT OF STANDARD CODES BY REFERENCE BY THE BOARD OF SUPERVISORS OF THE COUNTY OF MAUI.

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

SECTION 1. Chapter 126 Revised Laws of Hawaii 1945 is hereby amended by inserting therein a new section, numbered 6470, to read as follows:

"Sec. 6470. Enactment of standard codes by reference. Ordinances in the form of standard codes or portions thereof, regulating traffic, or regulating the construction of buildings, the installation of plumbing, the installation of electric wiring or other similar subject matters which may have been printed as a code in book or pamphlet form, may be enacted by reference thereto by the board of supervisors of the county of Maui by the passage of an ordinance for that purpose without the necessity of the publication of the entire contents of said codes, notwithstanding section 6235 of the Revised Laws of Hawaii 1945 to the contrary; provided, however, the titles of said codes and the fact of the contemplated enactment thereof into law shall be published at least once in a newspaper, and that a reasonable number of copies of said codes be available to the public."

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

INTRODUCED BY:

Honolulu, T. H.

S.B.No. 55
S.D. 1

A N  A C T

TO AMEND CHAPTER 126 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, BY INSERTING THEREIN A NEW SECTION RELATING TO THE ENACTMENT OF STANDARD CODES BY REFERENCE BY THE BOARD OF SUPERVISORS OF THE COUNTY OF MAUI.

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

SECTION 1. Chapter 126 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by inserting therein a new section to be appropriately numbered by the secretary of Hawaii and to read as follows:

"Sec. _____. Enactment of standard codes by reference. Ordinances in the form of standard codes or portions thereof, regulating traffic, or regulating the construction of buildings, the installation of plumbing, the installation of electric wiring or other similar subject matters which may have been printed as a code in book or pamphlet form, may be enacted by reference thereto by the board of supervisors of the county of Maui by the passage of an ordinance for that purpose without

the necessity of the publication of the entire contents of said codes, notwithstanding section 6235 of the Revised Laws of Hawaii 1945 to the contrary; provided, however, the titles of said codes and the fact of the contemplated enactment thereof into law shall be published at least once in a newspaper, and that a reasonable number of copies of said codes be available to the public."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu,T.H., October 12, 1949

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

President of the Senate

Clerk of the Senate.

S. B. No. 55
S. D. 1
H. D. 1

A N  A C T

TO AMEND CHAPTERS 125 AND 126 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, BY INSERTING IN EACH OF SAID CHAPTERS A NEW SECTION RELATING TO THE ENACTMENT OF STANDARD CODES BY REFERENCE BY THE BOARDS OF SUPERVISORS OF THE COUNTIES OF KAUAI AND MAUI RESPECTIVELY.

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

SECTION 1. Chapter 125 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by inserting therein a new section to be appropriately numbered by the secretary of Hawaii and to read as follows:

"Sec. _____. Enactment of standard codes by reference. Ordinances in the form of standard codes or portions thereof, regulating traffic, or regulating the construction of buildings, the installation of plumbing, the installation of electric wiring or other similar subject matters which may

have been printed as a code in book or pamphlet form, may be enacted by reference thereto by the board of supervisors of the county of Kauai by the passage of an ordinance for that purpose without the necessity of the publication of the entire contents of said codes, notwithstanding section 6235 of the Revised Laws of Hawaii 1945 to the contrary; provided, however, the titles of said codes and the fact of the contemplated enactment thereof into law shall be published at least once in a newspaper, and that a reasonable number of copies of said codes be available to the public."

SECTION 2. Chapter 126 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by inserting therein a new section to be appropriately numbered by the secretary of Hawaii and to read as follows:

"Sec. _____. Enactment of standard codes by reference. Ordinances in the form of standard codes or portions thereof, regulating traffic, or regulating the construction of buildings, the installation of plumbing, the installation of electric wiring or other similar subject matters which may have been

printed as a code in book or pamphlet form, may be enacted by reference thereto by the board of supervisors of the county of Maui by the passage of an ordinance for that purpose without the necessity of the publication of the entire contents of said codes, notwithstanding section 6235 of the Revised Laws of Hawaii 1945 to the contrary; provided, however, the titles of said codes and the fact of the contemplated enactment thereof into law shall be published at least once in a newspaper, and that a reasonable number of copies of said codes be available to the public."

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

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., October 15, 1949.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 56

# SENATE

SPEC SESSION

1949

Approved 10/2/49 GOR

## The Legislature

of the

## Territory of Hawaii

# AN ACT

TO AMEND ITEM 8 OF SECTION 4 OF ACT 54 OF THE SPECIAL SESSION LAWS OF HAWAII 1941, APPROPRIATING FUNDS FOR THE VARIOUS COUNTIES AND CITY AND COUNTY AND PROVIDING FOR CERTAIN EXPENDITURES THEREFROM.

Introduced OCTOBER 1 , 19 49, by

Senator TOSHIO ANSAI

| | |
|---|---|
| First Reading in Senate | October 1, 1949 |
| Referred to Printing Committee | October 1, 1949 |
| Second Reading in Senate | October 3, 1949 |
| Referred to | COMMITTEE OF THE WHOLE SENATE |
| Third Reading in Senate | October 6, 1949 |
| First Reading in House | October 6, 1949 |
| Referred to | COMMITTEE ON FINANCE. |
| Second Reading in House | October 11, 1949 |
| Referred to | |
| Third Reading in House | October 12, 1949 |

ELLEN D. SMYTHE

*Clerk of the Senate*

Ungross.

S B 56

A - 39

_____NO._____

AN ACT

TO AMEND ITEM 8 OF SECTION 4 OF ACT 54 OF THE SPECIAL SESSION LAWS OF HAWAII 1941, APPROPRIATING FUNDS FOR THE VARIOUS COUNTIES AND CITY AND COUNTY AND PROVIDING FOR CERTAIN EXPENDITURES THEREFROM.

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

Section 1. Item 8 of Section 4 of Act 54 of the Special Session Laws of Hawaii 1941 is hereby amended in the following respects:

(a) By amending paragraph (a) of said item to read as follows:

"(a) Cafeteria Building.....$10,500.00;" and

(b) By deleting from said item paragraphs (b) and (c).

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

INTRODUCED BY:

Tokuzo

DATE:

S. B. No. 56

A N  A C T

TO AMEND ITEM 8 OF SECTION 4 OF ACT 54 OF THE SPECIAL SESSION LAWS OF HAWAII 1941, APPROPRIATING FUNDS FOR THE VARIOUS COUNTIES AND CITY AND COUNTY AND PROVIDING FOR CERTAIN EXPENDITURES THEREFROM.

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

SECTION 1. Item 8 of section 4 of Act 54 of the Special Session Laws of Hawaii 1941 is hereby amended in the following respects:

(a) By amending paragraph (a) of said item to read as follows:

"(a) Cafeteria Building . . . $10,500.00;" and

(b) By deleting from said item paragraphs (b) and (c).

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., October 6, 1949.

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

Wilfred C. Tsukiyama
President of the Senate

Ellen D. Smythe
Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., October 12, 1949.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

William L. Tong
Speaker, House of Representatives.

Jas. L. Cachola
Clerk, House of Representatives.

Senate Bill No. 57

SENATE
SPEC SESSION

1949

# The Legislature
of the
# Territory of Hawaii

# AN ACT

TO AMEND ACT 401, SESSION LAWS OF HAWAII 1949, RELATING TO PUBLIC IMPROVEMENTS AND THE FINANCING THEREOF.

Introduced October 1 , 1949 , by
Senator CHARLES H. SILVA

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|---|---|
| First Reading in Senate | October 1, 1949 |
| Referred to Printing Committee | October 1, 1949 |
| Second Reading in Senate | October 3, 1949 |
| Referred to | COMMITTEE OF THE WHOLE SENATE |
| Third Reading in Senate | October 6, 1949 |
| First Reading in House | October 6, 1949 |
| Referred to | COMMITTEE ON FINANCE. |
| Second Reading in House | October 14, 1949 |
| Referred to | |
| Third Reading in House | October 15, 1949 |

ELLEN D. SMYTHE
*Clerk of the Senate*

SB57 A-40

S. B. No._____

A N  A C T

TO AMEND ACT 401, SESSION LAWS OF HAWAII 1949, RELATING TO PUBLIC IMPROVEMENTS AND THE FINANCING THEREOF.

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

SECTION 1. Act 401 of the Session Laws of Hawaii 1949 is hereby amended, by amending Items 40 and 41 of Section 2(a) thereof, as follows:

(a) In Item 40, add after the words "building construction" the words "and equipment".

(b) In Item 41, add after the words "building construction" a comma and the words "equipment and relocation of teachers' cottages".

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

Introduced by:

Senator, ____ District

Honolulu, T. H.

September____, 1949.

S.B.No. 57

A N  A C T

TO AMEND ACT 401, SESSION LAWS OF HAWAII 1949, RELATING TO PUBLIC IMPROVEMENTS AND THE FINANCING THEREOF.

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

SECTION 1. Act 401 of the Session Laws of Hawaii 1949 is hereby amended, by amending items 40 and 41 of section 2 (a) thereof, as follows:

(a) In item 40, add after the words "building construction" the words "and equipment".

(b) In item 41, add after the words "building construction" a comma and the words "equipment and relocation of teachers' cottages".

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H. October 6, 1949

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

President of the Senate

Clerk of the Senate.

S. B. No. 57
H. D. 1

A N  A C T

TO AMEND ACT 401, SESSION LAWS OF HAWAII 1949, RELATING TO PUBLIC IMPROVEMENTS AND THE FINANCING THEREOF.

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

SECTION 1. Act 401 of the Session Laws of Hawaii 1949 is hereby amended, by amending Items 40 and 41 of Section 2(a) thereof, as follows:

(a) In Item 40, add after the words "building construction" the words "and equipment".

(b) In Item 41, add after the words "building construction" a comma and the words "equipment and relocation of teachers' cottages".

SECTION 2. No moneys appropriated by Act 401, Session Laws of Hawaii 1949, shall be expended for equipment under said Item 40, or for equipment and relocation of teachers'

cottages under said Item 41, unless and until the Congress of the United States shall enact legislation approving this Act.

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

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., October 15, 1949.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

Hiram L. Fong
Speaker, House of Representatives.

Jas. K. Aubong
Clerk, House of Representatives.

SENATE Senate Bill No. 58

SPEC SESSION

1949

# The Legislature

of the

# Territory of Hawaii

## AN ACT

TO AMEND SECTION 710 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO THE RETIREMENT SYSTEM.

| | |
|---|---|
| Introduced | October 1 , 1949 , by |
| Senator | NEAL S. BLAISDELL. |

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|---|---|
| First Reading in Senate | October 1, 1949 |
| Referred to Printing Committee | October 1, 1949 |
| Second Reading in Senate | October 3, 1949 |
| Referred to | COMMITTEE OF THE WHOLE SENATE |
| Third Reading in Senate | October 6, 1949 |
| First Reading in House | October 6, 1949 |
| Referred to | COMMITTEE ON FINANCE. |
| Second Reading in House | October 14, 1949 |
| Referred to | |
| Third Reading in House | October 15, 1949 |

ELLEN D. SMYTHE

*Clerk of the Senate*

Gregory

SB 58
A-41

_____B. NO._____

A N  A C T

TO AMEND SECTION 710 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO THE RETIREMENT SYSTEM.

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

SECTION 1. Section 710 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding to subsection (2) thereof a new subparagraph to read as follows:

"(m) Street or improvement district bonds of any district or project in the Territory."

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

INTRODUCED BY

Neal A. Blaisdell

Senator, 3d District.

September 1949.

S.B.No. 58

A N  A C T

TO AMEND SECTION 710 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO THE RETIREMENT SYSTEM.

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

SECTION 1. Section 710 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended by adding to subsection (2) thereof a new subparagraph to read as follows:

"(m) Street or improvement district bonds of any district or project in the Territory."

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

THE SENATE OF THETERRITORY OF HAWAII

Honolulu, T.H., October 6, 1949

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

President of the Senate

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H., October 15, 1949.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 59

SENATE
SPEC SESSION
1949

# The Legislature
of the
# Territory of Hawaii

# AN ACT

AMENDING ACT 333 OF THE SESSION LAWS OF HAWAII 1949, PROVIDING FOR FIRE PROTECTION OF HONOLULU HARBOR, INCLUDING AUTHORIZATION FOR THE PURCHASE, OPERATION AND MAINTENANCE OF A FIRE BOAT AND FACILITIES FOR THE CLEANING OF OIL AND DEBRIS FROM SAID HARBOR, AND MAKING APPROPRIATIONS.

Introduced OCTOBER 1 , 19 49, by
Senator BEN DILLINGHAM

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|---|---|
| First Reading in Senate | October 1, 1949 |
| Referred to Printing Committee | October 1, 1949 |
| Second Reading in Senate | October 3, 1949 |
| Referred to | COMMITTEE OF THE WHOLE SENATE |
| Third Reading in Senate | October 6, 1949 |
| First Reading in House | October 7, 1949 |
| Referred to | |
| Second Reading in House | October 10, 1949 |
| Referred to | COMMITTEE ON FINANCE. |
| Third Reading in House | October 13, 1949 |

ELLEN D. SMYTHE
*Clerk of the Senate*

Engross

SB 59
A - 42

AN ACT

AMENDING ACT 333 OF THE SESSION LAWS OF HAWAII 1949, PROVIDING FOR FIRE PROTECTION OF HONOLULU HARBOR, INCLUDING AUTHORIZATION FOR THE PURCHASE, OPERATION AND MAINTENANCE OF A FIRE BOAT AND FACILITIES FOR THE CLEANING OF OIL AND DEBRIS FROM SAID HARBOR, AND MAKING APPROPRIATIONS.

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

SECTION 1. Section 1 of Act 333, S.L., 1949, is hereby amended to read as follows:

"SECTION 1. There is hereby appropriated from the general revenues of the Territory the sum of Three Hundred Thousand Dollars ($300,000.00) or so much thereof as may be necessary for the following purposes: (1) for the acquisition, equipment, maintenance and operation of a fire boat for the fire protection of Honolulu Harbor; (2) for the acquisition, equipment, maintenance and operation of facilities for removing oil and debris from Honolulu Harbor; (3) for the payment of salaries to persons employed in the operation and maintenance of said fire boat and facilities; and (4) for the construction and maintenance of living quarters ashore, for personnel employed pursuant to this Act, upon property under the care and control of the Board of Harbor Commissioners of the Territory of Hawaii."

SECTION 2. Section 3 of Act 333, S.L. 1949, is hereby amended to read as follows:

"SECTION 3. The Board of Harbor Commissioners may from time to time enter into agreements with the

City and County of Honolulu for the furnishing of personnel for the operation and maintenance of said fire boat, and agreements for the payment of salaries in whole or in part to any or all personnel employed under this Act."

SECTION 3. This Act shall take effect upon its approval

INTRODUCED BY:

Senator, 2nd District

S. B. No. 59

A N  A C T

AMENDING ACT 333 OF THE SESSION LAWS OF HAWAII 1949, PROVIDING FOR FIRE PROTECTION OF HONOLULU HARBOR, INCLUDING AUTHORIZATION FOR THE PURCHASE, OPERATION AND MAINTENANCE OF A FIRE BOAT AND FACILITIES FOR THE CLEANING OF OIL AND DEBRIS FROM SAID HARBOR, AND MAKING APPROPRIATIONS.

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

SECTION 1. Section 1 of Act 333, Session Laws, 1949, is hereby amended to read as follows:

"SECTION 1. There is hereby appropriated from the general revenues of the Territory the sum of three hundred thousand dollars ($300,000.00) or so much thereof as may be necessary for the following purposes: (1) for the acquisition, equipment, maintenance and operation of a fire boat for the fire protection of Honolulu harbor; (2) for the acquisition, equipment, maintenance and operation of

facilities for removing oil and debris from Honolulu harbor; (3) for the payment of salaries to persons employed in the operation and maintenance of said fire boat and facilities; and (4) for the construction and maintenance of living quarters ashore, for personnel employed pursuant to this Act, upon property under the care and control of the board of harbor commissioners of the Territory of Hawaii."

SECTION 2. Section 3 of Act 333, Session Laws, 1949, is hereby amended to read as follows:

"SECTION 3. The board of harbor commissioners may from time to time enter into agreements with the city and county of Honolulu for the furnishing of personnel for the operation and maintenance of said fire boat, and agreements for the payment of salaries in whole or in part to any or all personnel employed under this Act."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., October 6, 1949.

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

President of the Senate

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H., October 13, 1949.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

Speaker, House of Representatives.

Clerk, House of Representatives.

SENATE

SPEC SESSION

1949

Senate Bill No. 60

# The Legislature

of the

# Territory of Hawaii

## AN ACT

MAKING AN APPROPRIATION TO THE CITY AND COUNTY OF HONOLULU FOR THE OPERATION OF THE WAIKIKI WAR MEMORIAL NATATORIUM

Tabled Oct 6 - 49
H.B. No 65 ~~not~~ identical - will be considered

| | |
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| Introduced | October 1, 1949, by |
| Senator | HERBERT K.H. LEE |

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|---|---|
| First Reading in Senate | October 1, 1949 |
| Referred to Printing Committee | October 1, 1949 |
| Second Reading in Senate | October 3, 1949 |
| Referred to | |
| Third Reading in Senate | |

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

ELLEN D. SMYTHE
*Clerk of the Senate*

Oct 6
H (w)

Oct 5
V (Date on Calendar)

SB 60
A-43

AN ACT

MAKING AN APPROPRIATION TO THE CITY AND COUNTY OF HONOLULU FOR THE OPERATION OF THE WAIKIKI WAR MEMORIAL NATATORIUM.

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

SECTION 1. There is hereby appropriated to the city and county of Honolulu, out of the general funds of the Territory of Hawaii not otherwise appropriated, the sum of _____ dollars ($ ), or so much thereof as may be necessary, for the operation and maintenance during the biennium ending June 30, 1951, of the Waikiki war memorial natatorium, which was transferred to the control of the board of public parks and recreation of the city and county of Honolulu by Act 6, Session Laws of Hawaii 1949.

SECTION 2. The moneys appropriated by this Act shall be paid into the treasury of the city and county of Honolulu when and as required for expenditure, such funds to be held in the territorial treasury until payment therefor is requested by resolution of the board of supervisors of the city and county of Honolulu. All such funds shall be held in the city and county treasury for the purpose stated in this Act, and no expenditure thereof shall be made without the approval of the board of supervisors and the board of public parks and recreation.

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

INTRODUCED BY:

Honolulu, T. H.

Senate Bill No. 61

SENATE
SPEC SESSION

1949

# The Legislature
of the
# Territory of Hawaii

## AN ACT

PROVIDING EMPLOYMENT AND VOCATIONAL TRAINING TO CERTAIN UNEMPLOYED; CREATING THE HAWAIIAN CIVILIAN CONSERVATION CORPS WITHIN THE BOARD OF AGRICULTURE AND FORESTRY; AND MAKING AN APPROPRIATION.

Introduced OCTOBER 6 , 1949 , by
Senator M. R. AGUIAR, JR.

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|---|---|
| First Reading in Senate | October 6, 1949 |
| Referred to Printing Committee | October 6, 1949 |
| Second Reading in Senate | October 7, 1949 |
| Referred to | COMMITTEE OF THE WHOLE SENATE |
| Third Reading in Senate | October 11, 1949 |
| First Reading in House | October 11, 1949 |
| Referred to | |
| Second Reading in House | October 12, 1949 |
| Referred to | COMMITTEE ON AGRICULTURE. |
| Third Reading in House | 10/14/15 - Passed Second Reading. Recommitted to FINANCE. |

ELLEN D. SMYTHE
*Clerk of the Senate*

B-5

S. B. NO. to be Printed

61

AN ACT

PROVIDING EMPLOYMENT AND VOCATIONAL TRAINING TO CERTAIN UNEMPLOYED; CREATING THE HAWAIIAN CIVILIAN CONSERVATION CORPS WITHIN THE BOARD OF AGRICULTURE AND FORESTRY; AND MAKING AN APPROPRIATION.

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

SECTION 1. There is hereby established the Hawaiian civilian conservation corps, hereinafter called the corps, for the purpose of providing employment, as well as vocational training for youthful residents of the Territory who are unemployed and in need of employment, through the performance of useful public work in connection with the conservation and development of the natural resources of the Territory, and through the devotion of at least ten hours per week in general educational and vocational training.

SECTION 2. The president of the board of agriculture and forestry, hereinafter referred to as the president, shall have complete and final authority in the functioning of the corps, subject to such rules and regulations as may be promulgated by the board of agriculture and forestry. The president is hereby authorized to take such steps as may from time to time be necessary to secure funds that may be made available by the federal government for such purposes.

SECTION 3. In order to carry out the purposes of this Act, the president is authorized to provide for the employment of the corps and its facilities on works of public interest or utility for the protection, restoration, regeneration, improvement, development, utilization, maintenance,or enjoyment of the natural resources of lands and waters, and the products thereof, including forests, fish and wildlife on lands or interests in lands (including historical or archeological sites), belonging to, or under the jurisdiction of the Territory and the several counties.

SECTION 4. The president of the board of agriculture and forestry is authorized, within the limit of funds available, to appoint such civilian personnel as may be deemed necessary for the efficient and economical discharge of the functions of the corps without regard to the civil service laws and regulations of the Territory.

SECTION 5. The president is authorized to have enrolled not to exceed five hundred men at any one time and may establish camps and facilities for such persons.

SECTION 6. The enrollees in the corps shall be unmarried male residents of the Territory between the ages of seventeen and twenty-three years, both inclusive, and shall at the time of enrollment be unemployed and in need of employment. The president may exclude from enrollment such classes of persons as he may consider detrimental to the well-being or welfare of the corps, except that no person shall be excluded on account of race, color, or creed. The enrollments shall be for a period of not less than six months, and re-enrollments shall not exceed a total term of two years. In the discretion of the president, continuous service by the enrollee during his period of enrollment shall not be required in any case where the enrollee attends an educational institution of his choice during his leave of absence. The president shall be authorized to issue certificates of proficiency and merit to enrollees under such rules and regulations as he may provide. Any enrollee may be discharged for the convenience of the Territory within thirty days prior to the expiration of his period of enrollment.

SECTION 7. The compensation of enrollees shall be in accordance with schedules approved by the board of agriculture and forestry, in such amounts as will best carry out the purposes of this Act, with due regard taken of quarters, subsistence and other items to be furnished enrollees during their enrollment. Enrollees with dependent member or members of their families shall be required, under such regulations as may be prescribed by the president, to make allotments of pay to such dependents.

Other enrollees may make deposits of pay in amounts that may be specified by the president, to be repaid in case of an emergency, or upon completion of or release from enrollment and to receive the balance of their pay in cash monthly.

SECTION 8. Enrollees shall be provided, in addition to the monthly rates of pay which may be established, with such quarters, subsistence and clothing, or commutation in lieu thereof, medical attention, hospitalization and transportation as the president of the board may deem necessary. The provisions of chapter 77 of the Revised Laws of Hawaii 1945, as amended, relating to disability or death compensation and benefits shall apply to the enrolled personnel of the corps.

SECTION 9. The governor is hereby authorized to direct the utilization of the facilities and services of such departments or agencies of the government as he may deem necessary for carrying out the purposes of this Act.

SECTION 10. The president may authorize the expenditure of such amounts as he may deem necessary for supplies, materials, and equipment for enrollees to be used in connection with their work, instruction, recreation, health, and welfare, and may also authorize expenditures for the transportation and subsistence of selected applicants for enrollment and of discharged enrollees while enroute upon discharge to their homes.

SECTION 11. There is hereby appropriated out of the general revenues of the Territory not otherwise appropriated the sum of one million dollars, or so much thereof as may be necessary, for carrying out the purposes of this Act. The moneys shall be expended on warrants issued by the territorial auditor based upon vouchers approved by the president of the board of agriculture and forestry, or such person as may in writing be designated by the president to approve such vouchers.

SECTION 12. This Act shall take effect upon its approval.

INTRODUCED BY:

M. R. Aguiar
Senator 4th Dist

S. B. No. 61

A N  A C T

PROVIDING EMPLOYMENT AND VOCATIONAL TRAINING TO CERTAIN UNEMPLOYED; CREATING THE HAWAIIAN CIVILIAN CONSERVATION CORPS WITHIN THE BOARD OF AGRICULTURE AND FORESTRY; AND MAKING AN APPROPRIATION.

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

SECTION 1. There is hereby established the Hawaiian civilian conservation corps, hereinafter called the corps, for the purpose of providing employment, as well as vocational training for youthful residents of the Territory who are unemployed and in need of employment, through the performance of useful public work in connection with the conservation and development of the natural resources of the Territory, and through the devotion of at least ten hours per week in general educational and vocational training.

SECTION 2. The president of the board of agriculture

and forestry, hereinafter referred to as the president, shall have complete and final authority in the functioning of the corps, subject to such rules and regulations as may be promulgated by the board of agriculture and forestry. The president is hereby authorized to take such steps as may from time to time be necessary to secure funds that may be made available by the federal government for such purposes.

SECTION 3. In order to carry out the purposes of this Act, the president is authorized to provide for the employment of the corps and its facilities on works of public interest or utility for the protection, restoration, regeneration, improvement, development, utilization, maintenance, or enjoyment of the natural resources of lands and waters, and the products thereof, including forests, fish and wildlife on lands or interests in lands (including historical or archeological sites), belonging to, or under the jurisdiction of the Territory and the several counties.

SECTION 4. The president of the board of agriculture and forestry is authorized, within the limit of funds available,

to appoint such civilian personnel as may be deemed necessary for the efficient and economical discharge of the functions of the corps without regard to the civil service laws and regulations of the Territory.

SECTION 5. The president is authorized to have enrolled not to exceed five hundred men at any one time and may establish camps and facilities for such persons.

SECTION 6. The enrollees in the corps shall be unmarried male residents of the Territory between the ages of seventeen and twenty-three years, both inclusive, and shall at the time of enrollment be unemployed and in need of employment. The president may exclude from enrollment such classes of persons as he may consider detrimental to the well-being or welfare of the corps, except that no person shall be excluded on account of race, color, or creed. The enrollments shall be for a period of not less than six months, and re-enrollments shall not exceed a total term of two years. In the discretion of the president, continuous service by the enrollee during his period of enrollment shall not be required in any case where the enrollee attends an educational

institution of his choice during his leave of absence. The president shall be authorized to issue certificates of proficiency and merit to enrollees under such rules and regulations as he may provide. Any enrollee may be discharged for the convenience of the Territory within thirty days prior to the expiration of his period of enrollment.

SECTION 7. The compensation of enrollees shall be in accordance with schedules approved by the board of agriculture and forestry, in such amounts as will best carry out the purposes of this Act, with due regard taken of quarters, subsistence and other items to be furnished enrollees during their enrollment. Enrollees with dependent member or members of their families shall be required, under such regulations as may be prescribed by the president, to make allotments of pay to such dependents. Other enrollees may make deposits of pay in amounts that may be specified by the president, to be repaid in case of an emergency, or upon completion of or release from enrollment and to receive the balance of their pay in cash monthly.

SECTION 8. Enrollees shall be provided, in addition to

the monthly rates of pay which may be established, with such quarters, subsistence and clothing, or commutation in lieu thereof, medical attention, hospitalization and transportation as the president of the board may deem necessary. The provisions of chapter 77 of the Revised Laws of Hawaii 1945, as amended, relating to disability or death compensation and benefits shall apply to the enrolled personnel of the corps.

SECTION 9. The governor is hereby authorized to direct the utilization of the facilities and services of such departments or agencies of the government as he may deem necessary for carrying out the purposes of this Act.

SECTION 10. The president may authorize the expenditure of such amounts as he may deem necessary for supplies, materials, and equipment for enrollees to be used in connection with their work, instruction, recreation, health, and welfare, and may also authorize expenditures for the transportation and subsistence of selected applicants for enrollment and of discharged enrollees while enroute upon discharge to their homes.

SECTION 11. There is hereby appropriated out of the general revenues of the Territory not otherwise appropriated the sum of one million dollars, or so much thereof as may be necessary, for carrying out the purposes of this Act. The moneys shall be expended on warrants issued by the territorial auditor based upon vouchers approved by the president of the board of agriculture and forestry, or such person as may in writing be designated by the president to approve such vouchers.

SECTION 12. This Act shall take effect upon its approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., October 11, 1949.

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

Alfred D. Tsukiyama
President of the Senate

Ellen D. Smythe
Clerk of the Senate.

S. B. No. 61
H. D. 1

A N  A C T

PROVIDING EMPLOYMENT AND VOCATIONAL TRAINING TO CERTAIN UNEMPLOYED; CREATING THE HAWAIIAN CIVILIAN CONSERVATION CORPS WITHIN THE BOARD OF AGRICULTURE AND FORESTRY; AND MAKING AN APPROPRIATION.

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

SECTION 1. There is hereby established the Hawaiian civilian conservation corps, hereinafter called the corps, for the purpose of providing employment, as well as vocational training for youthful residents of the Territory who are unemployed and in need of employment, through the performance of useful public work in connection with the conservation and development of the natural resources of the Territory, and through the devotion of at least ten hours per week in general educational and vocational training.

SECTION 2. The president of the board of agriculture and forestry, hereinafter referred to as the president, shall have complete and final authority in the functioning of the corps, subject to such rules and regulations as may be promulgated by the board of agriculture and forestry. The president is hereby authorized to take such steps as may from time to time be necessary to secure funds that may be made available by the federal government for such purposes.

SECTION 3. In order to carry out the purposes of this Act, the president is authorized to provide for the employment of the corps and its facilities on works of public interest or utility for the protection, restoration, regeneration, improvement, development, utilization, maintenance, or enjoyment of the natural resources of lands and waters, and the products thereof, including forests, fish and wildlife on lands or interests in lands (including historical

or archeological sites), belonging to, or under the jurisdiction of the Territory and the several counties.

SECTION 4. The president of the board of agriculture and forestry is authorized, within the limit of funds available, to appoint such civilian personnel as may be deemed necessary for the efficient and economical discharge of the functions of the corps without regard to the civil service laws and regulations of the Territory.

SECTION 5. The president is authorized to have enrolled not to exceed five hundred men at any one time and may establish camps and facilities for such persons.

SECTION 6. The enrollees in the corps shall be unmarried male residents of the Territory between the ages of seventeen and twenty-three years, both inclusive, and shall at the time of enrollment be unemployed and in need of employment. The president may exclude from enrollment such classes of persons as he may consider detrimental to

the well-being or welfare of the corps, except that no person shall be excluded on account of race, color, or creed. The enrollments shall be for a period of not less than six months, and re-enrollments shall not exceed a total term of two years. In the discretion of the president, continuous service by the enrollee during his period of enrollment shall not be required in any case where the enrollee attends an educational institution of his choice during his leave of absence. The president shall be authorized to issue certificates of proficiency and merit to enrollees under such rules and regulations as he may provide. Any enrollee may be discharged for the convenience of the Territory within thirty days prior to the expiration of his period of enrollment.

SECTION 7. The compensation of enrollees shall be in accordance with schedules approved by the board of agriculture and forestry, in such amounts as will best carry out

the purposes of this Act, with due regard taken of quarters, subsistence and other items to be furnished enrollees during their enrollment. Enrollees with dependent member or members of their families shall be required, under such regulations as may be prescribed by the president, to make allotments of pay to such dependents. Other enrollees may make deposits of pay in amounts that may be specified by the president, to be repaid in case of an emergency, or upon completion of or release from enrollment and to receive the balance of their pay in cash monthly.

SECTION 8. Enrollees shall be provided, in addition to the monthly rates of pay which may be established, with such quarters, subsistence and clothing, or commutation in lieu thereof, medical attention, hospitalization and transportation as the president of the board may deem necessary. The provisions of chapter 77 of the Revised Laws of Hawaii 1945, as amended, relating to disability

or death compensation and benefits shall apply to the enrolled personnel of the corps.

SECTION 9. The governor is hereby authorized to direct the utilization of the facilities and services of such departments or agencies of the government as he may deem necessary for carrying out the purposes of this Act.

SECTION 10. The president may authorize the expenditure of such amounts as he may deem necessary for supplies, materials, and equipment for enrollees to be used in connection with their work, instruction, recreation, health, and welfare, and may also authorize expenditures for the transportation and subsistence of selected applicants for enrollment and of discharged enrollees while enroute upon discharge to their homes.

SECTION 11. In order to finance the purposes of this Act, the sum of $3,000,000 is hereby appropriated out of any moneys received on account of loan funds, and bonds

may be issued as provided by law to the extent necessary to yield said amount from time to time as may be required. The bonds issued under the provisions of this Act shall be in addition to, and shall not be subtracted from, the amount of bonds authorized to be issued under the provisions of section 55 of the Hawaiian Organic Act.

SECTION 12. The Congress of the United States is hereby requested to authorize the issuance by the Territory of Hawaii, any provision of the Hawaiian Organic Act or of any Act of Congress to the contrary notwithstanding, of public improvement bonds in the amount of $3,000,000 for the purposes of this Act. No issue of bonds shall be made until the issue is approved by the President of the United States. The Congress of the United States is likewise hereby requested to approve this Act.

SECTION 13. The moneys appropriated by the foregoing provisions of this Act shall not be expended unless and

until the Congress of the United States shall enact legislation approving this Act and authorizing the issuance of bonds as described in section 12 of this Act.

SECTION 14. This Act shall take effect upon its approval.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., October 15, 1949.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

Hiram L. Fong
Speaker, House of Representatives.

Jas. K. Aiona
Clerk, House of Representatives.

SENATE Senate Bill No. 62

SPEC SESSION

1949

# The Legislature
of the
# Territory of Hawaii

## AN ACT

PROVIDING FOR GUARANTEED LOANS TO OWNERS OF CERTAIN SMALL BUSINESSES FOR THE PURPOSE OF STIMULATING THE INDUSTRIAL AND ECONOMIC EXPANSION OF THE TERRITORY; CREATING THE SMALL BUSINESS LOAN BOARD AND PRESCRIBING ITS MEMBERSHIP, POWERS AND DUTIES; CREATING THE SMALL BUSINESS LOAN GUARANTEE FUND; AND MAKING AN APPROPRIATION.

Introduced OCTOBER 6 , 19 49 , by

Senator WILLIAM J. NOBRIGA

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|---|---|
| First Reading in Senate | October 6, 1949 |
| Referred to Printing Committee | October 6, 1949 |
| Second Reading in Senate | October 7, 1949 |
| 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*

62

AN ACT

PROVIDING FOR GUARANTEED LOANS TO OWNERS OF CERTAIN SMALL BUSINESSES FOR THE PURPOSE OF STIMULATING THE INDUSTRIAL AND ECONOMIC EXPANSION OF THE TERRITORY; CREATING THE SMALL BUSINESS LOAN BOARD AND PRESCRIBING ITS MEMBERSHIP, POWERS AND DUTIES; CREATING THE SMALL BUSINESS LOAN GUARANTEE FUND; AND MAKING AN APPROPRIATION.

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

SECTION 1. Short title. This Act shall be known and may be cited as the "Small Business Loan Guarantee Act."

SECTION 2. Declaration of findings and need. The Legislature of the Territory of Hawaii hereby finds and declares as follows:

1. That small businesses constitute a vital part of the economy of the Territory of Hawaii.

2. That the prosperity of small businesses is closely related to the economic well-being of all business in the Territory of Hawaii.

3. That it is in the best interests of the Territory of Hawaii to encourage and stimulate such small business enterprises as a means of contributing to a high level of employment, the preservation and promotion of freedom of enterprise, and the general health and stability of the economy of the Territory.

SECTION 3. Definitions. Wherever used in this chapter, the following terms shall have the following meanings, unless a different meaning clearly appears from the context:

"Board" shall mean the Small Business Loan Board created by this Act.

"Lending institution" shall mean any financial corporation, except building and loan associations, authorized to do business in the Territory of Hawaii.

SECTION 4. Small Business Loan Board; creation. There is hereby created the Small Business Loan Board. The Board shall be composed of five members appointed by the governor in accordance with section 80 of the Hawaiian Organic Act. Three members of the Board shall be appointed for terms of office to expire June 30, 1951;

two for terms expiring June 30, 1953. Thereafter, every appointment to the Board shall be for a term of five years commencing from the date of expiration of the preceding term. Three of the members of such board shall be selected to represent small businesses of the Territory. The other two members shall be such persons as are, in the opinion of the governor, qualified to serve on the Board and sympathetic to the purposes of this Act. The treasurer and the auditor of the Territory shall be ex-officio, non-voting members of the Board. The members of the Board shall serve without compensation but shall be entitled to the necessary and actual expenses incurred by them in the discharge of their official duties. One of the members of the Board shall upon his appointment to the Board be designated as chairman.

SECTION 5. Board; powers and duties. The Board shall have the responsibility of carrying out and administering the provisions of this Act. It shall have the power to make, amend and rescind such rules and regulations as may be necessary for such administration. It shall have discretionary powers to determine the eligibility of applicants for loan guarantees under the provisions of this Act. The decision of the Board shall be final with regard to the determination of such eligibility. The Board shall also have the power to employ such clerical assistants and other employees as may be necessary to the proper fulfillment of its duties, subject to Chapters 2 and 3 of the Revised Laws of Hawaii 1945.

SECTION 6. Appropriation; to provide clerical staff. To pay the salaries of clerical and other workers, to provide office supplies and equipment, and to provide funds for such other expenses as may be necessary and proper to the administration of this Act, there is hereby appropriated to the Board out of the Small Business Loan Fund hereinafter created, not to exceed the annual sum of _____.

SECTION 7. Small Business Loan Fund; creation; administration and use. There is hereby created the Small Business Loan Fund, referred to hereafter as "the fund." The fund shall have an initial value of one million dollars ($1,000,000), and this sum is hereby appropriated to such fund out of the general revenues of the Territory. All capital and all revenues accruing to the fund shall, except as provided in section 6 of this Act, be held in trust to meet the guarantee obligations

of the Board. Such amounts in the fund as the Board shall estimate are not needed for its current operations shall be invested and reinvested by the territorial treasurer in such obligations as are authorized by section 710, Revised Laws of Hawaii 1945, for funds of the Employee's Retirement System. The fund shall be used by the Board to pay any losses incurred by lending institutions by reason of loans to small businesses made under the provisions of this Act, but in no event shall the total amount of liability of the Board exceed eighty per centum (80%) of the face value of any one loan nor shall the total contingent liability outstanding at any time exceed the sum of one million dollars ($1,000,000).

