

SESSION LAWS
OF
HAWAII
PASSED BY THE
THIRD STATE LEGISLATURE

VOLUME I

REGULAR SESSION
1965

Convened on Wednesday, February 17
and
Adjourned Sine Die on Tuesday, June 1

**Including Act 1 of the Second State Legislature, Special Session 1964, Convened
on Tuesday, July 23 and Adjourned Sine Die on Wednesday, August 26, and
Constitutional Amendments**

Published by Authority of the
Revisor of Statutes
Honolulu, Hawaii

AUTHORITY

Section 4, Act 191, Session Laws of Hawaii 1959, provides as follows:

Section 4. Publishing of session laws. As soon as possible after the close of each session of the legislature, the revisor shall prepare for publication all laws duly enacted at such session, arranged, first the bills and then joint resolutions, in the order of their becoming law, together with a suitable index and tables showing what general statutes have been affected by such session laws.

P R E F A C E

This volume contains all the laws and proposed constitutional amendments passed by the Legislature at the Special Session of 1964 and the General Session of 1965.

In preparing this volume, the text of the original laws and proposals has been followed, with the exception of palpable typographical errors.

HIDEHIKO UYENOYAMA
Revisor of Statutes

Honolulu, Hawaii
September 29, 1965

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Patsy T. Mink

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Lieutenant Governor.....William S. Richardson

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THIRD STATE LEGISLATURE

REGULAR SESSION

1965

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D—Democrats 16
R—Republicans 9

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1964

SPECIAL SESSION

LAWS



Session Laws Of Hawaii
Passed By The
Second State Legislature
Special Session
1964

ACT 1

A Bill for an Act Authorizing the Second State Legislature to Utilize the Funds of Act 1, Session Laws of Hawaii 1964 for the First Special Session of 1964.

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

SECTION 1. Section 3 of Act 1, Session Laws of Hawaii 1964, is hereby amended to read as follows:

"Section 3. Any unencumbered balance of the appropriations provided for in sections 1 and 2 remaining at the close of the Budget Session of 1964 is hereby appropriated to: (1) defray the expenses of any committee or committees established by either the Senate or the House of Representatives, respectively; and (2) defray the expenses of any Special Session that may be convened before February 17, 1965. Payment of such expenses shall be made only with the approval of either the President of the Senate or the Speaker of the House of Representatives, respectively."

SECTION 2. This Act shall take effect upon its approval.
(Approved July 29, 1964.) S.B. 1.

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1965

REGULAR SESSION

LAWS

Session Laws of Hawaii
Passed By The
Third State Legislature
Regular Session
1965

ACT 1

A Bill for an Act Appropriating Money to Cover the Expenses of the Legislature.

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

SECTION 1. There is hereby appropriated from the general funds of the State the sum of \$685,000, or so much thereof as may be necessary, for defraying the pre-session and other expenses of the Senate for the General Session of 1965, Third State Legislature of the State of Hawaii, up to and including February 15, 1966.

SECTION 2. There is hereby appropriated from the general funds of the State the sum of \$885,000, or so much thereof as may be necessary, for defraying the pre-session and other expenses of the House of Representatives for the General Session of 1965, Third State Legislature of the State of Hawaii, up to and including February 15, 1966.

SECTION 3. Any unencumbered balance of the appropriations provided for in sections 1 and 2 remaining at the close of the General Session of 1965 is hereby appropriated to defray any and all expenses of the Senate and the House of Representatives, including but without limitation to the generality of the foregoing, the expenses of any committee or committees established by either the Senate or the House of Representatives, respectively, and the pre-session expenses of the Budget Session of 1966. Payment of such expenses shall be made only with the approval of either the President of the Senate or the Speaker of the House of Representatives, respectively.

SECTION 4. Before February 16, 1966, the Senate and the House of Representatives shall have their accounts audited and a full report of such audit shall be presented to the Senate and to the House of Representatives of the Legislature convening on February 16, 1966.

SECTION 5. The expenses of any member of the Legislature while traveling abroad on official business of the Legislature shall not be limited by the provision of section 5-16 of the Revised Laws of Hawaii 1955, as amended, or by any other general statute. The expenses of such member shall be the higher sum allowed by section

ACT 2

2-20 of the Revised Laws of 1955, as amended, and authorized by the President of the Senate or the Speaker of the House of Representatives, respectively.

SECTION 6. Each section of this Act is hereby declared to be severable from the remainder of this Act.

SECTION 7. This Act shall take effect upon its approval.
(Approved February 27, 1965.) **H.B. 1.**

ACT 2

A Bill for an Act Relating to Real Property Taxes and Amending Sections 128-32 and 129-2, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Section 128-32 of the Revised Laws of Hawaii 1955, as amended, by Act 7 of the Session Laws of 1964, is hereby further amended to read as follows:

"Sec. 128-32. Taxes; due when; installment payments; billing and delinquent dates. All real property taxes shall be due and payable on and after January 1 in each year and the payment thereof shall be determined in the following manner:

The director of taxation shall, in each year, arrange the total parcels of real property in each taxation division into two groups designated as Groups I and II. He shall then assign each parcel to one of these groups in such a manner as to insure that the real property taxes due on the first payment date for those parcels assigned to Group I shall amount to not less than 50% of the estimated real property taxes for the current year. All known persons assessed for real property taxes shall be billed not later than the billing date designated in the schedule listed herein subject, however, to the limitations heretofore provided in section 128-31. Each taxpayer shall pay the real property taxes due from him, for the year in which the taxes are assessed, in two equal installments on or before the dates designated for the group to which his parcel is assigned in accordance with said schedule as follows:

	(Billing Date)	(1st Payment)	(2nd Payment)
GROUP I	May 25	June 10	November 10
GROUP II	June 10	June 25	November 25

All such taxes due on the first payment date of such year from each taxpayer in each respective group, which remain unpaid after said date, shall thereupon become delinquent, and the balance of such taxes due on the second payment date of such year from each taxpayer in each respective group, which remain unpaid after said date, shall thereupon become delinquent."

SECTION 2. The last sentence in sub-paragraph (b) of section 129-2, as amended, is hereby further amended to read as follows:

"The resolution fixing the tax rates in each county shall be adopted on or before May 10th of the year for which property tax revenues are to be raised."

SECTION 3. Sub-paragraph (f) of section 129-2, Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

“The Director of Taxation shall on or before April 10th of each year furnish each board and council with a calculation certified by him as being as nearly accurate as may be, of the net taxable real property within the county, separately stated for each class established in accordance with sub-section 128-9 (d) for net taxable lands and for net taxable buildings plus such additional data relating to the property tax base as may be necessary.”

SECTION 4. This Act shall take effect upon its approval.
(Approved April 26, 1965.) **S.B. 872.**

ACT 3

A Bill for an Act Relating to Construction of Government Buildings and Facilities.

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

SECTION 1. The purpose of this Act is to provide for the application of certain building specifications to the construction of new buildings and facilities intended for public use and constructed with federal, state or local funds in order to make such buildings and facilities accessible to and usable by the physically handicapped.

SECTION 2. The Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding thereto a new section to be appropriately numbered and to read as follows:

“**Section** . Building design to consider needs of handicapped. Notwithstanding the provisions of any law to the contrary, all plans and specifications for the construction of public buildings and facilities by the State or any political subdivision thereof subject to the provisions of chapter 9 Revised Laws of Hawaii 1955, as amended, shall include facilities for the physically handicapped to the extent deemed feasible by the contracting officer of the State or such political subdivision. Such facilities, insofar as feasible, shall conform to the latest issue of the “American Standards Specifications for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped” as approved by the American Standards Association, Inc. (A117.1).”

SECTION 3. This Act shall take effect upon its approval.
(Approved May 3, 1965.) **H.B. 888.**

ACT 4

A Bill for an Act Amending the Hawaiian Homes Commission Act, 1920, as Amended.

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

SECTION 1. Section 213(b) of the Hawaiian Homes Commission Act of 1920, as amended, is hereby amended by adding the following paragraphs:

"Subject to repeal or amendment of this authorization and to the recall, by the legislature, of the moneys herein loaned, thirty per cent of the state receipts derived from the leasing of cultivated sugar-cane lands under any other provisions of law or from water licenses, over and above the present ceiling in the Hawaiian home-loan fund of \$5 million, which additional amount is hereinafter called "Additional Receipts," shall be deposited into a special revolving account within the Hawaiian home-loan fund until the aggregate amount of the Additional Receipts so deposited (including the principal and interest of all outstanding loans and advances made from the Additional Receipts but not from moneys borrowed under (6) hereinbelow, and all transfers which have been made from the Additional Receipts to other funds for which this fund has not been or need not be reimbursed) shall equal \$2,500,000. In addition to these moneys there shall be covered into the special revolving account of the loan fund, moneys borrowed under (6) hereinafter, installments of principal and interest paid by borrowers upon loans from the special revolving account, whether from the Additional Receipts or such borrowed moneys. To the extent as stated hereinafter, the Additional Receipts shall be repaid to the general fund of the State upon proper action by the legislature directing repayment.

Eighty-five per cent of the annual Additional Receipts, hereinafter called the "Additional Receipts—Development Fund Portion," is to be transferred to the Hawaiian home development fund in section 213(c), to be used in accordance with the amended provisions thereof.

Fifteen per cent of the annual Additional Receipts, hereinafter called the "Additional Receipts—Loan Fund Portion," shall be retained in the special revolving fund and be used for and in connection with the purchase or erection or improvement of dwellings on either Hawaiian home lands or non-Hawaiian home lands, whether owned or leased, with loans by the department or by financial institutions, governmental or private. In furtherance of the purposes herein, the department may do any one or more of the following, with moneys from the Additional Receipts—Loan Fund Portion and any borrowed moneys under (6) hereinbelow:

(1) The department may extend the benefits of the special revolving account only to native Hawaiians as defined in the Act;

(2) The department may loan, or guarantee the repayment of or otherwise underwrite any authorized loan, up to a maximum of ten thousand dollars (\$10,000.00); provided, that where, upon the death of a lessee living on Hawaiian home lands who leaves no relatives qualified to be a lessee on Hawaiian home lands, or the cancellation

of a lease by the lessee, the department shall be authorized to make payment and to permit assumption of loan in excess of ten thousand dollars (\$10,000.00) under and in accordance with the provisos of section 215(1), subject, as stated, to the provisions of section 215(3);

(3) Where the dwelling is on Hawaiian home lands, only the department may make loans, and the department shall be governed by, and the loans made in connection with the purchase or erection or improvement of dwellings shall be subject to, all applicable provisions of the Act, including but not limited to the provisions of sections 207, 208, 209, 210, 215, 216 and 217, and to such legislative amendments of the Act herein or hereafter enacted, provided such amendments do not change the qualifications of lessees or constitute a reduction or impairment of the Hawaiian home loan fund, Hawaiian home operating fund or Hawaiian home development fund or otherwise require the consent of the United States;

(4) Where the dwelling is on non-Hawaiian home lands, anything in the Act to the contrary notwithstanding, either the department or financial institutions may make loans, and in connection with such loans, the department shall be governed by, and the loans made in connection with the purchase or erection or improvement of dwellings shall be subject to, such terms and conditions as the department may, by rules and regulations not inconsistent with the provisions of this legislative amendment to such Act, promulgate; provided, however, the department shall require any loan made or guaranteed or otherwise underwritten to be secured adequately and suitably by a first or second mortgage or other securities;

(5) The department shall establish interest rate or rates at two and one-half per cent per annum or higher, in connection with authorized loans on Hawaiian home lands or non-Hawaiian home lands, and where the going rate of interest on moneys borrowed by the department under (6) immediately following or loans made by financial institutions to native Hawaiians is higher, pay from the special revolving fund from either the Additional Receipts—Loan Fund Portion or the moneys borrowed, the difference in interest rates;

(6) The department may borrow and deposit into the special revolving account for the purposes of purchasing or erecting or improving dwellings on Hawaiian home lands and non-Hawaiian home lands and related purposes as provided for in the second paragraph of (8) hereinafter, from financial institutions, governmental or private, and if necessary in connection therewith, to pledge, secure or otherwise guarantee the repayment of moneys borrowed with all or a portion of the estimated sums of Additional Receipts for the next ensuing ten years from the date of borrowing, less any portion thereof previously encumbered for similar purposes;

(7) The department may purchase or otherwise acquire, or agree so to do, before or after default, any notes and mortgages or other securities, covering loans under this program made by financial institutions, and guarantee the repayment of or otherwise underwrite, the loans, and accept the assignment of any notes and mortgages or other securities in connection therewith;

(8) The department may exercise the functions and reserved

rights of a lender of money or mortgagee of residential property in all direct loans made by the department with funds from the Additional Receipts—Loan Fund Portion or with funds borrowed under (6) hereinabove (but not with funds from the original \$5,000,000, unless such exercise is authorized by the Act), or in all loans by financial institutions made to Hawaiians under this program. The functions and reserved rights shall include but not be limited to, the purchasing, re-purchasing, servicing, selling, foreclosing, buying upon foreclosure, guaranteeing the repayment or otherwise underwriting, of any loan, protecting of security interest, and after foreclosure, the repairing, renovating or modernization and sale of the property covered by the loan and mortgage, to achieve the purposes of this program while protecting the monetary and other interests of the department.

The Additional Receipts—Loan Fund Portion, less any amounts thereof utilized to pay the difference in interest rates, discounts, premiums, necessary loan processing expenses, and other expenses authorized in this legislative amendment, are subject to repayment to the general fund upon appropriate legislative action or actions directing whole or partial repayment.”

SECTION 2. Section 213(c) is hereby amended by adding there-to the following paragraphs:

“With respect to the Additional Receipts—Development Fund Portion, fifteen per cent thereof shall be used, with prior written approval of the governor, for the construction of sanitary sewage facilities, for the construction of roads through and over Hawaiian home lands and for other nonrevenue-producing improvements, and the remaining eighty-five per cent shall be segregated into a special account which may be drawn upon from time to time by the department of education, with prior written approval of the governor, for such educational projects as shall be developed and directed by the department of education after consultation with the University of Hawaii and the department of Hawaiian home lands; provided that such projects shall be directed primarily to the educational improvement of the children of the lessees, the funds to be used primarily at the pre-school and elementary grade levels.

Only so much of the Additional Receipts—Development Fund Portion not encumbered at the time of appropriate legislative action directing repayment, shall be repaid to the general fund of the State.”

SECTION 3. All provisions of this amendment shall be liberally construed so as to facilitate the maximum number of loans to Hawaiians.

SECTION 4. The department shall promulgate rules and regulations not inconsistent with the provisions of this legislative amendment to the Act in furtherance of the purposes of this legislative amendment.

SECTION 5. This authorization shall not be construed as an irrevocable amendment to the Hawaiian Homes Commission Act and any repeal or amendment of the authorization and recall of moneys

loaned herein shall not be construed as a present or then reduction or impairment of the funds of the Act.

SECTION 6. The provisions of this legislative amendment are declared to be severable, and if any section, sentence, clause or phrase of this legislative amendment or the application thereof to any person or circumstances is held ineffective because it requires consent of Congress to take effect, then, that portion only shall take effect upon the granting of consent of Congress and the effectiveness of the remainder of this legislative amendment or the application thereof shall not be affected.

SECTION 7. This Act shall take effect upon its approval.
(Approved May 3, 1965.) **H.B. 938.**

ACT 5

A Bill for an Act Relating to Defacing of Serial Numbers of Motor Vehicles and Amending Chapter 160 of the Revised Laws of Hawaii 1955.

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

SECTION 1. Chapter 160 of the Revised Laws of Hawaii 1955, relating to motor vehicles is hereby amended in the following respects:

a. By amending the second and third lines of section 160-1, relating to the definition of "Treasurer" or "county treasurer," to read as follows:

"'Treasurer' or 'county treasurer' means the treasurer or director of finance of each county and deputies."

b. By adding thereto, the following new sections to be numbered and to read as follows:

"Sec. 160-4.1. Defacing serial numbers, etc., of motor vehicles. It shall be unlawful for any person to willfully deface, destroy or alter the serial number, a component part number, or identification mark of any vehicle, so placed or stamped on any vehicle by the manufacturer for the purpose of identifying said vehicle or its component parts, nor shall any person place or stamp any serial, motor, or other number or mark upon a vehicle, except one assigned thereto by the treasurer.

This section does not prohibit the restoration by an owner of an original motor, or other mark or number, when the restoration is authorized in writing by the treasurer, nor prevent any manufacturer from placing in the ordinary course of business, numbers or marks upon new motor vehicles or new parts thereof."

"Sec. 160-4.2. Unlawful to possess certain motor vehicles, parts, etc. It shall be unlawful for any person to possess a motor vehicle, a motor block, or any part thereof, knowing that the motor number, serial number, or manufacturer's number, placed on same by the manufacturer for the purpose of identification, has been changed, altered, erased, or mutilated, for the purpose of changing the identity of said

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motor vehicle, motor, motor block, or any part thereof.”

c. By repealing section 160-4, relating to new motor vehicle number.

SECTION 2. This Act shall take effect on July 1, 1965.
(Approved May 3, 1965.) **H.B. 918.**

ACT 6

A Bill for an Act Relating to Small Estates of Wards and Amending Chapter 338, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Section 338-5, Revised Laws of Hawaii 1955, is hereby amended in the following respects:

(a) By deleting the amount “\$1,500” wherever it appears therein and substituting in lieu thereof the amount “\$3,000”;

(b) By deleting therefrom the amount “\$3,000” and substituting in lieu thereof the amount “\$5,000”; and

(c) By deleting the period at the end of section 338-5 and adding the following words to said section: “or the court may, in its discretion, allow the guardian appointed under this section to continue to act even though the total assets exceed \$5,000.”

SECTION 2. Chapter 338, Revised Laws of Hawaii 1955, as amended, is hereby amended by adding thereto a new section to be appropriately numbered and to read as follows:

“Section 338- . Estates less than \$100.

(a) **Estate of minor.**

When the whole estate of a minor does not exceed the value of \$100, the court may, in its discretion, without the appointment of a guardian or the giving of bond, authorize:

(1) The deposit thereof in a depository authorized to receive fiduciary funds, payable to the guardian of the estate when appointed or to the minor upon his attaining the age of majority; or

(2) If the assets do not consist of money, the delivery thereof to a suitable person designated by the court, deliverable to the guardian of the estate when appointed or to the minor upon his attaining the age of majority; or

(3) The payment or delivery thereof to the parent of the minor, or to the person having the care or custody of the minor or to the minor himself.

The person receiving such money or other assets shall hold and dispose of the same in such manner as the court shall direct.

(b) **Estate of incompetent adult.**

When the whole estate of a person over the age of twenty who has been adjudicated incompetent does not exceed the value of \$100, the court may, in its discretion, without the appointment of a guardian or the giving of bond, authorize the deposit thereof in a depository authorized to receive fiduciary funds in the name of a suitable person designated by the court, or if the assets do not consist of money,

authorize the delivery thereof to a suitable person designated by the court. The person receiving such money or other assets shall hold and dispose of the same in such manner as the court shall direct."

SECTION 3. This Act shall take effect upon its approval.
(Approved May 3, 1965.) **H.B. 998.**

ACT 7

A Bill for an Act Amending Chapter 317, Revised Laws of Hawaii 1955, Relating to Unadministered Small Estates.

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

SECTION 1. Section 317-50, Revised Laws of Hawaii 1955, is hereby amended to read as follows:

"Section 317-50. Clerk of circuit court to administer. If a person dies leaving property in this State of a total value not exceeding \$3,000, and an executor or administrator of such estate has not been appointed in the State, the clerk of the circuit court of the circuit in which such person was residing or domiciled at the time of his death or left property may, upon the verified petition of such clerk or of any person interested, obtain an order authorizing him to administer such estate, and, as such administrator or ancillary administrator, he shall collect and receive such property and administer the same. Such order may be made without notice or hearing, at the discretion of the court. Except as otherwise specifically required or authorized by law or where he may be interested as an heir, legatee or devisee, no clerk of any circuit court shall act as administrator of any estate where the value of the same is in excess of \$3,000; but this prohibition shall not prohibit the clerk from proceeding with the administration of any estate valued in excess of \$3,000 where such excess first becomes known subsequent to his appointment as administrator, or ancillary administrator, provided such excess does not exceed \$2,000; provided, further, that the court may, in its discretion, allow any administration begun under this section by the clerk of the court to be completed by said clerk even though the total estate exceeds \$5,000. No fees shall be allowed the clerk, save and except as set forth in section 317-57."

SECTION 2. Section 317-51, Revised Laws of Hawaii 1955, is hereby repealed.

SECTION 3. Chapter 317 of the Revised Laws of Hawaii 1955, as amended, is hereby amended by adding a new section thereto to be appropriately numbered and to read as follows:

"Section 317- . Estates less than \$100.

(a) **Collection by distributees upon affidavit.** The distributees of an estate shall be entitled thereto without awaiting the appointment of a personal representative or the probate of a will when a decedent leaves no real property, nor interest therein nor lien thereon, in this State, and the total value of the decedent's property in this State is less than \$100 upon furnishing any person owing any money, having

custody of any property, or acting as registrar or transfer agent of any evidence of interest, indebtedness, or right, an affidavit showing the right of the distributees to receive such money or property or to have evidence transferred.

(b) **Effect of affidavit; release; suit.** The person making payment, delivery, transfer or issuance pursuant to the affidavit described in subsection (a) shall be released to the same extent as if made to a personal representative of the decedent and he shall not be required to see to the application thereof or to inquire into the truth of any statement in the affidavit, but the distributees to whom payment, delivery, transfer or issuance is made shall be answerable therefor to any person having a prior right and be accountable to any personal representative thereafter appointed. If the person to whom such affidavit is delivered refuses to pay, deliver, transfer, or issue the property as above provided, it may be recovered or compelled in an action brought for such purpose by or on behalf of the distributees entitled thereto, upon proof of the facts required to be stated in the affidavit."

SECTION 4. Section 317-57, Revised Laws of Hawaii 1955, is hereby amended to read as follows:

"Section 317-57. Exemption from costs. All proceedings had under and by virtue of this part, shall be free from all costs of court, except that the clerk may charge the actual expenses for advertising the notice specified in section 317-52, the advertising, posting or service fees required in carrying out any order of the court, including orders relating to the sale of real or personal property, and any expenses reasonably necessary for the preservation, disposal, distribution and administration of the assets of the estate, together with a fee of three per cent, of the market value of the gross estate, the fee to be paid into the treasury of the State as a government realization from any available assets of the estate; provided, that in the event that the administration is completed by another personal representative, as provided in section 317-50; no fee shall be charged by the clerk."

SECTION 5. Section 317-58, Revised Laws of Hawaii 1955, is hereby amended by deleting therefrom the sum "\$1,500" and substituting in lieu thereof the sum "\$3,000."

SECTION 6. Section 317-59, Revised Laws of Hawaii 1955, is hereby amended to read as follows:

"Section 317-59. Estates not in excess of \$700. Upon the death of any person dying intestate and leaving only personal property in the State not exceeding \$700 and where an administrator has not been appointed in the State, a clerk of the circuit court of the circuit wherein such person was domiciled or if not domiciled in the State, the circuit wherein he was residing or had personal property at the time of his death, may, upon the filing with the clerk by any interested person of a death certificate issued by a government agency and of an affidavit setting forth the above facts, the names of the heirs if known and other pertinent facts as required by the clerk, collect or otherwise reduce to possession or turn into cash all assets of the

estate. If after payment of funeral expenses as a preferred claim against the estate there are assets remaining, the clerk shall give notice to creditors and heirs as provided by section 317-52 by posting, or if there are sufficient funds, by posting and advertising, and if after the period and distribution of assets to creditors of deceased persons who have filed proper claims there are assets remaining, then the clerk upon the facts contained in the affidavit as to heirship, shall deliver the assets to the personal representative, if any, or if no personal representative has been appointed, then to the heirs in accordance with the statutes of descent of the State. If no creditors, personal representative or heirs appear or are found within sixty days of the notice, the clerk shall convert all personal property into cash and forthwith deposit the same into the treasury of the State, in accordance with section 317-56."

SECTION 7. This Act shall take effect upon its approval.
(Approved May 3, 1965.) **H.B. 1082.**

ACT 8

A Bill for an Act Relating to the Certification of Questions of Local Law by Federal Appellate Courts to the Hawaii Supreme Court.

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

SECTION 1. Chapter 214 of the Revised Laws of Hawaii 1955, as amended, is hereby amended by adding the following sections to be numbered and to read as follows:

"**Section 214-26. Supreme court authorized to receive and answer certificates as to state law from federal appellate courts.** The supreme court of this State may, by rule of court, provide that, when it shall appear to the supreme court of the United States, to any circuit court of appeals of the United States, or to the court of appeals of the District of Columbia, that there are involved in any proceeding before it questions or propositions of the laws of this State, which are determinative of the said cause, and there are no clear controlling precedents in the decisions of the supreme court of this State, such federal appellate court may certify such questions or propositions of the laws of this state to the supreme court of this State for instructions concerning such questions or propositions of state law, which certificate the supreme court of this State, by written opinion, may answer."

"**Section 214-27. Same; rules.** The supreme court of this State is hereby authorized and empowered to collaborate with any and all other courts of last resort, of other states and of the United States, in the preparation and approval of uniform rules of court to make effective this and similar laws."

SECTION 2. This Act shall take effect upon its approval.
(Approved May 3, 1965.) **H.B. 1149.**

ACT 9

A Bill for an Act Amending Chapter 173, Revised Laws of Hawaii 1955, as Amended, Relating to Consolidation and Merger of Corporations.

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

SECTION 1. Section 173-8 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Sec. 173-8. Filing; effective time of merger or consolidation; fees. The agreement so approved, executed and acknowledged, and the certificates of its approval by each constituent corporation in accordance with the provisions of this part shall, subject to the provisions of sections 173-9 and 173-10, be filed in the office of the director of regulatory agencies, and the merger or consolidation shall become effective under the provisions of this part at the day, hour and minute of the filing of such agreement and all necessary certificates of its approval by each constituent corporation in accordance with the provisions of this part, unless a subsequent day, hour and minute shall be specified in such agreement. If a day, hour and minute subsequent to the day, hour and minute of such filing shall be so specified, the merger or consolidation shall become effective under the provisions of this part at such subsequent day, hour and minute. A copy of the agreement, certified by the director, shall have the same force in evidence as the original and, except as against the State, shall be conclusive evidence of the performance of all conditions precedent to such merger or consolidation, and the creation or existence of the surviving or consolidated corporation.

"For filing amended articles of association of a surviving corporation, articles of association of a consolidated corporation, upon increase or decrease of capital stock of a surviving corporation, and for filing any certificate agreement or other document in accordance with the provisions of this part, the same fees shall be paid to the director as are provided for in sections 132-14 and 172-117."

SECTION 2. Section 173-11 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"Sec. 173-11. Certificate of director of merger or consolidation. Upon the filing of the agreement and the certificates of its approval in the office of the director of regulatory agencies in conformity with the provisions of this part, and upon the merger or consolidation becoming effective under the provisions of this part, the director shall make and seal with the seal of his office, his certificate of merger or consolidation, as the case may be, which shall set forth in such form as is satisfactory to the director the following matters:

"(a) The name of each constituent corporation;

"(b) The name of the surviving or consolidated corporation;

"(c) The day, hour and minute of the filing in his office of the merger or consolidation agreement and all necessary certificates of approval in conformity with the provisions of this part, and if the merger or consolidation shall have become effective at a subsequent

day, hour and minute, the day, hour and minute at which the merger or consolidation shall have become effective under the provisions of this part;

“(d) The names of the officers and directors of the surviving or consolidated corporation at the time of the filing of the agreement.

“One certified copy of the director’s certificate shall be recorded in the bureau of conveyances, and if the constituent or merged corporation owns or has any interest of any nature in real property, the title to which is registered in the land court, a certified copy of such director’s certificate shall be filed also in the office of the assistant registrar of the land court.”

SECTION 3. This Act shall take effect upon its approval.
(Approved May 4, 1965.) **S.B. 198.**

ACT 10

A Bill for an Act Pertaining to Uninsured Motorists Endorsement for Automobile Liability Policies.

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

SECTION 1. Chapter 181, Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding thereto a new section 181-447 to read as follows:

“**Section 181-447.** No automobile liability or motor vehicle liability policy insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any person arising out of the ownership, maintenance or use of a motor vehicle, shall be delivered, issued for delivery or renewed in this State, with respect to any motor vehicle registered or principally garaged in this State, unless coverage is provided therein or supplemental thereto, in limits for bodily injury or death set forth in section 160-86, Revised Laws of Hawaii, 1955, as amended, under provisions filed with and approved by the insurance commissioner, for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles because of bodily injury, sickness or disease, including death, resulting therefrom, provided, however, that the coverage required under this section shall not be applicable where any insured named in the policy shall reject the coverage in writing.”

SECTION 2. This Act shall take effect September 1, 1965.
(Approved May 4, 1965.) **H.B. 26.**

ACT 11

A Bill for an Act Relating to the Control of the Personal Use of State Motor Vehicles by State Employees.

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

SECTION 1. Section 7-11 of the Revised Laws of Hawaii 1955 is hereby amended by deleting the words “director of the bureau of

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the budget" wherever found therein and substituting therefor the word "comptroller."

SECTION 2. This Act shall take effect upon its approval.
(Approved May 4, 1965.) **H.B. 140.**

ACT 12

A Bill for an Act to Amend Chapter 178, Revised Laws of Hawaii 1955, as Amended, Relating to Banks.

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

SECTION 1. Subsection (f) of section 178-19 of the Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"(f) The term of its existence which may be in perpetuity."

SECTION 2. This Act shall take effect upon its approval.
(Approved May 4, 1965.) **H.B. 194.**

ACT 13

A Bill for an Act Amending Chapter 166A, Revised Laws of Hawaii 1955, as Amended, Relating to Contractors.

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

SECTION 1. Chapter 166A of the Revised Laws of Hawaii 1955, as amended, is hereby amended by adding a new section to follow section 166A-22 and to read as follows:

"**Sec. 166A-23. Injunction.** The board may, in addition to any other remedies available, apply to a circuit judge for a preliminary and permanent injunction restraining any person from acting, or assuming to act, or advertising, as general engineering contractor, general building contractor, or specialty contractor, without a license previously obtained under and in compliance with the provisions of this chapter and the rules and regulations of the board, and upon hearing and for cause shown, the judge shall have jurisdiction to grant such preliminary or permanent injunction."

SECTION 2. This Act shall take effect upon its approval.
(Approved May 4, 1965.) **H.B. 219.**

ACT 14

A Bill for an Act Relating to Re-registration of Voters.

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

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

"**Sec. 11-11. Removal from register upon failure to vote; re-registration.** The clerk shall, within sixty days after every general election,

in the manner prescribed in section 11-12, erase the name and signature of any elector failing to vote at such election if such elector also failed to vote at the primary election next preceding. Any elector, whose name has been erased from the register as herein provided, may at any time prior to the closing of the register, as provided in section 11-14, have his name restored in the register by presenting himself to the clerk and again affixing his signature to the register, or by making application by mail or otherwise to the clerk in writing that his name be so restored in the register. The clerk shall compare such signature with the signature of the elector as previously registered, and if found by him not to be similar, he may require the application to be supported by the affidavits of at least three electors that they know the applicant and that his signature to the application is genuine. The county clerk shall prepare and furnish, upon application, blank forms of applications and affidavits. The signatures of all such electors so restored in the register shall be affixed and entered in the same manner provided in sections 11-8 and 11-9 for the registration of electors."

SECTION 2. This Act shall take effect upon its approval.
(Approved May 4, 1965.) H.B. 269.

ACT 15

A Bill for an Act Relating to the Commitment of Felons.

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

SECTION 1. Section 258-59, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"Section 258-59. Sentence, felons; imprisonment where. In all cases in which a person is convicted of a felony and is sentenced to imprisonment, he shall be committed by the court to the director of the department of social services for placement within the correctional facilities of the department. As to each such person, the director shall determine the proper program of redirection and place of confinement best suited to meet the individual needs of the committed person. The director shall be charged by such commitments with the execution of all orders for the custody, placement, and safekeeping of the prisoner."

SECTION 2. This Act shall take effect upon its approval.
(Approved May 4, 1965.) H.B. 494.

ACT 16

A Bill for an Act Amending Section 83-15, Revised Laws of Hawaii, 1955, to Permit the Temporary Incarceration of Felons in the Honolulu Jail.

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

SECTION 1. Section 83-15, Revised Laws of Hawaii 1955, as

amended, is hereby amended to read as follows:

"Section 83-15. Imprisonment of felons. Except as herein provided, no person convicted of a felony shall be sentenced to be confined within the Honolulu Jail. Felons committed to the department of social services may be incarcerated in the Honolulu Jail by agreement between the director of the department of social services and the chief of police of the city and county of Honolulu, upon such terms for reimbursement for costs as shall be mutually agreed upon. Such prisoner shall be kept in confinement in the jail until he is lawfully released or until the chief of police terminates the agreement for cause, or until the director requests the return of any felon to the Hawaii State Prison. No person confined in the Honolulu Jail, with the exception of said felons, shall be subjected or compelled to perform labor during the term of his imprisonment. The degree of safe-keeping, care, custody, subsistence, and discipline of said felons shall be in accordance with the existing rules and regulations and policies and procedures of the Honolulu Jail.

"For the purposes of this section only, the Honolulu Jail shall be deemed to be and constitute a part of the Hawaii State Prison."

SECTION 2. This Act shall take effect upon its approval.
(Approved May 4, 1965.) **H.B. 498.**

ACT 17

A Bill for an Act Relating to Minimum Par Value of Shares of Stock of Domestic Stock Insurers and Amending Chapter 181, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. The purpose of this Act is to reduce the required minimum par value of shares of stock of domestic stock insurers from \$10 to \$2.

SECTION 2. Section 181-138, Revised Laws of Hawaii 1955, as amended, is hereby amended by deleting in subsection (e) (4) the figure "\$10" and inserting in lieu thereof the figure "\$2."

SECTION 3. This Act shall take effect upon its approval.
(Approved May 4, 1965.) **H.B. 788.**

ACT 18

A Bill for an Act Amending Section 3-21-(e), Revised Laws of Hawaii 1955, as Amended, Relating to the Filling of a Vacancy in the Civil Service System.

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

SECTION 1. The third sentence of the second paragraph of subsection (e) of section 3-21, Revised Laws of Hawaii 1955, as amended, is hereby further amended by removing the period at the end of the

sentence and adding the following at the end thereof:

“provided that if the last of the five eligibles to be certified is one of two or more eligibles who have identical examination scores, such two or more eligibles shall be certified notwithstanding the fact that more than five persons are thereby certified to fill a vacancy.”

SECTION 2. This Act shall take effect upon its approval.
(Approved May 4, 1965.) **H.B. 799.**

ACT 19

A Bill for an Act Relating to Phenylketonuria Testing.

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

SECTION 1. Declaration of purpose. The purpose of this Act is to establish a systematic method of detecting and combating a genetic defect causing phenylketonuria. This condition commonly known as PKU is the result of an inborn error of metabolism and usually produces such severe and irreversible brain damage in young children that life-long institutionalization is required. If found and treated within the first two weeks of life, mental retardation is prevented.

SECTION 2. Chapter 46, Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding thereto a new section to be appropriately designated, and to read as follows:

“§ 46- . **Test for phenylketonuria.** The physician, midwife, or other person attending a newborn child shall cause a phenylketonuria test to be administered to the child; provided, that this section shall not apply if the parents, guardian or other person having the custody or control of such child objects thereto on the grounds that such test conflicts with their religious tenets and practices.

“The department of health shall adopt rules and regulations to carry out the purposes and provisions of this section, including, but not limited to, administration of phenylketonuria tests, keeping of records and related data, and reporting of positive test results.”

SECTION 3. This Act shall take effect upon its approval.
(Approved May 4, 1965.) **H.B. 881.**

ACT 20

A Bill for an Act Relating to Employment Security and Amending Chapter 93, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Chapter 93, Revised Laws of Hawaii 1955, as amended, is hereby further amended as follows:

(a) Subsection (b) of section 93-60 is amended to read:

“(b) For the purposes of this part, the term ‘wages’ does not include remuneration paid with respect to employment to an individual by an employer during any calendar year which exceeds ninety per

cent (90%) of the average annual wage, rounded to the nearest hundred dollars, for the four calendar quarter period ending on June 30 of the preceding year. The average annual wage shall be computed as follows: On or before November 30 of each year the total remuneration paid by employers, as reported on contribution reports on or before such date, with respect to all employment during the four consecutive calendar quarters ending on June 30 of such year shall be divided by the average monthly number of individuals performing services in such employment during the same four calendar quarters as reported on such contribution reports."

(b) The following subsection is hereby added to section 93-60:

(c) If an employer during any calendar year acquires substantially all the property used in a trade or business, or in a separate unit of a trade or business, of another employer, and after the acquisition employs an individual who prior to the acquisition was employed by such predecessor, then for the purpose of determining whether such remuneration in excess of ninety per cent (90%) of the average annual wages has been paid for such employment to such individual, remuneration paid to such individual by such predecessor during such calendar year shall be considered as having been paid by such successor employer. For the purposes of this subsection, the term 'employment' includes services constituting employment under any employment security law of another state or of the Federal government."

SECTION 2. This Act shall take effect upon its approval.
(Approved May 4, 1965.) **H.B. 883.**

ACT 21

A Bill for an Act to Amend Chapter 178, Revised Laws of Hawaii 1955, as Amended, Relating to Banks.

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

SECTION 1. Section 178-86 of the Revised Laws of Hawaii 1955, as amended, is hereby amended by adding thereto two new subsections to read as follows:

"(p) Bonds of the Inter-American Development Bank, provided that not more than one per cent of the savings deposit of the bank shall be invested in such bonds;

(q) Bonds of the International Bank for Reconstruction and Development, provided that not more than one per cent of the savings deposit of the bank shall be invested in such bonds."

SECTION 2. This Act shall take effect upon its approval.
(Approved May 5, 1965.) **H.B. 193.**

ACT 22

A Bill for an Act to Amend Chapter 172, Revised Laws of Hawaii 1955, as Amended, Relating to Corporations.

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

SECTION 1. Section 172-90 of the Revised Laws of Hawaii 1955 is hereby amended by adding thereto a new sentence to follow immediately after the first sentence thereof and to read as follows:

“No proxy hereafter given shall be valid after eleven months from the date of its execution unless otherwise provided in the proxy.”

SECTION 2. Chapter 172 of the Revised Laws of Hawaii 1955, as amended, is hereby amended by adding thereto a new section to follow immediately after Section 172-95, to be numbered Section 172-95.1 and to read as follows:

“**Sec. 172-95.1. Consent of stockholders in lieu of meeting.** Whenever the vote of stockholders at a meeting thereof is required or permitted to be taken in connection with any corporate action permitted by any section of this chapter or of chapter 173, the meeting and vote of stockholders may be dispensed with if all of the stockholders who would have been entitled to vote upon the action if such meeting were held shall consent in writing to such corporate action being taken. In the event that the action which is consented to is such as would have required the filing of a certificate under any section of this chapter or of chapter 173 if such action had been voted upon by the stockholders at a meeting thereof, the certificate filed under such section shall state that written consent has been given in lieu of stating that the stockholders have voted upon the corporate action in question if such last mentioned statement is required in such certificate.”

SECTION 3. This Act shall take effect upon its approval.
(Approved May 5, 1965.) S.B. 197.

ACT 23

A Bill for an Act Relating to the Manpower Development and Training Act of 1962, as Amended, and Amending Act 11, Session Laws of Hawaii 1964.

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

SECTION 1. Section 2, Act 11, Session Laws of Hawaii 1964 is hereby amended to read as follows:

“Section 2. The department of labor and industrial relations and the department of education are hereby authorized to participate in the Manpower Development and Training Act of 1962, as amended, by providing from funds appropriated by the legislature for such purpose, in accordance with and to the extent required by the federal act, amounts necessary to match the amounts expended by the United States Treasury.”

ACT 24

SECTION 2. This Act shall take effect upon its approval.
(Approved May 5, 1965.) **H.B. 92.**

ACT 24

A Bill for an Act Amending Chapter 359, Revised Laws of Hawaii 1955, as Amended, by Providing for Immunity from Liability in Connection With Permitted Public Use of Privately Owned Fallout Shelters.

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

SECTION 1. Chapter 359 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding thereto a new section to be appropriately numbered and to read as follows:

"Section . Immunity from liability. Any individual, partnership, firm, society, unincorporated association, joint adventure group, hui, joint stock company, corporation, trustee, executor, administrator, trust estate, decedent's estate, trust or other legal entity whether doing business for itself or in a fiduciary capacity, owning or controlling real property, who voluntarily and without compensation grants a license or privilege for, or otherwise permits, the designation by the director of civil defense for the use of the whole or any part or parts of such property for the purpose of sheltering persons during an actual, impending, mock or practice attack shall, together with his successors in interest, if any, not be civilly liable for negligently causing the death of or injury to any person or damage to any personal property on such property of such licensor in connection with the use of the licensed premises for the purposes herein designated."

SECTION 2. The provisions of any law which are inconsistent herewith are hereby superseded by the provisions of this Act.

SECTION 3. This Act shall take effect upon its approval.
(Approved May 5, 1965.) **H.B. 146.**

ACT 25

A Bill for an Act Relating to Taxation and Amending Section 116-3, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Section 116-3, Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding thereto the following sentence after the third sentence thereof to read as follows:

"In addition, the governor shall designate a member of each board to act as vice chairman who shall serve as the chairman of the

board during the temporary absence from the State, illness, or disqualification of the chairman.”

SECTION 2. This Act shall take effect upon its approval.
(Approved May 5, 1965.) **H.B. 240.**

ACT 26

A Bill for an Act Relating to the Repeal of the Surplus Food Commodities Distribution Program Act.

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

SECTION 1. Sections 12-14, 12-15 and 12-16 of the Revised Laws of Hawaii 1955, as amended, are hereby repealed.

SECTION 2. This Act shall take effect upon its approval.
(Approved May 5, 1965.) **H.B. 504.**

ACT 27

A Bill for an Act Relating to the Transfer or Pledge of Certificates or Instruments Evidencing Shares of Stock or Rights to Purchase or Subscribe to Shares of Stock Within a Central Depository System.

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

SECTION 1. Chapter 172 of the Revised Laws of Hawaii 1955, as amended, is hereby amended by adding thereto a new part to be numbered by the revisor of statutes, and to read as follows:

**“PART . TRANSFER OR PLEDGE WITHIN A
CENTRAL DEPOSITORY SYSTEM.**

Sec. 172- . Definitions. For the purposes of this part:

(a) “Clearing corporation” means a corporation, all of the capital stock of which is held by or for a national securities exchange registered under the Securities Exchange Act of 1934, as amended.

(b) “Custodian” means any bank or trust company which is supervised and examined by state or federal authority having supervision over banks or trust companies and which is acting as custodian for a clearing corporation.

Sec. 172- . Transfer. Notwithstanding the provisions of part IV of this chapter or any other applicable law, if a certificate or instrument evidencing shares of stock, or rights to purchase or subscribe to shares of stock, is in the custody of a clearing corporation or of a custodian subject to the instructions of a clearing corporation, title to any such certificate or instrument or to any interest therein and to the shares or rights evidenced by such certificate, instrument or interest may be transferred by the making of entries on the books of the clearing corporation reducing the account of the transferor by the number of shares or rights transferred and increasing the account of the transferee by such number of shares or rights. A transfer of title so made shall for all purposes have the same effect as if the transferor had delivered to the transferee a certificate or instrument

evidencing the shares or rights transferred, duly indorsed in blank.

Sec. 172- . **Pledge.** A valid pledge may be made of any such certificate or instrument or of any interest therein and of the shares or rights evidenced by such certificate, instrument or interest by:

(a) The giving by the pledgor to the clearing corporation of notice of the pledge and of instructions that, until receipt by the clearing corporation of notice to the contrary from the pledgee, such certificate, instrument or interest therein and the shares or rights evidenced by such certificate, instrument or interest, shall be held by the clearing corporation, either directly or through the custodian, for the account of the pledgee; and

(b) The making of entries on the books of the clearing corporation reducing the account of the pledgor by the number of shares or rights pledged and increasing the account of the pledgee by such number of shares or rights. A pledge so made shall for all purposes be as valid and effective as one made by transfer of actual possession of a certificate or instrument evidencing the shares or rights pledged from the pledgor to the pledgee.

Sec. 172- . **Part applies notwithstanding charter, article or by-law provision.** The provisions of this part shall be applicable although the charter or articles of association or articles of incorporation or by-laws of the corporation, any shares or rights of which are transferred or pledged as herein provided, and any certificate or instrument evidencing such shares or rights, in whole or in part, provide that such shares or rights shall be transferable only on the books of the corporation or shall be registered by a registrar or transferred by a transfer agent."

SECTION 2. All laws or parts of laws heretofore enacted which are in conflict with the provisions of this Act are hereby amended to conform herewith.

SECTION 3. This Act shall take effect upon its approval and shall remain effective until December 31, 1966.

(Approved May 5, 1965.) **S.B. 596.**

ACT 28

A Bill for an Act Relating to Gifts for Harbor Purposes, and Amending Chapter 112 of the Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. The purpose of this Act is to empower the director of transportation to accept gifts of personal property for harbor purposes since the present statutes are silent on that point.

SECTION 2. Chapter 112, Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding a new section numbered section 112-24 to read as follows:

"Section 112-24. Acceptance of gifts. The director of transportation may, with the approval of the governor, accept and receive gifts

of personal property, which gifts shall be used for harbor purposes; provided that monies received by the director of transportation, pursuant to the authority granted herein, shall be deposited into an appropriate fund or account prior to their being used for harbor purposes."

SECTION 3. This Act shall take effect upon its approval.
(Approved May 5, 1965.) H.B. 887.

ACT 29

A Bill for an Act Relating to Motorcycles and Motor Scooters, and Amending Chapters 160 and 311 of the Revised Laws of Hawaii, 1955.

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

SECTION 1. Chapter 160 of the Revised Laws of Hawaii, 1955, is hereby amended in the following respects:

a. By amending section 160-30 by adding the following new paragraphs after the 10th line thereof after the definition of "Motor vehicle," to read as follows:

"'Motorcycle' means every motor vehicle having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor;

"'Motor scooter' means every motor vehicle conforming to the definition of 'motorcycle,' including motor-driven bicycles, and propelled by a motor which produces not more than 5 horsepower;"

b. By amending the first sentence of section 160-43 thereof to read as follows:

"The examiner of chauffeurs shall, upon payment of the required fee, issue to every applicant qualifying therefor an operator's license as applied for, stating thereon any restrictive provision to which the license issued is subject; provided that every operator's license for motorcycles, whether heretofore or hereafter issued, shall be valid only for the purpose of operating motorcycles and motor scooters, and every operator's license for motor scooters, whether heretofore or hereafter issued, shall be valid only for the purpose of operating motor scooters."

SECTION 2. Chapter 311 of the Revised Laws of Hawaii, 1955, is hereby amended in the following respects:

a. By amending the first paragraph of section 311-23 to read as follows:

"It shall be unlawful for any owner or operator of a motorcycle or motor scooter, as defined in section 160-30, to permit or allow any person other than the operator thereof to ride thereon, unless the same is equipped with:"

b. By amending section 160-36 to read as follows:

"160-36. Special restriction upon operation of motorcycles and motor scooters. No person shall operate a motorcycle until he has been licensed as a motorcycle operator, and no person shall operate a

motor scooter until he has been licensed as a motorcycle or motor scooter operator.

"No such license shall be granted until the examiner of chauffeurs is fully satisfied as to the applicant's competency and fitness to operate a motorcycle or motor scooter as the case may be.

"An applicant for a license as an operator of motorcycles or motor scooters who is under the age of twenty years shall comply with and be subject to the provisions of section 160-39."

c. By repealing section 311-25.

SECTION 3. This Act shall take effect upon its approval.
(Approved May 5, 1965.) **H.B. 912.**

ACT 30

A Bill for an Act Amending Section 225 of the Hawaiian Homes Commission Act, 1920, as Amended.

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

SECTION 1. Section 225 of the Hawaiian Homes Commission Act, 1920, as amended, is hereby further amended to read as follows:

"**Sec. 225. (Investment of funds; disposition.)** The department shall have the power and authority to invest and reinvest any of the moneys in any of its funds, not otherwise immediately needed for the purposes of the funds, in such bonds and securities as authorized by state law for the investment of state sinking fund moneys. Any interest or other earnings arising out of such investment shall be credited to and deposited in the Hawaiian home-operating fund and shall be considered a deposit therein from the other sources mentioned in section 213(d)."

SECTION 2. This Act shall take effect upon its approval.
(Approved May 5, 1965.) **H.B. 1006.**

ACT 31

A Bill for an Act Amending Chapter 159, Revised Laws of Hawaii 1955, as Amended, Relating to Intoxicating Liquor.

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

SECTION 1. Chapter 159, Revised Laws of Hawaii 1955, as amended, is hereby amended by:

(1) Deleting section 159-31, relating to license fees;

(2) By deleting section 159-37, relating to term of license and payment of fees;

(3) By adding to section 159-16, relating to jurisdiction and powers, next following paragraph (j), a new paragraph to read as follows:

"(k) To prescribe, by rules and regulations, the term of licenses, the total or prorated amount and the payment of annual license fees and the amount of filing fees."

(4) By deleting the phrase "in the sum of \$25.00" from the first sentence in section 159-53 and substituting therefor the clause "in such amount as shall be established by the respective liquor commission."

(5) By adding to section 159-39 a paragraph to read as follows: "Anything in this chapter to the contrary notwithstanding, the fees in this section shall be revised only by act of the legislature."

SECTION 2. This Act shall take effect on July 1, 1965.
(Approved May 5, 1965.) **H.B. 1013.**

ACT 32

A Bill for an Act Amending Section 98H-4, Revised Laws of Hawaii 1955, as Amended, Relating to the Land Use Law.

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

SECTION 1. The purpose of this Act is to reduce the number of days in which petitions for boundary changes may be processed. Experience has shown that the number of days required to process the petition under the present Act has caused undue hardship on some landowners.

SECTION 2. Section 98H-4, Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

"Section 98H-4. Amendments to district boundaries. Any department or agency of the State or county, or any property owner or lessee may petition the commission for a change in the boundary of any district. Within five days of receipt, the commission shall forward a copy of the petition to the planning commission of the county wherein the land is located. Within forty-five days after receipt of the petition by the county, the county planning commission shall forward the petition, together with its comments and recommendations, to the commission. Upon written request by the county planning commission, the commission may grant an extension of not more than fifteen days for the receipt of such comments and recommendations. The commission may also initiate changes in a district boundary which shall be submitted to the appropriate county planning agency for comments and recommendations in the same manner as any other request for a boundary change.

"After sixty days but within one hundred and twenty days of the original receipt of a petition, the commission shall advertise a public hearing to be held on the appropriate island in accordance with the requirements of section 98H-3. The commission shall notify such persons and agencies that may have an interest in the subject matter of the time and place of the hearing. Within a period of not more than ninety days and not less than forty-five days after such hearing, the commission shall act upon the petition for change. The commission may approve the change with six affirmative votes. No change shall be approved unless the petitioner has submitted proof that the area is needed for a use other than that for which the district in which it is

situated is classified and either of the following requirements has been fulfilled: (a) the petitioner has submitted proof that the land is usable and adaptable for the use it is proposed to be classified, or (b) conditions and trends of development have so changed since the adoption of the present classification, that the proposed classification is reasonable.”

SECTION 3. This Act shall take effect upon its approval.
(Approved May 5, 1965.) **H.B. 1070.**

ACT 33

A Bill for an Act Amending Chapter 56, Revised Laws of Hawaii 1955, Relating to Private Mental Institutions.

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

SECTION 1. Section 56-1, Revised Laws of Hawaii 1955, relating to the licensing of private mental institutions, is hereby amended by deleting the last paragraph thereof and by amending the third paragraph thereof to read as follows:

“If the institution is to treat persons with mental disorders, it shall be constantly in the charge of a duly licensed physician of the State to be designated ‘medical director,’ who shall have had two years’ actual experience as a member of the medical staff of an institution for the care and treatment of persons with mental disorders. The appointment of such medical director, and of all assistant physicians, shall be approved in writing by the director of health. Every such institution shall employ as head nurse a graduate of a training school of a hospital for mental disorders or a graduate of a general hospital training school who has had experience in the institutional care of persons with mental disorders. The appointment of such head nurse shall be subject to the approval of the director of health. The nursing force in every such institution shall be adequate to care for the patients under treatment therein in accordance with modern standards. Such nursing force shall be increased, whenever deemed inadequate by the director of health. This paragraph shall not apply to a general hospital making provision in a pavilion or special wards for the care, treatment, nursing and observation or temporary detention of persons alleged to be suffering from mental disorders, or to mental defectives or other incompetent persons.”

SECTION 2. Section 56-2, Revised Laws of Hawaii 1955, is hereby amended by amending the second sentence thereof to read as follows:

“Wherever in chapter 81, provision is made for commitment or admission to the state hospital, such provision shall be deemed to authorize such commitment or admission to any such licensed institution in the same manner, and with the same effect, and subject to the same conditions, as nearly as may be, as in the case of persons committed or admitted to the state hospital, provided that such commitment or admission is consented to in writing by the guardian or

relative having the custody of the patient, or by the physician assuming medical responsibility for said patient.”

SECTION 3. This Act shall take effect upon its approval.
(Approved May 5, 1965.) **H.B. 1170.**

ACT 34

A Bill for an Act to Amend Chapter 53, Revised Laws of Hawaii 1955, as Amended, Relative to the Definition of “Out-of-State Practitioner.”

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

SECTION 1. Section 53-5.1, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

“**Section 53-5.1. Definition of ‘out-of-state practitioner’.** The term ‘out-of-state practitioner’ as used in this chapter, includes a physician, surgeon, osteopathic physician, dentist, podiatrist, veterinarian, or any other person who is authorized to prescribe drugs to patients under the applicable laws of any state of the United States.”

SECTION 2. This Act shall take effect on July 1, 1965.
(Approved May 7, 1965.) **S.B. 178.**

ACT 35

A Bill for an Act Amending Chapter 165A of the Revised Laws of Hawaii 1955, as Amended, Relating to Private Investigators.

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

SECTION 1. Section 165A-6 of the Revised Laws of Hawaii 1955, as amended, is hereby amended by inserting between the words “corporation” and “shall” in the second sentence of said section the following:

“shall have been a resident of the State of Hawaii for not less than one year immediately prior to the filing of application for license,”.

SECTION 2. Section 165A-8 of the Revised Laws of Hawaii 1955, as amended, is hereby amended by inserting between the words “corporation” and “shall” the following:

“shall have been a resident of the State of Hawaii for not less than one year immediately prior to the filing of application for license,”.

SECTION 3. This Act shall take effect upon its approval.
(Approved May 7, 1965.) **S.B. 211.**

ACT 36

A Bill for an Act Amending Chapter 166A, Revised Laws of Hawaii 1955, as Amended, Relating to Contractors.

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

SECTION 1. Section 166A-16 of the Revised Laws of Hawaii 1955, as amended, is hereby amended by adding thereto a new subparagraph to read as follows:

“(r) Knowingly entering into a contract with an unlicensed contractor involving work or activity for the performance of which licensing is required under chapter 166A.”

SECTION 2. This Act shall take effect on July 1, 1965.
(Approved May 7, 1965.) S.B. 221.

ACT 37

A Bill for an Act Amending Chapter 166A, Revised Laws of Hawaii 1955, as Amended, Relating to Contractors.

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

SECTION 1. Section 166A-15 of the Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

“§ 166A-15. **Action on applications.** Within 75 days after the filing of a proper application for a license and the payment of the required fees, the board shall (a) conduct an investigation of the applicant, and in such investigation may post pertinent information, including but not limited to, the name and address of the applicant, and if the applicant is associated in any partnership, corporation or other entity, the names, addresses and official capacities of his associates; and (b) either issue a license to the applicant or else notify him in writing by registered mail of the board's decision not to grant the license and specifically notify applicant of his right to have a hearing within fifteen days on the board's decision. The hearing shall be conducted in accordance with the provisions of section 166A-17.”

SECTION 2. This Act shall take effect on July 1, 1965.
(Approved May 7, 1965.) S.B. 217.

ACT 38

A Bill for an Act to Amend Section 180-57 of the Revised Laws of Hawaii 1955, as Amended, Relating to Surplus Funds Loans of Savings and Loan Associations.

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

SECTION 1. Section 180-57, Revised Laws of Hawaii 1955, as amended, is hereby further amended by substituting the words “thirty per cent of the capital” for the words “twenty per cent of the capital” and by substituting the words “seventy-five per cent of the appraised

value" for the words "sixty-five per cent of the appraised value" appearing in the first paragraph thereof.

SECTION 2. This Act shall take effect upon its approval.
(Approved May 7, 1965.) S.B. 312.

ACT 39

A Bill for an Act Amending Section 140-1, Revised Laws of Hawaii 1955, as Amended, Relating to the Revenue Bond Act of 1935.

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

SECTION 1. Section 140-1 of the Revised Laws of Hawaii 1955, as amended, relating to the revenue bond act of 1935, is hereby amended by amending the second full paragraph thereof to read as follows:

"The term 'municipality' shall embrace the city and county of Honolulu and the other counties of the State, the board of water supply of the city and county of Honolulu, and the boards of water supply of the other counties of the State."

SECTION 2. This Act shall take effect upon its approval.
(Approved May 7, 1965.) H.B. 310.

ACT 40

A Bill for an Act to Amend Section 138-15, Revised Laws of Hawaii 1955, Relating to Short Term Investment of County Moneys.

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

SECTION 1. Section 138-15, Revised Laws of Hawaii 1955, is hereby amended to read as follows:

"Section 138-15. Short term investment of county moneys. The treasurer of each county and the director of finance of the city and county of Honolulu may, with the approval of the legislative body, invest county moneys which are in excess of the amounts necessary for the meeting of immediate requirements when in the judgment of the legislative body such action will not impede or hamper the necessary financial operations of the county, in bonds or interest bearing notes or obligations of the county, of the State, or of the United States, or those for which the full faith and credit of the United States are pledged for the payment of principal and interest, or in federal land bank bonds or joint stock farm loan bonds, or in bank savings accounts, or in time certificates of deposit, or in certificates of deposit open account, or in bonds of any improvement district or frontage improvement of any county of the State, provided such investments are due to mature not more than three years from the date of investment. The income derived therefrom shall be deposited in such fund or funds as the legislative body shall direct, provided that if any money invested under the provisions of this section be-

longs to any waterworks fund, then any income derived therefrom shall be paid into and credited to such fund."

SECTION 2. This Act shall take effect upon its approval.
(Approved May 7, 1965.) **H.B. 366.**

ACT 41

A Bill for an Act Relating to County and Municipal Refunding Bonds; Amending Part IV of Chapter 139 of the Revised Laws of Hawaii, 1955; and Repealing Sections 139-53, 139-54, 139-55, 139-56, 139-57, 139-58, 139-59 and 139-60 of Said Chapter.

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

SECTION 1. Part IV of Chapter 139 of the Revised Laws of Hawaii, 1955, as amended, is hereby further amended in the following respects:

a. Section 139-50 of the Revised Laws of Hawaii, 1955, is hereby amended to read as follows:

"§ 139-50. Definitions. Whenever used in this part the words 'board of supervisors' also mean and include the city council of the city and county of Honolulu and the word 'treasurer' also means and includes the director of finance of the city and county of Honolulu."

b. Section 139-51 of the Revised Laws of Hawaii, 1955, is hereby amended to read as follows:

§ 139-51. Refunding bonds authorized. For the purpose of refunding the present and future bonded indebtedness of any county or any part or parts thereof, the treasurer of any county, upon authorization of the board of supervisors, may from time to time issue general obligation refunding bonds of the county with which to pay, call and redeem all or any part of the outstanding bonds of the county or any part or parts thereof, and may include various series and issues of such outstanding bonds in a single issue of refunding bonds and may include refunding bonds and bonds authorized under Part I of this chapter in a single issue of bonds. Refunding bonds may be issued to pay principal, any redemption premium and interest to accrue and become payable on the outstanding bonds being refunded. The interest rate or rates of the refunding bonds shall not be limited by the interest rate or rates borne by any of the bonds to be refunded thereby. The refunding bonds may be issued and delivered at or at any time before the maturity or redemption date of the bonds to be refunded that the treasurer, with the approval of the board of supervisors, determines to be in the best interest of the county. The refunding bonds shall be payable as to principal and interest dollar for dollar in any coin or currency of the United States which at the time of payment is legal tender for public and private debts, and shall be issued in accordance with the provisions of sections 139-10 to 139-23 of this chapter, and all of the provisions of said sections shall be applicable to such refunding bonds. Pending the time the proceeds derived from the sale of refunding bonds issued

hereunder are required for the purposes for which they were issued, the treasurer may, upon authorization or approval of the board of supervisors, invest such proceeds in obligations of, or obligations unconditionally guaranteed by, the United States or in savings accounts, time deposits or certificates of deposit of any bank or trust company, within or without the State, to the extent that such savings accounts, time deposits or certificates of deposit are collaterally secured by a pledge of obligations of, or obligations unconditionally guaranteed by, the United States, and to further secure such refunding bonds the treasurer may, upon authorization or approval of the board of supervisors, enter into a contract with any bank or trust company, within or without the State, with respect to the safekeeping and application of the proceeds of such refunding bonds, and the safekeeping and application of the earnings on such investment, which contract shall become a part of the contract with the holders of such refunding bonds. The authorizations and approvals of the board of supervisors required by this section may be given either by resolution or ordinance as the board of supervisors may determine."

c. Section 139-52 of the Revised Laws of Hawaii, 1955, is hereby amended to read as follows:

"§ 139-52. Bonds which may be refunded. The bonds which may be refunded under the provisions of this part include among others any bonds issued under chapter 139, any bonds payable in whole or in part from the general revenues of the county issuing the same or otherwise payable in whole or in part from the taxes of such county and bonds payable from the revenues of an undertaking as defined in section 140-1 of the Revised Laws of Hawaii, 1955, except bonds payable solely from the revenues of a water supply and distribution system."

d. Sections 139-53, 139-54, 139-55, 139-56, 139-57, 139-58, 139-59 and 139-60 of the Revised Laws of Hawaii, 1955, are hereby repealed.

SECTION 2. This Act shall take effect upon its approval.
(Approved May 7, 1965.) **H.B. 367.**

ACT 42

A Bill for an Act to Amend Section 139-10, Revised Laws of Hawaii 1955, as Amended, Relating to Exemption from Taxes on General Obligation Bonds.

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

SECTION 1. Section 139-10, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"Section 139-10. Exemption from taxes; first charge on revenues. All bonds heretofore or hereafter issued under the authority of this chapter and the income therefrom shall be exempt from any and all state, county, and municipal taxation and the payment of the principal and interest thereof shall be a first charge on the general revenues of the county issuing same."

SECTION 2. This Act shall take effect upon its approval.
(Approved May 7, 1965.) **H.B. 368.**

ACT 43

A Bill for an Act Relating to Assignment of Counsel and Payment of Certain Expenses for Indigent Defendants and Appellants and Amending Section 253-5, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Section 253-5 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by amending the first two sentences thereof to read as follows:

"Whenever any person charged or convicted of any felony makes affidavit that he is without means or resources to obtain counsel, the circuit court may assign counsel for his defense or appeal from among the attorneys licensed to practice in the courts of record of this State. Such affidavit shall be in such form as may be prescribed by the court."

SECTION 2. This Act shall take effect upon its approval.
(Approved May 7, 1965.) **H.B. 709.**

ACT 44

A Bill for an Act. Uniform Act for Simplification of Fiduciary Security Transfers.

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

SECTION 1. Definitions. In this Act, unless the context otherwise requires:

(a) "Assignment" includes any written stock power, bond power, bill of sale, deed, declaration of trust or other instrument of transfer.

(b) "Claim of beneficial interest" includes a claim of any interest by a decedent's legatee, distributee, heir or creditor, a beneficiary under a trust, a ward, a beneficial owner of a security registered in the name of a nominee, or a minor owner of a security registered in the name of a custodian, or a claim of any similar interest, whether the claim is asserted by the claimant or by a fiduciary or by any other authorized person on his behalf, and includes a claim that the transfer would be in breach of fiduciary duties.

(c) "Corporation" means a private or public corporation, association or trust issuing a security.

(d) "Fiduciary" means an executor, administrator, trustee, guardian, committee, conservator, curator, tutor, custodian or nominee.

(e) "Person" includes an individual, a corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or

common interest, or any other legal or commercial entity.

(f) "Security" includes any share of stock, bond, debenture, note or other security issued by a corporation which is registered as to ownership on the books of the corporation.

(g) "Transfer" means a change on the books of a corporation in the registered ownership of a security.

(h) "Transfer agent" means a person employed or authorized by a corporation to transfer securities issued by the corporation.

SECTION 2. Registration in the name of a fiduciary. A corporation or transfer agent registering a security in the name of a person who is a fiduciary or who is described as a fiduciary is not bound to inquire into the existence, extent or correct description of the fiduciary relationship, and thereafter the corporation and its transfer agent may assume without inquiry that the newly registered owner continues to be the fiduciary until the corporation or transfer agent receives written notice that the fiduciary is no longer acting as such with respect to the particular security.

SECTION 3. Assignment by a fiduciary. Except as otherwise provided in this Act, a corporation or transfer agent making a transfer of a security pursuant to an assignment by a fiduciary:

(a) May assume without inquiry that the assignment, even though to the fiduciary himself or to his nominee, is within his authority and capacity and is not in breach of his fiduciary duties;

(b) May assume without inquiry that the fiduciary has complied with any controlling instrument and with the law of the jurisdiction governing the fiduciary relationship, including any law requiring the fiduciary to obtain court approval of the transfer; and

(c) Is not charged with notice of and is not bound to obtain or examine any court record or any recorded or unrecorded document relating to the fiduciary relationship or the assignment, even though the record or document is in its possession.

SECTION 4. Evidence of appointment of incumbency. A corporation or transfer agent making a transfer pursuant to an assignment by a fiduciary who is not the registered owner shall obtain the following evidence of appointment or incumbency:

(a) In the case of a fiduciary appointed or qualified by a court, a certificate issued by or under the direction or supervision of that court or an officer thereof and dated within sixty days before the transfer; or

(b) In any other case, a copy of a document showing the appointment or a certificate issued by or on behalf of a person reasonably believed by the corporation or transfer agent to be responsible or, in the absence of such a document or certificate, other evidence reasonably deemed by the corporation or transfer agent to be appropriate. Corporations and transfer agents may adopt standards with respect to evidence of appointment or incumbency under this subsection, provided such standards are not manifestly unreasonable. Neither the corporation nor transfer agent is charged with notice of the con-

tents of any document obtained pursuant to this subsection, except to the extent that the contents relate directly to the appointment or incumbency.

SECTION 5. Adverse claims. (a) A person asserting a claim of beneficial interest adverse to the transfer of a security pursuant to an assignment by a fiduciary may give the corporation or transfer agent written notice of the claim. The corporation or transfer agent is not put on notice unless the written notice identifies the claimant, the registered owner and the issue of which the security is a part, provides an address for communications directed to the claimant and is received before the transfer. Nothing in this Act relieves the corporation or transfer agent of any liability for making or refusing to make the transfer after it is so put on notice, unless it proceeds in the manner authorized in subsection (b).

(b) As soon as practicable after the presentation of a security for transfer pursuant to an assignment by a fiduciary, a corporation or transfer agent which has received notice of a claim of beneficial interest adverse to the transfer may send notice of the presentation by registered or certified mail to the claimant at the address given by him. If the corporation or transfer agent so mails such a notice, it shall withhold the transfer for thirty days after the mailing and shall then make the transfer unless restrained by a court order.

SECTION 6. Nonliability of corporation and transfer agent. A corporation or transfer agent incurs no liability to any person by making a transfer or otherwise acting in a manner authorized by this Act.

SECTION 7. Nonliability of third persons. (a) No person who participates in the acquisition, disposition, assignment or transfer of a security by or to a fiduciary, including a person who guarantees the signature of the fiduciary, is liable for participation in any breach of fiduciary duty by reason of failure to inquire whether the transaction involves a breach unless it is shown that he acted with actual knowledge that the proceeds of the transaction were being or were to be used wrongfully for the individual benefit of the fiduciary or that the transaction was otherwise in breach of duty.

(b) If a corporation or transfer agent makes a transfer pursuant to an assignment by a fiduciary, a person who guaranteed the signature of the fiduciary is not liable on the guarantee to any person to whom the corporation or transfer agent by reason of this Act incurs no liability.

(c) This section does not impose any liability upon the corporation or its transfer agent.

SECTION 8. Territorial application. (a) The rights and duties of a corporation and its transfer agents in registering a security in the name of a fiduciary or in making a transfer of a security pursuant to an assignment by a fiduciary are governed by the law of the jurisdiction under whose laws the corporation is organized.

(b) This Act applies to the rights and duties of a person other

than the corporation and its transfer agents with regard to acts and omissions in this State in connection with the acquisition, disposition, assignment or transfer of a security by or to a fiduciary and of a person who guarantees in this State the signature of a fiduciary in connection with such a transaction.

SECTION 9. Tax obligations. This Act does not affect any obligation of a corporation or transfer agent with respect to estate, inheritance, succession or other taxes imposed by the laws of this State.

SECTION 10. Uniformity of interpretation. This Act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

SECTION 11. Short title. This Act may be cited as the Uniform Act for the Simplification of Fiduciary Security Transfers.

SECTION 12. Repeal. Section 189-3 of the Revised Laws of Hawaii 1955 is hereby repealed.