SECTION 8. Applications for a loan guarantee. All applications for loan guarantees under this Act shall be submitted to the Board for its approval. The Board shall approve an application for a loan guarantee only if:

1. The purpose of the loan is to provide working capital or to provide for expanding or improving the physical plant of a small business.

2. The applicant has demonstrated his ability in his chosen line of business.

3. The amount of the loan applied for does not exceed $5,000.

4. The applicant has shown to the satisfaction of the Board that he would not be able to secure the loan for which the guarantee is sought from a private lending institution unless such loan is guaranteed under the provisions of this Act.

5. The applicant has evidenced to the Board that he has cash, securities or physical property of the business equal to the value of the loan he is requesting.

6. The applicant intends to use the loan in a manner which, in the opinion of the Board, has a reasonably good chance of contributing to the financial success of the business in which he is engaged and either will increase the employment opportunities in the Territory or will promote the development of an industry deemed by the Board to be wholesome and necessary to the economic well-being of the Territory.

SECTION 9. Terms of the guaranteed loan. Upon approval by the Board of a loan guarantee application, any lending institutiom may make the loan as approved and upon the terms and conditions required by this Act. Any such lending institution making a loan guaranteed under this Act shall cooperate with the Board in supervising the use of the credit in accordance with its purposes. Each loan

guaranteed under this Act shall:

1. Be evidenced by a note or other obligation approved by the board;

2. Bear interest at a rate not exceeding three per centum (3%) per annum on the unpaid balance; and

3. Be payable as follows:

(a) the interest in monthly or quarterly installments, the first of which shall be payable not less than six months after the making of the loan and the last of which shall be payable in not more than 15 years from the date the obligation was incurred; and

(b) the principal in monthly or quarterly installments, the first of which shall be payable in not more than twelve months after the making of the loan and the last of which shall be payable in not more than ~~fifteen~~ (15) years from the date of the obligation.

SECTION 10. Payment for guarantee by lending institution. Every lending institution which has made or which may hereafter make any approved business loan or loans under the provisions of this Act shall, in consideration of the guarantee, pay to the Board an amount equal to ten per centum (10%) of all interest received by it on all such loans, to be payable at such time or times and in such manner as the Board shall prescribe.

SECTION 11. Payment for guarantee by borrower. The entire cost to the borrower of receiving any loan, regardless the amount thereof, shall be included in a single charge of ten dollars ($10.00) for all costs, exclusive of interest, of which two dollars ($2.00) shall be paid by the lending institution to the Board.

SECTION 12. Liability of the Board. The Board is hereby authorized and empowered to guarantee loans as follows: Upon the demand of any lending institution making a loan under the provisions of this Act, the Board shall purchase upon the demand of such lending institution any approved note (that is, a note for a loan approved by this Board) which remains unpaid for 30 days after the date of maturity thereof, or on which any installment is more than three months in arrears, at a price equal to 80 per centum (80%) of the unpaid principal of such note.

SECTION 13. Liquidation of notes. The Board shall proceed to liquidate the notes it purchases as described in section 12 of this Act as rapidly as possible, but shall develop and adopt programs for deferred payments by makers of such notes to avoid undue hardship or sacrifice of business values, without regard to the 15-year limitations on maturity elsewhere contained in this Act.

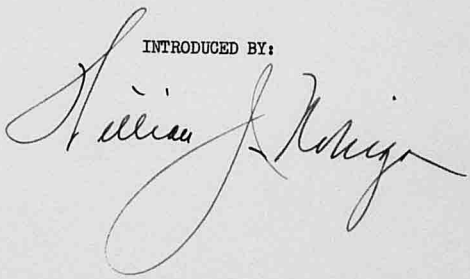
SECTION 14. Extension of refinancing of the loan. Subject to such rules and regulations as the Board may prescribe, any loan which has been guaranteed under the provisions of this Act may be refinanced by the lending institution making the loan without affecting the obligation of the Board hereunder; provided, that provision in such refinancing agreement is made for complete discharge of the obligation and interest thereon, not later than 15 years from the date of the original loan. Installments may not be accelerated on any loan unless the loan is more than three months in arrears. A loan may be reduced at any time in the option of the borrower.

SECTION 15. More than one loan to a business prohibited. No business shall accept more than one loan under the provisions of this Act, regardless of the amount of such loan, except that a business which has received a loan for less than the maximum amount of the loan to which he may be entitled under this Act and who is otherwise eligible for a business loan, may apply for and receive a second business loan. In such application the business shall disclose that it is for a second business loan and the lending institution making such loan shall make certain that any unpaid portion of the first loan is paid in full, both as to principal and interest, from the proceeds of such second business loan.

SECTION 16. Penalties. Any person who, having obtained a business loan under this Act, solicits, applies for, or accepts another such loan except as specifically authorized in this Act and any person who knowingly and wilfully furnishes any false or misleading information for the purpose of obtaining a business loan under this Act, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than one thousand dollars ($1,000) or imprisonment for not more than one year or both.

SECTION 17. This Act shall take effect upon its approval by the Congress of the United States, any provision to the Hawaiian Organic Act notwithstanding.

INTRODUCED BY:



Honolulu, T. H.

Senate Bill No. 63

SENATE

SPEC SESSION

1949

# The Legislature

of the

# Territory of Hawaii

## AN ACT

TO PROVIDE FUNDS FOR UNEMPLOYMENT RELIEF AND INCREASING THE TAX ON COMPENSATION AND THE INCOME TAX ON CORPORATIONS FOR SUCH PURPOSES.

Introduced OCTOBER 6, 1949, by

Senators JOHN G. DUARTE, M. R. AGUIAR, JR., REUBEN GOODNESS & CHARLES H. SILVA

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|---|---|
| First Reading in Senate | October 6, 1949 |
| Referred to Printing Committee | October 6, 1949 |
| Second Reading in Senate | October 7, 1949 |
| Referred to | |
| Third Reading in Senate | |

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|---|---|
| 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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SB 63

AN ACT

TO PROVIDE FUNDS FOR UNEMPLOYMENT RELIEF AND INCREASING THE TAX ON COMPENSATION AND THE INCOME TAX ON CORPORATIONS FOR SUCH PURPOSES.

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

SECTION 1. Chapter 98 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respects:

1. By amending subsection (a) of section 5344 to read as follows:

"(a) There shall be assessed, levied, collected and paid for each month a tax of two and one-half of one per centum upon the amount of all compensation, not exempted under subsections (b), (c) or (d) of this section, received by every person, during all or any part of such month."

2. By amending subsection (b) of section 5358 to read as follows:

"(b) The net tax collections remaining after the refunds authorized by law shall be paid into the general fund of the Territory; provided, however, that one-fifth of the net proceeds collected under the provisions of subsection (a) of section 5344 shall be paid into a special fund for unemployment relief."

SECTION 2. Chapter 102 of the Revised Laws of Hawaii 1945, as amended, is hereby further amended in the following respects:

1. By deleting the words "ten per centum" from section 5502 and substituting therefor the words "ten and one half of one per centum".

2. By amending section 5541 to read as follows:

"Sec. 5541. Taxes territorial realizations. All income taxes shall be for the use of the Territory and shall be paid into the territorial treasury at such times as the treasurer shall direct; provided, however, that one twenty-first of the net proceeds collected under the provisions of section 5502 shall be paid into a special fund for unemployment relief."

SECTION 3. This Act shall take effect _____ _____.

INTRODUCED BY:

John G. Duarte
2nd Senatorial Dis.

M. R. Aguiar Jr.
Senator 4th Dist.

Herbert Goodness

Charles H. Oleng

Senate Bill No. 64

SENATE
SPEC SESSION
1949

# The Legislature
of the
# Territory of Hawaii

## AN ACT

TO AMEND ACT 393, SESSION LAWS OF 1949, RELATING TO THE ELIMINATION OF RECKLESS AND IRRESPONSIBLE DRIVERS FROM THE HIGHWAYS AND PROVIDING FOR THE GIVING OF SECURITY AND PROOF OF FINANCIAL RESPONSIBILITY BY OWNERS AND OPERATORS OF MOTOR VEHICLES, AND TO AMEND PART I, CHAPTER 140 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE UNIFORM AUTOMOBILE LIABILITY SECURITY ACT.

Introduced OCTOBER 8, 1949, by

Senators WM. H. HEEN, REUBEN GOODNESS, JOHN G. DUARTE, TOSHIO ANSAI, W. C. TSUKIYAMA, NEAL S. BLAISDELL, E. S. CAPELLAS, W. H. HILL, CHARLES H. SILVA, THELMA M. AKANA

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|---|---|
| First Reading in Senate | October 8, 1949 |
| Referred to Printing Committee | October 8, 1949 |
| Second Reading in Senate | October 10, 1949 |
| Referred to | |
| Third Reading in Senate | |

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| 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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SB64

AN ACT

TO AMEND ACT 393 , SESSION LAWS OF 1949, RELATING TO THE ELIMINATION OF RECKLESS AND IRRESPONSIBLE DRIVERS FROM THE HIGHWAYS AND PROVIDING FOR THE GIVING OF SECURITY AND PROOF OF FINANCIAL RESPONSIBILITY BY OWNERS AND OPERATORS OF MOTOR VEHICLES, AND TO AMEND PART I, CHAPTER 140 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE UNIFORM AUTOMOBILE LIABILITY SECURITY ACT.

BE ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

SECTION 1. Section 2 of Act 393, Session Laws of 1949, is hereby amended by amending the first clause of the first sentence to read as follows:

"This Act shall take effect July 1, 1951,".

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

INTRODUCED BY:

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Senate Bill No. 65

SENATE

SPEC SESSION

1949

# The Legislature

of the

# Territory of Hawaii

# AN ACT

AMENDING ACT 117, SESSION LAWS OF HAWAII 1949, RELATING TO THE BOARD OF COMMISSIONERS OF AGRICULTURE AND FORESTRY: REGULATING THE CLASS, QUALITY, CONDITION, SIZE, CONTAINER, PACKING AND SHIPMENT OF ISLAND GROWN FRESH FRUITS, VEGETABLES, AND NUTS TO POINTS OUTSIDE OF THE TERRITORY; PROVIDING FOR MINIMUM GRADE AND CONTAINER STANDARDS FOR SUCH SHIPMENTS AND COMPULSORY INSPECTION THEREOF; AUTHORIZING THE ASSESSMENT AND COLLECTION OF FEES AND OTHER CHARGES; PROVIDING PENALTIES AND MAKING APPROPRIATIONS.

Introduced OCTOBER 10, 1949, by

Senators CHARLES H. SILVA AND WILLIAM J. NOBRIGA

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|---|---|
| First Reading in Senate | October 10, 1949 |
| Referred to Printing Committee | October 10, 1949 |
| Second Reading in Senate | October 11, 1949 |
| Referred to | COMMITTEE OF THE WHOLE SENATE |
| Third Reading in Senate | October 12, 1949 |
| First Reading in House | October 12, 1949 |
| Referred to | COMMITTEE ON AGRICULTURE. |
| Second Reading in House | October 14, 1949 |
| Referred to | |
| Third Reading in House | October 15, 1949 |

ELLEN D. SMYTHE

*Clerk of the Senate*

8B65

AN ACT

AMENDING ACT 117, SESSION LAWS OF HAWAII 1949, RELATING TO THE BOARD OF COMMISSIONERS OF AGRICULTURE AND FORESTRY: REGULATING THE CLASS, QUALITY, CONDITION, SIZE, CONTAINER, PACKING AND SHIPMENT OF ISLAND GROWN FRESH FRUITS, VEGETABLES, AND NUTS TO POINTS OUTSIDE OF THE TERRITORY; PROVIDING FOR MINIMUM GRADE AND CONTAINER STANDARDS FOR SUCH SHIPMENTS AND COMPULSORY INSPECTION THEREOF; AUTHORIZING THE ASSESSMENT AND COLLECTION OF FEES AND OTHER CHARGES; PROVIDING PENALTIES AND MAKING APPROPRIATIONS.

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

SECTION 1. Act 117 of the Session Laws of Hawaii 1949, is hereby amended as follows:

(a) By amending the title thereof to read as follows:

"AN ACT RELATING TO THE BOARD OF COMMISSIONERS OF AGRICULTURE AND FORESTRY: REGULATING THE CLASS, QUALITY, CONDITION, SIZE, CONTAINER, PACKING AND SHIPMENT OF ISLAND GROWN FRESH FRUITS, VEGETABLES, AND NUTS TO POINTS OUTSIDE OF THE TERRITORY; PROVIDING FOR MINIMUM GRADE AND CONTAINER STANDARDS FOR SUCH SHIPMENTS AND COMPULSORY INSPECTION THEREOF; PROVIDING PENALTIES AND MAKING APPROPRIATIONS."

(b) By deleting therefrom sub-paragraph (b) of Section 3 thereof.

(c) By deleting the first two lines of Section 6

thereof, and inserting in the place of said lines the following:

"SECTION 6. Disposition of moneys collected. Any moneys ..."

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

INTRODUCED BY:

_____, ___District

S. B. No. 65

A N  A C T

AMENDING ACT 117, SESSION LAWS OF HAWAII 1949, RELATING TO THE BOARD OF COMMISSIONERS OF AGRICULTURE AND FORESTRY: REGULATING THE CLASS, QUALITY, CONDITION, SIZE, CONTAINER, PACKING AND SHIPMENT OF ISLAND GROWN FRESH FRUITS, VEGETABLES, AND NUTS TO POINTS OUTSIDE OF THE TERRITORY; PROVIDING FOR MINIMUM GRADE AND CONTAINER STANDARDS FOR SUCH SHIPMENTS AND COMPULSORY INSPECTION THEREOF; AUTHORIZING THE ASSESSMENT AND COLLECTION OF FEES AND OTHER CHARGES; PROVIDING PENALTIES AND MAKING APPROPRIATIONS.

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

SECTION 1. Act 117 of the Session Laws of Hawaii 1949, is hereby amended as follows:

(a) By amending the title thereof to read as follows:

"AN ACT RELATING TO THE BOARD OF COMMISSIONERS OF AGRICULTURE AND FORESTRY: REGULATING THE CLASS, QUALITY, CONDITION, SIZE, CONTAINER,

PACKING AND SHIPMENT OF ISLAND GROWN FRESH FRUITS, VEGETABLES, AND NUTS TO POINTS OUTSIDE OF THE TERRITORY; PROVIDING FOR MINIMUM GRADE AND CONTAINER STANDARDS FOR SUCH SHIPMENTS AND COMPULSORY INSPECTION THEREOF; PROVIDING PENALTIES AND MAKING APPROPRIATIONS."

(b) By deleting therefrom sub-paragraph (b) of section 3 thereof.

(c) By deleting the first two lines of section 6 thereof, and inserting in the place of said lines the following:

"SECTION 6. Disposition of moneys collected. Any moneys ..."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., October 12, 1949.

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

Wilfred Tsukiyama
President of the Senate

Ellen D. Smythe
Clerk of the Senate.

S. B. No. 65
H. D. 1

A N  A C T

AMENDING ACT 117, SESSION LAWS OF HAWAII 1949, RELATING TO THE BOARD OF COMMISSIONERS OF AGRICULTURE AND FORESTRY: REGULATING THE CLASS, QUALITY, CONDITION, SIZE, CONTAINER, PACKING AND SHIPMENT OF ISLAND GROWN FRESH FRUITS, VEGETABLES, AND NUTS TO POINTS OUTSIDE OF THE TERRITORY; PROVIDING FOR MINIMUM GRADE AND CONTAINER STANDARDS FOR SUCH SHIPMENTS AND COMPULSORY INSPECTION THEREOF; AUTHORIZING THE ASSESSMENT AND COLLECTION OF FEES AND OTHER CHARGES; PROVIDING PENALTIES AND MAKING APPROPRIATIONS.

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

SECTION 1. Act 117 of the Session Laws of Hawaii 1949, is hereby amended as follows:

(a) By amending the title thereof to read as follows:

"AN ACT RELATING TO THE BOARD OF COMMISSIONERS OF AGRICULTURE AND FORESTRY: REGULATING THE CLASS, QUALITY, CONDITION, SIZE, CONTAINER, PACKING AND SHIPMENT OF ISLAND GROWN FRESH FRUITS, VEGETABLES, AND NUTS TO POINTS OUTSIDE OF THE TERRITORY; PROVIDING FOR MINIMUM GRADE AND CONTAINER STANDARDS FOR SUCH SHIPMENTS AND COMPULSORY INSPECTION THEREOF; PROVIDING PENALTIES AND MAKING APPROPRIATIONS."

(b) By amending Section 3 thereof to read as follows:

"SECTION 3. Rules and regulations. The board shall have all powers necessary to carry out and effectuate this Act, including the power to establish, prescribe, modify or alter, by rule and regulation, such grades, standards and classifications as shall be the minimum requirement for fresh fruits, vegetables and nuts destined for shipment outside the Territory, and such containers as are used for such shipments. The standards, grades and classifications so established shall be on the basis of what the board may deem best suited to the agricultural, horticultural, or other interests of the Territory and the inhabitants thereof."

(c) By deleting the first fourteen words of section 6 thereof, and inserting in the place of said words the following:

"SECTION 6. Disposition of moneys collected. Any moneys ...".

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

THE HOUSE OF REPRESENTATIVES OF THE

TERRITORY OF HAWAII

Honolulu, T. H., October 15, 1949.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 66

SENATE
SPEC SESSION
1949

# The Legislature
of the
# Territory of Hawaii

## AN ACT

RELATING TO THE DUTIES OF THE COUNTY AND CITY AND COUNTY JAILORS AND AMENDING SECTION 3906, REVISED LAWS OF HAWAII 1945.

Introduced OCTOBER 10, 19 49, by
Senator BEN DILLINGHAM

| | |
|---|---|
| First Reading in Senate | October 10, 1949 |
| Referred to Printing Committee | October 10, 1949 |
| Second Reading in Senate | October 11, 1949 |
| Referred to | COMMITTEE OF THE WHOLE SENATE |
| Third Reading in Senate | October 12, 1949 |
| First Reading in House | October 12, 1949 |
| Referred to | |
| Second Reading in House | October 13, 1949 |
| Referred to | |
| Third Reading in House | October 14, 1949 |

ELLEN D. SMYTHE
*Clerk of the Senate*

S. B. No. 66

AN ACT

RELATING TO THE DUTIES OF THE COUNTY AND CITY AND COUNTY JAILORS AND AMENDING SECTION 3906, REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Section 3906 of the Revised Laws of Hawaii 1945 is hereby amended by amending the last sentence thereof to read as follows:

"Said officers of each county shall be responsible for the safe keeping of all prisoners and persons who may be confined in or committed to any county jail within his county, or who may be charged with the commission of a criminal offense pending trial in the case of a misdemeanor, or preliminary hearing in the case of a felony."

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

INTRODUCED BY:

Senator, 3rd District.

Honolulu, T. H.
October 10, 1949.

S. B. No. 66

A N  A C T

RELATING TO THE DUTIES OF THE COUNTY AND CITY AND COUNTY JAILORS AND AMENDING SECTION 3906, REVISED LAWS OF HAWAII 1945.

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

SECTION 1. Section 3906 of the Revised Laws of Hawaii 1945 is hereby amended by amending the last sentence thereof to read as follows:

"Said officers of each county shall be responsible for the safe keeping of all prisoners and persons who may be confined in or committed to any county jail within his county, or who may be charged with the commission of a criminal offense pending trial in the case of a misdemeanor, or preliminary hearing in the case of a felony."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., October 12, 1949.

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

Wilfred C. Tsukiyama
President of the Senate

Ellen D. Smythe
Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H., October 14, 1949.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

Hiram L. Fong
Speaker, House of Representatives.

Jas. S. Achong
Clerk, House of Representatives.

Senate Bill No. 67

SENATE

SPEC SESSION

1949

# The Legislature

of the

# Territory of Hawaii

## AN ACT

AMENDING SECTION 9610 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE SUPREME COURT.

| | |
|---|---|
| Introduced | October 10, 1949, by |
| Senator | WM.H.HEEN |

| | |
|---|---|
| First Reading in Senate | October 10, 1949 |
| Referred to Printing Committee | October 10, 1949 |
| Second Reading in Senate | October 11, 1949 |
| Referred to | COMMITTEE OF THE WHOLE SENATE |
| Third Reading in Senate | October 12, 1949 |
| First Reading in House | October 12, 1949 |
| Referred to | |
| Second Reading in House | October 13, 1949 |
| Referred to | |
| Third Reading in House | |

ELLEN D. SMYTHE

*Clerk of the Senate*

SB67

AN ACT

AMENDING SECTION 9610 OF THE REVISED LAWS OF HAWAII 1945 RELATING TO THE SUPREME COURT.

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

SECTION 1. Section 9610 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 9610. Substitute justices. If any of the justices of the supreme court shall be disqualified from sitting in any cause pending before the supreme court, or shall be unable to attend from sickness, accident, absence, or any other reason, his or their place or places for the trial and determination of such cause shall be filled by one or more of the circuit judges who has or have had no connection with the cause either as counsel or in an official capacity, and who is or are not otherwise disqualified, and who is or are not unable to attend from sickness, accident, absence, or any other reason, thereunto authorized by the written consent of the remaining justice or justices."

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

INTRODUCED BY:

_____

_____, _____ District

S.B.No. 67

A N  A C T

AMENDING SECTION 9610 OF THE REVISED LAWS OF HAWAII 1945

RELATING TO THE SUPREME COURT.

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

SECTION 1. Section 9610 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 9610. Substitute justices. If any of the justices of the supreme court shall be disqualified from sitting in any cause pending before the supreme court, or shall be unable to attend from sickness, accident, absence, or any other reason, his or their place or places for the trial and determination of such cause shall be filled by one or more of the circuit judges who has or have had no connection with the cause either as counsel or in an official capacity, and who is or are not otherwise disqualified, and who is or are not unable to attend from sickness, accident, absence, or any other reason, thereunto authorized by the written consent of the remaining justice or justices."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., October 12, 1949

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

Wilfred C. Tsukiyama
President of the Senate

Ellen D. Smythe
Clerk of the Senate.

Senate Bill No. 68

SENATE
SPEC SESSION
1949

# The Legislature
of the
# Territory of Hawaii

# AN ACT

TO AMEND CHAPTER 218 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO QUIETING TITLE AT LAW.

Introduced OCTOBER 11, 1949, by
Senators REUBEN GOODNESS, TOSHIO ANSAI AND JOHN G. DUARTE

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|---|---|
| First Reading in Senate | October 11, 1949 |
| Referred to Printing Committee | October 11, 1949 |
| Second Reading in Senate | October 12, 1949 |
| Referred to | |
| Third Reading in Senate | |
| First Reading in House | October 13, 1949 |
| Referred to | COMMITTEE ON JUDICIARY |
| Second Reading in House | October 14, 1949 |
| Referred to | |
| Third Reading in House | October 15, 1949 |

ELLEN D. SMYTHE
*Clerk of the Senate*

SB 68

AN ACT

TO AMEND CHAPTER 218 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO QUIETING TITLE AT LAW.

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

SECTION 1. Chapter 218 of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(a) By amending Section 10451 thereof to read as follows:

"Sec. 10451. Object of action. Action may be brought in any of the circuit courts by any person, against another person who claims, or who may claim, adversely to the plaintiff, an estate or interest in real property, for the purpose of determining such adverse claim."

(b) By a mending Section 10452 thereof to read as follows:

"Sec. 10452. Defendants. Any person may be made a defendant in the action who has or claims, or may claim, an interest in the property adverse to the plaintiff, or who is a necessary party to a complete determination or settlement in the action involved therein."

(c) By adding thereto after Section 10455 a new section to be designated Section 10456, and to read as follows:

"Sec. 10456. Recording of judgment or decree. The Registrar of Conveyances shall receive and record every certified copy of judgment or decree

quieting title to property rendered by the circuit court under the provisions of this chapter whenever such certified copy of judgment or decree shall be presented to him for record."

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

INTRODUCED BY:

Paul Goodness

Fraser, ___District

John G Duarte

S. B. No. 68

A N  A C T

TO AMEND CHAPTER 218 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO QUIETING TITLE AT LAW.

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

SECTION 1. Chapter 218 of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(a) By amending section 10451 thereof to read as follows:

"Sec. 10451. Object of action. Action may be brought in any of the circuit courts by any person, against another person who claims, or who may claim, adversely to the plaintiff, an estate or interest in real property, for the purpose of determining such adverse claim."

(b) By amending section 10452 thereof to read as follows:

"Sec. 10452. Defendants. Any person may be made a defendant in the action who has or claims, or may claim, an interest in the property adverse to the plaintiff, or who is a necessary party to a complete determination or settlement of the issues in the action involved therein."

(c) By adding thereto after section 10455 a new section to be designated section 10456, and to read as follows:

"Sec. 10456. Recording of judgment or decree. The registrar of conveyances shall receive and record every certified copy of judgment or decree quieting title to property rendered by the circuit court under the provisions of this chapter whenever such certified copy of judgment or decree shall be presented to him for record."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., October 13, 1949.

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

President of the Senate

Clerk of the Senate.

S. B. No. 68
H. D. 1

A N  A C T

TO AMEND CHAPTER 218 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO QUIETING TITLE AT LAW.

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

SECTION 1. Chapter 218 of the Revised Laws of Hawaii 1945 is hereby amended in the following respects:

(a) By amending section 10451 thereof to read as follows:

"Sec. 10451. Object of action. Action may be brought in any of the circuit courts by any person, against another person who claims, or who may claim, adversely to the plaintiff, an estate or interest in real property, for the purpose of determining such adverse claim."

(b) By amending section 10452 thereof to read as follows:

"Sec. 10452. Defendants. Any person may be made

a defendant in the action who has or claims, or may claim, an interest in the property adverse to the plaintiff, or who is a necessary party to a complete determination or settlement of the issues involved therein."

(c) By adding thereto after section 10455 a new section to be designated section 10456, and to read as follows:

"Sec. 10456. Recording of judgment or decree. The registrar of conveyances shall receive and record every certified copy of judgment or decree quieting title to property rendered by the circuit court under the provisions of this chapter whenever such certified copy of judgment or decree shall be presented to him for record."

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

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., October 15, 1949.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 69

SENATE
SPEC SESSION

1949

# The Legislature
of the
# Territory of Hawaii

## AN ACT

TO AMEND CHAPTER 320 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO THE NATIONAL GUARD OF THE TERRITORY OF HAWAII.

| | | |
|---|---|---|
| Introduced | October 12, | , 1949 , by |
| Senator | HERBERT K. H. LEE | |

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|---|---|
| First Reading in Senate | October 12, 1949 |
| Referred to Printing Committee | October 12, 1949 |
| Second Reading in Senate | October 13, 1949 |
| Referred to | |
| Third Reading in Senate | |

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

ELLEN D. SMYTHE
*Clerk of the Senate*

SB 69

AN ACT

TO AMEND CHAPTER 320 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO THE NATIONAL GUARD OF THE TERRITORY OF HAWAII.

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

SECTION 1. Section 13071 of the Revised Laws of Hawaii 1945, as amended by Act 123, Session Laws of Hawaii 1947, is hereby amended to read as follows:

"Sec. 13071. Enlisted men of the Hawaii National Guard and Hawaii Air National Guard while on active duty in the service of the Territory of Hawaii, except during periods of encampments, maneuvers and other exercises, including outdoor target practice, shall receive the same pay and allowances as enlisted men of similar rank in the United States Army and the United States Air Force, respectively."

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

INTRODUCED BY:

Hebert Kawakami

Senatorial 3rd District

S. B. No. 69

A N  A C T

TO AMEND CHAPTER 320 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO THE NATIONAL GUARD OF THE TERRITORY OF HAWAII.

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

SECTION 1. Section 13071 of the Revised Laws of Hawaii 1945, as amended by Act 123, Session Laws of Hawaii 1947, is hereby amended to read as follows:

"Sec. 13071. Enlisted men of the Hawaii National Guard and Hawaii Air National Guard while on active duty in the service of the Territory of Hawaii, except during periods of encampments, maneuvers and other exercises, including outdoor target practice, shall receive the same pay and allowances as enlisted men of similar rank in the United States Army and the United States Air Force, respectively."

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., October 14, 1949.

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

President of the Senate

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H., October 14, 1949.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Bill No. 70

SENATE
SPEC SESSION
1949

# The Legislature
of the
# Territory of Hawaii

# AN ACT

PROVIDING A PENSION FOR THE HONORABLE JOHN ALBERT MATTHEWMAN.

Introduced October 12, 1949, by

Senators WILFRED C. TSUKIYAMA, HERBERT H. K. LEE, WILLIAM J. NOBRIGA, W. H. HILL, BEN DILLINGHAM, E. S. CAPELLAS, TOSHIO ANSAI, JOHN G. DUARTE, M. R. AGUIAR, JR.

| | |
|---|---|
| First Reading in Senate | October 12, 1949 |
| Referred to Printing Committee | October 12, 1949 |
| Second Reading in Senate | October 13, 1949 |
| Referred to | |
| Third Reading in Senate | |
| First Reading in House | |
| Referred to | |
| Second Reading in House | |
| Referred to | |
| Third Reading in House | |

Pass 2nd

ELLEN D. SMYTHE
*Clerk of the Senate*

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S. B. 70

AN ACT

PROVIDING A PENSION FOR THE HONORABLE JOHN ALBERT MATTHEWMAN.

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 the Honorable John Albert Matthewman, and continuing throughout his natural life (subject to the provisions of Sections 631 to 633 of the Revised Laws of Hawaii 1945), upon warrants which the territorial auditor is authorized and directed to issue, a pension in the sum of $500.00, and moneys to cover said pension are hereby appropriated from the territorial general fund. The payment of such pension shall commence when such pensioner vacates his office as Judge of the Circuit Court of the First Circuit Court of the Territory of Hawaii, and shall cease upon such pensioner becoming eligible for and accepting any federal pension.

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

INTRODUCED BY:

Senatorial District

Senatorial District

Senatorial District

1949

SPECIAL SESSION

SENATE

# SENATE

# JOINT

# RESOLUTIONS

SENATE

**Senate Joint Resolution No. 1**

# The Legislature
of the
# Territory of Hawaii
SPECIAL SESSION 1949

## THE SENATE
## JOINT RESOLUTION

CREATING A FACT-FINDING COMMISSION ON COMMUNIST AND OTHER SUBVERSIVE ACTIVITIES INCLUDING ACTIVITIES OF PERSONS SEEKING TO OVERTHROW OUR CONSTITUTIONAL FORM OF GOVERNMENT BY FORCE AND VIOLENCE IN THE TERRITORY OF HAWAII, CONFERRING POWERS AND DUTIES UPON IT, AND MAKING APPROPRIATIONS.

Introduced July 26, 1949, by

Senator WM. H. HEEN

First Reading in Senate July 26, 1949

Referred to Printing Committee --

Second Reading in Senate July 27, 1949

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.J.Res. 1

JOINT RESOLUTION

CREATING A FACT-FINDING COMMISSION ON COMMUNIST AND OTHER SUBVERSIVE ACTIVITIES INCLUDING ACTIVITIES OF PERSONS SEEKING TO OVERTHROW OUR CONSTITUTIONAL FORM OF GOVERNMENT BY FORCE AND VIOLENCE IN THE TERRITORY OF HAWAII, CONFERRING POWERS AND DUTIES UPON IT, AND MAKING APPROPRIATIONS.

WHEREAS, in these times of grave international tension there is clear and present public danger; subversive persons and groups are endangering our domestic tranquility and unity and our provision for the common defense, so as to leave us unprepared to meet aggression; and under what they claim to be the protection afforded by the Bill of Rights these persons and groups seek to destroy our liberties and our freedom by force, threats and sabotage, and to subject us to the domination of foreign powers; and

WHEREAS, there are persons and groups, motivated by contempt for our republican form of government, and constitutional democracy, and hatred of our insistence upon the inalienable rights of all men to life, liberty and the pursuit of happiness, who are now seeking to achieve from within by subversion and conspiracy the substitution for these American ideals and processes a communist program of totalitarian government subservient to a foreign power or powers; and there is danger that the ordeal of war which we have endured in order to perpetuate our individual and collective freedom may be in vain; and

WHEREAS, communists have been projecting their influence and their skillfully designed and adroitly executed propaganda into practically every phase of our national and territorial life; and

WHEREAS, there is evidence indicating that there are subversive persons and groups active in soliciting the support, confidence and membership of persons in government, who seek to further their purposes by corrupting and causing disloyalty in governmental offices and agencies; and

WHEREAS, it is imperative that the problem as it affects the Territory be studied with a view to the enactment of appropriate legislation; and

WHEREAS, territorial legislation to meet the problem and to assist law enforcement officers can best be based on a thorough and impartial investigation by a competent and active commission appointed by the governor; now, therefore,

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

SECTION 1. There is hereby created a fact-finding commission to be known as "The Commission on Subversive Activities", hereinafter referred to as the "commission", for the purposes and with the powers and duties herein stated.

(a) The commission shall be composed of seven members, three of whom shall respectively be residents of the islands of Kauai, Maui and Hawaii, nominated and appointed by the governor by and with the advice and consent of the Senate of the Territory of Hawaii, one of whom shall be designated in the appointment as chairman, and at least three of whom,

including the chairman, shall be attorneys licensed to practice in all of the courts of the Territory. Any vacancy occurring in the membership of the commission may be forthwith filled by the governor and such appointment shall be effective at once.

(b) In case of the chairman's absence, illness or incapacity, the said commission shall select from its membership an acting chairman, to serve during such absence, illness or incapacity. The chairman or acting chairman, as the case may be, shall: (1) preside at all meetings of the said commission; (2) certify or authenticate all actions, doings, proceedings or documents of the said commission; (3) approve all vouchers for expenditure authorized by this Joint Resolution; (4) hold in his custody, for the said commission, all records, papers, books, accounts and other documents of the said commission; (5) subject to the directions of the said commission, supervise all employees of the commission; and (6) perform all other acts authorized by the said commission pursuant to the provisions of this Joint Resolution.

SECTION 2. The commission shall:

(a) Investigate, ascertain, collate, appraise, study and analyze all facts directly or indirectly relating to any person or persons or groups of persons, within the Territory, who (1) endanger the provision for the common defense against aggression by any foreign nation, (2) seek to destroy by force, threats or sabotage, liberties and freedom guaranteed by or provided for in the United States Constitution, (3) seek to subject the United States and the Territory to the domination of any foreign nation, (4) seek to achieve by subversion or conspiracy, the substitution

for American ideals and processes in the Territory a communist program of totalitarian government subservient to a foreign nation, (5) advocate the overthrow of the government of the United States or of the Territory by force or violence or other unlawful means, (6) seek to corrupt or subvert officers or employees of the government for the purpose of substituting for American ideals and processes in the Territory a communist program of totalitarian government or for the purpose of overthrowing the government of the United States or of the Territory by force or violence or other unlawful means, (7) unlawfully engage in espionage or fifth column activities on behalf of any foreign nation, or (8) seek to undermine the stability of American institutions or individual rights, liberties and freedoms; and

(b) Investigate, ascertain, study and report on the activities of persons, groups or organizations, within the Territory, whose membership includes persons who are communists, or any other persons, groups or organizations, within the Territory, known or suspected to be dominated or controlled by a foreign nation or to have as an objective the overthrow of the governments of Hawaii or of the United States by force or violence or other unlawful means.

SECTION 3. The commission is authorized to act until the next regular session of the legislature with authority to file interim reports to every special session of the twenty-fifth legislature of the Territory of Hawaii and to file its final written report to the legislature not later than the tenth legislative day of the next regular session, provided, however, the commission may file a report

to the governor should circumstances in its judgment so warrant.

SECTION 4. The commission hereby created in exercising the powers and performing the functions vested in it by this Resolution shall have:

(a) All powers necessary or convenient to accomplish the objects and purposes of this Resolution, including but not limited to the following duties and powers:

(1) To employ, without regard to any residence qualifications provided for government officers and employees in other laws, and to fix the compensation of such clerical, investigative, legal, expert and technical assistants as it may deem necessary, which assistants shall not be subject to the territorial civil service and classification laws;

(2) To create committees from its membership and to designate the chairman thereof, assigning to the committee any study, inquiry, investigation or hearing which the commission itself has authority to undertake or hold, and the committee shall have and exercise all of the powers conferred upon the commission, limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the committees, which powers may be withdrawn or terminated at any time by the commission; provided that no report of a committee shall be made public until and unless it is adopted and released by the commission;

(3) To adopt, and from time to time, amend or revise rules as may be necessary or desirable to govern its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter);

(4) To contract with such other agencies, public or private, within or without the Territory, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the commission as will best assist it to carry out the purposes for which it is created; and to lease, rent or buy such supplies and facilities as may be required;

(5) To make a complete study, survey and investigation of every phase of the subject of this Resolution, including but not limited to the operation, effect, administration, enforcement, needed revision and enactment of any and all laws in anywise bearing upon or relating to the subject of this Resolution;

(6) To meet at any and all places in this Territory, in public or executive session;

(7) To report its findings and recommendations to the legislature and to the people from time to time and at any time, except that the final report shall be filed not later than as herein provided; and

(8) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this Joint Resolution.

SECTION 5. The commission shall adopt proper rules to provide:

(a) That the subject of any investigation be set forth clearly in advance to witnesses called.

(b) That witnesses will have the right to be ac-

companied by counsel, permitted to advise the witness while on the stand of his rights.

(c) That witnesses may be permitted reasonable opportunity at the conclusion of the examination by the commission to supplement their testimony in writing on matters with regard to which they have been previously examined.

(d) That witnesses will be permitted to inspect a stenographic record of their testimony, and, if the testimony is given at a public session, witnesses may receive a copy of their testimony at their expense.

(e) That no photographs, moving pictures, television or radio broadcasting of the proceedings shall be permitted while any witness is testifying.

SECTION 6. Each member of the commission, and any person designated by the commission or by its chairman, is authorized and empowered to administer oaths. False swearing by any witness before the commission or any committee thereof shall constitute perjury and shall be punished as such.

SECTION 7. In the discharge of any duty herein imposed, the commission, or any committee thereof, shall have the authority through its designated members or subordinates to issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, 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, to pay fees and travel-

ing expenses of witnesses to insure their attendance, if necessary, and to procure, from any court having jurisdiction upon complaint showing probable cause to believe that pertinent evidence is being concealed or withheld from the commission, or a committee as the case may be, a search warrant, and cause search to be made therefor. In any case of disobedience on the part of any person to comply with any subpoena issued in behalf of such commission, or any committee thereof, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated before the commission, or any committee thereof, it shall be the duty of the circuit court of any circuit, or of the judge thereof, upon application of such commission, or committee, or any member thereof, 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.

SECTION 8. Every such subpoena shall run in the name of "The Territory of Hawaii" and shall be sufficient if it: (a) states whether the proceeding is before the said commission, or a committee; (b) is addressed to the person desired as a witness; (c) requires the attendance of the person desired as a witness at a time and place certain; and (d) is signed by the chairman of said commission, or the chairman of a committee thereof before whom attendance of the person as a witness is desired.

Every such subpoena shall be served upon the person to whom it is addressed by the high sheriff of the Ter-

ritory or his deputy, or a sheriff of a county or his deputy, or any police officer.

SECTION 9. Every department, commission, board, agency, officer and employee of the Territory and of any political subdivision thereof shall furnish the commission and any committee, upon request, any and all such assistance, and information, records and documents as the commission or committee deems proper for the accomplishment of the purposes for which the commission is created; and any officer or employee of the Territory, or of any political subdivision thereof, shall, upon written request of the commission, or of any committee thereof, appear before the commission or such committee, as the case may be, and shall give such evidence, information or testimony as may be required of him.

SECTION 10. Every witness who appears before the commission, or any committee thereof, by its order, other than an officer or employee of the Territory or any political subdivision thereof, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in the courts of record and such fees and mileage shall be paid from the appropriation herein made for said commission upon the presentation of proper vouchers sworn to by such witness and approved by the chairman of said commission, provided, however, that in the case of expert witnesses the commission may pay such additional amounts as it deems proper in the circumstances.

SECTION 11. A person sworn and examined before the commission, or any committee thereof, cannot be held to answer criminally or be subject to any criminal penalty for any fact

or act touching which he is required to testify. Any statement made or paper produced by such witness is not competent evidence in any criminal proceeding against the witness. The witness cannot refuse to testify to any fact or to produce any paper touching which he is examined for the reason that his testimony or the production of the paper may tend to disgrace him or render him infamous. Nothing in this section exempts any witness from prosecution and punishment for perjury committed by him on examination.

SECTION 12. The members appointed to the commission shall be reimbursed for their actual traveling and hotel expenses incurred by them while attending sessions of the commission or any committee thereof at any time or times during the lawful existence of the commission and in the performance of any individual duty required of them by the commission, the same to be paid upon their individual vouchers, approved by the chairman of the commission, from such funds as may be made available therefor. The salaries and expenses of any expert, clerical, investigative, legal, technical and other assistants employed by the commission and all other proper costs, charges and expenses incurred by the commission shall be paid upon vouchers approved by the chairman of the commission from such funds.

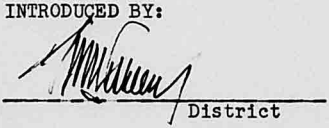
SECTION 13. There is hereby appropriated from the general revenues of the Territory for the purpose of defraying the expenses of the commission, the sum of one hundred thousand dollars ($100,000), or so much thereof as may

be necessary, said funds to be paid out of the treasury of the Territory on vouchers as herein provided on the warrant of the auditor of the Territory.

SECTION 14. If any phrase, clause, sentence, subsection, section, provision or part of this Joint Resolution, or its application to any person or circumstances, is for any reason held to be unconstitutional or invalid, the remaining portions of this Joint Resolution, or the application of this Joint Resolution to other persons or circumstances shall not be affected, and such remaining portions of this Joint Resolution shall remain in full force and effect thereafter. The legislature hereby declares that it would have passed this Joint Resolution, and each phrase, clause, sentence, subsection, section, provision or part thereof, irrespective of the fact that any one or more of the phrases, clauses, sentences, subsections, sections, provisions or parts be declared unconstitutional or invalid.

SECTION 15. This Joint Resolution shall take effect upon its approval.

INTRODUCED BY:



District

July 1949

Senate Joint Resolution No. 2

SENATE
SPEC SESSION
1949

# The Legislature
of the
# Territory of Hawaii

## THE SENATE
## JOINT RESOLUTION

REQUESTING THE CONGRESS OF THE UNITED STATES OF AMERICA TO PASS LEGISLATION RELATING TO STRIKES OR LOCKOUTS IMPERILING THE HEALTH, SAFETY, OR WELFARE OF THE TERRITORIES AND POSSESSIONS OF THE UNITED STATES.

Introduced AUGUST 15, 1949, by

Senator WM. H. HEEN

First Reading in Senate Aug. 15, 1949

Referred to Printing Committee Aug. 15, 1949

Second Reading in Senate Aug. 16, 1949

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*

Aug 17
Hill - Cp
Laid on table in Com. Whole

S.J. Res 2

JOINT RESOLUTION

REQUESTING THE CONGRESS OF THE UNITED STATES OF AMERICA TO PASS LEGISLATION RELATING TO STRIKES OR LOCK-OUTS IMPERILING THE HEALTH, SAFETY, OR WELFARE OF THE TERRITORIES AND POSSESSIONS OF THE UNITED STATES.

WHEREAS, by reason of its geographical isolation, the entire economy of the Territory of Hawaii and the health, safety and welfare of its people are dependent upon continuous and unrestricted flow of commerce by water between the Territory and the mainland United States; and

WHEREAS, since the first of May, 1949, shipping between the Territory and the mainland United States has been disrupted by a labor dispute between the stevedoring companies and their employees in the Territory; and

WHEREAS, from time to time in the past, the Territory has suffered from other prolonged suspensions of shipping caused by labor disputes in the stevedoring industry on the mainland United States and in the shipping industry engaged in commerce between the Territory and the mainland United States, over which the legislature of the Territory has no authority to legislate; and

WHEREAS, in the absence of appropriate legislation by the Congress, there is an ever present threat of the recurrence of such suspensions; and

WHEREAS, other territories and possessions of the United States are similarly vulnerable; now, therefore,

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

SECTION 1. That the Congress of the United States of America be, and hereby is requested to enact legislation which will serve to protect the territories and overseas possessions of the United States from the hazards of industrial disputes which disrupt shipping between themselves and the mainland United States, and to that end the Congress of the United States is hereby requested and urged to enact a bill in substantially the following form, to wit:

"A Bill Relating to Strikes or Lock-outs Imperiling the Health, Safety, or Welfare of the Territories or Possessions of the United States.

Be it Enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,

That, whenever, in the opinion of the President of the United States, a threatened or actual strike or lock-out affecting an industry engaged in trade, commerce, transportation, transmission, or communication between the continental United States and any of the territories or possessions of the United States will, if permitted to occur or to continue, imperil the health, safety, or welfare of any territory or possession of the United States, he shall issue a proclamation to that effect and urge the parties to the dispute to refrain from a stoppage of work, or if such stoppage has occurred, to resume work and operation in the public interest.

Section 2. (a) After issuing such a proclamation, the President shall promptly appoint a board to

be known as an 'emergency board'.

(b) Any emergency board appointed under this section shall promptly investigate the dispute, shall seek to induce the parties to reach a settlement of the dispute, and in any event shall, within a period of time to be determined by the President but not more than thirty days after the issuance of the proclamation, make a report to the President, unless the time is extended by agreement of the parties, with the approval of the board. Such report shall include the findings and recommendations of the board and shall be transmitted to the parties and be made public. The director of the Federal Mediation and Conciliation Service shall provide for the board such stenographic, clerical, and other assistance and such facilities and services as may be necessary for the discharge of its functions.

(c) An emergency board shall be composed of a chairman and such other members as the President shall determine, and shall have power to sit and act in any place within the United States and to conduct such hearings either in public or in private, as it may deem necessary or proper, to ascertain the facts with respect to the causes and circumstances of the dispute.

(d) Members of an emergency board shall receive compensation at the rate of $50 for each day actually spent by them in the work of the board, together with necessary travel and subsistence expenses.

(e) For the purpose of any hearing or inquiry conducted by any board appointed under this title, the provisions of sections 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (U.S.C. 19, title 15, secs. 49 and 50, as amended), are hereby made applicable to the powers and duties of such board.

(f) Each emergency board shall continue in existence after making its report for such time as the emergency continues for the purpose of mediating the dispute, should the parties request its services. When a board appointed under this section has been dissolved, its records shall be transferred to the director of the Federal Mediation and Conciliation Service.

(g) A separate emergency board shall be appointed for each dispute. No member of an emergency board shall be pecuniarily or otherwise interested in any organization of employees or in any employer involved in the dispute.

Section 3. (a) At any time after issuing a proclamation pursuant to section 1 the President may submit to the Congress for consideration and appropriate action a full statement of the case together with such recommendations as he may see fit to make.

(b) In any case in which a strike or lock-out occurs or continues after an emergency board has made its report, the President shall submit to the Congress for consideration and appropriate action a full statement of the case, including the report of the emergency

board and such recommendations as he may see fit to make. If the Congress or either House thereof shall have adjourned sine die or for a period longer than three days, he shall convene the Congress, or such House, for the purpose of consideration of and appropriate action pursuant to such statement and report.

Section 4. (a) After issuing a proclamation pursuant to section 1 the President may direct the Attorney General to petition any district court of the United States having jurisdiction of the parties to enjoin such strike or lock-out or the continuing thereof or for authority for the President to take immediate possession and through such agency or department of the United States as he may designate to operate such industry, and if the court finds that such threatened or actual strike or lock-out--

(i) affects an industry engaged in trade, commerce, transportation, transmission, or communication between the continental United States and any of the territories or possessions of the United States; and

(ii) if permitted to occur or to continue, will imperil the health, safety, or welfare of any territory or possession of the United States,

it shall have jurisdiction to enjoin any such strike or lock-out, or the continuing thereof or to authorize the President to take immediate possession and through such agency or department of the United States as he may designate to operate

such industry, and to make such other orders as may be appropriate: Provided, That during the period in which such agency or department is in possession, the Federal Mediation and Conciliation Service and the emergency board shall continue to encourage the settlement of the dispute by the parties concerned, and the agency or department designated to operate such industry shall have no authority to enter into negotiations with the employer or with any labor organization for a collective-bargaining contract or to alter the wages, hours, and conditions of employment existing in such industry prior to the dispute.

(b) In any case, the provisions of the Act of March 23, 1932, entitled 'An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes', shall not be applicable.

(c) The order or orders of the court shall be subject to review by the appropriate court of appeals and by the Supreme Court upon writ of certiorari or certification as provided in section 1254 of title 28 of the United States Code.

Section 5. (a) Whenever a district court has issued an order under section 4 enjoining acts or practices which imperil or threaten to imperil the health, safety, or welfare of any territory or possession of the United States or authorizing the President to take possession and operate such industry, it shall be the

duty of the parties to the labor dispute giving rise to such order to make every effort to adjust and settle their differences.

(b) At the end of a sixty-day period following the issuance of a proclamation pursuant to section 1 or upon a settlement being reached, whichever happens sooner, the Attorney General shall move the court to discharge the injunction and return the industry to the owners thereof if the President has taken possession, which motion shall then be granted and the injunction discharged.

Section 6. When a dispute arising under this title has been finally settled, the President shall submit to the Congress a full and comprehensive report of all the proceedings, together with such recommendations as he may see fit to make.

Section 7. The President may delegate to the respective Governors of the territories any right, power, or duty imposed on or exercisable by him under this Act. The Governor of any territory exercising any rights or powers hereunder shall make a full and complete report to the President of any action taken by him in pursuance thereof. The term 'territory' as used herein shall mean the territories of Hawaii, Alaska, and Puerto Rico."

SECTION 2. Certified copies of this Joint Resolution, upon its approval, shall be forwarded to the President of the Senate, to the Speaker of the House of Representatives of the Congress of the United States of Amer-

ica, to the Secretary of the Interior of the United States, and to the Delegate to Congress from Hawaii.

SECTION 3. This Joint Resolution shall take effect upon its approval.

INTRODUCED BY:

_____

_____, _____ District

Honolulu, T. H.

_____

Eng. - 10/6/49
for Kod.
Abh

Senate Joint Resolution No. 3

SENATE
SPEC SESSION
1949

# The Legislature
## of the
# Territory of Hawaii

## THE SENATE
# JOINT RESOLUTION

RELATING TO THE HOSPITAL NOW CALLED THE SHINGLE MEMORIAL HOSPITAL; APPROPRIATING MONEY FOR THE SAID HOSPITAL NOW CALLED THE SHINGLE MEMORIAL HOSPITAL AND ANY SUCCESSOR HOSPITAL THERETO; AND APPROPRIATING FOR AND MAKING AVAILABLE FOR EXPENDITURE BY ANY SAID SUCCESSOR HOSPITAL MONEYS APPROPRIATED FOR SAID SHINGLE MEMORIAL HOSPITAL BY ACT 335 OF THE SESSION LAWS OF HAWAII 1949.

| | |
|---|---|
| Introduced | September 15, 1949, by |
| Senator | TOSHIO ANSAI, REUBEN GOODNESS and JOHN G. DUARTE |
| First Reading in Senate | September 15, 1949 |
| Referred to Printing Committee | September 15, 1949 |
| Second Reading in Senate | September 19, 1949 |
| Referred to | - - - - - - - - - - - - - - - |
| Third Reading in Senate | September 21, 1949 |
| First Reading in House | September 26, 1949 |
| Referred to | COMMITTEE ON FINANCE. |
| Second Reading in House | |
| Referred to | |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

4 (A)

SJ Res 3

S.J. RES. NO. _____

JOINT RESOLUTION

RELATING TO THE HOSPITAL NOW CALLED THE SHINGLE MEMORIAL HOSPITAL; APPROPRIATING MONEY FOR THE SAID HOSPITAL NOW CALLED THE SHINGLE MEMORIAL HOSPITAL AND ANY SUCCESSOR HOSPITAL THERETO; AND APPROPRIATING FOR AND MAKING AVAILABLE FOR EXPENDITURE BY ANY SAID SUCCESSOR HOSPITAL MONEYS APPROPRIATED FOR SAID SHINGLE MEMORIAL HOSPITAL BY ACT 335 OF THE SESSION LAWS OF HAWAII 1949.

WHEREAS, the Shingle Memorial Hospital is the only hospital on the Island of Molokai which serves the general public of said Island; and

WHEREAS, the operations of the said hospital have been such that its managing body has become indebted on account thereof in a sum of about nineteen thousand dollars ($19,000.00); and

WHEREAS, plans have been made to change the name of the said hospital and to change its ownership and management; and

WHEREAS, by Act 335 of the Session Laws of Hawaii 1949 the sum of $50,677.00 was appropriated for the said hospital for the biennium 1949-1951; and

WHEREAS, the public health and welfare of the people of the Island of Molokai require that the said hospital continue in operation, and, to that end, such hospital be financially assisted by the Territory of Hawaii as hereinafter provided; now, therefore;

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

SECTION 1. That, in the event the name of the said Shingle Memorial Hospital is changed to another name and

its ownership and management is changed from its present owner and manager to another owner and manager, the remaining unexpended balance of the sum of $50,677.00, heretofore appropriated for the said Shingle Memorial Hospital by Act 335 of the Session Laws of Hawaii 1949, is hereby appropriated out of the general revenues of the Territory for and shall be paid to the said successor hospital, regardless of its name, ownership or management; provided, however, that under the charter, constitution or other instrument governing the operation and management of the said successor hospital it is provided that the said hospital is not organized for profit and that no part of its assets, income, or earnings shall be used for dividends, or otherwise withdrawn or distributed to any of its owners or members.

SECTION 2. That, in addition to the moneys appropriated by Section 1 hereof, the sum of $19,000.00 is hereby appropriated out of the general revenues of the Territory for the said Shingle Memorial Hospital, or in the event its name, ownership and management is changed as provided in and subject to the proviso to section 1 hereof, for the said successor hospital, for the purpose of discharging debts, including taxes, heretofore incurred in the operation of the said Shingle Memorial Hospital. The said appropriation shall be paid by the territorial treasurer to the said Shingle Memorial Hospital, or as above provided to the said successor hospital, upon a warrant which shall be drawn and issued by the territorial auditor, in the said sum, to the said Shingle Memorial Hospital, or to the said successor hospital, as the case may be.

SECTION 3. Nothing herein contained shall be construed as affecting the said appropriation made for the said Shingle Memorial Hospital by said Act 335, which appropriation shall be paid to it, from time to time, until the name of said hospital and its ownership and management is changed as above provided for in section 1 hereof.

SECTION 4. This Joint Resolution shall take effect upon its approval.

INTRODUCED BY:

Toshio Ansai

TOSHIO ANSAI
Senator, Second Senatorial District

Clarence Goodness

John G Duarte

S. J. Res. No. 3

JOINT RESOLUTION

RELATING TO THE HOSPITAL NOW CALLED THE SHINGLE MEMORIAL HOSPITAL; APPROPRIATING MONEY FOR THE SAID HOSPITAL NOW CALLED THE SHINGLE MEMORIAL HOSPITAL AND ANY SUCCESSOR HOSPITAL THERETO; AND APPROPRIATING FOR AND MAKING AVAILABLE FOR EXPENDITURE BY ANY SAID SUCCESSOR HOSPITAL MONEYS APPROPRIATED FOR SAID SHINGLE MEMORIAL HOSPITAL BY ACT 335 OF THE SESSION LAWS OF HAWAII 1949.

WHEREAS, the Shingle Memorial Hospital is the only hospital on the island of Molokai which serves the general public of said island; and

WHEREAS, the operations of the said hospital have been such that its managing body has become indebted on account thereof in a sum of about nineteen thousand dollars ($19,000.00); and

WHEREAS, plans have been made to change the name of the said hospital and to change its ownership and management; and

WHEREAS, by Act 335 of the Session Laws of Hawaii 1949 the sum of $50,677.00 was appropriated for the said hospital for the biennium 1949-1951; and

WHEREAS, the public health and welfare of the people of the island of Molokai require that the said hospital continue in operation, and, to that end, such hospital be financially assisted by the Territory of Hawaii as hereinafter provided; now, therefore,

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

SECTION 1. That, in the event the name of the said Shingle Memorial Hospital is changed to another name and its ownership and management is changed from its present owner and manager to another owner and manager, the remaining unexpended balance of the sum of $50,677.00, heretofore appropriated for the said Shingle Memorial Hospital by Act 335 of the Session Laws of Hawaii 1949, is hereby appropriated out of the general revenues of the Territory for and shall be paid to the said successor hospital, regardless of its name, ownership or manage-

ment; provided, however, that under the charter, constitution or other instrument governing the operation and management of the said successor hospital it is provided that the said hospital is not organized for profit and that no part of its assets, income, or earnings shall be used for dividends, or otherwise withdrawn or distributed to any of its owners or members.

SECTION 2. That, in addition to the moneys appropriated by section 1 hereof, the sum of $19,000.00 is hereby appropriated out of the general revenues of the Territory for the said Shingle Memorial Hospital, or in the event its name, ownership and management is changed as provided in and subject to the proviso to section 1 hereof, for the said successor hospital, for the purpose of discharging debts, including taxes, heretofore incurred in the operation of the said Shingle Memorial Hospital. The said appropriation shall be paid by the territorial treasurer to the said Shingle Memorial Hospital, or as above provided to the said successor hospital, upon a warrant which shall be drawn and issued by the territorial auditor, in the said sum, to the said Shingle Memorial Hospital, or to the said successor hospital,

as the case may be.

SECTION 3. Nothing herein contained shall be construed as affecting the said appropriation made for the said Shingle Memorial Hospital by said Act 335, which appropriation shall be paid to it, from time to time, until the name of said hospital and its ownership and management is charged as above provided for in section 1 hereof.

SECTION 4. This Joint Resolution shall take effect upon its approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., September 21, 1949.

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

President of the Senate

Clerk of the Senate.

S. J. R. No. 3
H. D. 2

JOINT RESOLUTION

RELATING TO THE HOSPITAL NOW CALLED THE SHINGLE MEMORIAL HOSPITAL; APPROPRIATING MONEY FOR THE SAID HOSPITAL NOW CALLED THE SHINGLE MEMORIAL HOSPITAL AND ANY SUCCESSOR HOSPITAL THERETO; AND APPROPRIATING FOR AND MAKING AVAILABLE FOR EXPENDITURE BY ANY SAID SUCCESSOR HOSPITAL MONEYS APPROPRIATED FOR SAID SHINGLE MEMORIAL HOSPITAL BY ACT 335 OF THE SESSION LAWS OF HAWAII 1949.

WHEREAS, the Shingle Memorial Hospital is the only hospital on the island of Molokai which serves the general public of said island; and

WHEREAS, the operations of the said hospital have been such that its managing body has become indebted on account thereof in a sum of about seventeen thousand five hundred dollars ($17,500.00); and

WHEREAS, plans have been made to change the name of the said hospital and to change its ownership and management; and

WHEREAS, by Act 335 of the Session Laws of Hawaii 1949 the sum of $50,677.00 was appropriated for the said hospital for the biennium 1949-1951; and

WHEREAS, the public health and welfare of the people of the island of Molokai require that the said hospital continue in operation, and, to that end, such hospital be financially assisted by the Territory of Hawaii as hereinafter provided; now, therefore,

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

SECTION 1. That, in the event the name of the said Shingle Memorial Hospital is changed to another name and its ownership and management is changed from its present owner and manager to another owner and manager, the remaining

unexpended balance of the sum of $50,677.00, heretofore appropriated for the said Shingle Memorial Hospital by Act 335 of the Session Laws of Hawaii 1949, is hereby appropriated out of the general revenues of the Territory for and shall be paid to the said successor hospital, regardless of its name, ownership or management; provided, however, that under the charter, constitution or other instrument governing the operation and management of the said successor hospital it is provided that the said hospital is not organized for profit and that no part of its assets, income, or earnings shall be used for dividends, or otherwise withdrawn or distributed to any of its owners or members.

SECTION 2. That, in addition to the moneys appropriated by Section 1 hereof, the sum of $17,500 is hereby appropriated out of the general revenues of the Territory for the said Shingle Memorial Hospital for the purpose of discharging debts, including taxes, heretofore incurred in

the operation of said Shingle Memorial Hospital; provided, however, that the sum hereby appropriated in this section shall not be paid out unless and until the ownership and management of the said Shingle Memorial Hospital has been changed from its present owner and manager to another owner and manager as provided in and subject to the proviso of Section 1 hereof; provided, further, that said sum shall not be paid out unless and until the present management of the said Shingle Memorial Hospital and such successor owner of said Shingle Memorial Hospital have entered into an agreement with the Territory by the territorial treasurer in such form as may be approved by the attorney general to hold all accounts receivable as of July 31, 1949, which remain unpaid as of the effective date of this Joint Resolution, for the benefit of the Territory and to pay over to the territorial treasurer as and when received all collections on account of said accounts receivable which said

collections when so received shall become general realizations of the Territory.

SECTION 3. Nothing herein contained shall be construed as affecting the said appropriation made for the said Shingle Memorial Hospital by said Act 335, which appropriation shall be paid to it, from time to time, until the name of said hospital and its ownership and management is changed as above provided for in Section 1 hereof.

SECTION 4. This Joint Resolution shall take effect upon its approval.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., October 4, 1949.

We hereby certify that the foregoing Joint Resolution this day passed Third Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

William L. Long
Speaker, House of Representatives.

Jas. L. Achong
Clerk, House of Representatives.

Senate Joint Resolution No. 4

SENATE
SPEC SESSION
1949

# The Legislature
## of the
# Territory of Hawaii

## THE SENATE
# JOINT RESOLUTION

CREATING A BOARD TO STUDY THE CAUSES OF INDUSTRIAL PEACE AND INDUSTRIAL DISPUTES AND MAKING AN APPROPRIATION THEREFOR.

Introduced September 15 , 1949 , by

Senators: HERBERT H.K. LEE & CHARLES H. SILVA

| | |
|---|---|
| First Reading in Senate | September 15, 1949 |
| Referred to Printing Committee | September 15, 1949 |
| Second Reading in Senate | September 19, 1949 |
| Referred to | COMMITTEE OF THE WHOLE SENATE |
| Third Reading in Senate | October 3, 1949 |
| First Reading in House | |
| Referred to | |
| Second Reading in House | |
| Referred to | |
| Third Reading in House | |

ELLEN D. SMYTHE
*Clerk of the Senate*

Oct 4-1949

SDR (A) 9

SJ Res 4

JOINT RESOLUTION

CREATING A BOARD TO STUDY THE CAUSES OF INDUSTRIAL DISPUTES AND MAKING AN APPROPRIATION THEREFOR.

WHEREAS, the recent history of Hawaii has been marred by recurring industrial disputes, inimical to the well-being of the people of this Territory; and

WHEREAS, such disputes have engendered a large number of conflicting charges and countercharges by labor organizations and by business management, whereby the basic issues giving rise to these disputes have often been obscured and distorted; and

WHEREAS, means of achieving long-term industrial peace in Hawaii cannot be formulated without discovery and public knowledge of the issues and problems involved in labor-management relations; and

WHEREAS, the Governor's Emergency Board, appointed to seek means of terminating the present labor dispute involving the stevedoring industry, recommended the establishment of a board, representing labor, management, and the public, to study the basic factors which prevent the attainment of amicable labor relations in Hawaii and to suggest means for achieving long-range industrial peace; now, therefore,

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

SECTION 1. There is hereby created a Labor-Management Relations Board, to be composed of seven (7) members, who shall be appointed by the Governor in the manner prescribed in section 80 of the Hawaiian Organic Act. Two of the members shall be representatives of organized labor unions, one to be chosen from each of the two labor organizations having the largest membership

in Hawaii; two members shall be representatives of business and industrial management in Hawaii; and three members, one of whom shall be named as chairman by the Governor in his appointment, shall represent the public at large. Any vacancy in the membership of the Board shall be filled in the same manner as the original appointment was made, and no temporary vacancy shall act to suspend the powers of the Board. All members shall serve without pay, but shall receive their reasonable travelling and other necessary expenses. The Board shall make such rules for the conduct of its hearings and other proceedings as it may deem appropriate, and may act as a whole or through subcommittees.

SECTION 2. The Board shall conduct a thorough study of the underlying factors responsible for industrial unrest in this Territory and the means by which they may be removed or mitigated. Among the matters to be investigated by the Board are the policies and practices in labor-management relations which have obtained in Hawaii; processes of collective bargaining, conciliation, mediation, and voluntary arbitration; government intervention in industrial disputes through compulsory arbitration, imposition of "cooling-off" periods, actions enjoining strikes and lockouts, and seizure of facilities; and the conditions making for industrial peace.

SECTION 3. The Board may hold public hearings at any place in the Territory, and shall have power to administer oaths, take testimony, issue subpoenas, and compel the attendance of witnesses and the production of books, records and papers, so far as may be necessary for the performance of its duties; provided, that all subpoenas shall be signed by the chairman. The Board shall receive such assistance as it may request to carry out its functions from all territorial departments and agencies, including, but without limiting the generality of the foregoing, the Department of Labor and Industrial Relations, the Legislative Reference Bureau, and the Industrial Relations Center of the University of Hawaii. The Board shall have power to appoint, and at its pleasure to remove, such experts, assistants, and other employees as it shall deem necessary for the performance of its duties, and to fix their compensation.

SECTION 4. The Board shall submit to the Governor an interim report of its findings within a period of six months of its appointment, but in any case not later than June 1, 1950. A final report, embodying both the findings of the Board and its recommendations for legislative and administrative action in the field of industrial relations, shall be submitted to the Governor not later than December 31, 1950. Copies of the final report of the Board shall be submitted to the next regular session of the legislature, at which time the terms of office of the members of the Board shall expire. The report of the majority shall constitute the report of the Board, but members not concurring therein may file a minority report.

SECTION 5. There is hereby appropriated from the general revenues of the Territory not otherwise appropriated the sum of _____ dollars ($ ), or so much thereof as may be necessary, for the purposes of defraying the expenses of the Board. All moneys appropriated by this Joint Resolution shall be expended on warrants drawn by the territorial auditor upon vouchers signed by the chairman of the Board.

SECTION 6. This Joint Resolution shall take effect upon its approval.

INTRODUCED BY:

Honolulu, T. H.

_____

Senate Joint Resolution No. 5

SENATE

SPEC SESSION

1949

# The Legislature
## of the
# Territory of Hawaii

## THE SENATE

# JOINT RESOLUTION

PETITIONING THE PRESIDENT OF THE UNITED STATES TO NAME THE TERRITORY OF HAWAII AS AN EMERGENCY UNEMPLOYMENT REGION AND REQUESTING THAT HE ORDER FEDERAL AGENCIES TO ASSIGN FEDERAL ORDERS TO HAWAIIAN INDUSTRY, APPROVE FEDERAL PUBLIC WORKS PROJECTS FOR HAWAII AND MAINTAIN THE NATIONAL DEFENSE ESTABLISHMENTS WITHIN THE TERRITORY AT A HIGH LEVEL OF READINESS.

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|---|---|
| Introduced | September 15, 1949, by |
| Senator | WILFRED C. TSUKIYAMA |
| First Reading in Senate | September 15, 1949 |
| Referred to Printing Committee | September 15, 1949 |
| Second Reading in Senate | September 19, 1949 |
| Referred to | COMMITTEE OF THE WHOLE SENATE |
| Third Reading in Senate | September 22, 1949. |
| First Reading in House | September 26, 1949 |
| Referred to | |
| Second Reading in House | September 27, 1949 |
| Referred to | Committee on Labor and Industrial Relations |
| Third Reading in House | September 30, 1949 |

ELLEN D. SMYTHE
*Clerk of the Senate*

Gov.

A-13

S.J.R. NO. 5

~~SENATE~~ JOINT RESOLUTION

PETITIONING THE PRESIDENT OF THE UNITED STATES TO NAME THE TERRITORY OF HAWAII AS AN EMERGENCY UNEMPLOYMENT REGION AND REQUESTING THAT HE ORDER FEDERAL AGENCIES TO ASSIGN FEDERAL ORDERS TO HAWAIIAN INDUSTRY, APPROVE FEDERAL PUBLIC WORKS PROJECTS FOR HAWAII AND MAINTAIN THE NATIONAL DEFENSE ESTABLISHMENTS WITHIN THE TERRITORY AT A HIGH LEVEL OF READINESS.

WHEREAS, general economic conditions in the United States have deteriorated to an extent requiring Federal cognizance of the growing unemployment problem; and

WHEREAS, a combination of deflationary factors, including sharp curtailment in recent months of activities in the Territory of Hawaii by the Army, Navy and Air Forces, a four-month tieup of shipping between the Territory of Hawaii and the Pacific Coast late in 1948, and a tieup of all island ports in the Territory of Hawaii since May 1, 1949, have caused a severe economic decline and an alarming increase in unemployment in the Territory of Hawaii; and

WHEREAS, on the Island of Oahu alone, where the bulk of the population of the Territory of Hawaii resides, there are over 18,000 unemployed persons out of a working population of 136,000 ( about 13½ per cent of the total); and

WHEREAS, for the Territory of Hawaii as a whole there are over 25,000 unemployed out of a working population of 200,000 (about 12½ per cent of the total); and

WHEREAS, this economic decline in the Territory of Hawaii is substantially more severe than for the United States as a whole, causing a curtailment of reserves of private business in the Territory; and

WHEREAS, the Territory's lack of mineral or other extractive natural resources, its distance from markets, and the physical limitations of its productive capacity make adjustment to economic change more difficult than in other areas of more diversified economic activity; and

WHEREAS, the federal policy of special action to ameliorate such conditions by a judicious channeling of federal orders, authorizations for new federal public works, and maintenance of national defense establishments is being developed in other areas of the United States faced with similar difficulties; now, therefore,

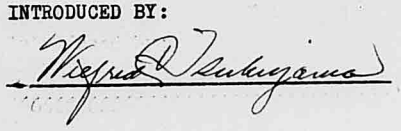
BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

1. THAT the President of the United States be respectfully requested to declare the Territory of Hawaii as an emergency unemployment region; direct appropriate federal agencies and officials to take action to encourage employment in the Territory of Hawaii by channeling government contracts to Hawaiian firms where possible; direct that any transfers of military installations take advantage of the suitability and strategic location of Hawaii for such installations; and request the Congress of the United States to enact legislation now pending for certain federal public works projects in the Territory.

2. THAT a certified copy of this Joint Resolution be transmitted to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, the Delegate to Congress from the Territory of Hawaii, the Department of the Interior, the Secretary of Defense, the Maritime Commission, the Federal Security Agency, the Veterans Administration and the Economic Cooperation Administration.

3. THAT this Joint Resolution shall take effect upon its approval.

INTRODUCED BY:



S.J.Res. No. 5
S.D. 1

JOINT RESOLUTION

PETITIONING THE PRESIDENT OF THE UNITED STATES TO NAME THE TERRITORY OF HAWAII AS AN EMERGENCY UNEMPLOYMENT REGION AND REQUESTING THAT HE ORDER FEDERAL AGENCIES TO ASSIGN FEDERAL ORDERS TO HAWAIIAN INDUSTRY, APPROVE FEDERAL PUBLIC WORKS PROJECTS FOR HAWAII AND MAINTAIN THE NATIONAL DEFENSE ESTABLISHMENTS WITHIN THE TERRITORY AT A HIGH LEVEL OF READINESS.

WHEREAS, general economic conditions in the United States have deteriorated to an extent requiring federal cognizance of the growing unemployment problem; and

WHEREAS, a combination of deflationary factors, including sharp curtailment in recent months of activities in the Territory of Hawaii by the Army, Navy and Air Forces, a four-month tieup of shipping between the Territory of Hawaii and the Pacific Coast late in 1948, and a tieup of all island ports in the Territory of Hawaii since May 1, 1949, have caused a severe economic decline and an alarming increase in unemployment in the Territory of Hawaii; and

WGEREAS, on the island of Oahu alone, where the bulk of the population of the Territory of Hawaii resides, there are over 18,000 unemployed persons out of a working population of 136,000 (about 13-1/2 per cent. of the total); and

WHEREAS, for the Territory of Hawaii as a whole there are over 25,000 unemployed out of a working population of 200,000 (about 12-1/2 per cent. of the total); and

WHEREAS, this economic decline in the Territory of Hawaii is substantially more severe than for the United States as a whole, causing a curtailment of reserves of private business in the Territory; and

WHEREAS, the Territory's lack of mineral or other extractive natural resources, its distance from markets, and the physical limitations of its productive capacity make adjustment to economic change more difficult than in other areas of more diversified economic activity; and

WHEREAS, the federal policy of special action to ameliorate such conditions by a judicious channeling of federal orders,

authorizations for new federal public works, and maintenance of national defense establishments is being developed in other areas of the United States faced with similar difficulties; now, therefore,

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

SECTION 1. That the President of the United States be respectfully requested to declare the Territory of Hawaii as an emergency unemployment region; direct appropriate federal agencies and officials to take action to encourage employment in the Territory of Hawaii by channeling government contracts to Hawaiian firms where possible; direct that any transfers of military installations take advantage of the suitability and strategic location of Hawaii for such installations; and request the Congress of the United States to enact legislation now pending for certain federal public works projects in the Territory.

SECTION 2. That a certified copy of this Joint Resolution be transmitted to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, the Delegate to Congress

from the Territory of Hawaii, the Secretary of the Interior, the Secretary of Defense, the Maritime Commission, the Secretary of Labor, the Veterans Administration and the Economic Cooperation Administration.

SECTION 3. That this Joint Resolution shall take effect upon its approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., September 22, 1949.

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

President of the Senate

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H., September 30, 1949.

We hereby certify that the foregoing Joint Resolution this day passed Third Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

Speaker, House of Representatives.

Clerk, House of Representatives.

GRA 10/12/49

SENATE Senate Joint Resolution No. 6

SPEC SESSION

1949

# The Legislature of the Territory of Hawaii

## THE SENATE

# JOINT RESOLUTION

EXTENDING THE LAPSE DATE OF THE APPROPRIATION MADE FOR THE HAWAII COUNTY LIBRARY IN ACT 7 OF THE SESSION LAWS OF HAWAII 1949 AND RATIFYING AND APPROVING ACTS OF CERTAIN PERSONS ACTING AS THE MANAGING BOARD OF SAID LIBRARY IN CONNECTION THEREWITH.

| | | |
|---|---|---|
| Introduced | September 28 | , 1949 , by |
| Senator | E. S. CAPELLAS | |

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|---|---|
| First Reading in Senate | September 28, 1949 |
| Referred to Printing Committee | September 28, 1949 |
| Second Reading in Senate | September 29, 1949 |
| Referred to | COMMITTEE OF THE WHOLE SENATE |
| Third Reading in Senate | September 30, 1949 |
| First Reading in House | October 1, 1949 |
| Referred to | |
| Second Reading in House | October 3, 1949 |
| Referred to | COMMITTEE ON FINANCE |
| Third Reading in House | October 12, 1949 |

ELLEN D. SMYTHE

*Clerk of the Senate*

Engross.

SJ Res. 6

9-27-49

A 18

to be printed

S. J. R. No. ____

JOINT RESOLUTION

EXTENDING THE LAPSE DATE OF THE APPROPRIATION MADE FOR THE HAWAII COUNTY LIBRARY IN ACT 7 OF THE SESSION LAWS OF HAWAII, 1949 AND RATIFYING AND APPROVING ACTS OF CERTAIN PERSONS ACTING AS THE MANAGING BOARD OF SAID LIBRARY IN CONNECTION THEREWITH.

WHEREAS, by Act 7 of the Session Laws of Hawaii, 1949, an appropriation of $73,910.00 was made for the Hawaii County Library for expenditure in the biennium ending June 30, 1949; and

WHEREAS, certain persons namely, Carl S. Carlsmith, Senator Eugene S. Capellas, Andrew Spalding, Harry Irwin, Harry Brown, Mrs. Emma P. Giacometti, Mrs. Geo. Richardson, Miss Margaret Shipman and George Lowson, acting as the Managing Board of said Library did authorize and empower the Superintendent of Public Works of the Territory of Hawaii to call for tenders and to enter into a contract on its behalf for certain equipment and furnishings for said Library; and

WHEREAS, the authority of such persons to act as such Board and the legality of said actions have been disputed; and

WHEREAS, it is desirable that such appropriation remain available for expenditure for the purposes specified and that the authority of such persons acting as said Board to authorize and empower said Superintendent of Public Works to call for tenders and enter into a contract for the expenditure of said funds on behalf of said Board be ratified, confirmed and approved; now, therefore,

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

Section 1. The appropriation of $73,910.00 for the Hawaii County Library made in Act 7 of the Session Laws of Hawaii, 1949, shall be expendable until June 30, 1951, notwithstanding the provisions of Section 2 of said Act 7, that it be lapsed prior thereto.