SECTION 13. Time of taking effect. This Act shall take effect upon its approval and shall remain in effect until December 31, 1966.
(Approved May 8, 1965.) **S.B. 597.**

ACT 45

A Bill for an Act Relating to the Sale of Meat Originating from Slaughterhouses Without the State.

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

SECTION 1. There is hereby enacted a new section to Chapter 23, Part II, of the Revised Laws of Hawaii 1955, as amended, to be numbered and to read as follows:

"Sec. 23-20.1. Certain sales made unlawful. It shall be unlawful for any person to sell or cause to be sold fresh or frozen meat of an animal imported from without the State unless such animal was slaughtered for the purpose of selling the fresh or frozen meat or the products thereof for human consumption in a slaughterhouse approved and certified by the department of agriculture in the manner in which slaughterhouses within the State are approved and certified under this chapter (Chapter 23, Part II), provided that any animal slaughtered pursuant to federal law or any regulation promulgated thereunder, and approved by federal inspectors, shall be exempt from the provisions of this act. As used in this part, the word "animal" means any sheep, swine or goat, or any member of the bovine or equine family.

SECTION 2. This Act shall take effect upon its approval.
(Approved May 8, 1965.) **H.B. 38.**

ACT 46

A Bill for an Act to Amend Chapter 82, Revised Laws of Hawaii 1955, as Amended, Relative to Mental Retardation.

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

SECTION 1. Chapter 82, Revised Laws of Hawaii 1955, as amended, is hereby amended, in its entirety, to read as follows:

"Section 82-1. Program; coordination and supervision. The department of health shall coordinate and supervise a mental retardation program in the State which shall consist of community clinical services, Waimano training school and hospital, and protective services. The director of health, hereinafter referred to as 'director', shall be responsible for the administration of the program."

"Section 82-2. Waimano training school and hospital. There shall be in the State an institution known as 'Waimano training school and hospital' for persons who because of mental retardation are incapable of independent self-support and self-management in the community or incapable of attaining such self-support and self-management without proper treatment and training. Such persons, while in residence at the institution or on temporary leave of absence therefrom, shall be known as patients. When granted a conditional release, they shall be known as wards."

"Section 82-3. Rules. The director may prescribe, subject to the approval of the governor and the applicable provisions of the Hawaii Administrative Procedure Act, rules necessary for the implementation of the provisions of this chapter."

"Section 82-4. Persons incapable of independent self-support and self-management. Any person who is found to be incapable of independent self-support and self-management in the community or to be incapable of attaining such self-support and self-management without proper treatment and training, and who is found to require institutional care, supervision, control, treatment and training for his own welfare or for the welfare of his family or for the welfare of the community and who is found to be mentally retarded as set forth in section 82-5 shall be subject to commitment to the Waimano training school and hospital."

"Section 82-5. Mentally retarded persons. Mentally retarded persons, as referred to in section 82-4 are persons:

"(a) who are afflicted with:

"(1) a deficiency of general mental development associated with chronic brain syndrome, or

"(2) a deficiency of intelligence arising after birth, due to infection, trauma, or other disease process, or

"(b) who are afflicted with general intellectual subnormality not due to known organic factors."

"Section 82-6. Commitment of mentally retarded persons; application, certificate. Any circuit judge at chambers shall have jurisdiction to order commitments to Waimano training school and hospital

and no person sought to be committed shall be entitled to a jury trial of the issues raised by any application for commitment; provided, that, in the first circuit, a minor child may be committed only upon order of the judge of the juvenile court. Any adult relative or the guardian or the custodian of the individual sought to be committed; or any authorized agent of an organization approved under the provisions of sections 108-10 and 108-11 or of any governmental department or bureau, may file in the circuit court of the circuit in which such individual resides, or in the circuit court of the first circuit, an application for the commitment of such individual to Waimano training school and hospital. Such application shall be verified and there shall be attached thereto a certificate executed and verified by the members of a committee consisting of a physician, a clinical psychologist, and a social worker, all qualified by professional training and experience to make the findings and diagnoses authorized in the provisions of sections 82-4 and 82-5, certifying that the individual sought to be committed has been examined by the members of the committee and has been found to come within the provisions of sections 82-4 and 82-5, and that the individual should be committed to Waimano training school and hospital. Such examinations shall include the administration of psychological tests and psychological evaluations appropriate as an aid in the diagnosis of mental retardation and such certificate shall include the report of the result of such tests and evaluations as well as the statement of the facts which are alleged to bring the individual within the provisions of section 82-4. Appropriate forms for the application, certificate and statement hereinabove referred to shall be furnished by the department of health."

"Section 82-7. Hearing of application; notice, duties of attorney general; appeal. The judge shall, not less than ten days after the filing of such application, conduct a hearing thereon which shall be conducted in the presence of the person sought to be committed. A copy of such application together with notice of the time and place of the hearing thereon shall be personally served upon the person sought to be committed and upon any parent, guardian or custodian who has not joined in such application, not less than ten days prior to such hearing. In the event that personal service upon such parent, guardian or custodian cannot be effected within the State, service may be made as provided in section 230-31 or 230-32, whichever is applicable.

"At the request of the director or of any person authorized to file an application as hereinabove provided, the attorney general shall prepare, file and present applications under the provisions of this chapter, provided that, except in the first circuit, the respective county attorneys, at the request of the attorney general shall prepare, file and present such applications within their respective circuits.

"Every order of commitment entered under the provisions of this chapter prior to the procedures required of the director under section 82-10, and every final order of commitment entered under said section, shall contain a specific finding of the facts which bring the individual sought to be committed within the provisions of this chapter. Any

such order shall be subject to appeal, under the same terms and provisions as are set forth in section 208-3, by the individual sought to be committed, or by the guardian or custodian or any adult relative of such individual; provided, that unless specifically so ordered by the supreme court, no such appeal shall operate as a stay of the order of commitment, which shall be executed notwithstanding such appeal, subject to the release of the individual sought to be committed by order of the supreme court at any stage of the appeal."

"Section 82-8. Liability for expense of support and treatment of persons committed; liability of persons committed. A parent, guardian, or other person liable for the support of any person committed to the Waimano training school and hospital shall pay such sums as the court may order for the support and treatment of such person. Such order may be changed from time to time upon a showing of change of circumstances. The parent or guardian of a minor committed to the Waimano training school and hospital shall be liable for such support and treatment and such liability shall continue after the person committed has reached the age of majority. The adult children of any person committed to the Waimano training school and hospital shall be liable for the expenses of such person's support and treatment. Every nonindigent person committed to the Waimano training school and hospital and any property of his estate not exempt from execution, shall be liable for the expense of his support and treatment. The attorney general, whenever requested by the director, shall take such steps as may be appropriate, by suit if necessary, to enforce any liability established by this section. The attorney general may designate any appropriate county attorney to act in his behalf in any such enforcement proceeding."

"Section 82-9. Commitment to Waimano training school and hospital of persons committed to other institutions. Any person who has legally been ordered to be hospitalized at, or committed to, or imprisoned in any other institution under the control of any department of the State or any political subdivision thereof may, notwithstanding such prior hospitalization, commitment, or imprisonment, be committed to Waimano training school and hospital under the provisions of this chapter; provided, that no such person shall be committed to Waimano training school and hospital otherwise than upon application of the director of the department responsible for the administration of such other institution."

"Section 82-10. Observation and re-examination; certification; finality of order. No person committed to Waimano training school and hospital shall be detained therein for a period of more than sixty days unless, prior to the expiration of sixty days from the date of admission, or within such further period as may be allowed by the judge, the director has caused such person to be observed and examined by one or more qualified physicians and clinical psychologists other than the signers of the certificate referred to in section 82-6 and has filed in the circuit court in which the application for commitment was filed a certificate signed by such examiners and setting forth the results of such observation and examination, and certifying

that such person is in need of continued care, custody and treatment in Waimano training school and hospital. Upon the filing of such certificate, the judge may make a final order of commitment and such person shall thereafter remain at Waimano training school and hospital until discharged, conditionally released, granted leave, or transferred in accordance with the provisions of this chapter; provided, that if the judge is not satisfied that a final order of commitment should be entered on the basis of the certificate mentioned in this section, he may order a rehearing of the original application, upon the same terms and conditions as set forth in section 82-7 and may require such further examination and such further certificate as he may deem necessary in order to protect the rights of the alleged mentally retarded person, before entering such final order."

"Section 82-11. Absolute discharge; conditional release; leave of absence; transfer. The director shall file in the proceeding in which the order of commitment was entered a verified petition for the absolute discharge of any committed person whom the director finds to be no longer within the provisions of section 82-4. Such a finding may be made only upon the basis of a certificate executed and verified by the members of a committee constituted as provided in section 82-6, setting forth the opinion of the members of the committee, that such patient or ward no longer comes within the provisions of section 82-4 and the reasons for such opinion. The petition shall include such finding and the certificate upon which the same is based. The judge may require a hearing of such petition. Upon reading and filing such petition, or after a hearing thereof, the judge may enter an order finding that the allegations of the petition are true and setting aside the order of commitment. Every patient or ward discharged as herein provided shall be provided with a copy of such order. Upon the discharge of any patient coming within the provisions of section 82-9, at any time prior to the expiration of the period during which such patient could legally have been detained at the institution to which such patient was previously committed or sentenced, such patient shall be returned to the custody of such institution.

"The director may grant a conditional release to any patient committed as hereinabove provided whom the director finds to be potentially capable of self-support and self-management in the community, or whom the director finds, as result of the availability of other care, does not, at the time of such finding require institutional care, supervision, control, treatment and training at Waimano training school and hospital. Any such conditional release may involve, but shall not be limited to family or foster care or employment placements and shall be subject to such terms and conditions as may be imposed by the director. Any such conditional release may be terminated at any time upon the finding of the director that the continuation thereof will not serve the best interests of the ward or of his family or of the community. Every such conditional release shall be reviewed annually by the director.

"The director may grant to any patient a temporary leave of absence, upon such terms and conditions as he may deem advisable,

in any case in which the director shall find that such leave will promote the best interests of such patient. Such temporary leave of absence shall not extend beyond a period of one hundred and twenty consecutive days. No conditional release or temporary leave of absence shall be granted to any patient coming within the provisions of section 82-9 by reason of prior commitment to or imprisonment in a correctional institution prior to the expiration of the period during which such patient could legally have been detained at the institution to which such patient was previously committed or sentenced, unless the director shall find that the conduct of such patient within the Waimano training school and hospital is subversive to the maintenance of discipline and order therein, or is harmful to the program or to the other patients, in which event the director may grant such conditional release or temporary leave of absence and return such person to such correctional institution."

"Section 82-12. Right of appeal. Any patient or ward detained at the Waimano training school and hospital and any parent, relative or friend of such person shall be entitled to apply to an appeals committee consisting of two duly licensed physicians of the State, experienced in the diagnosis and treatment of the conditions described in section 82-5, and one attorney admitted to practice in all courts of the State for a hearing on the question whether such patient or ward comes within the provisions of section 82-4. The members of the committee shall be appointed by the director for a term of three years. Upon the receipt of such application, the appeals committee shall gather together all departmental records concerning such patient or ward and shall hold a hearing within sixty days from the date of the receipt of such application. The appeals committee shall consider all of the committee reports upon which the original commitment was based, all subsequent institutional reports, and all available clinical and psychological records relating to the patient or ward on whose behalf the appeal is prosecuted, and may consider any other pertinent or relevant evidence. If the appeals committee finds that the patient or ward does not come within the provisions of section 82-4, such findings shall be reported to the director who shall forthwith proceed in accordance with the provisions for absolute discharge established by section 82-11. A patient or ward or his personal representative shall not be allowed more than one appeal a year, under the provisions of this section."

"Section 82-13. Enticing, harboring, secreting, etc.; penalty. Any person who knowingly or intentionally:

"(a) Entices away from Waimano training school and hospital any patient committed or admitted thereto; or

"(b) Entices away from any home, facility or place of employment any patient or ward placed therein under the provisions of section 82-11 of this chapter; or

"(c) Harbors or secretes any patient or ward who has departed without permission or has been enticed away from the Waimano training school and hospital or from any such home, facility or place of employment shall be fined not more than one thousand dollars or

imprisoned not more than one year or both.”

“Section 82-14. Guardianship of the person. Notwithstanding any law to the contrary, the director shall be the guardian of the person of every person committed to and received at Waimano training school and hospital until such person is granted an absolute discharge. He shall have all the powers and duties of a natural guardian of a minor and in addition thereto all the powers and duties of a guardian of the person duly appointed by a court of competent jurisdiction; provided, that he shall not be liable in damages for any tortious act committed by such person. In case any person committed to Waimano training school and hospital has a guardian of the person already appointed by any court of competent jurisdiction, such guardian shall report such commitment to the court by which such guardian was appointed and such guardianship of the person shall be terminated or suspended during the period such person remains under the jurisdiction of the director as a patient or ward of Waimano training school and hospital.

“The provisions of this section shall not be deemed to terminate permanently the parental rights of the legal parent or parents of any minor committed as herein provided, and the director, as a guardian of such minor, shall exercise only such powers and duties of a natural guardian as are necessary for the protection and treatment and the promotion of the best interests of such patient or ward. The director shall from time to time delegate or transfer to the legal parent or parents of any such minor any of the director’s powers and duties as such guardian if he deems that such delegation or transfer will facilitate the treatment and promote the best interests of such minor.

“The powers and duties of the director as guardian of the person of any adult patient or ward shall supersede the powers and duties of any court-appointed guardian of the person of such patient or ward to such extent as is necessary for the protection and treatment and the promotion of the best interests of such patient or ward. The director shall from time to time delegate or transfer to such court-appointed guardian any of the director’s powers and duties as guardian under the provisions of this section if he deems that such delegation or transfer will facilitate the treatment and promote the best interests of such patient or ward.”

“Section 82-15. Voluntary admission of minors. Upon the written application of a parent or guardian or other person or agency having legal custody, the director may permit the admission to Waimano training school and hospital of any minor who comes within the provisions of sections 82-4 and 82-5 of this chapter, even though no application for commitment under the provisions of this chapter has been filed; provided, that no such minor shall be entitled as a matter of right to either be admitted or to remain at the Waimano training school and hospital. No minor admitted under the provisions of this section shall be detained at the Waimano training school and hospital for a period of more than thirty days after a parent or guardian or any adult relative of such admitted minor shall have submitted to the director a written demand for release or discharge, unless an application for commitment under the provisions of this

chapter has been filed in a circuit court having authority to order such commitment. Such period of thirty days may be extended for not more than an additional thirty days by a circuit judge having jurisdiction to order commitments upon such judge's finding that such extension is for the best interests of the minor. No such voluntary admission shall be permitted for any minor with respect to whom an application for commitment has previously been denied after presentation to a circuit judge having jurisdiction, without the specific written authorization of such judge, or a successor to or substitute for such judge, which authorization may be made subject to such conditions as may be deemed by the judge to promote the best interests of the minor.

"Any court-appointed guardian of the person of a minor, before entering into any agreement with the director concerning the voluntary admission of such minor, shall report such plan to the court that appointed such guardian and shall thereafter be guided by the directions of such court.

"No person admitted under the provisions of this section shall be detained at the Waimano training school and hospital after such person has reached his twentieth birthday unless, prior thereto, an application for commitment has been filed under the provisions of this chapter.

"Admission under the provisions of this section shall be subject to such reasonable conditions and regulations as may be established by the director and any person or persons legally liable for the support of the minor may be required to pay to the Waimano training school and hospital such reasonable sums as may be determined by the director as contributions toward the support, maintenance and treatment of the minor therein."

"Section 82-16. Earnings and income of patients and wards. The director shall prescribe, subject to the approval of the governor and the applicable provisions of the Hawaii administrative procedure act, rules necessary for the collection, conservation and disposition of earnings or income of any patient or ward, which are not subject to the control of a court-appointed guardian of the estate of such patient or ward, upon such terms and conditions as the director may deem advisable."

"Section 82-17. Compensation for labor by patients of Waimano training school and hospital. Any patient performing services for Waimano training school and hospital may be allowed such compensation for such services, as shall be determined by the director. No such patient shall, because of his services for Waimano training school and hospital, be deemed to be an employee of the State."

SECTION 2. This Act shall take effect upon its approval.
(Approved May 8, 1965.) **H.B. 179.**

ACT 47

A Bill for an Act to Amend Chapter 172, Revised Laws of Hawaii 1955, as Amended, Relating to Corporations.

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

SECTION 1. Section 172-117, Revised Laws of Hawaii 1955, as amended, is hereby amended by adding thereto a new subsection to read as follows:

“(o) Restated articles of incorporation: corporations with an authorized capital of less than \$500,000.00—\$20.00; corporations with an authorized capital of \$500,000.00 or more—\$100.00.”

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

(Approved May 8, 1965.) **H.B. 200.**

ACT 48

A Bill for an Act Relating to Joint Underwriting of Group Health Insurance for Persons Aged Sixty-Five and Over and Amending Chapter 181, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. It is of great public concern that many residents of this State of advanced years do not have readily available to them health insurance adequate to their needs. This measure will encourage and facilitate the writing of group health insurance by private insurers in order to make available to persons aged sixty-five and over and their spouses broader coverage at lower rates than is possible on a regular commercial basis.

SECTION 2. Chapter 181, Revised Laws of Hawaii 1955, as amended, is further amended by adding thereto a new section to be appropriately numbered and to read as follows:

“Sec. . It is the purpose of this section to provide a means of more adequately meeting the needs of persons who are 65 years of age or older and their spouses for insurance coverage against financial loss from accident or disease through the combined resources and experience of a number of insurers; to make possible the fullest extension of such coverage by encouraging insurers to combine their resources and experience and to exercise their collective efforts in the development and offering of policies of such insurance to all such applicants at costs lower than those generally available through individual insurers; and to regulate the joint activities herein authorized in accordance with the intent of Congress as expressed in the Act of Congress of March 9, 1945 (Public Law 15, 79th Congress), as amended.

“(a) Wherever used in this section, the following terms shall have the meanings hereinafter set forth or indicated, unless the context otherwise requires:

(1) ‘Association’ means a voluntary unincorporated association

formed for the purpose of enabling cooperative action to provide disability insurance as defined in section 181-8 in accordance with this section in this or any other state having legislation enabling the issuance of insurance of the type provided in this section.

(2) 'Insurer' means any insurance company authorized to transact disability insurance in this State.

(3) 'Extended health insurance' means hospital, surgical and medical expense insurance provided by a policy issued as provided in this section.

"(b) Notwithstanding any other provision of this chapter or any other law which may be inconsistent herewith, any insurer may join with one or more other insurers to plan, develop, underwrite, and offer and provide to any person who is 65 years of age or older and to the spouse of such person, extended health insurance against financial loss from accident or disease, or both. Such insurance may be offered, issued and administered jointly by two or more insurers by a group policy issued to a policyholder through an association formed for the purpose of offering, selling, issuing and administering such insurance. The policyholder may be an association, a trustee, or any other person. Any such policy may provide, among other things, that the benefits payable thereunder are subject to reduction if the individual insured has any other coverage providing hospital, surgical or medical benefits whether on an indemnity basis or a provision of service basis resulting in such insured being eligible for more than 100 per cent of covered expenses which he is required to pay, and any insurer issuing individual policies providing extended hospital, surgical or medical benefits to persons 65 years of age and older and their spouses may also use such a policy provision. Any such policy may be executed on behalf of the insurance companies by a duly authorized person and need not be countersigned on behalf of any such company by a resident agent. A master group policy issued to an association or to a trustee or any person appointed by an association for the purpose of providing the insurances described in this section shall be another form of group disability insurance.

"Any form of policy approved by the commissioner for an association shall be offered throughout the state to all persons 65 and older and their spouses, and the coverage of any person insured under such a form of policy shall not be cancellable except for non-payment of premiums unless the coverage of all persons insured under such form of policy is also cancelled.

"(c) Notwithstanding the provisions of sections 181-361 through 181-407, any person licensed to transact disability insurance as a general agent, subagent or solicitor may transact extended health insurance and may be paid a commission thereon in accordance with commission schedules filed with the commissioner as required by subsection (e).

"(d) Any association formed for the purposes of this section may hold title to property, may enter into contracts, and may limit the liability of its members to their respective pro rata shares of the liability of such association. Any such association may sue and be

sued in its associate name and for such purpose only shall be treated as a domestic corporation. Service of process against such association, made upon a managing agent, any member thereof or any agent authorized by appointment to receive service of process, shall have the same force and effect as if such service had been made upon all members of the association. Such association's books and records shall also be subject to examination under the provisions of sections 181-51 through 181-73, either separately or concurrently with examination of any of its member insurers.

"(e) The forms of the policies, applications, certificates or other evidence of insurance coverage, commission schedules and applicable premium rates relating thereto shall be filed with the commissioner. No such policy, contract, certificate or other evidence of insurance, application or other form shall be sold, issued or used and no endorsement shall be attached to or printed or stamped thereon unless the form thereof shall have been approved by the commissioner or 30 days shall have expired after such filing without written notice from the commissioner of disapproval thereof. The commissioner shall disapprove the forms for such insurance if he finds that they are unjust, unfair, inequitable, misleading or deceptive or that the rates are by reasonable assumptions excessive in relation to the benefits provided. In determining whether such rates by reasonable assumption are excessive in relation to the benefits provided, the commissioner shall give due consideration to past and prospective claim experience, within and outside this State, and to fluctuations in such claim experience, to a reasonable risk charge, to contribution to surplus and contingency funds, to past and prospective expenses, both within and outside this State, and to all other relevant factors within and outside this State including any differing operating methods of the insurers joining in the issue of the policy. In exercising the powers conferred upon him by this section, the commissioner shall not be bound by any other requirement of this chapter with respect to standard provisions to be included in disability policies or forms.

"The commissioner may, after hearing upon written notice, withdraw an approval previously given, upon such grounds as in his opinion would authorize disapproval upon original submission thereof. Any such withdrawal of approval after hearing shall be by notice in writing specifying the ground thereof and shall be effective at the expiration of such period not less than 90 days after the giving of notice of withdrawal, as the commissioner shall in such notice prescribe.

"If and when a program of hospital, surgical and medical benefits is enacted by the federal government or the State, the extended health insurance benefits provided by policies issued under this section shall be adjusted to avoid any duplication of benefits offered by the federal or state programs and the premium rates applicable thereto shall be adjusted to conform with the adjusted benefits.

"The association shall submit an annual report to the commissioner which shall become public information and shall provide information as to the number of persons insured, the names of the insurers participating in the association with respect to insurance offered under

this section and the calendar year experience applicable to such insurance offered under this section, including premiums earned, claims paid during the calendar year, the amount of claims reserve established, administrative expenses, commissions, promotional expenses, taxes, contingency reserve, other expenses, and profit and loss for the year. The commissioner shall require the association to provide any and all information concerning the operations of the association deemed relevant by him for inclusion in the report.

“(f) The articles of association of any association formed in accordance with this section, all amendments and supplements thereto, a designation in writing of a resident of this State as agent for the service of process, and a list of insurers who are members of the association and all supplements thereto shall be filed with the commissioner.

“The name of any association or any advertising or promotional material used in connection with extended health insurance to be sold, offered, or issued, pursuant to this section shall not be such as to mislead or deceive the public.

“(g) No act done, action taken or agreement made pursuant to the authority conferred by this section shall constitute a violation of or grounds for prosecution or civil proceedings under any other law of this State heretofore or hereafter enacted which does not specifically refer to insurance.”

SECTION 3. This Act shall take effect upon its approval.
(Approved May 8, 1965.) **H.B. 489.**

ACT 49

A Bill for an Act to Amend Chapter 181 of the Revised Laws of Hawaii 1955 Relating to the Insurance Laws of the State of Hawaii.

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

SECTION 1. Section 181-259(c) (2) (ii), Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

“(ii) For all industrial life insurance policies issued on the standard basis, excluding any disability and accidental death benefits in such policies—the 1941 standard industrial mortality table for such policies issued prior to the operative date of subparagraph (6) of paragraph (e) of section 181-551 (the Standard Nonforfeiture Law), as amended, and the commissioners 1961 standard industrial mortality table for such policies issued on or after such operative date.”

SECTION 2. Section 181-259(c) (2) (iii), Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

“(iii) For individual annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies—the 1937 standard annuity mortality table or, at the option of the insurer, the annuity mortality table for 1949, ultimate, or any modification of either of these tables approved by the commissioner.”

SECTION 3. Section 181-259(c) (2), Revised Laws of Hawaii 1955, as amended, is hereby amended by inserting after section 181-259(c) (2) (iii) a new item (iv) to read as follows:

“(iv) For group annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies—the group annuity mortality table for 1951, any modification of such table approved by the commissioner, or, at the option of the insurer, any of the tables or modifications of tables specified for individual annuity and pure endowment contracts.”

SECTION 4. Section 181-259(c) (2) (iv), Revised Laws of Hawaii 1955, as amended, is hereby redesignated as section 181-259(c) (2) (v), and amended to read as follows:

“(v) For total and permanent disability benefits in or supplementary to ordinary policies or contracts—for policies or contracts issued on or after January 1, 1966, the tables of period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 disability study of the society of actuaries, with due regard to the type of benefit; for policies or contracts issued on or after January 1, 1961 and prior to January 1, 1966, either such tables or, at the option of the insurer, the class (3) disability table (1926); and for policies issued prior to January 1, 1961, the class (3) disability table (1926). Any such table shall, for active lives, be combined with a mortality table permitted for calculating the reserves for life insurance policies.”

SECTION 5. Section 181-259(c) (2) (v), Revised Laws of Hawaii 1955, is hereby redesignated as section 181-259(c) (2) (vi), and amended to become section 181-259(c) (2) (vi) and to read as follows:

“(vi) For accidental death benefits in or supplementary to policies—for policies issued on or after January 1, 1966, the 1959 accidental death benefits table; for policies issued on or after January 1, 1961 and prior to January 1, 1966, either such table or, at the option of the insurer, the inter-company double indemnity mortality table; and for policies issued prior to January 1, 1961, the inter-company double indemnity mortality table. Either table shall be combined with a mortality table permitted for calculating the reserves for life insurance policies.”

SECTION 6. Section 181-259(c) (2) (vi), Revised Laws of Hawaii 1955, as amended, is hereby redesignated as section 181-259(c) (2) (vii).

SECTION 7. Section 181-551(e) (i), Revised Laws of Hawaii 1955, as amended, is hereby amended by deleting the first word “The” and substituting therefor, the following:

“Except as provided in section 181-551(e) (3a), the”

SECTION 8. Section 181-551(e) (2), Revised Laws of Hawaii 1955, as amended, is hereby amended by deleting the word “level” in the first sentence and substituting therefor the word “uniform.”

SECTION 9. Section 181-551(e) (3), Revised Laws of Hawaii

1955, as amended, is hereby amended by deleting the word "level" therein and substituting therefor the word "uniform."

SECTION 10. Section 181-551(e), Revised Laws of Hawaii 1955, as amended, is hereby amended by inserting after subparagraph (3) the following new subparagraph to be designated "(3a)," reading as follows:

"(3a) The adjusted premiums for any policy providing term insurance benefits by rider or supplemental policy provision shall be equal to (a) the adjusted premiums for an otherwise similar policy issued at the same age without such term insurance benefits, increased, during the period for which premiums for such term insurance benefits are payable, by (b) the adjusted premiums for such term insurance, the foregoing items (a) and (b) being calculated separately and as specified in section 181-551(e) (1), (2) and (3) except that, for the purposes of section 181-551(e) (1) (ii), (iii) and (iv), the amount of insurance or equivalent uniform amount of insurance used in the calculation of the adjusted premiums referred to in (b) shall be equal to the excess of the corresponding amount determined for the entire policy over the amount used in the calculation of the adjusted premiums in (a)."

SECTION 11. Section 181-551(e) (4), Revised Laws of Hawaii 1955, as amended, is hereby amended by deleting the first two sentences and substituting therefor the following:

"Except as otherwise provided in subparagraphs (5) and (6) of paragraph (e) of this section, all adjusted premiums and present values referred to in this section shall for all policies of ordinary insurance be calculated on the basis of the commissioners 1941 standard ordinary mortality table, provided that for any category of ordinary insurance issued on female risks, adjusted premiums and present values may be calculated according to an age not more than three years younger than the actual age of the insured, and such calculations for all policies of industrial insurance shall be made on the basis of the 1941 standard industrial mortality table."

SECTION 12. Section 181-551(e), Revised Laws of Hawaii 1955, as amended, is amended by adding thereto the following subparagraph (6):

"(6) In the case of industrial policies issued on or after the operative date of this subparagraph (6) as defined herein, all adjusted premiums and present values referred to in this section shall be calculated on the basis of the commissioners 1961 standard industrial mortality table and the rate of interest, not exceeding three and one-half percent per annum, specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits: provided, that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the commissioners 1961 industrial extended term insurance table: provided further, that for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be

based on such other table of mortality as may be specified by the insurer and approved by the commissioner. After the effective date of this Act, any insurer may file with the commissioner a written notice of its election to comply with the provisions of this subparagraph (6) after a specified date before January 1, 1968. After the filing of such notice, then upon such specified date (which shall be the operative date of this subparagraph (6) for such insurer), this subparagraph (6) shall become operative with respect to the industrial policies thereafter issued by such insurer. If an insurer makes no such election, the operative date of this subparagraph (6) for such insurer shall be January 1, 1968."

SECTION 13. Section 181-551(f), Revised Laws of Hawaii 1955, is hereby amended by redesignating item (5) therein as item (6), by deleting the word "and" at the end of item (4), and by inserting after item (4) a new item (5) to read as follows:

"(5) as term insurance on the life of a child or on the lives of children provided in a policy on the life of a parent of the child, if such term insurance expires before the child's age is twenty-six, is uniform in amount after the child's age is one, and has not become paid-up by reason of the death of a parent of the child, and."

SECTION 14. This Act shall take effect upon its approval.
(Approved May 8, 1965.) **H.B. 1011.**

ACT 50

A Bill for an Act Relating to Appeals by Counties from Assessments by State Tax Assessors on Real Property Within the Respective Counties and Amending Section 128-30, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. The first sentence of the second paragraph of section 128-30, Revised Laws of Hawaii 1955, as amended, is amended to read as follows:

"The chairman of the board of supervisors or the board of supervisors of any county or the mayor or the city council of the city and county of Honolulu may appeal any assessment of real property located within the respective county which, in his or its judgment, does not fairly represent the fair market value of the property assessed when compared with other property in the same county of similar character and value, and may likewise appeal from the allowance of an exemption of any property when such exemption is not authorized by law."

SECTION 2. This Act shall take effect upon its approval.
(Approved May 8, 1965.) **H.B. 116.**

ACT 51

A Bill for an Act Relating to State Highway Fund Reimbursements to the General Fund for the Interest on and Principal of Certain General Obligation Bonds Issued to Refund Certain Highway Revenue Bonds.

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

SECTION 1. The department of transportation shall reimburse the general fund from the moneys in the state highway fund for payments of interest and principal accruing or becoming due on and after September 1, 1966 on the general obligation refunding bonds of 1963, Series D, dated November 1, 1963 issued in the amount of \$39,600,000.00, the proceeds of the sale of which will be applied to the redemption of the Territory of Hawaii highway revenue bonds, Series A, B, C and D.

SECTION 2. This Act shall take effect upon its approval.
(Approved May 8, 1965.) **H.B. 139.**

ACT 52

A Bill for an Act Amending Chapter 324 of the Revised Laws of Hawaii 1955, as Amended, Relating to Divorce, Support, Maintenance and Custody.

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

SECTION 1. Section 324-31 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding to the end thereof the following:

“When a divorce is granted because of habitual drunkenness, habitual use of narcotics, or adultery, the court may in its discretion designate grievous mental suffering as the ground for divorce in the divorce decree, if it determines that such would be in the best interests of the children or would conduce toward rehabilitation of either party.

“Any provision to the contrary notwithstanding, if after a full hearing, the court or judge is of the opinion that a divorce from the bonds of matrimony ought to be granted, and there is a child or minor children of the marriage living or in posse, an interlocutory decree shall be signed, filed and entered adjudging that the party in whose favor the court or judge decides, is entitled to a divorce from the bonds of matrimony and granting such relief authorized by section 324-37 as may appear just and equitable, but such interlocutory decree shall not operate to dissolve the bonds of matrimony. After the entry of the interlocutory decree, neither party shall have the right to dismiss the action without the consent of the other. When one year has expired after the entry of such interlocutory decree, and no reconciliation between the parties has been effected, the court or judge on motion of either party, or upon its own motion, shall enter a final decree dissolving the bonds of matrimony and granting such other and further relief as may be necessary to complete disposition of the action;

provided, that upon all the children of the parties or any one of them reaching majority, or becoming married or otherwise emancipated, or upon the death of all the minor children or either party within one year after the entry of the interlocutory decree, the court or judge shall enter the final decree effective as of the date of such event; provided, further, that if any appeal has been taken from the judgment of divorce embodied in the interlocutory decree or if a motion for a new trial has been made, the final decree shall not be entered until such appeal or motion has been finally disposed of, nor then, if the judgment has been reversed or the motion granted."

SECTION 2. Chapter 324, Revised Laws of Hawaii 1955, as amended, is hereby amended by adding thereto a new section to be numbered "Section 324-39.5" and to read as follows:

"Section 324-39.5. Enforcement of maintenance and alimony through court trustee. Where there are minor children of the parties, the judge may designate a probation officer or any other officer of the court as ex-officio court trustee prior to making any order or decree for the support and maintenance of the wife and children. The court trustee shall investigate all matters pertinent to the determination of just and suitable allowances for the wife and children, and shall submit his findings and recommendations in writing to the judge. When or any time after the order or decree is made, the judge may authorize the court trustee to investigate and report periodically concerning default or delinquency in the payment of the allowances and any change in the physical or financial circumstances of either party or the children. The judge shall consider such periodic reports, and on motion of either party, or upon his own motion, the judge may revise the allowances and make such further decree or order as shall, from time to time, seem just and reasonable. The judge may, in his discretion, require the cost of any such investigation to be borne by the husband."

SECTION 3. Section 324-20 of the Revised Laws of Hawaii, 1955, as amended, is hereby further amended by adding thereto immediately following paragraph (h) two new paragraphs lettered (i) and (j) reading as follows:

"(i) Upon application of either party, when the parties have lived separate and apart under a decree of separation from bed and board entered by any court of competent jurisdiction, the term of separation has expired, no reconciliation has been effected, and the living together of the parties is insupportable.

"(j) Upon the application of either party, when the parties have lived separate and apart under a decree of separate maintenance entered by any court of competent jurisdiction for a period of more than two years, no reconciliation has been effected, and the living together of the parties is insupportable."

SECTION 4. Chapter 324 of the Revised Laws of Hawaii, 1955, is hereby amended by adding thereto a new section to be numbered and to read as follows:

"Section 324-37.5 Alimony upon divorce after living separate and

apart. Where separation from bed and board or separate maintenance was decreed upon a showing by the wife that the husband was at fault, the circuit judge sitting in divorce may, in his discretion, even if divorce proceedings are brought by the husband, decree the payment to the wife of alimony."

SECTION 5. Section 324-65 of the Revised Laws of Hawaii, 1955, as amended, is hereby further amended to read as follows:

"Section 324-65. Revocation or modification of separation decrees. Where a decree of separation from bed and board has been entered, it may be revoked at any time thereafter, under such regulations and restrictions as the judge may impose, upon the joint application of the parties, and upon their producing satisfactory evidence of their reconciliation. The judge may also, for good cause shown from time to time, increase or decrease the period of separation decreed, provided that the maximum period of separation does not exceed two years from the effective date of the original decree of separation."

SECTION 6. Sections 324-80, 324-81, 324-82 and 324-83, Revised Laws of Hawaii, 1955, as amended, are hereby repealed.

SECTION 7. This Act shall take effect upon its approval.
(Approved May 8, 1965.) **H.B. 486.**

ACT 53

A Bill for an Act Designating the Reverend Joseph Damien DeVeuster, SS. CC., as one of those Citizens of Hawaii Worthy of Commemoration in the National Statuary Hall and Directing that the Statuary Hall Commission Make the Necessary Preparations to Place an Appropriate Statue Therein.

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

SECTION 1. Legislative finding. The legislature hereby finds and declares that the efforts of Father Damien among the sufferers of Hansen's disease have made him a humanitarian of international renown. His work, ministering to the human needs at the Kalaupapa settlement on the island of Molokai, clearly demonstrates a great devotion to his fellow man. His death, caused by the disease he sought to treat, has inspired the world toward tremendous strides in the suppression of this disease.

SECTION 2. The State of Hawaii hereby exercises its prerogative pursuant to Section 2 of "An Act making appropriation for sundry Civil Expenses of the Government for the Year ending the Thirtieth of June eighteen hundred and sixty-five and for other purposes" (act of July 2, 1864 of the thirty-eighth congress, Section 1814 of the Revised Statutes) and designates the Reverend Joseph Damien deVeuster, SS. CC., as a citizen of Hawaii worthy of commemoration in the National Statuary Hall.

SECTION 3. The statuary hall commission is hereby directed to make the necessary preparations for the placing of a suitable statue

of Father Damien in the National Statuary Hall.

SECTION 4. This Act shall take effect upon its approval.
(Approved May 10, 1965.) **H.B. 1275.**

ACT 54

A Bill for an Act to Amend Chapter 3, Revised Laws of Hawaii 1955, as Amended, Relating to Definitions Used in the Civil Service Law.

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

SECTION 1. Subsections (g) and (r) of section 3-11, Revised Laws of Hawaii 1955, as amended, are hereby amended to read as follows:

"Sec. 3-11. Definitions.

"(g) 'Class' or 'class of work' means the logical and reasonable grouping of duties and responsibilities and their identification with respect to (1) kind or subject matter of work, (2) level of difficulty and responsibility, and (3) qualification requirements of the work, so that positions which conform substantially to the same class would receive like treatment in the matter of title, and such personnel processes as salary assignment;

"(r) 'Position' means a specific office or employment, whether occupied or vacant, consisting of a group of all the current duties and responsibilities assigned or delegated by competent authority, requiring the full or part-time employment of one person;"

SECTION 2. This Act shall take effect upon its approval.
(Approved May 11, 1965.) **S.B. 133.**

ACT 55

A Bill for an Act Amending Chapter 221 of the Revised Laws of Hawaii 1955, as Amended, Relating to Jurors.

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

SECTION 1. Chapter 221 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended as follows:

(1) By amending section 221-10 thereof, as amended, by deleting the fourth paragraph thereof, and substituting therefor the following wording:

"All such citizens so selected shall be persons whom the respective commissions believe, after careful investigation in each case, to be qualified under section 221-1, and not exempt under section 221-3, or excused from jury duty as hereinafter provided; provided, that any such person who is exempt under section 221-3 may be selected if he waives his exemption; and provided, further, that nothing herein shall be construed as affecting the power of a court to excuse a juror, pursuant to section 221-4, who may be so certified and listed. All such selections shall be made without reference to sex, political affiliations, race or place of nativity of citizens, with a view to obtain lists repre-

sentative of the qualified citizenry of each circuit. In arriving at such certified lists, each commission may, with the approval in writing of the judge or administrative judge of its circuit court, excuse a citizen from jury duty for any cause set forth in section 221-4."

SECTION 2. This Act shall take effect upon its approval.
(Approved May 11, 1965.) S.B. 607.

ACT 56

A Bill for an Act Relating to Jurors and Providing for Pooling of Jury Panels.

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

SECTION 1. **Jury panels where there is more than one judge.** In any judicial circuit in which there is more than one circuit judge, a separate panel of jurors may be drawn, summoned and impaneled for each judge, or any number of panels may be drawn, summoned and impaneled by any one of the judges, for use in the trial of cases before any one or more of the judges, as occasion may require. When a panel of jurors is in attendance for service before one or more of the judges, whether impaneled for common use or not, the whole or any number of the jurors from such panel may be required to attend and serve in the trial of cases, or to complete a panel, or jury, before any other of the judges. When less than the whole number of jurors available from any panel will be required to complete a jury or juries in a case or cases called for trial on any particular day, the court may make and enter an order determining the number of jurors required and thereupon, in open court, the clerk shall draw the number of jurors so required. Thereupon such jurors shall be instructed in the manner ordered by the court to attend and serve in the trial of such case or cases, and the jurors not so selected shall be excused either temporarily or for the remainder of the term or ordered to report back to the judge who summoned them, as may be appropriate.

SECTION 2. This Act shall take effect upon its approval.
(Approved May 11, 1965.) S.B. 608.

ACT 57

A Bill for an Act Relating to Taxation, Amending Chapter 121 of the Revised Laws of Hawaii 1955, as Amended, to Incorporate Certain Amendments of the Internal Revenue Code of 1954, as Amended.

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

SECTION 1. Section 121-1.01 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding under column 1 and column 2 the following:

"COLUMN 1	COLUMN 2
Taxable year beginning on or after January 1, 1965.	Public Law 86-376, section 1(a); Public Law 86-470, section 3(a);

Public Law 86-594, section 1;
Public Law 86-779, Section 6(a)
(b) and (c), 7(a) and (b);
Public Law 87-256, section 110
(a);
Public Law 87-834, section 3(a);
Public Law 87-858, section 2(a)
and (b);
Public Law 87-863, section 1(a)
and (b);
Public Law 88-4, section 1;
Public Law 88-272, sections 203
(d) (with respect to dispositions of elevators and escalators made in taxable years beginning on or after January 1, 1965), 204(a) (with respect to group-term life insurance provided in taxable years beginning on or after January 1, 1965), 205(a) (with respect to amounts attributable to periods of absence beginning on or after January 1, 1965), 206(a) and (b) (2) (3) and (4) (with respect to sales on or after January 1, 1965), 207(a), (b) (1) (2) (3) and (c) (2), 208(a) (with respect to losses sustained in taxable years beginning on or after January 1, 1965), 211(a), 212(a), 213(a) and (b) (with respect to expenses incurred in taxable years beginning on or after January 1, 1965), 217(a), 224(a), (b) and (c) (with respect to certain deferred payments on sales or exchanges of property occurring in taxable years beginning on or after January 1, 1965), 230(a) and (b) (with respect to capital loss carryovers in taxable years beginning on or after January 1, 1965, and further provided that in the case of a taxpayer other than a corporation, there shall be treated as a short-term capital loss in the first taxable year

beginning after December 31, 1964, any amount which is treated as a short-term capital loss in such year as in effect immediately before the enactment of this Act), 231 (a) and (b) (with respect to dispositions of certain depreciable realty in taxable years beginning on or after January 1, 1965);

Public Law 88-554, section 1.”

SECTION 2. This Act upon its approval shall apply to the taxable year stated in section 1.

(Approved May 11, 1965.) **H.B. 245.**

ACT 58

A Bill for an Act Amending Section 83-62 of the Revised Laws of Hawaii 1955 Relating to the Board of Paroles and Pardons.

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

SECTION 1. Section 83-62 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

“**Section 83-62. Service of board members without pay; expenses.** The members of the board shall serve without pay, but their necessary expenses for traveling and incidentals shall be paid from appropriations provided the board for such purposes, on vouchers approved by the director.”

SECTION 2. This Act shall take effect on July 1, 1965. At that time, monies for the above purposes within the appropriations of the corrections division of the department of social services shall be transferred to the appropriations of the board.

(Approved May 11, 1965.) **H.B. 491.**

ACT 59

A Bill for an Act Relating to Workmen’s Compensation and Amending Chapter 97, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Chapter 97, Revised Laws of Hawaii 1955, as amended, is hereby amended by adding to section 97-110 the following paragraph:

“Within thirty days after final payment of compensation for an injury, the employer shall make a final report to the director showing the total payments made, the date of termination of temporary total disability, and such other information as the director may require.

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

(Approved May 11, 1965.) **H.B. 685.**

ACT 60

A Bill for an Act Amending Section 3-21-(h), Revised Laws of Hawaii 1955, as Amended, Relating to Probationary Service.

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

SECTION 1. The second paragraph of sub-section (h) of section 3-21, Revised Laws of Hawaii 1955, as amended, is hereby further amended by deleting the last sentence which reads as follows:

“Any service in excess of the required probationary period shall not constitute tenure of employment as a regular employee for purposes of salary increments and longevity.”

SECTION 2. This Act shall take effect upon its approval.
(Approved May 11, 1965.) **H.B. 797.**

ACT 61

A Bill for an Act Relating to Employment Security and Amending Chapter 93, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Section 93-7, Revised Laws of Hawaii 1955, as amended, is hereby further amended as follows:

(a) By changing the period at the end of subsection (o) to a semicolon.

(b) By adding thereto the following subsection:

“(p) Service performed by an individual who, pursuant to the Federal Economic Opportunity Act of 1964, is not subject to the provisions of the Federal laws relating to unemployment compensation.”

SECTION 2. This Act shall take effect upon its approval.
(Approved May 11, 1965.) **H.B. 1117.**

ACT 62

A Bill for an Act Repealing Act 232, Session Laws of Hawaii 1957, Regular Session.

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

SECTION 1. Act 232, Session Laws of Hawaii 1957, Regular Session, is hereby repealed.

SECTION 2. This Act shall take effect upon its approval.
(Approved May 11, 1965.) **H.B. 506.**

ACT 63

A Bill for an Act Relating to Delinquent Accounts.

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

SECTION 1. The Revised Laws of Hawaii 1955, as amended, is

hereby further amended by adding thereto a new section to be appropriately numbered and to read as follows:

“Sec. . Uncollectible accounts. The directors, boards or executive heads of executive departments may from time to time prepare and submit for the review of the attorney general a list of all uncollectible accounts in their departments. Such accounts as the attorney general finds to be uncollectible shall be entered in a special record and be deleted from the accounts receivable records of the departments which shall thereupon be relieved from any further accountability for their collection, provided that no account shall be so deleted until it shall have been delinquent for at least two (2) consecutive years. Any account entered in the special record shall be transferred back to the current accounts receivable if the attorney general finds that the facts as alleged and presented to him were not true, or that such account has become collectible.

“Uncollectible account as used in this section means an account with regard to which (1) the debtor or party causing damage to property belonging to the State is no longer within the jurisdiction of the State; (2) the debtor or party causing damage to property belonging to the State cannot be located; (3) the party causing damage to property belonging to the State is unknown or cannot be identified; (4) the debtor has filed bankruptcy and has listed the State as a creditor; or (5) such other account as may be deemed by the attorney general to be uneconomical or impractical to collect.”

SECTION 2. This Act shall take effect upon its approval.
(Approved May 11, 1965.) **H.B. 485.**

ACT 64

A Bill for an Act to Amend Section 130-1 of the Revised Laws of Hawaii, 1955, Relating to Vehicle Weight Tax.

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

SECTION 1. Section 130-1 of the Revised Laws of Hawaii 1955, is hereby amended by amending the definition of “net weight” as provided therein to read as follows:

“‘Net Weight’ of a vehicle means the actual weight of the vehicle, as determined on a standard scale, including all equipment and accessories ordinarily attached to and used on the vehicle and, in the case of a motor vehicle, the maximum fuel, oil and water possible of being carried for its operation; provided, that ‘net weight’ of a new standard equipped vehicle, other than a motor vehicle, means the shipping weight thereof as established by its manufacturer, and ‘net weight’ of a new standard equipped passenger vehicle means the shipping weight thereof as established by its manufacturer, plus one hundred pounds, and ‘net weight’ of a new standard equipped motorcycle, motor scooter, or motorized cycle, means the shipping weight thereof as established by its manufacturer, plus thirty pounds, and ‘net weight’ of a new standard equipped truck means the shipping weight thereof as established by its manufacturer, plus two hundred

pounds. On initial registration of a standard equipped vehicle, other than a motor vehicle, for which the treasurer has the manufacturer's established weight, the treasurer, in lieu of requiring such vehicle to be weighed and in order to determine the 'net weight' thereof, may use such established weight and may require the owner to furnish verification of the factory serial number of such vehicle. On initial registration of standard equipped passenger vehicles, motorcycles, motor scooters, motorized cycles, and trucks for which the treasurer has the manufacturer's established weights, the treasurer, in lieu of requiring such motor vehicles to be weighed and in order to determine the 'net weight' thereof, may use such established weights, adding one hundred pounds in the case of standard equipped passenger vehicles, thirty pounds in the case of standard equipped motorcycles, motor scooters, and motorized cycles, and two hundred pounds in the case of standard equipped trucks, and may require the owners to furnish verification of factory serial and engine numbers of such motor vehicles. As to a vehicle for which the manufacturer's weight is not available or whose make and model cannot be determined with reasonable certainty or which has been so altered as to increase or diminish the weight thereof, 'net weight' means the actual weight of such vehicle, as determined on a standard scale, including all equipment and accessories ordinarily attached to and used on the vehicle and, in the case of a motor vehicle, the maximum fuel, oil and water possible of being carried for its operation. In all cases information shall be presented to and in the manner prescribed by the treasurer."

SECTION 2. This Act shall take effect upon its approval.
(Approved May 11, 1965.) **H.B. 913.**

ACT 65

A Bill for an Act to Amend Chapter 143A, Revised Laws of Hawaii 1955, as Amended, Relating to County Charters.

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

SECTION 1. Chapter 143A, Revised Laws of Hawaii 1955, as amended, is hereby amended in the following respects:

(1) Section 143A-1 is amended by deleting the word "shall" which appears in the first sentence thereof.

(2) Section 143A-3 is hereby amended to read as follows:

"**Sec. 143A-3. Charter commissions.** The chairman of each county may appoint a charter commission with the approval of the legislative body of the county, which shall consist of eleven members, one of whom shall be appointed by him as the chairman of the commission. Any vacancy in the membership of the commission shall be filled by the chairman of the county with the approval of the legislative body of the county."

(3) Section 143A-10 is hereby amended to read as follows:

"**Sec. 143A-10. Publication and submission to electors.** The county clerk shall provide for the submission of the proposed charter with any alternatives as provided by section 143A-9 to the qualified elec-

tors of the county for approval at a general election or special election to be held on such date determined by the commission. The commission shall provide for the publication of the proposed charter with any alternatives, twenty-one days before such election, in a newspaper of general circulation within the county. If a majority of the electors voting on the charter in the election shall cast their ballots in favor of adoption of the charter, the charter shall become the organic law of the county and shall supersede any existing charter and all laws affecting the organization and government of the county which are in conflict therewith. The proposed charter shall be considered approved by the electors if a majority of the electors voting on the charter in the election cast their ballots in favor of adoption of the charter. The general laws and rules governing elections so far as applicable and not inconsistent with the provisions of this chapter, shall apply to elections held pursuant to the provisions of this chapter."

(4) Section 143A-11 is hereby repealed.

(5) Section 143A-12 is hereby amended to read as follows:

"Sec. 143A-12. Charter amendment and revision. Every charter established under the provisions of this chapter shall provide means by which the charter may be amended or revised. The provisions for amendment and revision must provide for approval of all amendments and revisions by referendum to the electors of the county. The amendment or revision shall be considered ratified if a majority of the electors voting on the amendment or revision shall cast their ballots in favor of adoption."

SECTION 2. This Act shall take effect upon its approval.
(Approved May 11, 1965.) **S.B. 416.**

ACT 66

A Bill for an Act to Repeal Section 172-113 of Chapter 172, Revised Laws of Hawaii 1955, Relating to Corporations.

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

SECTION 1. Section 172-113 of the Revised Laws of Hawaii 1955 is hereby repealed.

SECTION 2. This Act shall take effect upon its approval.
(Approved May 11, 1965.) **S.B. 472.**

ACT 67

A Bill for an Act Relating to Exclusion from the Wage and Hour Law.

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

SECTION 1. Item (c) of the fifth paragraph of section 94-2, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"(c) in domestic service in or about the home of his employer or as a house parent in or about any home or shelter maintained for child

welfare purposes by a charitable organization exempt from income tax under Section 501 of the Federal Internal Revenue Code;”

SECTION 2. This Act shall take effect upon its approval.
(Approved May 11, 1965.) S.B. 694.

ACT 68

A Bill for an Act to Regulate Insider Trading of Domestic Stock Insurance Company Equity Securities.

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

SECTION 1. Every person who is directly or indirectly the beneficial owner of more than ten per cent of any class of any equity security of a domestic stock insurance company, or who is a director or an officer of such company, shall file in the office of the insurance commissioner on or before January 1, 1966, and thereafter within ten days after he becomes such beneficial owner, director or officer a statement, in such form as the insurance commissioner may prescribe, of the amount of all equity securities of such company of which he is the beneficial owner, and within ten days after the close of each calendar month, if there has been a change in such ownership during such month, shall file in the office of the insurance commissioner a statement, in such form as the insurance commissioner may prescribe, indicating his ownership at the close of the calendar month and such changes in his ownership as have occurred during such calendar month.

SECTION 2. For the purpose of preventing the unfair use of information which may have been obtained by such beneficial owner, director or officer by reason of his relationship to such company, any profit realized by him from any purchase and sale, or any sale and purchase, of an equity security of such company within any period of less than six months, unless such security was acquired in good faith in connection with a debt previously contracted, shall inure to and be recoverable by the company, irrespective of any intention on the part of such beneficial owner, director or officer in entering into such transaction of holding the security purchased or of not repurchasing the security sold for a period exceeding six months. Suit to recover such profit may be instituted in any court of competent jurisdiction by the company, or by the owner of any security of the company in the name and in behalf of the company if the company shall fail or refuse to bring such suit within sixty days after request or shall fail diligently to prosecute the same thereafter; but no such suit shall be brought more than two years after the date such profit was realized. This section shall not be construed to cover any transaction where such beneficial owner was not such both at the time of the purchase and sale, or the sale and purchase, of the security involved, or any transaction or transactions which the insurance commissioner by rules and regulations may exempt as not comprehended within the purpose of this section.

SECTION 3. It shall be unlawful for any such beneficial owner, director or officer, directly or indirectly, to sell any equity security of such company if the person selling the security or his principal (i) does not own the security sold, or (ii) if owning the security, does not deliver it against such sale within twenty days thereafter, or does not within five days after such sale deposit it in the mails or other usual channels of transportation; but no person shall be deemed to have violated this section if he proves that notwithstanding the exercise of good faith he was unable to make such delivery or deposit within such time, or that to do so would cause undue inconvenience or expense.

SECTION 4. The provisions of section 2 of this Act shall not apply to any purchase and sale, or sale and purchase, and the provisions of section 3 of this Act shall not apply to any sale, of an equity security of a domestic stock insurance company not then or theretofore held by him in an investment account, by a dealer in the ordinary course of his business and incident to the establishment or maintenance by him of a primary or secondary market (otherwise than on an exchange as defined in the Securities Exchange Act of 1934) for such security. The insurance commissioner may, by such rules and regulations as he deems necessary or appropriate in the public interest, define and prescribe terms and conditions with respect to securities held in an investment account and transactions made in the ordinary course of business and incident to the establishment or maintenance of a primary or secondary market.

SECTION 5. The provisions of sections 1, 2 and 3 of this Act shall not apply to foreign or domestic arbitrage transactions unless made in contravention of such rules and regulations as the insurance commissioner may adopt in order to carry out the purposes of this Act.

SECTION 6. The term "equity security" when used in this Act means any stock or similar security; or any security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right; or any security which the insurance commissioner by such rules and regulations as he may prescribe in the public interest or for the protection of investors, designate as an equity security.

SECTION 7. The provisions of sections 1, 2 and 3 of this Act shall not apply to equity securities of a domestic stock insurance company (a) if the equity securities of such company have been registered with the United States Securities & Exchange Commission under the provisions of section 12 of the Securities Exchange Act of 1934, as amended, or (b) if the equity securities of such company are required to be registered with the United States Securities and Exchange Commission under the provisions of section 12 of the Securities Exchange Act of 1934, as amended, or (c) if such domestic stock insurance company shall not have any class of its equity securities held of record by one hundred persons on the last business day of the year next preced-

ing the year in which equity securities of the company would be subject to the provisions of sections 1, 2 and 3 of this Act except for the provisions of this subsection (c).

SECTION 8. The insurance commissioner shall have the power to make such rules and regulations as may be necessary for the execution of the functions vested in him by sections 1 through 7 of this Act, and may for such purpose classify domestic stock insurance companies, securities, and other persons or matters within his jurisdiction. No provision of sections 1, 2 and 3 of this Act imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule or regulation of the insurance commissioner, notwithstanding that such rule or regulation may, after such act or omission, be amended or rescinded or determined by judicial or other authority to be invalid for any reason.

SECTION 9. This Act shall take effect on January 1, 1966.
(Approved May 11, 1965.) **S.B. 700.**

ACT 69

A Bill for an Act Amending Section 97-98 of the Revised Laws of Hawaii 1955, as Amended, Relating to the Workmen's Compensation Law.

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

SECTION 1. Section 97-98 of the Revised Laws of Hawaii 1955, as amended, is hereby amended by deleting from the last sentence thereof the words "or in part."

Section 2. This Act shall take effect upon its approval.
(Approved May 11, 1965.) **S.B. 762.**

ACT 70

A Bill for an Act Relating to the Uniform Gifts to Minors Act and Amending Chapter 338A, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Section 338A-1(b), Revised Laws of Hawaii 1955, as amended, is hereby amended by adding immediately following the words "national banking association" the words, "credit union supervised by the state or the federal government."

SECTION 2. This Act shall take effect upon its approval.
(Approved May 11, 1965.) **S.B. 844.**

ACT 71

A Bill for an Act to Amend Section 180-12, Revised Laws of Hawaii 1955, as Amended, Relating to Articles of Association of Building and Loan Associations.

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

SECTION 1. Subsection (e) of section 180-12 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

“(e) The term of its existence which may be in perpetuity.”

SECTION 2. This Act shall take effect upon its approval.
(Approved May 11, 1965.) **S.B. 374.**

ACT 72

A Bill for an Act Relating to Air Pollution Control and Amending Chapter 47 of the Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. The purpose of this Act is to authorize the governing body of each county to adopt ordinances controlling air pollution in such areas of a county as may be affected thereby; to form county air pollution control agencies; and to contract with each other and with the State for technical and training assistance.

SECTION 2. Section 47-77, Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

“**Section 47-77. County air pollution control agencies and other ordinances, rules or regulations; effect on.** No ordinance or regulation of any governing body of a county, or any rule or regulation promulgated pursuant thereto not inconsistent with this part shall be superseded by this part. Nothing in this part or in any rule or regulation promulgated pursuant thereto shall preclude the right of any governing body of a county to adopt ordinances or any rule or regulation promulgated pursuant thereto not inconsistent with this part controlling or prohibiting air pollution throughout the county or in such areas of the county as shall be affected thereby nor to establish county air pollution control agencies to enforce such ordinances, rules or regulations. The governing body of a county may contract with the governing body of another county or of the State to share technical air pollution control services or facilities or to receive technical assistance or training. All ordinances and any rule or regulation promulgated pursuant thereto inconsistent with this part shall be invalid and of no effect.”

SECTION 3. This Act shall take effect upon its approval.
(Approved May 11, 1965.) **H.B. 101.**

ACT 73

A Bill for an Act Relating to Grades and Standards of Agricultural Commodities and Amending Chapter 22 of the Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Section 22-1 (d) Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

“(d) “Agricultural commodity” means fresh fruits and fresh vegetables of every kind and character, whether or not frozen or packed in ice, whether produced in the State or imported, and coffee, whether cherry, parchment or green beans which have been produced in the State of Hawaii.”

SECTION 2. Section 22-1 (f), Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

“(f) “Off-Grade” is a descriptive term applicable to agricultural commodities which have a market value, and designates a quality lower than the lowest applicable in Hawaii, other states or the United States grade for each agricultural commodity.”

SECTION 3. Section 22-1 of the Revised Laws of Hawaii 1955, as amended, is hereby amended by adding thereto a new subsection to be designated and to read as follows:

“(g) “Consumer” means any person or firm purchasing agricultural commodities for human or animal consumption.”

SECTION 4. Section 22-4 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by deleting “M.Q.” from the second paragraph thereof and by substituting therefor “OFF-GRADE.”

SECTION 5. Chapter 22 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding after section 22-5 thereof, a new section to be numbered, titled and to read as follows:

“Section 22-5.1. Unlawful to trade in commodities without specifying grade; penalty. It shall be unlawful for a person to sell, offer for sale or expose for sale to a consumer, any agricultural commodity intended for human consumption, without specifying by suitable sign or label, the exact grade or “off-grade” designation applicable to agricultural commodities offered for sale in bulk displays, or to sell, offer or expose for sale agricultural commodities which are packaged without designating on the packages also the net weight or count in words and figures visible to the consumer. Any person who is convicted of any violation of this section shall be punished by a fine of not more than \$1000 or confinement for not more than three months or both. Violations of this section shall also be subject to the provisions and procedures set forth in subsections 22-25 (a) and (b).”

SECTION 6. Severability. It is the intent of the legislature that

ACT 74

the provisions of section 1-29 relating to severability shall be applicable to this Act.

SECTION 7. This Act shall take effect on January 1, 1966.
(Approved May 11, 1965.) **H.B. 110.**

ACT 74

A Bill for an Act to Amend Chapter 73 of the Revised Laws of Hawaii 1955, as Amended, Relating to Veterinary Medicine.

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

SECTION 1. Chapter 73 of the Revised Laws of Hawaii 1955, as amended, is hereby amended by adding thereto a new section to be appropriately numbered and to read as follows:

"Section 73- . Rules and regulations. The board may, in the manner prescribed in chapter 6C, adopt, amend or repeal such rules and regulations as it may deem proper to effectuate the provisions of this chapter and to carry out the purpose thereof, which purpose is hereby stated to be the protection of the general public."

SECTION 2. This Act shall take effect upon its approval.
(Approved May 11, 1965.) **H.B. 203.**

ACT 75

A Bill for an Act Relating to the Annual Return Date for General Excise Tax and Amending Section 117-28, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Section 117-28, Revised Laws of Hawaii 1955, as amended, is hereby further amended by substituting the words "April 20" for the words "March 20" in the first sentence thereof.

SECTION 2. This Act shall take effect upon its approval.
(Approved May 11, 1965.) **H.B. 234.**

ACT 76

A Bill for an Act Amending Section 324-21 of the Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Section 324-21 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

"Section 324-21. Jurisdiction; hearing. Exclusive original jurisdiction in matters of annulment, divorce and separation, subject to the provisions of paragraph (f) of section 215-17 as to change of venue, and subject also to appeal according to law, is conferred upon the

circuit judge or judges severally of the circuit in which the applicant has been domiciled or has been physically present for a continuous period of at least three months next preceding the application therefor; provided, that such period shall not apply to annulment cases. No absolute divorce from the bond of matrimony shall be granted for any cause unless either party to the marriage has been domiciled or has been physically present in the State for a continuous period of at least two years next preceding the application therefor. A person who may be residing on any military or federal base, installation or reservation within the State or who may be present in the State under military orders shall not thereby be prohibited from meeting the requirements of this section."

SECTION 2. This Act shall take effect upon its approval.
(Approved May 11, 1965.) H.B. 667.

ACT 77

A Bill for an Act Relating to Payment of Wages and Amending Chapter 95, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Chapter 95, Revised Laws of Hawaii 1955, as amended, is hereby further amended as follows:

(a) Section 95-7 is amended by changing the figure "95-11" appearing therein to "95-10."

(b) Section 95-9 is amended to read:

"Section 95-9. Penalties. Any employer who does not pay the wages of any of his employees in accordance with the provisions of this chapter and any officer of any corporation who knowingly permits the corporation to violate this chapter by failing to pay wages of any of its employees in accordance with the provisions of this chapter, or any employer who willfully fails to comply with any other requirements of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$10,000 or imprisoned for not more than one year, or punished by both fine and imprisonment for each such offense."

(c) By adding a new section thereto and to read:

"Section 95-11. (a) Reciprocal agreements with other states. The director may enter into reciprocal agreements with the labor department or corresponding agency of any other state or with the person, board, officer, or commission authorized to act on behalf of such department or agency, for the collection in such other states of claims or judgments for wages and other demands based upon claims assigned to the director.

"(b) Actions in courts of other states. The director may, to the extent provided for by any reciprocal agreement entered into by law or with an agency of another state as herein provided, maintain actions in the courts of such other state for the collection of claims for wages,

judgments and other demands and may assign such claims, judgments and demands to the labor department or agency of such other state for collection to the extent that such an assignment may be permitted or provided for by the law of such state or by reciprocal agreement.

“(c) **Actions in this state for demands arising in other states.** The director may, upon the written consent of the labor department or other corresponding agency of any other state or of any person, board, officer or commission of such state authorized to act on behalf of such labor department or corresponding agency, maintain actions in the courts of this State upon assigned claims for wages, judgments and demands arising in such other state in the same manner and to the same extent that such actions by the director are authorized when arising in this State. However, such actions may be maintained only in cases where such other state by law or reciprocal agreement extends a like comity to cases arising in this state.”

SECTION 2. This Act shall take effect upon its approval.
(Approved May 11, 1965.) **H.B. 683.**

ACT 78

A Bill for an Act to Amend Chapter 181, Revised Laws of Hawaii 1955, as Amended, Relating to the Hawaii Insurance Law.

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

SECTION 1. Chapter 181 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding a new section to read as follows:

“**Section 181-114. Incorporation of insurers.** Chapter 174 of the Revised Laws of Hawaii 1955, as amended, shall not be applicable to any insurer authorized to do business in this State pursuant to this chapter.”

SECTION 2. This Act shall take effect upon its approval.
(Approved May 11, 1965.) **H.B. 1243.**

ACT 79

A Bill for an Act Relating to the Hawaii Employment Relations Act.

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

SECTION 1. Amend paragraph (d) of section 90-7 of the Revised Laws of Hawaii 1955, as amended, to read:

“(d) To refuse to bargain collectively with the representative of a majority of his employees in any collective bargaining unit provided that if the employer has good faith doubt that a union represents a majority of the employees, he may file a representation petition for an election and shall not be deemed guilty of refusal to bargain.”

SECTION 2. This Act shall take effect upon its approval.
(Approved May 11, 1965.) **H.B. 1286.**

ACT 80

A Bill for an Act Relating to Overtime Work.

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

SECTION 1. Section 5-72, Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding thereto, next following subsection (h), a new subsection, to be designated "(h-1)," and to read as follows:

"(h-1) Whenever an employee is required, with less than 48 hours advance notice, to report for work on a shift other than the shift for which he was officially scheduled, he shall be credited for overtime work for each hour of work performed on the first work day of such new shift."

SECTION 2. This Act shall take effect upon its approval.
(Approved May 14, 1965.) **S.B. 186.**

ACT 81

A Bill for an Act Amending Chapter 199 of the Revised Laws of Hawaii 1955, as Amended, Relating to the Uniform Sale of Securities Act.

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

SECTION 1. Section 199-11(i) of the Revised Laws of Hawaii 1955, as amended, is further amended to read as follows:

"(i) Issuers as dealers. Any issuer of a security required to be registered under the provisions of this chapter selling such securities (other than in exempt transactions as defined in section 199-5), and any issuer of an exempt security as defined in section 199-4 offering such securities (other than (i) in exempt transactions as defined in section 199-5, or (ii) through a dealer registered pursuant to this chapter) shall file with the commissioner a bond or deposit securities or cash in an amount, based on the total capitalization, to be determined by the commissioner in his discretion, which amount, however, shall not be less than \$5,000, nor more than \$25,000, subject also to the same conditions as herein prescribed in the case of dealers, and may appoint salesmen in the manner herein prescribed in the case of dealers."

SECTION 2. This Act shall take effect upon its approval.
(Approved May 14, 1965.) **S.B. 214.**

ACT 82

A Bill for an Act to Amend Part III of Chapter 172, Revised Laws of Hawaii 1955, as Amended, Relating to Corporations.

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

SECTION 1. Section 172-45 of the Revised Laws of Hawaii 1955,

as amended, is hereby further amended to read as follows:

“Section 172-45. Stock, classes. Any corporation incorporated under the laws of the State with power to issue stock may issue two or more classes of stock with such terms, preferences, voting powers, restrictions and qualifications thereof as shall be fixed in its articles of association or charter (either as originally executed by the incorporators or as from time to time amended) or as shall be fixed by a resolution authorizing the issue thereof adopted by the affirmative vote of the holders of two-thirds of all of its stock or, if two or more classes of stock have been issued, of the holders of two-thirds of each class of stock outstanding and entitled to vote. The articles of association or charter (either as originally executed by the incorporators or as from time to time amended) may authorize the board of directors to issue authorized and unissued shares of any class and to divide authorized and unissued shares of any class into series and issue any such series and to fix the terms, preferences, voting powers, restrictions and qualifications of any class or series of any class. Whenever such terms, preferences, voting powers, restrictions and qualifications are fixed by resolution of the board of directors or stockholders without amendment to the articles of association or charter, a certified copy of such resolution shall be filed in the office of the director of regulatory agencies of the State. Any such corporation may provide, by its charter or articles of association or by the affirmative vote of the holders of the two-thirds of all of its stock or, if two or more classes of stock have been issued, of two-thirds of each class of stock outstanding and entitled to vote, that any of its authorized shares, issued or unissued, with or without par value, shall be convertible at the option of the holders thereof into shares with or without par value of any other class or classes or of any other series of the same class upon such terms and conditions and with such limitations as may be fixed in the charter or articles of association or in such resolution or, if the charter or articles of association or such resolution authorizes the board of directors to fix before issuance the terms and conditions with or without limitations on which any class of stock or any series of any class of stock which may be issued in series shall be so convertible, then upon such terms and conditions and with such limitations as may be fixed by the board of directors; provided, that no convertible shares so authorized shall be issued nor shall issued shares be changed into convertible shares nor shall the conversion privileges of issued convertible shares be changed unless, at the time of such issuance or such change in issued shares, the capital represented by the convertible shares plus the additional value, if any, which must be paid upon conversion, is at least equal to the consideration required by law for the shares to be issued pursuant to the conversion.