Section 2. The authority of the aforesaid persons acting as the Managing Board of the Hawaii County Library to authorize and empower the Superintendent of Public Works of the Territory of Hawaii on behalf of said Board to call for tenders and enter into a contract for the expenditure of the funds appropriated for said Library in Act 7 of the Session Laws of Hawaii 1949, and the actions of said persons acting as said Board in authorizing and empowering said Superintendent of Public Works to call for tenders and enter into a contract on its behalf are hereby ratified, confirmed and approved; provided, however, nothing herein contained shall be construed as a ratification or disaffirmance of any action which may have been taken by said persons or said Superintendent in accepting or rejecting any tenders or in purporting to award any contract for the expenditure of any monies appropriated by said Act 7.

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

Introduced by:

E B Capellas
Senator, 1st District

Honolulu, T. H.
September____, 1949

S.J. Res. No. 6

JOINT RESOLUTION

EXTENDING THE LAPSE DATE OF THE APPROPRIATION MADE FOR THE HAWAII COUNTY LIBRARY IN ACT 7 OF THE SESSION LAWS OF HAWAII 1949 AND RATIFYING AND APPROVING ACTS OF CERTAIN PERSONS ACTING AS THE MANAGING BOARD OF SAID LIBRARY IN CONNECTION THEREWITH.

WHEREAS, by Act 7 of the Session Laws of Hawaii 1949, an appropriation of $73,910.00 was made for the Hawaii County Library for expenditure in the biennium ending June 30, 1949; and

WHEREAS, certain persons namely, Carl S. Carlsmith, Senator Eugene S. Capellas, Andrew Spalding, Harry Irwin, Harry Brown, Mrs. Emma P. Giacometti, Mrs. Geo. Richardson, Miss Margaret Shipman and George Lowson, acting as the Managing Board of said Library did authorize and empower the Superintendent of Public Works of the Territory of Hawaii to call for tenders

and to enter into a contract on its behalf for certain equipment and furnishings for said Library; and

WHEREAS, the authority of such persons to act as such Board and the legality of said actions have been disputed; and

WHEREAS, it is desirable that such appropriation remain available for expenditure for the purposes specified and that the authority of such persons acting as said Board to authorize and empower said Superintendent of Public Works to call for tenders and enter into a contract for the expenditure of said funds on behalf of said Board be ratified, confirmed and approved; now, therefore,

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

SECTION 1. The appropriation of $73,910.00 for the Hawaii County Library made in Act 7 of the Session Laws of Hawaii 1949, shall be expendable until June 30, 1951, notwithstanding the provisions of section 2 of said Act 7, that it be lapsed prior thereto.

SECTION 2. The authority of the aforesaid persons acting as the Managing Board of the Hawaii County Library to authorize and empower the Superintendent of Public Works of the Territory of Hawaii on behalf of said Board to call for tenders and enter into a contract for the expenditure of the funds appropriated for said Library in Act 7 of the Session Laws of Hawaii 1949, and the actions of said persons acting as said Board in authorizing and empowering said Superintendent of Public Works to call for tenders and enter into a contract on its behalf are hereby ratified, confirmed and approved; provided, however, nothing herein contained shall be construed as a ratification or disaffirmance of any action which may have been taken by said persons or said Superintendent in accepting or rejecting any tenders or in purporting to award any contract for the expenditure of any moneys appropriated by said Act 7.

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

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., September 30, 1949

We hereby certify that the foregoing Joint Resolution this day passed Third Reading in the Senate of the Territory of Hawaii, in Special Session.

President of the Senate

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H., October 12, 1949.

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

Speaker, House of Representatives.

Clerk, House of Representatives.

SENATE Senate Joint Resolution No. 7
SPEC SESSION
1949

# The Legislature
## of the
# Territory of Hawaii

## THE SENATE
# JOINT RESOLUTION

AUTHORIZING AND DIRECTING THE SUPERINTENDENT OF PUBLIC WORKS IN EXPENDING THE APPROPRIATION MADE BY ACT 304 OF THE SESSION LAWS OF HAWAII 1949 TO EMPLOY OR CAUSE TO BE EMPLOYED SUCH NUMBERS OF THE PRESENT LABOR FORCE OF THE COUNTY OF MAUI AS MAY BE NECESSARY; AND PROVIDING THAT CHAPTER 9 OF THE REVISED LAWS OF HAWAII 1945 SHALL NOT APPLY TO THE EXPENDITURE OF SAID APPROPRIATION.

Introduced SEPTEMBER 28, 1949, by

Senators REUBEN GOODNESS, JOHN G. DUARTE AND TOSHIO ANSAI

| | |
|---|---|
| First Reading in Senate | September 28, 1949 |
| Referred to Printing Committee | September 28, 1949 |
| Second Reading in Senate | September 29, 1949 |
| Referred to | COMMITTEE OF THE WHOLE SENATE |
| Third Reading in Senate | October 3, 1949 |
| First Reading in House | October 4, 1949 |
| Referred to | |
| Second Reading in House | October 5, 1949 |
| Referred to | COMMITTEE ON COUNTY |
| Third Reading in House | October 13, 1949 |

ELLEN D. SMYTHE
*Clerk of the Senate*

Angross

Sj. Res 7

A 20
Print

JOINT RESOLUTION

WHEREAS, the County of Maui due to its financial condition is faced with the necessity of drastically reducing its force of laborers employed on a per diem basis; and

WHEREAS, the laying off of such men at this time when unemployment in the county is growing would cause distress and hardship to such men and their families; and

WHEREAS, it is desirable under the circumstances to permit the county to employ its labor force on minor public improvement projects, now therefore,

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

SECTION 1. The superintendent of public works is hereby authorized and directed, in the expenditure of the appropriation made by Act 304 of the Session Laws of Hawaii 1949 for the acquisition and construction of a drainage outlet from certain government lands in the County of Maui, to employ or cause to be employed such numbers of the present labor force of the County of Maui as may be necessary in carrying out said project.

SECTION 2. The provisions of chapter 9 of the Revised Laws of Hawaii 1945 shall not apply to the expenditure of the funds appropriated in Act 304 of the Session Laws of Hawaii 1949.

SECTION 3. This Resolution shall take effect

upon its approval.

INTRODUCED BY:

Senator, Second District

Senator, Second District

Senator, Second District

S.J. Res. No. 7
S.D. 1

JOINT RESOLUTION

AUTHORIZING AND DIRECTING THE SUPERINTENDENT OF PUBLIC WORKS IN EXPENDING THE APPROPRIATION MADE BY ACT 304 OF THE SESSION LAWS OF HAWAII 1949 TO EMPLOY OR CAUSE TO BE EMPLOYED SUCH NUMBERS OF THE PRESENT LABOR FORCE OF THE COUNTY OF MAUI AS MAY BE NECESSARY; AND PROVIDING THAT CHAPTER 9 OF THE REVISED LAWS OF HAWAII 1945 SHALL NOT APPLY TO THE EXPENDITURE OF SAID APPROPRIATION.

WHEREAS, the county of Maui due to its financial condition is faced with the necessity of drastically reducing its force of laborers employed on a per diem basis; and

WHEREAS, the laying off of such men at this time when unemployment in the county is growing would cause distress and hardship to such men and their families; and

WHEREAS, it is desirable under the circumstances to permit the county to employ its labor force on minor public improvement projects, now, therefore,

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

SECTION 1. The superintendent of public works is hereby authorized and directed, in the expenditure of the appropriation made by Act 304 of the Session Laws of Hawaii 1949 for the acquisition and construction of a drainage outlet from certain government lands in the county of Maui, to employ or cause to be employed such numbers of the present labor force of the county of Maui as may be necessary in carrying out said project.

SECTION 2. The provisions of chapter 9 of the Revised Laws of Hawaii 1945 shall not apply to the expenditure of the funds appropriated in Act 304 of the Session Laws of Hawaii 1949.

SECTION 3. This Resolution shall take effect upon its apprcval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., October 3, 1949.

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

President of the Senate

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H., October 13, 1949.

We hereby certify that the foregoing Joint Resolution this day passed Third Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Joint Resolution No. 8

SENATE
SPEC SESSION
1949

# The Legislature
## of the
# Territory of Hawaii

## THE SENATE
# JOINT RESOLUTION

REQUESTING CONGRESS OF THE UNITED STATES OF AMERICA TO PASS LEGISLATION ENABLING THE LEGISLATURE OF THE TERRITORY OF HAWAII TO AUTHORIZE THE CITY AND COUNTY OF HONOLULU TO ISSUE BONDS FOR THE CONSTRUCTION OF THE KOOLAU TUNNEL PROJECT.

| | | |
|---|---|---|
| Introduced | SEPTEMBER 28 | , 1949, by |
| Senator | WILFRED C. TSUKIYAMA | |

| | |
|---|---|
| First Reading in Senate | September 28, 1949 |
| Referred to Printing Committee | September 28, 1949 |
| Second Reading in Senate | September 29, 1949 |
| Referred to | COMMITTEE OF THE WHOLE SENATE |
| Third Reading in Senate | September 30, 1949 |

| | |
|---|---|
| First Reading in House | October 1, 1949 |
| Referred to | |
| Second Reading in House | October 3, 1949 |
| Referred to | COMMITTEE ON COUNTY |
| Third Reading in House | October 15, 1949 |

ELLEN D. SMYTHE
*Clerk of the Senate*

SJ. Res 8

A-27
Print

. J. RES. NO. ___

JOINT RESOLUTION

REQUESTING CONGRESS OF THE UNITED STATES OF AMERICA TO PASS LEGISLATION ENABLING THE LEGISLATURE OF THE TERRITORY OF HAWAII TO AUTHORIZE THE CITY AND COUNTY OF HONOLULU TO ISSUE BONDS FOR THE CONSTRUCTION OF THE KOOLAU TUNNEL PROJECT.

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

SECTION 1. That the Congress of the United States of America be, and it hereby is, requested, through the Delegate to Congress from the Territory of Hawaii to enact legislation which will enable the Territory of Hawaii, any provision of the Hawaiian Organic Act or any Act of this Congress to the contrary notwithstanding, to authorize the board of supervisors of the city and county of Honolulu to issue general obligation bonds in an amount not exceeding three million dollars ($3,000,000.00) for the construction of the Koolau tunnel project, including appurtenances thereto and all necessary expenses thereof, on the island of Oahu and to that end the Congress of the United States of America is hereby requested and urged, through said Delegate to Congress, to adopt a bill in substantially the following form, to-wit:

"A BILL

TO ENABLE THE LEGISLATURE OF THE TERRITORY OF HAWAII TO AUTHORIZE THE CITY AND COUNTY OF HONOLULU, A MUNICIPAL CORPORATION, TO ISSUE BONDS FOR THE CONSTRUCTION OF THE KOOLAU TUNNEL PROJECT ON THE ISLAND OF OAHU.

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED, That the legislature of the Territory of Hawaii, any provision of the Hawaiian Organic Act or of any Act of this congress to the contrary notwithstanding, may authorize the city and county of Honolulu, a municipal corporation of the Territory of Hawaii, to issue general obligation bonds in the sum of three million dollars ($3,000,000.00) for the purpose of enabling it to construct the Koolau tunnel project, a tunnel through the Koolau mountain range at the head of Kalihi valley between the leeward and the windward sides of the island of Oahu, including appurtenances thereto and all necessary expenses thereof.

SECTION 2. The bonds issued under authority of this Act may be either term or serial bonds, maturing, in the case of term bonds, not later than thirty years from the date of issue thereof, and, in the case of serial bonds, payable in substantially equal annual installments, the first installment to mature not later than five years and the last installment to mature not later than thirty years from the date of such issue. Such bonds may be issued without the approval of the president of the United States.

SECTION 3. Act of the Special Session laws of Hawaii 1949, pertaining to the issuance of bonds for the construction of the Koolau tunnel project, as authorized by this Act, is hereby ratified and confirmed subject to the provisions of this Act;

PROVIDED, HOWEVER, that nothing herein contained shall be deemed to prohibit the amendment of such territorial legislation by the legislature of the Territory of Hawaii from time to time to provide for changes in the improvements authorized by such legislation and for the disposition of unexpended moneys realized from the sale of said bonds."

SECTION 2. A copy of this Joint Resolution shall be forwarded to the Secretary of Interior, Secretary of Defense, the Public Roads Administration of the Federal Works Agency in Washington, D. C., and its representatives in Honolulu, T.H., the Governor of Hawaii and the Delegate to Congress from Hawaii.

SECTION 3. This Joint Resolution shall take effect upon its approval.

INTRODUCED BY:

Honolulu, T. H.

S. J. Res. No. 8

JOINT RESOLUTION

REQUESTING CONGRESS OF THE UNITED STATES OF AMERICA TO PASS LEGISLATION ENABLING THE LEGISLATURE OF THE TERRITORY OF HAWAII TO AUTHORIZE THE CITY AND COUNTY OF HONOLULU TO ISSUE BONDS FOR THE CONSTRUCTION OF THE KOOLAU TUNNEL PROJECT.

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

SECTION 1. That the Congress of the United States of America be, and it hereby is, requested, through the Delegate to Congress from the Territory of Hawaii to enact legislation which will enable the Territory of Hawaii, any provision of the Hawaiian Organic Act or any Act of this Congress to the contrary notwithstanding, to authorize the Board of Supervisors of the City and County of Honolulu to issue general obligation bonds in an amount not exceeding three million dollars ($3,000,000.00) for the construction of the Koolau tunnel project, including appurtenances thereto and all necessary ex-

penses thereof, on the island of Oahu and to that end the Congress of the United States of America is hereby requested and urged, through said Delegate to Congress, to adopt a bill in substantially the following form, to-wit:

"A BILL

TO ENABLE THE LEGISLATURE OF THE TERRITORY OF HAWAII TO AUTHORIZE THE CITY AND COUNTY OF HONOLULU, A MUNICIPAL CORPORATION, TO ISSUE BONDS FOR THE CONSTRUCTION OF THE KOOLAU TUNNEL PROJECT ON THE ISLAND OF OAHU.

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED, That the Legislature of the Territory of Hawaii, any provision of the Hawaiian Organic Act or of any Act of this Congress to the contrary notwithstanding, may authorize the City and County of Honolulu, a municipal corporation of the Territory of Hawaii, to issue general obligation bonds in the sum of three million dollars ($3,000,000.00) for the purpose of enabling it to construct the Koolau tunnel project, a tunnel through the Koolau mountain range at the head of Kalihi valley between the leeward and the windward

sides of the island of Oahu, including appurtenances thereto and all necessary expenses thereof.

SECTION 2. The bonds issued under authority of this Act may be either term or serial bonds, maturing, in the case of term bonds, not later than thirty years from the date of issue thereof, and, in the case of serial bonds, payable in substantially equal annual installments, the first installment to mature not later than five years and the last installment to mature not later than thirty years from the date of such issue. Such bonds may be issued without the approval of the President of the United States.

SECTION 3. Act _____ of the Special Session Laws of Hawaii 1949, pertaining to the issuance of bonds for the construction of the Koolau tunnel project, as authorized by this Act, is hereby ratified and confirmed subject to the provisions of this Act;

PROVIDED, HOWEVER, that nothing herein contained shall be deemed to prohibit the amendment of such territorial legislation by the Legislature of the Territory of Hawaii from time to time to provide for changes in the improvements authorized by such legislation and for the disposition of unexpended

moneys realized from the sale of said bonds."

SECTION 2. A copy of this Joint Resolution shall be forwarded to the Secretary of Interior, Secretary of Defense, the Public Roads Administration of the Federal Works Agency in Washington, D. C., and its representatives in Honolulu, T. H., the Governor of Hawaii and the Delegate to Congress from Hawaii.

SECTION 3. This Joint Resolution shall take effect upon its approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., September 30, 1949.

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

Wilfrid Tsukiyama
President of the Senate

Ellen D. Smythe
Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H., October 15, 1949.

We hereby certify that the foregoing Joint Resolution this day passed Third Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

William L. Lee
Speaker, House of Representatives.

Iris S. Cachola
Clerk, House of Representatives.

Senate Joint Resolution No. 9

SENATE
SPEC SESSION
1949

# The Legislature
## of the
# Territory of Hawaii

## THE SENATE
# JOINT RESOLUTION

RELATING TO THE WAIMEA PLAIN PROJECT, COUNTY OF HAWAII, ESTABLISHING AND PROVIDING FOR THE POWERS, DUTIES AND EXPENSES OF THE WAIMEA PLAIN PROJECT BOARD, PROVIDING FOR THE APPOINTMENT, REMOVAL AND EXPENSES OF THE MEMBERS OF SAID BOARD, AND MAKING AN APPROPRIATION.

| | |
|---|---|
| Introduced | September 28, 1949, by |
| Senator s: | CHARLES H. SILVA, E.S. CRUELLAS, WILLIAM J. NOBRIGA, REUBEN GOODNESS JOHN G. DUARTE, TOSHIO ANSAI and M.R. AGUIAR, JR. |
| First Reading in Senate | September 28, 1949 |
| Referred to Printing Committee | September 28, 1949 |
| Second Reading in Senate | September 29, 1949 |
| 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*

9-28-49
A-31
Primary
SB 4
S 7 Res 9

S.J.Res. No.__

JOINT RESOLUTION

RELATING TO THE WAIMEA PLAIN PROJECT, COUNTY OF HAWAII, ESTABLISHING AND PROVIDING FOR THE POWERS, DUTIES AND EXPENSES OF THE WAIMEA PLAIN PROJECT BOARD, PROVIDING FOR THE APPOINTMENT, REMOVAL AND EXPENSES OF THE MEMBERS OF SAID BOARD, AND MAKING AN APPROPRIATION.

WHEREAS, the bureau of reclamation of the department of the interior of the United States government has studied the Waimea plain project, county of Hawaii, and has prepared a report, dated January 29, 1948, entitled "Report With Substantiating Materials and Appendices, Waimea Plain Project, Island of Hawaii, Territory of Hawaii", wherein is set forth a proposed plan for the development of the said Waimea plain project; and

WHEREAS, the said Waimea plain project, including the said proposed plan should be carefully studied and evaluated, to the end, that appropriate legislation, if necessary, may be considered and enacted by the Legislature of the Territory of Hawaii in regard to the development of the said project; now, therefore,

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

SECTION 1. There is hereby established a Waimea plain project board, hereinafter called "the board", to consist of five members to be appointed and be removable by the governor in the manner prescribed by section 80 of the Organic Act, one

of whom shall be designated in the appointment as chairman. The terms of office of such members shall be for four years and until their respective successors are appointed and qualified. The members shall serve without compensation, but shall be entitled to the actual and necessary expenses incurred by them in discharging their official duties. A majority of the members of the board shall constitute a quorum.

SECTION 2. It shall be the duty of the board: (1) to study and investigate the said Waimea plain project, hereinafter called "the project", including the said report of the bureau of reclamation of the department of the interior; (2) to prepare findings, conclusions and recommendations regarding the project, including its conclusions whether the Territory should assist in carrying out the project, its recommendations regarding the means or methods, if any, by which the Territory should assist in carrying out the project, and its recommendations concerning legislation, if any, to be considered by the Legislature of the Territory; (3) to cooperate with and assist any officer, agency or instrumentality of the federal government, including the said bureau of reclamation, in regard to the project; and (4) to prepare and file with both houses of the Legislature of the Territory, at its next regular session, a written report containing its said findings, conclusion and recommendations.

SECTION 3. The board shall have all powers necessary or convenient to carry out the provisions of this Joint Resolution, including the following powers: (1) to employ such clerical and technical assistants as it may deem necessary; and (2) to hold public or executive hearings at any place within the Territory as it may desire. The commissioner of public lands

of the Territory shall assist the board in the performance of its duties, including furnishing it with such supplies and equipment as it may need to carry out its duties.

SECTION 4. Each officer, board, commission, department or agency of the government of the Territory, or of the government of each county, shall make such studies and reports and furnish such information, data, estimates and statistics as may be requested by the board, in writing, to carry out the purposes of this Joint Resolution.

SECTION 5. There is hereby appropriated out of the moneys appropriated for the holdover committee of 1949 by Act 61 of the Session Laws of Hawaii 1949 the sum of $10,000.00, or so much thereof as may be necessary, for the purpose of carrying out the provisions of this Joint Resolution. The said appropriation shall be expended upon warrants drawn by the auditor of the Territory upon the treasurer of the Territory, based upon vouchers approved by the chairman of the board.

SECTION 6. This Joint Resolution shall take effect upon its approval.

INTRODUCED BY

Senator, 1st District.

SENATE

SPEC SESSION

1949

Senate Joint Resolution No. 10

# The Legislature
## of the
# Territory of Hawaii

## THE SENATE
# JOINT RESOLUTION

RELATING TO TAXATION AND PROVIDING FOR THE REMISSION OF CERTAIN TERRITORIAL REAL PROPERTY TAXES.

| | |
|---|---|
| Introduced | October 11, 1949 by |
| Senators: | THELMA M. AKANA, WILFRED C. TSUKIYAMA, REUBEN GOODNESS, JOHN G. DUARTE, TOSHIO ANSAI, E.S. CAPELLAS, WM.H.HEEN, M.R. AGUIAR, JR., NEAL S. BLAISDELL, W.H. HILL, BEN DILLINGHAM |
| First Reading in Senate | October 11, 1949 |
| Referred to Printing Committee | October 11, 1949 |
| Second Reading in Senate | October 12, 1949 |
| Referred to | COMMITTEE OF THE WHOLE SENATE |
| Third Reading in Senate | October 13, 1949 |
| First Reading in House | October 13, 1949 |
| Referred to | COMMITTEE ON FINANCE |
| Second Reading in House | October 14, 1949 |
| Referred to | |
| Third Reading in House | October 15, 1949 |

ELLEN D. SMYTHE

*Clerk of the Senate*

S. J. R. NO. 10

JOINT RESOLUTION

RELATING TO TAXATION AND PROVIDING FOR THE REMISSION OF CERTAIN TERRITORIAL REAL PROPERTY TAXES.

WHEREAS, under subparagraph 3C of section 5151 of the Revised Laws of Hawaii 1945, as enacted by Act 385 of the Session Laws of Hawaii 1949, certain real property owned and actually and exclusively used by the Moiliili Community Association for educational, religious or community purposes was exempted from territorial real property taxes for the calendar year 1949 and succeeding years; and

WHEREAS, territorial real property taxes have been levied upon the said real property and assessed against the said association for the calendar years 1947, 1948 and 1949, during which years the said real property was also owned and actually and exclusively used by the said association for educational, religious or community purposes, which real property taxes are now due and unpaid; and

WHEREAS, it is believed that the aforesaid taxes should be remitted; now, therefore,

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

SECTION 1. The tax commissioner of the Territory is hereby authorized to remit all unpaid real property taxes heretofore assessed against the Moiliili Community Association, for each of the calendar years 1947, 1948 and 1949, upon all real property owned and exclusively used by the said association during each of the said years for educational, religious or community purposes;

SECTION 2. This Joint Resolution shall take effect upon its approval.

INTRODUCED BY:

S.J.Res. No. 10
S.D. 1

JOINT RESOLUTION

RELATING TO TAXATION AND PROVIDING FOR THE REMISSION OF CERTAIN TERRITORIAL REAL PROPERTY TAXES.

WHEREAS, under subparagraph 3C of section 5151 of the Revised Laws of Hawaii 1945, as enacted by Act 385 of the Session Laws of Hawaii 1949, certain real property owned and used by the Moiliili community association for educational, religious or community purposes was exempted from territorial real property taxes for the calendar year 1949 and succeeding years; and

WHEREAS, territorial real property taxes have been levied upon the said real property and assessed against the said association for the calendar years 1947, 1948 and 1949, during which years the said real property was also owned and used by the said association for educational, religious or community purposes, which real property taxes are now due and unpaid; and

WHEREAS, it is believed that the aforesaid taxes should be remitted; now, therefore,

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

SECTION 1. The tax commissioner of the Territory is hereby authorized and directed to remit all unpaid real property taxes heretofore assessed against the Moiliili community association, for each of the calendar years 1947, 1948 and 1949, upon all real property owned and used by the said association during each of the said years for educational, religious or community purposes.

SECTION 2. This Joint Resolution shall take effect upon its approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., October 13, 1949

We hereby certify that the foregoing Joint Resolution this day passed Third Reading in the Senate of the Territory of Hawaii, in Special Session.

Wilfred Tsukiyama
President of the Senate

Ellen D. Smythe
Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H., October 15, 1949.

We hereby certify that the foregoing Joint Resolution this day passed Third Reading in the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

Hiram L. Fong
Speaker, House of Representatives.

Jas. K. Achong
Clerk, House of Representatives.

1949

SPECIAL SESSION

SENATE

# SENATE CONCURRENT RESOLUTIONS

# CORRECTION

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

1949

SPECIAL SESSION

SENATE

# SENATE CONCURRENT RESOLUTIONS

Senate Concurrent Resolution No. 1

SENATE
SPEC SESSION
1949

THE SENATE

# Concurrent Resolution

## The Legislature
of the
## Territory of Hawaii

Presented SEPTEMBER 14, 1949, by

Senator HERBERT K. H. LEE

Relating to

AUTHORIZING A JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SPECIAL SESSION OF THE TWENTY-FIFTH LEGISLATURE OF THE TERRITORY OF HAWAII TO STUDY AND INVESTIGATE, AND RECOMMEND LEGISLATION IN REGARD TO, UNEMPLOYMENT WITHIN THE TERRITORY OF HAWAII.

MEMO:

Adopted - September 15, 1949.

ELLEN D. SMYTHE
*Clerk of the Senate*

Senator Lee

S. CON. RES. NO. 1

CONCURRENT RESOLUTION

AUTHORIZING A JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SPECIAL SESSION OF THE TWENTY-FIFTH LEGISLATURE OF THE TERRITORY OF HAWAII TO STUDY AND INVESTIGATE, AND RECOMMEND LEGISLATION IN REGARD TO, UNEMPLOYMENT WITHIN THE TERRITORY OF HAWAII.

WHEREAS, since May, 1949, unemployment throughout the Territory of Hawaii has rapidly increased so that about twenty-five thousand (25,000) inhabitants of the Territory are now unemployed; and

WHEREAS, the mentioned condition is seriously affecting the economy of the Territory and is causing severe hardship and distress to many unfortunate people, including their families and dependents, who are unable to secure any employment; now therefore;

BE IT RESOLVED by the Senate of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session assembled, the House of Representatives, in such session assembled, concurring, that a special committee, composed of five members of the said Senate (to be appointed, from time to time, by the President thereof) and five members of the House of Representatives (to be appointed, from time to time, by the Speaker thereof) be and the same is hereby authorized and created for the purpose of immediately studying and investigating unemployment in the Territory of Hawaii, including the cause thereof, and thereafter recommending to the said Senate and the said House of Representatives, in the light of the facts developed by such study and investigation, such legislation as it may deem advisable to prevent any increase

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in unemployment throughout the Territory, to reduce the number of unemployed persons in the Territory, to increase the employment of persons presently unemployed, and to relieve hardship and distress among such unemployed persons, including their families and dependents; and

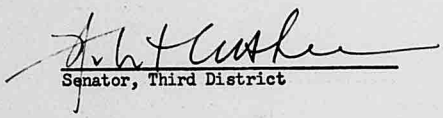
BE IT FURTHER RESOLVED that the said special committee be and it is hereby authorized: (1) to select and appoint a chairman from among its membership, who is hereby authorized to call, and preside at, its meetings; (2) to select and appoint a vice-chairman from among its membership, who shall perform the duties of chairman during his absence, illness or incapacity; (3) to require the attendance before it of any public officer or employee of the Territory or of any county; (4) to act by a majority of the members of the said committee, who shall constitute a quorum; (5) to administer oaths to witnesses called before it, through and by its chairman or vice-chairman; and (6) to do any and all other things necessary or convenient to enable it to fully and adequately perform its duties and accomplish the purposes of this concurrent resolution; and

BE IT FURTHER RESOLVED that the said special committee report to the Senate and to the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session assembled, the facts in regard to unemployment in the Territory, and its recommendations in the premises; and

BE IT FURTHER RESOLVED that the Director of Labor of the Territory, the Director of Public Welfare of the Territory and any other public officers or employees designated by the said special committee be and the same are hereby requested and directed to appear and testify before the said special committee concerning any subject related to its purposes and powers; and

BE IT FURTHER RESOLVED that duly authenticated copies of this concurrent resolution be forwarded to the Governor of the Territory of Hawaii, the Attorney General of the Territory of Hawaii, the said Director of Labor, the said Director of Public Welfare and such other officers or employees of the Territory of Hawaii, or of any county, as the said special committee may designate.

OFFERED BY:



Senator, Third District

S. Con. Res. No. 1

CONCURRENT RESOLUTION

AUTHORIZING A JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SPECIAL SESSION OF THE TWENTY-FIFTH LEGISLATURE OF THE TERRITORY OF HAWAII TO STUDY AND INVESTIGATE, AND RECOMMEND LEGISLATION IN REGARD TO, UNEMPLOYMENT WITHIN THE TERRITORY OF HAWAII.

WHEREAS, since May, 1949, unemployment throughout the Territory of Hawaii has rapidly increased so that about twenty-five thousand (25,000) inhabitants of the Territory are now unemployed; and

WHEREAS, the mentioned condition is seriously affecting the economy of the Territory and is causing severe hardship and distress to many unfortunate people, including their families and dependents, who are unable to secure any employment; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-fifth Legis-

lature of the Territory of Hawaii, in Special Session assembled, the House of Representatives, in such session assembled, concurring, that a special committee, composed of five members of the said Senate (to be appointed, from time to time, by the President thereof) and five members of the House of Representatives (to be appointed, from time to time, by the Speaker thereof) be and the same is hereby authorized and created for the purpose of immediately studying and investigating unemployment in the Territory of Hawaii, including the cause thereof, and thereafter recommending to the said Senate and the said House of Representatives, in the light of the facts developed by such study and investigation, such legislation as it may deem advisable to prevent any increase in unemployment throughout the Territory, to reduce the number of unemployed persons in the Territory, to increase the employment of persons presently unemployed, and to relieve hardship and distress among such unemployed persons, including their families and dependents; and

BE IT FURTHER RESOLVED that the said special committee

be and it is hereby authorized: (1) to select and appoint a chairman from among its membership, who is hereby authorized to call, and preside at, its meetings; (2) to select and appoint a vice-chairman from among its membership, who shall perform the duties of chairman during his absence, illness or incapacity; (3) to require the attendance before it of any public officer or employee of the Territory or of any county; (4) to act by a majority of the members of the said committee, who shall constitute a quorum; (5) to administer oaths to witnesses called before it, through and by its chairman or vice-chairman; and (6) to do any and all other things necessary or convenient to enable it to fully and adequately perform its duties and accomplish the purposes of this concurrent resolution; and

BE IT FURTHER RESOLVED that the said special committee report to the Senate and to the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session assembled, the facts in regard to unemployment in the Territory, and its recommendations in the premises; and

BE IT FURTHER RESOLVED that the Director of Labor of the Territory, the Director of Public Welfare of the Territory and any other public officers or employees designated by the said special committee be and the same are hereby requested and directed to appear and testify before the said special committee concerning any subject related to its purposes and powers; and

BE IT FURTHER RESOLVED that duly authenticated copies of this Concurrent Resolution be forwarded to the Governor of the Territory of Hawaii, the Attorney General of the Territory of Hawaii, the said Director of Labor, the said Director of Public Welfare and such other officers or employees of the Territory of Hawaii, or of any county, as the said special committee may designate.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., September 15, 1949.

We hereby certify that the foregoing Concurrent Resolution was this day adopted by the Senate of the Territory of Hawaii.

President of the Senate

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H., September 28, 1949

We hereby certify that the foregoing Concurrent Resolution was this day adopted by the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Concurrent Resolution No. 2

SENATE

SPEC SESSION

1949

THE SENATE

# Concurrent Resolution

## The Legislature

of the

## Territory of Hawaii

Presented September 28, 1949, by

Senator BEN DILLINGHAM

Relating to

REQUESTING THE DEPARTMENT OF PUBLIC INSTRUCTION OF THE TERRITORY OF HAWAII AND THE MANAGING BODIES OF PRIVATE HIGH SCHOOLS IN THE TERRITORY, TO INCLUDE IN THEIR CURRICULUM AS AN ACCREDITED SUBJECT, A COURSE IN HAWAIIAN HISTORY.

MEMO:

Deferred to September 29, 1949.

ELLEN D. SMYTHE

*Clerk of the Senate*

S. Con. Res. No. 2

CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF PUBLIC INSTRUCTION AND THE MANAGING BODIES OF PRIVATE SCHOOLS IN THE TERRITORY TO INCLUDE IN THE CURRICULUM OF EVERY PUBLIC HIGH SCHOOL AND OF EVERY PRIVATE HIGH SCHOOL, AND TO REQUIRE THE STUDY BY EVERY PUPIL IN SUCH SCHOOLS OF, A COURSE IN HAWAIIAN HISTORY.

WHEREAS, there are many people in the Territory, especially younger persons, who have not studied the history of Hawaii and who, consequently, are not aware of the development and significance of Hawaiian government, culture and economy; and

WHEREAS, due to the passing of many older persons who participated in the building of Hawaii and due to changing conditions over the past decade, it is highly important that all persons, and particularly younger people, should be well grounded in Hawaiian history and should understand the development and significance of its government, culture, social conditions and economy; and

WHEREAS, a study and an appreciation of the history of Hawaii should promote a better understanding between the managements of Hawaiian industries, on the one hand, and the employees and prospective employees of such industries and the general public, on the other hand, which understanding would assure in the best possible way harmony, greater productivity, and happiness throughout Hawaii, and;

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WHEREAS, a study of Hawaiian history can best be undertaken, and such subject should be a required and accredited subject of study, in all high schools of the Territory; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session assembled, the House of Representatives, in such session assembled, concurring, that the Department of Public Instruction be, and it is hereby requested to include in the curriculum of every public high school as an accredited subject, and to require the study by every pupil in such schools of, a course in the history of Hawaii; and

BE IT FURTHER RESOLVED that the managing body of each private high school in the Territory be, and it is hereby requested to include in the curriculum of such high school, as an accredited subject, and to require the study by every pupil in such school of, a course in the history of Hawaii; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Department of Public Instruction of the Territory and to the managing bodies of each of the aforesaid private high schools.

OFFERED BY

Ben Dillingham

Senator, 3d District.

September 28 1949

Senate Concurrent Resolution No. 3

SENATE
SPEC SESSION
1949

THE SENATE

# Concurrent Resolution

## The Legislature
of the
## Territory of Hawaii

Presented OCTOBER 1, 1949, by

Senator HERBERT K. H. LEE

Relating to

REQUESTING THE COMMITTEE ON un-AMERICAN ACTIVITIES OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA TO CONDUCT A FULL AND THOROUGH INVESTIGATION OF THE ALLEGED SUBVERSIVE ELEMENTS AND ACTIVITIES IN THE TERRITORY OF HAWAII.

MEMO:

Adopted - October 1, 1949.

ELLEN D. SMYTHE
*Clerk of the Senate*

S. CON. RES. NO. 3

CONCURRENT RESOLUTION

WHEREAS, there have been charges that there are subversive elements and activities in the Territory of Hawaii, and that such elements and activities are connected with similar elements and activities on the Pacific coast; and

WHEREAS, the Committee on un-American Activities of the House of Representatives of the Congress of the United States of America has announced its intention to conduct an investigation of subversive activities in the Territory; and

WHEREAS, it is desireable that an investigation of subversive elements and activities on the Pacific coast be made in conjunction with the proposed investigation of such elements and activities in the Territory; and

WHEREAS, the Report of the Hearings before Joint Committee on the Investigation of the Pearl Harbor Attack, Congress of the United States 79th Congress, hereinafter referred to as the "Roberts Report" named a number of residents of the Territory of Hawaii as being persons of subversive tendencies; and

WHEREAS, many such persons have protested their innocence of such charges; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session, the House of Representatives concurring, that the Committee on un-American Activities of the House of Representatives of the Congress of the United States of America be and it is hereby respectfully requested to conduct a full and thorough investigation of the alleged subversive elements and activities in the Territory of Hawaii (and on the Pacific Coast,) and in connection with such investigation to give an opportunity to residents of the Territory who have been charged in the Roberts Report as having subversive

tendencies to prove their innocence and upon such investigation to make a public statement of the innocence of such persons as the Committee may find to have been unjustly accused in said report; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be forwarded to the President of the United States, to the Speaker of the House of Representatives of the Congress of the United States, to the Chairman of the Committee on un-American Activities of the House of Representatives of the Congress of the United States, to the Secretary of the Department of the Interior of the United States, and to the Delegate to the Congress from Hawaii.

OFFERED BY:

Senator, Third District

S. Con. Res. No. 3

CONCURRENT RESOLUTION

WHEREAS, there have been charges that there are subversive elements and activities in the Territory of Hawaii, and that such elements and activities are connected with similar elements and activities on the Pacific coast; and

WHEREAS, the Committee on un-American Activities of the House of Representatives of the Congress of the United States of America has announced its intention to conduct an investigation of subversive activities in the Territory; and

WHEREAS, it is desirable that an investigation of subversive elements and activities on the Pacific coast be made in conjunction with the proposed investigation of such elements and activities in the Territory; and

WHEREAS, the report of the hearings before joint committee on the investigation of the Pearl Harbor attack, Congress of the United States 79th Congress, hereinafter referred to as

the "Roberts Report" named a number of residents of the Territory of Hawaii as being persons of subversive tendencies; and

WHEREAS, many such persons have protested their innocence of such charges; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session, the House of Representatives concurring, that the Committee on un-American Activities of the House of Representatives of the Congress of the United States of America be and it is hereby respectfully requested to conduct a full and thorough investigation of the alleged subversive elements and activities in the Territory of Hawaii and in connection with such investigation to give an opportunity to residents of the Territory who have been charged in the Roberts Report as having subversive tendencies to prove their innocence and upon such investigation to make a public statement of the innocence of such persons as the Committee may find to have been unjustly accused in said report; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be forwarded to the President of the United States, to the Speaker of the House of Representatives of the Congress of the United States, to the Chairman of the Committee on un-American Activities of the House of Representatives of the Congress of the United States, to the Secretary of the Department of the Interior of the United States, and to the Delegate to the Congress from Hawaii.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., October 1, 1949.

We hereby certify that the foregoing Concurrent Resolution was this day adopted by the Senate of the Territory of Hawaii.

President of the Senate

Clerk of the Senate.

S. C. R. No. 3
H. D. 1

CONCURRENT RESOLUTION

REQUESTING THE COMMITTEE ON UNAMERICAN ACTIVITIES OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES TO INVESTIGATE AND REPORT ON UNAMERICAN ACTIVITIES IN THE TERRITORY OF HAWAII.

WHEREAS, there have been numerous allegations that there are various persons engaged in unAmerican activities within the Territory of Hawaii; and

WHEREAS, these allegations have been made on the floor of the House of Representatives and also on the floor of the Senate of the Congress of the United States, and also by various public officials outside of the Congress of the United States; and

WHEREAS, these allegations have exerted a retarding influence upon the favorable consideration of legislation

to enable Hawaii to become a State, to the extent that many members of Congress are doubtful of the present wisdom of granting statehood to Hawaii; and

WHEREAS, it is the desire of the people of Hawaii generally and of the Twenty-fifth Legislature of the Territory of Hawaii in particular that the charges that many persons are engaged in unAmerican activities in the Territory of Hawaii be fully and openly investigated and aired to the end that factual data may be obtained upon which to judge the truth or falsity of the aforesaid allegations; and

WHEREAS, the Committee on UnAmerican Activities of the House of Representatives of the Congress of the United States of America is an experienced body of great prestige and judicial character well qualified and with sufficient power and objectivity to investigate properly the extent

of unAmerican activities within the Territory of Hawaii; now, therefore, be it

RESOLVED, by the Senate of the Twenty-fifth Legislature of the Territory of Hawaii in Special Session assembled, the House of Representatives concurring, that the Committee on UnAmerican Activities of the House of Representatives of the Congress of the United States of America be and it is hereby respectfully requested to investigate unAmerican activities within the Territory of Hawaii, to conduct hearings thereon within the Territory of Hawaii, and to report thereon, at its earliest convenience; and be it further

RESOLVED, that duly certified copies of this Concurrent Resolution be forwarded to the Speaker of the House of Representatives of the Congress of the United States of America, the Chairman of the Committee on UnAmerican Activities of the House of Representatives

of the Congress of the United States of America, and the Delegate to Congress from Hawaii.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., October 4, 1949.

We hereby certify that the foregoing Concurrent Resolution was this day adopted by the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

William L. Long
Speaker, House of Representatives.

Jas. K. Achong
Clerk, House of Representatives.

Senate Concurrent Resolution No. 4

SENATE
SPEC SESSION
1949

THE SENATE

# Concurrent Resolution

## The Legislature
of the
## Territory of Hawaii

Presented OCTOBER 4, 1949, by

Senator THELMA M. AKANA

Relating to

ARTHUR B. CHUN'S REPUTATION AS BEING A COMMUNIST OR COMMUNISTIC SYMPATHIZER.

MEMO:

Deferred - October 4, 1949.

ELLEN D. SMYTHE
*Clerk of the Senate*

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Filed
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S. Con Res 3 - adopted
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Oct 6
[illegible]
Arthur Chun
+ Randolph Lee
[illegible]

[illegible] Thursday - 2 pm

CONCURRENT RESOLUTION

WHEREAS, Arthur B. Chun, a native son of Hawaii Nei, major in the Army of the United States, presently on duty as instructor with the Hawaii National Guard, assigned to the Third Battalion, 298th Infantry, Island of Kauai, under General F. W. MaKinney, did pursue a brilliant career since December 7, 1941 throughout the critical phases of World War II in the Pacific, and served with distinction as Executive Civil Administrator and Deputy Director for Internal Security for Korea under General Hodge, Commander-in-Chief, and having received high honors for his devotion to God and country; and

WHEREAS, infamous published rumors from opportunistic sources have sought by venomous implication to degrade, defame and libel the good name of this worthy son of Hawaii as a Communist or communistic sympathizer, in violation of every fact of this young man's life, and of human decency; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE TERRITORY OF HAWAII, Special Session of 1949, the House of Representatives concurring, that as representatives of the people of Hawaii, we again declare to the world our great pride in the record of accomplishment of its sons and daughters who served honorably in World War II, as particularly symbolized in this case by Major Arthur B. Chun, whose record of unselfish devotion to duty, and advancement in the United States Army, merit the confidence of the people in his integrity as a patriotic citizen and soldier; and

BE IT FURTHER RESOLVED, that duly authenticated copies of this concurrent resolution be transmitted to the Federal Bureau of Investigation, Washington, D. C., and to all the editors of newspapers of general publication in the Territory of Hawaii.

Offered by:
Thelma M. Okana
3rd Senatorial District

10/4/49

Senate Concurrent Resolution No. 5

SENATE
SPEC SESSION
1949

THE SENATE

# Concurrent Resolution

## The Legislature
of the
## Territory of Hawaii

Presented OCTOBER 10, 1949, by

Senator CHARLES H. SILVA

Relating to

RESPECTFULLY REQUESTING THE GOVERNOR OF THE TERRITORY OF HAWAII TO RETURN SENATE BILL NO. 43 FOR THE PURPOSE OF MAKING CERTAIN CORRECTIONS THEREIN.

MEMO:

Adopted - October 10, 1949.

ELLEN D. SMYTHE
*Clerk of the Senate*

S.C.Res. No. 5

CONCURRENT RESOLUTION

BE IT RESOLVED by the Senate of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session, the House of Representatives concurring, that the Governor of the Territory of Hawaii be, and he is hereby respectfully requested to return to the Senate, Senate Bill No. 43 for the purpose of making certain corrections therein.

OFFERED BY

Senator, 1st District.

October 10, 1949.

Adopted

S. Con. Res. No. 5

CONCURRENT RESOLUTION

BE IT RESOLVED by the Senate of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session, the House of Representatives concurring, that the Governor of the Territory of Hawaii be, and he is hereby respectfully requested to return to the Senate, Senate Bill No. 43 for the purpose of making certain corrections therein.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., October 10, 1949.

We hereby certify that the foregoing Concurrent Resolution was this day adopted by the Senate of the Territory of Hawaii, in Special Session.

President of the Senate

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., October 11, 1949.

We hereby certify that the foregoing Concurrent Resolution was this day adopted by the House of Representatives of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Concurrent Resolution No. 6

SENATE

SPEC SESSION

1949

THE SENATE

# Concurrent Resolution

## The Legislature

of the

## Territory of Hawaii

Presented OCTOBER 14, 1949, by

Senator BEN DILLINGHAM

Relating to

RESPECTFULLY REQUESTING THE GOVERNOR OF THE TERRITORY OF HAWAII TO RETURN SENATE BILL NO. 47 TO THE SENATE, FOR THE PURPOSE OF MAKING CERTAIN CORRECTIONS THERETO.

MEMO:

Adopted - October 14, 1949.

ELLEN D. SMYTHE

*Clerk of the Senate*

Com Res 6

CONCURRENT RESOLUTION

BE IT RESOLVED by the Senate of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session assembled, the House of Representatives concurring, that the Governor of the Territory of Hawaii be, and he hereby is, respectfully requested to return Senate Bill No. 47 to the Senate, for the purpose of making certain corrections thereto.

OFFERED BY

Senator 3rd District

October 14, 1949

Adopted

S. Con. Res. No. 6

CONCURRENT RESOLUTION

BE IT RESOLVED by the Senate of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session assembled, the House of Representatives concurring, that the Governor of the Territory of Hawaii be, and he hereby is, respectfully requested to return Senate Bill No. 47 to the Senate, for the purpose of making certain corrections thereto.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T.H., October 14, 1949

We hereby certify that the foregoing Concurent Resolution was this day adopted by the Senate of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

President of the Senate

Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H., October 14, 1949.

We hereby certify that the foregoing Concurrent Resolution was this day adopted by the House of Representatives of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session.

Speaker, House of Representatives.

Clerk, House of Representatives.

Senate Concurrent Resolution No. 7

SENATE
SPEC SESSION
1949

THE SENATE

# Concurrent Resolution

## The Legislature
of the
## Territory of Hawaii

Presented OCTOBER 14, 19 49, by

Senator WILLIAM J. NOBRIGA

Relating to

REQUESTING THE CIVIL SERVICE COMMISSIONS OF THE TERRITORY, THE CITY AND COUNTY OF HONOLULU, AND THE VARIOUS COUNTIES TO ACCEPT NO APPLICATION FOR ANY POSITION, IF THE APPLICANT IS EMPLOYED BY ANY PERSON, FIRM, ORGANIZATION OR CORPORATION OTHER THAN THE CIVIL SERVICE COMMISSIONS SPECIFICALLY NAMED ABOVE.

MEMO:

Deferred to October 15, 1949.

ELLEN D. SMYTHE
*Clerk of the Senate*

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Adopted

S. Con Res 7.

CONCURRENT RESOLUTION

WHEREAS, according to best available statistics, unemployment in the Territory of Hawaii has now risen to approximately 30,000; and

WHEREAS, the wage scale of the civil service commissions of the Territory and various counties, especially in the lower classifications, is such that able and competent employees of private industry are leaving such employment to seek public employment; and

WHEREAS, such wage rates have resulted in placing the government in an advantageous position in relation to private employers with respect to the recruitment of employees; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-fifth Legislature of the Territory of Hawaii, convened in Special Session, with the House of Representatives concurring, that the civil service commissions of the Territory, the city and county of Honolulu, and the various counties, be and the same are hereby requested to accept no application for any position, if the applicant is employed by any person, firm, organization or corporation other than the civil service commissions specifically named above, at the time such application is made, or has been so employed during the last 90 days immediately preceding such application; provided however, that if employment has been of a temporary nature and a total of not more than _____ hours during such 90-day period, the applicant may be considered by the civil service commission to have been not employed during the entire 90-day period; and be it further

RESOLVED, that duly certified copies of this Resolution be sent to the civil service commission of the Territory, the city and county of Honolulu and the various counties.

OFFERED BY:

William J. Noliga

— 1st District —

Honolulu, T. H.

_____

✓ Saturday 15th

Senate Concurrent Resolution No. 8

SENATE
SPEC SESSION
1949

THE SENATE

# Concurrent Resolution

## The Legislature
of the
## Territory of Hawaii

Presented OCTOBER 14, 19 49, by

Senators WILFRED C. TSUKIYAMA, E. S. CAPELLAS, JOHN G. DUARTE, M. R. AGUIAR, JR. THELMA M. AKANA HERBERT K. H. LEE NEAL S. BLAISDELL

Relating to

REQUESTING THE BOARD OF HEALTH OF THE TERRITORY TO REMOVE TO A MORE SUITABLE LOCATION THE HOSPITAL FOR PERSONS SUFFERING FROM HANSEN'S DISEASE RECENTLY ESTABLISHED AND NOW BEING MAINTAINED BY THE SAID BOARD AT PEARL CITY, OAHU.

MEMO:

Referred to Committee of the Whole Senate - October 14, 1949.

ELLEN D. SMYTHE
*Clerk of the Senate*

S.C.Res. No 8

CONCURRENT RESOLUTION

REQUESTING THE BOARD OF HEALTH OF THE TERRITORY TO REMOVE TO A MORE SUITABLE LOCATION THE HOSPITAL FOR PERSONS SUFFERING FROM HANSEN'S DISEASE RECENTLY ESTABLISHED AND NOW BEING MAINTAINED BY THE SAID BOARD AT PEARL CITY, OAHU.

WHEREAS, the Board of Health for the Territory has recently established and is maintaining a hospital, called "Hale Mohalu", for persons suffering from Hansen's disease, in the heart of Pearl City, Oahu, a residential and thickly populated section of the island of Oahu; and

WHEREAS, the people residing in the Ewa district have individually and organizationally protested against the establishment of said hospital in the particular location aforesaid; and

WHEREAS, persons suffering from Hansen's disease have been or are being transferred to the said hospital from the former Kalihi receiving station and from the hospital and settlement at Kalaupapa and from other points within the Territory; and

WHEREAS, the establishment of the said hospital at Pearl City, Oahu, was unwise, detrimental to persons residing at Pearl City, and undesirable from the standpoint of persons suffering from the said disease; and

176

WHEREAS, there are many sites for such a hospital on the island of Oahu which, due to sparse populations and larger areas of rural land, are more desirable locations for the said hospital than the site selected by the said board at Pearl City, Oahu; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session assembled, the House of Representatives, in such session assembled, concurring, that the board of health for the Territory of Hawaii be, and it is hereby requested to select a more suitable site, in a sparsely populated area, for the hospital, called the "Hale Mohalu", for persons suffering from Hansen's disease, recently established at Pearl City, Oahu, and to forthwith remove the said hospital from Pearl City to said site; and

BE IT FURTHER RESOLVED that the governor of the Territory of Hawaii be and he hereby is respectfully requested to exercise his good offices in advising and assisting the board of health to comply with the intent and purpose of this resolution; and

BE IT FURTHER RESOLVED that a certified copy of this Concurrent Resolution be transmitted to the governor of the Territory of Hawaii, to the board of health of the Territory and to each member thereof.

OFFERED BY

Senator District.

October 13, 1949.

# 1949

# SPECIAL SESSION

# SENATE

# RESOLUTIONS

SENATE

Senate Resolution No. 1

THE SENATE

# Resolution

## The Legislature of the Territory of Hawaii

SPECIAL SESSION 1949

Presented July 26, 1949, by

Senator CHARLES H. SILVA

SPECIAL SESSION 1949

Relating to

QUALIFICATION OF MEMBERS OF THE SENATE TO TAKE THEIR SEATS AS SUCH DURING THE SPECIAL SESSION OF 1949.

MEMO:

Adopted - July 26, 1949

ELLEN D. SMYTHE

*Clerk of the Senate*

Silva

S.Res. No. 1

RESOLUTION

WHEREAS, the Senate of the Legislature of the Territory of Hawaii, sitting in Regular Session on February 16, 1949, duly found that the following were legally qualified to take their seats as Members of the Senate, to-wit:

FIRST SENATORIAL DISTRICT:

Hon. Eugene S. Capellas
Hon. William H. Hill
Hon. William J. Nobriga
Hon. Charles H. Silva;

SECOND SENATORIAL DISTRICT:

Hon. Toshio Ansai
Hon. John Gomes Duarte
Hon. Reuben Goodness;

THIRD SENATORIAL DISTRICT:

Hon. Thelma M. Akana
Hon. Neal S. Blaisdell
Hon. Benjamin F. Dillingham
Hon. Herbert K. H. Lee
Hon. William H. Heen
Hon. Wilfred C. Tsukiyama;

FOURTH SENATORIAL DISTRICT:

Hon. Manuel R. Aguiar, Jr.
Hon. John B. Fernandes;

and

WHEREAS, it was found that all of said Senators had duly taken the oath of office required by Section 19 of the Organic Act of the Territory of Hawaii; and

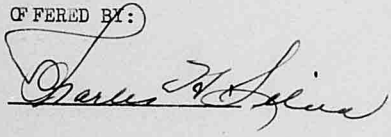
WHEREAS, there has been no change by election or otherwise

Adopted

in the membership of the Senate as above set forth; now, therefore, be it

RESOLVED that all of the Senators above named be declared the duly elected and legally qualified Senators to take their seats as Members of the Senate for the Special Session called by the Governor of the Territory of Hawaii by proclamation issued July 20, 1949, and legally entitled to act as such Members by virtue of having taken their oath of office.

OFFERED BY:



SENATE

Senate Resolution No. 2

THE SENATE

# Resolution

## The Legislature of the Territory of Hawaii

SPECIAL SESSION 1949

Presented July 26, 1949, by

Senator CHARLES H. SILVA

Relating to

ELECTION OF OFFICERS OF THE SENATE OF THE TERRITORY OF HAWAII, SPECIAL SESSION OF 1949.

MEMO:

Adopted - July 26, 1949

ELLEN D. SMYTHE

*Clerk of the Senate*

S. Res. No. 2

RESOLUTION

RESOLVED by the Senate of the Territory of Hawaii, Special Session of 1949, that the following persons are hereby declared elected officers of the Senate of the Territory of Hawaii, Special Session of 1949:

| | |
|---|---|
| President ..... | Hon. Wilfred C. Tsukiyama |
| Vice-President ..... | Hon. Thelma M. Akana |
| Clerk ..... | Mrs.Ellen D. Smythe |
| Assistant-Clerk ..... | Mrs. Ethel C. Chillingworth |
| Sergeant-at-Arms ..... | Charles J. Brenham |
| Chaplain ..... | Rev. Henry P. Judd. |

OFFERED BY:

Senator 18th District

Hill - 6 +
adopted

SENATE

Senate Resolution No. 3

THE SENATE

# Resolution

## The Legislature of the Territory of Hawaii

SPECIAL SESSION 1949

Presented July 26, 1949, by

Senator E. S. CAPELLAS

Relating to

ELECTION OF EMPLOYEES OF THE SENATE OF THE SPECIAL SESSION of 1949.

MEMO:

Adopted - July 26, 1949

ELLEN D. SMYTHE

*Clerk of the Senate*

S. Res. No. 3

RESOLUTION

BE IT RESOLVED by the Senate of the Territory of Hawaii, Special Session of 1949, that the following persons are hereby declared elected employees of the Senate of said Special Session:

| | |
|---|---|
| Engrossing Clerk ..... | Eva R. Hart |
| Asst. Engrossing Clerk ..... | Hannah B. Harris |
| Asst. Engrossing Clerk ..... | Beatrice N. Gomes |
| Typist ..... | Billie Heen |
| Record Clerk ..... | Rosalie H. Dwight |
| Proof Reader ..... | Olive H. Dwight |
| Proof Reader ..... | Annie Clark |
| Chief Messenger ..... | Joseph Shikata |
| Clerk Messenger ..... | Guy Goodness |
| Clerk, Accounts Committee ..... | Manuel Correa |
| Clerk, Printing Committee ..... | Frank T. Ishii |
| Machine Operator, Printing Committee ..... | Martha Cathcart |
| Filing Clerk ..... | R. C. Bayless |
| Filing Clerk ..... | Ida Acidillo |
| Filing Clerk ..... | Alice Hakikawa |
| Filing Clerk ..... | Beatrice Hanna |
| Filing Clerk ..... | Carrie Combs |
| Secretary to President ..... | Peggy West |
| Janitor ..... | Akowai Aki |
| Janitor ..... | Solomon Pule |
| Janitor ..... | John Anderson. |

OFFERED BY:

_____

Senator, 1st District

July 26, 1949.

SENATE

Senate Resolution No. 4

THE SENATE

# Resolution

## The Legislature of the Territory of Hawaii

SPECIAL SESSION 1949

Presented July 26, 19 49, by

Senator W. H. HILL

Relating to

APPOINTMENT OF THREE MEMBERS OF THE SENATE TO NOTIFY THE HOUSE THAT THE SENATE IS ORGANIZED AND READY FOR THE TRANSACTION OF BUSINESS AND TO JOIN WITH SUCH COMMITTEE OF THE HOUSE TO WAIT UPON THE GOVERNOR OF HAWAII AND NOTIFY HIM THAT A QUORUM OF THE TWO HOUSES HAS ASSEMBLED AND THAT THE LEGISLATURE IS READY TO RECEIVE HIS MESSAGE.

MEMO:

Adopted - July 26, 1949

ELLEN D. SMYTHE

*Clerk of the Senate*

S. Res. No. 4

RESOLUTION

RESOLVED by the Senate of the Territory of Hawaii, Special Session of 1949, that a committee of three Senators be appointed by the President, to notify the House that the Senate is organized and ready for the transaction of business and to join with such a committee as the House of Representatives might appoint, to wait upon the Governor of Hawaii and notify him that a quorum of the two Houses has assembled, and that the Legislature is ready to receive any communication he may be pleased to make.

OFFERED BY:

Senator 1st District.

Capellas
Dwt
Lee

adopted

SENATE

**Senate Resolution No.** 5

**THE SENATE**

# Resolution

## The Legislature of the Territory of Hawaii

**SPECIAL SESSION 1949**

**Presented** July 26 , 1949 , by

**Senator** W. H. Heen

**Relating to**

RULES OF PROCEDURE OF THE SENATE, REGULAR SESSION OF 1949, ADOPTED AS THE RULES OF PROCEDURE OF THE SENATE, SPECIAL SESSION OF 1949.

**MEMO:**

Adopted - July 26, 1949

ELLEN D. SMYTHE

*Clerk of the Senate*

14 cew

S.Res. No. 5

RESOLUTION

RESOLVED, by the Senate of the Territory of Hawaii, Special Session of 1949, that the Rules of Procedure of the Senate, Regular Session of 1949, be and the same are hereby adopted as the Rules of Procedure of the Senate, Special Session of 1949.

OFFERED BY

Senator, Third District.

Adopted

Senate Resolution No. 6

SENATE
SPEC SESSION
1949

THE SENATE

# Resolution

## The Legislature of the Territory of Hawaii

Presented July 29, 1949, by

Senator E. S. CAPELLAS

Relating to

APPOINTING JOSEPH V. HODGSON, LEGAL ADVISOR OF THE SENATE, SPECIAL SESSION OF 1949, TO SERVE AS SUCH DURING SAID SESSION .

MEMO:

Adopted - July 29, 1949.

ELLEN D. SMYTHE
*Clerk of the Senate*

S.Res. No. 6

RESOLUTION

BE IT RESOLVED by the Senate of the Territory of Hawaii, Special Session of 1949, that JOSEPH V. HODGSON, ESQ., be and he is hereby appointed Legal Advisor of said Senate at said Special Session, and that his compensation therefor be fixed at the rate of FIFTY DOLLARS ($50.00) per diem, effective ~~forthwith~~.

July 30th, 1949.

OFFERED BY:

E S Capellas

Senator 1st District.

Capellas — Silva

Adopted

Senate Resolution No. 7

SENATE
SPEC SESSION
1949

THE SENATE

# Resolution

## The Legislature of the Territory of Hawaii

Presented JULY 30, 19 49, by

Senator E. S. CAPELLAS

Relating to

SALARIES OF THE OFFICERS, EMPLOYEES AND CLERKS OF THE COMMITTEE OF THE SENATE OF THE TERRITORY OF HAWAII, SPECIAL SESSION OF 1949.

MEMO:

Adopted - July 30, 1949.

ELLEN D. SMYTHE
*Clerk of the Senate*

S.Res. No. 7

RESOLUTION

BE IT RESOLVED, that the salaries of the officers, employees and clerks of the committees of the Senate of the Territory of Hawaii, Special Session of 1949, shall be as follows:

OFFICERS

| | | Rate per diem |
|---|---|---|
| Ellen D. Smythe | Clerk ..... | $ 40.00 |
| Ethel C. Chillingworth | Assistant Clerk.... | 32.50 |
| Charles J. Brenham | Sergeant-at-Arms... | 22.50 |
| Henry P. Judd | Chaplain (For the Session) | 250.00 |

EMPLOYEES

| | | |
|---|---|---|
| Eva R. Hart | Engrossing Clerk ... | 25.00 |
| Hannah B. Harris | Assistant Engrossing Clerk | 17.50 |
| Beatrice N. Gomes | Assistant Engrossing Clerk | 17.50 |
| Billie Heen | Typist ..... | 15.00 |
| Rosalie H. Dwight | Record Clerk ..... | 17.50 |
| Olive H. Dwight | Proof Reader ..... | 15.00 |
| Annie Clark | Proof Reader ..... | 15.00 |
| Joseph Shikata | Chief Messenger ..... | 15.00 |
| Guy Goodness | Clerk Messenger ..... | 15.00 |
| Akowai Aki | Janitor ..... | 15.00 |
| Solomon Pule | Janitor ..... | 12.50 |
| John Anderson | Janitor ..... | 12.50 |

Hand applause
Adopted

COMMITTEE CLERKS, ETC

| | | |
|---|---|---|
| Peggy West | Secretary to the President | 17.50 |
| Manuel Correa | Clerk, Accounts ..... | 25.00 |
| Frank T. Ishii | Clerk, Printing ..... | 17.50 |
| Martha Cathcart | Machine Operator, Printing | 14.00 |
| R. C. Bayless | Filing Clerk, Printing .. | 12.50 |
| Ida Acedillo | Filing Clerk, Printing .. | 12.50 |
| Alice Hakikawa | Filing Clerk, Printing .. | 12.50 |
| Beatrice Hanna | Filing Clerk, Printing .. | 12.50 |
| Carrie C. Combs | Filing Clerk, Printing .. | 12.50 |

OFFERED BY

E. B. Capellas

Senator, 1st District.

Senate Resolution No. 8

SENATE
SPEC SESSION
1949

THE SENATE

# Resolution

## The Legislature of the Territory of Hawaii

Presented August 11, 1949, by

Senator s: CHARLES H. SILVA - et al

Relating to

CONGRATULATING HARRY STROUP ON HIS APPOINTMENT AS SECRETARY TO THE GOVERNOR OF HAWAII.

MEMO:

Adopted - August 11, 1949.

ELLEN D. SMYTHE
*Clerk of the Senate*

S. Res. No. 8

RESOLUTION

WHEREAS, announcement has recently been made by Governor Stainback of the appointment of Harry Stroup, of the reportorial staff of The Honolulu Advertiser, as his Secretary; and

WHEREAS, Mr. Stroup has for many sessions reported the proceedings of the Senate for his newspaper; and

WHEREAS, during all of this period he has covered the sessions of the Senate, he has been most fair and unbiased in his reporting, even though there have been occasions when his newspaper has not agreed with him and has edited his articles; and

WHEREAS, while his congenial presence will be greatly missed at the Senate Press table, the members of the Senate are certain that they will have every courtesy extended to them in the office of the Governor; and if there be occasion for an executive session with the Governor, there will be no "leaks" of what transpires, now, therefore,

BE IT RESOLVED, by the Senate of the Territory of Hawaii, Special Session of 1949, that we do extend to Harry Stroup our congratulations on his appointment, which we feel is a deserved tribute to the ability of a keiki o ka aina, who is familiar with the traditions of Hawaii, and who is eminently qualified in every respect to occupy this position of trust in the office of the Chief Executive of the Territory of Hawaii; and be it further

RESOLVED, that a certified copy of this Resolution be transmitted to Mr. Stroup, with the aloha and good wishes of the members of this Senate.

Offered by:

Senator, First Senatorial District.

Adopted

Senate Resolution No. 9

SENATE

SPEC SESSION

1949

THE SENATE

# Resolution

## The Legislature of the Territory of Hawaii

Presented AUGUST 12 , 19 49 , by

Senator M. R. AGUIAR, JR., et al

Relating to

BIDDING THE HONORABLE J. B. FERNANDES AND MRS. FERNANDES GODSPEED AND EXPRESSING SINCERE HOPES FOR THEIR EARLY AND SAFE RETURN.

MEMO:

Adopted - August 12, 1949.

ELLEN D. SMYTHE

*Clerk of the Senate*

S.Res. No. 9

RESOLUTION

WHEREAS, the Honorable J. B. Fernandes and Mrs. Fernandes are shortly departing from the Territory on their long-planned trip to the great South American Republic, the United States of Brazil; and

WHEREAS, the Honorable J. B. Fernandes has given many years of faithful public service as a member of this Body and of the House of Representatives and the Board of Supervisors of the County of Kauai; and

WHEREAS, the members of the Senate have greatly appreciated and profited from his wise and patient counsel; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session, that we bid the Honorable J. B. Fernandes and Mrs. Fernandes godspeed and express our sincere hopes for their early and safe return; and

BE IT FURTHER RESOLVED that this Resolution be spread upon the minutes of this meeting and a duly certified copy thereof be delivered to the Honorable J. B. Fernandes and Mrs. Fernandes.

adopted

OFFERED BY:

M. R. Aguiar
Richard Goodness
John L. Duarte
William J. Rodrigo
Charles H. Silva
Helena Ale Okeanu
E. S. Castellas
Ben Williams
Neal S. Blaisdell
W. H. Hill
Toshio Ansai
Wilfred Tsukiyama

Senate Resolution No. 10

SENATE
SPEC SESSION
1949

THE SENATE

# Resolution

## The Legislature
of the
## Territory of Hawaii

Presented AUGUST 16 , 19 49 , by

Senator JOHN G. DUARTE

Relating to

DISSOLVING THE STEERING COMMITTEE OF THE SENATE APPOINTED ON THE 12TH DAY OF AUGUST 1949.

MEMO:

Referred to Steering Committee
August 16, 1949.

ELLEN D. SMYTHE
*Clerk of the Senate*

S. R. NO. 19

# R E S O L U T I O N

WHEREAS, a Steering Committee of the Senate, consisting of seven members, has been created and appointed for the purpose of determining, in conjunction with a similar committee of fifteen members of the House of Representatives, what measures may be introduced in this Special Session; and

WHEREAS, the authority vested in the Steering Committee of the Senate might be exercised in a manner contrary to the will of the majority of this Body; and

WHEREAS, such minority control of legislation is contrary to the basic principles of democratic government; and

WHEREAS, the Rules of Procedure of the Senate provide that any bill may be introduced by any member after giving notice of intention to introduce a bill; and

WHEREAS, such authority of the Steering Committee of the Senate is inconsistent with the privilege of each member to introduce bills; now, therefore,

BE IT RESOLVED By the Senate of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session, that the Steering Committee of the Senate appointed on the 12th day of August 1949 be and it is hereby dissolved.

OFFERED BY:

John G. Duarte

JOHN GOMES DUARTE
Senator, Second District

S. Steering Com.

SENATE Senate Resolution No. 11

SPEC SESSION

1949

THE SENATE

# Resolution

## The Legislature of the Territory of Hawaii

Presented AUGUST 17, 19 49, by

Senator CHARLES H. SILVA

Relating to

REQUESTING THE SECRETARY OF HAWAII TO FURNISH THE SENATE WITH EIGHTEEN COPIES OF THE REVISED LAWS OF HAWAII 1945, FOR THE USE OF THE MEMBERS OF THE SENATE.

MEMO:

Adopted - August 17, 1949.

ELLEN D. SMYTHE

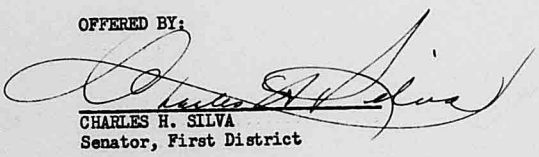
*Clerk of the Senate*

S. Res. No. 11

RESOLUTION

BE IT RESOLVED, by the Senate of the Territory of Hawaii, Special Session of 1949, that the Clerk of the Senate be instructed to request the Secretary of the Territory to furnish the Senate with eighteen copies of the Revised Laws of Hawaii 1945, for the use of the members of the Senate.

OFFERED BY:



CHARLES H. SILVA
Senator, First District

August 17, 1949

Hill - Pal
adopted

SENATE
SPEC SESSION
1949

Senate Resolution No. 12

THE SENATE

# Resolution

## The Legislature of the Territory of Hawaii

Presented August 18, 1949, by

Senator CHARLES H. SILVA

Relating to

AUTHORIZING AND DIRECTING THE CLERK OF THE SENATE TO CALL FOR SEALED TENDERS FOR THE PRINTING, ETC., OF THE JOURNAL OF THE SENATE, SPECIAL SESSION OF 1949.

MEMO:

Adopted - August 18, 1949.

ELLEN D. SMYTHE

*Clerk of the Senate*

S.R. NO. 12

RESOLUTION

BE IT RESOLVED, by the Senate of the Legislature of the Territory of Hawaii, Special Session of 1949, that the Clerk be and she is hereby authorized and directed to call for sealed tenders for the printing, binding and sewing of the Journal of the Senate, Special Session of 1949, and to proceed to compile the same; and in that respect is further authorized to correct grammatical and orthographical errors. Said Journal to be in the same general form as the Senate Journal of the Regular Session of 1949, and to contain, in addition, such other matters as the President of the Senate, with the approval of the Senate, may from time to time direct.

The Clerk shall prepare one original copy thereof, to be filed with the Archives of the Territory, and one carbon copy for the printer, on paper eight by one-half inches in width by thirteen inches in length with a top margin of two and one-half inches, a bottom margin of two inches and side margins of one and one-half inches each, using double spacing throughout, except quotations, for which single spacing shall be used.

In full compensation for compiling, typewriting and indexing the Journal as aforesaid, the Clerk shall receive at the rate of seventy-five cents per page of original copy, a page being twenty-six lines on paper with margins as indicated above; provided, however, that quoted matter in single space shall be double spaced between paragraphs and where such quoted matter covers an entire sheet such sheet shall count as two

pages; and provided that tabulated matter shall be compensated for at double the rate for straight matter; and be it further

RESOLVED, that in addition to the amount specified above, the Clerk be allowed the sum of twenty-five cents per page as defined above, for proof-reading, indexing and supervision of the printing of the Journal.

Offered by:

Charles H. Lelan

Senator District

August 18, 1949.

SENATE Senate Resolution No. 13

SPEC SESSION

1949

THE SENATE

# Resolution

## The Legislature of the Territory of Hawaii

Presented AUGUST 19 , 1949 , by

Senator WM. H. HEEN

Relating to

ADJOURNMENT OF THE SENATE AT THE CONCLUSION OF THE LEGISLATIVE DAY UPON WHICH THIS RESOLUTION IS ADOPTED AND UNTIL 10:00 O'CLOCK ANTE MERIDIAN ON MONDAY, THE 12TH DAY OF SEPTEMBER, A. D. 1949.

MEMO:

Adopted - August 19, 1949.

ELLEN D. SMYTHE
*Clerk of the Senate*

S. Res. No. 13

RESOLUTION

BE IT RESOLVED by the Senate of the Twenty-fifth Legislature of the Territory of Hawaii in Special Session assembled, that the Senate, with the consent of the House of Representatives, do adjourn at the conclusion of the legislative day upon which this Resolution is adopted and until 10:00 o'clock ante meridian on Monday, the 12th day of September, A. D. 1949, subject, however, to a call to reconvene the Senate prior to said date by the President or, in his absence or inability to serve, the Vice-President, who is hereby authorized to issue such call when in his judgment the public interest so requires.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be transmitted forthwith to the House of Representatives for its consideration and consent.

OFFERED BY:

SENATOR, [illegible] DISTRICT

August 19, 1949.

Adopted

SENATE
SPEC SESSION
1949

**Senate Resolution No. 14**

**THE SENATE**

# Resolution

## The Legislature of the Territory of Hawaii

Presented SEPTEMBER 13, 1949, by

Senators: WILFRED C. TSUKIYAMA, NEAL S. BLAISDELL, M.R. AGUIAR, JR., TOSHIO ANSAI, JOHN G. DUARTE, REUBEN GOODNESS, CHARLES H. SILVA, E.S. CAPELLAS,

Relating to WM.H. HEEN, W.H. HILL, H. K.H. LEE, THELMA M. AKANA, BEN DILLINGHAM & WM. J. NOBRIGA

EXTENDING SYMPATHY TO THE HONORABLE JOSEPH ITAGAKI AND MEMBERS OF THE FAMILY UPON THE DEATH OF HIS MOTHER, SODE ITAGAKI.

MEMO:

Adopted - September 13, 1949.

ELLEN D. SMYTHE
*Clerk of the Senate*

S.Res. No. 14

RESOLUTION

WHEREAS, on September 12, 1949, Sode Itagaki, the mother of Representative Joseph Itagaki, passed away; and

WHEREAS, the parting with this loved one is a source of deep grief and sorrow to her family whom she nurtured with tender and loving care; and

WHEREAS, the members of the Senate of the Twenty-fifth Legislature, in Special Session assembled, wish to express their sympathy to Representative Joseph Itagaki and to other members of the family of Sode Itagaki who are left to mourn her loss; now, therefore,

BE IT RESOLVED, by the Senate of the Territory of Hawaii, here in Special Session assembled this 13th day of September, 1949, that we do by this means express our deepest sympathy to Representative Joseph Itagaki and to the other members of the family of Sode Itagaki, who mourn her loss, and do also record our respect for the memory of Sode Itagaki; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be transmitted to the family of the late Sode Itagaki.

OFFERED BY:

Senate Resolution No. 15

SENATE
SPEC SESSION
1949

THE SENATE

# Resolution

## The Legislature of the Territory of Hawaii

Presented SEPTEMBER 14, 1949, by

Senator M. R. AGUIAR, JR.

Relating to

THE APPOINTMENT FORTHWITH OF A COMMITTEE OF FIVE MEMBERS OF THE SENATE TO INQUIRE INTO AND INVESTIGATE THE GENERAL ECONOMY OF THE TERRITORY AND TO RECOMMEND TO THE SENATE SUCH MEASURES AS MAY BE MEET IN THE PREMISES.

MEMO:

Deferred to September 15, 1949.

ELLEN D. SMYTHE
*Clerk of the Senate*

Hem - Aguiar
→ H [ M 19th

Adopted 0?

S. Res No 15

RESOLUTION

WHEREAS, there has recently been a rapid deterioration in the general economy of the Territory; and

WHEREAS, such decline has given rise to serious problems of unemployment, public welfare, public finance, and other matters; and

WHEREAS, in the interest of the people of the Territory, it is imperative that the decline be halted, that such problems be relieved and that the economy of the Territory be restored to a sound level of prosperity; now therefore,

BE IT RESOLVED BY THE SENATE OF THE TWENTY-FIFTH LEGISLATURE OF THE TERRITORY OF HAWAII, in Special Session, that a committee of five members of the Senate be appointed by the President of the Senate forthwith to inquire into and investigate the general economy of the Territory and to recommend to the Senate such measures as may be meet in the premises.

OFFERED BY:

M. R. Aguiar Jr.
Senator 4th Dist.

September 14, 1949.

Duarte - Ag -

[illegible] Silva
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SENATE

SPEC SESSION

1949

Senate Resolution No. 16

THE SENATE

# Resolution

## The Legislature of the Territory of Hawaii

Presented SEPTEMBER 15 , 1949 , by

Senator JOHN G. DUARTE

Relating to

REQUESTING THE DIRECTOR OF PUBLIC WELFARE OF THE TERRITORY OF HAWAII, TO REPORT TO THE SENATE IN WRITING, WITHIN FIVE DAYS FROM THE ADOPTION OF SAID RESOLUTION, THE TOTAL NUMBER OF RECIPIENTS WHO ARE NOW RECEIVING FROM THE TERRITORY, AS GENERAL ASSISTANCE, MORE THAN THE SUM OF ONE HUNDRED DOLLARS PER MONTH.