SECTION 2. Section 172-51 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

“Section 172-51. Increase of capital, authorization; certificate to be filed with director. No increase or extension of the capital stock of any corporation organized under the laws of the State, having authority under its articles of association or charter to increase its capital

stock, shall be legal and effective unless such increase or extension has been authorized by a vote of not less than two-thirds of all of the shares of stock, or if two or more classes of stock have been issued, of two-thirds of each class of stock, outstanding and entitled to vote at any meeting duly called and held for such purpose; and unless a verified certificate has first been filed with the director, signed by any two authorized officers of the corporation, showing: That the meeting had been properly called and held; that the increase or extension had been authorized by the required vote; and showing also (a) the present authorized capital stock of the corporation; (b) the amount to which the capital stock thereof may be increased or extended under its articles of association or charter; (c) the amount of increase or extension of the capital stock duly authorized by its stockholders; and (d) in the case of stock having a par value, that not less than ten per cent of the total authorized stock as increased has been paid in, in cash or property, or that the corporation holds cash or property of a value equal to ten per cent of the total authorized stock as increased; which certificate shall be accompanied by payment of the fee required to be paid upon the amount of increase so authorized. The director shall not receive or file any such certificate without such payment. Any such increase of capital shall become effective and the capital of the corporation shall be and become increased on the date of filing of the certificate prescribed by this section or on such later date as shall be specified in such certificate."

SECTION 3. Section 172-52(c) of the Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

"(c) Certificates. A verified certificate shall be signed by any two authorized officers of the corporation and shall be presented to the director of regulatory agencies of the State setting forth therein facts showing that the required vote or other determination pursuant to the provisions of this section of the proposed reduction of capital or capital stock has been obtained or made, and certifying that no distribution of assets representing the surplus created by such reduction will be made at any time unless the remaining assets of the corporation then equal in value the total par value of the remaining capital stock of the corporation, and unless the remaining assets of the corporation then equal in value twice the amount of indebtedness of the corporation and, in the case of a reduction of capital or capital stock by release or cancellation of subscriptions to stock, certifying that the remaining assets of the corporation, upon such reduction, will equal in value the total par value of the remaining capital stock of the corporation and will then equal in value twice the amount of the indebtedness of the corporation."

SECTION 4. This Act shall take effect upon its approval.
(Approved May 14, 1965.) S.B. 473.

ACT 83

A Bill for an Act Relating to Child Custody and Visitation and Defining the Powers of the Court with Respect Thereto.

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

SECTION 1. In actions for divorce, separation, annulment, separate maintenance, or any other proceeding where there is at issue a dispute as to the custody of a minor child, the court may, during the pendency of the action, at the final hearing or any time during the minority of the child, make such order for the custody of such minor child as may seem necessary or proper. In awarding the custody, the court is to be guided by the following standards, considerations and procedures:

(1) Custody should be awarded to either parent according to the best interests of the child.

(2) Custody may be awarded to persons other than the father or mother whenever such award serves the best interest of the child. Any person who has had de facto custody of the child in a stable and wholesome home and is a fit and proper person shall prima facie be entitled to an award of custody.

(3) If a child is of sufficient age and capacity to reason, so as to form an intelligent preference, his wishes as to custody shall be considered and be given due weight by the court.

(4) Whenever good cause appears therefor, the court may require an investigation and report concerning the care, welfare and custody of any minor child of the parties. When so directed by the court, investigators or professional personnel attached to or assisting the court shall make investigations and reports which shall be made available to all interested parties and counsel before hearing, and such reports may be received in evidence if no objection is made and, if objection is made, may be received in evidence provided the person or persons responsible for such report are available for cross-examination as to any matter which has been investigated.

(5) The court may hear the testimony of any person or expert produced by any party or upon the court's own motion, whose skill, insight, knowledge or experience is such that his testimony is relevant to a just and reasonable determination of what is to the best physical, mental, moral and spiritual well-being of the child whose custody is at issue.

(6) Any custody award shall be subject to modification or change whenever the best interests of the child require or justify such modification or change, and wherever practicable, the same person who made the original order shall hear the motion or petition for modification of the prior award.

(7) Reasonable visitation rights shall be awarded to parents and to any person interested in the welfare of the child in the discretion of the court, unless it is shown that such rights of visitation are detrimental to the best interests of the child.

SECTION 2. This Act shall take effect on July 1, 1965.
(Approved May 14, 1965.) S.B. 609.

ACT 84

A Bill for an Act Relating to Incorporation of Optometric Service Corporations in the State of Hawaii.

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

SECTION 1. Section 68-2 of the Revised Laws of Hawaii 1955 is amended by deleting the period from the first sentence thereof and inserting in lieu thereof a comma and adding after the comma the following:

“nor shall it apply to optometric service corporations formed for the primary purpose of contracting with individuals, groups of individuals and corporations for defraying or assuming the cost of services of optometrists and of contracting on behalf of optometrists to furnish such services as provided in chapter 176E.”

SECTION 2. The Revised Laws of Hawaii 1955 is hereby amended by adding thereto the following new section.

“**Sec. 176E-1.** A nonprofit optometric service corporation may be formed for the purposes of contracting with individuals and corporations, both public and private, for defraying or assuming the costs of services of optometrists, and the contracting on behalf of optometrists to furnish such services. The director of the department of regulatory agencies shall grant to applicants who file a petition in conformity with the provisions of section 172-17, Revised Laws of Hawaii 1955, as amended, a charter of incorporation for the establishment and conduct of an optometric service corporation; provided, however, that the corporation may not engage directly or indirectly in the performance of the corporate purposes or objects unless all of the following requirements are met:

(a) At least twenty-five per cent (25%) of all licensed optometrists in this State become members of the corporation;

(b) Membership in the corporation and an opportunity to render professional services upon a uniform basis are available to all licensed optometrists in this state;

(c) Voting by proxy and cumulative voting are prohibited; and

(d) Certificate of compliance with the requirements of subdivisions (a), (b) and (c) has been issued to the corporation by the board of examiners in optometry.

Any charter granted or corporation created under authority of this section shall be subject to all general laws enacted in regard to nonprofit corporations.”

SECTION 3. This Act shall take effect upon its approval.
(Approved May 14, 1965.) S.B. 680.

ACT 85

A Bill for an Act Relating to Wages and Hours and Amending Chapter 94, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Section 94-4, Revised Laws of Hawaii 1955, as amended, is hereby further amended to read:

"Section 94-4. Maximum hours. (a) No employer shall, except as otherwise provided in this section, employ any employee for a workweek longer than forty hours unless such employee receives overtime compensation for his employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he is employed.

"For the purposes of this section,

(1) 'salary' means a predetermined wage, exclusive of the reasonable cost of board, lodging or other facilities, at which an employee is employed each pay period;

(2) if an employee performs two or more different kinds of work for the same employer, the total earnings for all such work for the pay period shall be considered to have been earned for performing one kind of work.

"(b) The regular rate of an employee who is employed on a salary shall be computed as follows:

(1) If he is employed on a weekly salary, the weekly salary and the reasonable cost of board, lodging or other facilities, if furnished to such employee, shall be divided by forty.

(2) If he is employed on a bi-weekly salary, the bi-weekly salary and the reasonable cost of board, lodging or other facilities, if furnished to such employee, shall be divided by two and the quotient divided by forty.

(3) If he is employed on a semi-monthly salary, the semi-monthly salary and the reasonable cost of board, lodging or other facilities, if furnished to such employee, shall be multiplied by twenty-four, the product divided by fifty-two and the quotient divided by forty.

(4) If he is employed on a monthly salary, the monthly salary and the reasonable cost of board, lodging or other facilities, if furnished to such employee, shall be multiplied by twelve, the product divided by fifty-two and the quotient divided by forty.

"(c) The regular rate of an employee who is employed on a salary and in addition receives other wages such as, but not limited to, commissions, bonus, piecework pay and hourly or daily pay shall be computed in the manner provided in this subsection. As used hereinabove, the term 'other wages' shall not include the reasonable cost of board, lodging or other facilities.

(1) If the employee's salary and the reasonable cost of board, lodging or other facilities, if furnished to such employee, equal or exceed fifty per cent of the employee's total earnings for the pay period, such total earnings shall be reduced to a regular rate in the

manner provided in paragraphs (1), (2), (3) or (4) of subsection (b), whichever is applicable.

(2) If the employee's salary and the reasonable cost of board, lodging or other facilities, if furnished to such employee, are less than fifty per cent of the employee's total earnings for the pay period, such total earnings shall be reduced to a regular rate in the manner provided in paragraphs (1), (2), (3) or (4) of subsection (b), whichever is applicable, except that the actual number of hours worked in the workweek shall be substituted for the final divisor of forty. Such an employee shall receive overtime compensation for such employment in excess of forty hours in a workweek at a rate not less than one-half times his regular rate.

“(d) The regular rate of an employee whose compensation is based on other than salary shall be computed in the manner provided in paragraph (2) of subsection (c). The reasonable cost of board, lodging or other facilities, if furnished to such employee, shall be included in computing his regular rate. Such an employee shall receive overtime compensation for such employment in excess of forty hours in a workweek at a rate not less than one-half times his regular rate.

“(e) An employer,

(1) who is engaged in agriculture and in the first processing of milk, buttermilk, whey, skim milk, or cream into dairy products, or in the processing of sugar cane molasses or sugar cane into sugar (but not refined sugar) or into syrup, or in the first processing of or in canning or packing any agricultural or horticultural commodity, or in handling, slaughtering or dressing poultry or livestock; or

(2) who is engaged in agriculture and whose agricultural products are processed by an employer who is engaged in a seasonal pursuit or in processing, canning or packing operations referred to in paragraph (1); or

(3) who is at any place of employment engaged primarily in the first processing of, or in canning or packing seasonal fresh fruits; shall not be required to pay overtime compensation for hours in excess of forty in a workweek to any of his employees during any of twenty different workweeks, as selected by him, in any yearly period commencing July 1, for employment in any place where the employer is so engaged. Such employer, however, shall pay overtime compensation for such employment in excess of forty-eight hours in any such exempt workweek at the rate and in the manner provided in subsections (a), (b), (c) and (d), whichever is applicable, except that the word ‘forty-eight’ shall be substituted for the word ‘forty’ wherever it appears in subsections (b), (c) and (d).

“(f) No employer shall employ any employee in split shifts unless all of said shifts within a period of twenty-four hours shall fall within a period of fourteen consecutive hours, except in case of extraordinary emergency.”

SECTION 2. This Act shall take effect on August 1, 1965.
(Approved May 14, 1965.) **H.B. 882.**

ACT 86

A Bill for an Act to Amend Section 230-33, Revised Laws of Hawaii 1955, as Amended, Relating to Service in Cases of Operation of Motor Vehicles by Nonresidents, etc.

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

SECTION 1. Section 230-33, Revised Laws of Hawaii 1955, as amended, is further amended by inserting a new paragraph between the first and second paragraphs to read as follows:

“After service on the director of regulatory agencies, or his deputy, if the defendant cannot be found in the State since he has removed himself from the State and he cannot be found to serve or mail the summons after due diligence and the facts shall appear by affidavit or otherwise to the satisfaction of the judge, he may order that service be made by publication of summons in some newspaper suitable for the advertisement of notice of judicial proceedings for such length of time as he may deem reasonable, not less than once each week in four successive weeks, the last publication to be not less than twenty-one days prior to the date set for the trial of the action. The service of summons shall be deemed complete at the expiration of the time prescribed by the order for publication. Such order and notice shall also set a date for the trial of the action.”

SECTION 2. This Act shall apply to all actions that are pending in any courts of the State and any cause of action that [may] have arisen prior to this Act and are hereafter filed in the courts.

SECTION 3. This Act shall take effect upon its approval.
(Approved May 14, 1965.) **H.B. 1101.**

ACT 87

A Bill for an Act Relating to Advertising by Optometrists and Amending Chapter 68, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Section 68-9, Revised Laws of Hawaii 1955, is hereby amended by adding thereto a new subsection to be lettered “(k)” and to read as follows:

“(k) Using or displaying cards, public media for advertising and signs in the following manner: (1) using professional cards containing other than his name, profession, address, telephone numbers, specialties, office hours, and words indicating examination by appointment. Such cards when used shall not be larger in size than 2 inches by 3½ inches. (2) using any public media such as newspaper of general circulation, directory (other than annual listing in directories), magazine, radio, television, slide or film, for any advertising. Provided, however, an optometrist may announce in the newspapers only, not to exceed 2 column width by 3 inches height, for a period not to

exceed three (3) consecutive weeks for any one occasion, the opening, removal or closing of an office, or resumption of practice after an absence, or any change in address or telephone number. (3) displaying any sign containing other than his name, profession, address, telephone numbers, specialties, office hours, and the words "eyes examined" or "eye examinations." Such signs when used shall not be luminous or illuminated and the letters shall not be more than 4 inches in height when used at street level and not more than 7 inches in height when used above street level."

SECTION 2. This Act shall take effect upon its approval.
(Approved May 14, 1965.) H.B. 1102.

ACT 88

A Bill for an Act Relating to the Time of Hearing of a Libel for Divorce.

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

SECTION 1. The third paragraph of section 324-22, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"The judge shall not entertain jurisdiction of the libel until at least thirty days after such personal service has been completed, except as provided in section 324-23; provided, that where an answer has been filed putting the libel in issue or where the libellee has filed an answer confessing and admitting the truth of the allegations set forth in the libel, or where the libellee has filed a waiver of the lapse of the said thirty days, the judge may hear and determine the case at any time."

SECTION 2. This Act shall take effect upon its approval.
(Approved May 14, 1965.) H.B. 1156.

ACT 89

A Bill for an Act Relating to Garnishment and Amending Chapter 237 of the Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. The last sentence of the third paragraph of section 237-1(a) of the Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"The cumulative total value of such fund, in advance of final judgment, shall be no more than shall be sufficient to meet the claim of the plaintiff together with cost and legal interest. Any excess in the fund shall be released by the court pursuant to subsection (d) of this section. No part of the garnishee fund may be otherwise disposed of by the garnishee except as provided in this chapter."

SECTION 2. Subsection (d) of section 237-1 of the Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

“(d) Garnishee fund excessive. At any time after service of summons, the court, upon the consent of the plaintiff or upon motion of the defendant or of the garnishee and notice to the plaintiff, shall determine whether the garnishee fund is excessive in amount in comparison with the provisions of subsection (a) of this section or with the judgment rendered and may thereupon release the remainder thereof from being so secured.”

SECTION 3. This Act shall take effect upon its approval.
(Approved May 14, 1965.) **H.B. 1230.**

ACT 90

A Bill for an Act Amending Chapter 178, Section 66, of the Revised Laws of Hawaii 1955, as Amended, Relating to Banks.

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

SECTION 1. Section 178-66 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by amending the first sentence of the paragraph to read as follows:

“No commercial bank shall, except for the purpose of facilitating the sale of property owned by the bank, make any loan on the security of real estate unless it is secured by a first lien on improved or unimproved real estate and shall not in any case exceed eighty per cent of the appraised market value of the real estate over and above all taxes due and bonded indebtedness for public improvements due.”

SECTION 2. This Act shall take effect upon its approval.
(Approved May 14, 1965.) **H.B. 1272.**

ACT 91

A Bill for an Act Relating to Fines for Contempt.

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

SECTION 1. The first sentence of subsection (c) of section 269-1, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

“(c) Any district magistrate, any person acting in a judicial capacity by authority from a court of record, or any other person or tribunal having by law authority to punish for contempt, by fine not more than \$50 or imprisonment not more than ten days.”

SECTION 2. This Act shall take effect upon its approval.
(Approved May 14, 1965.) **H.B. 1362.**

ACT 92

A Bill for an Act Relating to Costs of Appeals to the Tax Appeal Court, and Amending Section 116-19, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Section 116-19, Revised Laws of Hawaii 1955, as amended, is hereby further amended by amending the second paragraph thereof to read as follows:

“The costs to be deposited by the taxpayer on any appeal to the tax appeal court shall be five per cent of the amount of taxes in dispute but not more than \$100 nor less than \$5 in any one case.”

SECTION 2. This Act shall take effect upon its approval.
(Approved May 18, 1965.) **S.B. 248.**

ACT 93

A Bill for an Act Relating to Control of Explosives, and Amending Section 96-25 of the Revised Laws of Hawaii, 1955.

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

SECTION 1. Section 96-25 of the Revised Laws of Hawaii, 1955, relating to sale of explosives, is hereby amended in the following respects:

a. By amending the title and the first paragraph thereof to read as follows:

“**Sec. 96-25. Sale of explosives; permits for purchase.** No dealer shall sell or deliver explosives to any person who does not hold a certificate of fitness and a permit for the purchase thereof secured from the director or his authorized subordinates; and no dealer shall sell or deliver explosives except of the types or kinds and in the quantities as prescribed by, and in compliance with all the terms and conditions contained in the permit.”

b. By amending the second paragraph thereof to read as follows:

“Application for such permits shall state (a) the name and address of applicant, (b) the number of his certificate of fitness if it is numbered, (c) the type or kind and quantity of explosive desired, (d) the locality or localities where the explosive is to be used, (e) the nature of the work to be done, (f) the facts showing a reasonable necessity for the use of explosives, and (g) the quantity of explosives estimated to be reasonably necessary for such work.”

SECTION 2. This Act shall take effect upon its approval.
(Approved May 18, 1965.) **S.B. 664.**

ACT 94

A Bill for an Act Amending Chapter 159, Revised Laws of Hawaii 1955, as Amended, Relating to Intoxicating Liquor.

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

SECTION 1. Section 159-73 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

“All persons manufacturing any liquor for sale under the provisions of this chapter shall securely and permanently attach to every container thereof, as the same is manufactured, a label stating the name of the manufacturer or, in lieu thereof, if he does business under another name, stating such name, and stating the kind and quantity of liquor contained therein. Every container containing liquor for sale by any person holding a wholesale or retail license shall have securely and permanently attached to it such a label. In addition to the foregoing requirements, all such labels shall conform in all respects to the then existing federal laws and regulations regarding such labels.

“Before attaching any label containing the name by which the manufacturer does business, in lieu of the manufacturer’s name, the manufacturer shall first register such business name under the provisions of chapter 204 of the Revised Laws of Hawaii 1955, as amended. The manufacturer shall furnish to the liquor commission written confirmation of such registration and such other information as may be deemed necessary or appropriate by the liquor commission to enable it to establish and maintain records to properly identify the manufacturer, its name or names by which it does business and the liquor manufactured. The records so established and maintained shall be available for public inspection.”

SECTION 2. This Act shall take effect upon its approval.
(Approved May 18, 1965.) **S.B. 693.**

ACT 95

A Bill for an Act Relating to the Destruction of Vouchers, Documents and Other Records of Counties and Amending Section 138-8 of the Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Section 138-8 of the Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

“**Section 138-8. Destruction of vouchers, documents, etc.** Any county officer, or his authorized subordinate, may with the consent of a committee composed of the county auditor, or in the case of the city and county of Honolulu, the director of finance, the county’s legal advisor, and members of the finance committee of the legislative body of the county, or the authorized representatives of such

officers, destroy all vouchers, documents and other records or papers, exclusive of records required, either by law or by the legislative body of the county, to be permanently retained, which have been on file or retained for a minimum period to be determined by the legislative body of the county by resolution."

SECTION 2. This Act shall take effect upon its approval.
(Approved May 18, 1965.) S.B. 1059.

ACT 96

A Bill for an Act Relating to Administrative Procedure; Amending Various Sections of the Revised Laws of Hawaii 1955 to Conform with the Hawaii Administrative Procedure Act, and in Connection Therewith Making Further Amendments to Reflect Other General Acts.

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

Section 1. In this Act, unless otherwise stated, all chapter or section references are to the Revised Laws of Hawaii 1955, including chapter or section designations assigned by the revisor of statutes in the publication of the Cumulative Supplement to the Revised Laws of Hawaii 1955.

SECTION 2. Section 3-25 is amended as follows:

(a) By amending the last two sentences of the first paragraph to read:

"Such hearing officer shall hear the matter in the same manner as if it were before the commission, and upon the conclusion of the hearing shall report his findings of fact and his conclusions and recommendations based thereon to the commission and to the employee. The commission shall render the final decision in accordance with section 6C-11."

(b) By amending the fourth paragraph to read:

"The findings and decisions of the commission shall be final on all such appeals, unless an appeal is taken as provided in chapter 6C."

SECTION 3. Section 9-7 is amended to read:

"§ 9-7. Rules of comptroller regulating expenditures; violations, penalty. Subject to chapter 6C, the comptroller may make, alter and repeal rules, not inconsistent with law, further controlling and regulating the expenditure of state moneys. The rules shall be approved by the governor and shall have the force of law. Any violation of the rules shall be subject to the penalties prescribed in section 9-6."

SECTION 4. Section 9A-4 is amended by amending the second paragraph of subsection (b) to read:

"Any suspension order made under this paragraph, and any order dismissing any complaint under this paragraph, shall be subject to

appeal under chapter 6C and Rule 72 of the Hawaii rules of civil procedure by the party aggrieved, whether the person or firm or the director, to the circuit court for trial de novo on the facts and the law. On complaint by the director as in a civil action, the circuit court shall enforce any suspension order made by the appeal board by injunction against any contractor, subcontractor or officer or employee of the State, or any county."

SECTION 5. Section 9A-5 is amended to read:

"§ 9A-5. **Regulations.** Subject to chapter 6C, the director shall make reasonable regulations for the determination by him of prevailing wages under this chapter, for the enforcement and administration of this chapter, and for the general purposes of this chapter. Such regulations shall have the force and effect of law."

SECTION 6. Section 11-23 is amended to read:

"§ 11-23. **Appeal from board to supreme court.** Any legal voter may, at any time within thirty days after the decision of the board, appeal to the supreme court in the manner provided by law for civil appeals to the supreme court from the circuit court."

SECTION 7. Section 11-133 is amended to read:

"§ 11-133. **Persons confined to their homes by illness or physical disability.** Any registered voter qualified to vote at any general, primary or special election who is confined to his home by reason of such illness or physical disability as will prevent him from attending the polls, shall be entitled and enabled to vote in such manner as may be prescribed by rules and regulations which shall be promulgated by the lieutenant governor with the advice of the clerks of the several counties and with the approval of the governor. The rules and regulations shall provide for voting by such persons in such manner as to insure secrecy of ballot and to preclude tampering with the ballots of such voters and other election frauds; provided, that any voter who by reason of physical disability is unable to mark his ballots shall be authorized to receive assistance in the marking thereof. The rules and regulations may require affidavits, certificates and other written statements under oath. They shall be adopted in conformity with chapter 6C and shall have the force and effect of law."

SECTION 8. Section 11-195 is amended to read:

"§ 11-195. **Rules and regulations.** The lieutenant governor may make, amend and repeal such rules and regulations governing the selection, installation, delivery, use, operation, maintenance, repair and custody of voting machines and other similar matters relating thereto as in his judgment shall be necessary to carry out this part, and such rules and regulations, when adopted in conformity with chapter 6C and upon approval by the governor, shall have the force and effect of law."

SECTION 9. Section 14A-5 is amended by amending the third paragraph to read:

"The head of each department may prescribe regulations for the

administration of his department, for the conduct of its employees, for the performance of its business, and for the custody, use and preservation of records, equipment and other property pertaining thereto; provided, that the regulations shall not be inconsistent with the requirements of chapters 3, 4, 6C and 7, or rules promulgated by the governor or other laws of the State of Hawaii."

SECTION 10. Section 14A-8 is amended by amending the first paragraph to read:

"Except as otherwise provided by law, the lieutenant governor is designated the secretary of state for intergovernmental relations and shall perform the duties and functions heretofore exercised by the secretary of Hawaii. Such duties and functions shall include, but not be limited to, supervision of elections, recordation of all legislative and gubernatorial acts, certification of state documents and maintenance of an official file of rules and regulations promulgated by state departments, as provided in chapter 6C."

SECTION 11. Section 15-18 is amended by amending subsection (c) to read:

"(c) How made. All rules and regulations having the force and effect of law shall be approved by the governor and shall be subject to chapter 6C."

SECTION 12. Section 15-19 is amended to read:

§ 15-19. Orders, notice and opportunity for hearings, judicial review. (a) Every order of the director of transportation requiring performance of or desistance from certain acts or compliance with certain requirements and any denial or revocation of an approval, certificate or license or refusal of a renewal thereof, (1) shall be in such form as required by section 6C-12, (2) shall be made only after reasonable notice and an opportunity to be heard in conformity with chapter 6C, and (3) shall be served upon the persons affected either by registered or certified mail with return receipt requested or in person.

"(b) In every case where reasonable notice and opportunity for hearing are required under this section, the director shall, on not less than five days' notice personally served, or seven days' notice by registered or certified mail (to be computed from the date of mailing of the notice), specify the matters prescribed in section 6C-9; provided, that in cases of emergency where the public interest so requires the amount of notice may be shortened, or a temporary order may be issued pending the holding of the hearing. To the extent practicable, hearings on such matters shall be held in the county where the affected person resides or does business.

"(c) Any person aggrieved by an order of the director or by the grant, denial or revocation of any approval, license or certificate, or refusal of a renewal thereof, may obtain a review thereof by the circuit court of the circuit in which such person resides or does busi-

ness in the manner provided in chapter 6C for review of orders in contested cases. Upon application of either party the court may assign the appeal for hearing at the earliest possible date.

"Proceedings for review by the supreme court may be taken and had in the manner provided for a review of a judgment of a circuit court.

"Upon the final termination of any such judicial review, the director shall enter an order or take other action in accordance with the mandate of the court."

SECTION 13. Section 18-8 is amended as follows:

(a) By amending the first paragraph to read:

"Subject to chapter 6C and with the approval of the governor, the board shall make, amend and repeal rules and regulations, not inconsistent with law, for and concerning:"

(b) By amending the last paragraph to read:

"All rules and regulations made as aforesaid shall have the force and effect of law."

SECTION 14. Section 18-17 is amended to read:

§ 18-17. Appeal from inspector's decision. Any person who feels aggrieved at any decision of any inspector of the department shall have the right to appeal from the decision to the board. The board shall give a prompt hearing to the appellant and the inspector upon such appeal, and decide the question at issue, which decision shall be subject to judicial review as provided in chapter 6C."

SECTION 15. Section 19-21 is amended by amending the first paragraph to read:

"The department of land and natural resources shall determine, after public hearing held in the same manner as provided in section 6C-3, areas which are watersheds."

SECTION 16. Section 19-36 is amended by amending the first sentence to read:

"The department may, subject to chapter 6C, make, amend and repeal rules and regulations having the force and effect of law, governing the use and protection of the state park system and the property thereon, and enforce such rules and regulations."

SECTION 17. Section 19-70 is amended by amending paragraph (c) to read:

"(c) Notice, hearings. Whenever any landowner or government agency whose property will be directly affected makes an application to change the boundaries or permitted uses of any subzone, or to establish a subzone with certain permitted uses, or where the department proposes to make such change or changes itself, such change or changes shall be put in the form of a proposed regulation by the applicant and the department shall then give notice by publication at least once in a newspaper of general circulation in the State and by mail to all landowners whose property is directly affected by any

such proposed change. Such notice shall be given not less than twenty days prior to the date set for hearing, and shall state the time and place of the hearing and the changes proposed. Any proposed regulation and the necessary maps shall be made available for inspection by interested members of the public. The hearing shall be conducted by the chairman of the board, or by some member or employee designated by him. For the purpose of its public hearing or hearings, the board shall have power to summon witnesses, administer oaths, and require the giving of testimony."

SECTION 18. Section 19-72 is amended to read:

"Section 19-72. **Zoning order; appeal to circuit court.** Any final order of the department based upon this part may be appealed to the circuit court of the circuit in which the land in question is found. Such appeal shall be in accord with chapter 6C and the Hawaii rules of civil procedure."

SECTION 19. Section 21-148 is amended by amending paragraph (a) to read:

"(a) The regulations authorized in the preceding paragraph shall be made in conformity with chapter 6C."

SECTION 20. Section 22-44 is amended to read:

"§ 22-44. **Board, notice of hearing.** In establishing and prescribing the standards, or any alterations or modifications to such standards, the board shall call a public hearing and give notice thereof in conformity with chapter 6C."

SECTION 21. Section 23-22 is amended to read:

"§ 23-22. **Certificates of sanitation.** The department of agriculture may issue, subject to the approval of the director of health, certificates of sanitation to the slaughterhouses within the State which meet minimum sanitary specifications required (a) for the slaughtering of animals for the purpose of selling the meat or products thereof for human consumption and (b) for the storing and handling of such meat and meat products. The board of agriculture may make rules and regulations subject to the provisions of chapter 6C having the force and effect of law and governing the issuance and revocation of the certificates and the minimum sanitary specifications required to be met in connection therewith and prescribing forms, requiring reports, and providing for periodic renewals of the certificates."

SECTION 22. Section 23-25 is amended by amending the first six lines to read:

"§ 23-25. **Rules and regulations.** The board of agriculture may make and adopt rules and regulations subject to chapter 6C having the force and effect of law and governing the following matters:"

SECTION 23. Section 27-7 is amended by amending paragraph (g) to read:

"(g) Order in writing. Any order made under paragraphs (c), (d) or (e) of this section and any order made by the board revoking

a permit under paragraph (f) of this section, shall be in writing and shall set forth the reasons for the partial refusal, suspension or revocation of the permit and shall be in conformity with section 6C-12. Service upon the application or permittee shall be made by transmitting a copy of the order by registered mail or as authorized by section 6C-12.”

SECTION 24. Section 27-9 is amended to read:

“§ 27-9. **Appeal to circuit court.** Any applicant whose application or permit has been refused, in whole or in part, or any permittee whose permit has been revoked or suspended by an order of the board, may appeal therefrom to the circuit court of the first judicial circuit or of the circuit in which the lands or areas affected are located as provided in chapter 6C.

Upon application of either party the appeal may be advanced and assigned for trial at the earliest possible date.

The court may affirm or reverse such order or determination, and may modify such order or determination by partially affirming and partially reversing the same, but may not otherwise modify the same or enter a new or different order or determination. If the court reverses such order or determination it shall render its decision setting forth wherein such order or determination is erroneous, together with such rules of law, and such findings of fact as will enable a proper order or determination to be entered. Within ten days after the decision of the court has been entered the board shall report to the court a new order or determination consistent with the decision, which shall take effect and be final upon the expiration of five days thereafter, unless an objection thereto is filed with the court within such period. In the event of such objection, such order or determination, or such modified order or determination as may thereafter be reported to the court, shall take effect and be final when determined by the court to be consistent with its decision, and the court may require the reporting of modified orders or determinations, as may be necessary.

The court shall prescribe the procedure to be followed in the case of such appeals.”

SECTION 25. Section 37-7 is amended to read:

“§ 37-7. **Rules, regulations.** Subject to chapter 6C the department may adopt rules and regulations not contrary to law, for the government of all teachers and pupils, its officers, agents and servants, and for carrying out the general scheme of education and for the transaction of its business. The rules shall be approved by the governor and shall have the force and effect of law.”

SECTION 26. Section 38-5.3 is amended to read:

“§ 38-5.3. **Demotion or termination of contract by department.** In case of demotion or termination of any contract, the department shall furnish the teacher a written notice signed by the superintendent of its intention to consider the demotion or termination of his contract

with full specification of the grounds for such consideration. Unless the teacher so notified, within ten days subsequent to the receipt of the notice, demands in writing an opportunity to appear before the department and offer reasons against such demotion or termination, the department may proceed with formal action for demotion or termination of the contract. If the teacher, within ten days after receipt of notice from the superintendent, demands in writing a hearing before the department, the department shall set a time for the hearing within thirty days from the date of the written demand and the superintendent shall give the teacher at least fifteen days' notice in writing of the time and place of such hearing. Chapter 6C shall apply to the notice and to all other aspects of the hearing. No hearing shall be held during the summer vacation without the teacher's consent. The hearing shall be private unless the teacher requests a public hearing. The hearing shall be conducted by a majority of the board of education and be confined to the grounds given for the termination. The department shall provide for a complete stenographic record of the proceedings, a copy of the record to be furnished to the teacher. The department may suspend a teacher pending final action to terminate his contract if, in its judgment, the character of the charges warrant such action.

Both parties may be present at the hearing, be represented by counsel, require witnesses to be under oath, cross-examine witnesses, take a record of the proceedings, and require the presence of witnesses in their behalf upon subpoena to be issued by the superintendent. In case of the failure of any person to comply with a subpoena, a circuit court judge of the judicial circuit in which the person resides, upon application of any interested party, shall compel attendance of the person by attachment proceedings as for contempt. Any member of the board of education may administer oaths to witnesses. After hearing, the board by majority vote may enter upon its minutes an order of demotion or termination. If the decision of the board, after hearing, is against demotion or termination of the contract, the charges and the record of the hearing shall be physically expunged from the minutes and, if the teacher has been suspended, he shall be paid his full salary for the period of such suspension.

The findings and decisions of the board shall be subject to review as provided in chapter 6C.

In any hearing or court action the board shall be advised and represented by the attorney general, or may employ other legal counsel if so authorized by the attorney general."

SECTION 27. Section 42-52 is amended to read:

"§ 42-52. Suspension and revocation of license; procedure. The department may, after notice and opportunity for a hearing, suspend or revoke such license at any time when, in the judgment of the department, such licensee is not complying with the provisions of this

part or the rules and regulations which may be adopted by the board of education. The notice of hearing shall be served personally or sent to the licensee by registered or certified mail with return receipt at his last known address.

Notice of suspension or revocation shall be served personally upon the licensee or sent to him by registered or certified mail with return receipt, and such licensee shall forward his license at once to the department, and cease at once to operate such private trade, vocational or technical school.

All proceedings shall be subject to chapter 6C."

SECTION 28. Section 46-12 is amended to read:

"§ 46-12. Rules, adoption, effect. All rules and regulations made by the director shall be made in conformity with chapter 6C and, wherever expressly required, be approved by the governor. They shall have the force and effect of law."

SECTION 29. Section 46-18 is amended to read:

"§ 46-18. Penalty. Every person who violates any rule or regulation of the department, after the same has been adopted as provided in section 46-12, shall be fined not more than \$500, or imprisoned not more than one year, or both."

SECTION 30. Section 47-25 is amended to read:

"§ 47-25. Hearing, decision. Upon receiving any appeal from the comptroller, the court shall appoint three disinterested persons who shall sit as a board to hear and determine the appeal in conformity with chapter 6C. They shall have power to determine whether or not the land is deleterious to the public health and whether the improvements of the nature designated in the notice are required, and if the improvements are not required, what, if any, improvements are required in order to render the lands sanitary. The board shall also have power upon any appeal to determine the amount to be in conformity with section 47-29, apportioned to and assessed against each lot or parcel for drains or ditches and for the lands acquired therefor and for all other cost, if any, of the drainage system, and whether or not any lands are improperly included in or excluded from the drainage district. The decision of a majority of the board as to the necessity and nature and extent of the improvements and as to the apportionment of the cost of any drainage system shall be final and conclusive upon all parties in interest, unless an appeal is taken as provided in chapter 6C. The board shall appoint a time and place for hearing, first giving reasonable notice thereof to the director of health, the comptroller, and the owner or occupant of the land in question. Service of notice shall be as provided in section 47-23. As compensation for their services each member of the board is entitled to receive \$5 for each day of actual service."

SECTION 31. Section 47-62 is amended to read:

§ 47-62. Powers; rule-making. The department may make, amend and repeal rules and regulations having the force and effect

of law controlling and prohibiting air pollution whether by private persons or agencies or by governmental agencies throughout the State or in such areas of the State as shall be affected thereby. Notwithstanding the terms of any other law applying to the adoption of rules and regulations, no such rule or regulation, amendment or repeal shall be adopted except after public hearing to be held after thirty days' prior notice thereof by public advertisement of the date, time and place of such hearing, at which opportunity to be heard by the department in respect thereof shall be given to the public. No such rule or regulation, amendment or repeal shall be or become effective until sixty days after the adoption thereof. Any person heard at such public hearing shall be given written notice of the action taken by the department in respect of such rule or regulation."

SECTION 32. Section 47-73 is amended to read:

"§ 47-73. **Appeals to circuit court.** If any person is aggrieved by the decision of the department, he may appeal in the manner provided in chapter 6C to the circuit court of the circuit in which he resides or has his principal place of business and the hearing before the court shall be de novo."

SECTION 33. Section 47-74 is amended to read:

"§ 47-74. **Technical defect; stay of action pending appeal; review.** No rule or regulation of the department shall be declared to be invalid because of any technical defect. Any action for the enforcement or prosecution for violation thereof shall, if so ordered by the judge having jurisdiction, be stayed pending the final determination of such appeal. The decree of the circuit court may be appealed to the supreme court. Except as provided in section 47-73 or chapter 6C, no court shall have jurisdiction to review any rule or regulation of the department or to restrain or interfere with its enforcement."

SECTION 34. Section 48A-4 is amended by amending paragraph (a) to read:

"(a) Require such reports, make such inspections and investigations and prescribe such rules and regulations as are deemed necessary;"

SECTION 35. Section 49-13 is amended to read:

"§ 49-13. **Regulations.** For the purpose of carrying out this chapter, the director, with the consent of the governor, may make such regulations as he deems necessary which, when adopted in accordance with section 46-12, shall have the force of law."

SECTION 36. Section 50-26 is amended to read:

"§ 50-26. **Rules and regulations.** The director of health, with the approval of the governor, may adopt rules and regulations as he may consider necessary for the conduct of all matters pertaining to Hansen's disease, the treatment thereof, the care, custody, control and segregation of all persons affected with such disease, the care, discipline and maintenance of voluntary helpers, or kokuas, and the

full and complete governance of the county of Kalawao, except as limited by other provisions of this chapter. The rules and regulations when adopted in accordance with chapter 6C shall have the force and effect of law.”

SECTION 37. Section 51-20 is amended to read:

“§ 51-20. **Rules and regulations, hearings.** (a) Subject to chapter 6C and with the approval of the governor, the director may adopt and enforce such rules or regulations as he may deem necessary for the efficient enforcement of this part. The director may make the rules or regulations prescribed under this part conform in so far as practicable with those promulgated under the federal Act.

(b) Hearings authorized or required by this part shall be conducted by the director or any officer, agent or employee designated by the director for that purpose and shall be subject to chapter 6C.”

SECTION 38. Section 57-3 is repealed.

SECTION 39. Section 57-40 is amended by amending the first paragraph to read:

“§ 57-40. **Issuance; procedure.** The lieutenant governor may, whenever satisfied that any person was born within the State, cause to be issued to the person a certificate showing such fact; provided, that the person has attained the age of one year. The lieutenant governor, with the approval of the governor, may make such regulations respecting the form of applications and certificates, the method of proof, kind of evidence and time, place and manner of hearing, and all other matters and circumstances connected with the application, proof and hearing, as to him may appear necessary and the regulations, when so approved and made in accordance with chapter 6C, shall have the force of law. The lieutenant governor shall furnish the form of the applications and certificates. All applications shall be by sworn petition, in which the party shall set forth the facts upon which the application rests.”

SECTION 40. Section 58-5 is amended by amending subsection (a) to read:

“(a) The board may give examinations for the issuance of certificates of registration to practice barbering; grant, revoke or suspend such certificates; establish, subject to chapter 6C and with the approval of the governor and the director of regulatory agencies, rules and regulations governing the practice of barbering which shall have the force and effect of law.”

SECTION 41. Section 59-8 is amended to read:

“§ 59-8. **Rules and regulations.** The board may make, amend and repeal such rules and regulations as it may deem proper to fully effectuate and carry out the purpose of this chapter which is hereby declared to be the protection of the general public in its dealings with hairdressers, cosmeticians and cosmetologists. The rules and regula-

tions shall be made subject to chapter 6C and shall be approved by the governor and the director of regulatory agencies. They shall have the force and effect of law.”

SECTION 42. Section 59-21 is amended by amending the first paragraph to read:

“In every case where it is proposed to refuse to grant, renew, reinstate or restore a certificate or to revoke or suspend the exercise of one for any of the causes enumerated in section 59-20, the person concerned shall be given notice and opportunity for hearing in conformity with chapter 6C. The notice of hearing shall be given at least five days before the hearing.”

SECTION 43. Section 60-10 is amended to read:

“§ 60-10. **Proceedings for revocation or suspension of license.** In any proceeding before the director of health for the revocation or suspension of a license under this chapter for any act or condition listed in section 60-9, the person whose license is sought to be revoked or suspended shall be given notice and opportunity for hearing in conformity with chapter 6C. All the provisions of sections 64-9, 64-10 and 64-11 shall be applicable to the proceedings hereunder.”

SECTION 44. Section 61-18 is amended by amending the first paragraph to read:

“In every case in which it is proposed to refuse to issue a license because of lack of good moral character or to revoke, suspend or refuse to issue a license under the provisions of section 61-17, the person concerned shall be given notice and opportunity to be heard by the board in conformity with chapter 6C. Written notice shall be given to the person concerned at least five days before the hearing.”

SECTION 45. Section 63-6 is amended by amending subsection (a) to read:

“(a) The board shall establish in conformity with chapter 6C rules and regulations governing the practice of massage, which, upon approval of the governor and the director of regulatory agencies, shall have the force and effect of law;”.

SECTION 46. Section 64-8 is amended to read:

“§ 64-8. **Hearing; procedure.** In any proceeding before the department of health for the revocation or suspension of a license to practice medicine and surgery for any act or condition listed in section 64-7, the person whose license is sought to be revoked or suspended shall be given notice and opportunity for hearing in conformity with chapter 6C.”

SECTION 47. Section 65-6 is amended to read:

“§ 65-6. **Hearing; procedure.** In any proceeding before the department of health for the revocation or suspension of a permit under this chapter for any act or condition listed in section 65-6, the person whose permit is sought to be revoked or suspended shall be given

notice and opportunity for hearing in conformity with chapter 6C.

All the provisions of sections 64-9, 64-10 and 64-11 shall be applicable to the proceedings hereunder.”

SECTION 48. Section 67-19 is amended to read:

“§ 67-19. **Disciplinary proceedings; appeal to circuit court.** Upon either the receipt of a written complaint charging a person with having been guilty of any of the actions specified as grounds for disciplinary action or where such is indicated by board investigation, the executive officer of the board shall fix a time and place for a hearing and the accused shall be given notice and opportunity to be heard in the manner provided in chapter 6C. The notice of the hearing shall be served on the accused at least ten days prior thereto. When personal service cannot be effected and such fact is certified on oath by any person duly authorized to make legal service, the executive officer of the board shall cause to be published, twice in each of two successive weeks, a notice of the hearing in a newspaper published in the county in which the accused last practiced according to the records of the board and shall mail a copy to the accused at his or her last known address. When publication of the notice is necessary, the date of the hearing shall be not less than ten days after the last date of the notice. The attendance of witnesses, and the production of books, papers, and documents at the hearing may be compelled by subpoenas issued by the board, and served in accordance with law. At the hearing the accused shall have the right to have subpoenas issued by the board. If the accused is found guilty of the charges the board may refuse to issue a license to the applicant or may revoke or suspend the license or otherwise discipline a licensee. A revoked or suspended license may be reissued at the discretion of the board.

Decisions of the board may be appealed to the circuit court of the person’s residence in the manner provided in chapter 6C.”

SECTION 49. Section 69-3 is amended to read:

“§ 69-3. **Organization; meetings, records.** The board shall annually elect from its members a president, secretary and treasurer. The board shall keep a complete record of its proceedings, and shall present annually to the governor a detailed statement of its receipts and disbursements during the preceding year with a statement of its acts and proceedings and such recommendations as the board may deem proper. The board, subject to chapter 6C and with the approval of the governor and the director of regulatory agencies, may make, amend and repeal rules and regulations for the administration of this chapter.”

SECTION 50. Section 69-10 is amended by amending subsections (a) and (b) to read:

“(a) **Commencement of proceedings.** The board may initiate proceedings under this chapter either on its own motion or on the complaint of any person. The proceedings shall be subject to chapter 6C.

(b) **Notice; service and contents.** A written notice as required by section 6C-9 shall be served on the accused not less than thirty days

prior to the date of the hearing either personally or by mailing a copy thereof by registered or certified mail with return receipt requested to the address of the accused last known to the board.”

SECTION 51. Section 70-4 is amended to read:

“§ 70-4. **Board; appointment, powers and duties.** The governor shall appoint and may remove in the manner prescribed in section 14A-3 a board of osteopathic examiners, consisting of three persons each of whom shall be an osteopathic physician or surgeon licensed under the laws of the State.

The board shall examine all applicants for licenses to practice as osteopathic physicians or as osteopathic physicians and surgeons and shall report the results of the examination to the department of health. Examinations shall be held quarterly at a time and place to be fixed by the board, of which examinations all applicants shall be notified in writing. Subject to chapter 6C and with the approval of the governor and the director of regulatory agencies, the board may make, amend and repeal all necessary rules and regulations relating to the enforcement of this chapter and not inconsistent therewith. The members of the board shall serve without pay.”

SECTION 52. Section 71-4 is amended by amending subsection (e) to read:

“(e) Power to regulate. The board may make such rules and regulations, not inconsistent with law, as may be necessary to carry out the purpose of this chapter, which purpose is hereby declared to be the protection of the public health and safety. The rules and regulations shall be prescribed in the manner provided in chapter 6C and, with the approval of the governor and the director of regulatory agencies. They shall have the force and effect of law.”

SECTION 53. Section 72-6 is amended to read:

“§ 72-6. **Revocation of license.** A license may be revoked by the department upon proof to its satisfaction of violation of any rule or regulation of the department in any respect in regard thereto. Every person so charged shall be given notice and opportunity for hearing in conformity with chapter 6C.”

SECTION 54. Section 73-11 is amended by amending the first paragraph to read:

“In every case where it is proposed to refuse to grant, renew, reinstate or restore a license or to revoke or suspend the exercise of a license for any of the causes enumerated in section 73-10, the person concerned shall be given notice and opportunity for hearing in conformity with chapter 6C. The notice of hearing shall be given at least five days before the hearing.”

SECTION 55. Section 77-58 is amended to read:

“§ 77-58. **Rules and regulations.** With the approval of the director of social services, the authority may prescribe such rules and regulations for the development, operation, maintenance and administration of such housing projects, not inconsistent herewith, as it may deem advisable.”

SECTION 56. Section 80-5 is amended to read:

“§ 80-5. Rules and regulations. The director may prescribe rules and regulations not contrary to law for the government, discipline and care of all training schools continued, established or instituted under this chapter. He may also make rules and regulations not contrary to law providing the method by which all the funds appropriated for such schools shall be expended and providing for the management and control of the schools and places of detention; and may likewise adopt such other rules and regulations not contrary to law as may be necessary to carry out the purposes of this chapter. The rules and regulations shall be approved by the governor.”

SECTION 57. Section 83-64 is amended by amending the first two sentences to read:

“The board of paroles and pardons may establish rules and regulations, with the approval of the governor and the director of social services, not inconsistent with the provisions of this part under which any prisoner may be paroled but shall remain, while on parole, in the legal custody and under the control of the board, and be subject, at any time until the expiration of the term for which he was sentenced, to be taken back within the enclosure of the prison. The rules and regulations shall have the force and effect of law.”

SECTION 58. Section 86-5 is amended by substituting “chapter 6C” for “sections 7-29 to 7-32” in the second paragraph.

SECTION 59. Section 87-8 is amended to read:

“§ 87-8. Regulations. The board may perform any and all acts and make such rules and regulations as may be necessary and proper for the purpose of carrying out this chapter, which upon compliance with chapter 6C shall have the force and effect of law.”

SECTION 60. Section 87B-7 is amended by amending subsection (a) to read:

“(a) The board may make, amend and repeal such rules and regulations concerning notices, hearings and proceedings under this chapter as it shall deem necessary for the accomplishment of its functions, and all such rules and regulations, when made or amended in conformity with chapter 6C shall have the force and effect of law.”

SECTION 61. Section 87B-12 is amended to read:

“§ 87B-12. Judicial review. Any person aggrieved by an order or decision of the board may obtain a review of the order or decision in the circuit court of the judicial circuit in which the ground-water area affected by the order or decision is located by appeal as provided in chapter 6C.”

SECTION 62. Section 88-11 is amended to read:

“§ 88-11. Appellate hearings before whom; further appeals. The appeal board shall meet at the call of the chairman or of any two members and shall consider all appeals submitted to it from decisions of the director, including those involving the validity of rules; provided, that no matters involving mediation, arbitration or conciliation

of industrial disputes shall be considered by the appeal board; provided further, that appeals from decisions of the director under chapter 97 in the counties of Hawaii, Maui and Kauai shall be made to the respective industrial accident boards of those counties.

Any person aggrieved by the decision of the appeal board may appeal therefrom in the manner provided in chapter 6C to the circuit court of the circuit in which he resides or has his principal place of business. The hearing in the circuit court shall be de novo. The judgment of the circuit court may be appealed to the supreme court. Appeals under chapter 97 from the appeal board in the city and county of Honolulu and from the industrial accident boards in the counties of Hawaii, Maui and Kauai shall be governed by the provisions in the chapter contained."

SECTION 63. Section 88-13 is amended by amending the last three paragraphs to read:

"The rules and regulations of the department and any amendments thereto, when approved by the governor and adopted in accordance with chapter 6C shall have the force and effect of law and shall be enforced in the same manner as the provisions of this chapter.

If there are practical difficulties or unnecessary hardships in carrying out a rule, the director may, after public hearing, make a variation from such requirement if the spirit of the rule is observed. Any person affected by such rule, or his agent, may petition for such variation, stating the grounds therefor. The director shall fix a day for a hearing on such petition and give reasonable notice thereof to the petitioner. A properly indexed record of all variations made shall be kept in the office of the department and shall be open to public inspection.

Any interested person may obtain a ruling as to the validity or applicability of any rule in the manner provided in chapter 6C."

SECTION 64. Section 88-14 is repealed.

SECTION 65. Section 88A-17 is amended to read:

"**§ 88A-17. Appeals from the appeal board.** Any person aggrieved by the decision of the appeal board may appeal therefrom as provided in section 88-11."

SECTION 66. Section 90-10 is amended as follows:

(a) By deleting subsection (c):

(b) By amending subsection (f) to read:

"(f) Any person aggrieved by the decision or order of the board may obtain a review thereof as provided in chapter 6C by instituting proceedings in the circuit court of the judicial circuit in which he or any party resides or transacts business, subject, however, to the general provisions of law for a change of the place of trial or the calling in of another judge. Where different parties in the same proceeding file petitions for review in two or more courts having proper jurisdiction, the jurisdiction of the judge first petitioned shall be exclusive and the other petitions shall be transferred to him. Such petition shall state the grounds upon which a review is sought and copies thereof shall be served upon the other parties and the board. Service may be

made by mailing such copies to the last known post office address of the parties concerned. When the proceedings are at issue, they may be brought on for hearing before the court upon the record by any party on ten days' written notice to the others. Upon such hearing, the court may confirm, modify or set aside the decision or order of the board and enter an appropriate decree. No objection that has not been urged before the board shall be considered by the court unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances."

(c) By amending subsection (h) to read:

"(h) Commencement of proceedings under subsection (f) of this section shall not operate as a stay of the decision or order of the board, but the board or court may order a stay upon such terms as it deems proper."

(d) By amending subsection (j) to read:

"(j) Any party may appeal from the judgment of a circuit court entered under this chapter to the supreme court."

SECTION 67. Section 90-12 is amended to read:

"§ 90-12. **Rules and regulations.** Subject to chapter 6C, the board may adopt reasonable and proper rules and regulations relative to the exercise of its powers and authority and to govern the proceedings before it."

SECTION 68. Section 92-10 is amended to read:

"§ 92-10. **Rules and regulations.** For the purpose of carrying out the provisions of sections 92-4 to 92-6, the governor may prescribe rules and regulations, including provisions 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. Chapter 6C shall not be applicable to such rules and regulations."

SECTION 69. Section 93-37 is amended to read:

"§ 93-37. **Appeals, filing and hearing.** The claimant or any other party entitled to notice of a determination or redetermination as herein provided may file an appeal from such determination or redetermination at the office of the department in the county in which the claimant resides or in the county in which the claimant was last employed, within ten days after the date of mailing of the notice to his last known address, or if such notice is not mailed, within ten days after the date of delivery of such notice to him. Such appeal shall be heard in the county in which the appeal is filed, provided that the department may by its regulations provide for the holding of a hearing in another county with the consent of all parties or where necessary in order that a fair and impartial hearing may be had, and may provide for the taking of depositions. Unless the appeal is withdrawn with the permission of the referee, the referee after affording the parties reasonable opportunity for a fair hearing shall make findings and conclusions and on the basis thereof affirm, modify or reverse such determination or redetermination. The parties to any appeal shall

be promptly notified of the decision of the referee and shall be furnished with a copy of the decision and the findings and conclusions in support thereof and the decision shall be final and shall be binding upon each party unless a proceeding for judicial review is initiated by the party pursuant to section 93-40; provided that, within the time provided for taking an appeal and prior to the filing of a notice of appeal, the referee may reopen the matter, upon the application of the director or any other party, or upon his own motion, and thereupon may take further evidence or may modify his decision, findings or conclusions. In the event the matter is reopened the referee shall render a further decision in the matter, either reaffirming or modifying his original decision, and notice shall be given thereof in the manner hereinbefore provided. The time to initiate judicial review shall run from the notice of such further decision, if the matter has been reopened."

SECTION 70. Section 93-38 is amended by amending the second sentence to read:

"The director shall adopt reasonable regulations governing the manner of filing appeals and the conduct of hearings and appeals, consistent with the provisions of this chapter and chapter 6C."

SECTION 71. Section 93-40 is amended to read:

§ 93-40. Judicial review. The director or any party to the proceedings before the referee may obtain judicial review of the decision of the referee in the manner provided in chapter 6C, by instituting proceedings in the circuit of the circuit in which the claimant resides or in which the claimant was last employed. In any such court proceedings, every other party to the proceeding before the referee shall be made a party respondent. The director shall be deemed to be a party to any such proceeding. The proceedings shall be heard in a summary manner and shall be given precedence over all other civil cases except proceedings arising under the workmen's compensation law of the State. Proceedings for review by the supreme court may be taken and had in the same manner as is provided for a review of a judgment of a circuit court. No bond shall be required as a condition of initiating a proceeding for judicial review or initiating proceedings for review by the supreme court. Upon the final termination of any judicial proceeding, the referee shall enter an order in accordance with the mandate of the court."

SECTION 72. Section 93-68 is amended to read:

§ 93-68. Procedure for rate determination. The department shall as soon as is reasonably possible in each period make its classification of employers for such period and notify each employer of his rate of contributions for such period as determined pursuant to sections 93-62 to 93-68. Such determination shall become conclusive and binding upon the employer unless, within fifteen days after the mailing of notice thereof to his last known address, or in the absence of mailing within fifteen days after the delivery of such notice to him, the employer files an application for review and redetermination, setting forth his reasons therefor. If the department grants such review, the employer shall be promptly notified thereof and shall be granted an opportunity

for a fair hearing, but no employer shall have standing, in any proceeding involving his rate of contributions or contribution liability, to contest the chargeability to his account of any benefits paid in accordance with a determination, redetermination or decision pursuant to sections 93-30 to 93-42 except upon the ground that the services on the basis of which such benefits were found to be chargeable did not constitute services performed in employment for him and only in the event that he was not a party to such determination, redetermination or decision or to any other proceedings under this chapter in which the character of such services was determined. The employer shall be promptly notified of the department's denial of his application, or of the department's redetermination, both of which shall become final unless a proceeding for judicial review in the manner provided in chapter 6C is commenced in the circuit court of the judicial circuit in which the employer resides or has his principal place of business or in the circuit court of the first judicial circuit. Such proceedings shall be heard in a summary manner and shall be given precedence over all other civil actions except proceedings arising under section 93-40 and the workmen's compensation law of the State. An appeal may be taken from the decision of the circuit court to the supreme court."

SECTION 73. Section 93-91 is amended to read:

"§ 93-91. **Rules and regulations.** The director may adopt, amend or repeal such rules and regulations as he deems necessary or suitable for the administration of this chapter. The rules and regulations when approved by the governor and prescribed in accordance with chapter 6C shall have the force and effect of law and shall be enforced in the same manner as the provisions of this chapter.

Any interested person may petition for an amendment or repeal of such rule or regulation as provided in section 6C-6."

SECTION 74. Section 94-11 is amended by deleting the last paragraph thereof.

SECTION 75. Section 96-7 is amended to read:

"§ 96-7. **Judicial review.** A safety order or an order prohibiting use issued by the appeal board shall be final and conclusive against the employer unless the employer obtains a review thereof in the manner provided in chapter 6C by instituting proceedings in the circuit court of the circuit in which such place of employment, machine, device, apparatus or equipment is situated or such practice, means, method, operation or process is employed. The hearing on review shall be de novo and the department shall be deemed a party to any such proceedings. The court shall give precedence to such proceedings over all other civil cases."

SECTION 76. Section 96-30 is amended to read:

"§ 96-30. **Appeals.** An appeal may be taken from any action of the director to the labor and industrial relations appeal board under section 88-11. Any person aggrieved by the decision of the appeal board may appeal therefrom as provided in section 88-11."

SECTION 77. Section 96-32 is amended to read:

“§ 96-32. Rules and regulations. The director may prescribe such rules and regulations as may be necessary for carrying out the purposes and provisions of this part. When approved by the governor and prescribed in accordance with chapter 6C, such rules and regulations shall have the force and effect of law.”

SECTION 78. Section 96A-12 is amended to read:

“§ 96A-12. Reconsideration; appeal; stay of enforcement.

(a) Reconsideration. In the absence of appeal and within ten days after mailing or delivery of notice of decision made pursuant to sections 96A-4 and 96A-11 to the parties entitled thereto, the director may, for good cause, on his own motion or upon application of any interested party reconsider such decision. Upon an application for reconsideration the director shall promptly reconsider the decision or, upon his own motion, transfer the application to the appeal board. Upon transfer such application shall be deemed to constitute an appeal from the director's decision as of the date of the application.

(b) Appeals from director's decisions. Any person aggrieved by the decision of the director made pursuant to sections 96A-4, 96A-11 or 96A-12(a) may appeal from such decision by filing a written notice of appeal within ten days after mailing or delivery of notice of decision with the appeal board.

The appeal board shall hold a full hearing de novo on the appeal and make its decision in writing which shall be filed with the record of the proceedings. The appeal board shall immediately send to the parties and the director a copy of the decision.

(c) Appeals from the appeal board. Any person aggrieved by the decision of the appeal board may appeal therefrom as provided in section 88-11.

(d) Stay of enforcement. In no case shall an application for reconsideration or an appeal to the appeal board or to the circuit court operate as supersedeas or stay unless the director or the appeal board or the circuit court so orders.”

SECTION 79. Section 98-11 is amended by amending the last sentence to read:

“Any person aggrieved by such order may appeal therefrom in the manner provided in chapter 6C to the first circuit court for a hearing de novo, including trial by jury. In all cases in which a trial by jury is had the cause shall be submitted to the jury on questions of fact stated to them pursuant to section 231-27. The right of trial by jury shall be deemed to be waived unless claimed in the manner provided in the Hawaii rules of civil procedure.”

SECTION 80. Section 98C-9 is amended to read:

“§ 98C-9. Appeal. Any operator aggrieved by any decision, order or action of the board refusing, modifying, suspending, cancelling or revoking a permit or disapproving an amended plan of reclamation may appeal from such decision, order or action to the circuit court of the circuit in which is located any part of the land described in the permit. The appeal shall be governed by the provisions of Rule 72 of

the Hawaii rules of civil procedure and chapter 6C. The appellant shall file a bond with the clerk of the circuit court to which the appeal is taken, in such amount and with such surety or sureties as the clerk may fix and prescribe, conditioned to pay all costs if such appeal be decided adversely to the appellant. On motion of the board the court may require the penalty of the bond to be increased to such amount and to be so conditioned that the operator filing such appeal shall be bound to perform all requirements of this chapter. The court shall have the power to reverse, affirm or modify in whole or part, the decision, order or action appealed from."

SECTION 81. Section 98J-5 is amended by amending paragraph (b) to read:

"(b) To make, amend or repeal any rule or regulation, having the force and effect of law, in accordance with chapter 6C;"

SECTION 82. Section 98L-6 is amended to read:

"**§ 98L-6. Rules and regulations.** The director of finance may adopt, amend or repeal such rules and regulations governing the granting of loans and other related functions as he deems necessary or suitable. The rules and regulations when approved by the governor and made in accordance with chapter 6C shall have the force and effect of law."

SECTION 83. Section 102-4 is amended by amending paragraph (n) to read:

"(n) Promulgate rules and regulations as it may deem necessary in accordance with chapter 6C having the force and effect of law."

SECTION 84. Section 112-5 is amended by amending the last paragraph to read:

"The rules and regulations shall be adopted in the manner prescribed in chapter 6C and shall have the force and effect of law."

SECTION 85. Section 123-13 is amended to read:

"**§ 123-13. Rules and regulations.** Subject to chapter 6C, the director shall have power to make rules and regulations relating to matters of procedure in the administration of this chapter and the manner and forms of records to be kept by distributors, and to prescribe standard forms of statements to be filed by distributors or other persons, affidavits and any other statements or other written data required to be filed or furnished under this chapter. The rules and regulations shall be approved by the governor and shall have the force and effect of law."

SECTION 86. Section 124-15 is amended to read:

"**§ 124-15. Administration by director; rules and regulations.** The administration of this chapter is vested in the director who may prescribe and enforce rules and regulations for the enforcement and administration of this chapter.

The rules and regulations shall be prescribed by the director, subject to chapter 6C and with the approval of the governor."

SECTION 87. Section 125-13 is amended to read:

“§ 125-13. Administration by director; rules and regulations. The administration of this chapter is vested in the director, who may prescribe and enforce rules and regulations for the enforcement and administration of this chapter.

The rules and regulations shall be prescribed by the director, subject to chapter 6C and with the approval of the governor.”

SECTION 88. Section 135-20 is amended to read:

“§ 135-20. Rules and regulations. Subject to chapter 6C, the bank examiner may make, amend and repeal rules and regulations not inconsistent with sections 135-18 to 135-21, as in his judgment seem appropriate for the carrying out of the destruction of any records. The rules and regulations shall be approved by the governor and shall have the force and effect of law.”

SECTION 89. Section 143-6 is amended by amending paragraph (b) to read:

“(b) To make, amend and repeal rules and regulations not inconsistent with this part to carry into effect the powers and purposes thereof, which rules and regulations shall be subject to chapter 6C.”

SECTION 90. Section 143-60 is amended by amending subsection (e) to read:

“(e) Any person affected by an order issued by the public officer may petition the circuit court for an injunction restraining the public officer from carrying out the provisions of the order and the court may, upon such petition, issue a temporary injunction restraining the public officer pending the final disposition of the cause, provided that such petition is filed within sixty days after the posting and service of the order of the public officer. Hearings shall be held by the court on such petitions within twenty days, or as soon thereafter as possible, and shall be given preference over other matters on the court’s calendar. The court shall hear and determine the issues raised and shall enter a final order or decree in the proceeding. In all such proceedings the findings of the public officer as to facts, if supported by evidence, shall be conclusive. Costs shall be in the discretion of the court. Except as otherwise provided in chapter 6C, the remedies herein provided shall be exclusive remedies and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of compliance by the person with any order of the public officer.”

SECTION 91. Section 145A-16 is amended by amending the first sentence to read:

“The board shall have the power to fix and adjust rates and charges for the furnishing of water and for water service; provided no rates or charges shall be fixed or adjusted prior to the holding by the board of a public hearing, notice of which shall have been published in a newspaper of general circulation (one publication) not less

than twenty days before the date of such public hearing and such notice shall set forth the time, place of the hearing and the proposed rates and charges to be considered thereat."

SECTION 92. Section 146-112 is amended to read:

"§ 146-112. **Rates.** The board shall have the power to fix and adjust rates and charges for the furnishing of water and for water services such that the revenues derived therefrom shall be sufficient to make the waterworks and water systems self-supporting and to meet all expenditures authorized by this part; the board is specifically authorized to establish variable rates among the several districts of the county, or among the areas served by the individual water systems within the county, for the purpose of establishing charges as closely as possible to the necessary amount required for the maintenance and operation of the particular individual water systems; provided, no rates and charges shall be fixed or adjusted prior to the holding by such board of a public hearing, notice of which shall have been published in a newspaper of general circulation (one publication) not less than twenty days before the date set for such hearing. Such notice shall state the time and place for such hearing and the proposed rates and charges to be considered thereat. The time within which such notice shall be published shall be computed by including the first day (the day of publication) and excluding the last day."

SECTION 93. Section 148-31 is amended by amending the last sentence to read:

"The rules and regulations shall be approved by the chairman of the board of supervisors and shall have the force and effect of law."

SECTION 94. [Omitted]

SECTION 95. [Omitted]

SECTION 96. Section 159-16 is amended by amending the last paragraph to read:

"The exercise by the commission of the power, authority and discretion in it so vested shall be final in each case and shall not be reviewable by or appealable to any court or tribunal, except as otherwise provided in this chapter or chapter 6C."

SECTION 97. Section 159-41 is amended by amending the second paragraph to read:

"Upon such hearing, the commission shall consider the application and any objections to the granting thereof and hear the parties in interest. It shall inquire into the propriety of each transfer and determine whether the proposed transferee is a fit person to hold the license. It may approve a transfer or refuse to approve a transfer, and the refusal by the commission to approve a transfer shall be final and conclusive, unless an appeal is taken as provided in chapter 6C."

SECTION 98. Section 159-90 is amended by amending the second paragraph to read:

"In every case where it is proposed to revoke or suspend the exercise of any license or assess and collect a penalty for any cause other

than a conviction at law of the licensee as above specified, the licensee shall be entitled to notice and hearing in conformity with chapter 6C, such notice to be given at least five days before such hearing, except that any special license shall be subject to summary revocation for any violation of or evidence of intent to violate the proper exercise thereof, without hearing before the commission; provided, that the exercise of a license shall in no case be suspended or revoked for any violation (other than a conviction at law of the licensee as above specified) based upon the personal observation of any inspector, unless written notice of the violation charged to have occurred shall have been given to the licensee within ten days after the alleged violation occurred, and the licensee shall have been given a hearing upon the charge not more than ten nor less than five days after the giving of notice of the alleged violation."

SECTION 99. Section 159-91 is amended to read:

"§ 159-91. **Appeals.** Any licensee aggrieved by any order assessing, or providing for the collection of, a penalty or by any order suspending or revoking any license may appeal therefrom in the manner provided in chapter 6C to the circuit court of the circuit in which the commission making such order has jurisdiction. The hearing in the circuit court shall be de novo and the judgment of the court shall be subject to review by the supreme court."

SECTION 100. Section 160-59 is amended to read:

"§ 160-59. **Appeal to circuit court.** Any applicant who has been refused a license after at least three examinations, or who has been refused any examination, and every licensee whose license has been suspended, revoked or cancelled by the examiner of chauffeurs, may appeal from such refusal, suspension, revocation or cancellation to the circuit court of the circuit in which the applicant or licensee resides by filing a notice of appeal in such court within thirty days after being notified of the refusal, suspension, revocation or cancellation. The appeal shall not operate as a stay to the order or decision appealed from. The appeal shall be subject to such procedure and rules as may be prescribed by the court and the decision of the court shall be final except as otherwise provided in chapter 6C."

SECTION 101. Section 163-2 is amended to read:

"§ 163-2. **Board of examiners.** The judge of the land court, the registrar of conveyances and the attorney general shall constitute a board of examiners whose duty it shall be to examine all applicants for licenses under this chapter. The board shall grant licenses to such persons as shall pass an examination satisfactory to the board and in its judgment are fit and proper persons to engage in such business; and the board may revoke or suspend any license issued under this chapter upon proof to its satisfaction of any malpractice, fraud, deceit, gross carelessness or misconduct on the part of the licensee. No license shall be revoked or suspended except upon due notice to the licensee of the charge against him and an opportunity for him to be heard in defense. The action of the board shall be final and not subject to review except as otherwise provided in chapter 6C."

SECTION 102. Section 164-4 is amended by amending paragraph (g) to read:

“(g) To make, amend and repeal, in conformity with chapter 6C and with the approval of the governor and the director of regulatory agencies, such rules and regulations as may be requisite to carry out the purposes of this chapter and maintain a high standard of integrity and dignity among certified public accountants and public accountants; provided, that members of the board who are not certified public accountants shall not act in respect of any matter relating only to certified public accountants and in respect of such matter, the action of the board shall be determined by the concurrence of not less than three members who are certified public accountants.”

SECTION 103. Section 164-11 is amended by amending the last paragraph to read:

“No certificate or registration shall be revoked or suspended except after a hearing, at which hearing at least a majority of the board shall be present. The attorney general or an attorney designated by him shall attend and act as the legal advisor of the board. Written notice of the proposed hearing as prescribed in section 6C-9 shall be mailed to the holder of the certificate or the registrant at his last known address at least twenty days before the date thereof. The board shall keep a complete record of all proceedings with respect to the revocation or suspension of any certificate or registration.”

SECTION 104. Section 165-6 is amended by amending the first paragraph to read:

“The commission shall adopt a seal and may make, amend and repeal such rules and regulations as it may consider necessary or expedient for the conduct of its business and the regulation of the matters herein committed to its charge. The rules and regulations when prescribed in conformity with chapter 6C shall have the force and effect of law.”

SECTION 105. Section 165A-4 is amended to read:

“§ 165A-4. Procedure in revocation or suspension of licenses.

(a) Actions to revoke or suspend licenses granted under this chapter shall be subject to chapter 6C and shall be commenced by a notice of hearing.