MEMO:

Adopted - September 15, 1949.

ELLEN D. SMYTHE

*Clerk of the Senate*

S.Res. No. 16

RESOLUTION

BE IT RESOLVED, by the Senate of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session assembled, that the Director of Public Welfare of the Territory of Hawaii be and he is hereby requested to report to the Senate in writing, within five days from the adoption hereof, the total number of recipients who are now receiving from the Territory, as general assistance, more than the sum of ONE HUNDRED DOLLARS ($100.00) per month; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be immediately transmitted to the said Director of Public Welfare.

OFFERED BY

John G. Duarte

John G. Duarte
Senator, 2d District.

SENATE Senate Resolution No. 17

SPEC SESSION

1949

THE SENATE

# Resolution

## The Legislature of the Territory of Hawaii

Presented September 19, 1949, by

Senators: CHARLES H. SILVA and E. S. CAPELLAS

Relating to

APPOINTING LOUIS A. SILVA STATISTICIAN OF THE SENATE OF THE TERRITORY OF HAWAII, SPECIAL SESSION OF 1949.

MEMO:

Deferred to September 20, 1949.

ELLEN D. SMYTHE

*Clerk of the Senate*

S. Res. No. 17

RESOLUTION

BE IT RESOLVED by the Senate of the Territory of Hawaii, Special Session of 1949, that Mr. Louis A. Silva be and he is hereby appointed Statistician of said Senate at said Special Session, and that his compensation therefor be fixed at the rate of Twenty-five Dollars per diem, effective forthwith.

OFFERED BY:

Senator, First District.

Senate Resolution No. 18

SENATE
SPEC SESSION
1949

THE SENATE

# Resolution

## The Legislature
of the
## Territory of Hawaii

Presented September 21, 1949, by Senators: WILFRED C. TSUKIYAMA, M.R. AGUIAR, JR., THELMA M. AKANA, TOSHIO ANSAI, NEAL S. BLAISDELL, E.S. CAPELLAS, ~~BEN DILLINGHAM, JOHN G. DUARTE,~~ ~~Relating to~~ REUBEN GOODNESS, WM.H. HEEN, W.H. HILL, HERBERT K.H. LEE, WM. J. NOBRIGA.

CONGRATULATING THE HONORABLE CHARLES H. SILVA, SENATOR FROM THE FIRST SENATORIAL DISTRICT, ON THE OCCASION OF HIS BIRTHDAY.

MEMO:

Adopted - September 21, 1949

ELLEN D. SMYTHE
*Clerk of the Senate*

S. RES. NO. 18

# R E S O L U T I O N

WHEREAS, the Honorable Charles Harold Silva, Senator, First Senatorial District, was born at Honokaa, Island of Hawaii, on September 21, 1903; and

WHEREAS, Senator Charles Harold Silva has served his District and Territory as a member of the Senate of the Territory of Hawaii with honor and distinction since 1935, having during the mentioned time acted as chairman of many committees of this Senate, including the Committee on Ways and Means; and

WHEREAS, the high abilities, courage, tireless energies and genial nature of Senator Charles Harold Silva, sometimes known to his colleages as "Little Caesar", have commanded the respect and admiration of the members of this Senate; and

WHEREAS, it is our privilege to celebrate today the anniversary of Senator Charles Harold Silva's birth; now therefore

BE IT RESOLVED, by the Senate of the Twenty-Fifth Legislature of the Territory of Hawaii, in Special Session assembled this 21st day of September, 1949, that we do by this means extend to Senator Charles Harold Silva, our very best wishes, not only for today, but for the many years that lie ahead, which we trust will be filled with an abundance of good health, happiness and prosperity.

Amen!!

OFFERED BY:

SENATE Senate Resolution No. 19

SPEC SESSION

1949

THE SENATE

# Resolution

## The Legislature of the Territory of Hawaii

Presented September 28, 19 49, by

Senator M. R. AGUIAR, Jr

Relating to

EXTENDING SYMPATHY AND ALOHA
TO THE MEMBERS OF THE FAMILY OF
THE LATE WILLIAM A. FERNANDEZ.

MEMO:

Adopted - September 28, 1949

ELLEN D. SMYTHE

*Clerk of the Senate*

S. Res. No. 19

RESOLUTION

WHEREAS, WILLIAM A. FERNANDEZ, who passed away in San Francisco, California, on September 21st, and who has been laid to rest in Kealia, Kauai, was a member of the House of Representatives of the Territory of Hawaii during the Regular Sessions of 1921 and 1931 and during the Special Sessions of 1920 and 1932; and

WHEREAS, Mr. Fernandez was a keiki o ka aina, having been born in Makawao, Maui, on June 22, 1880, and had spent practically all of the sixty-nine years of his life in his native land; and

WHEREAS, he had resided on Kauai since 1916, where he had built for himself an enviable record of success as a theatre operator, in which business he became first engaged in 1910, which, coupled with his integrity, his kindly heart and his public spirit, had made him one of Kauai's most valued and beloved citizens,

NOW, THEREFORE, BE IT RESOLVED, by the members of the Senate of the Twenty-Fifth Legislature of the Territory of Hawaii, in special session assembled, that they do by this means express their deep regret at the untimely passing of this loyal citizen of the Territory of Hawaii; and be it further

RESOLVED, that the sympathy and aloha of the members of this Senate be extended to the widow of Mr. Fernandez and his daughter and son, who are left to mourn his loss; and be it further

RESOLVED, that a certified copy of this Resolution be transmitted to the widow and family of Mr. William A. Fernandez.

Offered by:

M. R. Aguiar

Senator, 4th District.

Honolulu, T.H., September 28, 1949.

Senate Resolution No. 20

SENATE
SPEC SESSION
1949

THE SENATE

# Resolution

## The Legislature of the Territory of Hawaii

Presented September 28, 1949, by

Senator JOHN G. DUARTE

Relating to

REQUESTING THE MEMBERS OF THE TERRITORIAL BOXING COMMISSION OF HAWAII TO APPEAR BEFORE THE SENATE SITTING AS A COMMITTEE OF THE WHOLE ON FRIDAY, SEPTEMBER 30, 1949, AND EXPLAIN the CRITICISMS OF AND CHARGES AGAINST AND THE GROUNDS, IF ANY, FOR SUCH CRITICISMS OR CHARGES AGAINST SAID COMMISSION.

MEMO:

Deferred to September 29, 1949

ELLEN D. SMYTHE
*Clerk of the Senate*

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S. RES. NO. 20

RESOLUTION

WHEREAS, the public press of the Territory has, from time to time, carried accounts of the actions and proceedings of the territorial boxing commission of Hawaii, which accounts have been critical of the manner in which it has performed its duties and has exercised its powers; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session assembled, that the members of the territorial boxing commission of Hawaii be, and each of them is hereby requested to appear before the said Senate, sitting as a Committee of the Whole Senate, on Friday the 30 day of September, 1949, at the hour of _____ o'clock in the _____ noon, and explain to the said Committee of the Whole Senate: (1) the substance of the criticisms of, and the charges that have been made against, the said commission in the public press of the Territory; (2) the grounds, if any, for such criticisms or charges; and (3) the reasons, if any, for the same; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be forthwith transmitted to each member of the territorial boxing commission of Hawaii.

OFFERED BY: John L. Dwight
SENATOR, DISTRICT

SENATE
SPEC SESSION
1949

Senate Resolution No. 21

THE SENATE

# Resolution

## The Legislature of the Territory of Hawaii

Presented SEPTEMBER 28, 1949, by

Senators REUBEN GOODNESS AND JOHN G. DUARTE

Relating to

DIRECTING THE HOLDOVER COMMITTEE OF 1949 TO STUDY AND INVESTIGATE THE STATUS OF THE RIGHTS OF THE PUBLIC IN AND TO THE WATERS OF IAO STREAM, COUNTY OF MAUI.

MEMO:

Adopted - September 28, 1949.

ELLEN D. SMYTHE
*Clerk of the Senate*

S.Res. No. 21

RESOLUTION

WHEREAS, the people of Wailuku and Kahului, County of Maui, Territory of Hawaii, are dependent for their water supply upon the waters of Iao Stream in Iao Valley in said County; and

WHEREAS, the Territory and the said County have rights in said waters; and

WHEREAS, the water rights in said stream have been the subject of numerous agreements between the Territory, the County, and Wailuku Sugar Company, Limited; and

WHEREAS, it is desirable that an investigation be made to determine whether or not the rights of the public have been properly protected and preserved in such agreements; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session assembled, that the holdover committee of 1949 be, and it is hereby directed to study and investigate the status of the rights of the public in and to the waters of said Iao Stream, including the adequacy of the supply of water from the said stream for domestic water for the people of said Wailuku and Kahului, and to report its conclusions and recommendations to the Twenty-sixth Legislature of said Territory at its regular session; and

BE IT FURTHER RESOLVED that certified copies of this

Duarte - Silva

adopted

Resolution be transmitted to the said holdover committee.

OFFERED BY

Reuben Goodness
Senator, 2d District.

September 1949.

John G Duarte

Senate Resolution No. 22

SENATE
SPEC SESSION
1949

THE SENATE

# Resolution

## The Legislature of the Territory of Hawaii

Presented September 28, 1949, by

Senator JOHN G. DUARTE

Relating to

REQUESTING MR CLAUDE JAGGER, PRESIDENT OF THE HAWAII ECONOMIC FOUNDATION, TO APPEAR BEFORE THE COMMITTEE OF THE WHOLE SENATE, ON FRIDAY, SEPTEMBER 30, 1949, AT 10:00 A.M., TO INFORM SAID COMMITTEE ON THE GENERAL ECONOMIC CONDITIONS OF THE TERRITORY AND TO OFFER SUCH OTHER INFORMATION AS MAY BE PERTINENT THERETO.

MEMO:

Adopted - September 28, 1949.

ELLEN D. SMYTHE
*Clerk of the Senate*

Adopted as amended

S. RES. NO. 22

RESOLUTION

WHEREAS, in order to legislate effectively upon the problems presently facing the Territory, it is essential that the Legislature be fully informed as to the economic conditions of the Territory; and

WHEREAS, the Hawaii Economic Foundation has been conducting a study of the economy of the Territory; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session, that Mr. Claude Jagger, President of the Hawaii Economic Foundation, be requested to appear before the Committee of the Whole Senate, on ~~Friday~~, September 30, 1949, at ~~7:00 o'clock p. m.~~ 10:00 a m, to inform said Committee on the general economic conditions of the Territory and to offer such other information as may be pertinent thereto.

OFFERED BY:

John G Duarte

SENATOR, SECOND DISTRICT

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Adopted

Senate Resolution No. 23

SENATE
SPEC SESSION
1949

THE SENATE

# Resolution

## The Legislature
of the
## Territory of Hawaii

Presented OCTOBER 4 , 1949 , by

Senator JOHN G. DUARTE

Relating to

THAT NO BILLS SHALL BE INTRODUCED AFTER THE SIXTIETH DAY OF THIS SESSION AND THAT THE USUAL HOUR OF MEETING OF THE SENATE SHALL BE 9:00 O'CLOCK IN THE FORENOON.

MEMO:

Deferred - October 4, 1949.

ELLEN D. SMYTHE
*Clerk of the Senate*

S Res 23

RESOLUTION

WHEREAS, the sixty-day period, exclusive of Sundays and holidays, in excess of which the Organic Act declares the session of the Legislature shall not extend, is apparently insufficient for the work of the Twenty-fifth Legislature, in special session assembled; and

WHEREAS, it is in the best interest of the Territory that the extension of the special session be kept at the minimum and that the work of the Legislature be accomplished as soon as possible; and

WHEREAS, measures considered of prime importance to the welfare of the Territory have already been introduced in the Senate and are presently under consideration; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session assembled, that from and after the sixtieth day of this Session, no bills shall be introduced in this Senate, and

BE IT FURTHER RESOLVED that from and after the sixtieth day of this Session, the usual hour of meeting of this Senate shall be 9:00 o'clock in the forenoon.

OFFERED BY:

John G Duarte

OCTOBER 4, 1949.

SENATE
SPEC SESSION
1949

Senate Resolution No. 24

THE SENATE

# Resolution

## The Legislature of the Territory of Hawaii

Presented OCTOBER 4 , 1949 , by

Senator JOHN G. DUARTE

Relating to

THE USUAL HOUR OF THE SENATE SHALL BE TEN O'CLOCK IN THE FORENOON.

MEMO:

Adopted as Amended - October 4, 1949.

ELLEN D. SMYTHE
*Clerk of the Senate*

24

S. Res. No.

RESOLUTION

WHEREAS, the sixty-day period, exclusive of Sundays and holidays, in excess of which the Organic Act declares the session of the Legislature shall not extend, is apparently insufficient for the work of the Twenty-fifth Legislature, in Special Session assembled; and

WHEREAS, it is in the best interest of the Territory that the extension of the special session be kept at the minimum and that the work of the Legislature be accomplished as soon as possible; and

WHEREAS, more time will be available for the consideration of proposed legislation if the Senate meets each day at nine o'clock in the forenoon; now, therefore,

BE IT RESOLVED that from and after the sixtieth day of this Session, the usual hour of meeting of this Senate shall be ~~nine~~ ten o'clock in the forenoon.

OFFERED BY

John G. Duarte

Senator District

October 4, 1949.

409

SENATE Senate Resolution No. 25
SPEC SESSION
1949

THE SENATE

# Resolution

## The Legislature
of the
## Territory of Hawaii

Presented OCTOBER 4, 19 49, by

Senator JOHN G. DUARTE

Relating to

THAT AFTER THE SIXTIETH DAY OF THIS SESSION, NO BILL SHALL BE INTRODUCED IN THIS SENATE.

MEMO:

Adopted as Amended - October 4, 1949.

ELLEN D. SMYTHE
*Clerk of the Senate*

75

S.Res. No.__

RESOLUTION

WHEREAS, the sixty-day period, exclusive of Sundays and holidays, in excess of which the Organic Act declares the session of the Legislature shall not extend, is apparently insufficient for the work of the Twenty-fifth Legislature, in special session assembled; and

WHEREAS, it is in the best interest of the Territory that the extension of the special session be kept at the minimum and that the work of the Legislature be accomplished as soon as possible; and

WHEREAS, measures considered of prime importance to the welfare of the Territory have already been introduced in the Senate and are presently under consideration; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session assembled, that from and after the sixtieth day of this Session, no bills shall be introduced in this Senate, unless concurred in by two-thirds of the Senate.

OFFERED BY

John G. Duarte

Senator District

October 4, 1949

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SENATE Senate Resolution No. 26
SPEC SESSION
1949

THE SENATE

# Resolution

## The Legislature
of the
## Territory of Hawaii

Presented OCTOBER 6, 1949, by

Senators HERBERT K. H. LEE, WM. H. HEEN, REUBEN GOODNESS, JOHN G. DUARTE, M.R. AGUIAR, JR.

Relating to

EXPRESSING THE SYMPATHY OF THE SENATE TO THE FAMILY OF THE LATE ROBERT E. HANNEGAN.

MEMO:

Adopted - October 6, 1949.

ELLEN D. SMYTHE
*Clerk of the Senate*

S. Res. No. 26

RESOLUTION

WHEREAS, the Honorable Robert E. Hannegan, deceased today, October 6, 1949, at the age of forty-six years; and

WHEREAS, the Honorable Robert E. Hannegan was a leader in the National Democratic Party for many years; a close friend of President Franklin D. Roosevelt and President Truman; former Postmaster General of the United States; and, at the time of his death, president and part owner of the St. Louis Cardinals of the National League; and

WHEREAS, the Honorable Robert E. Hannegan visited the Territory of Hawaii and was a fine friend of Hawaii in all of its problems and aspirations; now, therefore, be it

RESOLVED, By the Senate of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session assembled, that this House expresses its sorrow at the death of the Honorable Robert E. Hannegan and its sympathy to his family in their bereavement; and be it further

RESOLVED, that this Resolution be spread upon the minutes of this House and a duly certified copy thereof forwarded to the family of the Honorable Robert E. Hannegan.

OFFERED BY:

SENATOR, 3rd District

Honolulu, T. H.
October 6, 1949.

SENATE Senate Resolution No. 27

SPEC SESSION

1949

THE SENATE

# Resolution

## The Legislature of the Territory of Hawaii

Presented October 6, 19 49, by

Senators: WILLIAM J. NOBRIGA, E.S. CAPELLAS REUBEN GOODNESS, JOHN G. DUARTE, M. R. AGUIAR, JR., and CHARLES H. SILVA.

Relating to

REQUESTING THE GOVERNOR OF HAWAII TO MAKE NO APPOINTMENT TO ANY BOARD OR COMMISSION OF THE TERRITORY OR ANY OF ITS SUBDIVISIONS, IF SUCH APPOINTMENT WOULD CAUSE A VOTING MAJORITY OF SUCH BOARD OR COMMISSION TO BE COMPOSED OF EMPLOYEES, EITHER PART OR FULL TIME, OF THE TERRITORY OF HAWAII OR ANY SUBDIVISION THEREOF.

MEMO:

Deferred to October 7, 1949

ELLEN D. SMYTHE

*Clerk of the Senate*

S. Res. No. 27

RESOLUTION

BE IT RESOLVED by the Senate of the Legislature of the Territory of Hawaii, in Special Session assembled, that the governor of Hawaii be, and he is hereby requested to make no appointment to any board or commission of the Territory or any of its subdivisions, if such appointment would cause a voting majority of such board or commission to be composed of employees, either part or full time, of the Territory of Hawaii or any subdivision thereof; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be transmitted to the governor of Hawaii.

OFFERED BY:

William J. Nobriga

E. S. Capellas

Reuben Goodness

John G. Duarte

M. R. Aguiar Jr.

Charles S. Silva

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SENATE
SPEC SESSION
1949

Senate Resolution No. 28

THE SENATE

# Resolution

## The Legislature of the Territory of Hawaii

Presented OCTOBER 7 , 1949 , by

Senators WILLIAM J. NOBRIGA, CHARLES H. SILVA, JOHN G. DUARTE, REUBEN GOODNESS,

E. S. CAPELLAS
W. H. HILL
TOSHIO ANSAI
HERBERT K.H. LEE
WM. H. HEEN
NEAL S. BLAISDELL
BEN DILLINGHAM

Relating to

RESPECTFULLY
REQUESTING THE GOVERNOR OF THE TERRITORY OF HAWAII TO SUBMIT FOR THE CONSIDERATION OF THE SENATE A LIST OF ALL VACANCIES NOW EXISTING IN SUCH POSITIONS AS MUST BE FILLED UNDER THE TERMS OF SECTION 80 OF THE HAWAIIAN ORGANIC ACT TOGETHER WITH HIS NOMINATIONS TO FILL SUCH VACANCIES.

MEMO:

Adopted - October 7, 1949.

ELLEN D. SMYTHE
*Clerk of the Senate*

S Res 28

SENATE RESOLUTION

WHEREAS, Section 80 of the Hawaiian Organic Act provides for the appointment of certain officers, boards and commissions by the governor with the advice and consent of the Senate of the Territory of Hawaii; and

WHEREAS, the Senate of the twenty-fifth Legislature of the Territory of Hawaii, convened in Special Session, will be in session only through October 15, 1949, unless such special session be further extended by the governor, after which time the Legislature will not be convened again until ~~January~~ in regular session, 1951, now, therefore,

BE IT RESOLVED, by the Senate of the twenty-fifth Legislature of the Territory of Hawaii, convened in special session, that the governor of the Territory of Hawaii be, and he is hereby respectfully requested to submit for the consideration of the Senate now convened in Special Session a list of all vacancies now existing in such positions as must be filled under the terms of Section 80 of the Hawaiian Organic Act together with his nominations to fill such vacancies.

S 4
Adopted

Honolulu, T. H.

OFFERED BY:

SENATE
SPEC SESSION
1949

**Senate Resolution No. 29**

THE SENATE

# Resolution

## The Legislature of the Territory of Hawaii

Presented October 12, 1949, by Senators REUBEN GOODNESS, WILFRED C. TSUKIYAMA, THELMA M. AKANA, WM. H. HEEN, W. H. HILL, WILLIAM J. NOBRIGA, E. S. CAPELLAS, HERBERT K. H. LEE, M. R. AGUIAR, JR., TOSHIO ANSAI, CHARLES H. SILVA, JOHN G. DUARTE NEAL S. BLAISDELL and BEN DILLINGHAM

Relating to

EXPRESSING SYMPATHY TO THE HONORABLE INGRAM M. STAINBACK ON THE DEATH OF HIS WIFE.

MEMO:

Adopted - October 12, 1949

ELLEN D. SMYTHE
*Clerk of the Senate*

RESOLUTION

WHEREAS, the members of the Territorial Senate are grieved to learn of the untimely passing of Mrs. Ingram M. Stainback; and

WHEREAS, Mrs. Stainback has always been a kind and gracious person and a shining example of Hawaii's Womanhood; and

WHEREAS, as the First Lady of Hawaii, she has demonstrated her profound interest in the general welfare of the Territory and commanded the respect of its people, now, therefore,

BE IT RESOLVED by the Senate of the Twenty-Fifth Legislature of the Territory of Hawaii, in special session assembled, this 12th day of October, 1949, that it does by this means record and express its deep sympathy to Governor Stainback in his bereavement; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be transmitted to Governor Ingram M. Stainback; and

BE IT FURTHER RESOLVED, that when the Senate adjourns today it does so out of respect to the memory of a gracious and distinguished Lady - Mrs. Ingram M. Stainback.

Offered by:

Senate Resolution No. 30

SENATE
SPEC SESSION
1949

THE SENATE

# Resolution

## The Legislature
of the
## Territory of Hawaii

Presented OCTOBER 12 , 1949 , by

Senator REUBEN GOODNESS

Relating to

DIRECTING THE SUPERINTENDENT OF PUBLIC WORKS AND THE COMMISSIONER OF PUBLIC LANDS TO APPEAR BEFORE THE SENATE ON THURSDAY, THE 13TH DAY OF OCTOBER, 1949, AT TEN O'CLOCK IN THE FORENOON, RE EXCHANGE OF LANDS FROM KUIAHA TO MOKUPAPA, COUNTY OF MAUI.

MEMO:

Adopted - October 12, 1949.

ELLEN D. SMYTHE
*Clerk of the Senate*

S. Res. No. 30

RESOLUTION

WHEREAS, in about the year 1940 the Territory of Hawaii commenced to build a road from Kuiaha to Mokupapa, county of Maui, federal aid project No. F-32(2), and, from time to time, thereafter took from each of the following owners of land pieces or parcels of land for the said project, namely, Koei Tamashiro, George Rosa, Juichi Kohatsu, Stevens F. Dolim, Frances N. Dolim, Hawaiian Commercial & Sugar Co., Ltd., Manuel P. Martines, Joaquin P. Martines, Libby, McNeill & Libby, Richard Lopez, Etta Lin Hoy, Manuel S. Santos, East Maui Irrigation Co., Ltd., Toru Tamamura, Shizuko Tamamura, Antone Neves, Violet Neves, Joe M. Gomes, Roman Catholic Church, Nora Apana, Kealoha Naeole, Manuel R. Souza, Henry Kauihou, Clifford Kahai, Muriel Kahai, Janey Kahai, Walter Kahai, Henry Kauihou, Richard Kauihou, Harry E. Johnson, Julia K. Johnson, Takaichi Miyamoto, Rebecca Rack Soon, Yip Chow, May Mersberg, Lily Makahiki, Lydia Copp Ralston, Helen Pacheco, Joe Rosa, Hattie Range, Rose L. Keola, Kameeliilii Rosa, Antone P. Freitas and Irene K. Lanoza; and

WHEREAS, at or before the respective times that the Territory entered into possession of the mentioned pieces or parcels of land, its officers or agents promised each of the above mentioned owners of the said pieces or parcels of land that the Territory would exchange lands for the pieces or parcels so taken or would pay just compensation therefor; and

Goodness - Duarte
adopted

WHEREAS, although the Territory has been in possession of the said pieces or parcels of land for many years it has failed and neglected to make exchanges of land as aforesaid or to pay just compensation as aforesaid; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session assembled, that the Superintendent of Public Works and the Commissioner of Public Lands be, and each of them is hereby directed to be and appear before the Senate, sitting as a Committee of the Whole Senate, at the Senate Chambers, on Thursday, the 13th day of October, 1949, at ten o'clock in the forenoon and then and there explain the reason, if any, for the failure and neglect of the Territory to make exchanges of land or to pay just compensation for pieces or parcels of land taken from the above mentioned owners for the said road from Kuiaha to Mokupapa, county of Maui, federal aid project No. F-32(2); and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the said Superintendent of Public Works and Commissioner of Public Lands.

OFFERED BY:

SENATOR, SECOND DISTRICT

October 12, 1949.

Senate Resolution No. 31

SENATE
SPEC SESSION
1949

THE SENATE

# Resolution

## The Legislature of the Territory of Hawaii

Presented OCTOBER 14 , 1949 , by

Senators WILFRED C. TSUKIYAMA, CHARLES H. SILVA, WILLIAM J. NOBRIGA, E. S. CAPELLAS, THELMA M. AKANA, JOHN G. DUARTE, HERBERT K. H. LEE, WM. H. HEEN, NEAL S. BLAISDELL, W. H. HILL, M. R. AGUIAR, JR., REUBEN GOODNESS

Relating to

EXTENDING FELICITATIONS AND ALOHA OF THE SENATE TO SENATOR DILLINGHAM.

MEMO:

Adopted - October 14, 1949.

ELLEN D. SMYTHE
*Clerk of the Senate*

S. Res 31

RESOLUTION

WHEREAS, this 14th day of October is the natal day of SENATOR BENJAMIN F. DILLINGHAM, a distinguished member of the Territorial Senate; and

WHEREAS, this day augurs the alpha of a brilliant public career with no omega for many more years to come; and

WHEREAS, he has proved himself a worthy member of the Senate and an able and fearless public servant; and

WHEREAS, he has been admirably energetic as a legislator, diligent in his duties, and exemplary in his prompt attendance at each day's session at the appointed hour; and

WHEREAS, he is held in high esteem by his colleagues in the Senate; and

WHEREAS, it is expected that, not to be outdone by his kind and charming mother, who celebrated his natal day, he, too, will commemorate the day of his birth by an overt act in a fittingly "palatable"manner, now therefore,

BE IT RESOLVED that we, his fellow Senators, by this means, do extend our felicitations and aloha to Senator Dillingham and wish for him many more happy and "hostful" returns; and be it further

RESOLVED, that a certified copy of this Resolution be transmitted to Senator Dillingham.

Adopted

Offered :

SENATE
SPEC SESSION
1949

Senate Resolution No. 32

THE SENATE

# Resolution

## The Legislature of the Territory of Hawaii

Presented OCTOBER 15, 19 49, by

Senator WM. H. HEEN

Relating to

ADOPTION OF THE TEMPORARY RULES OF THE SENATE OF THE TERRITORY OF HAWAII, IN SPECIAL SESSION OF 1949, AS THE PERMANENT RULES OF SAID SENATE.

MEMO:

Adopted - October 15, 1949.

ELLEN D. SMYTHE
*Clerk of the Senate*

S.Res. No. 32

RESOLUTION

BE IT RESOLVED by the Senate of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session, that the Senate adopt the Temporary Rules of the Senate of the Territory of Hawaii, Special Session of 1949, as the Permanent Rules of said Senate.

Adopted

SENATE Senate Resolution No. 33

SPEC SESSION

1949

THE SENATE

# Resolution

## The Legislature of the Territory of Hawaii

Presented OCTOBER 15 , 1949 , by

Senator E. S. CAPELLAS

Relating to

RELATING TO AFTER-SESSION EMPLOYMENT OF EMPLOYEES OF THE SENATE.

MEMO:

Adopted - October 15, 1949.

ELLEN D. SMYTHE

*Clerk of the Senate*

S. Res. No. 33

RESOLUTION

BE IT RESOLVED by the Senate of the Territory of Hawaii, Special Session of 1949, that, after the adjournment of the Legislature sine die, all employees of the Senate shall be continued in employment at their respective rates of pay for three days, to and including the 19th day of October, 1949; and that thereafter, the Clerk, Assistant Clerk, Chief Engrossing Clerk, Sergeant-at-Arms, the Clerk of the Committee on Accounts, and such other assistants as the President of the Senate or the Chairman of the Committee on Accounts may deem necessary, be allowed not to exceed fifteen (15) days to attend to the completion of the work of the Senate and the filing of all records and documents relative thereto.

OFFERED BY:

E S Capellas

SENATOR, FIRST DISTRICT

October 15, 1949.

Adopted

1949

SPECIAL SESSION

SENATE

# CONFERENCE COMMITTEE REPORTS

Conference Committee Report No. 1

SENATE
SPEC SESSION
1949

# THE SENATE
## Conference Committee Report

## The Legislature
of the
## Territory of Hawaii

Presented August 6, , 19 49, by
Senator Heen
On House Bill No. 2, recommending final passage as passed by the Senate with certain amendments

MEMO:

Adopted August 6, 1949

ELLEN D. SMYTHE
*Clerk of the Senate*

Conf 1

Honolulu, T. H.
August 6, 1949.

Honorable Wilfred C. Tsukiyama
President of the Senate.

Honorable Hiram L. Fong
Speaker, House of Representatives.

Gentlemen:

Your Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2, entitled: "AN ACT RELATING TO THE STEVEDORING INDUSTRY AND RELATED FACILITIES AND SERVICES, INCLUDING TERMINAL SERVICES; DECLARING THAT STRIKES, LOCKOUTS, STOPPAGE, SLOWDOWN, OR RETARDATION OF SERVICES IN SAID INDUSTRY AND SAID RELATED FACILITIES AND SERVICES IMPERIL THE PUBLIC HEALTH, SAFETY AND WELFARE; DECLARING A PUBLIC EMERGENCY ARISING FROM THE PRESENT STEVEDORING STRIKE; PROVIDING FOR THE TERRITORY OF HAWAII TO TAKE POSSESSION OF AND TAKE OVER AND OPERATE SUCH STEVEDORING INDUSTRY AND SUCH RELATED FACILITIES AND SERVICES DURING THE AFORESAID EMERGENCY AND OTHER EMERGENCIES OCCURRING THEREAFTER; PROVIDING FOR INJUNCTIONS AGAINST INTERFERENCE WITH THE CONDUCT OF SUCH OPERATIONS BY THE TERRITORY BY STRIKES, OTHER CONCERTED ACTIVITIES, OR OTHER MEANS; CONFERRING CERTAIN POWERS AND IMPOSING CERTAIN DUTIES UPON THE GOVERNOR OF THE TERRITORY OF HAWAII IN REGARD TO SUCH INDUSTRY, FACILITIES AND SERVICES BEFORE AND DURING SUCH EMERGENCIES, INCLUDING THE POWER TO MAKE RULES AND REGULATIONS FOR CARRYING OUT THE PROVISIONS OF THIS ACT; PROVIDING PENALTIES FOR VIOLATIONS OF SUCH RULES AND REGULATIONS; MAKING AN APPROPRIATION AND PROVIDING OTHER FUNDS IN CONNECTION HEREWITH," having met after full and free conference, have agreed to recommend and do hereby recommend to their respective Houses the final passage of the Bill as passed by the Senate, with the following amendments:

1. Amend Section 1 by insering in the sixth line thereof after the word "of" the words "more than."

2. Amend Section 3 by inserting immediately following the words "Section 3." the words "Government operations."

3. Further amend Section 3 by deleting the second sentence of paragraph (d) thereof which commences in the last line of page 8 of the Bill and ends in the tenth line on page 9 of the Bill, and by inserting in lieu thereof the following:

"Persons so employed or engaged by the governor or otherwise employed or engaged by the governor shall not by reason of such employment be or become entitled to civil service, retirement, vacation, or other benefits provided by law for other employees of the

Adopted

Territory, nor shall they be required to possess the qualifications of other government employees, and no person shall be ineligible for employment by reason of the fact that he is not a citizen of the United States or of the Territory; provided that, if it shall be necessary to employ persons who were not theretofore employed by the company, such persons shall possess the residence qualifications prescribed by Section 451 of the Revised Laws of Hawaii 1945; provided, further, that all citizens employed or engaged by the governor under the provisions of this Act shall subscribe to the oath or affirmation prescribed by the provisions of chapter 13, Revised Laws of Hawaii 1945, and all non-citizens shall subscribe to the following oath or affirmation:

'I, _____ do solemnly swear and declare, on oath, that I am not now nor have I been at any time within the five years next preceding the taking of this oath a communist or a member of the communist party; that I have not at any time within the five years next preceding the taking of this oath held membership in, paid assessments, dues, or made contributions to any organization or any political party which advocates the overthrow of the constitutional form of government of the United States of America or any change in the government of the United States of America, except as provided by its constitution; that I take this obligation freely, without any mental reservation or purpose of evasion; So help me God.'

"Upon being satisfied as to the sincerity of any person claiming that he is unwilling to take the above prescribed oath only because due to religious beliefs he is unwilling to be sworn, he may be permitted, in lieu of such oath, to make his solemn affirmation which shall be in the same form as the said oath except that the words 'sincerely and truly affirm' shall be substituted for the word 'swear' and the phrases 'on oath' and 'So help me God' shall be omitted."

4. Further amend Section 3 by commencing a new paragraph beginning with the words "The salaries and wage rates" appearing in line ten on page 9 of the Bill, said new paragraph to bear no lettered designation.

5. Further amend Section 3 of the bill by deleting from paragraph (d) the words "an employer" which appear in the last line on page 9 of the bill and by inserting in lieu thereof the words "any such company".

6. Further amend Section 3 of the bill by amending paragraph (e) by deleting therefrom the words "government operations" which appear in the last line on page 10 of the bill and by inserting in lieu thereof the words "purposes of this Act and the operations of the government".

7. Further amend Section 3 by deleting paragraph (f) thereof and inserting in lieu thereof the following:

"(f) Charges shall be made and collected for deposit in said revolving fund. Such charges so far as possible shall be based upon the rates prevailing in the industry immediately prior to the commencment of the strike, but due consideration shall be given to current conditions existing in the industry, including the expenses and other costs incurred or which may be incurred by the Territory under this Act. Each company shall be operated by the government for the account of the company, and from time to time the governor shall pay each such company from the revolving fund the revenues derived from the operations of the company under the provisions of this Act, after deducting therefrom all of the costs and expenses of such operations of the company, including insurance and taxes, and after further deducting a fee computed in the amount of one quarter of one per centum of the gross revenues of the company so operated by the governor. Such fee shall be a realization of the Territory but shall remain in the revolving fund available for the purposes thereof.

"Provided, that each such company shall have the right to elect, by written notice filed with the governor within ten days after the taking of possession of the business, plant, or facilities of such company pursuant to paragraph (a), to waive all claims, under the preceding provisions, to the revenues of operations, and to receive in lieu thereof fair and reasonable compensation for the appropriation and use of its property, without allowance for prospective profits, for which compensation such company shall be entitled to sue the Territory in the manner provided in chapter 220, Revised Laws of Hawaii 1945, provided that such suit shall be instituted within three months after the termination of such appropriation."

8. Amend Section 4 of the bill to read as follows:

"SECTION 4. Termination of government operations. (a) Whenever any company, whose business, plant or facilities have been taken over by the Territory, and

its employees involved in the dispute shall jointly report in writing to the governor that they have arrived at an agreement adjusting and terminating the dispute out of which the strike arose, and that they are in a position to immediately resume and continue without interruption their services and the operation of such company, the governor shall forthwith terminate the government operation of and restore such business, plant or facilities to such company.

"(b) Whenever in the opinion of the governor government operation of any such company is no longer necessary to preserve the public health, safety and welfare he shall, without regard to the settlement or continuation of the dispute, forthwith terminate the government operation of and restore such business, plant and facilities to such company.

"(c) Whenever a majority of the employees engaged in stevedoring services in any bargaining unit report to the governor in writing stating that they are in a position to and can and will resume operations and render normal stevedoring services for the company which employed them before the dispute on terms satisfactory to themselves and such company, and shall satisfy the governor of the correctness of such statement and that all related services will also be available, the governor shall forthwith terminate the government operation of and restore such business, plant and facilities to such company. In the event that the governor for any reason refuses to terminate government operation of such company, such employees shall have the right to have an order issued by the circuit judge at chambers in equity of the circuit in which such company is located to show cause why such government operation should not be terminated. Such order shall be served upon the attorney general of the Territory and shall be returnable in ten days. The decision of such court shall be final as to the conditions then existing but shall not be a bar to subsequent applications for such order to show cause. For the purposes of this paragraph one or more employees may be appointed by the court to represent the class of employees applying for the order to show cause.

"(d) Whenever any company whose business, plant or facilities have been taken over by the Territory reports to the governor in writing stating that it is in a position to and can and will resume operations and render normal stevedoring services by its employees involved in the dispute on terms satisfactory to itself

and such employees, and shall satisfy the governor of the correctness of such statement and that all related services will also be available, the governor shall forthwith terminate the government operation of and restore such business, plant and facilities to such company. In the event that the governor for any reason refuses to terminate government operation of such company, such company shall have the right to have an order issued by the circuit judge at chambers in equity of the circuit in which such company is located to show cause why such government operation should not be terminated. Such order shall be served upon the attorney general of the Territory and shall be returnable in ten days. The decision of such court shall be final as to conditions when existing but shall not be a bar to subsequent applications for such order to show cause."

9. Amend Section 5 by inserting therein immediately following the words "Section 5." the words "Interference with government operations; injunctions."

10. Amend Section 8 by deleting the word "and" which appears in the last line of page 18 of the bill, and inserting in lieu thereof the word "or".

11. Amend Section 9 by inserting therein following the words "Section 9." the words "Future emergencies."

12. Further amend Section 9 by adding at the end thereof a new sentence to read as follows:

"For the purposes of this section, the terms 'strike' or 'the strike', as used in sections 3 and 4 hereof, shall be deemed to include, in addition to a strike, a lockout, and the term 'employees on strike', as used in said sections, shall be deemed to include, in addition to employees on strike, employees who are locked out."