(b) The notice of hearing shall be served by certified mail to the accused's last known business address.

(c) The accused shall be given thirty days from the date of mailing such notice in which to answer.

(d) Any licensee whose license has been revoked or suspended may file an appeal to the circuit courts.

(e) Prosecution of such actions shall be conducted by the department of the attorney general.”

SECTION 106. Section 166-7 is amended by amending the first paragraph to read:

“The board shall be entitled to the services of the attorney general in connection with its affairs, and may compel the attendance of

witnesses upon subpoena, administer oaths, take testimony and do all other things necessary and proper to carry out this chapter in all matters within its jurisdiction. It shall adopt and have an official seal and make, subject to chapter 6C and with the approval of the governor and the director of regulatory agencies, bylaws and rules and regulations for the performance of its duties and the carrying on of its business and the enforcement of this chapter. It shall be provided with suitable office quarters by the State and shall hold at least two regular meetings during each year. It shall have a chairman, a vice-chairman and a secretary, and a quorum shall consist of not less than six members, one of whom shall be either the chairman or vice-chairman."

SECTION 107. Section 166A-4 is amended by amending the second sentence of paragraph (b) to read:

"All such rules and regulations shall be approved by the governor and the director of regulatory agencies, and when adopted pursuant to chapter 6C, shall have the force and effect of law."

SECTION 108. Section 166A-17 is amended by amending the first paragraph to read:

"In every case where it is proposed to refuse to grant a license or to revoke or suspend a license or to refuse to renew a license, the board shall give the person concerned notice and hearing in conformity with chapter 6C. The notice shall be given in writing by registered or certified mail with return receipt requested at least fifteen days before the hearing. The hearing whenever possible shall be held on the island on which the aggrieved party resides."

SECTION 109. Section 166A-18 is amended to read:

"§ 166A-18. **Appeal to circuit court.** An applicant who has been refused a license and every licensee whose license has been suspended, revoked or not renewed may appeal the board's decision to the circuit court of the circuit in which the applicant or licensee resides in the manner provided in chapter 6C."

SECTION 110. Section 168-8 is amended to read:

"§ 168-8. **Rules.** The attorney general, with the approval of the governor and subject to chapter 6C, may prescribe such rules and regulations as he may deem advisable concerning the administration of this chapter, the appointment and duties of notaries public and the duties of other officers thereunder. The rules or regulations shall have the force and effect of law."

SECTION 111. Section 170-4 is amended by amending the first two sentences of paragraph (b) to read:

"(b) Make, amend or repeal such rules and regulations as it may deem proper to fully effectuate this chapter and carry out its purpose, which purpose is the protection of the general public in its real estate transactions. All rules and regulations shall be approved by the governor and the director of regulatory agencies, and when adopted pursuant to chapter 6C shall have the force and effect of law."

SECTION 112. Section 170-13 is amended by amending the first paragraph to read:

"In every case where it is proposed to refuse to grant a license because of bad character or bad reputation for honesty, truthfulness or fair dealing, or to revoke or suspend the exercise of any license for any of the causes enumerated in section 170-12, the person concerned shall be given notice and hearing in conformity with chapter 6C. The notice shall be given at least five days before the hearing."

SECTION 113. Section 171A-21 is amended to read:

§ 171A-21. Denial, suspension or revocation of license; procedure; appeal. The board shall not deny any application for an original or renewal license or initiate any disciplinary action against any licensee except for probable cause. Before denying, suspending or revoking any license, the charges against the licensee shall be investigated by the commissioner. His findings shall be made known to the board and if the commissioner and at least two other members of the board concur, the matter shall be set for hearing. At least fifteen days prior to the date set for hearing, the commissioner shall furnish the applicant or licensee a notice in writing as prescribed by section 6C-9 and shall afford the applicant or licensee an opportunity to be heard in person and by or with counsel. Such written notice may be served by delivery personally to the applicant or the licensee or by mailing it by registered or certified mail with return receipt requested to the last known business address of the applicant or licensee. The hearing on the charges shall be held at such time and place as the commissioner shall prescribe. The commissioner shall have the power to issue subpoenas and bring before the board any person or relevant book or writing in this State, to swear witnesses and take the testimony of any person by deposition, with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in courts of record of the State in civil cases. All evidence shall be under oath. Any party to any hearing shall have the right of subpoena to compel the attendance of witnesses and to cause the production of any books and writings in his behalf. If the board determines that any applicant is not qualified to receive a license, a license shall not be granted, and if the board determines that any licensee is guilty of a violation of any of the provisions of this chapter, his license may be suspended or revoked by the board; provided that four members of the board, one of whom must be the commissioner, concur in such determination. Any order denying a license, or suspending or revoking a license shall be rendered no later than fifteen days after the conclusion of the hearings. Any person aggrieved thereby may appeal to the circuit court of the county in which the applicant resides, or where the licensee has his principal place of business in the manner provided in chapter 6C. The circuit court shall, sitting as though a court of equity, try the matter anew and enter judgment forthwith based upon all the evidence presented to the court."

SECTION 114. Section 179-3 is amended by amending the second paragraph to read:

"If the director of regulatory agencies is not so satisfied without a hearing, he shall hold a hearing with respect to the matters in question, and may make investigation of any facts relating thereto. The director may prescribe rules and regulations for the proceedings in connection with any such hearing or investigation. Any decision of the director adverse to the applicant shall be reviewable upon appeal to the circuit court of the first judicial circuit as provided in chapter 6C. The court shall hear the appeal de novo without a jury."

SECTION 115. Section 180-11 is amended by amending the second paragraph to read:

"No application shall be disapproved except after the applicants have had notice of a hearing on the application and an opportunity to be heard thereon. If the application is denied, the bank examiner shall, within twenty days thereafter, prepare and keep on file in his office, a written order or denial thereof, which shall contain his findings with respect thereto and the reasons supporting the denial, and forthwith serve upon the applicants a copy thereof. Within ten days after the receipt of such copy the applicants may appeal from the order of denial to a board consisting of the director, comptroller and director of taxation by filing with the comptroller a notice of appeal. After notice by mail to the applicants and after a hearing at which the applicants shall be entitled to be present and to be heard, the board shall file with the comptroller its decision in writing either ordering the bank examiner to approve the application or affirming his action in disapproving the same. A copy of the decision or order of the board shall forthwith be served upon the applicants by the bank examiner. The applicants may appeal from an adverse decision of the board to the circuit court of the circuit in which the applicants propose to engage in business, as provided in chapter 6C."

SECTION 116. Section 181-62 is amended by amending subsection (a) to read:

"(a) The commissioner shall, not less than ten days in advance, give notice to each person to be affected by the hearing of the matters prescribed in section 6C-9."

SECTION 117. Section 181-66 is amended to read:

"**§ 181-66. Procedure.** (a) The commissioner shall preside at the hearing which shall be held in the manner provided in chapter 6C.

(b) A copy of the record of the proceedings shall be furnished any person affected by the hearing or any other person upon written request and at the expense of such person.

(c) Upon good cause shown, the commissioner may permit any person who has a valid interest in the proceeding to intervene, appear, and be heard at the hearing.

(d) Any person heard shall make full disclosure of facts pertinent to the subject of inquiry as requested by the commissioner or by any person affected by the hearing."

SECTION 118. Section 181-67 is amended by amending subsection (b) to read:

“(b) The order shall contain:

(1) A concise statement of the action taken.

(2) The effective date of such action.

(3) A designation of the provisions of this chapter pursuant to which the action is taken.

(4) Such other matters as may be required by section 6C-12.”

SECTION 119. Section 181-69 is amended to read:

“§ 181-69. **How appeal taken.** The appeal shall be taken in the manner provided in chapter 6C.”

SECTION 120. Section 181-70 is amended to read:

“§ 181-70. **Cost of record on appeal.** The cost of preparing the record on appeal may be included in the costs allowed by the court.”

SECTION 121. Section 181-71 is amended to read:

“§ 181-71. **Hearing the appeal.** The court shall give precedence to and may summarily hear and determine the appeal. The court shall hear the appeal upon the record in the manner provided in chapter 6C. Costs shall be awarded as in civil cases.”

SECTION 122. Section 181-72 is amended by amending subsections (a) and (b) to read:

“(a) The taking of an appeal shall not stay any action taken or proposed to be taken by the commissioner under the order appealed from unless a stay is granted by the commissioner or the reviewing court.

(b) In granting a stay of action, the commissioner or the court shall consider whether the stay would tend to injure the public interest, and may require of the person taking the appeal such security or other conditions as may be deemed proper.”

SECTION 123. Section 181-707 is amended as follows:

(a) By repealing subsection (b).

(b) By amending subsection (c) to read:

“(c) Any final order or decision of the commissioner may be reviewed in the circuit court of the first circuit and an appeal from the decision of the court shall lie to the supreme court. The review shall be taken and had in the manner provided in chapter 6C.”

SECTION 124. Section 181-726 is amended as follows:

(a) By repealing subsection (b).

(b) By amending subsection (c) to read:

“(c) Any final order or decision of the commissioner may be reviewed in the circuit court of the first circuit and an appeal from the decision of the court shall lie to the supreme court. The review shall be taken and had in the manner provided in chapter 6C.”

SECTION 125. Section 184-2 is amended to read:

“§ 184-2. **General power to make rules.** Subject to chapter 6C and with the approval of the governor, the fire marshal may make such regulations as he deems necessary relating to: (a) the prevention of

fires, and the inspection of property, periodically or otherwise, or for the prevention of or reduction of loss by fire, or to promote the safety of persons in case of fire; (b) the manufacture, storage, sale and use of combustibles and explosives; (c) the installation and maintenance of automatic or other fire alarm systems and fire extinguishing equipment; (d) fire escape and other means of exits from or access to buildings or parts of buildings or other property in case of fire.

Any other provisions of law to the contrary notwithstanding, the power of the fire marshal to make regulations shall extend to the exterior approaches to exits of places of assembly. The chiefs of police of the several counties shall enforce the regulations. The regulations when so made and published shall have the force and effect of law."

SECTION 126. Section 184-3 is amended to read:

"§ 184-3. The fire marshal may adopt by rules and regulations, with the approval of the governor, the conditions, provisions, limitations and terms of an electrical code, a storage of inflammables code, or any other standard code which contains conditions, provisions, limitations and terms printed as a code in book or pamphlet form, by reference to such code, or portions thereof, alone without setting forth in the rules and regulations of the fire marshal the conditions, provisions, limitations and terms of such code; and when such code, or portions thereof, have been incorporated by reference into any such rules and regulations of the fire marshal as aforesaid, it shall have the same force and effect of law as though it had been spread at large in such rules and regulations of the fire marshal without further or additional publication thereof; provided, that not less than three copies of each such standard code, or portions thereof, have been filed for use and examination by the public in the office of the clerk of each county prior to the adoption thereof; provided further, that the adoption of any such standard code by reference shall be construed to incorporate such amendments thereto as may be made therein from time to time, if the three copies of such standard code so filed shall at all times be kept current in the office of the clerk of such county. All ordinances of any county in conflict herewith are declared null and void."

SECTION 127. Section 184-14 is amended as follows:

(a) By repealing the second paragraph.

(b) By amending the last paragraph to read:

"The final order may be reviewed in the circuit court of the first circuit and an appeal from the decision of the court shall lie to the supreme court. The review shall be taken and had in the manner provided in chapter 6C."

SECTION 128. Section 194-8 is amended by amending the last paragraph to read:

"Review of disapproval. No application shall be disapproved except after the applicant has had a notice of a hearing on the application and an opportunity to be heard thereon. If the application is denied, the bank examiner shall, within twenty days thereafter, prepare

and keep on file in his office, a written order of denial thereof, which shall contain his findings with respect thereto and the reasons supporting the denial, and forthwith serve upon the applicant a copy thereof. Within ten days after the receipt of such copy the applicant may appeal from the order of denial to a board consisting of the director of regulatory agencies, comptroller and attorney general by filing with the comptroller a notice of appeal. After notice by mail to the applicant and after a hearing at which the applicant shall be entitled to be present and to be heard, the board shall file with the comptroller its decision in writing either ordering the bank examiner to approve the application or affirming his action in disapproving the same. A copy of the decision or order of the board shall forthwith be served upon the applicant by the bank examiner. The applicant may appeal from an adverse decision of the board to the circuit court of the circuit in which the applicant proposes to establish an office, as provided in chapter 6C."

SECTION 129. Section 194-25 is amended by amending the last paragraph to read:

"The party affected by an order revoking or suspending a license may appeal to the circuit court of the circuit in which the applicant maintains his or its principal place of business, as provided in chapter 6C. After hearing, the court may order the bank examiner to reverse his decision as to revocation or suspension, or may affirm the action of the bank examiner."

SECTION 130. Section 195-13 is amended to read:

"§ 195-13. Appeals, record; stay, how obtained; hearings; further appeal. Within thirty days after notice is given of the entry of any final order or decision denying an application for or revoking or suspending a license or requiring the filing of an additional bond, any person, copartnership, association or corporation deeming himself or itself aggrieved by such order or decision, may appeal from such order or decision to the circuit court of the first circuit for the purpose of having the reasonableness or validity of the order or decision inquired into and determined. The director of regulatory agencies shall be made an appellee in all such cases.

The appeal shall be heard according to the manner of trial of suits before a circuit judge, sitting at chambers. Such appeal shall not of itself operate as a supersedeas or as a stay of the order or decision appealed from, except upon the express order of the director or the circuit court. The circuit court may affirm, vacate or modify the order or decision appealed from. The court may call witnesses or receive affidavits in reference to any controverted question of fact relating to the procedure before the director or deputy bank examiner.

Appeals from all final decisions or orders of the court shall lie to the supreme court. Such appeal shall not of itself operate as a stay of any order or decision appealed from, but the supreme court may stay the same after a hearing upon a motion therefor, upon such conditions as it may deem proper."

SECTION 131. Section 199-19 is amended to read:

“§ 199-19. Appeals to circuit court, first circuit; time; bond; costs; trial de novo; decree; further appeal. An appeal may be taken by any aggrieved person from any final order of the commissioner to the circuit court of the first circuit in the manner provided in chapter 6C. The appellant shall execute a bond in the penal sum of \$1,000 to the State, with sufficient surety, to be approved by the commissioner or the court, conditioned upon the faithful prosecution of such appeal to final judgment, and the payment of all such costs as shall be adjudged against the appellant. The appeal shall be heard de novo, and it may be given precedence by the court over other matters pending in the court. The court shall receive and consider evidence, whether oral or documentary, concerning the order of the commissioner from whom the appeal is taken. If the order of the commissioner shall be reversed the court shall by its mandate specifically direct the commissioner as to his further action in the matter, including the making and entering of any order or orders in connection therewith, and the conditions, limitations or restrictions to be therein contained; provided that the commissioner shall not thereby be barred from thereafter revoking or altering such order for any proper cause which may thereafter accrue or be discovered. If the order shall be affirmed, the appellant shall not be barred after thirty days from filing a new application provided such application is not otherwise barred or limited. Such appeal shall not in anywise suspend the operation of the order appealed from during the pendency of such appeal unless upon proper order of the commissioner or the court. An appeal may be taken from the decree of the circuit court to the supreme court.”

SECTION 132. Section 204-9 is amended to read:

“§ 204-9. Appeal. Any person aggrieved by any action of the director of regulatory agencies under this chapter in issuing a certificate of registration of a print, label, trade mark or trade name or in revoking or cancelling any such certificate of registration or in denying an application may, within thirty days after such action by the director, or in the event no order has been entered either granting or denying the application within four months after the filing of such application, commence proceedings to obtain judicial review thereof by the circuit court of the first circuit by filing in the court a notice of appeal. The trial by the circuit court of any such proceeding shall be de novo. Proceedings for review by the supreme court may be had and taken in the same manner as is provided for a review of a judgment of a circuit court.”

SECTION 133. Section 215-27 is amended by amending the first two paragraphs to read:

“The orders or determinations of any administrator appointed or any commission, board or tribunal created to execute and administer the power conferred by subsection (k) of section 144-33 and subsection 4 of section 149-86, shall be subject to judicial review as provided in this section. Within thirty days from the date upon which any such order or determination becomes final and no administrative remedy for review thereof remains available, any party aggrieved

thereby may commence proceedings to obtain judicial review thereof by the circuit court of the judicial circuit in which the administrator, commission, board or tribunal is functioning, by filing in the court a notice of appeal. Every party to the proceeding which resulted in the order or determination, including the administrator, commission, board or tribunal, shall be made a party respondent. The administrator, commission, board or tribunal whose order or determination is sought to be reviewed shall certify and file with the court a copy of the record of the case, in such form and including such matters as may be prescribed by the court, and shall appear in the proceedings before the court, by its counsel or other representative, and submit oral or written arguments to support its order or determination, together with such evidence as it deems advisable.

The hearing before the court shall be a hearing de novo, and each party shall have the right to introduce evidence, or the court may, of its own motion, require the taking of such evidence as the court deems proper. The court shall determine all questions of fact and all questions of law involved in the appeal; provided that in all appeal cases in which a trial by jury is had the cause shall be submitted to the jury on questions of fact stated to them by the court pursuant to section 231-27. The right of trial by jury shall be deemed to be waived unless claimed in the manner provided by the Hawaii rules of civil procedure."

SECTION 134. Section 351-2 is amended by amending the first paragraph to read:

"The commission is authorized to create and maintain a living war memorial commemorating the sacrifices of our heroic dead of world war II; to accept lands or other property or assets transferred to it by the State or any county for the accomplishing of its objectives; to adopt a seal; to adopt such rules and regulations as it may consider necessary or expedient for the conduct of its affairs and the regulation of the matters herein committed to its charge. Such rules and regulations shall be adopted subject to chapter 6C and shall have the force and effect of law."

SECTION 135. Section 359-24 is amended as follows:

(a) By amending the second paragraph to read:

"The provisions of section 6C-3 shall apply to those rules and regulations of the governor that are prescribed prior to a civil defense emergency period but not otherwise; provided, that notwithstanding the provisions of section 359-5, the public hearings on the rules and regulations, when so required to be held, may be held by such person as the governor may thereunto authorize, who shall make a report thereon to the governor."

(b) By amending the first sentence of the last paragraph to read:

"Rules and regulations prescribed pursuant to this chapter shall be promulgated as herein provided, and may be made effective upon such promulgation, in lieu of the provisions of section 6C-4 relating thereto."

SECTION 136. Section 181-35 is amended by amending subsection (c) (1) to read:

“(1) Make, subject to chapter 6C, reasonable rules and regulations for effectuating any provision of this chapter, except those relating to his appointment, qualifications, or compensation.”

SECTION 137. Section 181-36 is amended by adding to subsection (b) the following clause:

“(4) Contain such other matters as may be required by section 6C-12.”

SECTION 138. Chapter 181 is amended by adding a new section to read:

“§ 181-74. **Administrative procedure act applies.** The rules, hearings and appeals provided for in this chapter are in all applicable respects subject to chapter 6C, unless it is expressly provided otherwise.”

SECTION 139. Chapter 6C is amended as follows:

a. by adding a new subsection to section 6C-3 to be designated and to read:

“(d) The adoption, amendment or repeal of any rule by any state agency shall be subject to the approval of the governor. The adoption, amendment or repeal of any rule by any county agency shall be subject to the approval of the chairman of the board of supervisors or the mayor of the county. The provisions of this subsection shall not apply to the adoption, amendment and repeal of the rules and regulations of the county boards of water supply.”

b. by amending section 6C-4 (a) to read:

“(a) Each agency adopting, amending or repealing a rule, upon approval thereof by the governor or chairman of the board of supervisors or the mayor of the county, shall file forthwith certified copies thereof with the lieutenant governor in the case of the State, or with the clerk of the county in the case of a county. In addition, the clerks of all of the counties shall file forthwith certified copies thereof with the lieutenant governor. A permanent register of such rules, open to public inspection, shall be kept by the lieutenant governor and the clerks of the counties.”

SECTION 140. Section 14A-4(c) is amended to read:

“(c) All rules and regulations adopted by the board or commission shall be subject to the approval of the governor.”

SECTION 141. All matter appearing in strike-out type in this bill is repealed and in printing this Act, the revisor of statutes shall not include any matter appearing in strike-out type and shall include the underscored matter without the underscoring.

SECTION 142. This Act shall take effect upon its approval.

(Approved May 21, 1965.) H.B. 867.

ACT 97

A Bill for an Act Relating to County Governments and Making an Appropriation for the Assignment of Certain of Their Responsibilities.

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

SECTION 1. The purpose of the Act is to fix responsibility for certain functions, which are of statewide concern, in the state government. These functions which are hereby declared to be state functions are as follows: (1) the planning, construction, improvement and maintenance of public school facilities and grounds and the transportation of school children; (2) the burial of indigents; (3) the planning, construction, improvement, maintenance and operation of public hospitals and other public health and medical facilities; (4) the rendering of medical treatment and hospitalization services to state and county pensioners; and (5) the administration and operation of district courts.

PART I

SECTION 2. The Governor is authorized to assign the foregoing functions, except the administration and operation of district courts, to such respective department or departments as can most appropriately and effectively perform such functions. The Governor shall submit a report to the Third State Legislature, twenty days before the Budget Session of 1966 convenes, which report shall state to which departments functions have been assigned and the reasons therefor.

SECTION 3. Notwithstanding any provision in this Part or any other law to the contrary, the Governor, in order to provide an uninterrupted continuation of services in the functional areas set forth in Section 1, shall enter into contracts with the several counties. The contracts shall clearly specify, but shall not be limited to, the nature and extent of the services to be provided by the counties in behalf of the State for the fiscal period beginning July 1, 1965 and ending June 30, 1966; an effective date for such contracts of July 1, 1965; the powers, duties and responsibilities of the contracting parties, the total amount of the payments to be made by the State for such services; and any other matter necessary to carry out effectively and efficiently the purpose and intent of this Part, provided, however, that all revenues formerly derived by the counties for services in the functional areas set forth in Section 1 shall be deposited to the credit of the general fund of the State or be applied to the payments to be made by the State as provided hereunder.

SECTION 4. The state department to which functions have been assigned by the Governor shall succeed to all the rights and powers exercised, and all of the duties and obligations incurred by the counties in the exercise of the functions transferred, whether such powers, duties and obligations are mentioned in or granted by any law, contract, or other document; provided, however, that the counties shall not be relieved of their obligation of paying the interest and principal

on bonds which have been issued for improvements related to the functions set forth above. Except as provided herein, all references to a county, in any law, contract or document in connection with the functions assigned to the state by this Part shall apply to the state government or respective state department as the case may be as if it were specifically named in such law, contract or document in place of the county or any agency thereof.

SECTION 5. The status, rights, benefits and privileges of county employees shall not be affected by this Part.

SECTION 6. No offense committed and no penalty or forfeiture incurred under the laws of the state or any county ordinance or rule or regulation shall be affected by the assignment of functions to the state by this Part; provided that whenever any punishment, penalty, or forfeiture is mitigated by any provision of this Part, such provision may be extended and applied to any judgment pronounced after the passage of this Act. No suit or prosecution, pending at the time this Part takes effect, shall be affected by this Part. The right of any administrative officer of the county to institute proceedings for prosecution for an offense or any action to recover a penalty or forfeiture shall henceforth be vested in the head of the state department to which the function has been assigned by the Governor or some person designated by such head of the department or the Governor or as may be otherwise directed by law.

The right of appeal from administrative actions or determinations as provided by law shall not be impaired by this Part.

Whenever a right of appeal from administrative actions or determinations is provided by law to any county for functions which are assigned to the state, such right of appeal shall lie to or from the state department to which such assignment of function has been made. Such right of appeal shall exist to the same extent and in accordance with the procedure as immediately prior to the effective date of this Part.

SECTION 7. The Governor is authorized and empowered to the extent and only to the extent necessary to preserve the receipt of any federal aid and not to impair the obligation of the State or counties to the holders of any bonds issued by the State or counties, to modify the strict provisions of this Part and shall promptly report any such modification with his reasons therefor to the succeeding legislature for review.

SECTION 8. All laws and parts of laws heretofore enacted which are in conflict with the provisions of this Part are hereby amended to conform herewith. All Acts passed during the General Session of 1965 whether enacted before or after the passage of this Part shall be amended to conform to this Part, unless such Acts specifically provide that this Part is being amended.

SECTION 9. The sum of \$10,400,000, or so much thereof as shall be sufficient to accomplish the purpose or programs as set forth

herein, are hereby appropriated out of the moneys in the treasury from general revenues for the fiscal period beginning July 1, 1965 and ending June 30, 1966.

SECTION 10. Expenditures from federal and other sources of funds available for the functions herein specified are hereby approved for the fiscal period beginning July 1, 1965 and ending June 30, 1966.

SECTION 11. The Governor, in cooperation with the county governments and agencies affected by this Part, may submit to the Third State Legislature, twenty days before the Budget Session of 1966 convenes, such proposals as he may deem necessary or desirable to effect the physical transfer of all records, equipment, files, supplies, contracts, books, papers, documents, maps, and other personal property heretofore made, used, acquired or held by the several county governments or agencies thereof and affected by this Act, together with his recommendations concerning the change of status from county to state of such employees affected by this Act and their physical transfer, and such other related matters as he may determine should properly be considered by the legislature at said Budget Session, including the renewal of such contracts with the counties described in Section 3 of this Part for the fiscal year then next succeeding.

SECTION 12. This Part shall be liberally construed in order to accomplish the purpose of this Part. Any portion of this Part judicially declared to be invalid shall not affect the remaining portions.

SECTION 13. This Part shall take effect on July 1, 1965.

PART II

SECTION 14. Section 216-2, Revised Laws of Hawaii 1955, is hereby amended by deleting the word "two" in the second line thereof and substituting the word "four" in lieu thereof.

SECTION 15. Section 219-2, Revised Laws of Hawaii 1955, is hereby amended to read as follows:

"§ 219-2. Fees to be accounted for. With the exception of such fees as are intended to reimburse officers for actual expenditures made by them, all judges', clerks', sheriffs' and deputy sheriffs' fees provided for in this chapter and accruing from any action pending in a court of record or in the several district courts shall be deposited to the credit of the general fund of the State."

SECTION 16. Section 220-2, Revised Laws of Hawaii 1955, is hereby amended to read as follows:

"§ 220-2. District court, salaries, expenses, etc. The salaries of the several district magistrates and such clerks and other assistants as are provided for in Sections 220-2 to 220-6 and the expenses of the several district magistrates shall be paid by the State at the rates provided by Sections 220-2 to 220-6 or chapter 4. Each of the magistrates shall have power to appoint such additional officers or employees as may be required by such courts and for which appropria-

tions have been made by the legislature. Except as otherwise provided, such officers and employees shall be subject to the provisions of part II of chapter 3 and part I of chapter 4."

SECTION 17. Section 220-4 of the Revised Laws of Hawaii 1955, as amended, is hereby amended as follows:

(a) By amending the paragraph immediately following the paragraph providing for the salary of the district magistrate, Hamakua, North and South Kohala to read as follows:

"Clerk and reporter, district court of Hamakua, North and South Kohala, to be employed on a full-time basis paid such salaries as shall be provided for by chapter 4."

(b) By amending the paragraph immediately following the paragraph providing for the salary for the district magistrate, South Hilo, North Hilo and Puna to read as follows:

"Chief clerk, first assistant clerk and reporter, and second assistant clerk and reporter, third assistant clerk and reporter, and fourth assistant clerk and reporter, district court of South Hilo, North Hilo and Puna, whose salaries shall be as provided for by chapter 4."

SECTION 18. Section 220-7, Revised Laws of Hawaii 1955, is hereby repealed in its entirety.

SECTION 19. Section 259-7, Revised Laws of Hawaii 1955, is hereby amended to read as follows:

"§ 259-7. **District court fines, costs, etc.; disposition.** All moneys paid for costs in civil cases, and for fines and costs in criminal cases which are received or collected by any district magistrate (in cases in which no appeal has been taken and perfected to the circuit or supreme court), and all moneys paid for fines and costs which are received or collected by any sheriff or police officer upon any mittimus, execution or other writ issued by such magistrate, including bail moneys forfeited in any district court, shall be paid by the magistrate or other officer who has received or collected the same to the director of finance of the State."

SECTION 20. Section 259-8, Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

"§ 259-8 **Accounting for.** Clerks of any court, district magistrates and other officers who receive any fines, forfeitures or costs, imposed or awarded by any court to the use of the government, shall keep a correct account of the same, with the names of the persons from whom the same are received, and the dates when they were received, and shall pay over the same to the director of finance of the State; provided, that in any case where it is provided by any statute or by any ordinance of a county that any portion of the moneys collected by fine shall be paid to the person or persons assisting in the arrest and conviction of the violator, the clerk of the court, district magistrate or other officer who collects such fine shall pay direct to such person the share or portion of such moneys to which he is entitled, taking a receipt therefor in triplicate, one copy of which shall be filed with the state comptroller and one with the director of finance of the State."

SECTION 21. All officers and employees of the several district courts are hereby transferred with their respective functions, duties and authority to the judiciary department, and shall, upon their transfer, continue to perform their regular duties subject to the provisions of the state personnel laws and of this Part.

No officer or employee whose functions are transferred by this Part shall suffer any loss of salary, seniority, prior service credit, vacation, sick leave or other employee benefit or privilege as a consequence of this Part; provided that subsequent changes in status may be made pursuant to chapters 3 and 4 of the Revised Laws of Hawaii 1955, as amended.

An employee of the district court who was employed prior to May 1, 1965, who does not have tenure and who is transferred or appointed to a civil service position as a consequence of this Part shall become a civil service employee without the loss of salary, seniority, prior service credit, vacation, sick leave or other employee benefits or privileges and without the necessity of examination. The foregoing shall not be construed to confer civil service tenure on an employee hired for a temporary period nor to an employee hired as a replacement for another employee who has been granted a leave of absence without pay nor to an employee hired on a provisional appointment.

SECTION 22. Within sixty days of the effective date of this Part all records, equipment, files, supplies, contracts, books, papers, documents, maps, and other personal property heretofore made, used, acquired or held by the several district courts of the counties shall be transferred to the State without cost to the State or reimbursement to such county, and without compliance with any disposal procedures or requirements, any law to the contrary notwithstanding.

SECTION 23. This Part shall not be construed as affecting in any way the ownership of any land or improvements presently occupied or used by the several district courts; provided that whenever such premises are owned by a political subdivision of the State, or wherever the improvements have been constructed thereby, such political subdivision shall, within 120 days of the effective date of this Part, enter into an agreement with the State for the continued occupancy and use of the premises by the district courts; and provided further that during the period of such negotiations and prior to the effective date of any such agreement, the several district courts shall be authorized and permitted to continue their occupancy and use of the premises.

All financial obligations arising out of the agreements entered into as hereinabove provided shall be paid from the general fund of the State.

SECTION 24. Provisions in other laws that are inconsistent or in conflict with the provisions of this Part shall be superseded by the provisions of this Part.

SECTION 25. Appropriation. There is hereby appropriated to the judiciary department out of the general revenues of the State of

Hawaii the sum of \$860,000, or so much thereof as may be necessary to carry out the provisions of this Part.

SECTION 26. Any provision in this Part to the contrary notwithstanding, the State shall, on or before June 30, 1966, refund and deposit to the credit of any county which has a population exceeding 100,000 persons the sum of \$500,000 of the aggregate, which shall have been paid to the director of finance of the State or deposited to the credit of the general fund of the State pursuant to this Part on or before June 30, 1966, of (1) all judges', clerks', sheriffs', and deputy sheriffs' fees as provided in chapter 219 and accruing from any action pending in any of the several district courts in such county except such fees as are intended to reimburse officers for actual expenditures made by them, (2) all moneys paid for costs in civil cases, and for fines and costs in criminal cases which are received or collected by any district magistrate in such county (in cases in which no appeal has been taken and perfected to the circuit or supreme court) and (3) all moneys paid for fines and costs which are received or collected by any sheriff or police officer upon any mittimus, execution or other writ issued by such magistrate, including bail moneys forfeited in any of such district courts.

SECTION 27. Section 14 of this Part shall take effect on January 1, 1967 and shall apply to such district court magistrates as shall be appointed on or after said date, and the remaining sections of this Part shall take effect upon its approval.

SECTION 28. Subject to the foregoing, this Act shall take effect upon its approval.

(Approved May 29, 1965.) **S.B. 973.**

ACT 98

A Bill for an Act to Amend Section 180-52.5 of the Revised Laws of Hawaii 1955, as Amended, Relating to Participation Loans by Savings and Loan Associations.

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

SECTION 1. Section 180-52.5 of the Revised Laws of Hawaii 1955, as amended, is hereby amended by deleting the words "during the period of six years from and after May 30, 1959" as they appear in the last sentence of said section 180-52.5.

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

(Approved June 1, 1965.) **H.B. 1033.**

ACT 99

A Bill for an Act Making Appropriations out of the General Revenues and Approving Expenditures from Other Sources for the Fiscal Period Ending June 30, 1966.

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

SECTION 1. The following sums, or so much thereof as shall be sufficient to accomplish the purpose or programs of the agencies designated herein, are hereby appropriated out of moneys in the treasury from general revenues and the expenditures from other sources of revenues designated herein are hereby approved for the fiscal period beginning July 1, 1965 and ending June 30, 1966:

EDUCATION

EDUCATION, DEPARTMENT OF	53,279,160
	(8050.89)
Administration	
State	2,437,582(196)
District	678,169(78)
Total Requirements	3,115,751(274)
Less Estimated:	
Special Funds	47,009(6)
Federal Funds:	
Vocational Education	23,167(3)
Training of Teachers of Handicapped Children	43,900(-)
Public Law 864	72,124(-)
Manpower Development and Training	14,529(2)
Area Redevelopment	1,200(-)
Civil Defense	24,887(2)
Vocational Rehabilitation	2,047(-)
OASI	1,310(-)
Public Law 597	638(-)
Net Appropriation	2,884,940(261)
Instruction and School Services	
Kindergarten	3,115,303(512)
Elementary and Secondary	
Administration and Supervision	5,157,590(733)
Regular Class Instruction	32,370,496(4796)
Agricultural Education	576,970(64)
Business and Distributive Education	965,258(130)
Home Economics	642,888(89)
Industrial Arts Education	977,783(129)
Special Education	721,116(122)
Guidance	1,066,052(165)
Health Education	331,111(49.5)
Audio-Visual	491,977(-)
School Library Services	1,749,194(178)
R. O. T. C.	14,400(24)
Athletics	63,600(-)
Lahainaluna Boarding Department	153,251(6)
Diamond Head School	284,589(41)
Institutional Schools	247,229(35.5)
Hospital Schools	66,150(4)
Post-High Schools	2,215,715(162.5)
Adult Education	558,027(16)
School Lunch Services	9,560,829(801)
Total Requirements	61,329,528(8057.5)
Less Estimated:	
Special Funds:	
Lahainaluna Farm Sales	30,000(-)
Adult Education	114,159(-)
School Lunch Receipts	6,615,243(599)

Federal Funds:	
Vocational Education	984,547 (30)
Manpower Development and Training	77,731 (-)
Area Redevelopment	11,741 (-)
National School Lunch Subsidy	600,000 (-)
Special Milk Subsidy	128,000 (-)
Public Law 864	273,694 (-)
Public Law 874	4,800,000 (-)
Veterans Administration	8,467 (1)
Civil Defense	6,000 (-)
Net Appropriation	47,679,946 (7427.5)
Public Library Services	
Administration	234,037 (15)
Central Processing	218,526 (34.5)
Library of Hawaii	1,357,309 (191)
Hawaii County Library	252,559 (34.64)
Maui County Library	249,378 (32.95)
Kauai County Library	166,666 (22.6)
Total Requirements	2,478,475 (330.69)
Less Estimated:	
Federal Funds	168,020 (13.5)
Net Appropriation	2,310,455 (317.19)
Vocational Rehabilitation	
Vocational Rehabilitation	890,979 (45.2)
Disability Determination (OASI)	70,806 (6.7)
Training of Severely Mentally Retarded	45,500 (-)
Total Requirements	1,007,285 (51.9)
Less Estimated:	
Federal Funds	603,466 (6.7)
Net Appropriation	403,819 (45.2)

Provided that the total number of regular classroom teachers authorized for the fiscal year 1965-66 shall be determined by the department's new staffing formulas and the actual public school enrollment for kindergarten, elementary and secondary classes throughout the state, and that the appropriation for these positions shall be adjusted accordingly.

Provided further, that in the area of expansion, 302 additional elementary and secondary teaching positions over and beyond the department's new staffing formulas shall be allocated and placed on the special needs of individual schools.

Provided further, that the district superintendents, within the respective school districts, shall have the authority, subject to the approval of the superintendent, to assign a teacher to any grade (or combination of grades) within the school, or to reallocate or reassign the same to another school, provided, nevertheless, that the assignment or reallocation shall be confined to the elementary grades where the original allocation was to an elementary grade and shall be confined to the secondary grades where the original allocation was in the secondary grades.

Provided further, that in addition to certificated positions authorized for the Department of Education under this Act, the Department may recruit for and make commitments to fill new certificated instructional positions for the fiscal year 1966-1967 in an amount up to 50 per cent of the total number of additional certificated instructional positions authorized by this Act; provided further, that appointments made under this authorization shall not become effective prior to September 1, 1966.

Provided further, that the administrative assistant to the superintendent of education shall not be subject to the provisions of Chapters 3 and 4, Revised Laws of Hawaii 1955, and further, that said administrative assistant shall serve at the pleasure of the superintendent.

Provided further, that the surplus position in the Department of Hawaiian Homes currently assigned to the school lunch services program is hereby established as an authorized position in said program.

ACT 99

UNIVERSITY	21,049,728
Administration	(1956.22)
Less Estimated:	725,851(84)
Bond Funds	19,823(2)
Net Appropriation	706,028(82)
Student Services	
Net Appropriation	574,662(64.25)
Instruction	
Office of Curriculum and Faculty Development	114,410(3)
Auxiliary Instructional Activities	134,196(34)
Resident Instruction	10,549,976(1010.743)
Hilo Campus	423,302(42)
Summer Session	674,772(5.25)
College of General Studies	757,140(31)
Community College System	78,303(6)
Total Requirements	12,732,099(1131.993)
Less Estimated:	
Special Funds:	
Summer Session	674,772(5.25)
General Studies	622,715(19)
Advanced Management	72,500(1)
Small Business Management	24,650
Federal Funds:	
Morrill-Nelson, Bankhead Jones	215,000(8)
National Defense Education Act	46,909(4.313)
Military Commutation	41,000(1)
Net Appropriation	11,034,553(1093.43)
Organized Research	
Director's Office	243,424(6)
Hawaii Institute of Geophysics	602,768(43.5)
Water Resources Research Center	167,500(8)
Hawaii Marine Laboratory	241,620(6.5)
Pacific Biomedical Research Center	262,335(16.66)
Harold L. Lyon Arboretum	4,565(.125)
Social Science Research Institute	85,987(8)
Economic Research Center	102,809(9)
Land Study Bureau	105,492(8)
Pacific Lexicography Center	42,053(3.5)
Total Requirements	1,858,553(109.285)
Less Estimated:	
Federal Funds	127,500(5)
Net appropriation	1,731,053(104.285)
Library Activities	
Net Appropriation	1,234,188(92.5)
Hawaii Agricultural Experiment Station	2,384,621(222.543)
Less Estimated:	
Federal Funds:	
Hatch Act	388,158(33.44)
McIntire-Stenis Forestry Act	13,439
Agricultural Marketing Act	4,500
Regional Research Travel	8,740
Net Appropriation	1,969,784(189.103)
Cooperative Extension Service	1,100,707(107.042)
Less Estimated:	
Federal Funds:	
Smith Lever Act	328,625(39.14)
Rural Civil Defense Fund	10,900
Agricultural Marketing Act	18,000
Net Appropriation	743,182(67.902)
General Activities	
Accreditation and Membership	14,471(-)
Communications Center	76,387(5.25)

Faculty and Administrative Travel	114,500
Faculty Senate	6,478(1)
Mail, Messenger, Duplicating and Telephone Services	271,395(19)
Campus Security Services	27,686(4)
University Relations Office	85,203(7)
University Press	87,992(4)
Intercollegiate Athletics	50,000(1)
Statistical and Computing Center	383,045(15)
Total Requirements	1,117,157(56.25)
Less Estimated:	
Special Funds	80,279
Net Appropriation	1,036,878(56.25)
Extension and Public Service	
Waikiki Aquarium	97,285(12)
Committee for the Preservation and Study of Hawaiian Language, Art and Culture	20,750(-)
Legislative Reference Bureau	199,224(14.5)
Net Appropriation	317,259(26.5)
Physical Plant	
Administration	43,876(6)
Central Receiving and Warehousing	21,800(4)
Building and Grounds Maintenance	1,291,482(166)
Utilities	285,000
Net Appropriation	1,642,158(176)
International Activities	
Net Appropriation	53,515(3)
Auxiliary Enterprises	
Net Appropriation	6,468(1)

Provided further, that in addition to the board of regents' positions authorized for the University under this Act, the University of Hawaii may recruit for and make commitments to fill new board of regents' instructional positions for the fiscal year 1966-1967 in an amount up to 50 per cent of the total number of additional board of regents' instructional positions authorized by this Act; provided further, that appointments made under this authorization shall not become effective prior to July 1, 1966.

Provided further, that the amount of the appropriation necessary to obtain allotments of grants made by the United States Government for agricultural extension service and agricultural experiment station operations shall be payable to the University of Hawaii in toto, by single warrant, or by several warrants, representing periodic allotments but only if this is a necessary condition for receiving such federal allotments. Such disbursements of funds used to obtain the federal allotments may be regularly audited by the federal auditor and shall be subject to the same limitations as the character of expenditures of the federal funds which they offset.

Provided further, that the University may contract for instructional personnel from July 1, 1965 to June 30, 1966 where such personnel will experience hardship in relocating to Hawaii.

Provided further, that the Land Study Bureau shall concentrate on the 100 per cent completion of basic land classification on all islands except Niihau by December of 1967.

Provided further, that the appropriation to establish a Water Resources Research Center is contingent upon receipt of federal funds as provided in PL 88-379.

Provided further, that the Alumni Office is placed in the Office of the President and provided that the duties and responsibilities of the executive secretary shall be subject to determination by the President.

Provided further, that in the Auxiliary Enterprises Program, any expenditure in excess of \$2,215,496 shall be subject to the approval of the Governor or, if so delegated, the Director of Finance; provided further, that the financial records of all special funds of the University are made available for informational purposes to the Governor, the Director of Finance, and the Legislature.

ACT 99

DEVELOPMENT AND NATURAL RESOURCES

AGRICULTURE, DEPARTMENT OF	2,125,211	
		(184.5)
General Administration		
Net Appropriation	187,382	(21)
Planning and Coordination		
Net Appropriation	44,918	(1)
Marketing and Economics		
Administration	32,069	(5)
Commodities	275,413	(22.62)
Crop and Livestock Reporting Service	83,592	(9)
Market News Service	30,722	(4)
Total Requirements	421,796	(40.62)
Less Estimated:		
Federal Funds	11,400	
Coffee Inspection Fees	8,650	
Net Appropriation	401,746	(40.62)
Animal Industry		
Administration	45,003	(5)
Livestock Disease Control	127,276	(8)
Veterinary Laboratory	92,799	(9)
Inspection and Quarantine	232,271	(24)
Meat Inspection	229,250	(22.5)
Meat Grading	16,500	
Total Requirements	743,099	(68.5)
Less Estimated:		
Special Funds	7,400	
Net Appropriation	735,699	(68.5)
Plant Industry		
Administration	40,408	(5)
Plant Quarantine Inspection	228,104	(27.75)
Entomology	144,545	(16)
Weed, Seed and Herbicide	54,809	(4.63)
Hawaii Soil and Water Conservation	2,600	
Net Appropriation	470,466	(53.38)
Farm Loan		
Administration	72,316	(5)
Farm Loan Fund	1,040,000	
Agricultural Products	85,000	
Total Requirements	1,197,316	(5)
Less Estimated:		
Farm Loan Reserve Fund	72,316	(5)
Farm Loan Revolving Fund	840,000	
Net Appropriation	285,000	(-)
Provided, that in the commodities program, the sum of \$34,600 provided for the Kona coffee inspection shall be contingent on industry meeting one-fourth of the total inspectional cost through the assessment of a coffee inspection fee of fifteen cents (15c) per bag of green coffee.		
LAND AND NATURAL RESOURCES, DEPARTMENT OF	2,612,713	
		(277.5)
Departmental Administration		
Net Appropriation	215,639	(23)
Conveyances		
Net Appropriation	282,812	(40)
Fish and Game		
Administration	52,022	(7)
Enforcement	150,261	(18)
Fisheries, Research and Management	161,891	(15)

Wildlife, Research and Management	184,194(19)
Total Requirements	548,368(59)
Less Estimated:	
Special Funds	86,400
Federal Funds	178,519(3)
Net Appropriation	283,449(56)
Forestry	
Administration	62,593(4)
Research	89,552(2)
Forestry Management	791,309(69)
Total Requirements	943,454(75)
Less Estimated:	
Federal Funds	72,500(1)
Net Appropriation	870,954(74)
Land Management	
Net Appropriation	246,446(28.5)
State Parks	
Net Appropriation	268,120(39)
Water and Land Development Administration	
Net Appropriation	55,936(6)
Water Resources Survey	
Total Requirements	486,883(5)
Less Estimated:	
Federal Fund—Hydrography	201,000
Special Fund—Hydrography	6,900
Net Appropriation	278,983(5)
Flood Control	
Net Appropriation	30,186(3)
Project Development	
Net Appropriation	33,690(3)
Supplementation to Irrigation Revolving Fund	
Waimanalo Irrigation System	72,611(9)
Waimea Irrigation System	21,887(3)
Molokai Irrigation System	12,452(2)
Total Requirements	106,950(14)
Less Estimated:	
Special Funds	60,452(14)
Net Appropriation	46,498(-)

Provided, that the appropriation supplementing the irrigation system revolving fund shall be reduced to the extent that the actual receipts of this special fund shall exceed the estimated sum of \$60,452 for the fiscal year 1965-1966.

Provided further, that the sum of \$15,000 appropriated for continuation of the forest marketing survey shall be undertaken under a federal-state cooperative arrangement with provisions made for equivalent federal matching assistance in services, in kind or funds.

Provided, that for the fisheries research and management program, in the event federal matching funds under the Commercial Fishery Research and Development Act (PL 88-309) are not received, the general fund appropriation shall be increased by \$12,500.

PLANNING AND ECONOMIC DEVELOPMENT, DEPARTMENT OF	2,089,440
	(32)
Planning and Economic Development Service	
Net Appropriation	396,802(32)
Foreign Trade and Pacific Affairs	
Net Appropriation	82,050
Hawaii Capital Loan Program	
Net Appropriation	200,000
Product Promotion	
Net Appropriation	90,000

Tourism Promotion
 Net Appropriation 1,240,000
 Neighbor Island Economic Development
 Net Appropriation 37,500
 Land Use Commission
 Net Appropriation 43,088(-)

Provided, that in the neighbor island economic development program, the sum of \$12,500 shall, with the approval of the director of planning and economic development, be made available to the economic development committees of each of the neighbor island counties on condition that such sums are matched equally by county funds.

Provided, that in the foreign trade zone and Pacific affairs program, revenues from the trade zone operations shall first be expended for the trade zone's harbor operations and the maintenance and upkeep of the trade zone facilities and receipts in excess of such requirements shall be applied to reduce the general fund appropriation herein provided; and provided further, that the services of persons contracted for, shall be temporary services.

Provided, that in the tourism promotion program, the department may contract for tourism promotion; and provided further, that the department shall not engage in tourism promotion other than by such contract or contracts.

Provided further, that of the \$1,240,000 appropriated for tourism promotion, the sum of \$40,000 shall be equally allotted to the Tourism Advisory Commissions of the four counties and a further sum of not less than \$100,000 shall be expended for tourism promotion of the neighbor islands.

TRANSPORTATION, DEPARTMENT OF	184,849	(12.25)
General Administration		
Total Requirements	575,182	(50)
Less Estimated:		
Special Funds:		
Airports	155,454	
Harbors	103,636	
Highways	259,089	
Construction Funds	57,003	
Net Appropriation		
Airports		
Administration	2,175,826	(21)
Operations and maintenance	3,528,596	(201.5)
Total Requirements	5,704,422	(222.5)
Less Estimated:		
Special Funds:		
Airports	5,649,404	(222.5)
Harbors	55,018	
Net Appropriation		
Harbors		
Administration	1,170,564	(18)
Operations and Maintenance	1,291,882	(117)
Honolulu Fireboat Operation	265,021	
Small Boat Harbors	184,849	(12.25)
Total Requirements	2,912,316	(147.25)
Less Estimated:		
Special Funds, Harbors	2,727,467	(135)
Net Appropriation	184,849	(12.25)
Highways		
Administration	4,751,502	(28)
Operations and Maintenance	3,612,785	(323)
Total Requirements	8,364,287	(351)
Less Estimated:		
Special Funds, Highway	8,364,287	(351)
Net Appropriation		

- Provided, that in the visitor information program, the services of persons contracted for, shall be temporary services, exempt from chapters 3 and 4, Revised Laws of Hawaii, 1955, as amended.
- Provided further, that in the Honolulu fireboat operation, the sum of \$45,340 provided for additional positions shall be contingent on the reduction of the work week for firemen by the City and County of Honolulu.
- Provided further, that in the general administration program, the sum of \$55,683 provided for two departmental assistants and a secretary shall be contingent on the enactment of appropriate enabling legislation to exempt these positions from the provisions of chapter 3.
- Provided further, that in the Small Boat Harbors program the expansion positions for the neighbor island counties shall be contingent upon the increase of fees, on a state wide basis, to cover the cost of the operations and maintenance of the Small Boat Harbors program in all counties.
- Provided further, that the sum of \$200,000 or so much thereof as is necessary shall be used by the Department of Transportation to contract for landscaping the Honolulu International Airport.
- Provided further, that only the airport revenue fund shall be used to pay for the purchase price, operational and maintenance costs of the airplane for the airports division.

HEALTH, PROTECTIVE AND SOCIAL SERVICES

DEFENSE, DEPARTMENT OF 965,535 (113)

Civil Defense

Total Requirements 253,782(16)

Less Estimated:

Appropriated Receipts 115,019

Net Appropriation 138,763(16)

Command and Administration

Net Appropriation 368,737(36)

Maintenance and Operations

Total Requirements 513,035(61)

Less Estimated:

Appropriated Receipts 55,000

Net Appropriation 458,035(61)

- Provided, that if the Hawaii National Guard and the Hawaii Air National Guard shall be called or ordered into the service of the United States, the foregoing appropriations or any part thereof remaining unexpended shall be available to the Hawaii State Guard. If only a part of the Hawaii National Guard or the Hawaii Air National Guard should be called or ordered into the service of the United States, the Adjutant General with the approval of the director of finance shall allocate the foregoing appropriation or any part thereof remaining unexpended between the Hawaii State Guard and the Hawaii National Guard.

HEALTH, DEPARTMENT OF 10,824,245 (1453)

General Administration

Departmental Administration 395,480(34)

Health Education 71,287(8)

Research, Planning and Statistics 167,966(23)

Total Requirements 634,733(65)

Less Estimated:

Appropriated Receipts 51,184(8)

Net Appropriation 583,549(57)

District Health Offices

Total Requirements 248,192(36.5)

Less Estimated:

Appropriated Receipts 38,653(7)

Net Appropriation 209,539(29.5)

Communicable Disease	
Administration	86,124(7)
Epidemiology	84,763(4)
Tuberculosis Control	210,542(23)
Hansen's Disease:	
Hale Mohalu Hospital	449,485(48)
Kalaupapa Settlement	867,576(59)
Total Requirements	1,698,490(141)
Less Estimated:	
Appropriated Receipts	1,200,000
Net Appropriation	498,490(141)
Dental Health	
Net Appropriation	314,034(46)
Environmental Health	
Administration	57,365(5)
Food and Drug	67,528(8)
Health Engineering	148,591(15)
Sanitation	460,978(55)
Vector Control-Mosquito	246,759(28)
Vector Control-Rodent	237,453(39)
Total Requirements	1,218,674(150)
Less Estimated:	
Appropriated Receipts	16,500(1)
Special Funds	14,780(1)
Net Appropriation	1,187,394(148)
Medical Health Services	
Administration	22,123(2)
Chronic Disease	101,794(8)
Crippled Children Services	368,064(28)
Hospital and Medical Facilities	85,279(10)
Maternal and Child Health	140,994(7)
Total Requirements	718,254(55)
Less Estimated:	
Appropriated Receipts	331,776(25.5)
Net Appropriation	386,478(29.5)
Mental Health	
Administration	39,819(3)
Preventive and Clinical Services	687,140(57)
Convalescent Services	112,482(12)
Hawaii State Hospital	
Administration	156,023(24)
Clinical Services	561,736(55)
Nursing Services	1,384,577(254)
Maintenance and Operations	408,164(42)
Support and Subsistence	747,079(67)
Total Requirements	4,097,020(514)
Less Estimated:	
Appropriated Receipts	48,695(5)
Net Appropriation	4,048,325(509)
Mental Retardation	
Administration	115,164(14)
Community Services	128,551(15)
Waimano Training School and Hospital	
Medical and Hospital Services	694,324(121)
Social Services and Parole	95,101(13)
Training	95,075(14)
Institution Facilities Administration	34,631(2)
Cottage Life	638,272(124)
Food Service	379,129(27)
Maintenance and Production	398,255(33)

Sewing Services	35,852(2)
Total Requirements	2,614,354(365)
Less Estimated:	
Appropriated Receipts	24,287(3)
Net Appropriation	2,590,067(362)
Special Health Services	
Administration	23,583(2)
Laboratory Services	270,823(30)
Nutrition	40,856(5)
Public Health Nursing	760,947(108)
Total Requirements	1,096,209(145)
Less Estimated:	
Appropriated Receipts	89,840(14)
Net Appropriation	1,006,369(131)
Research Projects	
Total Requirements	641,050
Less Estimated:	
Appropriated Receipts	638,050
Special Fund	3,000
Net Appropriation	

Provided, that if a sum less than \$1,200,000 is provided by Congress for the Hansen's disease program, then the difference between \$1,200,000 and the sum so provided is hereby appropriated; and provided further, that if a sum greater than \$1,200,000 is so provided, then the amount of the net general appropriation shall be reduced to the extent that the actual realization shall exceed the estimated sum of \$1,200,000 for fiscal year 1965-1966.

Provided further, that the appropriation for Hawaii State Hospital is intended for an average daily inpatient population of 1,000.

Provided further, that the appropriation for Waimano Training School and Hospital is intended for an average daily ward population of 860.

Provided further, that the initiation of the Phenylketonuria (PKU) detection project shall be contingent upon testing of newborns being made compulsory.

Provided further, that there shall be established in the department a Children's Mental Health Center.

Provided further, that the surplus position in the Department of Hawaiian Homes currently assigned to the District Health Offices program is hereby established as an authorized position in said program.

JUDICIAL BRANCH	3,045,819
	(295.5)
Supreme Court	
Supreme Court Proper	235,249(19)
Administrative Director	152,149(5)
Supreme Court Library	55,794(4)
Publication of Hawaii Reports	12,750
Bar Examination	1,000
District Court of Kalawao	250
Revisor of Statutes	104,157(4)
Total Requirements	561,349(32)
Less Estimated:	
Special Funds	1,000
Net Appropriation	560,349(32)
Land Court	
Net Appropriation	35,485(3)
First Circuit Court	
First Circuit Court Proper	671,677(72)
Adult Probation	144,626(19)
Juvenile Court	563,361(64)
Jury Trial Expenses	134,900
Juvenile Detention Home	204,562(31)
Net Appropriation	1,719,126(186)

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Second Circuit Court	
Second Circuit Court Proper	113,448(11)
Jury Trial Expenses	6,400
Probation Operations	134,737(17.5)
Net Appropriation	254,585(28.5)
Third Circuit Court	
Third Circuit Court Proper	166,809(16)
Jury Trial Expenses	25,000
Probation Operations	132,063(16)
Net Appropriation	323,872(32)
Fifth Circuit Court	
Fifth Circuit Court Proper	94,009(9)
Jury Trial Expenses	4,260
Probation Operations	54,133(5)
Net Appropriation	152,402(14)
Provided, that the appropriation for jury trial expenses shall not be used for any other purpose.	
Provided further, that from the appropriation for the Office of the Administrative Director, the Judicial Branch shall make funds available to cover operating expenses of the Judicial Council.	
Provided, that the appropriation for the Juvenile Detention Home is intended for an average daily ward population of 30 children.	
Provided further, that the sum of \$100,000 appropriated in Section 1 of this Act for the printing of the Hawaii Digest shall not be expended for any other purpose.	

LABOR AND INDUSTRIAL RELATIONS, DEPARTMENT OF	794,436
	(80.3)
Administration	
Net Appropriation	175,334(20.3)
Apprenticeship	
Net Appropriation	43,385(5)
Labor Law Enforcement	
Net Appropriation	176,657(21)
Workmen's Compensation	
Net Appropriation	116,377(14)
Industrial Safety	
Net Appropriation	152,254(18)
Hawaii Employment Relations Board	
Net Appropriation	27,842(2)
Manpower Development and Training	
Total Requirements	314,762
Less Estimated:	
Special Funds	212,175
Net Appropriation	102,587
SOCIAL SERVICES, DEPARTMENT OF	14,641,649
	(629.15)
Departmental Administration	
Total Requirements	417,155(51)
Less Estimated:	
Federal Funds	142,137(2.67)
Net Appropriation	275,018(48.33)
Parole and Pardon of Felons	
Net Appropriation	151,778(19)
Public Housing	
Total Requirements	3,475,705(211)
Less Estimated:	
Special Funds	3,475,705(211)
Net Appropriation	

Corrections Division	
Administration	
Net Appropriation	62,032(6)
Detention and Rehabilitation of Juvenile Offenders	
Administration	41,100(5)
Correctional Services	163,412(23)
Correctional Care	308,347(58)
Operations	180,530(8)
Food Services	64,237(1)
Juvenile Parole	72,273(7)
Net Appropriation	829,899(102)
Custody and Rehabilitation of Felons—State Prison	
Administration	37,381(4)
Correctional Services	138,112(16)
Correctional Care	564,537(88)
Operations	203,134(10)
Food Services	209,599(6)
Correctional Industries	110,121(4)
Total Requirements	1,262,884(128)
Less Estimated:	
Special Fund	148,121(4)
Net Appropriation	1,114,763(124)
Custody and Rehabilitation of Felons—Kulani Honor Camp	
Administration	24,248(3)
Correctional Services	26,355(3)
Correctional Care	134,865(19)
Operations	124,902(7)
Food Services	38,220(1)
Net Appropriation	348,590(33)
Custody and Rehabilitation of Felons—Olinda Honor Camp	
Administration	17,419(2)
Correctional Services	5,141(1)
Correctional Care	65,933(10)
Operations	58,565(4)
Food Services	24,388(1)
Gorse Control	7,834
Net Appropriation	179,280(18)
Social Welfare Services	
Administration	225,186(18)
Oahu Branch	1,563,020(206.5)
Hawaii Branch	255,136(37.27)
Maui Branch	160,156(22.25)
Kauai Branch	111,923(15.3)
Total Requirements	2,315,426(299.32)
Less Estimated:	
Appropriated Receipts	894,657(20.5)
Special Funds	130,600
Net Appropriation	1,290,169(273.82)
Economic Assistance	
Payments to Indigents and Medically Indigent	
Aid to Aged, Blind and Disabled	
Aged	1,293,215
Blind	121,234
Disabled	2,066,917
Aid to Families with Dependent Children	8,116,938
Child Welfare Foster Care	653,154
General Assistance	1,632,185
Medical Assistance for the Aged	2,383,133
Medical Assistance for Others	167,475

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Government Physicians	248,556
Total Requirements	16,681,807
Less Estimated:	
Appropriated Receipts	6,333,312
Net Appropriation	10,348,495
Payments for Vocational Rehabilitation of the Visually Handicapped	
Total Requirements	77,000
Less Estimated:	
Appropriated Receipts	45,800
Special Funds, Donations	1,000
Net Appropriation	30,200
Payments for Disabled and Paraplegic Veterans	
Net Appropriation	11,425
Provided, that for engineering services in the Public Housing program, the position ceiling to be financed out of project funds shall be 13.	
Provided further, that in the Public Housing program, the new positions shall be filled upon the new housing projects becoming operational.	
Provided further, that \$2,000 from the Paroles and Pardons of Felons program shall be available for returning parole violators from the mainland United States.	
Provided further, that \$11,576 from the State Prison program shall be used to transport and care for female felons transferred to California State Women's Penitentiary.	
Provided further, that the appropriation for the Detention and Rehabilitation of Juvenile Offenders program is intended for an average daily ward population of 180 children.	
Provided further, that the appropriation for the Custody and Rehabilitation of Felons—State Prison program is intended for an average daily inmate population of 450 felons.	
Provided further, that the appropriation for the Custody and Rehabilitation of Felons—Kulanii Honor Camp program is intended for an average daily inmate population of 75 felons.	
Provided further, that the appropriation for the Custody and Rehabilitation of Felons—Olinda Honor Camp program is intended for an average daily inmate population of 40 felons.	
Provided further, that the sum of \$24,000 in the Social Welfare Services program shall be available for scholarships on a state-wide basis to any qualified applicant.	
Provided further, that the appropriation for payments for indigents is intended for average monthly caseloads of: Aid to the Aged—1,176 cases; Aid to the Blind—79 cases; Aid to the Disabled—957 cases; Aid to Families with Dependent Children—3,328 cases; Child Welfare Foster Care—623 cases; General Assistance—1,113 cases.	
Provided further, that the appropriation for medical payments for indigents and medical indigents is intended for the following: inpatient care—6,919 patients for an average length of stay of 7.7 days per patient; chronic illness care—912 patients for an average length of stay of 145.3 days per patient; nursing home care—420 patients for an average length of stay of 219.3 days per patient; and outpatient care (five major hospital clinics)—9,338 patients for an average of 6 visits per patient.	
Provided, that the Molokai Boys Forestry Camp shall be incrementally eliminated within three years from the effective date of this Act; provided, however, that in the event any portion of this program shall qualify the State for matching purposes under the provisions of the Economic Opportunity Act of 1964, then the program shall continue for such purposes only.	

FINANCE, COMMERCE AND STAFF DEPARTMENTS

ACCOUNTING AND GENERAL SERVICES, DEPARTMENT OF	2,925,435 (294.5)
Departmental Administration	
Net Appropriation	113,330(11)

Insurance Management Program	
Administration	750
Commercial Insurance Purchase of Auto Fleet Coverage	48,580
State Insurance Fund	
Workmen's Compensation	243,600
Fire and Other Casualties	106,500
Total Requirements	399,430
Less Estimated:	
Special and Federal Funds	48,032
Net Appropriation	351,398
Internal Post-Audit	
Net Appropriation	100,929(11)
Division of Accounting and Pre-Audit	
Accounting	73,277(8)
Pre-Audit	96,966(10)
Net Appropriation	170,243(18)
Data Processing (Computer Center No. 1)	
Net Appropriation	303,530(25)
Public Archives Division	
Records Service	78,314(12.75)
Records Management	41,220(6.25)
Captain Cook Memorial	500
Total Requirements	120,034(19)
Less Estimated:	
Special Funds	500
Net Appropriation	119,534(19)
Division of Central Services	
Maintenance and Operation of Buildings and Grounds	1,083,841(136.5)
Repairs and Alterations of Buildings	278,528(18)
Central Messenger Service	19,654(5)
Total Requirements	1,382,023(159.5)
Less Estimated:	
Special Funds	71,122
Net Appropriation	1,310,901(159.5)
Automotive Services Division	
Parking	117,707(6.5)
Motor Pool	132,629(8.5)
Total Requirements	250,336(15)
Less Estimated:	
Special Fund	250,336(15)
Net Appropriation	
Land Surveying	
Net Appropriation	248,020(26)
Division of Public Works	
Public Works Administration	
Net Appropriation	105,344(12)
Division of Purchasing and Supply	
Central Purchasing and Supply	73,934(12)
Inventory Management	7,772(1)
Federal Surplus Property	87,882(10)
State Surplus Property	19,197
Total Requirements	188,785(23)
Less Estimated:	
Federal Surplus Property	
Revolving Fund	87,882(10)
State Surplus Property	
Revolving Fund	19,197
Net Appropriation	81,706(13)
Kamehameha Day Celebration Commission	
Celebration Expenses	
City and County of Honolulu	10,000

Hawaii County	5,000
Kauai County	2,500
Maui County, Including Kalaupapa	3,000
Net Appropriation	20,500
Provided, that for the architectural and engineering services in the public works program, the ceiling for positions financed from project funds shall be 59.	
ATTORNEY GENERAL, DEPARTMENT OF THE	564,422
	(46)
Attorney General's Office Proper	586,447(52)
Litigations	70,000
Total Requirements	656,447(52)
Less: Special Funds	153,111(14)
Net Appropriation	503,336(38)
Office of the Sheriff	
Net Appropriation	9,000(1)
Bureau of Crime Statistics	
Net Appropriation	7,064(1)
Bureau of Civil Identification	
Net Appropriation	29,430(4)
Commission of Subversive Activities	
Net Appropriation	15,592(2)
BUDGET AND FINANCE, DEPARTMENT OF	29,685,641(75.5)
Departmental Administration	
Net Appropriation	89,410(9)
Budget Division	
Budget Services	224,292(18)
Bonus to Pensioners	2,517,739
Surplus Positions	134,876
Net Appropriation	2,876,907(18)
Management Division	
Management Services	55,438(5)
Children and Youth	14,490(1)
Data Processing Management	103,406(12)
Net Appropriation	173,334(18)
Finance Division	
Cash and Debt Management	80,112(6)
Public Debt Service	41,755
Bonded Debt	15,586,160
Veterans' Loans	1,833,189(1)
Total Requirements	17,541,216(7)
Less Estimated:	
Special Funds	1,833,189(1)
Net Appropriation	15,708,027(6)
Employees' Retirement System	
Administration	189,242(21)
Contributions	8,525,930
Pensions	37,388
Total Requirements	8,752,560(21)
Less Estimated:	
Counties' Pro-rata Share	62,071
Net Appropriation	8,690,489(21)
Employees' Group Medical and Hospital Care	
Administration	53,846(5)
Contributions	2,116,644
Total Requirements	2,170,490(5)
Less: Premium Reimbursement Fund	53,846(5)
Net Appropriation	2,116,644(-)
Commission on Aging	
Net Appropriation	30,830(3.5)

Provided further, that in the budget division, a sum of \$20,000 is appropriated to contract services of a consultant to undertake cost analysis studies of medical vendors to establish proper rates to be paid for hospital and medical services under the economic assistance program administered by the Department of Social Services.

Provided further, that the Governor may transfer funds and personnel from existing agencies and departments of the State government for the purpose of establishing an integrated state-wide data processing system of the State including all related activities.

EXECUTIVE	808,668	(20)
Governor's Office		
Net Appropriation	512,358	(14)
Washington Place		
Net Appropriation	73,655	(6)
Governor's Contingent Fund		
Net Appropriation	150,000	
Western Interstate Commission for Higher Education		
Net Appropriation	70,400	
Institute for Technical Exchange		
Net Appropriation	2,255	

Provided, that the appropriation for the Governor's Office and Washington Place shall be expended at the discretion of the Governor.

Provided further, that expenditures from the governor's contingent fund may be made with the approval of the Governor for urgent needs for which no specific appropriation is made herein; a detailed accounting of all expenditures shall be submitted to the legislature 20 days prior to the next regular session of the legislature.

Provided further, that the \$25,000 appropriated for the Governor's Protocol Fund shall be used for national and international personages.

Provided further, that the sum of \$5,000 is appropriated for a portrait of the immediate past governor.

Provided further, that \$200,000 appropriated to the Office of the Governor shall be expended by the Governor in the manner provided for in a Concurrent Resolution adopted by the 1965 session of the Legislature. In the event, however, that said Legislature fails to adopt such a resolution, the Governor is authorized and requested to expend such sum or portions thereof for the purpose of conducting a study of Public Education in the following areas: (1) curriculum; (2) teacher training; (3) the respective role and relationships of the Board of Education, the Superintendent of Education, and the Legislature; (4) administrative functions and staffing, including but not limited to, division heads and operating staff officers of the Department of Education.

LIEUTENANT GOVERNOR, OFFICE OF THE	159,953	(10)
Lieutenant Governor's Office		
Net Appropriation	127,483	(10)
Elections Administration		
Net Appropriation	32,470	

Provided, that the appropriation for the Lieutenant Governor's Office shall be expended at the discretion of the Lieutenant Governor.