13. Amend Section 13 to read as follows:

"SECTION 13. Effective date; expiration. This Act shall take effect upon its approval and shall expire one hundred and eighty days from and after said effective date; provided, that any violation or failure to comply with any rule, regulation or court order, committed or occurring while this Act is in force, may be prosecuted and punished or other appropriate proceedings thereon taken whether or not this Act is in force at the time of such prosecution, punishment, or proceedings; provided, further, that notwithstanding

the expiration of this Act, this Act shall remain and continue in force for the enforcement of rights and liabilities which shall have accrued or attached on or before the date of expiration, hereinabove set forth, and for the expenditure of moneys to meet obligations incurred under the authority of this Act prior to said date of expiration."

Respectfully submitted,

Managers on the part of the Senate

Managers on the part of the House

Conference Committee Report No. 2

# SENATE

SPEC SESSION

1949

THE SENATE

## Conference Committee Report

## The Legislature
of the
## Territory of Hawaii

Presented SEPTEMBER 27, 1949, by

Senators WM. H. HEEN, M. R. AGUIAR, & TOSHIO ANSAI, Managers on the part of On the Senate;
REPRESENTATIVES HEBDEN PORTEUS, THOS. SAKAKIHARA & ALFRED A. APAKA, Managers on the part of the House.

RECOMMENDING PASSAGE OF H.B.NO. 20 AS PASSED BY THE SENATE WITH CERTAIN AMENDMENT.

MEMO:

Adopted - September 27, 1949.

ELLEN D. SMYTHE
*Clerk of the Senate*

Conf. Rep 2

Honolulu, T. H.
September ~~28~~ 27, 1949

Honorable Wilfred C. Tsukiyama
President of the Senate

Honorable Hiram L. Fong
Speaker, House of Representatives

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate to House Bill No. 20, entitled: "AN ACT TO AMEND ACT 335 OF THE SESSION LAWS OF HAWAII 1949, RELATING TO THE APPROPRIATION THEREIN MADE TO THE HAWAII VISITORS BUREAU", begs leave to report as follows:

After full and free discussion, your Committee recommends that the bill do pass in the form in which it passed the Senate with the following amendment:

Insert after the words "by the bureau" in line 19 of the printed form of the bill the words and figures "prior to January 1, 1951,".

Respectfully submitted,

M. R. Aguiar (Hawaii)

Managers on the part of the Senate

Managers on the part of the House

adopted

Conference Committee Report No. 3

# SENATE

SPEC SESSION

1949

THE SENATE

## Conference Committee Report

## The Legislature

of the

## Territory of Hawaii

Presented October 7, 1949, by

Senator HERBERT K. H. LEE
for Managers on the part of the Senate

On

S.C. RES. NO. 3

RECOMMENDING THE FINAL ADOPTION THEREOF IN AN AMENDED FORM HERETO ATTACHED.

MEMO:

Adopted - October 7, 1949

ELLEN D. SMYTHE
*Clerk of the Senate*

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Honolulu, T.H., October 7, 1949

Honorable Wilfred C. Tsukiyama
President of the Senate

Honorable Hiram L. Fong
Speaker, House of Representatives

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Concurrent Resolution No. 3, entitled "CONCURRENT RESOLUTION REQUESTING THE COMMITTEE ON UNAMERICAN ACTIVITIES OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA TO INVESTIGATE AND REPORT ON UNAMERICAN ACTIVITIES IN THE TERRITORY OF HAWAII", having met, after full and free conference have agreed to recommend, and do hereby recommend to their respective Houses, the final adoption of the Concurrent Resolution in the amended form attached hereto.

Respectfully submitted,

Herbert K.H. Lee

Thelma M. Akana

E. S. Capellas

Managers on the part of the Senate.

A.Q. Marcallino

Earl A. Nielsen

Thomas T. Sakakihara

Managers on the part of the House.

Adopted

S.C.Res. No. 3

CONCURRENT RESOLUTION

REQUESTING THE COMMITTEE ON UNAMERICAN ACTIVITIES OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA TO INVESTIGATE AND REPORT ON UNAMERICAN ACTIVITIES IN THE TERRITORY OF HAWAII.

WHEREAS, there have been numerous allegations and charges made by many groups and organizations both local and national in character, that there are subversive elements engaged in un-American activities within the Territory of Hawaii; and

WHEREAS, most of such allegations and charges seem to have arisen from the report of the HEARINGS BEFORE THE JOINT COMMITTEE ON THE INVESTIGATION OF THE PEARL HARBOR ATTACK, CONGRESS OF THE UNITED STATES 79TH CONGRESS, hereinafter referred to as the "Roberts Report" in which there were named a number of residents of the Territory of Hawaii as being persons of subversive tendencies, many of whom have protested their innocence without avail; and

WHEREAS, one of the reasons for the opposition to Statehood for Hawaii by some members of Congress of the United States of America is that Hawaii is under the control of these subversive elements or is in danger of such control should Hawaii become a State; and

WHEREAS, it is desirable that the Committee on un-American activities of the House of Representatives of the Congress of the United States of America conduct an immediate and impartial investigation on the scope of such alleged subversive elements and activities within the Territory of Hawaii, both in the interest of national defense as well as in fairness to Hawaii's aspirations for Statehood; and

WHEREAS, the Committee on un-American activities of the House of Representatives of the Congress of the United States of America is an experienced body of great prestige and judicial character well qualified and with sufficient power and facilities to investigate the extent of such subversive activities within the Territory of Hawaii; now, therefore, be it

RESOLVED, by the Senate of the Twenty-fifth Legislature of the Territory of Hawaii, in Special Session, the House of Representatives concurring, that the Committee on un-American activities of the House of Representatives of the Congress of the United States of America be and it is hereby respectfully requested to conduct a full and thorough investigation of the alleged subversive elements and activities in the Territory

of Hawaii and in connection with such investigation to provide an opportunity to the residents of the Territory of Hawaii who have been charged in the said Roberts Report as having subversive tendencies to prove their innocence and upon completion of such investigation to make a full report; and, be it further

RESOLVED, that certified copies of this Concurrent Resolution be forwarded to the President of the United States of America, to the Speaker of the House of Representatives of the Congress of the United States of America, to the Chairman of the Committee on un-American Activities of the House of Representatives of the Congress of the United States of America, and to the Delegate to Congress from the Territory of Hawaii.

Conference Committee Report No. 4

# SENATE

SPEC SESSION

1949

THE SENATE

## Conference Committee Report

## The Legislature of the Territory of Hawaii

Presented OCTOBER 14 , 19 49, by

Senators WILLIAM J. NOBRIGA, REUBEN GOODNESS AND HERBERT K. H. LEE, On MANAGERS ON THE PART OF THE SENATE. REPRESENTATIVES JOSEPH G. ANDREWS, JOSEPH R. ITAGAKI AND NORITO KAWAKAMI, MANAGERS ON THE PART OF THE HOUSE.

RECOMMENDING PASSAGE OF H. B. NO.65

AS PASSED BY THE SENATE.

MEMO:

Adopted - October 14, 1949.

ELLEN D. SMYTHE

*Clerk of the Senate*

Conf Com 4

Honolulu, T. H.
October 14, 1949

Honorable Wilfred Tsukiyama
President of the Senate

Honorable Hiram L. Fong
Speaker, House of Representatives

Sirs:

Your Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 65, entitled: "AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE OF THE WAIKIKI WAR MEMORIAL NATATORIUM", having met, after full and free conference, have agreed to recommend and do hereby recommend to their respective Houses the Final Passage of the Bill as passed by the Senate.

Respectfully submitted,

Managers on the part of the Senate.

Managers on the part of the House.

adopted

Conference Committee Report No. 5

SENATE

SPEC SESSION

1949

# THE SENATE

## Conference Committee Report

## The Legislature of the Territory of Hawaii

Presented OCTOBER 15 , 1949 , by

Senators BEN DILLINGHAM, W. H. HILL AND HERBERT K. H. LEE, MANAGERS ON THE On PART OF THE SENATE;

REPRESENTATIVES A. Q. MARCALLINO, THOS. SAKAKIHARA AND E. P. LYDGATE, MANAGERS ON THE PART OF THE HOUSE;

FINAL RECOMMENDING/PASSAGE OF S.B. NO. 47 IN THE AMENDED FORM HERETO ATTACHED.

MEMO:

Adopted - October 15, 1949.

ELLEN D. SMYTHE
*Clerk of the Senate*

Conf 5

Honolulu, T.H., October 15, 1949

Honorable Wilfred C. Tsukiyama
President of the Senate

Honorable Hiram L. Fong
Speaker, House of Representatives

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendment proposed by the House to Senate Bill No. 47, entitled "AN ACT TO AMEND CHAPTER 2 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO CIVIL SERVICE, BY AMENDING SUBSECTION (12) OF SECTION 68 THEREOF", (recalled from the Governor pursuant to Senate Concurrent Resolution No. 6), having met, after full and free conference, have agreed to recommend and do hereby recommend to their respective Houses the final passage of said Bill in the amended form hereto attached.

Respectfully submitted,

Ben Dillingham

W. H. Hill

Herbert K. H. Lee

Managers on the part of the Senate

A. Q. Marcallino

Thos. Sakakihara

E. P. Lydgate

Managers on the part of the House

Adopted

S.B.No. 47

AN ACT

TO AMEND CHAPTER 2 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO CIVIL SERVICE, BY AMENDING SUBSECTION (12) OF SECTION 68 THEREOF.

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

SECTION 1. Subsection (12) of section 68, Revised Laws of Hawaii 1945, is hereby amended by inserting a period after the word "list" in the second sentence thereof and by deleting the remainder of that sentence as well as the remaining portions of that section, and substituting in lieu thereof the following:

"Provisional appointments shall not exceed a total of ninety days in any one year; provided, however, that the civil service commission of the Territory, but not of the several counties, may during the period July 1, 1949 to June 30, 1951 allow provisional appointments to extend beyond ninety days in cases where such extensions are necessary to prevent stoppage of public business or inconvenience to the public."

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

Conference Committee Report No. 6

SENATE
SPEC SESSION
1949

# THE SENATE
## Conference Committee Report

## The Legislature
of the
## Territory of Hawaii

Presented OCTOBER 15, 1949, by

Senators REUBEN GOODNESS, WILLIAM J. NOBRIGA, NEAL S. BLAISDELL, MANAGERS ON THE PART OF THE SENATE;

REPRESENTATIVES N. MIYAKE, THOS. SAKAKIHARA, ALFRED A. APAKA, MANAGERS ON THE PART OF THE HOUSE.

RECOMMENDING PASSAGE OF H. B. NO. 34 AS PASSED BY THE SENATE WITH CERTAIN AMENDMENTS.

MEMO:

Adopted - October 15, 1949.

ELLEN D. SMYTHE
*Clerk of the Senate*

Cont. Com Rep
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Honolulu, T. H.
October 15, 1949

Honorable Wilfred C. Tsukiyama
President of the Senate

Honorable Hiram L. Fong
Speaker, House of Representatives

Sirs:

Your Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 34, entitled: "AN ACT TO AMEND SECTION 1223 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO FISHING", begs leave to report as follows:

After full and free conference, your Committee has agreed to recommend and does recommend the final passage of the Bill in the form in which it passed the Senate with the following amendment:

Amend the words "one and one-half inches" appearing at the end of Section 1 thereof to read "one inch".

Respectfully submitted,

Managers on the part of the Senate

Managers on the part of the House

adopted

Conference Committee Report No. 7

SENATE
SPEC SESSION
1949

THE SENATE

# Conference Committee Report

## The Legislature
of the
## Territory of Hawaii

Presented OCTOBER 15, 19 49, by

Senators WM. H. HEEN, CHARLES H. SILVA, NEAL S. BLAISDELL, MANAGERS ON THE
On PART OF THE SENATE;

REPRESENTATIVES HEBDEN PORTEUS, THOS. SAKAKIHARA, E. P. LYDGATE, MANAGERS ON THE PART OF THE HOUSE.

RECOMMENDING FINAL PASSAGE OF S. B.NO. 4 AS PASSED BY THE HOUSE WITH CERTAIN AMENDMENTS.

MEMO:

Adopted - October 15, 1949.

ELLEN D. SMYTHE
*Clerk of the Senate*

Conf - Com Rep 7

Honolulu, T.H., October 15, 1949

Honorable Wilfred C. Tsukiyama
President of the Senate

Honorable Hiram L. Fong
Speaker, House of Representatives

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 4, entitled "AN ACT RELATING TO THE STEVEDORING INDUSTRY (HEREIN DEFINED TO INCLUDE TERMINAL AND OTHER RELATED SERVICES); DECLARING SUCH INDUSTRY TO BE ESSENTIAL TO THE PUBLIC HEALTH, SAFETY AND WELFARE; DECLARING THAT STRIKES, LOCKOUTS, STOPPAGES, SLOWDOWNS, OR RETARDATION OF SERVICE IN SAID INDUSTRY IMPERIL THE PUBLIC HEALTH, SAFETY AND WELFARE; PROVIDING FOR THE PEACEFUL SETTLEMENT OF LABOR DISPUTES IN SAID INDUSTRY; PROHIBITING STRIKES, LOCKOUTS, STOPPAGES, SLOWDOWNS, OR RETARDATION OF SERVICE IN SAID INDUSTRY, EXCEPT UNDER PRESCRIBED CONDITIONS; PROVIDING FOR THE TERRITORY OF HAWAII TO SEIZE AND TAKE POSSESSION OF AND OPERATE THE PLANTS AND OTHER FACILITIES, INCLUDING RELATED FACILITIES, OF SUCH STEVEDORING INDUSTRY IN THE EVENT OF STRIKES, LOCKOUTS, STOPPAGES, SLOWDOWNS, OR RETARDATION OF SERVICE IN SUCH INDUSTRY; MAKING PROVISIONS AGAINST INTERFERENCE WITH THE CONDUCT OF SUCH OPERATIONS BY THE TERRITORY BY STRIKES, BOYCOTTS, PICKETING, OR OTHER MEANS; CONFERRING CERTAIN POWERS AND IMPOSING CERTAIN DUTIES UPON THE GOVERNOR OF THE TERRITORY OF HAWAII IN REGARD TO SUCH INDUSTRY, BEFORE AND DURING SUCH STRIKES, LOCKOUTS, STOPPAGES, SLOWDOWNS, OR RETARDATION OF SERVICE; PROVIDING FOR INJUNCTIONS AND OTHER REMEDIES OF THE GOVERNMENT TO ENFORCE THE PROVISIONS OF THIS ACT AND CRIMINAL PENALTIES FOR VIOLATIONS OF CERTAIN PROVISIONS HEREOF; MAKING AN APPROPRIATION AND PROVIDING OTHER FUNDS IN CONNECTION HEREWITH", having met, after full and free conference, have agreed to recommend and do hereby recommend to their respective Houses the final passage of said Bill as passed by the House with the following amendments:

1. Amend the last sentence of subsection (a) of Section 8 to read as follows:

> "Whenever there are, in a bargaining unit involved in the dispute which the board is appointed to investigate, employees not engaged in stevedoring or related services as well as employees engaged in stevedoring or related services, the governor may, in his discretion, direct the board to investigate the entire dispute, and, if the governor so directs,

Original

all of the provisions of sections 8, 9 and 10 shall apply to the entire matter under investigation."

2. Delete subsections "(c)" and "(d)" of Section 17.

Respectfully submitted,

Wm. H. Heen

Charles H. Silva

Neal S. Blaisdell

Managers on the part of the Senate

Hebden Porteus

Thos. Sakakihara

E. P. Lydgate

Managers on the part of the House.

Conference Committee Report No. 8

SENATE
SPEC SESSION
1949

THE SENATE

# Conference Committee Report

## The Legislature
of the
## Territory of Hawaii

Presented OCTOBER 15, 19 49, by

Senators WM. H. HEEN, TOSHIO ANSAI, W. H. HILL, MANAGERS ON THE PART OF
On THE SENATE;

REPRESENTATIVES JOSEPH G. ANDREWS, ALFRED A. APAKA, JOSEPH R. ITAGAKI, MANAGERS ON THE PART OF THE HOUSE.

RECOMMENDING PASSAGE OF H.B.NO.

25 AS PASSED BY THE HOUSE.

MEMO:

Adopted - October 15, 1949.

ELLEN D. SMYTHE
*Clerk of the Senate*

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Cmf 8

Honolulu, T. H., October 15, 1949.

Honorable Wilfred C. Tsukiyama
President of the Senate

Honorable Hiram L. Fong
Speaker, House of Representatives

Sirs:

Your Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 25 entitled: "AN ACT PROVIDING A MONTHLY TWENTY-FIVE DOLLAR BONUS FOR PENSIONERS, AND APPROPRIATING FUNDS FOR PAYMENT THEREOF", having met, after full and free conference, have agreed to recommend and do hereby recommend to their respective Houses the passage of the Bill as passed by the House.

Very respectfully,

Managers on the part of the Senate

Managers on the part of the House

Adopted

1949

SPECIAL SESSION

SENATE

# COMMITTEE OF THE WHOLE REPORTS

Committee of the Whole No. 1

SENATE

SPEC SESSION

1949

THE SENATE

# Committee of the Whole

## The Legislature

of the

## Territory of Hawaii

Presented August 15, 19 49, by

Senator WILFRED C. TSUKIYAMA

For Committee of the Whole Senate

On

House Bill No. 2, HD 2, Final Draft Recommending passage as amended in draft.

MEMO:

Filed - August 15, 1949

ELLEN D. SMYTHE

*Clerk of the Senate*

Com Whole 1.

Honolulu, T.H., August 5, 1949.

Honorable Wilfred C. Tsukiyama
President of the Senate.

S i r :

Your Committee of the Whole Senate, to which was referred House Bill No. 2, HD 2, Final Draft, entitled, " AN ACT RELATING TO THE STEVEDORING INDUSTRY AND LABOR DISPUTES THEREIN; DECLARING SUCH INDUSTRY TO BE ESSENTIAL TO THE PUBLIC HEALTH, SAFETY AND WELFARE; PROVIDING FOR PEACEFUL SETTLEMENT OF SUCH DISPUTES; PROHIBITING STRIKES, LOCKOUTS AND STOPPAGE, SLOWDOWN OR RETARDATION OF SERVICE IN SUCH INDUSTRY EXCEPT UNDER PRESCRIBED CONDITIONS; PROVIDING FOR INJUNCTIONS AGAINST AND CRIMINAL PENALTIES FOR VIOLATIONS OF THE PROVISIONS HEREOF; PROVIDING FOR INJUNCTIONS AGAINST STRIKES, LOCKOUTS AND STOPPAGE, SLOWDOWN OR RETARDATION OF SERVICE IN SUCH INDUSTRY; PROVIDING FOR THE FURNISHING OF STEVEDORING AND RELATED SERVICES BY THE TERRITORY IN THE EVENT OF STRIKES, LOCKOUTS OR STOPPAGE, SLOWDOWN OR RETARDATION OF SERVICE IN SUCH INDUSTRY AND MAKING AN APPROPRIATION AND PROVIDING OTHER FUNDS THEREFOR", begs leave to report as follows:

House Bill 2 and Senate Bill 2 were introduced in identical form in the respective Houses at the beginning of this special session and have been continuously under consideration by the Senate and the House of Representatives, at first sitting in joint sessions of the committees of the whole of the two Houses and later by the two Houses sitting separately. For the purposes of this report, said Bills may be referred to as one bill and identified as Bill No. 2. In each House the Bill has undergone substantial changes from its original form. The major changes may be noted by

comparing the original Bill with the Bill as it passed the House (H.B. 2, HD 2, Final Draft).

Bill No. 2 in its original form provides for an amendment of chapter 73 of the Revised Laws of Hawaii 1945, as amended by Act 146 of the Session Laws of Hawaii 1949, in the following respects:

1. Said chapter at present relates to labor disputes in the public utility industry only. The Bill would include businesses furnishing stevedoring and hospital services within the scope of the chapter. Such services are so similar to public utility services and so directly related to the public health, safety, and welfare that regulation of labor disputes in such industries may well be deemed essential.

2. The Bill also provides for an extension of the "cooling off" procedure set forth in chapter 73. Said chapter at present provides for a board, called the "emergency board", which has fact-finding and mediation functions. The name of the board is changed to "board of inquiry and mediation". The cooling off period is extended by the extension of time allowed for the report of the board to the Governor and by the requirement of the following additional steps: (a) The board is required to mediate the dispute and submit a second report to the Governor within twenty-five days after its first report to the Governor, which second report is to contain a statement of each employer's last offer of settlement. (b) Such last offers of settlement are to be submitted to a vote of the employees concerned in a ballot supervised and conducted by the director of the department of labor and industrial relations within fifteen days after such report and the results thereof certified by the director to the Governor within five days after

the ballotting. (c) In order to strike, a majority of all of the employees involved in the dispute must vote to strike. (d) The required period of notice of strike or lockout is extended to twenty days, but such notice may not be given until the results of the ballotting have been certified to the Governor. Such changes would extend the cooling off period by a substantial number of days.

3. In addition to such cooling off procedure, this Bill would provide procedures for dealing with threatened and actual strikes and lockouts in the event that the dispute is not settled in the cooling off process. The Governor is authorized to issue a proclamation in the event of any threatened or actual strike or lockout in any industry within the scope of the chapter and upon the issuance of such proclamation, he is to constitute a new board to be known as the "emergency board", which is to consist of not more than five members. Such emergency board will have fact-finding and mediation functions and also the power to make recommendations respecting the dispute. This board is to remain in existence until the dispute is resolved.

4. The Bill also provides for the issuance of injunctions against strikes and lockouts, threatened or actual, after the issuance of a proclamation by the Governor. Such injunctions are limited, however, to a period of sixty days from the issuance of the proclamation.

5. In addition, the bill provides for seizure and operation of the industry by the Governor in the event of actual strikes or lockouts. The provisions for seizure and government operation follow the precedents set by the Federal government and several states and include the following: (a) The Governor is authorized to make any preparations he may deem necessary to seize any plant or facility of the industry concerned and, when the strike or lockout occurs,

to take complete possession of and operate the same. (b) The Governor is authorized to delegate his authority to any agency or department of the Territory he may designate. (c) The Governor is granted such authority as may be necessary to operate the industry in a manner consistent with the public interest, but he may not enter into negotiations for any collective bargaining contract or increase wages or change the hours and other conditions of employment existing in the industry prior to the dispute. (d) The industry is to be operated for the account and benefit of the employer. (e) All persons employed during the period of government operation are territorial employees, except that they are not entitled to civil service, retirement, vacation and other benefits provided by law for other territorial employees. There are no restrictions on employment and all of the personnel of the industry, including strikers, may be employed. (f) Interference with efforts to procure the services of persons to work during the period of government operation or with the training of such persons is made a criminal offense. (g) The Governor may operate the industry for an initial period of ninety days and a further period of ninety days, or a total of one hundred and eighty days, if the public interest shall so require, but at any time prior to such limit, the facility may be restored to the possession of the employer if and when it can show that it is in a position to resume its operations and render normal public service.

An appropriation of $50,000.00 is provided to carry out the provisions of the Bill.

In the form that it passed the House (H.B. 2, HD 2, Final Draft), the Bill is limited in its application to the stevedoring industry only. The provisions for the cooling off procedure and the emergency provisions for the appointment and functions of the

emergency board and for the issuance of injunctions against strikes and lockouts contained in Bill No. 2 are retained with some amendments, but in place of the provisions for seizure and operation of the industry by the Governor, there have been substituted provisions for the furnishing of stevedoring services by the Territory acting independently of the companies engaged in the industry. Among the more important terms respecting such government stevedoring operations are the following: (a) The Governor is authorized to rent necessary equipment and gear from any source other than a company involved in the strike or lockout, but in the event he is unable to do so, he is authorized to seize the equipment of the companies involved in the dispute. (b) As in Bill No. 2, he is authorized to delegate his authority to any territorial agency or department. (c) The Governor is also authorized to provide such related services as terminal services and to make contracts for stevedoring and related services, except that no contract for stevedoring services shall be made with any company involved in the dispute. (d) The Governor is expressly prohibited from employing any of the personnel, whether or not on strike, of any company involved in the strike, but in the case of a lockout, the employees who have been locked out may be employed. All persons employed by the government are to be temporary territorial employees and are not within the provisions respecting civil service, classification, vacations and retirement. They are to be subject to the residence requirement for public employees but not the citizenship requirement. Citizens are required to take the loyalty oath and aliens are required to take an anti-communist oath. (e) The provisions respecting wages, hours and conditions of employment are similar to those contained in Bill No. 2 and also a prohibition against negotiations for collective bargaining contracts is included. (f) For any equipment seized by the Governor the Territory is obligated to pay a fair and just rental

for the use thereof, in determining which there shall be taken into account the existence of the dispute which has interrupted the private use of such equipment. Provision is made for the recovery of such rental by suit against the government if necessary. (g) Any profits from such government operations are to be government realizations. (h) The Territory would be liable for loss or damage resulting from its operations and the Governor is authorized to insure against such loss. (i) There is no specified limit to the period of government operations but they are clearly to be of a temporary nature and provisions for termination thereof are set forth in the bill. (j) There are more elaborate provisions against interference with government operations in this Bill than in Bill No. 2, including provisions against strikes and any other form of concerted activity which interferes or threatens to interfere with government operations and against secondary boycotts. (k) An appropriation of $250,000.00 and an authorization to make loans from the general fund not exceeding $250,000.00 are provided. A revolving fund is provided for the financing of the government operations. The charges for government operations are to be, so far as possible, based on rates prevailing in the industry at the time of the strike or lockout but the cost of government operations are to be taken into account in setting such charges.

Provisions for the promulgation of rules and regulations by the Governor and the director of the department of labor and industrial relations for the purpose of carrying out the purposes of the Bill have been added.

On the basis of the study of this Bill by your Committee, your Committee proposes a substantial revision of the Bill. In view of the extensive changes proposed by your Committee, the Bill has been redrafted, the draft being attached hereto. In the draft proposed by your Committee, the scope of the Bill has

been covered to include the stevedoring industry and its related facilities and services, including terminal services. The major changes from the draft passed by the House are, first, the deletion of all the provisions relating to the cooling off procedure and of the provisions for the emergency board and for injunctions against strikes and lockouts and, secondly, the restoration of the provisions for seizure and government operation contained in the original Bill with some modifications. Among the more important provisions in the Bill in its proposed form are the following: (a) If the Governor finds that the present emergency caused by the current strike in the stevedoring industry continues after the taking effect of the Bill, he is authorized to issue a proclamation and thereafter to take possession and operate all or any part of the business, plant and facilities, including related facilities, of any company involved in the dispute. (b) Such government operation is to be temporary, the Bill being limited in effect to one hundred and eighty days. (c) In operating any such company, the Governor shall, so far as possible, employ its personnel, including strikers, employed at the time possession is taken or immediately prior to the strike or lockout. Such provision is not intended to require the Governor to retain or employ all such personnel but is merely to give them preference in employment over persons not theretofore employed by the company concerned. New employees are required to fulfill the residence qualification. Otherwise the provisions respecting persons employed by the Governor are similar to those contained in Bill No. 2. (d) Provisions respecting wages, hours and other conditions of employment are also substantially the same. A provision that there shall be no deductions from salaries and wages except those authorized by law in the case of other territorial employees has been added. (e) The profits during the period of government

possession and operation are to accrue to the company. All expenses, including insurance and taxes, and a fee of one per cent. of the gross revenues, are chargeable against the revenues. (f) Provisions for a revolving fund and for an appropriation and loans from the general fund to finance such government operations are similar to those contained in the Bill as passed by the House. (g) Provisions for termination of government possession and operation are likewise similar, except, as noted above, the effective period of the Bill is limited to one hundred and eighty days. (h) Injunctive relief is provided against all forms of concerted activity which interfere with government operations directly or indirectly, such as strikes, picketing, secondary boycotts, etc. The purpose of the provisions for injunctions is to prohibit and prevent any concerted action which will defeat or tend to defeat the purpose of the Act, which is to open and to keep open the ports of the Territory. (i) The Bill is also applicable to any future strike or lockout that may take place within its effective period.

The Bill is thus reduced to a comparatively short measure covering only the stevedoring industry and its related facilities and services and providing for but one method of dealing with the existing emergency in the industry, namely, government possession and operation of the industry, and limited in duration to one hundred and eighty days.

Your Committee believes that such a measure is best adapted to the exigencies of the present emergency, that the need of the moment is a measure which will speedily and effectively relieve the Territory of the paralyzing effects of the present strike and prevent a recurrence thereof in the near future, and that long-range, permanent legislation should be taken up only after the

enactment of such emergency legislation.

Your Committee therefore recommends that H.B. 2, HD 2, Final Draft, be amended as shown in the attached draft and that the Bill pass as so amended.

Respectfully submitted,

Acting Chairman.

SENATE

SPEC SESSION

1949

Committee of the Whole No. 2

# THE SENATE
# Committee of the Whole

## The Legislature
of the
## Territory of Hawaii

Presented August 15, 1949, by

Senator WM. H. HEEN
Acting Chairman, Committee of the Whole
On Senate.

Senate Bill No. 23

Recommending passage.

MEMO:

Filed - August 15, 1949

ELLEN D. SMYTHE
*Clerk of the Senate*

Com Whole 2

Honolulu, T.H., August 13, 1949

Honorable Wilfred C. Tsukiyama
President of the Senate
Twenty-fifth Legislature
Iolani Palace
Honolulu, T. H.

Sir:

Your Committee of the Whole to which was referred Senate Bill No. 23, entitled; "AN ACT TO AMEND ACT 2 OF THE SPECIAL SESSION LAWS OF HAWAII 1949 BY AMENDING SECTION 5 THEREOF WITH RESPECT TO FURTHERING GOVERNMENT OPERATIONS UNDER AND ACCOMPLISHING THE PURPOSES OF SAID ACT, AND PREVENTING INTERFERENCE THEREWITH", begs leave to report as follows:

The bill amends section 5 of Act 2 of this Special Session, which provides for injunctive relief against interference with government operations under said Act 2. Section 5 in its present form contains general provisions of that nature. This bill specifies in separate paragraphs types of interference with and obstruction of the government in the accomplishment of the purposes of said Act 2, such as strikes of government employees, and the invoking of "hot cargo" and boycott practices against the government through strikes, picketing and other concerted activities.

The bill prohibits picketing of piers, docks, wharves, landings and warehouses which are places of government operations. As to such piers, docks, wharves, landings and warehouses, the legislature specifically finds that picketing thereof constitutes an obstruction to the accomplishment of the purposes of Act 2.

The bill allows picketing of premises other than piers, docks, wharves, landings and warehouses even though

the government is operating on such other premises, it not being anticipated that picketing of such other premises will interfere with the government in the accomplishment of the purposes of Act 2. Thus, offices of the companies involved in the pending labor dispute, even though taken over by the government, could be picketed. However, if such picketing should interfere or threaten to interfere with the government it too could be enjoined. Where company offices are located in the pier or warehouse area, the picketing will have to be so conducted as not to be directed against the pier or warehouse.

Your Committee is in accord with the purposes of the Bill and therefore recommends its passage.

Respectfully submitted,

Wm. A. Heen
Acting Chairman, Committee
of the Whole on S. B. No. 23

SENATE Committee of the Whole No. 3

SPEC SESSION

1949

# THE SENATE
# Committee of the Whole

## The Legislature
of the
## Territory of Hawaii

Presented AUGUST 16, 1949, by

Senator WM. H. HEEN, ACTING CHAIRMAN

On

RECOMMENDING PASSAGE OF S. B. NO. 15 IN THE AMENDED FORM HERETO ATTACHED.

MEMO:

Filed - August 16, 1949.

ELLEN D. SMYTHE

*Clerk of the Senate*

Com. Whole 3

Honolulu, T.H., August 11, 1949

Honorable Wilfred C. Tsukiyama
President of the Senate.

S i r :

Your Committee of the Whole Senate to which was referred Senate Bill No. 15, entitled "AN ACT TO AMEND SECTIONS 11120, 11127, 11128 AND 11129 OF THE REVISED LAWS OF HAWAII 1945, AND TO REPEAL SECTION 11130 THEREOF, ALL RELATING TO CONSPIRACY", begs leave to report as follows:

The purpose of this Bill is to amend chapter 243 of the Revised Laws of Hawaii 1945, relating to conspiracy, by amending sections 11120, 11127, 11128 and 11129 thereof and by repealing section 11130 thereof. The Bill would amend said section 11120, which defines the crime of conspiracy, in such manner that if two or more persons conspire: (1) to commit any crime, or (2) to cause, instigate, or incite another or others to commit any crime, or (3) to bring or maintain any suit or proceeding knowing the same to be groundless, or (4) to cause another or others to be arrested, charged or indicted for crime, knowing them to be innocent thereof, they shall be guilty of conspiracy. The proposed amendment to said section 11127 provides that a witness testifying, or producing written evidence, at a trial for conspiracy shall not be excused from attending and testifying, or producing written evidence, because such evidence might tend to convict him of a crime, or to subject him to a penalty or forfeiture. However, such a witness shall not be prosecuted or subjected to any penalty or forfeiture for any transaction, matter or thing concerning which he is compelled to testify or

produce evidence after having claimed his privilege, except, of course, perjury in so testifying.

Under this Bill, the crime of conspiracy would be divided into two degrees, rather than into three degrees as at present. The amendment to said section 11128 defines first degree conspiracy to be any one of the elements of conspiracy set forth under (1), (2), and (4), above, when the "crime" mentioned in such element is a felony. First degree conspiracy would be punished by imprisonment at hard labor for not more than ten years, or by a fine not exceeding ten thousand dollars, or by both, subject to the proviso that such punishment should not exceed "the punishment that could be given for the commission of the felony involved in the conspiracy". Second degree conspiracy is defined by the amendment to said section 11129 to be any conspiracy not included in said section 11128. Section 11130 of said chapter 243, relating to third degree conspiracy, would, of necessity, be repealed. Other sections of said chapter 243 would remain as they now exist.

The necessity for this Bill arises out of the fact that in a proceeding before the United States District Court for the Territory of Hawaii the court in a sweeping decision declared the territorial law regarding conspiracy to be entirely unconstitutional on the ground that it was too general and indefinite. No effort was made by the court to separate the general and indefinite part from the specific part, and to deal only with such general and indefinite part. The case has been taken by appeal to a higher federal court where the Territory is strongly contending that the mentioned decision of the United States District Court is erroneous in the above mentioned regard, as well as in other respects. However, in the meantime and during any period of

emergency, the law regarding criminal conspiracy has been left in an unfortunate and dangerous state. Anyone charged under its provisions may maintain, on the basis of the mentioned decision, that the law is unconstitutional and, therefore, void. Inasmuch as the criminal conspiracy statute is an important criminal statute and one which may have to be resorted to in order to preserve law and order and administer justice during the present emergency, it is believed that a new statute should be immediately enacted. It is felt this should be done not because the present statute is in any way invalid - a matter which will be decided by the courts - but because it is felt that persons charged with this crime should not be permitted to challenge the charges against them on the basis of the federal court's decision or to delay proceedings until the higher courts have acted.

Your Committee, after a full hearing, finds itself in accord with the purposes of this Bill. However, it believes that the Bill should be amended in the manner indicated in the draft hereto attached and made a part hereof. These amendments, in general, would have the following effect: (1) they would substitute, in said section 11120, for the word "crime", the term "offense", - a term which is defined by statute; (2) other provisions of said section 11120 would be clarified; (3) said section 11127 would be renumbered 11127.01, so no question may arise as to the amendment being germane to the subject matter of the section, and said section 11127 would be repealed; (4) the application of the proviso contained in section 11128 would be clarified by being limited to a conspiracy to commit a felony, or to instigate or incite another or others to commit a felony; (5) a separability provision would be set forth in section 6; and (6) a savings clause would be included in section 7 in regard to offenses committed prior to the effective date of the Act.

The savings clause in section 7 would thus apply to the criminal proceedings which are the subject matter of the mentioned decision of the United States District Court in and for the Territory of Hawaii so that, if the judgment or decree of that court is reversed and the present statute is ultimately upheld, those criminal proceedings can still proceed under the present statute.

Accordingly, your Committee recommends that said Bill do pass in the form set forth in said draft.

Respectfully submitted,

Wm. H. Heen
Acting Chairman, Committee
of the Whole, on S.B. No. 15.

S. B. No. 15
S. D. 1

A N  A C T

RELATING TO CONSPIRACY, AMENDING SECTIONS 11120, 11128 AND 11129 OF THE REVISED LAWS OF HAWAII 1945, REPEALING SECTIONS 11127 AND 11130 THEREOF, AND ENACTING A NEW SECTION OF THE REVISED LAWS OF HAWAII 1945 TO BE NUMBERED 11127.01.

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

SECTION 1. Section 11120 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 11120. Conspiracy defined. If two or more persons conspire:

1. To commit any offense, or
2. To instigate or incite another or others to commit any offense, or
3. To bring or maintain any suit or proceeding knowing the same to be groundless, or
4. To cause another or others to be arrested, charged or indicted for any offense, knowing them to be innocent thereof,

each shall be guilty of conspiracy."

SECTION 2. There is hereby added to chapter 243 of the Revised Laws of Hawaii 1945 a new section 11127.01 to read as follows:

"Sec. 11127.01. Witnesses' privileges. No person shall be excused from attending and testifying, or producing any books, papers or other documents, at a trial for conspiracy, upon the ground that the testimony or evidence, documentary or otherwise, required of him may tend to convict him of a crime, or to subject him to a penalty or forfeiture; but no individual shall be prosecuted, or subjected to any penalty or forfeiture, for or on account of any transaction, matter or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be

exempt from prosecution and punishment for perjury in so testifying."

SECTION 3. Section 11128 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 11128. First degree. Conspiracy to commit a felony, or to instigate or incite another or others to commit a felony, or to cause another or others to be arrested, charged, or indicted for a felony, knowing them to be innocent thereof, is conspiracy in the first degree, and shall be punished by imprisonment at hard labor for not more than ten years, or by a fine not exceeding ten thousand dollars, or by both such fine and imprisonment; provided, that the punishment for any conspiracy to commit a felony, or to instigate or incite another or others to commit a felony, shall not exceed the punishment that could be given for commission of the felony involved in the conspiracy."

SECTION 4. Section 11129 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"Sec. 11129. Second degree. Conspiracy not included in section 11128 is conspiracy in the second degree, and shall be punished by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or by both such fine and imprisonment."

SECTION 5. Sections 11127 and 11130 of the Revised Laws of Hawaii 1945 are hereby repealed.