PERSONNEL SERVICES, DEPARTMENT OF	409,389	(41)
Personnel Services		
Net Appropriation	398,409	(41)
Appeal Board		
Net Appropriation	10,980	

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REGULATORY AGENCIES, DEPARTMENT OF	1,072,238	(110)
Administration		
Net Appropriation	107,711	(12)
Bank Examination		
Net Appropriation	138,457	(15)
Business Registration		
Net Appropriation	54,047	(7)
Fire Marshal		
Net Appropriation	34,441	(3)
Insurance Division		
Net Appropriation	97,720	(11)
Regulatory Boards and Commissions		
Net Appropriation	27,721	
Professional and Vocational Licensing		
Net Appropriation	281,581	(33)
Public Utilities Commission		
Net Appropriation	330,560	(29)
Provided, that the funds for the Fire Marshal program shall lapse upon enactment of legislation transferring this program to the counties.		
Provided further, that \$25,000 is appropriated to enable the director to engage by contract, one or more professional firms or individuals for expert services in the fields of securities analyzation, tariff specialization and statistical economics.		
TAXATION, DEPARTMENT OF	2,765,047	(342)
Headquarters Administration		
Net Appropriation	495,323	(45)
Property Technical		
Net Appropriation	207,362	(28)
Data Processing		
Net Appropriation	112,086	(12)
Field Administration		
Net Appropriation	145,975	(12)
Property Assessment		
Net Appropriation	501,937	(67)
Income Assessment and Audit		
Net Appropriation	929,355	(124)
Collection		
Net Appropriation	360,009	(54)
Tax Appeals		
Board of Review	6,750	
Tax Appeal Court	6,250	
Net Appropriation	13,000	
Provided, that the sum of \$50,000 is appropriated to allow the director the necessary flexibility in improving the administration of the tax program.		
SUBSIDIES TO COUNTIES AND PRIVATE AGENCIES		
QUASI-PUBLIC INSTITUTIONS—		
TUBERCULOSIS HOSPITALS	3,556,279	(274)
KULA SANATORIUM		
Total Requirements	584,677	(36)
Less Estimated:		
Hospital Receipts	33,900	
Net Appropriation	545,777	(36)
Provided that the appropriation above is intended for an average daily inpatient population of 90 in the tuberculosis division.		

Provided further, that Kula Sanatorium Hospital shall discontinue its dairy and piggery operations within the fiscal year 1965-1966 and relocate the incumbents into its hospital program; provided further that the County of Maui is requested to assist in relocating said incumbents if they cannot be properly utilized in the hospital program.

LEAHI HOSPITAL

Total Requirements	1,795,339(102)
Less Estimated:	
Hospital Receipts	148,650
Net Appropriation	1,646,689(102)

As a supplement to the estimated receipts for the operation and maintenance of the tuberculosis hospital in connection with the tuberculosis treatment program; provided, that the appropriation shall be reduced to the extent that the actual receipts and recoveries shall exceed the estimated sum of \$148,650 for the fiscal year 1965-1966. The appropriation above is intended for an average daily inpatient population of 200 for the tuberculosis program, including 50 partially rehabilitated mental patients transferred from State Hospital.

Provided further, that the sum of \$130,700 appropriated by Section 1 hereof to Leahi Hospital for the payment of salaries or other compensation to the incumbents of filled "surplus" positions shall be allotted in sufficient amounts to insure the payment of the compensation of such employees; provided, that no funds shall be allotted if Leahi Hospital can finance the cost of the positions from savings; and provided further, that no funds shall be allotted unless Leahi Hospital initiates and implements a reduction in force procedure for surplus positions.

Provided further, that no vacancies may be filled by Leahi Hospital without having first received the approval of the director of finance.

Provided that the sum of \$80,033 appropriated to Leahi Hospital out of general revenues of the State under Section 1 of this Act shall be expended exclusively for salary increases; provided further that the rate and effective date of such increases shall conform to pay raise provisions affecting employees covered under Chapters 3 and 4, Revised Laws of Hawaii 1955, as amended.

HILO HOSPITAL

Total Requirements	769,479(39)
Less Estimated:	
Hospital Receipts	49,000
Net Appropriation	720,479(39)

As a supplement to the estimated receipts for the operation and maintenance of the tuberculosis hospital for the fiscal year 1965-1966; provided, that this appropriation shall be reduced to the extent that the actual receipts and recoveries shall exceed the estimated sum of \$49,000 for the fiscal year 1965-1966; and provided further, that the appropriation above is intended for an average daily inpatient population of 90.

Provided further, that the sum of \$22,500 appropriated by Section 1 hereof to Hilo Hospital for the painting of the hospital's exterior shall be contingent upon a similar amount being appropriated by the County of Hawaii for this purpose.

SAMUEL MAHELONA MEMORIAL HOSPITAL

Total Requirements	665,834(97)
Less Estimated:	
Hospital Receipts	22,500
Net Appropriation	643,334(97)

As a supplement to the estimated receipts for the operation and maintenance of the tuberculosis hospital for the fiscal year 1965-1966; provided, that this appropriation shall be reduced to the extent that the actual receipts and recoveries shall exceed the estimated sum of \$22,500 for the fiscal year 1965-1966; and provided further, that the appropriation above is intended for an average daily inpatient population of 85.

Provided further, that Samuel Mahelona Memorial Hospital shall discontinue its dairy operations within the fiscal year 1965-1966 and relocate the incumbents into its hospital program; provided further, that the County of Kauai is requested to assist in relocating said incumbents if they cannot be properly utilized in the hospital program.

OTHER SUBSIDIES AND APPROPRIATIONS	422,800
GENERAL HOSPITAL SUBSIDIES	
CITY AND COUNTY OF HONOLULU	
Net Appropriation	121,000
HAWAII COUNTY	
Net Appropriation	90,200
MAUI COUNTY	
Islands of Maui, Lanai and Molokai	
Net Appropriation	118,000
KAUAI COUNTY	
Net Appropriation	31,900
<p>Provided, that the moneys designated after each county shall be paid to the respective board of supervisors or city council, as the case may be, which board or city council shall disburse such funds to any county or private hospital within its jurisdiction on the basis of need; provided further, that in the case of the city and county of Honolulu no hospital shall receive more than 20 per cent of the amount of the subsidy appropriated to the city and county.</p>	
LUNALILO HOME	
Net Appropriation	40,000
VETERANS' CEMETERIES	
Island of Hawaii	5,000
Island of Kauai	5,000
Island of Maui	5,000
Island of Molokai	2,500
Net Appropriation	17,500
PACIFIC WAR MEMORIAL COMMISSION	
Net Appropriation	4,200

SECTION 2. The sum of \$268,771(27) or so much thereof as shall be sufficient to accomplish the purpose, is hereby approved for the Hawaiian Homes Administration Account pursuant to the provisions of Section 213 (f), Hawaiian Homes Commission Act of 1920, as amended, from the proceeds of leasing income from available lands as defined in Section 204 of said Act.

SECTION 3. There is hereby appropriated out of the general revenues of the State the sum of \$100,000, or so much thereof as may be necessary, for the first deposit into a special revolving account within the Hawaiian home-loan fund established pursuant to the provisions of H.B. No. 938, H.D. 1, S.D. 1, Third State Legislature, State of Hawaii; provided, however, that this appropriation shall be effective only if the said H.B. No. 938, H.D. 1, is enacted into law.

SECTION 4. The Office of Economic Opportunity may expend, with the approval of the Director of Finance, a sum not to exceed \$400,000 over the amount appropriated to that office by section 1. The Director of Finance may finance such additional amount from any savings effected or may submit a request for deficiency appropriation to the next session of the legislature. The Governor is hereby authorized to create an additional 79 temporary positions which shall

be allocated to the Office of Economic Opportunity. Such positions may be reallocated by such office to the Department of Health, Department of Education and Department of Labor and Industrial Relations. Such positions shall be financed from federal, general or non-federal funds which are available for expenditure by the office.

SECTION 5. The sum of \$134,876 appropriated from Section 1 hereof to the Department of Budget and Finance shall be utilized for the payment of salaries or other compensation to the incumbents of filled general fund "surplus" positions. Such "surplus" positions shall be converted to permanent positions within the state government.

SECTION 6. The sum of \$239,410 of Morrill Act Income is hereby authorized to be expended for the operating expenses of the University of Hawaii. This amount shall be considered to be a reimbursement to the general fund for moneys appropriated for the operation of the University of Hawaii in Section 1 of this Act.

SECTION 7. The sum of \$55,000 of Sand Island Income is hereby authorized to be expended for the operating expenses of the University of Hawaii. This amount shall be deposited into the general fund of the State and shall be considered to be a reimbursement to the general fund for moneys appropriated for the operation of the University of Hawaii in Section 1 of this Act.

SECTION 8. The sum of \$206,000 of East-West Direct Support Funds, or so much as may be made available by the East-West Center for direct support purposes, is hereby authorized to be expended by the University of Hawaii. This amount shall be deposited in the general fund of the State and shall be considered to be a reimbursement to the general fund for moneys appropriated for the operation of the University of Hawaii in Section 1 of this Act. In the event the actual amount of East-West Direct Support Funds for the fiscal year 1965-1966 should fall under or exceed the amount of \$206,000 estimated, the appropriations made to the University of Hawaii in Section 1 of this Act shall be decreased or increased by the amount the actual direct support funds fall under or exceed the amount of \$206,000.

SECTION 9. There is hereby appropriated out of the general revenues of the State the sum of \$251,475, or so much thereof as may be necessary, to the University of Hawaii for the purpose of establishing and operating a Statewide Educational Television System.

SECTION 10. All amounts received by the University of Hawaii for indirect overhead expenses on account of research and training contracts engaged in by the University of Hawaii shall be deposited into the general fund of the State and shall be considered to be a reimbursement to the State for moneys appropriated for the operation of the University of Hawaii in Section 1 of this Act. The director of finance of the State is hereby authorized to reduce the appropriation made to the University of Hawaii in Section 1 of this Act

by the amount that indirect overhead funds received during the fiscal year 1965-1966 fall under the amount of \$494,400 estimated to be received by this Act. The director of finance is also authorized to increase the amount of the appropriation made to the University of Hawaii in Section 1 of this Act by the amount that indirect overhead funds received during the fiscal year 1965-1966 exceeds the amount of \$494,400 estimated to be received by this Act; provided, that such increase in appropriation is necessary to meet identifiable and necessary increases in indirect overhead expenses resulting from the acceptance of such additional research and training contracts.

SECTION 11. The Governor is hereby authorized to create not more than 40 permanent or temporary positions to be allocated by him to any of the executive departments as he shall deem proper.

SECTION 12. The Governor is hereby authorized to review such positions as are authorized under this Act and to find and declare not less than 18.5 vacant positions to be surplus when any one of the following situations exists:

- (1) There is duplication of services with other existing positions due to similarity of programs.
- (2) The need for such positions has expired.
- (3) The duties and responsibilities may be better performed by some other position.
- (4) The purpose for which the position was created can better be accomplished by another position.

In any case where the Governor shall find any of the foregoing situations to exist, he shall declare, in writing, such position to be surplus.

SECTION 13. There is hereby appropriated out of the public trust fund created by Section 5 (f) of the Admission Act (Public Law 86-3, 86th Congress), the total amount of the proceeds from the sale or other disposition of any lands, and the income therefrom, granted to the State by Section 5 (b) or later conveyed to the State by Section 5 (e), with the exception of such proceeds covered under Section-19 of Section 2, Act 32, Session Laws of Hawaii 1962, to be disposed of by the board of land and natural resources, in order to reimburse the general fund for the appropriation made in Section 1 of this Act to the Department of Education for the support of public schools, to the extent such proceeds are realized for the period beginning July 1, 1965 to June 30, 1966. The above proceeds shall be exclusive of the amounts disposed of under the provisions of the Hawaiian Homes Commission Act of 1920, as amended.

SECTION 14. For the fiscal year 1965-1966, in the absence of legislative authorizations for special funds Section 1 of this Act as provided under Section 2 of Act 320, Session Laws of Hawaii 1957, departments and establishments shall be authorized to expend so much as is deemed necessary to carry out the purposes of each special fund, as approved by the Governor, or the director of finance if so

delegated by the Governor provided, that such expenditures shall not exceed the moneys available in such special funds.

SECTION 15. Whenever the functions of a previously existing department, office, or other agency are transferred to any other department by legislation enacted during any session of the legislature which affects the appropriations made by this Act, the Governor, or the Department of Budget and Finance if so delegated by the Governor shall transfer the necessary funds to support such function from the department to which the appropriation was made to the department to which the function has been transferred.

SECTION 16. The designations referring to divisions, bureaus, offices and other subdivisions of department are used in this Act for convenience only and such use is not intended to create or confirm the existence of such departmental subdivision.

SECTION 17. In allotting funds to the Department of Health, Department of Social Services, tubercular hospitals, and other departments, commissions, and agencies having appropriations which are based on population and workload data as specified in this Act, only so much as is necessary to provide the level of services intended by the legislature shall be allotted by the Department of Budget and Finance. For this purpose, the departments and agencies concerned shall reduce expenditures below appropriations as prescribed by the Department of Budget and Finance in the event actual population and workload trend is less than the specified figure. In the event that the trend is higher than the specified figure, the department is authorized to submit a deficiency appropriation request to the extent and on such basis as may be prescribed by the director of the Department of Budget and Finance.

SECTION 18. Except as otherwise provided, transfer of funds between program appropriations within a department may be made by head of the department upon his certification, and approval by the director of the department of budget and finance, that appropriation balances are or will be available for such transfers after the program objectives intended by the legislature have been accomplished and that such transfers are necessary to accomplish program objectives authorized by the legislature.

SECTION 19. The director of finance may advance funds to the University of Hawaii when required to meet reimbursable costs incurred in connection with federally financed research and training projects, and provided further that such advances shall not amount in the aggregate to more than \$100,000 at any time.

SECTION 20. Where the operation of a department or a program is financed by general appropriation as well as by nongeneral appropriation funds, the general appropriation portion shall be decreased to the extent that the receipt of nongeneral appropriation funds approved in this Act are exceeded, provided, that such decrease shall

not jeopardize the receipt of such increased nongeneral appropriation funds; provided further, that this section shall not apply to any fund if such excess receipts are to be expended for a purpose or purposes approved by the Governor or the director of the Department of Budget and Finance if such authority is so delegated by the Governor.

SECTION 21. The maximum number of positions authorized for the State government during the fiscal year 1965-1966 is the sum of the positions enclosed in parenthesis after the appropriation or approved amounts for State programs; provided that this section shall not apply to any position required to perform a function or service of a temporary or nonrecurring character nor shall it apply to the classroom teaching positions in the Department of Education and the University of Hawaii; and provided further that any provision of this Act or any Act to the contrary notwithstanding, the interim ad hoc committee established by concurrent resolution of the Legislature, may in addition authorize the hiring of additional federally financed temporary positions for the fiscal year 1965-1966 to implement the provisions of the Elementary-Secondary Education Act. (P.L. 89-10).

SECTION 22. No funds appropriated in this Act shall be used by a department for the purpose of conducting a study or survey of its management practices or for any other purpose, except as authorized by this Act or any other action of the legislature or by a legislative interim committee.

SECTION 23. Any law to the contrary notwithstanding, any state or county official, body or agency, or any private person, association, partnership or corporation performing any repair or construction project financed in part or in whole by state funds appropriated by this Act shall cooperate to the fullest extent possible with the Department of Labor and Industrial Relations in the hiring and utilization of unemployed persons; provided, that such persons may be employed on a temporary basis which shall be exempt from chapters 3 and 4 of the Revised Laws of Hawaii 1955, as amended, and provided further, that such persons shall meet the minimum requirements necessary for such position.

SECTION 24. The Department of Social Services, Department of Health and Department of Education and other departments within the state and county governments shall undertake to cooperate with each other in order that utilization of prison labor, welfare recipient workers and nonteaching employees of the Department of Education can be utilized whenever and wherever it is reasonably practicable to carry out the objectives and programs of the departments concerned.

SECTION 25. If any section, subsection, paragraph, sentence, clause, phrase or appropriation contained in this Act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Act.

SECTION 26. This Act shall take effect from and after July 1, 1965.

(Approved June 1, 1965.) **H.B. 144.**

ACT 100

A Bill for an Act Relating to County Vehicular Taxes.

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

SECTION 1. Purpose. At present vehicle taxes under section 130-3, Revised Laws of Hawaii 1955, are prorated on the basis of the number of months remaining in the year at the time of registration. In the case of light vehicles, such as motor bikes and scooters, such tax may be less than ten cents. The purpose of this bill is to set a realistic minimum amount which would cover at least part of the cost of administration.

SECTION 2. The last line in the first paragraph of section 130-3, Revised Laws of Hawaii 1955, is hereby amended to read as follows:

“provided that in no case shall the tax assessed and collected for any vehicle hereunder be less than \$1.00, or the amount of the annual tax, whichever is less; and provided further:”

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

(Approved June 3, 1965.) **S.B. 129.**

ACT 101

A Bill for an Act to Amend Chapter 143, Revised Laws of Hawaii 1955, as Amended, Relating to Urban Development and Renewal.

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

SECTION 1. Chapter 143, Revised Laws of Hawaii, 1955, as amended, is hereby further amended:

(a) By amending subsection (p) of section 143-2 thereof to read as follows:

“(p) ‘Urban area’ shall mean any closely settled community in a county.”

(h) By amending subsection (a) of section 143-6 to read as follows:

“(a) To undertake and carry out urban renewal projects and related activities authorized by this chapter; to make and execute contracts and other instruments necessary or convenient to exercise its powers under this chapter; to sue and be sued; to have a seal; and, subject to any limitations in this chapter contained, to exercise all powers necessary, incidental or convenient to carry out and effectuate the purposes and provisions of this chapter.”

(c) By inserting the following sentence between the first and second sentence of subsection 143-6 (d) :

“Further, the plans shall give due consideration to the provisions of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety and welfare of children residing in the general vicinity of the site covered by the plans.”

(d) By adding a new subsection designated as “g” at the end of section 143-6 to read as follows:

“(g) To prepare a general neighborhood renewal plan for urban renewal areas which may be of such scope that urban renewal activities may have to be carried out in stages over an estimated period of up to 10 years. Such plan may include, but is not limited to, a preliminary plan which (1) outlines the urban renewal activities proposed for the area involved, (2) provides a framework for the preparation of urban renewal plans, and (3) indicates generally the land uses, population density, building coverage, prospective requirements for rehabilitation and improvement of property and portions of the area contemplated for clearance and redevelopment. A general neighborhood renewal plan shall, in the determination of the local governing body, conform to the general plan of the locality as a whole and the workable program of the county.”

(e) By adding a new paragraph at the end of subsection 143-6(f) to read as follows:

“To prepare plans for and assist in the relocation of persons (including individuals, families, business concerns, nonprofit organizations and others) displaced from an urban renewal area, and to make relocation payments to or with respect to such persons from funds provided by the federal government.”

(f) By inserting the words “individuals and” immediately before the word “families” appearing on the sixth line of the first paragraph of section 143-7.

(g) By adding a new paragraph at the end of section 143-7 to read as follows:

“If at any time after the initial adoption of the redevelopment plan, the agency shall determine that a change in the plan shall be in the public interest and in furtherance of the purpose of redevelopment, the plan or any part thereof may be amended by following the same procedure as set forth above for the adoption of the original plan.”

(h) By adding a new paragraph at the end of section 143-8 to read as follows:

“Pursuant to the provisions of section 8-5, the agency may take and acquire any right, interest, or estate less than a fee simple estate, which are necessary for the undertaking and execution of an urban redevelopment or renewal project and related activities under this chapter, including the acquisition of air space rights and the imposition of restrictions, covenants and controls to assure the development of a continued use of project property in accordance with the redevelopment or renewal plan.”

(i) By amending subsection (b) of section 143-12 to read as follows:

“(b) The lease term shall not be more than 75 years, and in the case of leases for single or multiple residential sites involving federal financial assistance, for such longer term as may be required.”

By amending subsection (c) of section 143-12 by deleting the word “five” wherever appearing therein and substituting the word “twenty” therefor.

(j) By deleting from section 143-20 (1963 Supp.) the remainder of the paragraph beginning with the semi-colon appearing on line 44, substituting a period for said semi-colon, and inserting the word “and” immediately after “uses;” appearing on line 40.

(k) By amending the paragraph beginning with line 49 in section 143-20.1 (1963 Supp.) to read as follows:

“The procedure and exceptions set forth in Section 143-20 shall apply to any such projects; provided, that pursuant to the provisions of section 8-5, the agency may take and acquire any estate less than a fee simple estate in undeveloped vacant lands whenever it shall appear that the purposes of this section shall be best achieved and promoted by such taking.”

(l) By repealing section 143-61 in toto.

(m) By inserting the following language immediately after “conservation work”, appearing in line 12 of section 143-51: “or a program of code enforcement,”

SECTION 2. This Act shall take effect upon its approval.
(Approved June 3, 1965.) **S.B. 177.**

ACT 102

A Bill for an Act Amending Chapter 258, Section 258-52 of the Revised Laws of Hawaii 1955, Relating to Criminal Procedure: Circuit Courts.

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

SECTION 1. Chapter 258 of the Revised Laws of Hawaii 1955 is hereby amended by amending section 258-52, paragraph 2, to read as follows:

“Minimum; procedure. As soon as practicable and not later than six months after any person sentenced to imprisonment for life or for any term of years has been committed to the director of the department of social services, the board of paroles and pardons shall make an order fixing the minimum term of imprisonment to be served before he shall become eligible for parole. The board in its discretion may, in any particular case and at any time, impose a special condition that the prisoner will not be considered for parole unless and until he has a record of continuous exemplary behavior and has demonstrated by his attitude and personal advancement that he is making positive use of all educational, training and counseling serv-

ices as directed by the correctional facility program personnel. Before making the order, the board shall obtain a complete report regarding the inmate's life before entering the institution and a full report of his progress in the institution. This report would include habits, attitudes, industry, self-improvement, character development, career planning, and a complete personality evaluation for the purpose of determining the degree of propensity toward continued criminal activity."

SECTION 2. Paragraphs 3 and 4 of section 258-52 are hereby repealed.

SECTION 3. This Act shall take effect upon its approval.
(Approved June 3, 1965.) S.B. 378.

ACT 103

A Bill for an Act to Amend Chapter 81, Revised Laws of Hawaii 1955, Relating to the Emergency Hospitalization of Persons with Mental Disorders.

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

SECTION 1. Section 81-31, Revised Laws of Hawaii 1955, is hereby amended to read as follows:

"Section 81-31. **Emergency hospitalization on certificate of physician.** Notwithstanding the requirements of this chapter and chapter 56 pertaining to the regular orders for hospitalization, (a) any duly licensed physician of the State, who shall have been in the actual practice of his profession for at least two years and who has reason to believe that an individual is mentally ill and is likely to injure himself or others if he is allowed to remain at liberty, or (b) any physician employed by the federal government who has reason to believe that a veteran entitled to and receiving medical care from the federal government is mentally ill and is likely to injure himself or others if he is allowed to remain at liberty, may execute a certificate describing the specific behavior which justifies taking said individual into immediate custody. This certificate shall authorize the immediate apprehension of said individual without a warrant by said physician or by a police officer, or private hospital licensed to treat the mentally ill, and shall constitute an application for his admission thereto for purposes of emergency examination, observation and treatment for a period not to exceed 48 hours, Sundays and holidays excluded. There shall be an immediate examination of said individual by a licensed physician who practices in the specialty of psychiatry at said hospital, who shall also certify in writing that such detention is required. In the event that said physician fails to certify that such detention is required, the individual shall be released forthwith.

"No individual admitted to any hospital for emergency observation and treatment on the basis of a physician's certificate executed under this section shall be detained in such hospital for a period in

excess of 48 hours, excluding Sundays and holidays, unless the administrator of said hospital or the physician who has assumed medical responsibility for the individual applies for an order for court commitment during the said period of detention in the manner provided in section 81-19, or 81-27 or unless the individual agrees in writing to remain voluntarily under the provisions of section 81-32.

"The administrator of a hospital in which any individual has been detained for emergency examination, observation and treatment under this section, or his representative, shall make every effort to immediately notify the spouse, parents, legal guardian, other nearest known adult relative of the individual or his attorney of his admission to the hospital by the quickest means possible. Not later than twenty-four hours after the admission pursuant to this section of any individual to a hospital, the administrator of such hospital shall send written notice of such admission, by registered mail or certified mail, to the spouse, parent, or legal guardian of such individual, if such persons and addresses are known. Each admitted individual shall be given the opportunity to communicate reasonably by telephone, or if not possible, by the next most expeditious method, with any person within the State.

"The State shall not be liable for any expenses connected with emergency hospitalizations, other than for indigent persons as determined in accordance with standards set by the director of health."

SECTION 2. This Act shall take effect upon its approval.
(Approved June 3, 1965.) **S.B. 427**

ACT 104

A Bill for an Act Relating to Clerks of the Circuit Courts and Amending Section 218-1, Revised Laws of Hawaii 1955.

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

SECTION 1. Section 218-1 of the Revised Laws of Hawaii 1955 as amended is hereby amended to read as follows:

"Sec. 218-1. Clerks of supreme court and circuit courts; appointment, removal. There shall be a clerk of the supreme court and as many deputy clerks and assistant clerks as the business of the supreme court requires appointed and removable by the justices of the supreme court. The clerk of the supreme court shall be ex-officio clerk of all the courts of record, and as such may issue process returnable in all such courts.

"There shall be as many clerks of the circuit courts as may be necessary, appointed and removable by the judge or judges thereof, as the case may be. The respective clerks of the circuit courts shall be ex-officio clerks of all the courts of record, and as such may issue process returnable in all such courts."

SECTION 2. This Act shall take effect upon its approval.
(Approved June 3, 1965.) **S.B. 579.**

ACT 105

A Bill for an Act Amending the Definition of Day Care Centers.

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

SECTION 1. Section 108-11.2 of the Revised Laws of Hawaii 1955, is hereby amended to read as follows:

"Section 108-11.2. Day care centers defined. A day care center is defined as a place maintained by any individual, organization, or agency for the purpose of providing care for a child or children with or without charging a fee during any part of a twenty-four hour day. The term day care center shall include any place where group care is provided for 6 or more children and any family home providing care for 2 to 6 children.

"Nothing in sections 108-11.1 to 108-11.8 shall be construed to include an individual person caring for a related child, a neighbor or friend caring for a child or children if the person does not regularly engage in such activity; a kindergarten or school conducted solely for educational purposes or specialized training; or an organization established to conduct athletic or social group functions."

SECTION 2. This Act shall take effect upon its approval.
(Approved June 3, 1965.) S.B. 741.

ACT 106

A Bill for an Act Amending Section 97-31(a) of the Revised Laws of Hawaii 1955, as Amended, Relating to the Workmen's Compensation Law.

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

SECTION 1. Section 97-31(a) Revised Laws of Hawaii 1955, as amended, is hereby further amended in that paragraph thereof entitled "Disfigurement" by deleting from said paragraph the figure "\$7,000" and inserting in its place the figure "\$10,000."

SECTION 2. This Act shall take effect upon its approval.
(Approved June 3, 1965.) S.B. 753.

ACT 107

A Bill for an Act to Amend Section 180-53.5 of the Revised Laws of Hawaii 1955, as Amended, Relating to Home Loans in Excess of Eighty Per Cent of Value by Savings & Loan Associations.

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

SECTION 1. Section 180-53.5 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended in the following respects:

(a) By amending paragraph (a) to read as follows:

“(a) The net proceeds of any such loan do not exceed \$30,000, nor ninety per cent of the unencumbered appraised value of the real estate, including leasehold property and the improvements thereon, nor ninety per cent of the purchase price, whichever is lower;”

(b) By amending paragraph (b) to read as follows:

“(b) Except as provided in paragraph (d) of this section, the loan is made upon the security of a first lien upon real estate upon which there is located a structure designed for residential use for one family or two families (and occupied by the borrower, or in good faith intended for the borrower’s occupancy) the construction of which has been completed prior to the date on which the security instrument securing the loan is executed and prior to the date on which any disbursement on the loan is made, and upon which there is not located any other structure designed or used in whole or in part as a dwelling or any structure designed or used in whole or in part for any business purpose or for any purpose not ancillary to the residential use aforesaid;”

(c) By amending paragraph (d) to read as follows:

“(d) Notwithstanding the requirements of paragraph (b) of this section, a loan under this paragraph (d) may be made to finance the construction of a structure as described in paragraph (b) of this section, but the amount by which such a loan exceeds eighty per cent of the value of the real estate shall not be disbursed unless and until construction has been completed;”

(d) By amending paragraph (f) to read as follows:

“(f) An association’s aggregate amount of outstanding balances of all loans in excess of the eighty per cent limitation (excluding balances of loans which have been reduced below the eighty per cent limitation) shall not exceed ten per cent of the association’s capital at the time of any disbursement on a loan permitted by this section;”

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

(Approved June 3, 1965.) S.B. 791.

ACT 108

A Bill for an Act Amending Chapter 331 of the Revised Laws of Hawaii 1955, Relating to Adoption.

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

SECTION 1. Section 331-2 of the Revised Laws of Hawaii 1955, as amended, is hereby amended by adding the following sentence at the end thereof:

“A person who consents to adoption, or on whose behalf a consent to adoption is signed, and a nonconsenting parent whose consent is not required hereunder shall be barred from maintaining any action based upon medical or surgical care or treatment given to the child with the permission of the petitioner or petitioners or the person or agency authorized by the parental consent to select and approve an

adoptive parent or parents; provided however, that nothing herein contained shall be construed to alienate or impair any cause of action accruing to the child for personal injury which may be sustained as a result of such medical or surgical care or treatment."

SECTION 2. This Act shall take effect upon its approval.
(Approved June 3, 1965). **S.B. 141.**

ACT 109

A Bill for an Act to Amend Chapter 204, Revised Laws of Hawaii 1955, as Amended, Relating to Registration and Protection of Trade Marks, Prints and Labels.

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

SECTION 1. Section 204-3 of the Revised Laws of Hawaii 1955, as amended, is hereby amended by deleting the word "twenty" and substituting therefor the word "ten."

SECTION 2. This Act shall take effect upon its approval.
(Approved June 3, 1965.) **S.B. 195.**

ACT 110

A Bill for an Act to Amend Part VII of Chapter 172, Revised Laws of Hawaii 1955, as Amended, Relating to Corporations.

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

SECTION 1. Part VII of chapter 172 of the Revised Laws of Hawaii 1955, as amended, is hereby amended by adding thereto a new section to follow immediately after section 172-136 to be numbered section 172-137 and to read as follows:

"Section 172-137. Jurisdiction of circuit courts to dissolve and liquidate assets and business of corporations. (a) The respective circuit courts shall have full power to dissolve and liquidate the assets and business of a corporation in an action by a stockholder when it is established:

"(1) That the directors are deadlocked in the management of the corporate affairs and the stockholders are unable to break the deadlock and that irreparable injury to the corporation is being suffered or is threatened by reason thereof; or

"(2) That the stockholders are deadlocked in voting power and have failed for a period which includes at least two consecutive annual meeting dates to elect successors to directors whose term have expired or would have expired upon the election of their successors and that irreparable injury to the corporation is being suffered or is threatened by reason thereof. Proceedings under this section shall be brought in the circuit in which the principal office of the corporation is situated. It shall not be necessary to make stockholders parties to any such action or proceeding unless relief is sought against them personally.

“(b) Procedure in liquidation of corporation by court. In proceedings to liquidate the assets and business of a corporation, the court shall have power to issue injunctions, to appoint a receiver or receivers pendente lite, with such powers and duties as the court from time to time may direct, and to take such other proceedings as may be requisite to preserve the corporate assets wherever situated, and carry on the business of the corporation until a full hearing can be had. After a hearing had upon such notice as the court may direct to be given to all parties to the proceedings and to any other parties in interest designated by the court, the court may appoint a liquidating receiver or receivers with authority to collect the assets of the corporation, including all amounts owing to the corporation by stockholders on account of any unpaid portion of the consideration for the issuance of shares. Such liquidating receiver or receivers shall have authority, subject to the order of the court to sell, convey and dispose of all or any part of the assets of the corporation wherever situated, either at public or private sale. The assets of the corporation or the proceeds resulting from a sale, conveyance or other disposition thereof shall be applied to the expenses of such liquidation and to the payment of the liabilities and obligations of the corporation, and any remaining assets or proceeds shall be distributed among its stockholders according to their respective rights and interests. The order appointing such liquidating receiver or receivers shall state their powers and duties. Such powers and duties may be increased or diminished at any time during the proceedings. The court shall have power to allow from time to time as expenses of the liquidation compensation to the receiver or receivers and to attorneys in the proceeding, and to direct the payment thereof out of the assets of the corporation or the proceeds of any sale or disposition of such assets. A receiver of a corporation appointed under the provisions of this section shall have authority to sue and defend in all courts in his own name as receiver of such corporation. The court appointing such receiver shall have exclusive jurisdiction of the corporation and its property, wherever situated.

“(c) Qualifications of receivers. A receiver shall in all cases be a citizen of the United States or a corporation authorized to act as receiver, which corporation may be a domestic corporation or a foreign corporation authorized to transact business in this State, and shall in all cases give such bond as the court may direct with such sureties as the court may require.

“(d) Filing of claims in liquidation proceedings. In proceedings to liquidate the assets and business of a corporation the court may require all creditors of the corporation to file with the clerk of the court or with the receiver, in such form as the court may prescribe, proofs under oath of their respective claims. If the court requires the filing of claims, it shall fix a date, which shall be not less than four months from the date of the order, as the last day for the filing of claims and shall prescribe the notice that shall be given to creditors and claimants of the date so fixed. Prior to the date so fixed, the

court may extend the time for the filing of claims. Creditors and claimants failing to file proofs of claim on or before the date so fixed may be barred, by order of court, from participating in the distribution of the assets of the corporation.

“(e) **Discontinuance of liquidation proceedings.** The liquidation of the assets and business of a corporation may be discontinued at any time during the liquidation proceedings when it is established that cause for liquidation no longer exists. In such event the court shall dismiss the proceedings and direct the receiver to redeliver to the corporation all its remaining property and assets.

“(f) **Decree of involuntary dissolution.** In proceedings to liquidate the assets and business of a corporation, when the costs and expenses of such proceedings and all debts, obligations and liabilities of the corporation shall have been paid and discharged and all of its remaining property and assets distributed to its stockholders, or in case its property and assets are not sufficient to satisfy and discharge such costs, expenses, debts and obligations, all the property and assets have been applied so far as they will go to their payment, the court shall enter a decree dissolving the corporation, whereupon the existence of the corporation shall cease. A copy of the decree shall be filed with the director of regulatory agencies.”

SECTION 2. This Act shall take effect upon its approval.
(Approved June 3, 1965.) S.B. 471.

ACT 111

A Bill for an Act to Amend Chapter 172 of the Revised Laws of Hawaii 1955, as Amended, Relating to Corporations.

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

SECTION 1. Section 172-131 of the Revised Laws of Hawaii 1955, as amended, is hereby amended by adding thereto at the end thereof a new sentence to read as follows:

“The director of the regulatory agencies shall, in each case, deliver a copy of the decree of dissolution to the director of taxation and to the finance officer of each county and the city and county.”

SECTION 2. Section 172-132 of the Revised Laws of Hawaii 1955, as amended, is hereby amended by deleting the second paragraph thereof and by substituting therefor a paragraph to read as follows:

“Upon the involuntary dissolution of any corporation and unless and until some other person or persons are appointed by the director of the regulatory agencies or a court of competent jurisdiction, the directors of any corporation organized for profit, or directors or managers of any nonprofit corporation by whatever name such managers may be called, shall be and act as trustees for the creditors and stock-

holders or members of the corporation with full powers to settle its affairs; provided, that upon or at any time after the involuntary dissolution of any corporation, the director of regulatory agencies may, whether or not the directors or managers of the corporation shall have undertaken to act as trustees in dissolution, appoint a trustee or trustees for the creditors and stockholders or members of the corporation with said powers to settle its affairs."

SECTION 3. Section 172-134 of the Revised Laws of Hawaii 1955, as amended, is amended by inserting the phrase "appointed by the director of regulatory agencies" between the words "corporations" and "shall" appearing in the first sentence of the second paragraph thereof.

SECTION 4. This Act shall take effect upon its approval. (Approved June 3, 1965.) **S.B. 732.**

ACT 112

A Bill for an Act to Amend Section 180-47, Revised Laws of Hawaii 1955, as Amended, Relating to Dividends of Savings and Loan Associations.

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

SECTION 1. The second sentence of the fifth paragraph of Section 180-47 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

"The date of investment shall be the date of the actual receipt by the association of a payment on an account or shall be the date shown by the United States post office cancellation mark stamped upon the envelope containing the payment on an account, except that the board of directors may fix a date which shall not be later than the tenth of the month, for determining the date of investment; provided, however, that the board of directors may permit investments of \$100 or more to receive dividends calculated from the date of actual receipt by the association in any event."

SECTION 2. This Act shall take effect upon its approval. (Approved June 3, 1965.) **S.B. 873.**

ACT 113

A Bill for an Act Relating to Death Certificates.

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

SECTION 1. Section 57-12, Revised Laws of Hawaii 1955, is hereby amended by adding to the end of same the following provision:

"(c) A death certificate may be filed by the next of kin and accepted by the local registrar without meeting the requirements set forth above when there has been a judicial finding and declaration by

a court of record that a person is dead; provided, however, that there shall be attached to such death certificate such judgment decision, order or other document of a court of record adjudging said person to be dead.”

SECTION 2. This Act shall take effect upon its approval.
(Approved June 3, 1965.) S.B. 895.

ACT 114

A Bill for an Act Relating to Automobile Dealers' and Salesmen's License Act and Amending Section 160-160, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Section 160-160, Revised Laws of Hawaii 1955, as amended, is hereby amended by deleting the definition of “motor vehicle” and substituting in lieu thereof the following:

“Motor vehicle” includes any vehicle, motor vehicle or truck as defined in sections 130-1 and 130-2, except for tractors, trailers, and amphibious vehicles.”

SECTION 2. This Act shall take effect upon its approval.
(Approved June 3, 1965.) S.B. 644.

ACT 115

A Bill for an Act Authorizing the Department of Transportation to Promulgate and Enforce Rules and Regulations Governing Commercial and Beach Activities at Public Beaches.

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

SECTION 1. Section 112-5 of the Revised Laws of 1955, is hereby amended by adding after the penultimate paragraph thereof the following new paragraph to read as follows:

“Any provision of law to the contrary notwithstanding, and subject to chapter 6C, Revised Laws of Hawaii, 1955, as amended, and to terms, conditions and covenants of easements herein described, the director shall also be authorized with respect to lands along the shores of the State encumbered by a public easement to promulgate rules and regulations governing any and all uses and activities within such easement area.”

SECTION 2. All laws and parts of laws heretofore enacted which are in conflict with the provisions of this Act are hereby amended to conform herewith.

SECTION 3. This Act shall take effect upon its approval.
(Approved June 7, 1965.) S.B. 1031.

ACT 116

A Bill for an Act Amending Chapter 195 of the Revised Laws of Hawaii 1955, as Amended, Relating to the Small Loan Act.

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

SECTION 1. Section 195-4 of the Revised Laws of Hawaii 1955 is hereby amended by deleting the last sentence of the first paragraph and substituting therefor the following:

“Such applicant shall, at the time of filing of such application, pay to the director of regulatory agencies the sum of \$37.50 for investigating the application. Upon notification by the director of approval of the application, the applicant shall pay, within 20 days of notification of approval of application, as the initial license fee: (a) the sum of \$50 if the approval occurs between January 2 and June 30, inclusive, or (b) the sum of \$25 if the approval of application occurs between July 1 and December 31, inclusive. Thereafter, on or before December 31, the licensee shall annually pay the sum of \$50 to the director, as the annual license fee for the ensuing year; provided, however, a licensee whose application was approved in December may pay to the director his first annual fee of \$50 for the ensuing year on or before the expiration of thirty days after receiving notice of approval of his application.”

SECTION 2. This Act shall take effect upon its approval.
(Approved June 7, 1965.) S.B. 213.

ACT 117

A Bill for an Act Amending Chapter 173, Revised Laws of Hawaii 1955, Relating to Consolidation and Merger of Corporations.

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

SECTION 1. Chapter 173 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding thereto a new part to follow after Part I thereof to be designated Part I-A and to read as follows:

“PART I-A. MERGER OF SUBSIDIARY CORPORATIONS.

“Sec. 173-31. Application of part. This part shall not be applicable to banks as defined in section 178-2, building and loan associations as defined in section 180-2, cooperative associations subject to the provisions of Chapter 176, trust companies as defined in section 179-1, nonprofit corporations, or any corporation engaged in the business of issuing insurance policies for its own account under the provisions of Chapter 181.

“Sec. 173-32. Merger of parent corporation and subsidiary. Any corporation organized or existing under the laws of this State or under the laws of any other state or jurisdiction subject to the laws of the United States, if the laws of such other state or jurisdiction

shall permit such a merger, owning at least ninety per cent of the outstanding shares of each class of the stock of any other corporation or corporations organized or existing under the laws of this State, or under the laws of any other state or jurisdiction subject to the laws of the United States, if the laws of such other state or jurisdiction shall permit such a merger, may file in the office of the director of regulatory agencies of the State a certificate of such ownership and of merger in its name and under its corporate seal, signed by any two authorized officers of the corporation and setting forth a copy of the resolution of its board of directors to merge such other corporation or corporations into it and to assume all of its or their obligations and the date of the adoption thereof; provided, however, that in case the parent corporation shall not own all the outstanding stock of all the subsidiary corporations parties to a merger as aforesaid, the resolution of the board of directors of the parent corporation shall state the terms and conditions of the merger, including the securities, cash or other consideration into which shares of stock of the subsidiary corporation or corporations not owned by the parent corporation are to be converted. Upon the minute, hour, and day of filing of the certificate of ownership and merger pursuant to this section, or if a subsequent minute, hour, and day has been specified in such certificate then upon such subsequent minute, hour, and day, the separate existence of the subsidiary corporation or corporations shall cease and all and singular the rights, privileges, franchises and property of the subsidiary corporations and all debts and liabilities due or to become due to such subsidiary corporations, including subscriptions for shares and things in action and every interest or asset of conceivable value or benefit, shall be deemed fully and finally and without any right of reversion transferred to and vested in the surviving parent corporation without further act or deed, and such surviving parent corporation shall have and hold the same in its own right as fully as the same was possessed and held by the subsidiary corporation from which it was, by operation of the provisions of this part, transferred; and except as and to the extent otherwise provided in section 173-33 each share of stock of the subsidiary corporation or corporations not theretofore owned by the parent corporation shall be deemed converted into the securities, cash or other consideration provided in the certificate of ownership and merger. All debts, liabilities and obligations due or to become due of, and all claims or demands for any cause existing against, each subsidiary corporation shall upon such merger be and become the debts, liabilities and obligations of and the claims and demands against the surviving parent corporation in the same manner as if the surviving parent corporation had itself incurred or otherwise become liable for them. All rights of creditors and all liens upon the property of each of the subsidiary corporations shall be preserved unimpaired, limited in lien to the property affected by such liens immediately prior to the time of the merger. Any action or proceedings pending by or against any such subsidiary corporation shall not be deemed to have abated or been discontinued but may be prosecuted to judgment with the right to appeal or review as in other cases

as if such merger or consolidation had not taken place or the surviving parent corporation may be substituted for any such subsidiary corporation.

“Sec. 173-33. Rights of stockholders of merged subsidiary corporation. In the event all of the stock of a subsidiary Hawaii corporation party to a merger affected under this part is not owned by the parent corporation immediately prior to the merger, the surviving corporation shall within ten days after the date on which the certificate of ownership and merger has been filed pursuant to this part notify each stockholder of such subsidiary Hawaii corporation that the certificate of ownership and merger has been filed and the terms and conditions of the merger. The notice shall be sent by registered or certified mail addressed to the stockholder at his last known address as it appears on the books of the subsidiary corporation. If within thirty days after the date on which the notice of filing of the certificate of ownership and merger and terms and conditions of the merger is mailed any stockholder shall make demand upon the surviving corporation in the manner provided in section 173-20 (other than the first sentence thereof), then all of the provisions of section 173-20 (excepting the first sentence of section 173-20) to section 173-30, both inclusive, shall be and become applicable; and each stockholder making such demand and the surviving corporation shall have all of the rights and duties provided in said sections, but no stockholder of the surviving corporation shall have any such rights or duties nor shall any of the provisions of this section or of sections 173-19 to 173-30, both inclusive, apply to any stockholder of the surviving corporation.

“Sec. 173-34. Merger of domestic corporations with foreign corporations; foreign surviving corporations; conveyance of real property upon merger of foreign corporations. To the extent not contrary to sections 173-31, 173-32, and 173-33, sections 173-16, 173-17 and 173-18 are hereby made applicable to this part.”

SECTION 2. This Act shall take effect upon its approval.
(Approved June 16, 1965.) S.B. 199.

ACT 118

A Bill for an Act Relating to the Western Interstate Corrections Compact, Making the State of Hawaii a Party Thereto and Authorizing Officers and Agents of the State to Enter Into Contracts By and Between Other States Joining Therein.

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

SECTION 1. The Western Interstate Corrections Compact as contained herein is hereby enacted into law and entered into on behalf of the State of Hawaii with any and all other states legally joining therein in a form as follows:

WESTERN INTERSTATE CORRECTIONS COMPACT**Article 1. Purpose and Policy.**

The party states, desiring by common action to improve their institutional facilities and provide programs of sufficiently high quality for the confinement, treatment and rehabilitation of various types of offenders, declare that it is the policy of each of the party states to provide such facilities and programs on a basis of cooperation with one another, thereby serving the best interests of such offenders and of society. The purpose of this compact is to provide for the development and execution of such programs of cooperation for the confinement, treatment and rehabilitation of offenders.

Article 2. Definitions.

As used in this compact, unless the context clearly requires otherwise:

- (a) "State" means a state of the United States, and Guam.
- (b) "Sending state" means a state party to this compact in which conviction was had.
- (c) "Receiving state" means a state party to this compact to which an inmate is sent for confinement other than a state in which conviction was had.
- (d) "Inmate" means a male or female offender who is under sentence to or confined in a prison or other correctional institution.
- (e) "Institution" means any prison, reformatory or other correctional facility (including but not limited to a facility for the mentally ill or mentally defective) in which inmates may lawfully be confined.

Article 3. Contracts.

(a) Each party state may make one or more contracts with any one or more of the other party states for the confinement of inmates on behalf of a sending state in institutions situated within receiving states. Any such contract shall provide for:

- (1) Its duration.
- (2) Payments to be made to the receiving state by the sending state for inmate maintenance, extraordinary medical and dental expenses, and any participation in or receipt by inmates of rehabilitative or correctional services, facilities, programs or treatment not reasonably included as part of normal maintenance.
- (3) Participation in programs of inmate employment, if any, the disposition or crediting of any payments received by inmates on account thereof; and the crediting of proceeds from or disposal of any products resulting therefrom.
- (4) Delivery and retaking of inmates.
- (5) Such other matters as may be necessary and appropriate to fix the obligations, responsibilities and rights of the sending and receiving states.

(b) Prior to the construction or completion of construction of any institution or addition thereto by a party state, any other party state or states may contract therewith for the enlargement of the planned capacity of the institution or addition thereto, or for the inclusion therein of particular equipment or structures, and for the reservation

of a specific percentum of the capacity of the institution to be kept available for use by inmates of the sending state or states so contracting. Any sending state so contracting may, to the extent that monies are legally available therefor, pay to the receiving state, a reasonable sum as consideration for such enlargement of capacity, or provision of equipment or structures, and reservation of capacity. Such payment may be in a lump sum or in installments as provided in the contract.

(c) The terms and provisions of this compact shall be a part of any contract entered into by the authority of or pursuant thereto, and nothing in any such contract shall be inconsistent therewith.

Article 4. Procedures and Rights.

(a) Whenever the duly constituted judicial or administrative authorities in a state party to this compact, and which has entered into a contract pursuant to Article 3, shall decide that confinement in, or transfer of an inmate to, an institution within the territory of another party state is necessary in order to provide adequate quarters and care or is desirable in order to provide an appropriate program of rehabilitation or treatment, said officials may direct that the confinement be within an institution within the territory of said other party state, the receiving state to act in that regard solely as agent for the sending state.

(b) The appropriate officials of any state party to this compact shall have access, at all reasonable times, to any institution in which it has a contractual right to confine inmates for the purpose of inspecting the facilities thereof and visiting such of its inmates as may be confined in the institution.

(c) Inmates confined in an institution pursuant to the terms of this compact shall at all times be subject to the jurisdiction of the sending state and may at any time be removed therefrom for transfer to a prison or other institution within the sending state, for transfer to another institution in which the sending state may have a contractual or other right to confine inmates, for release on probation or parole, for discharge, or for any other purpose permitted by the laws of the sending state; provided that the sending state shall continue to be obligated to such payments as may be required pursuant to the terms of any contract entered into under the terms of Article 3.

(d) Each receiving state shall provide regular reports to each sending state on the inmates of that sending state in institutions pursuant to this compact including a conduct record of each inmate and certify said record to the official designated by the sending state, in order that each inmate may have the benefit of his or her record in determining and altering the disposition of said inmate in accordance with the law which may obtain in the sending state and in order that the same may be a source of information for the sending state.

(e) All inmates who may be confined in an institution pursuant to the provisions of this compact shall be treated in a reasonable and humane manner and shall be cared for and treated equally with such similar inmates of the receiving state as may be confined in the same

institution. The fact of confinement in a receiving state shall not deprive any inmate so confined of any legal rights which said inmate would have had if confined in an appropriate institution of the sending state.

(f) Any hearing or hearings to which an inmate confined pursuant to this compact may be entitled by the laws of the sending state may be had before the appropriate authorities of the sending state, or of the receiving state if authorized by the sending state. The receiving state shall provide adequate facilities for such hearings as may be conducted by the appropriate officials of a sending state. In the event such hearing or hearings are had before officials of the receiving state, the governing law shall be that of the sending state and a record of the hearing or hearings as prescribed by the sending state shall be made. Said record together with any recommendations of the hearing officials shall be transmitted forthwith to the official or officials before whom the hearing would have been had if it had taken place in the sending state. In any and all proceedings had pursuant to the provisions of this sub-division, the officials of the receiving state shall act solely as agents of the sending state and no final determination shall be made in any matter except by the appropriate officials of the sending state. Costs of records made pursuant to this sub-division shall be borne by the sending state.

(g) Any inmate confined pursuant to this compact shall be released within the territory of the sending state unless the inmate, and the sending and receiving states, shall agree upon release in some other place. The sending state shall bear the cost of such return to its territory.

(h) Any inmate confined pursuant to the terms of this compact shall have any and all rights to participate in and derive any benefits or incur or be relieved of any obligations or have such obligations modified or his status changed on account of any action or proceeding in which he could have participated if confined in any appropriate institution of the sending state located within such state.

(i) The parent, guardian, trustee, or other person or persons entitled under the laws of the sending state to act for, advise, or otherwise function with respect to any inmate shall not be deprived of or restricted in his exercise of any power in respect of any inmate confined pursuant to the terms of this compact.

Article 5. Acts Not Reviewable In Receiving State; Extradition.

(a) Any decision of the sending state in respect of any matter over which it retains jurisdiction pursuant to this compact shall be conclusive upon and not reviewable within the receiving state, but if at the time the sending state seeks to remove an inmate from an institution in the receiving state there is pending against the inmate within such state any criminal charge or if the inmate is suspected of having committed within such state a criminal offense, the inmate shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment or detention for such offense. The duly accredited officers of

the sending state shall be permitted to transport inmates pursuant to this compact through any and all states party to this compact without interference.

(b) An inmate who escapes from an institution in which he is confined pursuant to this compact shall be deemed a fugitive from the sending state and from the state in which the institution is situated. In the case of an escape to a jurisdiction other than the sending or receiving state, the responsibility for institution of extradition proceedings shall be that of the sending state, but nothing contained herein shall be construed to prevent or affect the activities of officers and agencies of any jurisdiction directed toward the apprehension and return of an escapee.

Article 6. Federal Aid.

Any state party to this compact may accept federal aid for use in connection with any institution or program, the use of which is or may be affected by this compact or any contract pursuant hereto and any inmate in a receiving state pursuant to this compact may participate in any such federally aided program or activity for which the sending and receiving states have had contractual provision; provided that if such program or activity is not part of the customary correctional regimen the express consent of the appropriate official of the sending state shall be required therefor.

Article 7. Entry Into Force.

This compact shall enter into force and become effective and binding upon the states so acting when it has been enacted into law by any two contiguous states from among the states of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nebraska, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming. For the purposes of this article, Alaska and Hawaii shall be deemed contiguous to each other; to any and all of the states of California, Oregon and Washington; and to Guam. Thereafter, this compact shall enter into force and become effective and binding as to any other of said states, or any other state contiguous to at least one party state upon similar action by such state. Guam may become party to this compact by taking action similar to that provided for joinder by any other eligible party state and upon the consent of Congress to such joinder. For the purposes of this article, Guam shall be deemed contiguous to Alaska, Hawaii, California, Oregon and Washington.

Article 8. Withdrawal and Termination.

This compact shall continue in force and remain binding upon a party state until it shall have enacted a statute repealing the same and providing for the sending of formal written notice of withdrawal from the compact to the appropriate officials of all other party states. An actual withdrawal shall not take effect until two years after the notices provided in said statute have been sent. Such withdrawal shall not relieve the withdrawing state from its obligations assumed hereunder prior to the effective date of withdrawal. Before the effective date of withdrawal, a withdrawing state shall remove to its territory,

at its own expense, such inmates as it may have confined pursuant to the provisions of this compact.

Article 9. Other Arrangements Unaffected.

Nothing contained in this compact shall be construed to abrogate or impair any agreement or other arrangement which a party state may have with a nonparty state for the confinement, rehabilitation or treatment of inmates nor to repeal any other laws of a party state authorizing the making of cooperative institutional arrangements.

Article 10. Construction and Severability.

The provisions of this compact shall be liberally construed and shall be severable. If any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

SECTION 2. Any court or other agency or officer of the State of Hawaii having power to commit or transfer an inmate (as defined in Article 2(d) of the Western Interstate Corrections Compact) to any institution for confinement may commit or transfer such inmate to any institution within or without the State of Hawaii if the State has entered into a contract or contracts for the confinement of inmates in said institution pursuant to Article 3 of the Western Interstate Corrections Compact.

SECTION 3. The courts, departments, agencies and officers of the State of Hawaii and its subdivisions shall enforce this compact and shall do all things appropriate to the effectuation of its purposes and intent which may be within their respective jurisdictions including but not limited to the making and submission of such reports as are required by the compact.

SECTION 4. The director of social services and his authorized subordinates and agents are hereby authorized and directed to hold such hearings as may be requested by any other party state pursuant to Article 4(f) of the Western Interstate Corrections Compact.

SECTION 5. The director of social services is hereby empowered to enter into such contracts on behalf of the State of Hawaii as may be appropriate to implement the participation of the State in the Western Interstate Corrections Compact pursuant to Article 3 thereof. No such contract shall be of any force or effect until approved by the governor and comptroller.

SECTION 6. The provisions of this Act shall be severable and if any phrase, clause, sentence, or provision of this Act is declared to be unconstitutional or the applicability thereof to any state, agency, person or circumstance is held invalid, the constitutionality of this

Act and the applicability thereof to any other state, agency, person or circumstance shall, with respect to all severable matters, not be affected thereby. It is the legislative intent that the provisions of this Act be reasonably and liberally construed.

SECTION 7. This Act shall take effect upon its approval.
(Approved June 16, 1965.) S.B. 368.

ACT 119

A Bill for an Act Relating to Further Education and Occupational Training of Parolees.

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

SECTION 1. Chapter 83, Revised Laws of Hawaii 1955, as amended, is hereby amended by adding a new section to be appropriately designated and to read as follows:

"Sec. 83- . **Education as condition for paroles.** The board of paroles and pardons may require, as a condition of parole, that a parolee further his education and training by taking occupational training courses or general education courses, or both, whenever such courses are deemed by the board to be capable of making a substantial contribution to the rehabilitation of the parolee; provided that such courses are offered by public institutions and that the cost of tuition and other fees be provided by the State."

SECTION 2. There is hereby appropriated out of the general revenues of the State of Hawaii, not otherwise appropriated, the sum of \$10,000, or so much thereof as may be necessary, for carrying out the purposes of this Act.

SECTION 3. This Act shall take effect upon its approval.
(Approved June 16, 1965.) S.B. 399.

ACT 120

A Bill for an Act Relating to the Regulation of Beauty Culture.

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

SECTION 1. The second proviso of subsection (a) (2) of section 59-13 of the Revised Laws of Hawaii 1955, as amended, being the words between the second and third semicolons in said subsection (a) (2), is hereby amended to read as follows:

"and provided further that an applicant may be registered solely in the classified practice of a manicurist and such an applicant so registered may engage in such classified practice in a barber shop, a beauty shop, or in his own shop upon serving seven hundred hours of time as an apprentice under the supervision of a registered operator or instructor or three hundred fifty hours of training in a registered school and upon satisfying all the other requirements of this section;"

SECTION 2. This Act shall take effect upon its approval.
(Approved June 16, 1965.) S.B. 467.

ACT 121

A Bill for an Act Amending Chapter 159, Revised Laws of Hawaii 1955, Relating to Intoxicating Liquor.

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

SECTION 1. Section 159-45 of the Revised Laws of Hawaii 1955, as amended, is hereby amended by deleting therefrom subsection (e).

SECTION 2. This Act shall take effect upon its approval.
(Approved June 16, 1965.) S.B. 639.

ACT 122

A Bill for an Act Making Revocation of Operator's License for Driving Under the Influence of Intoxicating Liquor Discretionary Rather Than Mandatory.

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

SECTION 1. Paragraph (b) of section 160-55, Revised Laws of Hawaii 1955, is hereby amended to read as follows:

"(b) Driving a motor vehicle while under the influence of narcotic drugs;"

SECTION 2. This Act is to take effect upon its approval.
(Approved June 16, 1965.) S.B. 906.

ACT 123

A Bill for an Act Relating to Eminent Domain and Making an Appropriation.

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

SECTION 1. There is hereby created, subject to the provisions of section 14A-29, Revised Laws of Hawaii 1955, as amended, a temporary special committee to be appointed by the Governor, composed of appraisers, judges, members of the bar association, representatives of the attorney general's office, county representatives, and lay members. The committee shall conduct a thorough and exhaustive study of all statutes on the subject of eminent domain now in force in the State and of comparable legislation of the other states and the federal government with a view toward proposing a complete revision and codification of all eminent domain law, especially in regard to the standards used to establish value, in order to eliminate present incon-

sistencies, produce uniformity in practice and procedure, assure just and equitable treatment between all interested parties and in general improve the procedures, administration and justice of this field of law.

SECTION 2. There is hereby appropriated out of the general revenues of the State of Hawaii, not otherwise appropriated, the sum of \$10,000, or so much thereof as may be necessary, to the special committee established herein for the purpose of meeting such committee's expenses.

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

(Approved June 16, 1965.) S.B. 936.

ACT 124

A Bill for an Act Relating to State Aid to Indigent Parents.

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

SECTION 1. Section 330-22, Revised Laws of Hawaii 1955, as amended, is hereby amended by deleting the period at the end of the first paragraph and substituting in lieu thereof a semicolon and by adding the following:

"provided, however, that when Federal matching funds are available and the receipt thereof prejudiced by the above provisions, adult children shall be exempted from said obligation."

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

(Approved June 16, 1965.) S.B. 1026.

ACT 125

A Bill for an Act Relating to Registration of Motor Vehicles.

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

SECTION 1. The first sentence in the first paragraph of Section 160-9 of the Revised Laws of Hawaii 1955, as amended, is hereby amended by changing the period at the end thereof to a semicolon and adding thereafter, the following:

"provided that the treasurer, if he has ascertained as of the date of such application that the registered owner has not deposited or paid bail with respect to any summons or citation issued to such registered owner for stopping, standing, or parking in violation of traffic ordinances within the county, may require, as a condition precedent to such renewal, that the registered owner deposit or pay bail with respect to all such summons or citations."

SECTION 2. The first sentence in the second paragraph of Section 160-9 of the Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"The provisions of this part shall be administered by the treasurer in conjunction with the requirements of sections 130-1 to 130-11 and

shall entail no additional expense or charge to the person registering the ownership of a motor vehicle other than as provided by this section or by other laws and the cost of container provided in section 160-7, provided, that for each new certificate of ownership issued by the treasurer under the provisions of section 160-10, the treasurer shall charge a fee of \$1, which fee shall be deposited in the general fund."

SECTION 3. Section 160-1, Revised Laws of Hawaii 1955, is amended by amending the definition of "Treasurer" and "county treasurer" as follows:

"'Treasurer' or 'county treasurer' means the treasurer of each county and the director of finance of the city and county of Honolulu, and deputies."

SECTION 4. This Act shall take effect upon its approval.
(Approved June 16, 1965.) S.B. 1056.

ACT 126

A Bill for an Act to Establish a Uniform System of Weights and Measures, by Amending Chapter 162, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Chapter 162, Revised Laws of Hawaii 1955, is hereby amended to read as follows:

Section 162-1. Meaning of Terms. When used in this chapter:

(1) The word 'person' shall be construed to mean both the plural and singular, as the case demands, and shall include individuals, partnerships, corporations, companies, societies, and associations.

(2) The word 'weight(s) and (or) measure(s)' shall be construed to mean all weights and measures of every kind, instrument and devices for weighing and measuring, and any appliances and accessories associated with any or all such instruments and devices, except that the term shall not be construed to include meters for the measurement of electricity, gas (natural or manufactured), or water when the same are operated in a public utility system. Such electricity, gas, and water meters are hereby specifically excluded from the purview of this chapter and none of the provisions of this chapter shall be construed to apply to such meters or to any appliances or accessories associated therewith.

(3) The words 'sell' and 'sale' shall be construed to mean barter and exchange.

(4) The terms 'director' and 'deputy director' shall be construed to mean, respectively, the State Director of Weights and Measures and the Deputy State Director of Weights and Measures.

(5) The term 'inspector' shall be construed to mean a State Inspector of Weights and Measures.

(6) The term 'intrastate commerce' shall be construed to mean any and all commerce or trade that is begun, carried on, and completed wholly within the limits of the State of Hawaii.

(7) The term 'commodity in packaged form' shall be construed to mean commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale, exclusive, however, of an auxiliary shipping container enclosing packages that individually conform to the requirements of this chapter. An individual item or lot of any commodity not in package form as defined in this section, but on which there is marked a selling price based on an established price per unit of weight or of measure, shall be construed to be commodity in package form.

Section 162-2. Systems of weights and measures. The system of weights and measures in customary use in the United States and the metric system of weights and measures are jointly recognized, and one or the other of these systems shall be used for all commercial purposes in the State of Hawaii. The definitions of basic units of weight and measure, the tables of weight and measure, and weights and measures equivalents, as published by the National Bureau of Standards, are recognized and shall govern weighing and measuring equipment and transactions in the State.

Section 162-3. Definitions of special units of measure. The term 'barrel,' when used in connection with fermented liquor, shall mean a unit of 31 gallons. The term 'ton' shall mean a unit of 2,000 pounds avoirdupois weight. The term 'cord,' when used in connection with wood intended for fuel purposes, shall mean the amount of wood that is contained in a space of 128 cubic feet when the wood is ranked and well stowed.

Section 162-4. State standards of weight and measure. Such weights and measures in conformity with the standards of the United States as have been supplied to the State by the Federal Government or otherwise obtained by the State for use as State standards shall, when the same shall have been certified as being satisfactory for use as such by the National Bureau of Standards, be the State Standards of Weight and Measure. The State standards shall be kept in a safe and suitable place in the office or laboratory of the State Division of Weights and Measures, they shall not be removed from the said office or laboratory except for repairs or for certification, and they shall be submitted at least once in ten years to the National Bureau of Standards for certification. The State standards shall be used only in verifying the office standards and for scientific purposes.

Section 162-5. Office and field standards and equipment. In addition to the State standards provided for in Section 162-4 of this chapter, there shall be supplied by the State at least one complete set of copies of these to be kept in the office or laboratory of the State Division of Weights and Measures and to be known as 'Office Standards,' and also such 'field standards' and such equipment as may be found necessary to carry out the provisions of this chapter. The office standards and field standards shall be verified upon their initial receipt and at least once each year thereafter, the office standards by direct comparison with the State standards and the field standards by comparison with the office standards.

Section 162-6. State director, deputy director, and inspectors of weights and measures. There is hereby established within the department of agriculture a division of weights and measures. The chairman of the board of agriculture shall be, ex officio, the State director of weights and measures. He shall appoint a deputy director who shall administer said division, and such necessary technical and clerical personnel as shall be necessary to carry out the provisions of this chapter.

Section 162-7. Bonds. The deputy director and each inspector shall furnish surety bonds in the amount of \$5,000 and \$1,000 respectively, conditioned upon the faithful performance of their duties and the safekeeping of any standards or equipment entrusted to their care. The payments for such bonds shall be made by the State Government and the bond shall be in such form as the Attorney General shall approve.

Section 162-8. General powers and duties of director. The director shall have the custody of the State standards of weight and measure and of the other standards and equipment provided for by this chapter, and shall keep accurate records of the same. The director shall enforce the provisions of this chapter. He shall have and keep a general supervision over the weights and measures offered for sale, sold, or in use in the State. He shall annually, in the month of July, make to the Governor a report on all of the activities of his office.

Section 162-9. Specific powers and duties of director; regulations. The director shall issue from time to time reasonable regulations for the enforcement of this chapter, which regulations shall have the force and effect of law. These regulations may include (1) rules governing the technical and reporting procedures to be followed, and the report and record forms and marks of approval and rejection to be used, by inspectors of weights and measures in the discharge of their official duties, (2) schedules of fees for testing and certification, (3) exemptions from the sealing or marking requirements of Section 162-14 of this chapter with respect to weights and measures of such character or size that such sealing or marking would be inappropriate, impracticable, or damaging to the apparatus in question, and (4) with respect to classes of weights and measures found to be of such character that annual retesting is unnecessary to continued accuracy, exemptions from the requirement of Sections 162-10 and 162-11 of this chapter for annual testing, and schedules fixing the frequency of required retests for classes of devices so exempted. These regulations shall include specifications, tolerances, and regulations for weights and measures of the character of those specified in Section 162-11 of this chapter, designed to eliminate from use, without prejudice to apparatus that conforms as closely as practicable to the official standards, those (1) that are not accurate, (2) that are of such construction that they are faulty—that is, that are not reasonably permanent in their adjustment or will not repeat their indications correctly—or

(3) that facilitate the perpetration of fraud. The specifications, tolerances, and regulations for commercial weighing and measuring devices, together with amendments thereto, as recommended by the National Bureau of Standards and published in National Bureau of Standards Handbook 44, second edition, as published at the time of the enactment of this Act shall be the specifications, tolerances and regulations for commercial weighing and/or measuring devices of the State of Hawaii. The director may at his discretion adopt, by regulation, any supplement to the National Bureau of Standards Handbook 44, second edition, or any subsequent similar publication by such bureau. For the purposes of this chapter, apparatus shall be deemed to be 'correct' when it conforms to all applicable requirements promulgated as specified in this section; other apparatus shall be deemed to be 'incorrect.'

Section 162-10. Same: testing at state-supported institutions. The director shall from time to time test all weights and measures used in checking the receipt or disbursement of supplies in every institution for the maintenance of which moneys are appropriated by the legislature, reporting his findings, in writing, to the supervisory Board and to the executive officer of the institution concerned.

Section 162-11. Same: general testing. When not otherwise provided by law, the director shall have the power to inspect and test, to ascertain if they are correct, all weights and measures kept, offered, or exposed for sale. It shall be the duty of the director, at least annually to inspect and test, to ascertain if they are correct, all weights and measures commercially used (1) in determining the weight, measurement, or count of commodities or things sold, or offered or exposed for sale, on the basis of weight or of measure, (2) in computing the basic charge or payment for services rendered on the basis of weight or of measure, or (3) in determining weight or measurement when a charge is made for such determination; provided, that with respect to single-service devices—that is, devices designed to be used commercially only once and to be then discarded—and with respect to devices uniformly mass-produced, as by means of a mold or die, and not susceptible of individual adjustment, the inspection and testing of each individual device shall not be required and the inspecting and testing requirements of this section will be satisfied when inspections and tests are made on representative samples of such devices; and the lots of which such samples are representative shall be held to be correct or incorrect upon the basis of the results of the inspections and tests on such samples.

Section 162-12. Same: investigations. The director shall investigate complaints made to him concerning violations of the provisions of this chapter, and shall, upon his own initiative, conduct such investigations as he deems appropriate and advisable to develop information on prevailing procedures in commercial quantity determination and on possible violations of the provisions of this chapter and to promote the general objective of accuracy in the determination and representation of quantity in commercial transactions.

Section 162-13. Same: inspection of packages. The director shall, from time to time, weigh or measure and inspect packages or amounts of commodities kept, offered, or exposed for sale, sold, or in the process of delivery to determine whether the same contain the amounts represented and whether they be kept, offered, or exposed for sale, or sold, in accordance with law; and when such packages or amounts of commodities are found not to contain the amounts represented, or are found to be kept, offered, or exposed for sale in violation of law, the director may order them off sale and may so mark or tag them as to show them to be illegal. In carrying out the provisions of this section, the director may employ recognized sampling procedures under which the compliance of a given lot of packages will be determined on the basis of the result obtained on a sample selected from and representative of such lot. No person shall (1) sell, or keep, offer, or expose for sale in intrastate commerce any package or amount of commodity that has been ordered off sale or marked or tagged as provided in this section unless and until such package or amount of commodity has been brought into full compliance with all legal requirements, or (2) dispose of any package or amount of commodity that has been ordered off sale or marked or tagged as provided in this section and that has not been brought into compliance with legal requirements, in any manner except with the specific approval of the director.

Section 162-14. Same: stop-use, stop-removal, and removal orders. The director shall have the power to issue stop-use orders, stop-removal orders, and removal orders with respect to weights and measures being, or susceptible of being, commercially used, and to issue stop-removal orders and removal orders with respect to packages or amounts of commodities kept, offered, or exposed for sale, sold, or in process of delivery, whenever in the course of his enforcement of the provisions of this chapter he deems it necessary or expedient to issue such orders, and no person shall use, remove from the premises specified, or fail to remove from the premises specified any weight, measure, or package or amount of commodity contrary to the terms of a stop-use order, stop-removal order, or removal order issued under the authority of this section.

Section 162-15. Same: disposition of correct and incorrect apparatus. The director shall approve for use and seal or mark with appropriate devices such weights and measures as he finds upon inspection and test to be 'correct' as defined in Section 162-9 of this chapter, and shall reject and mark or tag as 'rejected' such weights and measures as he finds, upon inspection or test to be 'incorrect' as defined in Section 162-9 of this chapter. Weights and measures that have been rejected may be confiscated and may be destroyed by the director if not corrected as required by Section 162-18 of this chapter, or if used or disposed of contrary to the requirements of Section 162-18 of this chapter.

Section 162-16. Same: right of entry and inspection. In performance of his official duties, the director is authorized to enter and

go into or upon at any reasonable time, without formal warrant, any structure or premises, or any other place where commercial transactions may be conducted.

Section 162-17. Powers and duties of deputy director and inspectors. The director may delegate any of his powers and duties to the deputy director and the inspectors, which he shall deem necessary and proper to carry out the provisions of this chapter.

Section 162-18. Duties of owners of incorrect apparatus. Weights and measures that have been rejected under the authority of the director shall remain subject to the control of the rejecting authority until such time as suitable repair or disposition thereof has been made as required by this section. The owners of such rejected weights and measures shall cause the same to be made correct within thirty days or such longer period as may be authorized by the rejecting authority; or, in lieu of this, may dispose of the same, but only in such manner as is specifically authorized by the rejecting authority. Weights and measures that have been rejected shall not again be used commercially until they have been officially re-examined and found to be correct or until specific written permission for such use is issued by the rejecting authority.

Section 162-19. Hindering or obstructing officer: penalties. Any person who shall hinder or obstruct in any way the director, the deputy director, or any one of the inspectors in the performance of his official duties, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$20.00 or more than \$200.00, or by imprisonment for not more than three months, or by both such fine and imprisonment.

Section 162-20. Impersonation of officer: penalties. Any person who shall impersonate in any way the director, the deputy director, or any one of the inspectors, by the use of his seal or a counterfeit of his seal, or in any other manner, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$100.00 or more than \$500.00, or by imprisonment for not more than one year, or by both such fine and imprisonment.

Section 162-21. Offenses and penalties. Any person who, by himself or by his servant or agent, or as the servant or agent of another person, performs any one of the acts enumerated in subparagraphs (1) through (9) of this section shall be guilty of a misdemeanor and, upon a first conviction thereof, shall be punished by a fine of not less than \$20.00 or more than \$200.00, or by imprisonment for not more than three months, or by both such fine and imprisonment; and upon a second or subsequent conviction thereof, he shall be punished by a fine of not less than \$50.00 or more than \$500.00, or by imprisonment for not more than one year, or by both such fine and imprisonment.

(1) Use or have in possession for the purpose of using for any commercial purpose specified in Section 162-11, sell, offer, or expose for sale or hire, or have in possession for the purpose of selling or

hiring, an incorrect weight or measure or any device or instrument used to or calculated to falsify any weight or measure.

(2) Use, or have in possession for current use, in the buying or selling of any commodity or thing, or for hire or award, or in the computation of any basic charge or payment for services rendered on the basis of weight or measurement, or in the determination of weight or measurement when a charge is made for such determination, any weight or measure that has not been tested and sealed by the appropriate authority within one year, (a) unless written notice has been given to the appropriate authority to the effect that such weight or measure is available for examination, or is due for re-examination, as the case may be, (b) unless specific written permission to use such weight or measure has been received from the appropriate authority, or (c) unless such weight or measure has been exempted from sealing or annual testing requirements by the provisions of Section 162-11 of this chapter or by a regulation of the director issued under the authority of Section 162-9 of this chapter.

(3) Dispose of any rejected or condemned weight or measure in a manner contrary to law or regulation.

(4) Remove from any weight or measure, contrary to law or regulation, any tag, seal, or mark placed thereon by the appropriate authority.

(5) Sell, or offer or expose for sale, less than the quantity he represents of any commodity, thing, or service.

(6) Take more than the quantity he represents of any commodity, thing, or service when, as buyer, he furnishes the weight, or measure by means of which the amount of the commodity, thing, or service is determined.

(7) Keep for the purpose of sale, advertise, or offer or expose for sale, or sell any commodity, thing, or service in a condition or manner contrary to law or regulation.

(8) Use in retail trade, except in the preparation of packages put up in advance of sale and of medical prescriptions, a weight or measure that is not so positioned that its indications may be accurately read and the weighing or measuring operation observed from some position which may reasonably be assumed by a customer.

(9) Violate any provision of this chapter or of the regulations promulgated under the provisions of this chapter for which a specific penalty has not been prescribed.

Section 162-22. Injunction. In addition to any other remedy by law provided, the director is authorized to apply to any court of competent jurisdiction for, and such court upon hearing and for cause shown may grant, a temporary or permanent injunction restraining any person from violating any provision of this chapter.

Section 162-23. Applicability to department of health functions. Nothing herein shall be construed to limit or otherwise alter the functions, duties and powers of the department of health relative to the administration of the Hawaii Food, Drug and Cosmetics Act, or the regulation of health matters essential to the public health, welfare, and safety. In all cases where the division of weights and measures

determines that a food, drug, or cosmetic has been mislabeled hereunder, the division shall send a copy of its report to the department of health, and shall in all other respect coordinate its activities hereunder with said department of health as to health matters.”

SECTION 2. Repeal of conflicting laws. All laws and parts of laws contrary to or inconsistent with the provisions of this Act are hereby repealed.

SECTION 3. Appropriation. There is hereby appropriated from the general funds of the State not otherwise appropriated the sum of \$60,000 for the purposes of this Act.

SECTION 4. Transfer of records, equipment, and personnel. Within 60 days of the effective date of this Act, all weights and measures standards, records, and equipment necessary for the use, transportation, testing, and inspection of weights and measures standards, heretofore owned and used by any county in the administration of weights and measures law, shall be transferred by such county to the department of agriculture of the State of Hawaii without cost to the State or reimbursement to such county, and without compliance with any disposal procedures or requirements, any law to the contrary notwithstanding.

Within 90 days of the effective date of this Act, any employee of a county, whose primary duty prior to the effective date of this Act was concerned with the administration of the weights and measures law, may transfer to a comparable civil service position with the said department of agriculture, without the necessity of an examination; and upon such transfer no such employee shall suffer any loss of salary, seniority, prior service credit, vacation, sick leave or other employee benefit or privilege as a consequence of this Act.

SECTION 5. Effective date. This Act shall take effect January 1, 1966.

(Approved June 16, 1965.) **H.B. 73.**

ACT 127

A Bill for an Act Amending Chapter 14A of the Revised Laws of Hawaii, 1955, Relating to the Department of the Attorney General and Consumer Protection.

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

SECTION 1. Section 14A-12 of the Revised Laws of Hawaii 1955, as amended, is hereby amended by adding the following paragraph to follow the second paragraph thereof:

“The Attorney General is hereby designated the Consumer Counsel for the State and shall represent and protect the State, the respective counties, and the general public as consumers. The Consumer Counsel shall investigate reported or suspected violations of laws enacted, and rules and regulations promulgated, for the purpose of consumer protection and shall enforce such laws, rules and regulations.”

SECTION 2. This Act shall take effect upon its approval.
(Approved June 16, 1965.) **H.B. 74.**

ACT 128

A Bill for an Act Amending Chapter 49 of the Revised Laws of Hawaii 1955 to Provide for Free Vaccination and Immunization for the Indigent and Medically Indigent, and Making an Appropriation Therefor.

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

SECTION 1. Chapter 49 of the Revised Laws of Hawaii 1955 is hereby amended by adding a new section to be appropriately numbered and to read as follows:

"Sec. 49- . Immunization of indigent and medically indigent. The department of health shall provide for free immunization and vaccination for the indigent and medically indigent for their protection against the types of diseases which in the discretion of the director of the department of health would be inimical to the health and lives of those who may contract such diseases including but not limited to smallpox, diphtheria, pertussis, tetanus, polio, typhoid and against such other diseases for which vaccines have and will have been developed in the future. For the purpose of this section the term 'indigent' shall mean a person without adequate and proper means of subsistence, for the support of whom the department of social services is liable or responsible. The term 'medically indigent' shall mean a person otherwise able to subsist himself, but who in the emergency of sickness is not able to care for the extra expenses necessary to maintain or restore health."

SECTION 2. There is hereby appropriated out of the general revenues of the State of Hawaii, not otherwise appropriated, the sum of \$13,000, or so much thereof as may be necessary to effectuate the purposes herein specified by the department of health.

SECTION 3. This Act shall take effect upon its approval.
(Approved June 16, 1965.) **H.B. 100.**

ACT 129

A Bill for an Act Amending Chapter 205A, Revised Laws of Hawaii 1955, as Amended, Relating to the Regulation of the Conduct of Trade and Commerce.

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

SECTION 1. Chapter 205A, Revised Laws of Hawaii 1955, as amended, is hereby amended by adding thereto the following new sections immediately following Section 205A-1, to read as follows:

“Sec. 205A-1.1. Unfair competition, practices, declared unlawful. Unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce are hereby declared unlawful.

“Sec. 205A-1.2. Interpretation. It is the intent of the legislature that in construing section 205A-1.1 the courts will be guided by the interpretations given by the Federal Trade Commission and the federal courts to Section 5(a) (1) of the Federal Trade Commission Act.”

SECTION 2. This Act shall take effect upon its approval.
(Approved June 16, 1965.) **H.B. 136.**

ACT 130

A Bill for an Act Relating to Loans for Federal Aid Projects and Amending Chapter 132, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Purpose. Although Section 9-36, Revised Laws of Hawaii 1955, as amended, obligates the State for only the State's share of the cost of federal-aid projects, the State is required in many instances to prepay the entire cost of a project because federal funds become available to the State only upon the completion of the project and payment by the State of the entire cost therefor.

This Act will permit loans from the various funds of the State to be used on federal-aid projects until such time as federal reimbursements become available, unless recalled sooner, in either of which events the funds from which the loans were made will be reimbursed.

SECTION 2. Chapter 132, Revised Laws of Hawaii 1955, as amended, is hereby amended by adding thereto a new section, to be designated Section 132-12.5, to read as follows:

“Section 132-12.5 (a) The director of finance may make loans to any state agency from the general, special and revolving funds of the State for the purpose of enabling the State to prepay the costs reimbursable by the federal-government on federal-aid projects, when he determines that:

(1) There are any moneys of the State which in his judgment are in excess of the amounts necessary for meeting the immediate requirements of the State and where in his judgment such action will not impede or hamper the necessary financial obligations of the State.

(2) The project is authorized in compliance with Section 9-5.5, Revised Laws of Hawaii 1955, as amended.

(3) Federal-aid in the form of reimbursable funds has been committed to the project in an amount sufficient to repay the principal on the loan.

(4) Federal reimbursement is expected to be received within a reasonable period of time after the loan is made.

(b) In addition to any other conditions that the director of finance may impose, any loan made pursuant to this Act shall be subject to the following conditions:

(1) The full amount of the loan must be repaid to the fund from which the loan was made upon final settlement of accounts with the participating federal agency.

(2) The term of such loans shall not exceed one calendar year from the time of the loan; provided, however, at the option of the director of finance, such loans or the balances thereof may be renewed annually.

(c) The director of finance may, in his discretion, require payment of interest on any loan made, the rate of interest not to exceed that which the State could have realized if it invested the same in time certificates of deposit.

(d) The director of finance shall have the option at any time to recall such loan and recover the outstanding amount of such loan plus interest due, if any."

SECTION 3. This Act shall take effect on July 1, 1965.
(Approved June 16, 1965.) **H.B. 259.**

ACT 131

A Bill for an Act Exempting Securities Issued by Local Development Companies from Provisions of Chapter 199, Revised Laws of Hawaii, 1955, as Amended.

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

SECTION 1. Chapter 199, Revised Laws of Hawaii, 1955, as amended, is hereby amended by adding thereto a new section, to be numbered 199-4.5, to read as follows:

"Securities issued by a local development company organized within the State for profit under Chapter 172 and approved by the Small Business Administration as qualifying for loans under section 502 of the Small Business Investment Act of 1958, as amended, are exempted from the provisions of Chapter 199, Revised Laws of Hawaii, 1955, as amended, except such provisions relating to the prospectus, upon the approval of the commissioner. The commissioner shall grant approval for said exemption upon finding that the proposed plan of business of the applicant and the proposed issuance of securities are fair, just and equitable, that the applicant intends to transact its business fairly and honestly, and that the securities that the applicant proposes to issue and the method to be used by the applicant in issuing or disposing of such securities are not such as, in the opinion of the commissioner, will work a fraud upon the purchaser thereof."

SECTION 2. This Act shall take effect upon its approval.
(Approved June 16, 1965.) **H.B. 306.**

ACT 132

A Bill for an Act Relating to Wages and Hours and Amending Chapter 94, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Chapter 94, Revised Laws of Hawaii 1955, as amended, is hereby further amended as follows:

(a) Item (c) in the paragraph defining "employee" in section 94-2 is amended to read:

"(c) in domestic service in or about the home of his employer or as a house parent in or about any home or shelter maintained for child welfare purposes by a charitable organization exempt from income tax under Section 501 of the Federal Internal Revenue Code;"

(b) The definition of "week" in section 94-2 is amended to read: "Week' or 'workweek' means a fixed and regularly recurring period of seven consecutive days."

(c) Section 94-6 is amended by adding thereto the following subsection:

"(e) Every employer shall permit the director or his authorized representative to confer with and interrogate any employee of such employer at the place of employment and during working hours with respect to any matter cognizable under this chapter."

(d) Section 94-8 is amended to read:

"Section 94-8. Disclosure of information. Except as otherwise provided herein, information secured from inspection of the records, or from the transcriptions or from the taking of transcriptions thereof, or from inspection of the employer's premises by the director or his authorized representative, shall be held confidential and shall not be disclosed or be open to any person. Such information may be made available:

(a) to officials concerned with, and for the purposes of, the administration of the laws relating to matters under the jurisdiction of the director;

(b) to any agency of this or any other State, or any Federal agency for the purposes of enforcing the provisions of this chapter;

(c) to any employee to the extent necessary for the proper presentation of his claim under the provisions of section 94-13;

(d) to the Wage and Hour and Public Contracts Divisions of the United State Department of Labor."

(e) The first paragraph of section 94-13 is amended to read:

"Criminal: (a) Any person divulging information in violation of section 94-8, or (b) any employer who willfully violates any provision of this chapter or of any rule, regulation or order issued under the authority of this chapter, or (c) any employer or his agent or any officer or agent of a corporation who discharges or in any other manner discriminates against any employee because such employee has made a complaint to his employer, to the director or to any other person that he has not been paid wages in accordance with the provisions of this chapter, or has instituted or caused to be instituted any

proceeding under or related to this chapter, or has testified or is about to testify in any such proceeding, or (d) any employer or his agent or any officer or agent of a corporation who pays or agrees to pay any employee compensation less than that which such employee is entitled to under this chapter, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$50 nor more than \$500 or by imprisonment for a period not to exceed one year or by both such fine and imprisonment.

SECTION 2. This Act shall take effect upon its approval.
(Approved June 16, 1965.) **H.B. 684.**

ACT 133

A Bill for an Act Relating to the Remittance and Document Due Dates, and Amending Chapter 115 of the Revised Laws of Hawaii 1955, as Amended.

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

Section 1. Chapter 115 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding thereto a new section to be designated and to read as follows:

"Section 115— . Due date on Saturday, Sunday or holiday. When the due date for any remittance or document required by any law imposing a tax falls on a Saturday, Sunday or legal holiday, the remittance or document shall not be due until the next succeeding day which is not a Saturday, Sunday or legal holiday."

SECTION 2. This Act shall take effect upon its approval.
(Approved June 16, 1965.) **H.B. 719.**

ACT 134

A Bill for an Act Relating to Service of Process Upon Persons Without the State of Hawaii.

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

SECTION 1. (1) Any person, whether or not a citizen or resident of this State, who in person or through an agent does any of the acts hereinafter enumerated, thereby submits said person, and, if an individual, his personal representative, to the jurisdiction of the courts of this State as to any cause of action arising from the doing of any of said acts:

- (a) The transaction of any business within this State;
- (b) The commission of a tortious act within this State;
- (c) The ownership, use, or possession of any real estate situated in this State;
- (d) Contracting to insure any person, property or risk located within this State at the time of contracting.

(2) Service of process upon any person who is subject to the jurisdiction of the courts of this State, as provided in this section, may be made by serving the summons upon the defendant outside this State, as provided in Section 230-33, Revised Laws of Hawaii 1955, as amended, with the same force and effect as though summons had been personally served within this State.

(3) Only causes of action arising from acts enumerated herein may be asserted against a defendant in an action in which jurisdiction over him is based upon this section.

(4) Nothing herein contained limits or affects the rights to serve any process in any other manner now or hereafter provided by law.

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

(Approved June 16, 1965.) **H.B. 969.**

ACT 135

A Bill for an Act Amending Sections 5-62, 5-63 and 5-64, Revised Laws of Hawaii 1955, as Amended, Relating to Incentive and Service Awards.

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

SECTION 1. Section 5-62 is hereby amended to read as follows:

"Sec. 5-62. Award by chief executive officer. The governor of the State, the mayor of the city and county of Honolulu, and the respective chief executive officers of the several counties are authorized to pay cash awards to and incur necessary expenses for the honorary recognition of, officers and employees of the government who by their suggestions, inventions, superior accomplishments or other personal efforts, including length of service awards, contribute to the efficiency, economy or other improvement of government operations, or who perform exceptionally meritorious special acts or services in the public interest in connection with or related to their official employment, and any such awards may be in addition to the awards authorized in section 5-60."

SECTION 2. Section 5-63 is hereby amended to read as follows:

"Sec. 5-63. Funds. Awards and expenses for the honorary recognition of officers and employees may be paid from the funds or appropriations available to the department primarily benefiting or may be paid from the several funds or appropriations of the various departments benefiting as may be determined by the governor of the State, the mayor of the city and county of Honolulu and the respective chief executive officers of the several counties, as the case may be, for awards under section 5-62 and by the head of the department concerned for awards under section 5-60."

SECTION 3. Section 5-64 is hereby amended to read as follows:

"Sec. 5-64. Rules and regulations. The awards programs set forth in this part shall be carried out under such rules and regulations as may be issued by the department of personnel services for the

State government, subject to the approval of the governor, and by the departments of civil service for each of the political subdivisions of the State subject to the approval of the respective chief executive officer.”

SECTION 4. This Act shall take effect upon approval.
(Approved June 16, 1965.) H.B. 809.

ACT 136

A Bill for an Act Amending Section 4-8, Revised Laws of Hawaii 1955, as Amended, Relating to Hazard Pay.

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

SECTION 1. The second paragraph of Section 4-8, Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

“Differentials granted under this section shall be subject to certification by the respective fiscal officers as to the availability of funds for this purpose.”

SECTION 2. This Act shall take effect upon its approval.
(Approved June 16, 1965.) H.B. 810.

ACT 137

A Bill for an Act Relating to the Registration of Motor Vehicles.

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

SECTION 1. Section 160-8, Revised Laws of Hawaii 1955, as amended, is hereby amended by adding the following new paragraphs at the end thereof:

“Notwithstanding the provisions of the first paragraph of this section, the treasurer shall accept and grant an application, and issue number plates, when the vehicle, although not within the State of Hawaii, is to be registered in the name of an United States Senator from the State of Hawaii, an United States Representative from the State of Hawaii, or members of their congressional staffs who are bona fide residents of the State of Hawaii, and the application is accompanied by:

(a) a written certificate setting forth the name, local address and current address of the applicant; the name and business address of the seller; a full description of the vehicle, including a statement of the weight thereof, and the serial or engine and factory numbers; and such other information as may be required by the treasurer; and

(b) a copy of the bill of sale and such other documents as may be required by the treasurer, to establish legal ownership; and

(c) a written statement signed by the applicant stating that the consumption tax payable thereon will be paid within sixty days of the arrival of the vehicle in the state.

The applicant shall be responsible for supplying to the treasurer all information relative to the correct serial or engine and factory numbers, and the payment of correction fees, in the same manner and to the same extent as is required hereinabove of a dealer. One copy of the application, when granted, shall be furnished by the treasurer to the state director of taxation.

"No tax or other fees required by law in connection with the registration of a vehicle not within the state at the time of such application shall be refundable."

SECTION 2. Section 160-1, Revised Laws of Hawaii 1955, as amended, is amended by inserting immediately after the word "deputies" where it first appears in said section, the following words:

"or in the City and County of Honolulu, the director of finance and deputies."

SECTION 3. This Act shall take effect upon its approval.
(Approved June 16, 1965.) **H.B. 1023.**

ACT 138

A Bill for an Act Amending Section 89-6, Revised Laws of Hawaii 1955, Relating to Apprenticeship.

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

SECTION 1. Section 89-6 of the Revised Laws of Hawaii 1955 is hereby amended by amending the second paragraph thereof to read as follows:

"Related instruction for apprentices, coordination of instruction with job experiences and the selection and training of teachers and coordinators for such instruction shall be the responsibility of the vocational division, department of education, or of the community college division, University of Hawaii."

SECTION 2. This Act shall take effect upon its approval.
(Approved June 16, 1965.) **H.B. 1126.**

ACT 139

A Bill for an Act Relating to the Statute of Limitations on the Action of Libel.

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

SECTION 1. Section 241-1 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by deleting subsection (e) and substituting therefor the following:

"(e) Special actions on the case for criminal conversation, or for any other injury to the person or rights of any, except as otherwise provided."

SECTION 2. Section 241-4 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by deleting section 241-4 and substituting therefor the following:

"Section 241-4. Two years; libel and slander. All actions for libel or slander shall be commenced within two years after the cause of action accrued, and not after."

SECTION 3. This Act shall take effect upon its approval.
(Approved June 16, 1965.) **H.B. 1137.**

ACT 140

A Bill for an Act Providing for Airport Zoning and the Repeal of Chapter 17, Revised Laws of Hawaii 1955.

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

SECTION 1. The Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding a new chapter to be appropriately numbered and to read as follows:

"CHAPTER — AIRPORT ZONING ACT

Section -1. **Definitions.** As used in this chapter, unless the context otherwise requires:

(a) 'Airport' means any area of land or water designed and set aside for the landing and taking off of aircraft and utilized or to be utilized in the interest of the public for such purposes;

(b) 'Airport hazard' means any structure or tree which obstructs the air space required for the flight of aircraft in landing or taking-off at an airport, or any use of land which creates a dangerous condition, including the placement of strong lights which blind pilots during such operations;

(c) 'Airport protection' means protection against an airport hazard;

(d) 'Airport hazard area' means any area of land or water upon which an airport hazard might be established if not prevented as provided in this chapter;

(e) 'Director' means the director of transportation or his authorized representative;

(f) 'Department' means the department of transportation;

(g) 'Person' means any individual, partnership, corporation, unincorporated association, joint stock association, or any trustee, receiver, assignee, or other similar representative thereof; or the State or any of its political subdivisions, or agencies thereof;

(h) 'Structure' means any object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, chimneys and overhead transmission lines;

(i) 'Tree' means any object of natural growth.

Section -2. **Airport hazards contrary to public interest.** It is hereby found that an airport hazard endangers the lives and property of users of an airport and of occupants of land in its vicinity, and in effect reduces the size of the area available for the landing, taking-off and maneuvering of aircraft, thus tending to destroy or impair the utility of an airport and the public investment therein. Accordingly, it is hereby declared: (a) that the creation, maintenance or establishment of an airport hazard is a public nuisance and an injury to the community served by the airport in question; therefore it is necessary in the interest of the public health, public safety, and general welfare that the creation, maintenance or establishment of airport hazards be prevented; and (b) that the prevention of the creation, maintenance or establishment of airport hazards should be accomplished, to the extent legally possible, by exercise of the police power, without compensation. It is further declared that both the prevention of the creation, maintenance or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes.

Section -3. **Power to adopt airport zoning regulations.** In order to prevent the creation or establishment of airport hazards, the director may adopt, amend, repeal, administer and enforce, under the police power and in the manner and upon the conditions prescribed in this chapter, airport zoning regulations for any airport hazard area in the State, which regulations may divide each area into zones, and, within such zones, specify the land uses permitted and regulate and restrict the height to which structures may be erected and trees allowed to grow, subject to the provisions of section -6.

Section -4. **Relation to comprehensive zoning regulations.** In the event of conflict between any airport zoning regulations adopted under this chapter and any ordinances or other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, and whether such other regulations were adopted by or under the authority of the State or by or under the authority of a county, the more stringent limitation or requirement shall govern and prevail.

Section -5. **Procedure for adoption of zoning regulations.** (a) The director shall adopt airport zoning regulations in accordance with chapter 6C.

(b) At least ninety days prior to the public hearing on the initial zoning of any airport hazard area, the director shall notify the appropriate State and county planning agencies and any boards or commissions of a similar nature which may be concerned, and thirty days before such public hearing such agencies, boards and commissions may file with the director their recommendations as to the boundaries of the various zones to be established and the regulations to be adopted therefor. The director shall give due consideration to recommendations so filed.

Section -6. **Airport zoning regulations.** (a) All airport zoning regulations adopted under this chapter shall have the force and effect of law. Such regulations shall be reasonable and none shall impose any requirement or restriction which is not reasonably necessary to

effectuate the purposes of this chapter. In determining what regulations he may adopt, the director shall consider, among other things, the character of the flying operations expected to be conducted at the airport, the nature of the terrain within the airport hazard area, the character of the neighborhood and the uses to which the property to be zoned is put and adaptable.

(b) Non-conforming uses. No airport zoning regulations adopted under this chapter shall require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations when adopted or amended, or otherwise interfere with the continuance of any non-conforming use, except as provided in section -7.

Section -7. **Permits, hazard markings and lighting.** (a) Permits. Any airport zoning regulations adopted under this chapter may require that before any new structure, tree or use may be constructed, planted or established, and before any existing use, tree or structure may be substantially changed, replanted or substantially altered or repaired, a permit be obtained authorizing such construction, planting, establishment, change, replanting, alteration, or repair. In any event, all such regulations shall provide that before any non-conforming structure or tree may be replaced, substantially altered or repaired, rebuilt, or replanted, a permit must be secured from the department authorizing such replacement, alteration, repair, rebuilding or replanting. No permit shall be granted that would allow the establishment, maintenance or creation of an airport hazard. Except as provided herein, all applications for permits shall be granted.

(b) Hazard markings and lighting. In granting any permit under this section, the director may, if he deems such action advisable to effectuate the purposes of this chapter and reasonable under the circumstances, so condition such permit as to require the owner of the structure or tree in question to permit the State, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to operators of aircraft the presence of an airport hazard.

Section -8. **Appeals.** Any person aggrieved by any order, requirement, determination, or decision of the director made in the adoption, amendment, repeal or administration of airport zoning regulations may appeal his grievance to the appropriate circuit court in accordance with chapter 6C.

Section -9. **Application.** In any case in which airport zoning regulations adopted under this chapter, although generally reasonable, are finally held to interfere with the use or enjoyment of a particular structure or parcel of land to such an extent as to be in violation of the State Constitution or the Constitution of the United States, such holding shall not affect the application of such regulations to other structures and parcels of land.

Section -10. **Enforcement and remedies.** Any person who willfully violates subsection (a) of section -7 or any regulations, orders, or rulings promulgated or made pursuant to this chapter, shall for each violation, be fined not more than \$1,000 or imprisoned not more than ninety days, or both. In addition the director may institute, in

any court of competent jurisdiction, an action in the name of the State to prevent, restrain, correct or abate any violation of this chapter, or of airport zoning regulations adopted under this chapter, or of any order or ruling made in connection with their administration or enforcement, and the court shall adjudge to the State such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of this chapter and of the regulations adopted and orders and ruling made pursuant thereto.

Section -11. **Acquisition of air rights.** In any case in which (a) it is desired to remove, lower or otherwise terminate a non-conforming structure or use; or (b) the approach protection necessary cannot, because of constitutional limitations, be provided by airport zoning regulations under this chapter; or (c) it appears advisable that the necessary approach protection be provided by acquisition of property rights rather than by airport zoning regulations, the director, on behalf of the State may acquire, by purchase, grant, or condemnation in the manner provided by chapter 8, such air right, navigation easement, or other estate or interest in the property or nonconforming structure or use in question as may be necessary or proper to effectuate the purposes of this chapter, including acquisition of a fee simple estate."

SECTION 2. Repeal. Chapter 17, Revised Laws of Hawaii 1955, is hereby repealed.

SECTION 3. Preservations of rights and liabilities. The repeal shall not affect any act done, ratified or confirmed or any right accruing or accrued or established, or any action, suit or proceedings had or commenced in any civil cause, prior to the repeal, and all rights and liabilities under any statute embraced in or repealed by this Act shall continue and may be enforced in the same manner and with the same effect as if the repeal had not been made.

SECTION 4. Application of statutes of limitations. No statute of limitations, whether applicable to civil causes or proceedings, or to the prosecution of offenses, or for the recovering of penalties or forfeiture, embraced in, or repealed by this Act shall be affected thereby, and all suits, proceedings and prosecutions, whether civil or criminal, for causes arising or acts done or committed prior to the repeal may be commenced and prosecuted with the same effect as if the repeal had not been made.

SECTION 5. Preservation of penalties for offenses, etc. The repeal shall not affect any offense committed or any punishment, penalty or forfeiture incurred, prior to the repeal, under any statute embraced in or repealed by this Act, and every such offense may be prosecuted and punished, and every punishment, penalty or forfeiture imposed and enforced, in the same manner and with the same effect as if the repeal had not been made.

SECTION 6. Severability. The provisions of this Act are declared to be severable and, if any word, sentence or section of this

ACT 141

Act or the application thereof to any person, circumstance or property is held invalid for any reason, the validity of the remainder of this Act or the application of such portion to other persons, circumstances or property shall not be affected.

SECTION 7. Effective date. This Act shall take effect upon its approval.

(Approved June 16, 1965.) **H.B. 1171.**

ACT 141

A Bill for an Act Relating to the United Students Aid Fund.

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

SECTION 1. Section 44B-2, RLH 1955, as amended, is hereby amended to read as follows:

"44B-2. Eligibility for loans. To be eligible for loans guaranteed under this program, students must have been accepted at an accredited college or university in Hawaii and must be citizens of the United States who have been residents of the State for at least one year prior to applying for a United Students Aid loan."

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

(Approved June 16, 1965.) **H.B. 1203.**

ACT 142

A Bill for an Act Relating to the Defense of Indigent Accused Persons.

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

SECTION 1. Counties authorized to create office of Public Defender. The Counties of Hawaii, Maui and Kauai, and the City and County of Honolulu, are each hereby authorized and empowered to create an Office of Public Defender for the defense of persons accused of crime who are financially unable to afford their own counsel.

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

(Approved June 16, 1965.) **H.B. 1253.**

ACT 143

A Bill for an Act Amending Section 108-20, Revised Laws of Hawaii, 1955, as Amended, Relating to Frauds in Connection With Public Assistance.

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

SECTION 1. Section 108-20, is hereby further amended by inserting two new paragraphs between the second and third paragraphs of said section, to read as follows:

"No person shall knowingly obtain or attempt to obtain, or aid or abet another person in obtaining or attempting to obtain, any food commodity under a food distribution program or any food stamp or coupon under a food stamp plan, to which he or such other person is not entitled to receive or use under any law, or under any rule or regulation promulgated pursuant to section 108-7(i) or chapter 6C, Revised Laws of Hawaii, 1955, as amended.

"No person shall knowingly give, sell, trade or otherwise dispose of to another person not entitled to receive or use the same pursuant to any law, or pursuant to any rule or regulation promulgated pursuant to section 108-7(i), or chapter 6C, Revised Laws of Hawaii, 1955, as amended:

"(a) Any food commodity received under a food distribution program;

"(b) Any food stamp or coupon received under a food stamp plan; or

"(c) Any food commodity received wholly or partially in exchange for a food stamp or coupon received under a food stamp plan."

SECTION 2. This Act shall take effect upon its approval.
(Approved June 16, 1965.) **H.B. 1292.**

ACT 144

A Bill for an Act to Amend Chapter 194, Revised Laws of Hawaii 1955, as Amended, Relating to the Industrial Loan Act.

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

SECTION 1. Section 194-8 of the Revised Laws of Hawaii 1955 is hereby amended as follows:

(a) By amending the heading thereof to read

"Application for license; investigation fee."

(b) By adding a new paragraph to follow the first paragraph and to read as follows:

"The applicant shall pay to the director of regulatory agencies at the time of filing of an application for license an investigation fee of seventy-five dollars, which fee shall not be refundable."

SECTION 2. This Act shall take effect upon its approval.
(Approved June 17, 1965.) **S.B. 191.**

ACT 145

A Bill for an Act Relating to Fees for Real Property Tax Searches and Amending Chapter 7, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Chapter 7, Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding thereto a new section, to be appropriately numbered, and to read as follows:

"Section 7- . Fees charged for real property tax searches. (a) The director of taxation or his duly authorized representative is hereby authorized to levy and collect a fee from a person or firm when the tax department conducts a real property tax search of public records in its custody pursuant to the person's or firm's request; provided however, the fee will not be applicable to an owner or lessee making an inquiry concerning his own property or property leased to him.

"(b) The fee charged for such service shall be determined by the director of taxation and shall be based upon the cost of providing such service. The person or firm, upon request, may be furnished a statement showing the result of the examination of the tax department's records.

"(c) All moneys received under this section shall be deposited to the general fund of the State."

SECTION 2. This Act shall take effect upon its approval.
(Approved June 17, 1965.) **S.B. 244.**

ACT 146

A Bill for an Act to Amend Section 3-21, Revised Laws of Hawaii 1955, as Amended, Relating to Lay-Off.

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

SECTION 1. Section 3-21, Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding a new sub-section to read as follows:

"Section 3-21 (). Lay-Off.

"Rules and regulations, having the prior approval of the governor, shall be promulgated by the director to govern the conditions under which an employee is to be released from his position due to lack of work or lack of funds."

SECTION 2. This Act shall take effect upon its approval.
(Approved June 17, 1965.) **H.B. 188.**

ACT 147

A Bill for an Act Relating to Federal Aid Highway Contracts and Amending Chapter 9 of the Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Chapter 9 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by the addition of a new section to read as follows:

"**Section 9-36.5. Federal-aid highway contracts.** Anything in Section 9-36, Revised Laws of Hawaii 1955, as amended, to the contrary notwithstanding, any federal-aid highway contract shall be

binding and of force if the director of finance certifies that he anticipates the accrual of an amount in the highway fund sufficient to pay the State's share of the contract before the performance contracted for is completed."

SECTION 2. This Act shall take effect upon its approval.
(Approved June 17, 1965.) **H.B. 256.**

ACT 148

A Bill for an Act Relating to Vacations for Government Employees and Amending Section 5-30, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Section 5-30, Revised Laws of Hawaii 1955, as amended, is hereby amended by amending the second sentence of the first paragraph thereof to read as follows:

"A month of service shall be deemed to mean a calendar month in which the employee performs not less than nineteen days of actual service, or for calendar months with less than nineteen working days, actual service on all available working days."

SECTION 2. This Act shall take effect upon its approval.
(Approved June 17, 1965.) **H.B. 327.**

ACT 149

A Bill for an Act Relating to Civil Actions in the District Courts.

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

SECTION 1. The last sentence appearing in Section 229-1, Revised Laws of Hawaii 1955, as amended, is hereby further amended by deleting the words "thirty days" and substituting therefor the words "one year".

SECTION 2. This Act shall take effect upon its approval.
(Approved June 17, 1965.) **H.B. 666.**

ACT 150

A Bill for an Act Relating to Soil and Water Conservation Districts and Amending Chapter 28 of the Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Chapter 28 of the Revised Laws of Hawaii 1955, as amended, is hereby amended by adding thereto a new section to be appropriately numbered and to read as follows:

“Sec. 28- . **Special funds.** Any law to the contrary notwithstanding, there shall be established in each soil and water conservation district a special fund into which shall be deposited all funds received by such district and out of which shall be paid any and all expenses which may be approved by the majority of directors of such district. Such fund shall be administered by the directors of the district and shall be free from the control of any state officer except for periodic audits.”

SECTION 2. This Act shall take effect upon its approval.
(Approved June 17, 1965.) **H.B. 1278.**

ACT 151

A Bill for an Act Relating to the Department of Social Services; Making Supplementary Appropriations out of the General Revenues to Cover Certain Deficiencies for the Fiscal Year Ending June 30, 1965.

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

SECTION 1. Justification for additional appropriation for the department of social services.

Act 50, Session Laws of Hawaii 1965, appropriated a certain designated sum to the department of social services to provide payments for medical services to indigents and medical indigents under the department’s Economic Assistance Program for the fiscal period beginning July 1, 1964 and ending June 30, 1965.

To the best of its ability, the department is trying to operate within the appropriated amount for the fiscal year 1964-65. The department has complied with the mandate in the appropriation act which provides that the department shall not expend in excess of certain specified average rates. However, caseloads are exceeding estimates specified in the Act for out-patient care, nursing and chronic care, and in-patient care, and therefore, the department anticipates that expenditures will exceed its appropriation under Act 50.

To avoid a breakdown in services, it is urgent that additional moneys be appropriated.

SECTION 2. The following sum, or so much thereof as may be necessary, is hereby appropriated for the purpose hereinafter specified, in addition to any appropriations made for the same purposes by any other Act, out of moneys in the treasury received from general revenues:

“SOCIAL SERVICES, DEPARTMENT OF. Payments for Indigents and Medical Indigents\$456,809”

SECTION 3. All unexpended and unencumbered balances of the appropriation made by this Act as of the close of business on June 30, 1965, shall lapse into the general fund of the State.

SECTION 4. This Act shall take effect upon its approval.
(Approved June 17, 1965.) **H.B. 1330.**

ACT 152

A Bill for an Act Relating to Workmen's Compensation and Amending Chapter 97, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Chapter 97, Revised Laws of Hawaii 1955, as amended is hereby further amended as follows:

(a) Section 97-30 is amended by deleting the figure "75" wherever it appears and substituting therefor the figure "112.50".

(b) Subsection (b) of section 97-40 is amended by deleting the figure "112.50" appearing in the first paragraph thereof and substituting therefor the figure "168.75".

SECTION 2. This Act shall take effect on July 1, 1965.

(Approved June 17, 1965.) **S.B. 707.**

ACT 153

A Bill for an Act Repealing Certain Chapters, Parts of Chapters, Sections and Subsections of the Revised Laws of Hawaii 1955, Containing Obsolete Laws.

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

SECTION 1. Obsolete laws repealed. The following portions of the Revised Laws of Hawaii 1955, are hereby repealed:

(a) Section 2-6, entitled: "Privilege of Witnesses";

(b) Section 5-2, entitled: "Penalty";

(c) Chapter 65, entitled: "Medicinal Use of Hawaiian Herbs and Plants";

(d) Sections 51-51 through 51-54, inclusive, entitled: "Regulating Poi Production";

(e) Section 142-35, entitled: "Hitching Posts";

(f) Part II of Chapter 167, entitled: "Foreign Language Newspapers and Publications";

(g) Section 262-6, entitled: "Animals on Automobile running boards; penalty";

(h) Section 311-6, entitled: "Cattle on Streets of Honolulu; Penalty";

(i) Section 312-3, entitled: "Trespass on Railroad right of way";

(j) Sections 312-5 and 312-6, entitled: "Railroad defined" and "Copy of law posted, respectively";

(k) Chapter 313, entitled: "Train Wrecking";

(l) Chapter 360, entitled: "Hawaii Statehood Commission."

SECTION 2. This Act shall take effect upon its approval, but shall not affect any proceedings, acts or liabilities commenced or transacted prior to said effective date.

(Approved June 17, 1965.) **H.B. 710.**

ACT 154

A Bill for an Act Authorizing Louisa K. DeMello to Sue the State of Hawaii.

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

SECTION 1. Louisa K. DeMello is hereby authorized to sue the State of Hawaii in an appropriate state court to recover damages and other relief which are allegedly due to the cancellation by the Hawaiian Homes Commission and the department of Hawaiian Homes Land on or about September 25, 1964 of a leasehold covering certain Hawaiian home lands held by said Louisa K. DeMello and an action of forfeiture taken pursuant thereto. For the purpose of this Act and the adjudication of any such claim, the immunity of the State to suit is hereby waived, and said Louisa K. DeMello may proceed against the State as in the case of any other defendant, subject to the same procedures and defenses, except for the defense of immunity from suit or of the statute of limitations, the provisions of which are hereby expressly waived; provided that nothing contained herein shall be construed as an admission of liability on the part of the State.

SECTION 2. The claimant Louisa K. DeMello shall commence the action authorized by this action in an appropriate state court within two years from the effective date of this Act.

SECTION 3. This Act shall take effect upon its approval.
(Approved June 17, 1965.) **H.B. 1165.**

ACT 155

A Bill for an Act Relating to Taxation.

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

PART 1

SECTION 1. Chapter 118 of the Revised Laws of Hawaii 1955, as amended, is hereby repealed.

SECTION 2. Chapter 119 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

“CHAPTER 119. USE TAX LAW.

“Section 119-1. Definitions, generally. Whenever used in this chapter, unless otherwise required by the context:

“‘General excise tax law’ means chapter 117, as amended from time to time.

“‘Person’, ‘business’, ‘engaging in business’, ‘retailer’, ‘wholesaler’, ‘jobber’, and ‘contractor’ have the meanings defined by chapter 117.

“‘Import’ (or any nounal, verbal, adverbial, adjective or other equivalent of the term) includes importation into the State from any other part of the United States or its possessions or from any foreign country, whether in interstate or foreign commerce, or both.

“‘Property’ means tangible personal property, but does not include newspapers or other periodical publications purchased on the

subscription plan, issued at stated intervals as frequently as four times a year, and of the class admitted to the United States mails as second class matter under the laws and regulations governing the postal service on January 1, 1965.

“Purchase’ and ‘sale’ mean and refer to any transfer, exchange or barter, conditional or otherwise, in any manner or by any means, wheresoever consummated, of tangible personal property for a consideration.

“Purchaser’ means any person purchasing property and ‘importer’ means any person importing property; provided, that the terms ‘purchaser’ and ‘importer’ shall not include the State, its political subdivisions, or wholly owned agencies or instrumentalities of the State or a political subdivision; or the United States, its wholly owned agencies or instrumentalities, or any person immune from the tax imposed by this chapter under the Constitution and laws of the United States.

“Price’ means the total amount for which tangible personal property is purchased, valued in money, whether paid in money or otherwise, and wheresoever paid, provided that cash discounts allowed and taken on sales shall not be included.

“Seller’ means any person engaged in the business of selling tangible personal property, wheresoever engaged, but does not include the United States or its wholly owned agencies or instrumentalities, the State of Hawaii or a political subdivision thereof, or wholly owned agencies or instrumentalities of the State or a political subdivision.

“Unlicensed seller’ means any seller who, with respect to the particular sale, is not subject to the tax imposed by chapter 117, whether or not he holds a license under that chapter, but does not include any seller with respect to any sale which is expressly exempted from the tax imposed by chapter 117.

“Use’ (and any nounal, verbal, adjective, adverbial and other equivalent form of any of said terms), herein used interchangeably, means any use, whether such use is of such nature as to cause the property to be appreciably consumed or not, or the keeping of such property for such use or for sale, and shall include the exercise of any right or power over tangible personal property incident to the ownership of that property, but the term ‘use’ shall not include (1) temporary use of property, not of a perishable or quickly consumable nature, where such property is imported into the State for temporary use (not sale) therein by the person importing the same and is not intended to be, and is not, kept permanently in the State (as for example without limiting the generality of the foregoing language: (i) in the case of a contractor importing permanent equipment for the performance of a construction contract, with intent to remove, and who does remove, such equipment out of the State upon completing the contract; (ii) in the case of moving picture films imported for use in theaters in the State with intent or under contract to transport the same out of the State after completion of such use; (iii) in the case of a transient visitor importing an automobile or other belongings into the State to be used by him while therein but which are to be used and are removed upon his departure from the State);

(2) use by the taxpayer of property acquired by him solely by way of gift; (3) use which is limited to the receipt of articles and the return thereof, to the person from whom acquired, immediately or within a reasonable time either after temporary trial or without such trial; (4) use of goods imported into the State by the owner of a vessel or vessels engaged in interstate or foreign commerce and held for and used only as ship stores for such vessels; (5) the use or keeping for use of household goods, personal effects and private automobiles imported into the State for nonbusiness use by a person who (i) acquired them in another state, territory, district or country, (ii) at the time of such acquisition was a bona fide resident of another state, territory, district or country, (iii) acquired the property for use outside the State, and (iv) made actual and substantial use thereof outside this State; provided, that, as to an article acquired less than three months prior to the time of its importation into the State it shall be presumed, until and unless clearly proved to the contrary, that it was acquired for use in the State and that its use outside the State was not actual and substantial.

"With regard to purchases made and distributed under the authority of chapter 176 or under the authority of the Fish Marketing Act under chapter 175A, a cooperative association shall be deemed the user thereof.

"'Value' means fair and reasonable cash value at the time of accrual of the tax.

"'Representation' refers to any or all of the following: (a) a seller's being present in the State, and (b) a seller's having in the State a salesman, commission agent, manufacturer's representative, broker or other person who is authorized or employed by such seller to assist such seller in selling property for use or consumption in the State, by procuring orders for such sales, making collections or deliveries or otherwise, and (c) a seller's having in the State a person upon whom process directed to such seller from the courts of the State may be served, including the director of regulatory agencies and the deputy director in the cases provided in section 172-150.

"Section 119-2. Imposition of tax; exemptions. There is hereby levied an excise tax on the use in this State of tangible personal property which is imported, or purchased from an unlicensed seller, for use in this State. The tax imposed by this chapter shall accrue when such property is acquired by the importer or purchaser and becomes subject to the taxing jurisdiction of the State. The rates of the tax hereby imposed and the exemptions thereof are as follows:

"(a) If the importer or purchaser is licensed under chapter 117 and is (1) a wholesaler or jobber importing or purchasing for purposes of resale, or (2) a manufacturer importing or purchasing material or commodities which are to be incorporated by such manufacturer into a finished or saleable product (including the container or package in which the product is contained) wherein it will remain in such form as to be perceptible to the senses, and which finished or saleable product is to be sold in such manner as to result in a further tax on the activity of the manufacturer as such manufacturer

or as a wholesaler, and not as a retailer, there shall be no tax, provided, that if such wholesaler, jobber, or manufacturer is also engaged in business as a retailer (so classed under chapter 117), paragraph (b) shall apply to him, but the director of taxation shall refund to him, in the manner provided under section 115-28(c) such amount of tax as he shall, to the satisfaction of the director, establish to have been paid by him to the director with respect to property which has been used by him for the purposes stated in this paragraph.

“(b) If the importer or purchaser is licensed under chapter 117 and is (1) a retailer or other person importing or purchasing for purposes of resale, not exempted by paragraph (a), or (2) a manufacturer importing or purchasing material or commodities which are to be incorporated by such manufacturer into a finished or saleable product (including the container or package in which the product is contained) wherein it will remain in such form as to be perceptible to the senses, and which finished or saleable product is to be sold at retail in this State, in such manner as to result in a further tax on the activity of the manufacturer in selling such products at retail, or (3) a contractor importing or purchasing material or commodities which are to be incorporated by such contractor into the finished work or project required by the contract and which will remain in such finished work or project in such form as to be perceptible to the senses, the tax shall be one-half of one per cent of the purchase price of such property, if the purchase and sale are consummated in Hawaii; or, if there is no purchase price applicable thereto, or if the purchase or sale is consummated outside of Hawaii, then one-half of one per cent of the value of such property.

“(c) In all other cases, four per cent of the value of such property.

“Section 119-3. Application of tax, etc.

(a) The tax imposed by this chapter shall not apply to any property, or to any use of such property, which cannot legally be so taxed under the Constitution or laws of the United States, but only so long as, and only to the extent to which, the State is without power to impose such tax.

“(b) The tax imposed by this chapter shall not apply to any use of property the transfer of which property to, or the acquisition of which by, the person so using the same, has actually been or actually is taxed under chapter 117.

“(c) The tax imposed by this chapter shall be paid only once upon or in respect of the same property; provided, that nothing in this chapter contained shall be construed to exempt any property or the use thereof from taxation under any other law of the state.

“(d) The tax imposed by this chapter shall be in addition to any other taxes imposed by any other laws of the state, except as otherwise specifically provided herein; provided, that if it be finally held by any court of competent jurisdiction, that the tax imposed by this chapter may not legally be imposed in addition to any other tax or taxes imposed by any other law or laws with respect to the same property or the use thereof, then this chapter shall be deemed not to

apply to such property and the use thereof under such specific circumstances, but such other laws shall be given full effect with respect to such property and use.

“(e) The tax imposed by this chapter shall not apply to any use of property exempted by section 119-4.

“**Section 119-4. Certain property used by producers.** (a) If a licensed producer, or a cooperative association acting under the authority of chapter 176 in order to sell to such producer, imports into the State or acquires in the State, feed, hatching eggs, or poultry or animal young, in such manner and for such purposes that if the feed, hatching eggs, poultry or animal young so imported or acquired had been purchased in the State, clause (d) of section 117-5 would apply, or (b) if a licensed producer, or a cooperative association under the authority of chapter 176 or the Fish Marketing Act under chapter 175A in order to sell to such producer, imports into the State, or acquires in the State, seed or bait, in such manner and for such purposes that if the said seed or bait so imported or acquired had been purchased in the State, clause (e) of section 117-5, would apply, then:

“(1) If the producer is engaged in the sale of his products at retail or in any manner other than at wholesale, the tax upon use of property in the State imposed by section 119-2(b) shall apply the same as in the case of a purchaser who is a licensed retailer.

“(2) In other such cases no tax shall be imposed under this chapter.

“**Section 119-5. Returns.** On or before the twentieth day of each calendar month, any person who has become liable for 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, or with the director at Honolulu, 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 director by regulations shall require, and the purchase price or value thereof as the case may be. Such return shall be accompanied by a remittance in full of the tax, computed at the rate specified in section 119-2 upon the price or value so returned. Any such tax remaining unpaid after said twentieth day following the end of the calendar month during which the same first became payable shall become delinquent; provided, that a receipt from a seller required or authorized to collect the tax, given to a taxpayer in accordance with the provisions of section 119-6, shall be sufficient to relieve such taxpayer from further liability for the tax to which such receipt may refer, or for the return thereof.

“Notwithstanding the foregoing, a taxpayer may be eligible to file his return required under the provisions of this section and make payments thereon on a quarterly basis during the calendar year, such return and payment 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, if he possesses a valid and current permit to file his

general excise tax return and to make payments thereon on a quarterly basis issued by the director pursuant to the provisions of section 117-25. A taxpayer may also be eligible to make monthly payments based on his estimated quarterly liability with a reconciliation return at the end of each quarter during the calendar year, as heretofore provided, if he possesses a valid and current permit to file quarterly reconciliation general excise tax returns and to make monthly payments, issued by the director pursuant to the provisions of section 117-25.

"On or before April 20 in each year every person who has become liable for the payment of taxes both under this chapter and also under chapter 117 during the preceding calendar year (or during the preceding tax year if such person has established a tax year other than the calendar year), shall file a return summarizing his liability under this chapter for such year, in such form as the director shall prescribe and shall file it with his annual return of general excise taxes.

"Section 119-6. Collection of tax by seller; penalty. (a) For purposes of the taxes due under section 119-2(c), every seller having in the State, regularly or intermittently, any property, tangible or intangible, any place of business, or any representation as hereinabove defined, (and irrespective of his having or not having qualified to do business in the State) shall, if such seller makes sales of property for use in the State (whether or not such sales are made in the State) collect from the purchaser the tax imposed by section 119-2(c) on the use of the property so sold by him. Such collection shall be made within twenty days after the accrual of the tax or within such other period as shall be fixed by the director upon the application of the seller, and such seller shall give to the purchaser a receipt therefor in the manner and form prescribed by the director; provided that this subsection shall not apply to vehicles registered under section 160-8.

"(b) The director, in his discretion, upon application therefor and under terms and conditions prescribed by him, may relieve any seller of the duty of collecting and paying over the tax imposed by subsection (a) above, if he is satisfied that the tax can be effectively collected by other means. Exemption from the duty of collecting the tax may be cancelled at any time when the director finds that the tax cannot be effectively collected by other means. The director likewise may terminate the duty and authority of any seller to collect and pay over the tax imposed by subsection (a) above if he shall find, as to such seller, that the tax cannot be effectively collected by such means.

"(c) The director, in his discretion, upon application therefor and under terms and conditions prescribed by him, may authorize the collection of the tax imposed by this chapter by a seller not otherwise required to collect the tax. The seller, when so authorized, shall have the duty of collecting and paying over the tax in the same manner and subject to the same requirements as set out in subsection (a). Such authority may be cancelled at any time when, in the judgment of the director, the tax can more effectively be collected by other means.

“(d) In case any seller required or authorized to collect the tax under this chapter fails to collect the same, or having collected the tax fails to pay over the same as provided by this chapter, he shall nevertheless be personally liable to the State for the amount of such tax, but it shall be a defense to such liability that the indebtedness for the price is a worthless account actually charged off for income tax purposes, if and to the extent that the collections of the price do not equal the tax.

“(e) Every seller required or authorized to collect the tax shall make returns and payments of the tax at the same time and in the same manner as is provided with respect to taxpayer by section 119-5. All provisions of this chapter with respect to returns, reports, records, payments, penalties and interest, appeals, investigations, and audits, assessments, tax collections procedure, criminal offenses and the general administrative powers and duties of the director, shall apply to such sellers the same as to taxpayers.

“(f) The tax collected pursuant to this section shall be held in trust for the State and for payment to the proper collecting officer in the manner and at the time required by this chapter. Any person collecting such tax who shall appropriate or convert the same to his own use or to any use other than the payment of the tax as herein provided, and who shall fail to pay over the amount of tax so collected at the time required by this chapter, shall be deemed guilty of an embezzlement of property of the State and shall be fined more than five times the amount of money so embezzled or imprisoned at hard labor not more than ten years, and any failure by the person so collecting the tax to pay the same over within the time provided by this chapter, after demand therefor, shall be taken and held to be prima facie evidence of the embezzlement.

“**Section 119-7. Audits; additional assessments; refunds.** All of the provisions of sections 117-31 to 117-35 of the general excise tax law are hereby made applicable to the taxes imposed by this chapter, to the refunding of overpayments thereof and to assessments, investigations and audits in connection therewith, for which purpose any references therein to ‘gross income’ or ‘gross proceeds of sale’ shall be deemed to refer to the purchase price or value, as the case may be, subject to tax under this chapter, and any references to the ‘annual return’ shall, if the taxpayer is not required to file an annual return under this chapter, be deemed to refer to the monthly return mentioned in the first paragraph of section 119-5.

“**Section 119-8. Appeal, correction of assessment.** If any person having made the return and paid the tax as provided by this chapter feels aggrieved by the assessment so made upon him by the director, he may, provided the tax so assessed shall have been paid, appeal the assessment in the manner and within the time and in all other respects as provided in section 121-46, for which purpose the word ‘income’ shall be deemed to refer to purchase price or value, as the case may be. The hearing and disposition of such appeal, including the distribution of costs and of taxes paid pending the appeal, shall be as provided in chapter 116.

“Section 119-9. Records. It shall be the duty of every person who is engaged in any business in the State and who is required under this chapter to make returns, to keep in the English language in the State and preserve for a period of five years, books of account or other records in sufficient detail to enable the director, as far as reasonably practicable, to determine whether or not any taxes imposed by this chapter are payable in respect of the property concerned, and if so payable, the amount thereof.

“Section 119-10. Penalties. Penalties and interest shall be added to and become a part of the tax, when and as provided by section 115-43.

“Section 119-11. Collection of taxes by assumpsit or distraint; concurrent jurisdiction of district magistrates. Any tax which is delinquent under this chapter may be collected:

“(a) By action in the name of the director or any collector or assistant collector of taxes, in assumpsit, with or without attachment of the real or personal property of the person liable, and it shall be unnecessary, in order to secure the issuance of the writ of attachment, for the officer bringing such action to file any affidavit, other than the usual sworn complaint in ordinary assumpsit actions where no attachment is sought, with a prayer for such writ. In all such actions the several district magistrates shall have concurrent jurisdiction with the circuit courts, irrespective of the amount claimed.

“(b) By distraint in the manner provided by section 115-30.

“Section 119-12. Offenses, penalties; fines state realizations. It shall be unlawful for any person to refuse to make any return or report required under this chapter. Section 117-46 is hereby made applicable to and with respect to all taxes imposed under, all returns or reports required by or pursuant to, all taxpayers, officers of corporations and other persons affected by, and all violations of, this chapter, in so far as the same are not inconsistent with this chapter, in the same manner as nearly as may be, as in similar cases covered by the general excise tax law.

“Notwithstanding any other laws to the contrary, the proceeds of all fines (exclusive of costs) imposed for convictions under this chapter shall be state realizations and shall be paid into the general fund of the State.

“Section 119-13. Other provisions of general excise tax law applicable. In respect of (a) the examination of books and records and of taxpayers and other persons, (b) procedure and powers upon failure or refusal by a taxpayer to make a return or a proper return, and (c) the general administration of this chapter, the director shall have all the rights and powers conferred upon him by the general excise tax law with respect to taxes thereby or thereunder imposed; and, without restriction upon the aforesaid rights and powers, sections 117-9, 117-25 and 117-31 to 117-36 are hereby made applicable to and with respect to the taxes and the taxpayers, tax officers and other persons, and the matters and things affected or covered by this

chapter, insofar as not inconsistent with the provisions of this chapter, in the same manner, as nearly as may be, as in similar cases covered by the general excise tax law.

"Sec. 119-14. Taxes state realizations. All taxes collected under this chapter shall be state realizations.

"Section 119-15. Short Title. This chapter may be cited as the 'use tax law.'

"Section 119-16. Rules and regulations. The director of taxation may adopt and promulgate rules and regulations to carry out the purposes of this chapter."

SECTION 3. This Part shall not be construed as affecting in any manner, to the detriment of the State, any taxes, interest, fines, penalties, forfeitures or other liabilities, or obligations, existing, due or incurred prior to the taking effect of this Part, 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 Part 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 Part had not been enacted.

SECTION 4. Section 129-9, Revised Laws of Hawaii 1955, as amended, is hereby further amended by substituting the words "use tax" whenever the words "consumption tax" are used and by eliminating therefrom the words "compensating tax."

SECTION 5. This Part shall take effect on January 1, 1966.

PART II

SECTION 6. Section 125-3, Revised Laws of Hawaii 1955, as amended, is hereby further amended by substituting the words "forty per cent" for the words "twenty per cent" appearing in the first sentence thereof.

SECTION 7. This Part shall take effect on July 1, 1965.

PART III

SECTION 8. Section 124-4, Revised Laws of Hawaii 1955, as amended, is hereby further amended by deleting therefrom the words "sixteen per cent" and substituting therefor the words "twenty per cent" appearing in the first sentence thereof.

SECTION 9. This Part shall take effect on July 1, 1965.

PART IV

SECTION 10. Section 121-23, Revised Laws of Hawaii 1955, as amended, is hereby further amended by amending subsection (a) thereof in the following respects:

(a) By substituting the words "3.08 per cent" for the words "2 $\frac{3}{4}$ per cent" appearing in the second paragraph thereof.

(b) By substituting the words "5.85 per cent" for the words "5 per cent" appearing in the second paragraph thereof.

(c) By substituting the words "6.435 per cent" for the words "5½ per cent" appearing in the second paragraph thereof.

SECTION 11. Section 121-23, Revised Laws of Hawaii 1955, as amended, is hereby further amended by amending subsection (b) thereof in the following respects:

(a) By substituting the words "5.85 per cent" for the words "five per cent" thereof.

(b) By substituting the words "6.435 per cent" for the words "five and one-half per cent" thereof.

(c) By substituting the words "3.08 per cent" for the words "two and three-quarters per cent" thereof.

SECTION 12. Section 121-23, Revised Laws of Hawaii 1955, as amended, is hereby further amended by amending subsection (c) thereof by substituting the words "3.08 per cent" for the words "two and three-quarters per cent" wherever they appear therein.

SECTION 13. This Part shall apply with respect to taxable years beginning on or after January 1, 1966. If the taxable year includes the effective date of the tax rate changes (unless that date is the first day of the taxable year), then, (1) tentative taxes shall be computed by applying the rate for the period before the effective date of the change, and the rate for the period on and after such date, to the taxable income for the entire taxable year; and (2) the tax for such taxable year shall be the sum of that proportion of each tentative tax which the number of days in each period bears to the number of days in the entire taxable year.

PART V

SECTION 14. Chapter 117, Revised Laws of Hawaii 1955, as amended, is hereby amended in the following respects:

(a) Section 117-14, subsection (b) (1), as amended, is hereby amended by deleting therefrom the words, "three and one-half per cent," and inserting in lieu thereof the words, "four per cent."

(b) Section 117-14, subsection (c) (1), as amended, is hereby amended by deleting therefrom the words, "three and one-half per cent," and inserting in lieu thereof the words, "four per cent."

(c) Section 117-14, subsection (d), as amended, is hereby amended by deleting therefrom the words, "three and one-half per cent," and inserting in lieu thereof the words, "four per cent."

(d) Section 117-14, subsection (e), as amended, is hereby amended by deleting therefrom the words, "three and one-half per cent," and inserting in lieu thereof the words, "four per cent."

(e) Section 117-14, subsection (f), as amended, is hereby amended by deleting therefrom the words, "three and one-half per cent," and inserting in lieu thereof the words, "four per cent."

(f) Section 117-14, subsection (f-1), as amended, is hereby amended by deleting therefrom the words, "one and one-half per cent," and inserting in lieu thereof the words, "two per cent."

(g) Section 117-14, subsection (g), as amended, is hereby amended by deleting therefrom the words, "three and one-half per cent," and inserting in lieu thereof the words "four per cent."

(h) Section 117-14, subsection (h), as amended, is hereby amended by deleting therefrom the words, "three and one-half per cent," and inserting in lieu thereof the words "four per cent."

(i) Section 117-14.5, as amended, is hereby amended by deleting therefrom the words, "three and one-half per cent," and inserting in lieu thereof the words, "four per cent."

(j) Section 117-14.6, subsection (b), is hereby amended by deleting therefrom the words, "three and one-half per cent," and inserting in lieu thereof the words, "four per cent."

(k) Section 117-14.6, subsection (e), as amended, is hereby amended by deleting therefrom the words, "three and one-half per cent," and inserting in lieu thereof the words, "four per cent."

(l) Section 117-16, subsection (c), as amended, is hereby amended by deleting therefrom the words, "three and one-half per cent," and inserting in lieu thereof the words, "four per cent."

SECTION 15. This Part shall take effect on July 1, 1965 and shall apply to taxes accruing on and after said date.

PART VI

SECTION 16. Section 126-5, subsection (a), Revised Laws of Hawaii 1955, as amended, is hereby amended in the following respects:

(a) By deleting therefrom the words, "five and one-half per cent," and substituting therefor the words, "5.885 per cent," wherever they appear.

(b) By deleting therefrom the words "one fourth of one per cent," and substituting therefor the words, "two thousand six hundred seventy five ten thousandth of one per cent (.2675%)."

SECTION 17. Section 126-5, subsection (b), Revised Laws of Hawaii 1955, as amended, is hereby amended by deleting therefrom the words, "five per cent," and substituting therefor the words, "5.35 per cent."

SECTION 18. Section 126-5.1, Revised Laws of Hawaii 1955, as amended, is hereby further amended by deleting therefrom the words, "three and one-half per cent," and substituting therefor the words, "four per cent."

SECTION 19. Section 126-7.5, subsection (c), Revised Laws of Hawaii 1955, as amended, is hereby amended by deleting therefrom the words, "three and one-half per cent," and substituting therefor the words, "four per cent" appearing in the second paragraph.

SECTION 20. This Part shall take effect on January 1, 1966 so that the gross income received for the calendar year 1965 and for calendar years thereafter shall be subject to the tax under Chapter 126 as increased by this Part; provided, however, that if any other legislation which provides for a new method of taxing public utilities and which replaces the present tax schedule applicable to public

utilities under Chapter 126, Revised Laws of Hawaii 1955, as amended, is enacted into law in this session of the legislature, then sections 16 and 17 shall not become effective.*

PART VII

SECTION 21. Section 127-4, subsection (a), Revised Laws of Hawaii 1955, as amended, is hereby amended by deleting therefrom the words, "ten per cent," and substituting therefor the words, "11.7 per cent."

SECTION 22. This Part shall take effect on January 1, 1966 so that the tax rate as increased by this Part shall apply to the entire net income received for the calendar year preceding January 1, 1966 and for calendar years thereafter. In the case of a taxpayer operating on a fiscal year basis, the tax rate so increased shall apply to the entire net income received for the fiscal year in which January 1, 1966 occurs and for fiscal years thereafter.

PART VIII

SECTION 23. Section 181-313(b), Revised Laws of Hawaii 1955, as amended, is hereby further amended by deleting therefrom the words "cash surrender values paid."

SECTION 24. Section 181-313, Revised Laws of Hawaii 1955, as amended, is hereby amended by amending subsection (a) thereof in the following respects:

(a) By substituting the words "2.6325 per cent" for the words "two and one-quarter per cent" appearing in the first paragraph thereof.

(b) By substituting the words "3.8025 per cent" for the words "three and one-quarter per cent" appearing in the first paragraph thereof.

SECTION 25. Section 181-313, Revised Laws of Hawaii 1955, as amended, is hereby amended by amending subsection (b) thereof in the following respects:

(a) By substituting the words "1.755 per cent" for the words "one and one-half per cent" appearing in the first paragraph thereof.

(b) By substituting the words "2.925 per cent" for the words "two and one-half per cent" appearing in the first paragraph thereof.

SECTION 26. Section 181-313, Revised Laws of Hawaii 1955, as amended, is hereby amended by amending subsection (c) thereof by substituting the words "eight thousand seven hundred seventy-five ten thousandth of one per cent (.8775%)" for the words "three-quarters of one per cent" appearing in the first paragraph thereof.

SECTION 27. Section 181-333, Revised Laws of Hawaii 1955, as amended, is hereby amended by substituting the words "4.68 per cent" for the words "four per cent" appearing in the first paragraph thereof.

* Sections 16 and 17 superseded by sections 30 and 31 of Act 201.

SECTION 28. Section 23 shall take effect on July 1, 1966. Sections 24 through 27 shall take effect on January 1, 1966 so that the rates as increased by this Part shall apply to all premiums and gross underwriting profit received during the calendar year ending December 31, 1965 and thereafter.

PART IX

SECTION 29. Section 129-9 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by repealing the entire section and substituting the following:

"Section 129-9. Distribution of grants-in-aid of state general fund to the several counties.

"(a) Percent of general revenues. The several counties shall receive from the state general fund an amount equal to 0.505 per cent of the tax base attained for the fiscal year ending in the previous calendar year, which tax base shall be for all collections of the general excise tax, use tax and public service company tax which have been made at the rate of three and one-half per cent or more, excepting only taxes collected from public utilities as defined in section 104-1. The director of taxation shall determine the amount to be distributed to the several counties.

"(b) Minimum amount. Four million dollars of the amount determined to be available to the counties as hereinabove set forth shall be distributed to the several counties in equal amounts.

"(c) Fiscal needs and capacities. Each county shall receive a portion of the remaining amount by adding the amount determined to reflect its relative fiscal capacity and the amount determined to measure its relative fiscal need, provided, however, that twenty-five per cent of such portion shall be distributed only upon the approval of the governor of a plan or program submitted by the county, which plan or program the governor finds, in his discretion, raises, improves or maintains a justifiable level of services performed by the county; the governor may as a condition to his approval of such plan or program require the county to provide additional county funds to implement such plan or program, provided, however, that the amount of such county funds shall not be more than twice the amount of the state funds allotted by the governor. Any amounts not allotted by the governor during the fiscal year shall lapse into the general fund. The amounts reflecting relative fiscal capacity and measuring relative fiscal need shall be determined as follows:

"1. The amount determined to reflect a county's relative fiscal capacity shall be arrived at by the use of the following formula:

"(i) Determine the per capita net taxable real property by dividing the average of the net taxable real property for the preceding five calendar years for that county as certified by the director of taxation pursuant to the provisions of section 129-2(e) by the average of the civilian population in that county for the preceding five calendar years.

"(ii) Determine the per capita net taxable real property for the entire state by dividing the sum of the average of the net taxable real property for the preceding five calendar years for each of the

several counties as certified by the director of taxation pursuant to the provisions of section 129-2(e) by the average of the civilian population in the entire state for the preceding five calendar years.

“(iii) Subtract that county’s per capita net taxable real property as determined by subsection (i) above from the per capita net taxable real property for the entire state as determined by subsection (ii) above and multiply this result by the average civilian population in that county for the preceding five calendar years.

“(iv) Multiply the result obtained in subsection (iii) above the average effective tax rate. The average effective tax rate is obtained by dividing the total annual real property tax realizations for all the counties for the preceding five calendar years by the total net taxable real property valuations in the entire state for the preceding five calendar years.

“(v) Multiply the result obtained in subsection (iv) above by a weight of 2.

“2. The amount determined to measure a county’s relative fiscal need shall be arrived at by multiplying that county’s civilian population percentage (that is, the proportion that the average of civilian population for the preceding five years in that county bears to the average of civilian population in the entire state for the preceding five years) by the difference between the amount available for distribution to the several counties as determined by subsection (a) and the minimum amount distributed under subsection (b).