SECTION 6. If any section, sentence, clause or phrase of this Act, or its application to any person or circumstances, is for any reason held to be unconstitutional or invalid, the remaining portions of this Act, or the application of this Act to other persons or circumstances, shall not be affected. The legislature hereby declares that it would have passed this Act and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 7. This Act shall take effect upon its approval;

provided, that this Act shall not affect the liability of any person to prosecution and punishment for the offense of conspiracy committed prior to said effective date and all such offenses may be prosecuted and punished the same as if this Act had not be enacted.

INTRODUCED BY:

SENATOR, THIRD DISTRICT

July 26, 1949.

SENATE Committee of the Whole No. 4

SPEC SESSION

1949

# THE SENATE
# Committee of the Whole

## The Legislature
of the
## Territory of Hawaii

Presented August 16, 1949, by

Senator WM.H.HEEN
Acting Chairman, Committee of the
On Whole Senate.

H.B. NO. 7 (HD2)

RECOMMENDING ITS PASSAGE IN AN AMENDED FORM

MEMO:

Adopted - August 16, 1949.

ELLEN D. SMYTHE

*Clerk of the Senate*

Com Whole 4

Honolulu, T.H., August 12, 1949.

Honorable Wilfred C. Tsukiyama
President of the Senate.

S i r :

Your Committee of the Whole Senate to which was referred House Bill No. 7, entitled: "AN ACT TO AMEND CHAPTER 219 OF THE REVISED LAWS OF HAWAII 1945, ENTITLED 'REPLEVIN, AIDS TO', BY AMENDING THE TITLE THEREOF, BY AMENDING SECTIONS 10461, 10462, 10464, 10466, 10468 AND 10471, AND BY ADDING TWO NEW SECTIONS THERETO", begs leave to report as follows:

The purpose of this Bill is to amend chapter 219 of the Revised Laws of Hawaii 1945, relating to aids to replevin, by amending the title of the chapter and sections 10461, 10462, 10464, 10466, 10468 and 10471 thereof and by adding thereto two new sections.

As said chapter 219 now stands it may be resorted to by a plaintiff in an action to recover the possession of personal property, after he has commenced such an action and at any time before issue has been joined therein. Pursuant to its provisions such a plaintiff may claim the delivery to him of such property by making an affidavit showing, among other things, that the personal property in question is being "unlawfully detained by the defendant", and by delivering such affidavit to any of the officers specified in the statute, together with a written request to such officer to take the property from the defendant. Upon the plaintiff delivering to such officer an undertaking, executed

by two or more sufficient sureties approved by the officer, in double the value of the property as stated in the mentioned affidavit, and conditioned as provided in said section 10464, the officer is required to take the property from the defendant and retain it in his possession. The defendant may object to the sufficiency of the sureties on the undertaking within the time and in the manner provided in said section 10466, whereupon the sureties must justify as provided in sections 10467 and 10468. After the above procedure has been followed the sheriff, within the time specified in the statute, must deliver the property to the plaintiff. However, at any time before delivery of such property to the plaintiff, the defendant may require the return of the same to him upon giving to the officer an undertaking with the sureties, in the amount and conditioned as provided in said section 10471. The defendant is given five days within which to so require the return of the property, and this requirement is subject to the claims of third parties. Section 10470 provides for claims by third parties who are not parties to the action.

In general, the amendments to said chapter 219 proposed in this Bill would: (1) base the proceedings upon a showing by the plaintiff by affidavit that he is entitled to the immediate possession of the property, and thus dispense with a showing by affidavit that the property was being "unlawfully detained" by the defendant; (2) make the statute and its procedure applicable to personal property which is a portion of divisible property of uniform kind, quality and value, and thus broaden its scope; (3) provide for corporate sureties upon the several types of undertakings provided for in the chapter, and, in case of a

corporation defendant, service of copies of the affidavit, notice and undertaking upon it in the manner provided in chapter 159 of the Revised Laws of Hawaii 1945; (4) provide for objections by the defendant to the sufficiency of the sureties upon the undertaking furnished by the plaintiff within five days in cases where the defendant is served with copies of the affidavit and undertaking on an island other than that upon which the action was commenced; (5) require the sureties upon an undertaking delivered by the defendant to justify in the same manner as is required in the case of sureties upon an undertaking delivered by the plaintiff; (6) prohibit the recovery of fees, costs or expenses by a plaintiff unless he proves that the defendant was able to put the plaintiff in possession of the property in question and, without right or justification, refused to do so; and (7) provide for the seizing of property by an officer on Sunday under certain circumstances.

Your Committee has fully considered this Bill and is in accord with its general intent and purposes. Your Committee believes that, in general, the amendments to said chapter 219 are desirable. It further believes that they will make resort to the above mentioned procedure practicable when a plaintiff is entitled to the immediate possession of personal property, such as cargo, located upon ships or other craft.

However, your Committee is of the opinion that the Bill should be amended as set forth in the draft hereto attached and made a part hereof. Your Committee believes that these amendments are advisable in view of the fact that a plaintiff's right under said chapter 219 will be based upon a plaintiff's right to immediate possession of personal property, and that the chapter will be applicable to fungible property. This broadening

of the statute requires provision being made for the protection of the rights of third parties who may also have claims to or rights in divisible property of uniform kind, quality and value. Accordingly, amendments to said sections 10464, 10468 and 10471 are proposed for this purpose, as well as for purposes of clarification.

Furthermore, your Committee is not in accord with the amendments proposed, as above mentioned, in regard to corporate sureties and the service of certain papers upon corporations, inasmuch as these matters are already covered by the respective general statutes relating to each such subject and there is no necessity for said amendments. These general statutes already permit of corporate sureties and the service of papers as expressly provided in said amendments.

Your Committee, therefore, recommends that said Bill, as amended in said draft hereto attached, do pass.

Respectfully submitted,

Wm. H. Keen

Acting Chairman, Committee of the Whole Senate, on H.B.No. 7

H. B. NO. 7
H. D. 2
S. D. 1

AN ACT

TO AMEND CHAPTER 219 OF THE REVISED LAWS OF HAWAII 1945, ENTITLED "REPLEVIN, AIDS TO", BY AMENDING THE TITLE THEREOF, BY AMENDING SECTIONS 10461, 10462, 10464, 10466, 10468 AND 10471, AND BY ADDING TWO NEW SECTIONS THERETO.

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

SECTION 1. The title of Chapter 219 of the Revised Laws of Hawaii 1945 is hereby amended to read as follows:

"CHAPTER 219. CLAIM AND DEMAND".

SECTION 2. Sections 10461, 10462, 10464, 10466, 10468 and 10471 of the Revised Laws of Hawaii 1945 are hereby amended to read as follows:

"Sec. 10461. Delivery of personal property, when it may be claimed. The plaintiff in an action to receive or recover the possession of personal property may, at the time of issuing the summons, or at any time before issue being joined in the action, claim the delivery to him of such personal property. If such property is a portion of divisible property of uniform kind, quality and value, the plaintiff may claim delivery or recovery of his portion.

"Sec. 10462. Affidavit and its requisites. Where a delivery is claimed, an affidavit shall be made by the plaintiff or by someone in his behalf, showing:

1. That the plaintiff is entitled to the immediate possion of the property claimed;

2. A particular description of the property claimed; if the property claimed is a portion of divisible property of uniform kind, quality and value, the affidavit shall so state, and the amount thereof which the plaintiff claims;

3. The actual value of the property claimed;

4. That the property has not been taken for a tax, assessment or fine pursuant to a statute, or seized under an execution or an attachment against the plaintiff or his property, or if so seized that it is by statute exempt from such seizure;

5. That the property is in the possession of the defendant and a statement of the facts and circumstances relating to the possession thereof by the defendant, according to the plaintiff's best knowledge or belief.

Sec. 10464. Bond by plaintiff; seizure; service of certain papers. Upon receipt of the affidavit and notice, with a written undertaking executed by two or more sufficient sureties approved by the officer to the effect that they are bound in double the value of the property, as stated in the affidavit, for the prosecution of the action to judgment, for the delivery of the property to the defendant or any other person, if such delivery thereof be adjudged, and for the payment to the defendant or any other person adjudged to have been injured, of such sum as may from any cause be recovered against the plaintiff, the officer shall forthwith take the property described in the affidavit if it be in the possession of the defendant or his agent, and retain it in his custody. He shall also, without delay, serve on the defendant a copy of the affidavit, notice and undertaking, by delivering the same to him personally if he can be found, or to his agent from whose possession the property is taken; or if neither can be found, by leaving them at the usual place of abode of either, with some person of suitable age and discretion; or if neither has any known place of abode, by putting them in the nearest post office, postpaid, and addressed to the defendant at his last known place of residence.

Sec. 10466. Objections to sureties. The defendant may, within two days after the service upon him, or his agent, as above provided, of a copy of the affidavit and undertaking, or, if he be served with such copy upon an island other than that upon which such action is commenced, within five days after such service, give notice in writing to the officer or his superiors at the seat of the court issuing the process therein, that he objects to the sufficiency of the sureties. If he fails to give such notice within the time specified, he shall be deemed to have waived all objection to them. When the defendant excepts, the sureties or others in their place shall justify as hereinafter provided; but where other sureties are substituted for the original, there shall be a new undertaking.

Sec. 10468. Manner of justifying. The manner of justifying shall be by making oath to the following facts, by each surety:

1. If an individual, that he is a resident within the Territory, stating his place of residence, and is either a freeholder or a householder therein;

2. If an individual, that he is worth the amount specified in his undertaking over and above all debts and liabilities in property unencumbered, and not exempt from sale under execution. To this end he may be examined by the judge, clerk or justice, or by the defendant or his attorney, if present, concerning his sufficiency. The examination shall, in all cases, be reduced to

writing and subscribed by the surety, if required by the defendant. The officer holding such examination shall certify the same and attach it to the written undertaking of the sureties;

3. If the surety be a corporation claiming to be authorized to do business in the Territory pursuant to the provisions of section 497, proof that such corporation is authorized under said section to do a surety business within the Territory and to execute an undertaking equal in amount to the undertaking shall be given pursuant to section 10464.

Sec. 10471. Bond for delivery to defendant; justification of sureties. At any time before the delivery of the property to the plaintiff the defendant may, if he does not except to the sureties of the plaintiff, require the return thereof upon giving to the officer a written undertaking executed by two or more sufficient sureties, to the effect that they are bound in double the value of the property, as stated in the affidavit of the plaintiff, for the delivery thereof to the plaintiff, if such delivery be adjudged, and for the payment to him of such sum as may, for any cause, be recovered against the defendant. If a return of the property be not so required within five days after the taking and service of notice to the defendant, it must be delivered to the plaintiff, except where the property is claimed by a third party, as is provided in section 10470

The defendant's sureties, upon notice by the plaintiff of not less than two days nor more than five days, shall justify before a judge or the clerk of the court in which the action is pending in the same manner as is required in the case of justification of sureties by section 10468."

SECTION 3. Chapter 219 of the Revised Laws of Hawaii 1945 is hereby amended by adding thereto two new sections, which shall be appropriately numbered by the secretary of Hawaii, and shall read as follows:

"Sec. Costs. The plaintiff shall recover no fees, costs or expenses in any such proceeding unless he shall prove that the defendant was able to put the plaintiff in possession of such property and that the defendant, without right or justification, refused to do so.

Sec. Process on Sunday. If the plaintiff alleges in his petition that he will lose the property unless process issues on Sunday, the seizing officer may take possession thereof on Sunday."

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

INTRODUCED BY:

HIRAM L. FONG
Representative, 5th District

THOS. T. SAKAKIHARA
Representative, 1st District

A. Q. MARCALLINO
Representative, 6th District

ROBERT L. HIND, JR.
Representative, 2nd District

JOSEPH R. GARCIA, JR.
Representative, 1st District

CLARENCE SEONG
Representative, 3rd District

ALFRED A. APAKA
Representative, 3rd District

NOBORU MIYAKE
Represent tive, 6th District

HEBDEN PORTEUS
Representative, 4th District

W. F. McGUIRE
Representative, 4th District

ESTHER K. RICHARDSON
Representative, 2nd District

JACK P. KING
Representative, 4th District

A. H. EZELL
Representative, 3rd District

KENNETH T. OLDS
Representative, 4th District

SAMUEL M. ICHINOSE
Representative, 4th District

CHARLES E. KAUHANE
Representative, 5th District

STEERE G. NODA
Representative, 5th District

JAMES K. TRASK
Representative, 5th District

July 26, 1949

Com Whole 5

Honolulu, T.H., August 15, 1949.

Honorable Wilfred C. Tsukiyama
President of the Senate

S i r :

Your Committee of the Whole Senate to which was referred House Bill No. 8, entitled "AN ACT TO AMEND CHAPTER 219 OF THE REVISED LAWS OF HAWAII 1945, ENTITLED 'REPLEVIN, AIDS TO', BY ADDING A NEW PART THERETO TO BE DESIGNATED AS 'PART II, SPECIAL PROCEEDINGS FOR IMMEDIATE POSSESSION OF PERSONAL PROPERTY", begs leave to report as follows:

House Bill No. 8 is a companion measure to House Bill No. 7, House Draft 2, Senate Draft 1, which has already passed, and, like the latter bill, would amend chapter 219 of the Revised Laws of Hawaii 1945. It would add to said chapter a new part, designated Part II, and a new remedy for securing the immediate possession of personal property.

This remedy would complement, and be in addition to, the other provisions of chapter 219 and other laws, and would provide for a new special proceedings which could be brought by an aggrieved party in the circuit court of the judicial circuit where the personal property or some part thereof was situated to secure the immediate possession of such personal property. The proceedings would be commenced by the filing of a verified petition showing, among other things, that he, the plaintiff, was entitled to the immediate possession of the property claimed. The proceedings would be applicable to property that was a portion of divisible property of uniform kind, quality, or value.

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If the plaintiff should desire the immediate delivery of the property he could, upon the filing of his petition and the execution of a bond to the defendant and to all other persons named in the petition as having an interest in the property, of such amount and with such sureties as should be approved by the judge, secure possession thereof, after the judge had inquired into the matter, had found the claim for relief under the statute established and had issued an order to any one of the officers specified in the statute to take the property and deliver it to the plaintiff. The Bill also provides for the bringing in, substitution and intervention of certain new parties.

The Bill provides that after the seizing officer has taken possession of the property or any part thereof, he must deliver it to the plaintiff unless, before such delivery, the defendant, or any person claiming an interest and a right to possession thereof, makes an affidavit of his interest and of his right to the possession of the property and executes a bond to the plaintiff in such amount and with such sureties as the judge may approve.

The final judgment of the court would determine which party was entitled to the possession of the property and his right therein.

Your Committee, after full consideration of the Bill, finds itself in accord with the Bill's purposes and believes that an additional remedy of the mentioned character should be provided in Hawaii for aggrieved parties. However, it believes that the Bill should be so amended: (1) that such proceedings could be brought in any circuit court regardless of where the property was situated; (2) that the interest of third parties in the property would be more fully protected by having the several types of bonds run in their favor, as well as in favor of

the parties or persons now mentioned in the Bill; (3) that notice of such proceedings (including service of the petition, of the plaintiff's bond, if any, and of the court's order for seizure, if any) would be immediately given to the defendant and to each person having or claiming a possessory interest in the property, as shown by the petition or any supplementary proceedings: (4) that the procedure, after service, would be more clearly defined and be the same, as nearly as may be, as the procedure followed in the case of other civil actions at law, except as otherwise provided in the Bill, and except that early hearings would be provided for; (5) that the powers of the court would be more fully defined, and such powers would be broad enough that the court could fully conduct, hear and dispose of such proceedings; (6) that the provisions in regard to the final judgment of the court, as well as the provisions in regard to options of the prevailing party, would be revised and amplified in several respects; and (7) that it would clearly appear that the remedy provided by the Bill was in addition to any other remedy. Other amendments are needed for the purpose of clarification. All of these amendments to the Bill would more adequately protect the rights of the parties, and preserve to the litigants the right to a trial by jury and other rights protected by the procedure followed by Hawaiian courts in the case of civil actions at law, subject, however, to the exceptions mentioned under (4), above.

Your Committee, therefore, recommends that the Bill be amended as set forth in the draft hereto attached and made a part hereof, and that, as so amended, it do pass.

Respectfully submitted,

Wm. H. Heen
Acting Chairman, Committee of the Whole, on H. B. No. 8

H. B. NO. 8
S. D. 1

AN ACT

TO AMEND CHAPTER 219 OF THE REVISED LAWS OF HAWAII 1945, ENTITLED "REPLEVIN, AIDS TO", BY ADDING A NEW PART THERETO TO BE DESIGNATED AS "PART II, SPECIAL PROCEEDINGS FOR IMMEDIATE POSSESSION OF PERSONAL PROPERTY".

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

SECTION 1. Chapter 219 of the Revised Laws of Hawaii 1945 is hereby amended by adding a new part thereto, to be designated as "Part II, Special Proceedings for Immediate Possession of Personal Property," consisting of new sections to be appropriately renumbered by the secretary of Hawaii, and to read as follows:

"Sec. (1). Where brought; petition. A special proceeding may be brought to secure the immediate possesion of personal property in any circuit court by filing a verified petition showing: (1) that the plaintiff is entitled to the immediate possession of the property claimed; (2) a particular description of the property claimed; if the property claimed is a portion of divisible property of uniform kind, quality, or value, the petition shall so state, and the amount thereof which the plaintiff claims; (3) the actual value of the property claimed; (4) that the property has not been taken for a tax assessment, or fine pursuant to a statute, or seized under an execution or an attachment against the plaintiff or his property, or if so seized that it is by statute exempt from such seizure; (5) that the property is in the possession of the defendant, and a statement of the facts and circumstances relating to the possession thereof by the defendant, according to the plaintiff's best knowledge and belief; (6) the names of all persons other than the named defendant or defendants having or claiming or who might have or claim to have an interest in the property, according to the best belief of plaintiff.

Sec. (2). Procedure. When the plaintiff desires the immediate delivery of the property, he shall execute a bond to the defendant and to all persons having an interest in the property, of such amount and with such sureties as shall be approved by the judge, conditioned that he will appear on the day fixed by the court and prosecute his action to judgment, and deliver the property to the defendant or any other person, if such delivery be adjudged, and pay all costs and damages that may be adjudged against him. Upon the filing of the petition with the bond, as aforesaid, and the filing of a motion for immediate consideration of the matter, the judge shall forthwith inquire into the matter, ex parte or otherwise, as in

his discretion he shall determine. If thereupon the judge shall find that a claim for relief under part II of this chapter has been established, he shall issue an order directed to the high sheriff, or his deputy, or the sheriff of the city and county, or the chief of police, or an authorized police officer of any county, or his deputy, to take the property therein described and deliver the same to the plaintiff.

Copies of the petition, and, if a bond for immediate seizure has been filed, of the bond, and, if an order for such taking has been issued on an ex parte hearing, of such order, shall forthwith be served upon the defendant and each person having or claiming a possessory interest in the property, as shown by the petition or any supplementary pleadings, in the manner provided in section 10464 for service of the affidavit, notice and undertaking therein mentioned. The court may also, either before or after issuing such an order for such taking, require or authorize service of notice of such proceeding by publication, registered mail, cable, wireless or other suitable means, or any combination thereof, upon any defendant or person having a possessory interest in the property, as the court deems necessary or proper, for the more adequate protection of such defendant and other persons under the circumstances. The procedure after such service shall be the same, as nearly as may be, as in the case of other civil actions at law, except as otherwise provided herein and except that, upon the application of any party, such proceeding shall be advanced and assigned for hearing at the earliest possible date, and that the court may make such other orders as may be necessary or proper to effectuate an early hearing and disposition of such proceeding. The court shall have power to make and award all such judgments, decrees, orders and mandates, to issue all such executions, writs and other processes, and to take all other steps necessary for the promotion of justice in matters pending before it, and to carry into full effect all powers which are, or may be given to it by law.

For good cause shown, the court may authorize process and orders under part II of this chapter to be served and executed on Sunday.

Sec. (3). New parties. Any person designated in the petition as having an interest in the property

or any third person claiming any possessory interest therein may upon amended petition of the plaintiff be brought in as a party defendant, or by motion of any party be substituted as a party, or may intervene in the special proceeding in the manner provided by section 10049 or in any manner permitted by order of the court.

Sec. (4). Execution of the order. The officer to whom an order has been issued shall forthwith execute the same by taking possession of the property therein described, for which purpose he may enter in or upon any enclosure or other property, including any building or other structure, vehicle, vessel, or aircraft, and may, upon denial of entrance and after exhibiting his authority if requested, use necessary force to secure such entrance.

Sec. (5). Examination of defendant. When it //appears by the return of the officer to whom the order was issued that the property claimed has been disposed of or concealed so that the order cannot be executed, the judge, upon motion and affidavit, may compel the attendance of the defendant or any other person to examine him on oath as to the situation of the property, and may punish a wilful hindrance to, or obstruction or disobedience of, any order of the court as a contempt.

Sec. (6). Delivery bond. The officer, having taken possession of the property or any part thereof, shall forthwith deliver the same to the plaintiff, unless, before the actual delivery to him, the defendant, or any person claiming an interest therein and a right to the possession thereof, upon making an affidavit of his interest and of his right to the possession stating the grounds thereof, executes a bond to the plaintiff in such amount and with such sureties as shall be approved by the judge, conditioned that he will appear in and defend the action, and deliver the property to the plaintiff, if the plaintiff recovers judgment therefor, in as good condition as it was when the action was commenced, and that he will pay all costs and damages that may be adjudged against him for the taking or detention of the property.

Sec. (7). Return of officer. The officer shall return the order on or before the return day specified in the order issued to him and state fully what he has done thereunder. If he has taken any property he shall describe the same particularly.

Sec. (8). Judgment. The judgment shall determine which party is entitled to the possession of the property and shall designate his right therein and if such party have not the possession thereof shall also determine the value of the right of such party. The court may also award judgment for damages resulting from the detention of such property. Any money judgment against any party shall also be against the sureties on his bond.

Sec. (9). Plaintiff's option. If the party found to be entitled to the property be not already in possession thereof by delivery under the provisions of part II of this chapter, or otherwise, he may, in addition to an execution for damages awarded under section (8), at his option have an execution for the delivery of the specific property, or for the value thereof. If any portion of the property cannot be obtained on execution the party entitled thereto may take the remainder and apply for and obtain a supplementary judgment for the value of the missing portion together with damages.

Sec. (10). Other remedies not affected. The remedy provided by part II of this chapter shall be in addition to, and shall not be deemed to affect, any other remedy."

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

INTRODUCED BY:

ESTHER K. RICHARDSON
Representative, 2nd Distr.

JACK P. KING
Representative, 4th Distr.

JOSEPH R. GARCIA, JR.
Representative, 1st Dist.

A. H. EZELL
Representative, 3rd Dist.

KENNETH T. OLDS
Representative, 4th Dist.

SAMUEL M. ICHINOSE
Representative, 4th Dist.

C. E. KAUHANE
Representative, 5th Dist.

STEERE G. NODA
Representative, 5th Dist.

JAMES K. TRASK
Representative, 5th Dist.

HIRAM L. FONG
Representative, 5th Dist.

THOS. T. SAKAKIHARA
Representative, 1st Dist.

A. Q. MARCALLINO
Representative, 6th Dist.

ROBERT L. HIND, JR.
Representative, 2nd Dist.

CLARENCE SEONG
Representative, 3rd Dist.

ALFRED A. APAKA
Representative, 3rd Dist.

M. MIYAKE
Representative, 6th Dist.

HEBDEN PORTEUS
Representative, 4th Dist.

W. F. McGUIRE
Representative, 4th Dist.

July, 26, 1949

Committee of the Whole No. 6

SENATE

SPEC SESSION

1949

# THE SENATE
## Committee of the Whole

# The Legislature
of the
# Territory of Hawaii

Presented AUGUST 18, 1949, by
Senator WM. H. HEEN
On
SENATE BILL NO. 16

RECOMMENDING TABLING OF SAID BILL.

MEMO:

Filed - August 18, 1949.

ELLEN D. SMYTHE
*Clerk of the Senate.*

Com Whole6

Honolulu, T.H. August 18, 1949

Honorable Wilfred C. Tsukiyama
President of the Senate
Honolulu, T.H.

S i r :

Your Committee of the Whole Senate, to which was referred Senate Bill No. 16, entitled: "AN ACT TO AMEND SECTION 10750 OF THE REVISED LAWS OF HAWAII 1945, RELATING TO BONDS TO KEEP THE PEACE", begs leave to report as follows:

This Bill provides for the deletion of the words "with violence" from the present statute, namely, section 10750 of the Revised Laws of Hawaii 1945. The whole basis of the bond to keep the peace is to prevent the commission of acts of violence, and your Committee believes that the elimination of the element of violence from the statute would destroy the very purpose thereof.

Your Committee therefore recommends that Senate Bill No. 16 be tabled.

Respectfully submitted,

Wm. H. Heen
Acting Chairman, Committee of
the Whole on S. B. No. 16.

Committee of the Whole No. 7

SENATE
SPEC SESSION
1949

# THE SENATE
## Committee of the Whole

# The Legislature
of the
# Territory of Hawaii

Presented AUGUST 19, 1949, by
Senator WM. H. HEEN
On

RECOMMENDING THAT SENATE BILL NO. 14 BE TABLED.

MEMO:

Filed - August 19, 1949.

ELLEN D. SMYTHE
*Clerk of the Senate.*

1

Honolulu, T.H., August 17, 1949

Honorable Wilfred C. Tsukiyama
President of the Senate.

S i r :

Your Committee of the Whole Senate, to which was referred Senate Bill No. 14, entitled: "AN ACT TO PROVIDE CRIMINAL PENALTIES FOR WILFULLY AND KNOWINGLY MAKING, CIRCULATING OR TRANSMITTING FALSE STATEMENTS AFFECTING EMPLOYER-EMPLOYEE RELATIONS", begs leave to report as follows:

The purpose of this Bill is set forth in its title.

Your Committee has fully considered this Bill. It deplores the fact that too often false statements are wilfully made for the purpose of disturbing peaceful relations between management and labor in certain of Hawaii's major industries - having in mind in particular false statements wilfully made for the purpose of affecting the result of votes of employees as to whether they will go or continue on strike. However, your Committee is not in accord with the terms of this Bill, as drafted, which it does not believe would correct the situation the Bill is intended to remedy, but on the contrary, as drafted, might very well lead to undesirable results.

Your Committee, therefore, recommends that Senate Bill No. 14 be tabled.

Respectfully submitted

Wm. H. Heen
Acting Chairman, Committee
of the Whole on S.B.No. 14.

Committee of the Whole No. 8

SENATE

SPEC SESSION

1949

THE SENATE

Committee of the Whole

The Legislature

of the

Territory of Hawaii

Presented AUGUST 19 , 1949 , by

Senator WM. H. HEEN

On

RECOMMENDING PASSAGE OF HOUSE BILL NO. 10

MEMO:

Filed - August 19, 1949.

ELLEN D. SMYTHE

*Clerk of the Senate.*

8

Honolulu, T.H., August 12, 1949.

Honorable Wilfred C. Tsukiyama
President of the Senate

S i r :

Your Committee of the Whole Senate, to which was referred House Bill No. 10, HD 2, entitled: "AN ACT PROHIBITING PICKETING BEFORE OR ABOUT RESIDENCES AND DWELLING PLACES, MAKING THE SAME A MISDEMEANOR, AND PROVIDING PENALTIES", begs leave to report as follows:

The purpose of this Bill is to prohibit picketing before or about the residence or dwelling place of any individual. A violation of the Bill would be a misdemeanor.

Your Committee after fully considering this measure finds itself in accord with its general purpose of preserving the home as the keystone of democratic government. It believes that the practice of picketing before or about residences or dwellings unnecessarily disturbs the privacy of the home and the tranquility of family life, and, for these reasons, as well as others stated in the Bill, should be prohibited under criminal sanctions. However, it believes that section 1 of the Bill should be amended by inserting a semi-colon immediately after the word "occupants" in the eleventh line thereof and by deleting in said eleventh line the words and punctuation "and is an invasion of their homes;".

As so amended, your Committee recommends that said Bill do pass.

Respectfully submitted,

Wm. H. Heen

Acting Chairman, Committee of the Whole on H. B. No. 10.

Committee of the Whole No. 9

SENATE
SPEC SESSION
1949

# THE SENATE
## Committee of the Whole

# The Legislature
of the
# Territory of Hawaii

Presented AUGUST 19, 1949, by
Senator WM. H. HEEN
On

RECOMMENDING PASSAGE OF HOUSE BILL NO. 11.

MEMO:

Filed - August 19, 1949.

ELLEN D. SMYTHE
*Clerk of the Senate.*

9

Honolulu, T.H., August 15, 1949.

Honorable Wilfred C. Tsukiyama
President of the Senate.

S i r :

Your Committee of the Whole Senate, to which was referred House Bill No. 11, HD 2, entitled: "AN ACT RELATING TO JUDICIAL PROCEDURE, PARTIES TO ACTIONS, AND SERVICE OF JUDICIAL PROCESSES AND CERTAIN OTHER NOTICES", begs leave to report as follows:

The purpose of this Bill is to permit and allow two or more persons who associate and act, whether for profit or not, under a common name, including associating and acting as a labor organization or employer organization, whether such common name comprises the names of such persons or not, to sue in or be sued by such common name. Provision is made for the service of process and for judgment, including its enforcement, in such cases.

Your Committee has fully considered this Bill, and is in accord with its purposes. Your Committee believes that this is a necessary piece of legislation and that by its terms the rights of the above mentioned litigants are fully protected. Provision is made so that this Bill, if enacted, cannot be construed to amend or repeal chapter 162 or 163 or section 10040 of the Revised Laws of Hawaii 1945, as amended.

Your Committee, therefore, recommends that said Bill do pass.

Respectfully submitted,

Wm. H. Heen
Acting Chairman, Committee
of the Whole on H.B. No. 11

Committee of the Whole No. 10

SENATE

SPEC SESSION

1949

# THE SENATE
## Committee of the Whole

# The Legislature
of the
# Territory of Hawaii

Presented AUGUST 19, 1949, by
Senator WM. H. HEEN
On

RECOMMENDING PASSAGE OF HOUSE BILL NO. 13.

MEMO:

Filed - August 19, 1949.

ELLEN D. SMYTHE
*Clerk of the Senate.*

10

Honolulu, T.H., August 15, 1949

Honorable Wilfred C. Tsukiyama
President of the Senate

S i r :

Your Committee of the Whole Senate, to which was referred House Bill No. 13, HD 2, entitled: "AN ACT RELATING TO THE OBSTRUCTION OF INGRESS AND EGRESS, DEFINING OFFENSES IN CONNECTION THEREWITH, AND PRESCRIBING THE PUNISHMENT THEREFOR", begs leave to report as follows:

The purpose of this Bill is to prevent the obstruction by any person or persons of ingress to or egress from any public or private place in such manner as not to leave a free passageway for persons or vehicles lawfully seeking to enter or leave such place. In case of such an obstruction it is made the duty of any police or other peace officer to direct such person or persons to move so as to provide and maintain a free and unobstructed passageway for persons or vehicles lawfully going into or out of such place. The Bill makes a refusal or wilfull failure to move as directed by such an officer a misdemeanor.

Your Committee is in accord with the purposes of this Bill. In recent years there have been flagrant examples in Hawaii of obstruction of ingress to or egress from public or private places by groups of persons who have refused to leave free passageway for persons or vehicles lawfully seeking to enter or leave such places. These incidents, at times, have led to public disorders and breaches of the peace.

It is recommended, therefore, that this Bill do pass.

Respectfully submitted,

Wm. H. Heen
Acting Chairman, Committee
of the Whole on H.B. No. 13.

SENATE Committee of the Whole No. 11

SPEC SESSION

1949

# THE SENATE
# Committee of the Whole

## The Legislature
of the
## Territory of Hawaii

Presented August 19, 19 49, by

Senator WM.H.HEEN
Acting Chairman, Committee of the
On Whole Senate

S. B. NO. 18

RECOMMENDING ITS PASSAGE.

MEMO:

Filed - August 19, 1949

ELLEN D. SMYTHE
*Clerk of the Senate*

Com. Whole No 11

Honolulu, T.H., August 16, 1949.

Honorable Wilfred C. Tsukiyama
President of the Senate

S i r :

Your Committee of the Whole Senate, to which was referred Senate Bill No. 18, entitled "AN ACT TO AMEND SECTION 80 OF THE REVISED LAWS OF HAWAII 1945, AS AMENDED, RELATING TO ASSOCIATIONS AND ORGANIZATIONS OF PUBLIC OFFICERS AND EMPLOYEES", begs leave to report as follows:

This Bill amends section 80 of the Revised Laws of Hawaii 1945, as amended, by revising the first paragraph thereof and by adding thereto a new paragraph. The purpose of the Bill is to allow proposals concerning compensation, hours of employment and other conditions of employment of public officers and employees, as therein defined, to be submitted to the legislature and its committees and members, and to all other public officers and bodies, by one association or organization to be selected and designated by such officers and employees. Such association or organization would be the sole and exclusive representative of such officers and employees, and it would have to be selected and designated by them under the detailed provisions of the Bill, which provide for nominations and, also, for elections by secret ballot to be conducted by the secretary of the Territory. The Bill does not apply to teachers or persons holding certificates under the provisions of chapter 28 of the Revised Laws of Hawaii 1945.

Your Committee is in accord with the purposes of this Bill and believes that it will promote the public security, encourage

efficiency in the public service, and safeguard the interests of all of the mentioned officers and employees.

Your Committee, therefore, recommends that Senate Bill No. 18 do pass.

Respectfully submitted,

Wm. H. Keen
Acting Chairman, Committee
of the Whole on S. B. No. 18.

SENATE Committee of the Whole No. 12

SPEC SESSION

1949

# THE SENATE
# Committee of the Whole

## The Legislature
of the
## Territory of Hawaii

Presented September 21, 1949, by

Senator WM. H. HEEN
Acting Chairman

On

S. B. NO. 32

RECOMMENDING THE PASSAGE OF

SAID BILL.

MEMO:

Filed - September 21, 1949

ELLEN D. SMYTHE

*Clerk of the Senate*

Com Whole 12

Honolulu, T. H.
September 20, 1949

Honorable Wilfred C. Tsukiyama
President of the Senate

S i r :

Your Committee of the Whole Senate to which was referred Senate Bill No. 32, entitled "AN ACT AMENDING ACT 281 OF THE SESSION LAWS OF HAWAII 1949 RELATING TO HOUSING PROJECTS AND HOUSING; AND CONFERRING RIGHTS, POWERS AND PRIVILEGES UPON THE HAWAII HOUSING AUTHORITY AND UPON THE SEVERAL COUNTIES IN REGARD TO SUCH HOUSING PROJECTS AND HOUSING", begs leave to report as follows:

The purpose of this bill is to amend Act 281 of the Session Laws of Hawaii 1949 in order to permit the Hawaii Housing Authority, in its discretion, to pay to each of the several counties such sum or sums as the Authority may deem reasonable for garbage and trash collection and disposal service rendered by any such county at and from dwelling accommodations and other facilities in each housing project or housing owned, operated or administered by the Authority, and, also, so that the Authority may, in its discretion, pay to any such county such sum or sums as the Authority may deem reasonable for the use of county incinerators, garbage dumps or other facilities in case it establishes or operates its own garbage and trash collection and disposal service in any such county. The bill, if enacted, would take effect as of May 14, 1949, the date said Act 281 became law.

By section 2 of said Act 281 the counties were required to furnish to the Hawaii Housing Authority the above mentioned services or facilities free of charge; however, it was expressly provided in section 3 of the said Act that its provisions were not to be construed as limiting any other rights or powers of the Authority, it being intended that the Authority might, in its discretion, pay for any of such services or facilities under the powers vested in it by Chapter 61 of the Revised Laws of Hawaii 1945, as amended, or by Joint Resolution 4 of the Session Laws of Hawaii 1947. However, after the Authority had discussed the matter of payments with representatives of the City and County of Honolulu and had tentatively decided to pay certain amounts for garbage and trash collection and disposal service rendered by the City and County at certain housing projects or housing, including war housing and Lanham Act housing, the Public Housing Administration informed the Authority that it could not pay for such services due to the provisions of said section 2 of Act 281.

This bill, as above mentioned, would permit the Authority, in its discretion, to pay for the same, and the Public Housing Administration has informed the Authority that, if such a bill is enacted, it will authorize payments, in reasonable amounts, for services rendered at war housing and Lanham Act housing, providing

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that such service is not normally provided householders without charge. These payments will amount to about $35,000.00, per annum in the case of the City and County of Honolulu and about $3,500.00 per annum in the case of the County of Hawaii. The bill is made retroactive in order to permit payment for services furnished between the enactment of said Act 281 and the effective date of this bill.

Your Committee is in full accord with the purposes of this bill.

Your Committee, therefore, recommends that the said bill do pass.

Respectfully submitted,

Chairman of the Committee
of the Whole Senate.




CERTIFICATION

I HEREBY CERTIFY THAT THE MICROPHOTOGRAPH APPEARING IN THIS REEL OF FILM ARE TRUE COPIES OF THE ORIGINAL DOCUMENTS.

2003
DATE

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SIGNATURE OF OPERATOR

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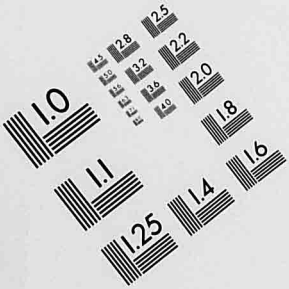


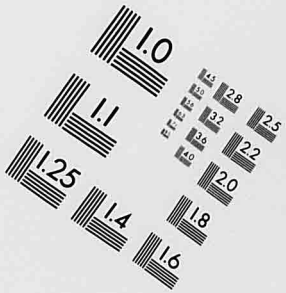


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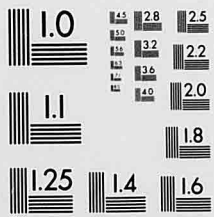


RIGHT

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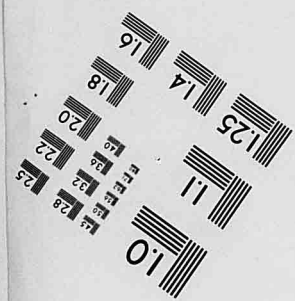


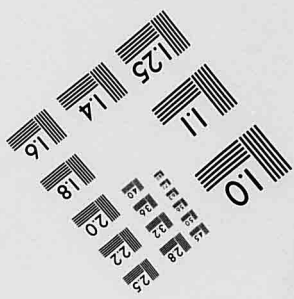


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