“(d) **Civilian population.** For the purposes of this section, the civilian population in each county shall be determined by the state director of health as of July 1 of each year from the best information available, and this determination shall be conclusive.

“(e) **Monthly distribution.** The director of finance of the State of Hawaii, in monthly installments, on or before the 15th day of each month shall pay the monthly share of the amounts as determined above to the county treasurer of each county, or in the case of the City and County of Honolulu to the director of finance, to become a general realization of the county, expendable as such, except as otherwise provided by law, and provided, however, that the director of finance of the State of Hawaii may make periodic distributions to the counties other than on a monthly basis.”

SECTION 30. Effective date. This Part shall take effect on July 1, 1965, provided however, that all general excise, consumption, compensating and public service company taxes collected and accounted for by the State as of June 30, 1965 shall be distributed to the several counties in accordance with the provisions of the law prior to the effective date of this Part.

PART X

SECTION 31. Chapter 121, Revised Laws of Hawaii 1955, as amended, is hereby further amended in the following respects:

(a) Section 121-5, subsection (a) (4), is hereby repealed. Subsections 121-5 (a) (5), (6) and (7) shall be redesignated as subsections 121-5 (a) (4), (5) and (6), respectively.

(b) Section 121-8, subsection (a), as amended, is hereby amended to read as follows:

“(a) **Tax on individual; rate.** There shall be assessed, levied, collected, and paid, for each taxable year on the taxable income of every individual, a tax in the following amounts:

“If the taxable income is:	The tax shall be:
“Not over \$500	2.25% of taxable income
“Over \$500, but not over \$1,000	\$11.25 plus 3.25% of excess over \$500
“Over \$1,000, but not over \$1,500	\$27.50 plus 4.5% of excess over \$1,000
“Over \$1,500, but not over \$2,000	\$50.00 plus 5% of excess over \$1,500
“Over \$2,000, but not over \$3,000	\$75.00 plus 6.5% of excess over \$2,000
“Over \$3,000, but not over \$5,000	\$140.00 plus 7.5% of excess over \$3,000
“Over \$5,000, but not over \$10,000	\$290.00 plus 8.5% of excess over \$5,000
“Over \$10,000, but not over \$14,000	\$715.00 plus 9.5% of excess over \$10,000
“Over \$14,000, but not over \$20,000	\$1,095 plus 10% of excess over \$14,000
“Over \$20,000, but not over \$30,000	\$1,695 plus 10.5% of excess over \$20,000
“Over \$30,000	\$2,745.00 plus 11% of excess over \$30,000”

(c) Section 121-8, subsection (b), as amended, is hereby amended by deleting the words “three per cent”, appearing at the end of the third paragraph of this subsection and inserting in lieu thereof, the words “four per cent”.

(d) Section 121-16, subsection (c), as amended, is hereby amended by deleting the words “six per cent” and inserting in lieu thereof the words “eight per cent”.

SECTION 32. Section 31 shall apply with respect to taxable years beginning on or after January 1, 1966. If the taxable year includes the effective date of the tax rate changes (unless that date is the first day of the taxable year), then, (1) tentative taxes shall be computed by applying the rate for the period before the effective date of the change, and the rate for the period on and after such date, to the taxable income for the entire taxable year; and (2) the tax for such taxable year shall be the sum of that proportion of each tentative tax which the number of days in each period bears to the number of days in the entire taxable year.

PART XI

SECTION 33. Chapter 121, Revised Laws of Hawaii 1955, as amended, is hereby amended by adding thereto the following section to be appropriately designated and to read as follows:

“Sec. 121- . (a) Tax credits on account of consumer-type taxes. Each taxpayer who files an individual net income tax return for a taxable year and who is not claimed as a dependent by another taxpayer for individual net income tax purposes may claim tax credits on account of state consumer-type taxes to which the taxpayer has directly or indirectly been subjected during the taxable year for which the income tax return is being filed; provided, however, that a husband and wife filing separate returns for a taxable year for which a joint return could have been made by them shall claim only the tax credit to which they would have been entitled had a joint return been filed; and provided that an individual who has no income or no income taxable under the provisions of this chapter and who is not claimed as a dependent by a taxpayer for individual net income tax purposes may also claim tax credits as set forth in this section. For the purpose of this section, ‘taxpayer’ shall mean every person eligible to claim tax credits on account of consumer-type taxes paid.

“(b) Modified adjusted gross income. Each taxpayer who claims tax credits as set forth in this section shall declare in addition to his income taxable under this chapter, the following income presently exempt from income taxation: social security benefits, unemployment compensation benefits, workmen’s compensation benefits, interest on tax-free securities, public assistance payments, pensions and annuities, cost of living allowances paid to federal employees, proceeds from life insurance, and, in the case of a nonresident individual, in addition to the income heretofore listed, all other income received which is not presently taxable under this chapter but which would be taxable had a resident individual received such income. The modified gross income of a taxpayer for the purposes of this section shall be the sum of his adjusted gross income for income tax purposes, if any, and the income exempt from income taxation, if any, declared pursuant to the provisions of this subsection.

“(c) Tax credit schedule. Each taxpayer may claim tax credits in the amount indicated for each modified adjusted gross income bracket as shown in the schedule below.

Modified “Adjusted Gross Income Brackets	Tax Credits Per Qualified Exemption
“Under \$1,100	\$18.00
“\$1,100 to \$1,199	15.30
“\$1,200 to \$1,299	12.60
“\$1,300 to \$1,399	10.80
“\$1,400 to \$1,499	9.00
“\$1,500 to \$1,599	8.10
“\$1,600 to \$1,699	7.20
“\$1,700 to \$1,799	6.30
“\$1,800 to \$1,999	5.40
“\$2,000 to \$2,199	4.50
“\$2,200 to \$2,399	3.60
“\$2,400 to \$2,899	2.70
“\$2,900 to \$3,699	1.80
“\$3,700 to \$6,299	.90
“\$6,300 and over	.45

“(d) **Qualified exemption defined.** For the purposes of this section, a qualified exemption is defined to include those exemptions permitted under this chapter; provided that the person for whom exemption is claimed has physically resided in the State for more than nine months during the taxable year; and provided further that multiple exemptions shall not be granted because of advanced age or deficiencies in vision.

“(e) **Tax credits to be deducted from income tax liability, if any; refunds.** The tax credits claimed by a taxpayer pursuant to the provisions of this section shall be deductible from the taxpayer’s individual net income tax liability, if any, for the tax year in which they are properly claimed. In the event the tax credits claimed by a taxpayer, and allowed, exceed the amount of the income tax payments due from the taxpayer, the excess of credits over payments due shall be refunded to the taxpayer, provided that tax credits properly claimed by an individual who has no income tax liability, and allowed, shall be paid to the individual; and further provided that no refunds or payments on account of the tax credits allowed by this section shall be made for amounts less than \$3.

“(f) **Forms and rules and regulations.** The director of taxation shall prepare and prescribe the appropriate form or forms to be used by taxpayers in filing claims for tax credits hereunder. The form shall be made an integral part of the individual net income tax return. He shall also be empowered to promulgate such rules and regulations as may be necessary to effectuate the purposes of this section pursuant to chapter 6C.

“(g) **Assessments and refunds.** All of the provisions relating to assessments and refunds under this chapter and under section 115-28 (c) shall be made applicable hereto and shall apply with equal force to the tax credits hereunder.”

SECTION 34. Chapter 121, Revised Laws of Hawaii 1955, as amended, is hereby amended by adding thereto a new section to be appropriately designated and to read as follows:

“Sec. 121- (a) **Tax credits for students attending institutions of higher education and for dependent children attending school in grades kindergarten to twelve.** For the purposes of this section, an institution of higher education is defined to include technical schools, institutes, junior colleges, colleges, universities, and like institutions offering a formal educational program of a professional, academic, or occupational nature beyond the high school level.

“(b) For each personal exemption allowed a taxpayer under the Internal Revenue Code and section 121-11 who was duly registered and in attendance as a student in an institution of higher education for not less than one-half of the course work of a full-time student at such institution and for not less than four months of the taxable year for which an individual net income tax return was filed, there shall be allowed tax credits in the amount indicated for each adjusted gross income tax bracket as shown in the schedule below.

“(c) For each dependent child claimed as an exemption who was enrolled and in attendance as a student at school in grades kindergarten through twelve for not less than four months of the taxable year for which an individual net income tax return was filed, there shall be allowed tax credits in the amount indicated for each adjusted gross income tax bracket as shown in the schedule below.

“Adjusted Gross Income Brackets	Tax Credits per Exemption Attending:	
	K-12	An Institution of Higher Education
Under \$3,000	\$20	\$50
\$3,000 to \$3,199	17	45
\$3,200 to \$3,399	14	40
\$3,400 to \$3,599	12	35
\$3,600 to \$3,799	10	30
\$3,800 to \$3,999	8	25
\$4,000 to \$4,199	7	20
\$4,200 to \$4,399	6	15
\$4,400 to \$4,599	5	10
\$4,600 to \$4,799	4	8
\$4,800 to \$4,999	3	5
\$5,000 and over	2	2

“(d) The tax credits claimed by a taxpayer pursuant to the provisions of this Section shall be deductible from the taxpayer’s individual net income tax liability, if any, for the tax year in which they are properly claimed, provided, however, that a husband and wife filing separate returns for a taxable year for which a joint return could have been made by them shall claim only the tax credits to which they would have been entitled had a joint return been filed. In the event the tax credits claimed by a taxpayer, and allowed, exceed the amount of the income tax payments due from the taxpayer, the excess of credits over payments due shall be refunded to the taxpayer; provided that tax credits properly claimed by an individual who has no income tax liability, and allowed, shall be paid to the individual; and further provided that no refunds or payments on account of the tax credits allowed by this section shall be made for amounts less than \$3.

“(e) The director of taxation shall prepare and prescribe the appropriate form or forms to be used by taxpayers in filing claims for tax credits hereunder. He may also require that the taxpayer furnish reasonable information in order that he may ascertain the validity of the claims for tax credits made pursuant to the provisions of this section and promulgate any other rules and regulations as may be necessary to effectuate the purposes of this section pursuant to chapter 6C.

“(f) All of the provisions relating to assessments and refunds under this chapter and under section 115-28(c) shall be made applicable hereto and shall apply with equal force to the tax credits hereunder.”

SECTION 35. This part shall apply to individual net income tax return filed in 1966 for income earned during the calendar year 1965 and thereafter.

PART XII

SECTION 36. Chapter 128 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding thereto a new section, to be appropriately numbered, and to read as follows:

"Sec. 128- . Cost of assessment and collection. The costs of assessment and collection of real property taxes for the preceding year shall be withheld from payment to the several counties by the State out of the real property taxes collected for the current year in reimbursement of the costs of the assessment and collection incurred by the State. Such cost of assessment and collection of real property taxes shall be borne by each of the several counties as the total assessed valuation for that county proportionately bears to the total assessed valuation for the entire State for the preceding calendar year. The Director of Taxation shall, no later than January 31 of the current tax year, furnish each board and council with a calculation, certified by him as being as nearly accurate as may be, of the prorata share of the costs of the assessment and collection of real property taxes to be borne by each of the several counties.

"For purposes of this section, the costs of assessment and collection of real property taxes shall include any and all costs, direct or indirect, which are deemed necessary and proper to effectively administer the provisions of this chapter."

SECTION 37. Section 129-8, Revised Laws of Hawaii 1955, as amended, is hereby further amended by amending the third sentence of the first paragraph thereof to read as follows:

"The director of finance shall also retain from time to time sufficient amounts to reimburse the State for the costs of assessment and collection of real property taxes incurred by the State, as provided for in section 128- to become a general fund realization of the State, and the director shall then pay the remaining balance to the treasurer of such county, as soon as possible after the property taxes have been paid into the state treasury, or after the disposition of any tax appeal, as the case may be."

SECTION 38. This Part shall take effect upon its approval so that commencing the calendar year 1965 and thereafter the costs incurred shall be reimbursed to the State in 1966 and thereafter.

SECTION 39. If any Part, 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 Part, section, sentence, clause or phrase thereof irrespective of the fact that any one or more other Parts, sections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 40. Amendment of conflicting laws. All laws and parts of laws heretofore enacted which are in conflict with the provisions of this Act are hereby amended to conform herewith. All acts passed during this General Session of 1965, whether enacted before or after the effective date of this Act, shall be amended to conform to this Act, unless such acts specifically provide that this Act is being amended.

SECTION 41. Subject to the foregoing, this Act shall take effect upon its approval.

(Approved June 21, 1965.) S.B. 656.

ACT 156

A Bill for an Act Amending Section 97-97 of the Revised Laws of Hawaii 1955, as Amended, Relating to the Workmen's Compensation Law.

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

SECTION 1. The third paragraph of Section 97-97 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by deleting the second sentence of the third paragraph and substituting the following therefor:

"The right of trial by jury shall be deemed to be waived unless claimed in the manner and within the time provided by the Hawaii Rules of Civil Procedure."

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

(Approved June 21, 1965.) S.B. 751.

ACT 157

A Bill for an Act Relating to Oahu Land Development and Amending Chapter 98J of the Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Section 98J-6 of the Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"Sec. 98J-6. **Declaration of development areas.** Whenever the board, after due notice and public hearing, the time and place of which have been duly advertised in a newspaper of general circulation in the city and county of Honolulu on at least three different days, the last publication being not less than five days before the date of hearing, finds that in any locality on the island of Oahu an acute shortage of residential fee simple property exists and that the shortage of such residential fee simple holdings cannot practicably be alleviated within the reasonably near future by means other than those provided under this chapter, the board may declare a suitable area, not less than ten contiguous acres in extent, as a development area. The development area shall be reasonably accessible to persons in the

locality and shall consist of lands suitable for a development project. Any such finding of fact, if supported by a preponderance of evidence, shall be conclusive in any suit, action or proceeding.

All development areas shall be compatible with any general plan for the long-range development of land in the political subdivision concerned under the terms of chapter 98F, and shall conform to and with all subdivision and zoning ordinances and requirements of the political subdivision."

SECTION 2. The second paragraph of section 98J-8 of the Revised Laws of Hawaii 1955, as amended, is hereby amended as follows:

(a) By amending subsection (3) thereof to read as follows:

"(3) lands in the process of subdivision and development where the owner or his agent has provided that at least fifty per cent of the lots to be sold shall be sold in fee simple, prepared subdivision and construction plans, arranged for financing, and applied to government agencies and otherwise as may be appropriated for the construction of the proposed development in good faith and filed an affidavit with the board to that effect;"

(b) By amending subsection (4) thereof by deleting the semicolon at the end thereof and by substituting therefor a period; and

(c) By deleting subsection (5) thereof in its entirety.

SECTION 3. Section 98J-9 of the Revised Laws of Hawaii 1955, as amended, is hereby amended as follows:

(a) The third sentence of the second paragraph thereof is hereby amended to read as follows:

"The contract shall provide for the establishment of such sale prices of the residence lots or dwellings and lots as will repay to the developer the amount of the actual cost or expense incurred in the acquisition and development of the land together with a reasonable developer's profit computed thereon as determined by the board."; and

(b) The sentence preceding the last sentence of the second paragraph thereof is hereby amended to read as follows:

"Every contract shall be made with the responsible bidder whose proposal complies with the requirements of the call for tenders and states the lowest rate of developers' profits; provided that the board may reject all tenders if it deems that the lowest rate of developer's profit is unreasonable."

SECTION 4. Section 98J-10 of the Revised Laws of Hawaii 1955, as amended, is hereby amended in the following respects:

(a) By amending the last paragraph of subsection (b) to read as follows:

"An unconscionable profit means any profit or return in excess of what the board considers as reasonable. The board may survey the prevailing rates of profit for developers in determining a reasonable rate.";

(b) By amending subsection (c) (4) in the following respects:

(1) By amending the first paragraph to read as follows:

"(4) Has a gross income sufficient to meet the cost of the land being disposed of by the board. The board shall develop policies whereby those most deserving of housing shall be given preference. In developing such policies, the board shall consider the applicant's household income, the number of dependents and such other factors as the board may deem pertinent."; and

(2) By deleting in its entirety the paragraph immediately preceding the last paragraph.

(c) By amending subparagraph (d) (2) (i) to read as follows:

"(i) the original cost of the land, and".

SECTION 5. Section 98J-39 of the Revised Laws of Hawaii 1955, as amended, is hereby amended by adding between the first and second paragraphs thereof the following paragraph:

"In addition to the funds specified in the above paragraph, there is hereby appropriated from the general revenues of the State sufficient moneys as may be necessary, from time to time, to the development revolving fund, with the approval of the governor, for the purposes specified in this chapter; provided that not more than \$1,000,000 may be expended, with the approval of the governor, in land development for any one project; and provided further that such sums as may be utilized from time to time and which are reimbursed to this fund from land sales shall be deposited into the general fund."

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

(Approved June 21, 1965.) **H.B. 87.**

ACT 158

A Bill for an Act Relating to State and County Sponsorship, Development and Maintenance of Programs and Projects.

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

SECTION 1. Chapter 14A of the Revised Laws of Hawaii 1955, as amended, is hereby amended by adding a new section to read as follows:

"____. The governor may enter into agreements with the board of supervisors or the city council of any county providing for the co-sponsorship and joint development and maintenance of programs and projects, within and for such county, which shall have been authorized by the legislature and/or for which moneys shall have been appropriated by the legislature."

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

(Approved June 21, 1965.) **H.B. 113.**

ACT 159

A Bill for an Act Relating to the Establishment of a State Highway

System, and Amending Chapter 111, Revised Laws of Hawaii 1955, as Amended.

WHEREAS, there exists throughout the State of Hawaii an acute need for more and better highways as a result of the growth in population and the increase in the number of automobiles over the last few years: and

WHEREAS, to provide major thoroughfares between the various centers of activity, the State has embarked on a huge highway program committing millions of dollars over the coming years; and

WHEREAS, the responsibility for the construction, maintenance and general administration of all major thoroughfares is properly that of the State; and

WHEREAS, it is necessary that a State Highway System be established so that responsibility for the construction, maintenance and the general administration of all major thoroughfares throughout the State can be specifically ascertained; and

WHEREAS, this Act defines the proper division of jurisdiction over all public roads between the State and the various counties; now, therefore,

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

SECTION 1. There is hereby added to Chapter 111 of Title 15 of the Revised Laws of Hawaii 1955, a new part to be numbered Part V, and to read as follows:

"PART V. STATE HIGHWAY SYSTEM

Section 111-50. Declaration of policy. The legislature hereby finds, determines and declares that this part is necessary in the best interest of the public, for the promotion of the general welfare, and for the stimulation of the economic development of the State.

Section 111-51. Establishment. There is hereby established a state highway system which shall consist of such federal aid highways and other public highways which may be designated for inclusion in the system pursuant to Section 111-52.

Section 111-52. Authority to include other public highways in the state highway system. The director of transportation acting in cooperation with appropriate federal and county agencies, may designate for inclusion in the state highway system, such other public highways, including county highways, which are used primarily for through traffic and not for access to any specific property, whether residential, business or other abutting property.

Section 111-53. Responsibility. From the effective date of this part, the department of transportation shall construct, maintain and administer all highways comprising the state highway system."

SECTION 2. All laws or portions of laws inconsistent with the policy and provisions of this Act are hereby repealed to the extent of such inconsistency in its application to the state highway system provided for in this Act.

SECTION 3. This Act shall take effect upon its approval.
(Approved June 21, 1965.) **H.B. 935.**

ACT 160

A Bill for an Act Relating to an Agreement on Detainers.

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

SECTION 1. The Agreement on Detainers is hereby enacted into law and entered into by this State with all other jurisdictions legally joining therein substantially as follows:

“The contracting States solemnly agree that:

“Article I

“The party states find that charges outstanding against a prisoner, detainers based on untried indictments, informations or complaints, and difficulties in securing speedy trial of persons already incarcerated in other jurisdictions, produce uncertainties which obstruct programs of prisoner treatment and rehabilitation. Accordingly, it is the policy of the party states and the purpose of this agreement to encourage the expeditious and orderly disposition of such charges and determination of the proper status of any and all detainers based on untried indictments, informations or complaints. The party states also find that proceedings with reference to such charges and detainers, when emanating from another jurisdiction, cannot properly be had in the absence of cooperative procedures. It is the further purpose of this agreement to provide such cooperative procedures.

“Article II

“As used in this agreement:

“(a) ‘State’ shall mean a state of the United States; the United States of America; a territory or possession of the United States; the District of Columbia; the Commonwealth of Puerto Rico.

“(b) ‘Sending state’ shall mean a state in which a prisoner is incarcerated at the time that he initiates a request for final disposition pursuant to Article III hereof or at the time that a request for custody or availability is initiated pursuant to Article IV hereof.

“(c) ‘Receiving state’ shall mean the state in which trial is to be had on an indictment, information or complaint pursuant to Article III or Article IV hereof.

“Article III

“(a) Whenever a person has entered upon a term of imprisonment in a penal or correctional institution of a party state, and whenever during the continuance of the term of imprisonment there is pending in any other party state any untried indictment, information or complaint on the basis of which a detainer has been lodged against the prisoner, he shall be brought to trial within one hundred eighty (180) days after he shall have caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer’s jurisdiction written notice of the place of his imprisonment and his request for a final disposition to be made of the indictment, information or complaint: provided that for good cause shown in open court, the prisoner

or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance. The request of the prisoner shall be accompanied by a certificate of the appropriate official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner.

“(b) The written notice and request for final disposition referred to in paragraph (a) hereof shall be given or sent by the prisoner to the superintendent, administrator of corrections or other official having custody of him, who shall promptly forward it together with the certificate to the appropriate prosecuting official and court by registered or certified mail, return receipt requested.

“(c) The superintendent, administrator of corrections or other official having custody of the prisoner shall promptly inform him of the source and contents of any detainer lodged against him and shall also inform him of his right to make a request for final disposition of the indictment, information or complaint on which the detainer is based.

“(d) Any request for final disposition made by a prisoner pursuant to paragraph (a) hereof shall operate as a request for final disposition of all untried indictments, informations or complaints on the basis of which detainers have been lodged against the prisoner from the state to whose prosecuting official the request for final disposition is specifically directed. The superintendent, administrator of corrections or other official having custody of the prisoner shall forthwith notify all appropriate prosecuting officers and courts in the several jurisdictions within the state to which the prisoner's request for final disposition is being sent of the proceeding being initiated by the prisoner. Any notification sent pursuant to this paragraph shall be accompanied by copies of the prisoner's written notice, request, and the certificate. If trial is not had on any indictment, information or complaint contemplated hereby prior to the return of the prisoner to the original place of imprisonment, such indictment, information or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

“(e) Any request for final disposition made by a prisoner pursuant to paragraph (a) hereof shall also be deemed to be a waiver of extradition with respect to any charge or proceeding contemplated thereby or included therein by reason of paragraph (d) hereof, and a waiver of extradition to the receiving state to serve any sentence there imposed upon him, after completion of his term of imprisonment in the sending state. The request for final disposition shall also constitute a consent by the prisoner to the production of his body in any court where his presence may be required in order to effectuate the purposes of this agreement and a further consent voluntarily to be returned to the original place of imprisonment in accordance with the provisions of this agreement. Nothing in this paragraph shall

prevent the imposition of a concurrent sentence if otherwise permitted by law.

“(f) Escape from custody by the prisoner subsequent to his execution of the request for final disposition referred to in paragraph (a) hereof shall void the request.

“Article IV

“(a) The appropriate officer of the jurisdiction in which an untried indictment, information or complaint is pending shall be entitled to have a prisoner against whom he has lodged a detainer and who is serving a term of imprisonment in any party state made available in accordance with Article V (a) hereof upon presentation of a written request for temporary custody or availability to the appropriate authorities of the state in which the prisoner is incarcerated: provided that the court having jurisdiction of such indictment, information or complaint shall have duly approved, recorded and transmitted the request: and provided further that there shall be a period of thirty (30) days after receipt by the appropriate authorities before the request be honored, within which period the governor of the sending state may disapprove the request for temporary custody or availability, either upon his own motion or upon motion of the prisoner.

“(b) Upon receipt of the officer’s written request as provided in paragraph (a) hereof, the appropriate authorities having the prisoner in custody shall furnish the officer with a certificate stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner. Said authorities simultaneously shall furnish all other officers and appropriate courts in the receiving state who have lodged detainers against the prisoner with similar certificates and with notices informing them of the request for custody or availability and of the reasons therefor.

“(c) In respect of any proceeding made possible by this Article, trial shall be commenced within one hundred twenty (120) days of the arrival of the prisoner in the receiving state, but for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

“(d) Nothing contained in this Article shall be construed to deprive any prisoner of any right which he may have to contest the legality of his delivery as provided in paragraph (a) hereof, but such delivery may not be opposed or denied on the ground that the executive authority of the sending state has not affirmatively consented to or ordered such delivery.

“(e) If trial is not had on any indictment, information or complaint contemplated hereby prior to the prisoner’s being returned to the original place of imprisonment pursuant to Article V (e) hereof, such indictment, information or complaint shall not be of any further

force or effect, and the court shall enter an order dismissing the same with prejudice.

“Article V

“(a) In response to a request made under Article III or Article IV hereof, the appropriate authority in a sending state shall offer to deliver temporary custody of such prisoner to the appropriate authority in the state where such indictment, information or complaint is pending against such person in order that speedy and efficient prosecution may be had. If the request for final disposition is made by the prisoner, the offer of temporary custody shall accompany the written notice provided for in Article III of this agreement. In the case of a federal prisoner, the appropriate authority in the receiving state shall be entitled to temporary custody as provided by this agreement or to the prisoner’s presence in federal custody at the place for trial, whichever custodial arrangement may be approved by the custodian.

“(b) The officer or other representative of a state accepting an offer of temporary custody shall present the following upon demand:

“(1) Proper identification and evidence of his authority to act for the state into whose temporary custody the prisoner is to be given.

“(2) A duly certified copy of the indictment, information or complaint on the basis of which the detainer has been lodged and on the basis of which the request for temporary custody of the prisoner has been made.

“(c) If the appropriate authority shall refuse or fail to accept temporary custody of said person, or in the event that an action on the indictment, information or complaint on the basis of which the detainer has been lodged is not brought to trial within the period provided in Article III or Article IV hereof, the appropriate court of the jurisdiction where the indictment, information or complaint has been pending shall enter an order dismissing the same with prejudice, and any detainer based thereon shall cease to be of any force or effect.

“(d) The temporary custody referred to in this agreement shall be only for the purpose of permitting prosecution on the charge or charges contained in one or more untried indictments, informations or complaints which form the basis of the detainer or detainers or for prosecution on any other charge or charges arising out of the same transaction. Except for his attendance at court and while being transported to or from any place at which his presence may be required, the prisoner shall be held in a suitable jail or other facility regularly used for persons awaiting prosecution.

“(e) At the earliest practicable time consonant with the purposes of this agreement, the prisoner shall be returned to the sending state.

“(f) During the continuance of temporary custody or while the prisoner is otherwise being made available for trial as required by this agreement, time being served on the sentence shall continue to run but good time shall be earned by the prisoner only if, and to the extent that, the law and practice of the jurisdiction which imposed the sentence may allow.

“(g) For all purposes other than that for which temporary custody as provided in this agreement is exercised, the prisoner shall be deemed to remain in the custody of and subject to the jurisdiction of the sending state and any escape from temporary custody may be dealt with in the same manner as an escape from the original place of imprisonment or in any other manner permitted by law.

“(h) From the time that a party state receives custody of a prisoner pursuant to this agreement until such prisoner is returned to the territory and custody of the sending state, the state in which one or more untried indictments, informations or complaints are pending or in which trial is being had shall be responsible for the prisoner and shall also pay all costs of transporting, caring for, keeping and returning the prisoner. The provisions of this paragraph shall govern unless the states concerned shall have entered into a supplementary agreement providing for a different allocation of costs and responsibilities as between or among themselves. Nothing herein contained shall be construed to alter or affect any internal relationship among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

“Article VI

“(a) In determining the duration and expiration dates of the time periods provided in Articles III and IV of this agreement, the running of said time periods shall be tolled whenever and for as long as the prisoner is unable to stand trial, as determined by the court having jurisdiction of the matter.

“(b) No provision of this agreement, and no remedy made available by this agreement, shall apply to any person who is adjudged to be mentally ill.

“Article VII

“Each state party to this agreement shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this agreement, and who shall provide, within and without the state, information necessary to the effective operation of this agreement.

“Article VIII

“This agreement shall enter into full force and effect as to a party state when such state has enacted the same into law. A state party to this agreement may withdraw herefrom by enacting a statute repealing the same. However, the withdrawal of any state shall not affect the status of any proceedings already initiated by inmates or by state officers at the time such withdrawal takes effect, nor shall it affect their rights in respect thereof.

“Article IX

“This agreement shall be liberally construed so as to effectuate its purposes. The provisions of this agreement shall be severable and if

any phrase, clause, sentence or provision of this agreement is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this agreement shall be held contrary to the constitution of any state party hereto, the agreement shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters."

SECTION 2. The phrase "appropriate court" as used in the Agreement on Detainers shall, with reference to the courts of this state, mean the Supreme Court and the Circuit Courts thereof.

SECTION 3. All courts, departments, agencies, officers and employees of this state and its political subdivisions are hereby directed to enforce the Agreement on Detainers and to cooperate with one another and with other party states in enforcing the agreement and effectuating its purpose.

SECTION 4. Any person who escapes from lawful custody in another state while being held pursuant to the Agreement on Detainers may be charged with escape under Chapter 282, Revised Laws of Hawaii, 1955, as amended, and sentenced to a term of imprisonment not to exceed three years.

SECTION 5. It shall be lawful and mandatory upon the superintendent or other official in charge of a penal or correctional institution in this state to give over the person of any inmate thereof whenever so required by the operation of the Agreement on Detainers.

SECTION 6. The Lieutenant Governor shall be the officer who shall serve as central administrator and information agent for the Agreement on Detainers.

SECTION 7. Copies of this act shall, upon its approval, be transmitted to the governor of each state, the attorney general and the administrator of general services of the United States, and the Council of State Governments.

SECTION 8. This Act shall take effect upon its approval.
(Approved June 22, 1965.) S.B. 373.

ACT 161

A Bill for an Act to Amend Chapter 25, Revised Laws of Hawaii 1955, as Amended, Relative to Economic Poisons.

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

SECTION 1. Chapter 25 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

“Section 25-1. Short Title. This act may be cited as the “Hawaii Economic Poisons Law”.

“Section 25-2. Definitions. As used in this chapter:

a. The term “economic poison” means (1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, or other forms of plant or animal life or viruses, except viruses on or in living man or other animals, which the board of agriculture shall declare to be a pest, and (2) any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

b. “Board” means the board of agriculture.

c. “Chairman” means the chairman of the board of agriculture.

d. The term “device” means any instrument or contrivance intended for trapping, destroying, repelling, or mitigating insects or rodents or destroying, repelling, or mitigating fungi, weeds, nematodes, or such other pests as may be designated by the board, but shall not mean any equipment used for the application of economic poisons when sold separately therefrom.

e. The term “insecticide” means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects which may be present in any environment whatsoever.

f. The term “fungicide” means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any fungi.

g. The term “rodenticide” means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating rodents or any other vertebrate animal which the board shall declare to be a pest.

h. The term “herbicide” means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any weed.

i. The term “nematocide” means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating nematodes.

j. The term “plant regulator” means any substance or mixture of substances, intended through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of ornamental or crop plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments.

k. The term “defoliant” means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.

l. The term “desiccant” means any substance or mixture of substances intended for artificially accelerating the drying of plant tissues.

m. The term “nematode” means invertebrate animals of the phylum nemathelminthes and class nematoda, that is unsegmented round

worms with elongated fusiform, or saclike bodies covered with cuticle, and inhabiting soil, water plants or plant parts; may also be called nemas or eelworms.

n. The term "insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class Insecta, comprising six-legged, usually winged forms, as, for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as for example, spiders, mites, ticks, centipedes, and wood lice.

o. The term "fungi" means all nonchlorophyll-bearing thallophytes (that is, all nonchlorophyll-bearing plants of a lower order than mosses and liverworts) as, for example, rusts, smuts, mildews, molds, yeasts, and bacteria, except those on or in living man or other animals.

p. The term "weed" means any plant which grows where not wanted.

q. The term "ingredient statement" means either

(1) a statement of the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the economic poison; or

(2) a statement of the name of each active ingredient, together with the name of each and total percentage of the inert ingredients, if any, in the economic poison; or

(3) in case the economic poison contains arsenic in any form, a statement of the percentages of total and water soluble arsenic, each calculated as elemental arsenic; or

(4) in case the economic poison is highly toxic to man, as determined by section 25-5, a statement of the name and percentage of each active ingredient, together with the total percentage of the inert ingredients.

r. The term "active ingredients" means

(1) in the case of an economic poison other than a plant regulator, defoliant, or desiccant, an ingredient which will prevent, destroy, repel, or mitigate insects, nematodes, fungi, rodents, weeds, or other pests;

(2) in the case of a plant regulator, an ingredient which, through physiological action, will accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of ornamental or crop plants or the produce thereof;

(3) in the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant;

(4) in the case of desiccant, an ingredient which will artificially accelerate the drying of plant tissue.

s. The term "inert ingredient" means an ingredient which is not an active ingredient.

t. The term "antidote" means the most practical immediate treatment in case of poisoning, including but not limited to first aid treatment.

u. The term "registrant" means the person registering any economic poison pursuant to the provisions of this chapter.

v. The term "label" means the written, printed, or graphic matter on, or attached to, the economic poison or device, or the immediate container thereof, and the outside container or wrapper of the retail package, if any, of the economic poison or device.

w. The term "labeling" means all labels and other written, printed, or graphic matter.

(1) upon the economic poison or device or any of its containers or wrappers; or

(2) accompanying the economic poison or device at any time; or

(3) to which reference is made, in any advertising media, or in literature accompanying the economic poison or device, except when accurate, nonmisleading reference is made to current official publications of the United States Department of Agriculture or Interior, the United States Public Health Service, State Experiment Stations; State Agriculture Colleges, or other similar Federal institutions or official agencies of this state or other states authorized by law to conduct research in the field of economic poisons.

x. The term "adulterated" shall apply to any economic poison if its strength or purity falls below the professed standard or quality as expressed on labeling or under which it is sold, or if any substance has been substituted wholly or in part for any ingredient, or if any valuable constituent of the economic poison has been wholly or in part abstracted.

y. The term "misbranded" shall apply

(1) to any economic poison or device if its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular;

(2) to any economic poison

(A) if it is an imitation of or is offered for sale under the name of another economic poison;

(B) if any advertisement by means of newspaper, leaflet, radio, or television is false or misleading in any particular;

(C) if the labeling accompanying it does not contain instructions for use which are necessary, proper, and adequate for the protection of the public;

(D) if the label does not contain warning or caution statements, which are necessary, proper, and adequate to prevent injury to living man and other vertebrate animals;

(E) if the label does not bear an ingredient statement on the immediate container; or if there is an outside container or wrapper through which the ingredient statement on the immediate container cannot be clearly read, then on the outside container or wrapper;

(F) if any word, statement, or other information required by or under the authority of this chapter to appear on the labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or graphic matter in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; or

(G) if in the case of an insecticide, nematocide, fungicide or herbicide, when used as directed or in accordance with commonly recognized practice, it shall be injurious to living man or other vertebrate animals or vegetation, except weeds, to which it is applied, or to the person applying such economic poison; or

(H) if in the case of a plant regulator, defoliant, or desiccant when used as directed it shall be injurious to living man or other vertebrate animals, or vegetation to which it is applied, or to the person applying such economic poisons; provided, that physical or physiological effects on plants or parts thereof shall not be deemed to be injury, when this is the purpose for which the plant regulator, defoliant, or desiccant was applied, in accordance with the label claims and recommendations.

“Section 25-3. Prohibited acts.

a. It shall be unlawful for any person to distribute, solicit, sell, or offer for sale within this State, or transport or deliver for transportation in intrastate commerce or between points within this State through any point outside this state any of the following:

(1) Any economic poison which has not been registered pursuant to the provisions of section 25-4 of this chapter, or any economic poison if any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with its registration, or if the composition of an economic poison differs from its composition as represented in connection with its registration; provided, that, in the discretion of the chairman, a change in the labeling or formula of an economic poison may be made within a registration period without requiring an additional registration of the product.

(2) Any economic poison unless it is in the registrant's or the manufacturer's unbroken immediate container, and there is affixed to such container, and to the outside container or wrapper of the retail package, if any, through which the required information on the immediate container cannot be clearly read, a label bearing

(A) the name and address of the manufacturer, registrant, or person for whom manufactured;

(B) the name, brand, or trade-mark under which said article is sold; and

(C) the net weight or measure of the content;

(3) Any economic poison which contains any substance or substances in quantities highly toxic to man, determined as provided in section 25-5, unless the label shall bear, in addition to any other matter required by this chapter,

(A) a symbol of the skull and crossbones;

(B) the word “poison” prominently, in red, on a background of distinctly contrasting color; and

(C) a statement of an antidote for the economic poison.

(4) The economic poisons containing any of the ingredients commonly known as standard lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, sodium

fluoride, sodium fluosilicate, or barium fluosilicate, unless they have been distinctly colored or discolored as provided by regulations issued in accordance with this chapter, or any other white powder economic poison which the board, after investigation of and after public hearing on the necessity for such action for the protection of the public health and the feasibility of such coloration or discoloration, shall, by regulation, require to be distinctly colored or discolored; unless it has been so colored or discolored; provided, that the board may exempt any economic poison to the extent that it is intended for a particular use or uses from the coloring or discoloring required or authorized by this section if he determines that such coloring or discoloring for such use or uses is not necessary for the protection of the public health.

(5) Any economic poison which is adulterated or misbranded, or any device which is misbranded.

b. It shall be unlawful

(1) for any person to detach, alter, deface, or destroy, in whole or in part, any label or labeling provided for in this chapter or regulations promulgated hereunder; or

(2) for any person to add any substance to, or take any substance from, an economic poison in a manner that may defeat the purpose of this chapter; or

(3) for any person to use for his own advantage or to reveal, other than to the chairman or proper officials or employees of the State or to the courts of this State in response to a subpoena, or to physicians, or in emergencies to pharmacists and other qualified persons, for use in the preparation of antidotes, any information relative to formulas of products acquired by authority of section 25-4.

"Section 25-4. Registration.

a. Every economic poison which is distributed, sold, or offered for sale within this State or delivered for transportation or transported in intrastate commerce or between points within this State through any point outside this State shall be registered in the office of the board, and such registration shall be renewed annually; provided, that products which have the same formula, are manufactured by the same person, the labeling of which contains the same claims, and the labels of which bear a designation identifying the product as the same economic poison, may be registered as a single economic poison; and additional names and labels shall be added by supplemental statements during the current period of registration. To be acceptable for registration, any economic poison, subject to the provisions of any Federal Act providing for registration of economic poisons, must have been duly registered under the provisions of said Act. The registrant shall file with the chairman a statement including

(1) the name and address of the registrant and the name and address of the person whose name will appear on the label, if other than the registrant;

(2) the name of the economic poison;

(3) a complete copy of the labeling accompanying the economic

poison and a statement of all claims to be made for it, including directions for use; and

(4) if requested by the chairman a full description of the tests made and the results thereof upon which the claims are based.

b. The registrant shall pay an annual fee of \$10 for each economic poison registered. Such registration shall expire on June 30 and shall be renewed annually. In the case of renewal of registration, a statement shall be required only with respect to information which is different from that furnished when the economic poison was registered or last reregistered. All fees collected shall be deposited in the general fund of the State.

c. The chairman, whenever he deems it necessary in the administration of this chapter, may require the submission of the complete formula of any economic poison. If it appears to the chairman that the composition of the article is such as to warrant the proposed claims for it and if the article and its labeling and other material required to be submitted comply with the requirements of section 25-3, he shall register the article.

d. If it does not appear to the chairman that the article is such as to warrant the proposed claims for it or if the article and its labeling and other material required to be submitted do not comply with the provisions of this chapter, he shall notify the registrant of the manner in which the article, labeling, or other material required to be submitted fail to comply with the chapter so as to afford the registrant an opportunity to make the necessary corrections. If, upon receipt of such notice, the registrant insists that such corrections are not necessary and requests in writing that the article be registered, the registrant shall be entitled to contest the determination of the chairman under the provisions of the Hawaii Administrative Procedure Act.

e. In order to protect the public, the chairman on his own motion, after hearing, may at any time cancel the registration of an economic poison. In no event shall registration of an article be construed as a defense for the commission of any offense prohibited under section 25-3.

f. Notwithstanding any other provision of this chapter, registration is not required in the case of an economic poison shipped from one plant within this State to another plant within this State when both such plants are operated by the same person.

"Section 25-5. Determinations: rules and regulations: uniformity.

a. The board is authorized, after having afforded interested and affected parties an opportunity to be heard and, in instances in which human health is affected, after consultation with the director of health to make and adopt regulations;

(1) to declare as a pest any form of plant or animal life or virus which is injurious to plants, man, domestic animals, articles, or substances;

(2) to determine the economic poisons which are highly toxic to man; and

(3) to determine standards of coloring or discoloring for economic poisons, and to subject economic poisons to the requirements of section 25-3a (4).

b. The board is also authorized, after public hearing, to make and adopt appropriate rules and regulations for carrying out provisions of this chapter, including rules and regulations providing for the collection and examination of samples of economic poisons or devices.

c. The board is authorized, after public hearing, to adopt such regulations, applicable to and in conformity with the primary standards established by this chapter, as have been or may be prescribed by the United States Department of Agriculture with respect to economic poisons.

“Section 25-6. Enforcement.

a. If it shall appear that an economic poison or device fails to comply with the provisions of this chapter, the chairman shall refer the facts to the department of the attorney general with a copy of the results of the analysis or the examination of such articles; provided, however, that nothing herein shall be construed as requiring the chairman to report every violation for prosecution whenever he believes that the public interests will be best served by a suitable notice of warning in writing.

b. It shall be the duty of the department of the attorney general to whom any such violation is reported to cause appropriate proceedings to be instituted in the appropriate court without delay.

c. The chairman shall, by publication in such manner as he may prescribe, give notice of all judgments entered in actions instituted under the authority of this chapter.

“Section 25-7. Exemptions.

a. The penalties provided for violations of Section 25-3 a. of this chapter shall not apply to

(1) any carrier while lawfully engaged in transporting an economic poison within this state, if such carrier shall, upon request, permit the chairman or his designated agent to copy all records showing the transactions in and movement of the articles;

(2) public officials of the state and the federal government engaged in the performance of their official duties;

(3) the manufacturer or shipper of an economic poison intended only for experimental use

(A) by or under the supervision of an agency of the state or of the federal government authorized by law to conduct research in the field of economic poisons, or

(B) if the economic poison is not sold and if the container thereof is plainly and conspicuously marked “For experimental use only—Not to be sold,” together with the manufacturer’s name and address;

(C) if a written permit has been obtained from the chairman, economic poisons may be sold for experiment purposes subject to such restrictions and conditions as may be set forth in the permit.

b. No article shall be deemed in violation of this chapter when intended solely for export to a foreign country, and when prepared or packed according to the specifications or directions of the purchaser. If not so exported, all the provisions of this chapter shall apply.

“Section 25-8. Penalties.

a. Any person violating any provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$1,000, or imprisoned for not more than one year, or both such fine and imprisonment; and the registration of the article with reference to which the violation occurred shall terminate automatically.

“Section 25-9. Seizures and stop sale and removal from sale Orders.

a. Any economic poison or device that is distributed, sold, offered for sale, transported, or delivered for transportation in violation of this chapter, may be seized. Any article seized hereunder shall, after entry of decree, be disposed of by destruction or sale as the court may direct and the proceeds, if such article is sold, less legal costs, shall be paid to the general fund of the State; provided, that the article shall not be sold contrary to the provision of this chapter; and provided, further, that upon payment of costs and execution and delivery of a good and sufficient bond conditioned that the article shall not be disposed of unlawfully, the court may direct that said article be delivered to the owner thereof for relabeling or reprocessing as the case may be.

b. The chairman, or his duly authorized agent, may issue and enforce a written or printed “stop-sale” or “removal from sale” order to withhold from sale any economic poison or device that is distributed, sold, offered for sale, transported or delivered for transportation in violation of this chapter.

“Section 25-10. Delegation of duties. All authority vested in the board or chairman by virtue of the provisions of this chapter may with like force and effect be exercised by such employees of the department of agriculture as the board or chairman may from time to time designate for said purpose.

“Section 25-11. Cooperation. The board is authorized and empowered to cooperate with, and enter into agreements with, any other agency of the State, the United States Department of Agriculture, and any other state or agency thereof for the purpose of carrying out the provisions of this chapter and securing uniformity of regulations.

“Section 25-12. Separability. If any provision of this chapter is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this chapter and the applicability thereof to other persons and circumstances shall not be affected thereby.

“Section 25-13. Repeals. All laws and parts of laws contrary to or inconsistent with the provisions of this chapter are hereby repealed; provided, however, that nothing herein shall be construed to amend or alter the function, duties and powers of the department of

health relative to the provisions of chapters 46 and 53, Revised Laws of Hawaii 1955, as amended.

SECTION 2. This Act shall take effect on July 1, 1965.
(Approved June 22, 1965.) S.B. 357.

ACT 162

A Bill for an Act Amending Section 1-43, Revised Laws of Hawaii 1955, as Amended, Relating to Holidays.

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

SECTION 1. The eleventh sub-paragraph of the first paragraph of section 1-43, Revised Laws of Hawaii 1955, as amended, and which sub-paragraph designates all election days as state holidays is amended to read as follows:

“All election days, except primary election day, in the county wherein the election is held.”

SECTION 2. This Act shall take effect upon its approval.
(Approved June 22, 1965.) S.B. 528.

ACT 163

A Bill for an Act Relating to Water Pollution Control.

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

SECTION 1. The first paragraph of section 46-16 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

“**Sec. 46-16. Sanitation: drainage, water systems, sewage, etc.** To the extent and insofar as their sanitary or physical condition affect or may affect the public health, safety or welfare, and except as may be otherwise provided by the Constitution of the State of Hawaii, the director of health may regulate, supervise and control all waters within the State, drainage, drainage waters, drainage ditches and systems, water supplies, water systems or plants, sewage outfall areas, and sewage or refuse systems or plants, or the disposal of any sewage, garbage, feculent matter, offal, filth, refuse, any animal, mineral or vegetable matter or substance, or any liquid, gaseous or solid substance into any waters of the State as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, including harm, detriment or injury to public water supplies, fish and aquatic life and wildlife, recreational purposes and agriculture, industrial and other legitimate uses of such waters. In connection therewith the director of health shall have the power to appoint a master or masters to conduct investigations and to hold hearings. In order to effectuate a comprehensive program for the prevention, control and abatement of pollution of the waters of the State, including shore waters, such master or masters

shall divide such waters into areas and shall recommend standards of water quality for such waters according to their present and future best uses. Upon adoption of the recommendations by the director of health, as submitted by the master or as modified by the director, it shall be unlawful for any person, including any public body, to use such waters for the disposal of the above listed matter or substance without first securing approval in writing from the director of health."

SECTION 2. There is hereby appropriated from the general revenues of the State, not otherwise appropriated, the sum of \$30,000.00 or so much thereof as shall be necessary to carry out the purposes of this Act.

SECTION 3. This Act shall take effect upon its approval.
(Approved June 22, 1965.) **H.B. 102.**

ACT 164

A Bill for an Act Relating to the Interchange of Public Employees and Amending Chapter 5, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Chapter 5, Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding a new Part thereto to read as follows:

PART VI INTERCHANGE OF PUBLIC EMPLOYEES

Sec. 5- . Declaration of policy. The State of Hawaii recognizes that intergovernmental cooperation is an essential factor in resolving problems affecting this state and that the interchange of personnel between and among governmental agencies at the same or different levels of government is a significant factor in achieving such cooperation.

Sec. 5- . Definitions. For the purposes of this Part:

(a) "Sending agency" means any local, national or foreign governmental agency or private agency with government sponsored programs or projects which sends any employee thereof to another governmental agency under this Part.

(b) "Receiving agency" means any local, national or foreign governmental agency or private agency with government sponsored programs or projects which receives any employee thereof from another governmental agency under this Part.

Sec. 5- . Authority to interchange employees. (a) Any department, agency or instrumentality of the State or any county, is authorized to participate in any program of interchange of employees as a sending and/or receiving agency.

(b) The period of individual assignment or detail under an interchange program shall not exceed 6 months, nor shall any person be assigned or detailed for more than 6 months during any 12-month

period. Details relating to any matter covered in this Part may be the subject of an agreement between the sending and receiving agencies. Elected officials shall not be assigned from a sending agency nor detailed to a receiving agency. It shall not be mandatory for any employee to participate in any interchange.

(c) Whenever the benefit to be received by such transaction of interchange is on the part of the sending agency the sending agency will be responsible for the salary and benefits and the payment of travel and transportation costs to which the employee would otherwise be entitled and the employee shall remain an employee of the sending agency for all other purposes except that the supervision of his duties during the period of detail may be governed by agreement by the sending and receiving agencies.

(d) Whenever the benefit to be received by such transaction of interchange is on the part of the receiving agency, the receiving agency shall reimburse the sending agency for the salary and other benefits including the payment of travel and transportation costs to which the employee would otherwise be entitled during the period of detail.

Sec. 5- . Rules and regulations. Rules and regulations shall be promulgated by the director of personnel services, subject to the approval of the governor, for officers and employees of the State, or by the directors of civil service, subject to the approval of their respective executive officers, for officers and employees of the city and county and the several counties.

SECTION 2. This Act shall take effect upon its approval.
(Approved June 22, 1965.) H.B. 115.

ACT 165

A Bill for an Act Relating to Real Property Taxes and Amending Chapters 128 and 170A of the Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Subsection 128-14(3) of section 128-14 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by redesignating clause (2) as clause (3) and inserting a new clause (2) following the semicolon at the end of clause (1), to read as follows:

“(2) The exemption shall not be allowed in respect to any cooperative apartment unit where the owner of such cooperative unit owns or has any interest in any other cooperative unit in the same or any other building owned by one and the same cooperative apartment corporation; and,”

SECTION 2. Section 170A-21 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by substituting a semicolon for the period which appears at the end of the first sentence

thereof and adding the following immediately thereafter:

“provided however, that a home exemption shall not be applicable to an individual apartment if the apartment owner of such individual apartment owns or has any interest in any other apartment in the same or any other building located on the same property within the horizontal property regime.”

SECTION 3. This Act shall take effect upon its approval.
(Approved June 22, 1965.) H.B. 227.

ACT 166

A Bill for an Act Relating to County Budgets and Finances.

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

SECTION 1. Chapter 138, Revised Laws of Hawaii 1955, as amended, is hereby amended by adding thereto a new section to be appropriately designated and to read as follows:

“Sec. 138- . Budgets and financial records on fiscal year basis. Any law to the contrary notwithstanding, all counties shall prepare budgets and maintain accounting and financial records on a fiscal year basis, beginning on July 1 of one calendar year and ending on June 30 of the next succeeding calendar year.”

SECTION 2. Any other law in conflict in whole or in part with this Act is hereby amended to conform hereto.

SECTION 3. This Act shall take effect on January 1, 1966, and the first fiscal year shall constitute a six-month period starting January 1, 1966, and ending June 30, 1966.

(Approved June 22, 1965.) H.B. 304.

ACT 167

A Bill for an Act to Amend Section 94-2, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Section 94-2, Revised Laws of Hawaii 1955, as amended, is hereby further amended by deleting the figure “450” from the fourth line of the fifth paragraph thereof and substituting therefor the figure “550”.

SECTION 2. This Act shall take effect on January 2, 1966.
(Approved June 22, 1965.) H.B. 601.

ACT 168

A Bill for an Act Relating to the Use of Polygraph or Lie Detector Tests.

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

SECTION 1. It shall be unlawful for a private employer or his agent, or an agent of a public employer to require an employee to submit to a polygraph or lie detector test as a condition of employment or continued employment.

SECTION 2. Any person who unlawfully requires an employee to submit to polygraph or lie detector tests shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

SECTION 3. This Act shall take effect upon its approval.
(Approved June 22, 1965.) H.B. 640.

ACT 169

A Bill for an Act Relating to Fuel Tax Law and Amending Section 123-7, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Section 123-7, Revised Laws of Hawaii 1955, as amended, is hereby further amended by amending the first and last sentences thereof to read as follows:

"Each distributor and each person subject to the provisions of section 123-3(b) shall on or before the last day of each calendar month, file with the director on forms prescribed, prepared and furnished by him, a statement, authenticated as provided in section 115-21, showing separately for each county and for the islands of Lanai and Molokai within which and whereon fuel is sold or used during each preceding month of the calendar year, the following:"

"All such taxes payable for any month shall be delinquent after the expiration of the last day of the following month."

SECTION 2. This Act shall take effect upon its approval.
(Approved June 22, 1965.) H.B. 717.

ACT 170

A Bill for an Act Relating to Public Employment of Non-Residents and Amending Chapter 5, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Subsection (b) of Section 5-1, Revised Laws of Hawaii 1955, as amended, is hereby further amended to read:

"(b) For the purpose of obtaining services which are essential to the public interest for which no competent person with the foregoing qualifications applies within 45 days after the first publication of an advertisement of such position or a notice of an examination therefor, which advertisement or notice shall have been published more than

once, and not oftener than once a week, in a newspaper of general circulation in the State, a person without such qualifications may, upon prior certification by the State Director of Personnel Services or the City and County Director of Civil Service or the County Personnel Director, whichever is applicable, and with the approval of the Chief Executive Officer for the State or the political subdivision concerned, be employed:

(1) under a contract not to exceed 2 years when the services have been exempted from the provisions of the Civil Service and/or Compensation Laws as set forth in the Revised Laws of Hawaii 1955, as amended, or in the county charters, whichever is applicable; or

(2) under a probationary appointment of 1 year when such employment is subject to the provisions of the Civil Service Laws as set forth in the Revised Laws of Hawaii 1955, as amended, or in the county charters whichever is applicable; provided that, such appointee shall have met the requirements, except for residency, as set forth in the laws aforementioned, including the rules and regulations promulgated thereunder.

SECTION 2. This Act shall take effect upon its approval.
(Approved June 22, 1965.) **H.B. 793.**

ACT 171

A Bill for an Act Relating to Jury Verdicts in Civil Cases.

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

SECTION 1. In all civil cases tried before a jury it shall be sufficient for the return of a verdict if at least five-sixths of the jurors agree on said verdict.

SECTION 2. This Act shall take effect upon its approval; provided, however, that its provision shall not be applicable to any case in which jurors have been instructed or examined on voir dire examination on or prior to the date that this Act shall take effect.

(Approved June 22, 1965.) **H.B. 898.**

ACT 172

A Bill for an Act to Provide for Service of Legal Process upon Persons Whether Residents or Non-Residents Operating, Navigating, Using or Maintaining Boats, Ships, Barges, or Other Watercraft in the Navigable Waters of Hawaii.

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

SECTION 1. The operation, navigation, use or maintenance by any person, whether a resident or non-resident of the State, of any boat, ship, barge or other watercraft in the navigable waters of the State of Hawaii is deemed equivalent to an appointment by such per-

son of the director of regulatory agencies to be his true and lawful attorney upon whom may be served the summons in any action or proceeding against him growing out of any accident, collision or claim for damages in which such person and such boat, ship, barge or other watercraft may be involved in said navigable waters. Such operation, navigation, use or maintenance is deemed a signification of his agreement that any such summons against him which is so served is of the same legal force and validity as if served upon him personally within this State, whether such person is a nonresident of this State or at the time a cause of action arises is a resident of this State but subsequently becomes a non-resident of this State. Service of such summons is to be made by leaving a certified copy thereof with the director of regulatory agencies, or his deputy, who shall keep a record of each such summons and the day and hour of service upon such person, provided that notices of such service and a certified copy of the summons are served upon the defendant personally by any person authorized to serve process in the place in which he may be found or sent by registered mail, postage prepaid, with return receipt requested, by the plaintiff or his attorney to the defendant. The plaintiff or his attorney shall file an affidavit showing that such notice and such copy of summons were served as aforesaid or sent by registered mail as aforesaid, and in the latter case the return receipt shall be filed with such affidavit.

The court in which the action is pending may order such continuances as may be necessary to afford the defendant reasonable opportunity to defend the action.

This section shall not be construed as repealing or amending any other provision of law relating to the service of process nor as establishing an exclusive method of service of process in cases to which this section may apply.

SECTION 2. This Act shall take effect upon its approval.
(Approved June 22, 1965.) **H.B. 967.**

ACT 173

A Bill for an Act Relating to Disposition of Eyes or Parts Thereof for the Purposes of Medical Sciences or Rehabilitation of Human Beings.

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

SECTION 1. Every person of legal age and of sound mind may by written instrument prescribed for the disposition, to be made after his death, of his eyes and/or any part thereof, provided that no such person shall receive remuneration or other valuable consideration for such disposition, and provided further that such disposition is for the purpose of advancing medical science or for the replacement or rehabilitation of diseased, worn out or injured eyes, or parts thereof, of persons living.

Each such instrument may designate the donee which may include, but not limited to, an individual, hospital, institution, an agency engaged in sight restoration or a bank maintained for the storage, preservation, and use of human eyes, or parts thereof. If no specific donee is named in such instrument, then the hospital in which the donor dies shall be deemed to be the donee, and if such donor does not die in a hospital, then the attending physician shall be deemed to be the donee. Any hospital or physician acquiring possession or custody of the body shall have the authority to remove or cause to be removed from the body the eyes and/or parts thereof which the donor has designated and to deliver the same to the named donee or to the hospital or physician deemed a donee hereunder who may make the same available to any person or institution as the hospital or physician in its or his discretion shall determine to be in need thereof. No such physician or hospital with such authority to remove shall receive any remuneration or other valuable consideration except the established fees for such services rendered, which fees shall not be a claim against the estate of the deceased donor. The hospital, donee or physician shall not be liable for any damage or subject to criminal prosecution for removing or causing to be removed said eyes or parts thereof from the body. No appointment of administrator or executor or any application to the court shall be necessary for the removal of said eyes or parts thereof. No particular form or words shall be necessary or required for such disposition or authorization, provided that the instrument conveys the clear intention of the purpose of the person making the same. Any such disposition of his own eyes or parts thereof may be revoked by the donor at any time prior to his death by the execution of a written instrument.

SECTION 2. This Act shall take effect upon its approval.
(Approved June 22, 1965.) **H.B. 1310.**

ACT 174

A Bill for an Act Relating to Compensation of Teachers and Educational Officers of the Department of Education and Making Appropriations Therefor.

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

SECTION 1. Part III, Chapter 38, Revised Laws of Hawaii 1955, as amended, is hereby further amended in the following respects:

(A) By amending sections 38-30 to 38-31.5 to read as follows:

"Sec. 38-30. Definitions; classification.

(a) The terms used in this part shall have the following meanings unless the context otherwise indicates.

'Board' refers to the board of education.

'Department' refers to the department of education.

'Educational officers' refers to principals, vice principals and professional employees of the state and district offices of the department except those in the classified service.

'Existing schedule' refers to the salary schedule existing prior to the enactment of this act.

'Incumbent educational officers' refers to educational officers presently in service or on authorized leaves from the department.

'Incumbent teachers' refers to teachers presently in service or on authorized leaves from the department.

'New schedule' refers to the integrated salary schedule set forth in this chapter.

(b) The designation of any teacher or educational officer to any given class shall be determined by the department in accordance with its certification requirements.

(c) Teachers shall be classified as follows:

(1) A Class I teacher is any teacher who holds a certificate issued by the department and who does not qualify as a Class II, III, IV or V teacher as described below.

(2) A Class II teacher is any teacher who holds a certificate issued by the department based upon four acceptable years of college education and other requirements as may be established by the department.

(3) A Class III teacher is any teacher who holds a certificate issued by the department based upon five acceptable years of college education and other requirements as may be established by the department.

(4) A Class IV teacher is any teacher who holds a certificate issued by the department based upon five acceptable years of college education and fifteen additional credits approved by the department and other requirements as may be established by the department.

(5) A Class V teacher is any teacher who holds a certificate issued by the department based upon five acceptable years of college education and thirty additional credits approved by the department and other requirements as may be established by the department.

(6) A vocational agriculture Class I teacher is any teacher in Class I who is teaching vocational agriculture.

(7) A vocational agriculture Class II teacher is any teacher in Class II who is teaching vocational agriculture.

(8) A vocational agriculture Class III teacher is any teacher in Class III who is teaching vocational agriculture.

(9) A vocational agriculture Class IV teacher is any teacher in Class IV who is teaching vocational agriculture.

(10) A vocational agriculture Class V teacher is any teacher in Class V who is teaching vocational agriculture.

(11) A technical school Class I teacher is any teacher in Class I or with equivalent qualifications as determined by the department who is teaching technical school courses.

(12) A technical school Class II teacher is any teacher in Class II or with equivalent qualifications as determined by the department who is teaching technical school courses.

(13) A technical school Class III teacher is any teacher in Class III or with equivalent qualifications as determined by the department who is teaching technical school courses.

(14) A technical school Class IV teacher is any teacher in Class IV or with equivalent qualifications as determined by the department who is teaching technical school courses.

(15) A technical school Class V teacher is any teacher in Class V or with equivalent qualifications as determined by the department who is teaching technical school courses.

(d) Any teacher teaching technical school courses who is transferred to a community college under the jurisdiction of the Board of Regents of the University of Hawaii shall not suffer any loss of salary, seniority, prior service credit, vacation, sick leave or other employee benefit or privilege.

(e) Educational officers shall be classified according to their duties and responsibilities and shall meet such requirements as may be determined by the department. Any educational officer who does not meet the requirements of the department may continue to serve in his position, but shall not be advanced to a higher position until he meets the requirements for the higher position.

(1) Principals and vice-principals shall be further classified on the basis of the number of pupils under their supervision as follows:

	Number of Pupils Under Supervision
Principal I	1 - 399
Principal II	400 - 749
Principal III	750 - 1249
Principal IV	1250 - 1649
Principal V	1650 - 1999
Principal VI	2000 and over
Vice-Principal I*	750 - 1249
Vice-Principal II	1250 - 1649
Vice-Principal III	1650 - 1999
Vice-Principal IV	2000 and over

*Under special circumstances the department may appoint a vice-principal to a school which has less than 750 students; provided that appropriations are available.

(2) Principals of technical schools and adult community schools shall be classified under subsection (1) above according to student enrollment, which shall be the product of the number of students multiplied by the following index numbers:

Technical School (regular day)	Index 2
Technical Evening School	Index 1
Adult Community Schools	Index 1

(3) Principals of special schools shall be classified as follows:

Diamond Head School	Principal IV
Lahainaluna School	Principal IV
Olomana School	Principal III
Hoomana School	Principal III
Pohukaina School	Principal III
Linekona School	Principal III

(4) Where there is more than one vice-principal assigned to a school, the second vice-principal shall be classified as Vice-Principal I.”

“Sec. 38-30.5 Salary ranges; teachers, educational officers. Salary ranges for teachers and educational officers of the department shall be subject to the requirements of sections 38-30, 38-31 and 38-31.5 and shall be as follows:

DEPARTMENT OF EDUCATION
SALARY RANGE

POSITIONS	
Teachers	Class I DOESR 1
	Class II DOESR 3
	Class III DOESR 5
	Class IV DOESR 6
	Class V DOESR 7
Vocational Agriculture Teachers	Class 1 DOESR 5
	Class II DOESR 7
	Class III DOESR 9
	Class IV DOESR 10
	Class V DOESR 11
Technical School Teachers	Class I DOESR 4
	Class II DOESR 6
	Class III DOESR 8
	Class IV DOESR 9
	Class V DOESR 10
Vice-Principal I	DOESR 7
Vice-Principal II	DOESR 8
Vice-Principal III	DOESR 9
Vice-Principal IV	DOESR 10
Principal I	DOESR 9
Principal II	DOESR 10
Principal III	DOESR 11
Principal IV	DOESR 12
Principal V	DOESR 13
Principal VI	DOESR 14
Curriculum Specialist I	DOESR 12
District Staff Specialist and Curriculum Specialist II	DOESR 13
State Staff and Program Specialist I	DOESR 13
State Staff and Program Specialist II	DOESR 14
State Program Administrator/Psychologist	DOESR 15
State Program Director	DOESR 17
Deputy District Superintendent I	DOESR 15
Deputy District Superintendent II	DOESR 16
District Superintendent I	DOESR 18
District Superintendent II	DOESR 19
Assistant Superintendent	DOESR 20

All DOESR salary ranges not indicated above are presently unoccupied.”

“Sec. 38-31. Teachers and educational officers salary schedule. (a)
The integrated salary schedule hereby established shall apply to all teachers and educational officers of the department effective January 1, 1966, and shall be as follows:

DEPARTMENT OF EDUCATION
INTEGRATED SALARY SCHEDULE

Symbols:
B--Basic
I--Incentive

Salary Range	Increment Steps								Longevity Steps (\$ yrs. ea.)			
	1	2	3	4	5	6	7	8	9	L-1	L-2	L-3
I 1 B	4,330	4,547	4,774	5,013	5,264	5,527	5,803	6,093	6,398	6,718	7,054	7,407
I 1 I	4,834	5,076	5,330	5,597	5,877	6,171	6,480	6,804	7,144	7,501	7,876	8,270
2 B	4,547	4,774	5,013	5,264	5,527	5,803	6,093	6,398	6,718	7,054	7,407	7,777
2 I	5,076	5,330	5,597	5,877	6,171	6,480	6,804	7,144	7,501	7,876	8,270	8,684
II 3 B	4,774	5,013	5,264	5,527	5,803	6,093	6,398	6,718	7,054	7,407	7,777	8,166
3 I	5,330	5,597	5,877	6,171	6,480	6,804	7,144	7,501	7,876	8,270	8,684	9,118
4 B	5,013	5,264	5,527	5,803	6,093	6,398	6,718	7,054	7,407	7,777	8,166	8,574
4 I	5,597	5,877	6,171	6,480	6,804	7,144	7,501	7,876	8,270	8,684	9,118	9,574
III 5 B	5,264	5,527	5,803	6,093	6,398	6,718	7,054	7,407	7,777	8,166	8,574	9,003
5 I	5,877	6,171	6,480	6,804	7,144	7,501	7,876	8,270	8,684	9,118	9,574	10,053
IV 6 B	5,527	5,803	6,093	6,398	6,718	7,054	7,407	7,777	8,166	8,574	9,003	9,453
6 I	6,171	6,480	6,804	7,144	7,501	7,876	8,270	8,684	9,118	9,574	10,053	10,556
V 7 B	5,803	6,093	6,398	6,718	7,054	7,407	7,777	8,166	8,574	9,003	9,453	9,926
7 I	6,480	6,804	7,144	7,501	7,876	8,270	8,684	9,118	9,574	10,053	10,556	11,084
8 B	6,093	6,398	6,718	7,054	7,407	7,777	8,166	8,574	9,003	9,453	9,926	10,422
8 I	6,804	7,144	7,501	7,876	8,270	8,684	9,118	9,574	10,053	10,556	11,084	11,638
9 B	6,398	6,718	7,054	7,407	7,777	8,166	8,574	9,003	9,453	9,926	10,422	10,943
9 I	7,144	7,501	7,876	8,270	8,684	9,118	9,574	10,053	10,556	11,084	11,638	12,220
10 B	6,718	7,054	7,407	7,777	8,166	8,574	9,003	9,453	9,926	10,422	10,943	11,490
10 I	7,501	7,876	8,270	8,684	9,118	9,574	10,053	10,556	11,084	11,638	12,220	12,831
11	7,876	8,270	8,684	9,118	9,574	10,053	10,556	11,084	11,638	12,220	12,831	13,473
12	8,270	8,684	9,118	9,574	10,053	10,556	11,084	11,638	12,220	12,831	13,473	14,147
13	8,684	9,118	9,574	10,053	10,556	11,084	11,638	12,220	12,831	13,473	14,147	14,854
14	9,118	9,574	10,053	10,556	11,084	11,638	12,220	12,831	13,473	14,147	14,854	15,597
15	10,053	10,556	11,084	11,638	12,220	12,831	13,473	14,147	14,854	15,597	16,377	17,196
16	10,556	11,084	11,638	12,220	12,831	13,473	14,147	14,854	15,597	16,377	17,196	18,056
17	11,084	11,638	12,220	12,831	13,473	14,147	14,854	15,597	16,377	17,196	18,056	18,959
18	11,638	12,220	12,831	13,473	14,147	14,854	15,597	16,377	17,196	18,056	18,959	19,907
19	12,220	12,831	13,473	14,147	14,854	15,597	16,377	17,196	18,056	18,959	19,907	20,902
20	12,831	13,473	14,147	14,854	15,597	16,377	17,196	18,056	18,959	19,907	20,902	

Note 1: Basic and incentive plans apply to teachers only.

Note 2: Teachers and educational officers must complete three (3) years to qualify for longevity step increments.

(b) Only teachers may elect either the basic or incentive plan. Teachers not qualifying for the incentive plan are placed on the basic plan. To qualify for the incentive plan, teachers must meet the following requirements:

(1) Any teacher who has earned five approved credits between June 1, 1961 and December 31, 1965 or two approved credits between June 1, 1965 and December 31, 1965 may elect the incentive plan. Any teacher not meeting one of these requirements shall be placed on the basic plan and may elect the incentive plan only after having earned two approved credits within the periods established by the department, and can be placed on the incentive plan only at the beginning of the school year in September. No credits earned prior to qualifying for the incentive plan can be used to meet the annual and three-year credit requirements under subsection (2) below unless otherwise authorized by the department.

Any teacher entering service with the department for the first time after September 1, 1965 who has completed his college education within twelve months prior to his service may elect the incentive plan.

(2) Unless otherwise authorized by the department the following shall apply:

(i) Any teacher electing the incentive plan must earn at least five credits within the next three years and at least one credit by August 31 of each year while on the incentive plan in order to receive increment of longevity step increases in the succeeding year.

(ii) Credits earned in one year in excess of such year's one-credit requirement may be carried over to meet the succeeding years' credit requirement and the three-year credit requirement; provided that any credits earned in excess of any three-year credit requirement may not be carried over beyond such three-year cycle.

(iii) A teacher who fails to meet these requirements shall be placed in the appropriate salary range and step of the basic plan for the succeeding year and shall be allowed to return to the incentive plan only after having earned as many credits as may be required by the department.

(iv) In order to remain on the incentive plan after completion of the first three-year cycle, a teacher must meet the same credit requirements in each subsequent three-year cycle.

(3) Credits earned to qualify for the incentive plan and credits earned to meet the requirements of the incentive plan may be used in determining the classification of teachers, within the limitations set forth by the department.

(c) Unless otherwise authorized by the department, educational officers on a ten-month work year must meet the following requirements:

(1) Any principal, vice-principal or other educational officer on a ten-month work year must earn at least six credits within three years after September 1, 1965 and at least one credit by August 31 of each year in order to receive increment or longevity step increases in the succeeding years.

(2) Credits earned in one year in excess of such year's one-credit requirement may be carried over to meet the succeeding years' credit requirement and the three-year credit requirement; provided that any credits earned in excess of any three-year credit requirement may not be carried over beyond such three-year cycle.

(3) In order to continue to receive increment or longevity step increases after the completion of any three-year cycle, such educational officer must meet the same credit requirements in each subsequent three-year cycle.

Any educational officer on a ten-month work year who fails to meet the foregoing requirements shall not be eligible for any increment or longevity step increases and may be removed from his position if he fails to earn the required credits for three consecutive years notwithstanding any other provisions of law to the contrary.

(d) Credits earned can be in the form of in-service, university or other credits approved by the department.

(e) Incumbent teachers shall be converted from the existing schedule to the new salary schedule on January 1, 1966 in the following manner:

(1) Incumbent teachers who are not in the maximum increment step under the existing schedule shall be placed in the appropriate salary range and increment step in the new schedule.

(2) Incumbent teachers who are in the maximum increment step for less than three years under the existing schedule as of September 1, 1965 shall be placed in the maximum increment step of the appropriate salary range in the new schedule, and incumbent teachers who are in the maximum increment step for at least three years under the existing schedule as of September 1, 1965 shall be placed in longevity step 1 in the new schedule.

(3) Incumbent teachers presently in any longevity step under the existing schedule shall be placed in the maximum increment step or in any appropriate longevity step under the new schedule that will provide for a salary increase.

(f) Educational officers shall be converted from the existing schedule to the new salary schedule on January 1, 1966 in the following manner:

(1) Incumbent educational officers who are not in the maximum increment step under the existing schedule shall be placed in the appropriate salary range and increment step in the new schedule; provided that if upon conversion the salary increase of any such officer other than those presently covered by section 38-34.5(a) in Act 28, section 11, Session Laws of Hawaii 1962, as amended by Act 193, section 22, Session Laws of Hawaii 1963, is less than ten per cent of his salary under the existing schedule, such officer shall be placed in the next higher increment step that will provide for a minimum increase of ten per cent.

(2) Incumbent educational officers who are in the maximum increment step or in any longevity step under the existing schedule other than those presently covered by section 38-34.5(a) in Act 28,

section 11, Session Laws of Hawaii 1962, as amended by Act 193, section 22, Session Laws of Hawaii 1963, shall be placed in the appropriate increment or longevity step under the new schedule that will provide for a minimum increase of ten per cent.

(g) Effective January 1, 1966, any teacher who becomes an educational officer shall be placed in the appropriate increment step and salary range exceeding his existing rate of compensation as a teacher.

(h) Effective January 1, 1966, substitute teachers shall be paid as follows:

Class I	\$16.00 per day
Class II	19.00 per day
Class III	23.00 per day."

"Sec. 38-31.5. Salary increases; annual, longevity.

(a) Teachers and educational officers who have completed a year's satisfactory service and who have complied with the other requirements of this chapter shall be entitled to an annual increment.

(b) Teachers and educational officers who have served satisfactorily for three years in their maximum increment step or in any longevity step and who have complied with the other requirements of this chapter shall receive longevity step increases."

(B) By amending section 38-33 to read as follows:

"Sec. 38-33. Change in classification. Any teacher who qualifies for a higher class shall be transferred to such higher class as of the beginning of the next school year and shall receive the salary at the appropriate step and range of such higher class."

(C) By amending section 38-34.5 to read as follows:

"Sec. 38-34.5. Educational officers; demotion, transfers, reduction in enrollment. Any educational officer demoted to a position in a lower salary range shall continue to be paid his previous salary for the first year of his demotion, after which time he shall be compensated at the appropriate step in the salary range to which he has been demoted. Unless otherwise provided by the department, any educational officer who is transferred to a position in a lower salary range or who is in a school in which the student enrollment has declined to a number that would place him in a lower classification shall continue to be paid at his same salary range."

(D) By adding another section to be appropriately numbered and to read as follows:

"Sec. 38- . Additional benefits to certain teachers. The department shall provide additional benefits to grade level chairmen, department heads, registrars, and librarians in schools. The department shall also provide additional benefits to teachers assigned to schools in areas designated as limited environment communities by the department."

SECTION 2. There is hereby appropriated from the general revenues of the State the sum of \$5,985,463, or so much thereof as may be necessary, to carry out the purposes of this Act.

SECTION 3. This Act shall take effect on January 1, 1966.

(Approved June 24, 1965.) S.B. 721.

ACT 175

A Bill for an Act Relating to the Department of Education.

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

SECTION 1. Subsection (a) of section 5-1, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

“(a) The foregoing requirements shall not apply to teachers and educational officers in public schools, but in the appointment of such teachers and educational officers, preference shall be given to resident teachers and educational officers who are citizens of the United States and are of the same standing, grade, or rating as those from without the state.”

SECTION 2. Chapter 13, Revised Laws of Hawaii 1955, as amended, is hereby amended in the following respects:

(a) By repealing section 13-1, Revised Laws of Hawaii 1955; and
 (b) By adding the following part, to be appropriately numbered and to read as follows:

“PART DEPOSIT OF PUBLICATIONS

Sec. 13- . **Establishment of State publications distribution center.** There shall be established within the department of education and under the direction of the State librarian a State publications distribution center for depositing and distributing government publications and for promoting an orderly depository library system for State and county publications.

Sec. 13- . **Definitions.** (1) “State and county agency” includes every state, city and county and county office, officer, department, board, commission and agency, whether in the legislative, executive or judicial branch.

(2) “Publication” includes any document, compilation, journal, report, statute, regulation, ordinance issued in print by any State or county agency, and confidential publications which shall be deposited in accordance with security regulations to be determined by the issuing agency.

(3) “Print” includes all forms of printing and duplications, except administrative forms.

Sec. 13- . **Deposit of publications.** Every State and county agency shall immediately upon release of a publication, deposit eight copies with the State publications distribution center and one copy each with the State archives and the University of Hawaii. Additional copies of such publications shall be deposited with the publications distribution center upon request of the State librarian so long as copies are available.

The State librarian may enter into depository agreements with private and public educational, historical or scientific institutions or other libraries, within or without the State in order to achieve the objectives sought under this chapter.

Sec. 13- . Depository library system. The State librarian shall designate at least one government publications depository in each county and shall distribute to each depository one copy of each publication, as defined in this chapter.

Sec. 13- . Rules and regulations. The department of education may make such rules and regulations as are necessary to carry out the purposes of this chapter."

SECTION 3. Section 37-1, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"Sec. 37-1. Definitions. As used in chapters 37 to 43, the following terms shall have the following meanings unless the context indicates otherwise:

'Board' means the board of education.

'Councilor' means a member of a local school advisory council.

'Department' means the department of education.

'Educational officers' refers to principals, vice-principals and professional employees of the state and district offices of the department except those in the classified service.

'Member' means a member of the board of education.

'Superintendent' means the superintendent of education.

'Teacher' means a person whose duties in the educational system are primarily teaching or instruction of students or related activities centered primarily on students and who is in close and continuous contact with students and shall include, but not be limited to, classroom teachers, school librarians, counselors, registrars, and special education teachers."

The revisor of statutes shall conform the existing Revised Laws of Hawaii 1955 and subsequent amendments to the definitions set forth in this section.

SECTION 4. Section 37-6, Revised Laws of Hawaii 1955, as amended, is hereby amended by amending the second paragraph by adding the following as the second sentence thereof:

"He may use a printed facsimile signature in approving appointments, contracts and other documents."

SECTION 5. Section 37-7, Revised Laws of Hawaii 1955, is hereby amended to read as follows:

"Sec. 37-7. Rules, regulations. Subject to the provisions of the Hawaii Administrative Procedure Act, the board may adopt rules and regulations not contrary to law, for the government of all teachers, educational officers, other personnel, and pupils, and for carrying out the general scheme of education and for the transaction of its business."

SECTION 6. Section 37-9, Revised Laws of Hawaii 1955, is hereby amended by adding the following thereto:

"Upon authorization by the superintendent, a facsimile impression of the seal may be used to authenticate such documents."

SECTION 7. Section 37-10, Revised Laws of Hawaii 1955, is hereby amended by deleting the words "officers, agents and servants" and substituting in lieu thereof the words "teachers, educational officers and other personnel."

SECTION 8. Section 37-11, Revised Laws of Hawaii 1955, is hereby repealed in its entirety.

SECTION 9. Section 37-12, Revised Laws of Hawaii 1955, is hereby amended by deleting therefrom the words "and attested by the secretary."

SECTION 10. Section 37-13, Revised Laws of Hawaii 1955, is hereby amended by deleting the words "at a profit to the department" from the first sentence thereof and by amending the second sentence thereof to read as follows:

"All sums of money received from the sale of such publications shall be deposited to the credit of the general fund of the State."

SECTION 11. Section 37-14, Revised Laws of Hawaii 1955, is hereby repealed in its entirety.

SECTION 12. Section 37-16, Revised Laws of Hawaii 1955, as amended, is hereby amended by deleting in the second sentence of the second paragraph the words "eight" and "but not less than five."

SECTION 13. Section 37-19, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"Sec. 37-19. Aid to crippled children; transportation. The superintendent, with the approval of the department of social services, may negotiate with transportation companies or individuals for the transportation of such crippled children whose parents or guardians, after investigations by the department of social services, have been found to be unable to provide for their transportation to and from such public school (excepting those children in institutions in which education is provided), and shall, with the approval of the department of social services, expend the appropriations provided for such purposes."

SECTION 14. Section 37-22, Revised Laws of Hawaii 1955, as amended, is hereby repealed in its entirety.

SECTION 15. Chapter 37, Revised Laws of Hawaii 1955, as amended, is hereby amended by adding thereto a new section to be appropriately numbered and to read as follows:

"Sec. 37- . Schools; opening and closing. The board of education shall have the authority to open new schools or close existing schools."

SECTION 16. Section 38-1, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"Sec. 38-1. Definition, school. For the purpose of this part the word "school" includes every school, whether under governmental

supervision or otherwise, except sabbath schools which convene once each week.”

SECTION 17. Section 38-3, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

“**Sec. 38-3. Principals and Acting Principals.** All public schools shall be presided over by principals or acting principals designated by the department. Principals and acting principals shall meet the department’s certification requirements and shall have served as a teacher for a period of not less than five years of which one year must have been served as a teacher or as an exchange principal in the schools of Hawaii.”

SECTION 18. Section 38-5, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

“**Sec. 38-5. Probationary period of employment.** Effective September 1, 1965, all teachers, principals and vice-principals entering the service of the department for the first time shall serve as probationary employees of the department for a minimum period of two consecutive years, provided that such consecutive employment may be interrupted by maternity leave, sick leave, military leave or any other leave approved by the department not exceeding a period of two years, without loss of credit for the period of probationary employment, and provided further that at or prior to the end of two years of probation, the department may extend the probationary period of a teacher, principal or vice-principal for additional periods not to exceed a total of five years. Any full-time intern teaching period served in the State shall also be credited toward fulfillment of the probationary period. Any annual contract with any teacher, principal or vice-principal during this probationary period of employment may or may not be renewed as the department shall determine. The department may, during such probationary period, discharge or demote a teacher, principal or vice-principal. Teachers, principals and vice-principals who have been in continuous employment in the public schools of Hawaii for a period of two years prior to September 1, 1965, shall be deemed to have completed their probationary period. Teachers, principals and vice-principals who have entered their probationary period prior to September 1, 1965, but who have not completed such probationary period prior to August 31, 1965, shall be given credit for such prior service in computing their probationary period of employment.”

SECTION 19. Section 38-5.2, Revised Laws of Hawaii 1955, as amended, is hereby amended by deleting the first sentence and substituting therefor the following sentences:

“**Sec. 38-5.2. Causes for discharge or demotion; preferred eligibility list.**

“Causes for the discharge or demotion of a teacher shall be inefficiency or immorality; wilful violations of policies and regulations of the department of education or for other good and just cause. The department without a hearing may terminate tenure rights of a

teacher who fails to return to service, except when caused by illness, following the expiration of an approved leave of absence.”

SECTION 20. Section 38-6, Revised Laws of Hawaii 1955, is hereby amended to read as follows:

“**Sec. 38-6. Teachers; qualifications; certificates.** No person shall serve as a teacher in any school without first having obtained a certificate from the department, which certificate shall be issued without cost to the teacher, in such form as the department determines.”

SECTION 21. Section 38-9, Revised Laws of Hawaii 1955, is hereby repealed in its entirety.

SECTION 22. Section 38-12, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

“**Sec. 38-12. Age limit.** No teacher or educational officer in the department of education who has attained the age of sixty-five years shall be employed by the department of education, whether by appointment or contract, except when no qualified person is available and then only under contract for periods not to exceed one year at a time. No teacher or educational officer who has attained the age of seventy years shall be on appointment or contract.”

SECTION 23. Section 38-20, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

“**Sec. 38-20. Sabbatical leaves authorized.** The department of education may grant a year's or six months' sabbatical leave of absence to any teacher or educational officer who has served seven years in the public schools of the State, such teacher or educational officer to be guaranteed a return to his or an equivalent position at the expiration of the leave. In granting sabbatical leaves, the department of education shall consider, but shall not be limited to, the following: (a) the nature and length of professional educational course work, research, or other professional activity approved by the department; and

(b) applicant's seniority; provided that seniority shall not be the dominant factor in granting sabbatical leaves.”

SECTION 24. Section 38-21, Revised Laws of Hawaii 1955, as amended, is hereby amended by substituting for the words “teacher,” “teachers,” or “superintendent of public instruction,” wherever they appear in the section, the words “teacher or educational officer” or “teachers or educational officers,” or “superintendent of education.”

SECTION 25. Section 38-22, Revised Laws of Hawaii 1955, as amended, is hereby amended in the following respects:

(a) By amending the first two sentences thereof to read as follows:

“A teacher or educational officer on sabbatical leave shall devote one-half of his total leave to professional educational course work,

research, or other professional activity approved by the department. The department shall establish guidelines and criteria of professional educational course work, research, or other professional activity.”

(b) By substituting for the word “teacher” or “teacher’s,” wherever they appear therein, the words “teacher or educational officer” or “teacher’s or educational officer’s.”

SECTION 26. Section 38-38, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

“Sec. 38-38. Evaluation of teachers and educational officers. The department shall establish an evaluation program for all teachers and educational officers. Such evaluation shall be performed at least once in each school year. The program shall define the criteria for evaluation and assign responsibilities for the application of such criteria. The evaluation of a teacher or educational officer shall be on the basis of efficiency, ability and such other criteria as the department shall determine.”

SECTION 27. Section 40-2, Revised Laws of Hawaii 1955, is hereby amended by adding after the words “kindergarten schools,” the words “schools or classes for pregrade education.”

SECTION 28. Section 40-3, Revised Laws of Hawaii 1955, is hereby repealed in its entirety.

SECTION 29. Section 40-4, Revised Laws of Hawaii 1955, as amended, is hereby amended by amending the second paragraph thereof to read as follows:

“No child shall attend any kindergarten unless he will be at least five years of age on or before December thirty-first of the school year; provided that a child attending a school which convenes after the regular school schedule shall be five years of age on or before one hundred twenty-five days following the date such school shall convene; and provided further that the department of education shall establish procedures and criteria to determine the psychological and physiological readiness of children for kindergarten and shall grant an exception in the case of a child who is found to be ready.”

SECTION 30. Section 40-5, Revised Laws of Hawaii 1955, is hereby amended by amending the first paragraph to read as follows:

“Sec. 40-5. Public schools special fees. No equipment, material or other fees shall be assessed against any pupil in any elementary school, except that the department may assess and collect special fees from pupils who negligently break, damage, lose or destroy equipment and supplies. Such fees shall be deposited in a separate fund and expended by the department under such rules and regulations as it may prescribe.”

SECTION 31. Section 40-8, Revised Laws of Hawaii 1955, as amended, is hereby amended by amending the first paragraph thereof to read as follows:

“Except as authorized by section 40-4, no child shall attend any

public school unless he will be at least six years of age on or before December thirty-first of the school year; provided that a child attending a school which convenes after the regular school schedule shall be six years of age on or before one hundred twenty-five days following the date such school shall convene; and provided further that the department of education shall establish procedures and criteria to determine the psychological and physiological readiness of children for public school and shall grant an exception in the case of a child who is found to be ready."

SECTION 32. Section 40-9, Revised Laws of Hawaii 1955, as amended, is hereby amended by deleting the word "sixteen" appearing in the sixth line thereof and substituting therefor the word "eighteen," and by adding at the end of the section a new paragraph, to be designated "(g)", to read as follows:

"(g) Where a child has graduated from a high school or vocational school."

This section shall take effect September 1, 1966:

SECTION 33. Section 40-11, Revised Laws of Hawaii 1955, is hereby amended in the following respects:

(a) By deleting the first paragraph in its entirety;

(b) By deleting the word "dropped" wherever it appears and substituting in lieu thereof the words "precluded from attending school;" and

(c) By amending the second paragraph thereof to read as follows:

"If for any reason a child becomes a detriment to the morals or discipline of any school, such child may be precluded from attending school by the principal with the approval of the district superintendent. The department shall seek the active participation of other public and private agencies in providing help to such children before and after they have left school. An appeal may be taken on behalf of such child to the superintendent of education within ten days from the date of such action."

SECTION 34. Section 40-13, Revised Laws of Hawaii 1955, is hereby amended by amending the first sentence to read as follows:

"The department shall be charged with the enforcement of sections 40-9 to 40-12."

SECTION 35. The second paragraph of section 40-19, Revised Laws of Hawaii 1955, is hereby deleted in its entirety.

SECTION 36. The second paragraph of section 40-20, Revised Laws of Hawaii 1955, is hereby deleted in its entirety.

SECTION 37. Sections 40-21, 40-22, and 40-23, Revised Laws of Hawaii 1955, are hereby repealed in their entirety.

SECTION 38. Section 42-2, Revised Laws of Hawaii 1955, is hereby amended to read as follows:

"Sec. 42-2. Department may prescribe courses. The department

may prescribe the manner and designate the places in which agricultural, domestic arts and industrial courses shall be conducted, and determine the extent to which they shall be followed, either generally or to suit particular cases."

SECTION 39. Sections 42-3 and 42-4, Revised Laws of Hawaii 1955, are hereby repealed in their entirety.

SECTION 40. Subsection 42-31 (c), Revised Laws of Hawaii 1955, is hereby amended by deleting the words "who declares the Territory as his residence and" appearing in the fourth and fifth lines of said paragraph.

SECTION 41. Chapter 14A, Revised Laws of Hawaii 1955, as amended, is hereby amended in the following respects:

(a) By amending section 14A-17 by adding in the second paragraph after the words "library services," the words "transcribing services for the blind," and by adding in the fourth paragraph after the words "Maui county library" the words ", and the transcribing services program of the bureau of sight conservation and work with the blind;" and

(b) By amending section 14A-19 by adding in the last paragraph after the words "work with the blind" the words "(except for the transcription services program transferred to the department of education)."

SECTION 42. Section 42-50 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by inserting the clause "including correspondence schools located within the state" between the words "nature" and "except" appearing in the first paragraph.

SECTION 43. Chapter 42 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding thereto a new part, to be designated Part V, the sections of which shall be appropriately numbered, to read as follows:

**"PART V
LICENSING OF AGENTS REPRESENTING PRIVATE
SCHOOLS OR PRIVATE CORRESPONDENCE SCHOOLS**

Sec. 42 . Definitions. As used in this part only:

(a) 'Correspondence school' shall mean any privately owned and operated school located within or without the State conducted for the purpose of providing, by correspondence, for a profit or remuneration, systematic instruction in any field of study below the college level, except those that are primarily avocational or religious in nature.

(b) 'Private school' shall mean any privately owned and operated school located without the State conducted for the purpose of providing systematic instruction in any field or fields of study below the college level for profit or remuneration.

(c) The term 'course' means private correspondence course, plan or any program of instruction except those that are primarily religious or avocational in nature.

(d) 'Agent' shall mean any person, including but not limited to field representatives, field officers, supervisors or district representatives, who solicits students to attend private schools on the mainland United States or to take any private correspondence courses within or without the State.

(e) 'Licensed correspondence school' or 'licensed school' is one that is licensed by the proper officials in the State where the school is located.

Sec. 42 . Publicizing of instruction. No agent shall:

(a) Make, or cause to be made any statement, or representation, oral, written or visual, in connection with the offering or publicizing of a course, if such person knows or reasonably should have known the statement or representation to be false, deceptive, substantially inaccurate or misleading.

(b) Promise or guarantee employment utilizing information, training or skill purported to be provided or otherwise enhanced by a course, unless the promisor or guarantor offers the student or prospective student a bona fide contract of employment agreeing to employ said student or prospective student for a period of not less than ninety days in a business or other enterprise regularly conducted by him and in which such information, training or skill is a normal condition of employment.

(c) Do any act constituting part of the conduct or administration of a course, or the obtaining of students thereof, if such person knows or reasonably should know that any phase or incident of the conduct or administration of the course is being carried on by the use of fraud, deception or other misrepresentation, or by any person soliciting students without a license.

(d) Do any act which is contrary to the trade practice rules for private home study schools as approved by the federal trade commission, November 2, 1936, and official amendments to these rules.

Sec. 42 . Solicitation of students. No agent representing any private school or correspondence school shall solicit students or sell any course in this State for profit or remuneration unless:

(a) He first obtains a license from the department; and

(b) He files and makes payable to the department a surety bond in the sum of One Thousand Dollars (\$1,000); such bond shall be conditioned to provide indemnification to any student suffering loss as a result of fraud or misrepresentation used in procuring his enrollment. The bond must be renewed annually if it is for less than a year.

Application for license shall be made on forms to be furnished by the department and shall be accompanied by a license fee of \$5.00 made payable to the department. The license shall be valid for one year from the date of issuance, unless it is revoked, cancelled or suspended for good cause after written notice and hearing is granted to the licensee, and must be renewed annually upon payment of \$5.00 renewal fee.

Upon granting the license, the department shall issue a card to the person giving his name and address, the name and address of the

school that he represents, and certifying that the person whose name appears on the card is an authorized agent of the school. If the person represents more than one school, he shall obtain a separate license and shall receive a separate card for each school that he represents upon payment of a separate license or renewal fee. A license shall not be transferable and shall be returned to the department when the agent ceases to represent the school.

Sec. 42 . Qualifications for licensing. In addition to other requirements of licensing, no license shall be issued to any person unless he meets the following:

(a) That he is twenty years of age or older.

(b) That he is of good moral character and has a good reputation for honesty, truthfulness, and fair dealing.

(c) That he has been authorized to represent a private school or a private correspondence school which is licensed by the proper officials in the State where the private school or correspondence school is located. Such licensing does not accredit courses offered as valid for transfer to any other school or college in Hawaii.

(d) That the department review and approve the contract the school proposes to use in enrolling students from Hawaii.

Sec. 42 . Temporary license. Any application for license shall be granted or denied within fifteen days of the receipt of the application by the department. If the department has not completed its determination with respect to the issuance of a license within fifteen days, it shall issue a temporary license to the applicant, which license shall be sufficient to meet the requirements of this Act until such time as such determination is made.

Sec. 42 . Revocation, cancellation or suspension of licenses. The department may revoke, cancel or suspend any license issued for violating any one of the provisions of this Act or of any department regulations.

Sec. 42 . Powers of the department. The department may adopt reasonable rules and regulations relating to the implementation and enforcement of the provisions of this Act. The department may require agents to furnish such information and reports, from time to time, as the department shall deem necessary and proper, in the manner and on forms prescribed by the department.

Sec. 42 . Penalty. Any violation of the provisions of this part, or the rules and regulations adopted pursuant thereto, shall be a misdemeanor and the violator shall be fined not more than \$500 or imprisoned not more than ninety days, or both such fine and imprisonment."

SECTION 44. Section 43-26, Revised Laws of Hawaii 1955, is hereby repealed in its entirety.

SECTION 45. Section 44-17, Revised Laws of Hawaii 1955, is hereby amended in the following respects:

(a) By deleting in its entirety the next to the last sentence

beginning with the words "The department of public instruction" in the section; and

(b) By adding at the end thereof a new paragraph to read as follows:

"There is hereby created an advisory committee to be known as the Teacher Education Coordinating Committee to identify, study, take action or make recommendations on matters of education of common interest to the department of education and institutions of higher learning in Hawaii. The membership of the committee shall include the superintendent of education and the dean of the college of education of the University of Hawaii, who shall serve in alternate years as chairman of the committee with the superintendent acting as the first chairman. The membership of the committee shall include a representative of each accredited teacher training institution in Hawaii. In addition, the superintendent of education and the dean of the college of education of the University of Hawaii may each appoint other members to the committee; provided that the dean of the college of education of the University of Hawaii shall appoint at least two members of the committee from the University of Hawaii who are not within the college of education. The committee shall meet at least twelve times within any fiscal year to (1) work out problems related to the development of strong teacher training programs at accredited institutions of higher learning in Hawaii, and (2) to identify, study, and discuss educational problems or other educational matters of interest to the committee and to develop findings and make recommendations for the improvement of education in Hawaii. The committee shall submit an annual report on its activities to the legislature and may include therein recommendations for legislative consideration."

SECTION 46. If any portion of this Act or its application to any person or circumstances is held to be invalid for any reason, then the legislature hereby declares that the remainder of this Act and each and every other provision thereof shall not be affected thereby.

SECTION 47. This Act shall take effect upon its approval; except that section 32 of this Act shall take effect on September 1, 1966.

(Approved June 24, 1965.) H.B. 49.

ACT 176

A Bill for an Act Relating to Salaries and Other Benefits for Board of Regents Personnel of the University of Hawaii and Making Appropriations Therefor.

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

SECTION 1. There is hereby appropriated out of the general revenues of the State of Hawaii, not otherwise appropriated, the sum of \$620,000 to pay for the following:

(a) Salary increases and salary adjustments effective January 1, 1966, in the rates of compensation for personnel of the University of Hawaii, appointed pursuant to sections 44-8 and 44-10 of the Revised Laws of Hawaii 1955, and in effect on December 31, 1965; and

(b) Transportation costs of newly appointed board of regents personnel who are appointed to serve during the 1965-1966 academic year.

SECTION 2. There is hereby appropriated out of the general revenues of the State, not otherwise appropriated, the sum of \$240,000 to pay for increment adjustments effective July 1, 1965.

SECTION 3. Any amount not required for any of the specific purposes listed in either section 1 or 2 may be used for any other purpose provided for in either section 1 or 2 of this Act.

SECTION 4. This Act shall take effect upon approval.
(Approved June 24, 1965.) H.B. 972.

ACT 177

A Bill for an Act Relating to the Filing Date of Returns Under the General Excise Tax Law.

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

SECTION 1. Section 117-25, Revised Laws of Hawaii 1955, as amended, is hereby further amended by amending the first and second paragraphs thereof to read as follows:

"The taxes levied hereunder shall be payable in monthly installments on or before the last day of the calendar month following the month in which they accrue. The taxpayer shall, on or before the last day of the calendar month, make out and sign a return of the installment of tax for which he is liable for the preceding month and transmit the same, together with a remittance, in the form required by Section 117-26, for the amount of the tax, to the office of the appropriate divisional tax assessor hereinafter designated.

"Notwithstanding the foregoing, the director may, for good cause, permit a taxpayer to file his return required under the provisions of this section and make payments thereon on a quarterly basis during the calendar year, such return and payment to be made on or before the last day of the calendar month after the close of each quarter, to wit, on or before April 30, July 31, October 31, and January 31; provided that the director is satisfied that the grant of such permit will not unduly jeopardize the collection of the taxes due thereon and further that the director is satisfied that the taxpayer's total tax liability for the calendar year under the provisions of this chapter will not exceed \$200. The director may also, for good cause, permit a taxpayer to make monthly payments based on his estimated quarterly liability, provided the taxpayer file a reconciliation at the end of each quarter during the calendar year, as heretofore provided."

SECTION 2. This Act shall take effect upon its approval.
(Approved June 24, 1965.) **H.B. 714.**

ACT 178

A Bill for an Act Relating to the Filing Date for Returns Under the Compensating Tax Law.

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

SECTION 1. Section 118-4, Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

“On or before the last day of each calendar month, any purchaser 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, or with the director at Honolulu, setting forth a description of the property and the character and quantity thereof in sufficient detail to identify the property or otherwise in such reasonable detail as the director by regulation shall require, and the purchase price thereof. The return shall be accompanied by a remittance in full of the tax, computed at the rate specified in Section 118-2, upon the price so returned; provided, that a receipt from a representative, purchasing agent or seller authorized to collect the tax, given to a purchaser in accordance with the provisions of Section 118-5, shall be sufficient to relieve the purchaser from further liability for the tax to which such receipt may refer, or for the return thereof. Any such tax remaining unpaid after the last day of the month following the end of the calendar month during which it first became payable shall become delinquent. Notwithstanding the foregoing, a taxpayer may be eligible to file his return required under the provisions of this Section and make payments thereon on a quarterly basis during the calendar year, such return and payment to be made on or before the last day of the calendar month after the close of each quarter, to wit, on or before April 30, July 31, October 31, and January 31, if he possesses a valid and current permit to file his general excise tax return and to make payments thereon on a quarterly basis, issued by the director pursuant to the provisions of Section 117-25. A taxpayer may also be eligible to make monthly payments based on his estimated quarterly liability with a reconciliation return at the end of each quarter during the calendar year, as heretofore provided, if he possesses a valid and current permit to file quarterly reconciliation general excise tax returns and to make monthly payments, issued by the director pursuant to the provisions of Section 117-25.

“On or before April 20 in each year every representative, purchasing agent or seller authorized to collect the tax during the preceding year, and any purchaser who has become liable to the payment

of taxes both under this chapter and also under Chapter 117 during the preceding calendar year (or during the preceding tax year if such purchaser has established a tax year other than the calendar year) shall file a return summarizing his liability under this chapter for such year, in such form as the director shall prescribe.

"The director may adopt and promulgate rules and regulations to carry out the purposes of this section."

SECTION 2. This Act shall take effect upon its approval.
(Approved June 24, 1965.) H.B. 715.

ACT 179

A Bill for an Act Relating to Consumption Tax Returns and Amending Section 119-9, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Section 119-9 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

"On or before the last 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, or with the director at Honolulu, setting forth a description of the property and the character and quantity thereof in sufficient detail as the director by regulation shall require, and the value thereof. Such return shall be accompanied by a remittance in full of the tax, computed at the rate specified in section 119-4 upon the value so returned. Any tax remaining unpaid after the last day of the month following the end of the calendar month during which the same first became payable, shall become delinquent; provided, that a receipt from a seller required or authorized to collect the tax, given to a taxpayer in accordance with the provisions of section 119-11, shall be sufficient to relieve such taxpayer from further liability for the tax to which such receipt may refer, or for the return thereof.

"Notwithstanding the foregoing, a taxpayer may be eligible to file his return required under the provisions of this section and make payments thereon on a quarterly basis during the calendar year, such return and payment to be made on or before the last day of the calendar month after the close of each quarter, to wit, on or before April 30, July 31, October 31, and January 31, if he possesses a valid and current permit to file his general excise tax return and to make payments thereon on a quarterly basis issued by the director pursuant to the provisions of section 117-25. A taxpayer may also be eligible to make monthly payments based on his estimated quarterly liability with a reconciliation return at the end of each quarter during the calendar year, as heretofore provided, if he possesses a valid and current permit to file quarterly reconciliation return and to make

monthly payments, issued by the director pursuant to the provisions of Section 117-25.

“On or before April 20 in each year any taxpayer who has become liable to the payment of tax both under this chapter and also under chapter 117, during the preceding tax year (if the taxpayer has established a tax year other than the calendar year for general excise tax purposes, pursuant to section 117-12) shall file a return summarizing his tax liability under this chapter for such year, in such form as the director shall prescribe, and shall file it with his annual return of general excise taxes.

“The director may adopt and promulgate rules and regulations to carry out the purposes of this section.”

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

(Approved June 24, 1965.) **H.B. 716.**

ACT 180

A Bill for an Act to Amend Section 64-3 (d) of the Revised Laws of Hawaii 1955, as Amended, by Act 72 of the Session Laws of Hawaii 1961 and 64-3 (e), Relating to Qualifications for Taking Examination to Practice Medicine.

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

SECTION 1. Section 64-3 (d) of the Revised Laws of Hawaii 1955, as amended, by Act 72 of the Session Laws of Hawaii 1961, is hereby further amended by substitution of a semicolon in lieu of the period at the end thereof and by addition of the following proviso:

“provided, that an applicant born in the State of Hawaii who is a graduate of a foreign medical school, who has had at least eight years of training under the direct supervision and preceptorship of a duly licensed physician or surgeon in the State of Hawaii, who has had at least one year’s medical experience or training in a hospital approved by the council on medical education and hospitals of the American Medical Association for internship or residency, and who has all the other qualifications enumerated in this section, except those listed in the first three paragraphs of this subsection, may apply for such examination not later than 15 days after the enactment of this Act.”

SECTION 2. Subsection 64-3 (e) of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by addition of a proviso at the end thereof to read as follows:

“provided, that an applicant who has all the other qualifications enumerated in this section, who has served a residency of at least one year in a hospital described hereinabove in lieu of an internship as aforescribed, may apply for such examination not later than 15 days after the enactment of this Act.”

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

(Approved June 24, 1965.) **S.B. 828.**

ACT 181

A Bill for an Act Amending Chapter 159, Revised Laws of Hawaii 1955, as Amended, Relating to Intoxicating Liquor.

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

SECTION 1. Section 159-30 of the Revised Laws of Hawaii 1955, as amended, is hereby amended by adding a paragraph thereto to read as follows:

“No Class 2 agents’ licenses shall be issued or renewed after June 30, 1965.”

SECTION 2. This Act shall take effect upon its approval.
(Approved June 24, 1965.) S.B. 641.

ACT 182

A Bill for an Act Amending Section 180-43 of the Revised Laws of Hawaii 1955, Relating to Savings and Loan Associations.

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

SECTION 1. The second sentence of the first paragraph of Section 180-43 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

“Nothing in this chapter shall be construed to prohibit or limit the right of an association to pay a different or higher rate of dividend on guaranty stock than on other classes of stock or shares of the association, nor from paying a bonus dividend on an installment account which has been approved by the supervisory authorities; provided, that the rate of dividends apportioned and credited as a bonus dividend on installment stock shall not exceed one per cent more than the average rate of dividends apportioned and credited to other withdrawable stock entitled to dividends.”

SECTION 2. This Act shall take effect upon its approval.
(Approved June 24, 1965.) S.B. 810.

ACT 183

A Bill for an Act Amending Section 155-20, Revised Laws of Hawaii 1955, Relating to Auctions.

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

SECTION 1. Section 155-20 is amended by deleting the time “6:00 o’clock”, and the time “9:00 o’clock” substituted therefor.

SECTION 2. This Act will take effect upon its approval.
(Approved June 24, 1965.) S.B. 1003.

ACT 184

A Bill for an Act Relating to the Administration of the University of Hawaii and Amending Chapter 44 of the Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. The last sentence of section 44-7 of the Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"Income from fees for tuition and similar charges against students and income derived from sale of goods or services shall be deposited to the credit of the general fund of the State; provided, that income from university projects as defined and described in sections 44-60 to 44-72, may be credited to special or other funds and provided further that upon the recommendation of the director of finance, the comptroller may establish such other separate accounts or special funds for other designated revenues as may be deemed in the best interests of the University and the State."

SECTION 2. Chapter 44 of the Revised Laws of Hawaii 1955, as amended, is hereby amended by adding thereto a new section, to be appropriately numbered and to read as follows:

"(). The University may borrow from time to time, sums which in the aggregate shall not exceed \$100,000, from the State treasury; and the director of finance may make such loans to the University, without interest, provided that such loans shall be repaid within the same fiscal year unless extended by the director of finance. In addition to the foregoing, the director of finance may advance funds to the University when required to meet reimbursable costs incurred in connection with federally financed research and training projects, and provided that such advances shall not amount in the aggregate to more than \$100,000 at any time."

SECTION 3. This Act shall take effect upon its approval.
(Approved June 24, 1965.) S.B. 1020.

ACT 185

A Bill for an Act Relating to Working Out Criminal Fines and Costs by Imprisonment.

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

SECTION 1. Section 259-4 of the Revised Laws of Hawaii 1955, is hereby amended to read as follows:

"**Section 259-4. Working out by imprisonment.** When any person is so sentenced to pay a fine and costs or either of them and is imprisoned for nonpayment of the same, the time of the imprisonment shall be deemed to discharge the same at the rate of \$5 a day."

SECTION 2. This Act shall take effect upon its approval.
(Approved June 24, 1965.) S.B. 1064.

ACT 186

A Bill for an Act Relating to Medical Care of Indigents, Medically Indigents and Needy Children and Making an Appropriation Therefor.

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

SECTION 1. The purpose of this Act is to provide sufficient medical care for the indigent, medically indigent and otherwise needy children.

SECTION 2. There is hereby appropriated out of the general revenues of the state the sum of \$50,000.00 to provide preventive dental care to indigents, medically indigents and needy children as defined in Title 14, Revised Laws of Hawaii 1955, as amended.

SECTION 3. This Act shall take effect on July 1, 1965.
(Approved June 24, 1965.) **H.B. 103.**

ACT 187

A Bill for an Act Relating to Pay of Jurors, Amending Section 221-7, Revised Laws of Hawaii 1955.

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

SECTION 1. Section 221-7 of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

"The pay of jurors in courts of record shall be, for actual attendance at court, \$10 a day during such attendance, and 20 cents for each mile actually and necessarily traveled in going only, except no pay or mileage fee shall be allowed to any juror who, upon his own request, is excused from jury service, as provided for in section 221-4, or claims exemptions from jury service, as provided for in Section 221-3. Notwithstanding the foregoing, jurors residing ten miles or more from the court and jurors residing upon an island other than that upon which the court is holding session shall be paid \$10 and \$15, respectively, for each day that they report in person to the clerk of the court, in addition to the mileage fees hereinabove provided. Jurors residing upon an island other than that upon which the court is holding session shall be paid \$15 for each day that they report in person to the clerk of the court, in addition to the mileage fees hereinabove provided. In the discretion of the court any juror who incurs expenses for transportation, board and lodging as a result of the distance he resides from the location of the court may be reimbursed for actual expenses."

SECTION 2. There is hereby appropriated out of the general revenues of the State of Hawaii, not otherwise appropriated, the sum of \$95,000, or so much thereof as may be necessary to carry out the purposes of this Act.

SECTION 3. This Act shall take effect upon its approval.
(Approved June 24, 1965.) **H.B. 434.**

ACT 188

A Bill for an Act Relating to Collection Agencies and Amending Chapter 171A, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Section 171A-4 (a), Revised Laws of Hawaii 1955, as amended, is hereby amended by inserting the following after the first sentence thereof:

"The bond shall be further conditioned that the licensee will comply with all requirements of this or any other statute now in force or hereafter enacted and any rules and regulations established under this chapter with respect to the duties, conduct, obligations, and liabilities of licensee, and further conditioned that, in the event that a conservator is appointed pursuant to a determination made under section 171A-21.5, and such determination becomes final the licensee shall and will pay the reasonable fees and expenses of the conservator."

SECTION 2. Chapter 171A of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding a new section to be numbered section 171A-21.5 and to read as follows:

"Section 171A-21.5. Conservator. If the board revokes a license or if the commissioner determines that a licensee is insolvent, the board may appoint a conservator to take possession of the licensee's books, accounts, records, papers, files, safes, vaults, property used in connection with the business, and the trust bank account in which customer funds are deposited. If the licensee disagrees with the determination of insolvency made by the commissioner, he may request a hearing. Such hearing shall follow the procedure applicable in the event of a suspension or revocation of license as provided in section 171A-21. The conservator shall be responsible for the preservation of all assets until a decision has been rendered by the board after the conclusion of the hearing and until all recourse to the courts has been exhausted or abandoned. If no hearing is requested, or if a decision becomes final determining that the licensee has failed to pay sums owed to a customer, that the licensee has misappropriated trust funds, or that the licensee is insolvent, the conservator shall:

"(a) Determine the names and addresses of all customers as shown by the books, accounts, records, and the papers of the licensee.

"(b) Compile records on all assigned accounts showing amounts paid and amounts still owed or due, including all accounts pending in litigation or on which judgments have been secured.

"(c) Notify all customers of the appointment of the conservator and of the accounts outstanding according to the books and records. Each customer shall notify the conservator of any accounts assigned which do not appear in the books and records and of any moneys paid by the licensee on such accounts. Each customer shall also be requested to advise the conservator if the accounts shown on the books and records are incorrect.

"(d) Return all uncollected accounts to the assignor creditor advising of amounts paid by debtors on all unsatisfied accounts.

“(e) Fix a time limit not to exceed three months from the date of the notice in (c) during which time a customer may file verified claims.

“(f) Notify the bank where trust funds are on deposit that a conservator has been appointed and that the trust funds shall be held for the benefit of creditors. Such notification shall be subscribed by the commissioner. The receipt of such notification by a bank shall relieve it from all liability to the licensee or his heirs or assigns.

“(g) Make a demand upon the surety after ascertaining all claims in the manner set forth herein. The conservator shall have the power to settle or compromise such claims with the surety and may, in such case, execute and deliver a release and discharge of the bond involved.

“(h) Bring an action on the bond if the surety refuses to pay the amount demanded pursuant to (g). If the recovery in such action, together with any funds that may be in the trust bank account, is not sufficient to pay all of the claims as finally determined, the amount recovered thereon shall be divided pro rata among such claimants.

“(i) File with any bank having custody of any money or indebtedness due to the licensee in a trust bank account an affidavit showing the right of the conservator to receive such money or indebtedness under the provisions of this chapter. The receipt of such conservator shall constitute sufficient acquittance for any payment of money made pursuant to the provisions of this section and shall fully discharge the bank from any further liability with reference thereto without the necessity of inquiring into the truth of the facts stated in the affidavit.

“Nothing contained in this section shall be construed to prevent any person claiming to be injured by the fraud, deceit, or wilful negligence of a licensee, or by failure of a licensee to comply with the provisions of this chapter or any rule or regulations established thereunder, from bringing an action upon the bond against both principal and surety in any court of competent jurisdiction to recover damages caused by such fraud, deceit, wilful negligence, or failure to comply with the provisions of this chapter or any rule or regulation established thereunder.

“The conservator shall be entitled to reimbursement for his reasonable traveling and all other expenses, including but not limited to expenses for legal or secretarial services, reasonably and necessarily incurred by him in carrying out his duties, and shall be entitled to a reasonable fee for his services. If the determination of the board that a licensee is insolvent is reversed, the fee and expenses of the conservator shall be paid by the State. If the fee and expenses or any part thereof are not paid by the licensee within ten days after the amount of such fee and expenses is fixed by the board, the fee and expenses, or the unpaid amount thereof shall be paid out of the bond of the licensee except that no more than \$3,000 shall be paid out of the bond for such fee and expenses.”

SECTION 3. This Act shall take effect upon its approval.
(Approved June 24, 1965.) **H.B. 1222.**

ACT 189

A Bill for an Act Relating to Criminal Offenses Involving Credit Cards and Providing Penalties.

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

SECTION 1. Definitions. (a) "Credit card" means any instrument or device which is sold, issued or otherwise distributed by a business organization or financial institution for the use of the person or organization identified thereon for obtaining goods, property, services or anything of value on credit.

(b) "Cardholder" means the person or organization to whom or for whose benefit a credit card is issued.

SECTION 2. Theft, forgery, etc., of credit card; penalties. (a) Any person who steals, knowingly takes or knowingly removes a credit card from the person or possession of a cardholder, or who knowingly retains or knowingly secretes a credit card without the consent of the cardholder, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(b) Any person who has in his possession, or under his control, or who receives from another person a credit card with the intent to circulate or sell the same, or to permit or cause or procure the same to be used, delivered, circulated or sold, knowing such possession, control or receipt to be without the consent of the cardholder or issuer, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(c) Any person who delivers, circulates or sells a credit card which was obtained or is held by such person under circumstances which would constitute an offense under subsections (a) or (b) of this section, or permits or causes or procures the same to be used, delivered, circulated or sold, knowing the same to be obtained or held under circumstances which would constitute an offense under subsections (a) or (b) of this section, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(d) Any person who, with intent to defraud, forges, materially alters or counterfeits a credit card, shall be fined not more than \$1,000 or imprisoned not more than ten years, or both.

(e) Any person who knowingly uses or attempts to use for the purpose of obtaining goods, property, services or anything of value a credit card which was obtained or is held by the user under circumstances which would constitute an offense under subsections (a) or (b) of this section shall be fined not more than \$1,000 or imprisoned not more than one year, or both, if the total amount of goods, property, or services or anything of value so obtained or attempted to be obtained does not exceed \$100; and shall be fined not more than \$1,000 or imprisoned not more than ten years or both, if such total value exceeds \$100.

SECTION 3. Revoked or canceled credit card; penalties. Any person who knowingly and with intent to defraud uses for the purpose of obtaining goods, property or services or anything of value a credit card which has been revoked or canceled by the issuer thereof (as distinguished from expired), and notice of such revocation or cancellation has been given to such person in writing, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

SECTION 4. This Act shall take effect on July 1, 1965.
(Approved June 25, 1965.) **H.B. 333.**

ACT 190

A Bill for an Act Relating to Horizontal Property Regimes.

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

SECTION 1. Section 170A-8, Revised Laws of Hawaii 1955, is hereby amended to read as follows:

"Section 170A-8. Certain work prohibited. No apartment owner shall do any work which would jeopardize the soundness or safety of the property, reduce the value thereof or impair any easement or hereditament, nor may any apartment owner add any material structure or excavate any additional basement or cellar, without in every such case the unanimous consent of all the other apartment owners being first obtained; provided, however, that additions to or alterations of an apartment made within such apartment or within a limited common element appurtenant to and for the exclusive use of such apartment shall require approval only by the Board of Directors of the Association of Apartment Owners and such percentage, number or group of apartment owners as may be required by the declaration or by-laws."

SECTION 2. This Act shall take effect upon its approval.
(Approved June 25, 1965.) **S.B. 1051.**

ACT 191

A Bill for an Act Relating to Public Beaches and Shores.

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

SECTION 1. Chapter 138 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding a new section thereto, to be numbered and to read as follows:

"Sec. 138- . Cleaning shores and beaches of seaweed, limu and debris. The various counties shall be responsible for removing and clearing all seaweed, limu and debris which are likely to create an unsanitary condition or to otherwise become a public nuisance from the shores and beaches situated within the respective counties;

provided that to the extent any of the foregoing work is a private responsibility, such responsibility may be enforced by the county in lieu of the work being done at public expense."

SECTION 2. This Act shall take effect upon its approval.
(Approved June 25, 1965.) **H.B. 1103.**

ACT 192

A Bill for an Act Relating to Small Boat Harbors and Amending Chapter 112 of the Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Chapter 112 of the Revised Laws of Hawaii 1955, as amended, is hereby amended by adding thereto a new section to be appropriately numbered and to read as follows:

"Sec. 112- . Purpose and use of state small boat harbors. State small boat harbors are constructed, maintained and operated for the purpose of promoting recreational boating activities and the landing of fish. For the purpose of this section "recreational boating activities" means the utilization of watercraft for sports, hobbies or pleasure and does not include watercraft whose sole or principal use is for purposes of habitation. To implement such purpose, only vessels capable of being propelled, maneuvered and navigated with reasonable safety, convenience and efficiency in the waters surrounding and within the confines of a state small boat harbor, which are used for recreational activities and the landing of fish shall be permitted to moor, anchor or berth at such harbor or use any of its facilities. The department may prescribe such reasonable or necessary rules and regulations, adopted in accordance with Chapter 6C, to further implement the provisions of this section."

SECTION 2. This Act shall take effect upon its approval.
(Approved June 25, 1965.) **H.B. 1199.**

ACT 193

A Bill for an Act Relating to the Establishment of the Hawaii Fisheries New Vessel Construction Loan Program and Making an Appropriation Therefor.

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

SECTION 1. Purpose. The purpose of the Hawaii fisheries new vessel construction loan program is to enhance and assist the development of commercial fishing in the State by providing financial assistance for the construction of new fishing vessels in order to expand fishing activity in areas of greater resources and to complement the United States Fishing Fleet Improvement Act (P.L. 88-498) of 1964.

SECTION 2. Definitions. As used in this Act:

(a) "Chairman" means the chairman of the board of land and natural resources.

(b) "Bureau of Commercial Fisheries" shall mean the United States Bureau of Commercial Fisheries, Branch of Loans and Grants, U. S. Department of Interior.

(c) "Vessel" shall mean vessels as defined in the U. S. Fishing Fleet Improvement Act (P.L. 88-498) of 1964.

(d) "Department" shall mean the department of land and natural resources.

SECTION 3. Hawaii Fisheries New Vessel Construction Loan Program. There is hereby created the Hawaii New Vessel Construction Fisheries loan program which shall be administered by the Chairman in accordance with the spirit and intent of this Act.

SECTION 4. Hawaii Fisheries New Vessel Construction Loan Revolving Fund. There is hereby established the Hawaii fisheries new vessel construction loan revolving fund into which shall be deposited all monies received as repayment of loans and interest payments as provided for in this Act.

SECTION 5. Functions, powers, and duties of director. In the performance of, and with respect to, the functions, powers, and duties vested in him by this Act, the Chairman may:

(a) Prescribe the qualifications for eligibility of applicants for loans to conform with the requirements as set forth in P.L. 88-498.

(b) Establish preferences and priorities in determining eligibility for loans.

(c) Establish the conditions, consistent with the purposes of this Act, for the granting of the loan.

(d) Provide for inspection, at reasonable hours, of the vessel, books and records of an individual or enterprise who has applied for or has been granted a loan and to require the submission of progress and final reports.

SECTION 6. Loans, terms and restrictions. The department is empowered to make loans to individuals or businesses for the financing of the construction of new vessels. Such loans may be made in conjunction with loans made by other financial institutions including the Branch of Loans and Grants of the Bureau of Commercial Fisheries. Where the loans made by the department are secured, such security may be subordinated to the loans made by other financial institutions, when such subordination is required in order to obtain loans from such institutions. The necessity for and the extent of security required in any loan shall be determined by the chairman.

The foregoing powers shall be subject, however, to the following restrictions and limitations:

(a) No loan shall exceed 80% of the difference between the cost of construction of a vessel and federal subsidy under P.L. 88-498.

(b) No loan shall be made for a term exceeding twenty years.

(c) Each loan shall bear simple interest at the rate of $5\frac{1}{2}\%$ per annum.

(d) The commencement date for the repayment of the first installment on the principal of each loan may be deferred by the chairman, but in no event shall such initial payment be deferred in excess of two years.

(e) In the event the State repossesses any vessel financed under this program, such repossessed vessel shall not be resold to the individual to whom the loan has been made to construct the vessel, or to anyone with a financial interest in such vessel.

SECTION 7. Reports. The department shall make a report by December 31 of each year to the governor, the president of the senate, and the speaker of the house of representatives, on the progress made under provisions of this Act. Such report shall be submitted not later than February 1 immediately following the period covered by the report.

SECTION 8. Appropriation. There is hereby appropriated out of the general revenues of the State of Hawaii, not otherwise appropriated, the sum of \$20,000, or so much thereof as may be necessary for the accomplishment of the purposes of this Act.

SECTION 9. Effective date. This Act shall take effect upon its approval.

(Approved June 25, 1965.) H.B. 1248.

ACT 194

A Bill for an Act to Amend Chapter 5, Revised Laws of Hawaii 1955, as Amended, Relating to Public Employment.

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

SECTION 1. Section 5-36, Revised Laws of Hawaii 1955, is hereby amended to read as follows:

"Sec. 5-36. Transfer of vacation credits. When an officer or employee of the State or of any county, as the case may be, is transferred from one department or agency to another within the same government or to another within the State, he shall be given credit for the vacation earned or accumulated in the department or agency from which he transferred, and the director of finance of the State or the equivalent officers of the several counties, as the case may be, shall make the appropriate transfer of funds to implement the employee transfer; provided, that when an officer or employee is transferred from one department or agency to another within the same government, such transfer of funds shall not be made if the employee's salary is paid from the same fund. Compensation for any period of vacation allowance shall be paid at the rate to which the employee is entitled at the time such allowance is granted."

SECTION 2. This Act shall take effect upon its approval.
 (Approved June 25, 1965.) **H.B. 1322.**

ACT 195

A Bill for an Act Relating to Public Improvements and the Financing Thereof, Making Appropriations for Public Improvements and Plans Related Thereto Out of General Revenues, Special Funds, General Obligation and Revenue Bond Funds and Grants; and Providing for the Issuance of General Obligation and Revenue Bonds.

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

SECTION 1. The following sums, or so much thereof as shall be sufficient to finance the projects herein contained, are hereby appropriated; or authorized, as the case may be, from moneys in the treasury received from general revenues, special funds, general obligation bond funds, Harbor revenue bond funds, Airport revenue bond funds, University of Hawaii revenue bond funds, and federal grants, to be expended by the Department of Accounting and General Services, unless otherwise specified in the subsection. The Governor, in his discretion, is authorized to use either general fund revenues or general obligation bond funds to finance those projects where the method of funding is not designated and the total sum of general obligation bond funds so used shall not exceed \$61,500,000. General obligation bonds may be issued as provided by law to yield the amount that may be necessary to finance projects herein that do not have funding specifically designated provided that the sum total of general obligation bonds so issued shall not exceed \$61,500,000. The letter symbols used after the specific project appropriations, if any, indicate the source of financing and shall have the following meaning: (s) - special funds, (r) - revenue bond funds, (FAI) - federal aid interstate highway funds, (FAP) - federal aid primary highway funds, (FAS) - federal aid secondary highway funds, (FAU) - federal aid urban highway funds, and (f) - other federal funds.

A. UNIVERSITY OF HAWAII and COMMUNITY COLLEGES

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| <p>1. Graduate Research Library, Phase I, Manoa—Continuing incremental construction of new multi-story reinforced concrete structure</p> | <p>1,200,000
1,088,000 f</p> |
| <p>2. Major Capital Improvement Planning for Manoa and Hilo Campuses—Preliminary planning of various major capital improvement projects, such as, Engineering, Bachman Hall Annex, Art, Physics Annex, Extension Education, Music Buildings and Hilo Campus Buildings. (To be expended by the University of Hawaii.)....</p> | <p>50,000</p> |
| <p>3. Plant Science Building, Manoa—Plans for the construction of a multi-story plant science building</p> | <p>150,000</p> |

4. Classroom Building Number 4, Manoa—To supplement prior appropriations and to include equipment and furnishings for new major classroom-laboratory-office facility centralizing the University's international programs	18,600
	649,000 f
5. Equipment for New Hawaii Marine Laboratory, Coconut Island, Oahu—Additional laboratory and office equipment and furnishings for the new Hawaii Marine Laboratory	13,500
6. New College of Business Administration Building, Manoa—Plans for a multi-story reinforced concrete structure with classroom, laboratory, and office facilities for the business administration programs	150,000
7. New Social Science Building, Manoa—Plans for a multi-story reinforced concrete structure with classroom, laboratory, and office facilities for the social sciences programs	150,000
8. Lower Campus Improvements, Manoa—Development of athletic facilities in the quarry area to include locker and shower facilities for new existing swimming pool plus site improvements	290,000
9. Kewalo Oceanographic Research Center, Kewalo Basin, Oahu—Construction of biomedical and oceanographic laboratory facilities in Kewalo Basin. To include design, construction and equipment of the Pacific Biomedical Research Center Laboratory at the Kewalo Oceanographic Research Center	300,000
	850,000 f
10. Biomedical Science building—Plans, construction and equipment for an office-laboratory-instructional facility for the biomedical education program. (To be expended only if sufficient federal grants are received.) ..	1,000,000
	4,100,000 f
11. New Agricultural Field Laboratory at Pearl City, Oahu—Construction of a multi-purpose field laboratory facility and lath and greenhouses on surplus federal property	36,000
12. General Site Improvements, Manoa—Incremental improvements to campus roads, drainage systems, lighting and other utilities and landscaping	90,000
13. Minor Capital Improvements, Manoa, Hilo and elsewhere—Minor improvements, including plans, construction and necessary equipment items for existing facilities such as conversion of various classrooms and offices at Manoa Campus, installation of organ in Orvis Auditorium, Klum Gymnasium covered lanai, Hawaii Institute of Geophysics Haleakala Observatory addition, Bilger Hall improvements, conversion of Kewalo oceanographic research facilities, Hawaii Institute of Geophysics Research Center improvements, Hawaii Hall improvements, Bachman Hall improvements, Hilo Campus improvements, etc.	167,900
14. Edmondson Hall and Pacific Biomedical Research Center, equipment	75,000
15. Housing Planning—Study to evaluate housing needs of undergraduate students, graduate students and faculty and alternate means of developing and financing. (To be expended by the University of Hawaii)	10,000

16. University Physical Development Plans—To study and prepare long-range development plans for the University of Hawaii. (To be expended by the University of Hawaii)	50,000
17. Educational Television Facilities—To establish a state-wide open circuit educational television facility, including plans, construction, equipment and required land acquisition	553,000 290,000 f
18. Replacement of Workshop Building at Haleakala Branch, HAES, Maui—Replacement of a 24'x60' workshop building destroyed by fire	30,000
19. Kauai Experiment Station, University of Hawaii—Construction of building to be used by 4-H clubs, Farmer clubs, Civic organizations and others. (To be expended by the Director in charge of the station)	20,000
20. New Waterline at Waimea Branch Hawaii—Agricultural Experiment Station, Hawaii—Cooperative project between Hawaii County Board of Water Supply, Department of Hawaiian Home Lands, and the University of Hawaii to provide water for the ranchers in the Puukapu and Nienie areas as well as provide water for the HAES Pukalani farm. Purchase of material for pipeline to Pukalani	15,000
21. Parking Facilities, Manoa—Improvement of parking facilities, including paving of lots and installation of access control equipment	650,000 r
22. Land Acquisition, Manoa—To be applied toward the acquisition of approximately 30 acres of land in Manoa Valley. The University of Hawaii and the Director of the Department of Budget and Finance are authorized to expend up to \$600,000 of the funds granted to the State in accordance with the provisions of the Morrill Act, such expenditures to be made subject to applicable provisions of federal law, for the acquisition of such land.	600,000 (Morrill Act Fund)
23. University of Hawaii, Hilo Campus—Plans and construction of new multi-purpose theater-auditorium, library addition, new cafeteria, dormitory, covered walkway and other general improvements	754,000
24. Master Planning—To develop Master Plans for Leeward Oahu and Kapiolani Community College and Honolulu Technical College. (To be expended by the University of Hawaii)	100,000
25. Leeward Oahu Community College—Plans for and development of the site (including site clearing, mass grading, construction of roads and parking areas, installation of utilities and other access facilities); design and incremental construction of a classroom building consisting of classrooms, laboratories, offices, and accessory facilities, and plans for a library and administration building	460,000 238,000 f
26. Maui Community College—Land Acquisition; site development; design and construction of a classroom building consisting of classrooms, laboratories, offices	

and accessory facilities; and design and construction of a library and administration building	912,000
	238,000 f
27. Kauai Community College—Plans for the relocation of Kauai Technical School and the incremental development of a community college campus, including site selection and development, academic planning, and the planning and construction of physical facilities. (Relocation study and master planning funds (\$25,000) to be expended by the University of Hawaii)	325,000

B. SPECIAL & TECHNICAL SCHOOLS and LIBRARIES

Statewide

1. Comprehensive Statewide Planning and Feasibility Studies for Public Libraries and Joint School and Public Library Facilities	90,000
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Oahu

2. Diamond Head School, Practical Arts Building—Plans	16,200
3. Kapiolani Technical School-Hotel Restaurant Training Building—Remodeling of the existing Hotel-Restaurant Training Building located at the Ala Wai Clubhouse. Up to \$145,000 of the unencumbered funds from prior appropriations made for the Kapiolani Technical School Hotel-Restaurant Building may be used for renovations and equipment	5,000
4. Replacement for Crippled Children Classrooms now located at Pohukaina	444,600
5. New McCully-Moiliili Library, Honolulu—Supplemental appropriation to construct and equip a new library	111,600

Maui

6. Lahainaluna School, Physical Education Building with Classrooms—Construct physical education building including two classrooms, equipment and courts	135,000
7. Makawao Library Replacement, Maui—Land acquisition and plans, construction and equipment for a steel and masonry building with a floor area of approximately 5,000 square feet	241,000

Hawaii

8. Hawaii Technical School, Hotel-Restaurant Training Building—Plans, construction and equipment for a Hotel and Restaurant Cooking Trades Building consisting of dining room, kitchen, food storage, 1 classroom and cold storage	256,500
9. Hawaii Technical School—Plans for dormitory facilities..	20,000
10. Keaau Library—Plans and construction of school and community library	7,000
11. Parking area for Central Library, Hilo, Hawaii—Acquisition of land, grading, paving and lighting of parking area to provide about 70 stalls for library patrons	80,000

Kauai

12. New Kauai Public Library, Lihue—Land acquisition, plans and site improvement for a new library	350,000
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C. SCHOOL PROJECTS K-12

(To be expended by the Department of Accounting and General Services; design engineering, the responsibility of the Department of Education)

Oahu

1. School Land Acquisition, Planning and Minor Capital Fund (To be expended by the Department of Education)	1,500,000
2. Reimbursement to the City and County of Honolulu for the construction of classrooms required for September 1965 school term including 3 classrooms for Samuel Wilder King High School	719,500
3. Kailua-Mokapu Intermediate School (Kalaheo Hillside Intermediate) Construction—21 classrooms, 2 shops, 2 music rooms, student lavatory buildings, teacher lavatory and workrooms, shower and locker rooms, kitchen multi-purpose building, sitework, 1 horticulture laboratory	1,615,200
4. Palisades Elementary School — Construction—20 classrooms, student lavatory buildings, teacher lavatory and workrooms, administration, library, kitchen	752,400
5. Nanakuli High School—Construction—19 classrooms, 2 music rooms, 2 shops, student lavatory buildings, teacher lavatory and workrooms, shower and locker rooms, kitchen multi-purpose building, 1 horticulture laboratory	1,150,000
6. Kipapa Elementary School—Construction—8 classrooms, student lavatory buildings, teacher lavatory and workrooms and installation of water and sewer lines	198,000
7. Red Hill Elementary School—Planning and construction —8 classrooms, student lavatory buildings, teacher lavatory and workrooms, administration, library, kitchen and sitework	450,000
8. Kalaheo-Mokapu Elementary School—Planning and construction—20 classrooms, student lavatory buildings, teacher lavatory and workrooms, administration, library, kitchen, sitework	550,000
9. Waipahu 3rd Elementary School—Planning and construction—8 classrooms, student lavatory buildings, teacher lavatory and workroom, administration, library, kitchen and sitework	450,000
10. Kahaluu Elementary School—Planning and construction —12 classrooms, student lavatory buildings, teacher lavatory and workroom	174,000
11. New Schofield 3rd Elementary School Plans	50,000
12. New Wheeler Intermediate Plans	60,000
13. Enchanted Lake Elementary School—Planning and construction—6 classrooms, student lavatory buildings, teacher lavatory and workroom	85,200
14. Wilson Elementary School—Planning and construction—8 classrooms, student lavatory buildings, teacher lavatory and workroom, grounds improvement	164,400
15. Ewa Beach Intermediate School — Planning—10 classrooms, student lavatory buildings, teacher lavatory and workroom; site improvement	101,000
16. Campbell High and Intermediate School—Planning and construction—varsity locker rooms, athletic field	250,000
17. Aiea High School—Planning and construction—7 classrooms, student lavatory buildings, administration, library and sitework	325,000

18. Ewa Elementary School—Planning and construction—4 classrooms, student lavatory building, administration, library, sitework, demolition	206,000
19. Kaimuki Intermediate School—Construction—9 classrooms, student lavatory buildings, teacher lavatory and workroom, sitework	247,200
20. Kalihi-Uka Elementary School—Planning and construction—8 classrooms, student lavatory buildings, teacher lavatory and workroom, sitework	194,000
21. Mokulele Elementary School—Planning and construction—10 classrooms, student lavatory buildings, teacher lavatory and workroom, sitework	242,000
22. Wailua High School—Planning and construction—8 classrooms, student lavatory buildings, teacher lavatory and workroom, sitework	154,000
23. Kahuku High and Elementary School—Planning and construction—2 shop buildings	34,000
24. Waipahu Elementary School—Construction of cafetorium	224,000
25. Liholiho Elementary School—Planning and construction—8 classrooms, student lavatory buildings, teacher lavatory and workrooms	220,000
26. Palolo Elementary School—Planning and construction—6 classrooms, student lavatory buildings, administration, library	247,000
27. Kalihi-Kai Elementary School—Planning and construction—Administration and library	150,000
28. Moanalua Intermediate School—Plans and construction—1st increment	104,000
29. Castle High School — Replacement of internal sewer system	58,000
30. Aiea Intermediate School—Construction—multi-purpose room	135,000
31. Maili Elementary School — Construction—multi-purpose room	135,000
32. Roosevelt High School—Planning and construction—library, conversion of present library to classrooms	132,000
33. Leilehua High School—Planning and construction—extend library	58,000
34. Pauoa Elementary School—Planning and construction—kitchen multi-purpose building	204,000
34a. Leilehua High School—Plans for multi-purpose gymnasium	40,000
35. Farrington High School — Planning and construction—kitchen multi-purpose dining room, classrooms and agricultural laboratory and to move custodian's cottage	325,000
36. Waialae Elementary School—Planning and construction—6 classrooms, student lavatory building, administration, library and sitework	283,000
37. Ala Wai Elementary School—Planning and construction, administration and parking	92,000
38. Kaahumanu Elementary School—Planning and construction—10 classrooms, student lavatory buildings, teacher lavatory and workroom	242,000
39. Lunalilo Elementary School—Planning and construction—kitchen multi-purpose room	225,000

40. Highlands Intermediate School—2 special classrooms, administration and library, agricultural arts classroom and laboratory	303,000
41. Royal Elementary School—Planning and construction two-story 12 classroom building	275,000
42. Stevenson Intermediate School—Planning and construction — 50 meter swimming pool with locker room, showers, bleachers to be used by schools in the area and the City and County. Unencumbered balance of Item B 14-A-6, Act 52 SLH 1964 shall be used for this project	1,000
43. Nuuanu Elementary School—Construction of a multi-purpose room	130,000
44. Washington Intermediate School—Construction—2 shops, planning and construction—4 classrooms, chain link fence. (To supplement Act 52 SLH 1964 funds)	150,000
45. Liliuokalani Elementary School—Construction—12 classrooms	269,000
46. Kapalama Elementary School—Plans and construction, kitchen multi-purpose building	240,000
47. Lanakila Elementary School—Planning and construction —10 classrooms, student lavatories, teacher lavatories and workroom	215,000
48. Maemae Elementary School—Plans and construction for enlarging and equipping cafetorium	92,000
49. Noelani School—Construction—multi-purpose building. (To supplement Act 201 SLH 1963 funds)	40,000
50. Aliiolani School—Construction—10 classrooms, demolition and temporary relocation of administration building. (To supplement Act 52 SLH 1964 funds)	70,000
50a. Likelike Elementary School—Planning and construction —Administration and library	150,000
Maui	
51. Kaunakakai Elementary School—Planning and construction—multi-purpose building and equipment	212,000
52. Lanai High and Elementary School—Plans and construction of a physical education building including shower and locker room and classrooms	200,000
53. Iao Elementary School—Construction of a 4-classroom building with toilets	136,000
54. Wailuku Elementary School—Plans and construction of a 4-classroom building with toilets	160,000
55. Molokai High and Intermediate School—Plans and construction of physical education facilities	220,000
56. Lahainaluna High School—Planning and construction of a vocational agriculture farm shop and 2 classroom building	180,000
57. Kilohana School, Molokai — Construction of student lavatories	25,000
58. Master plan, feasibility study and construction plans for new schools: Maui High School in the Kahului area. Hana High and Elementary School at a new location. West Maui Elementary School (Consolidation of Honokohua, Honokuai and Puukolii Schools)	100,000

59. Kahului School—Plans for a 6-classroom building with toilets	15,000
60. Molokai Elementary School, Kualapuu—Plans and construction of teachers' cottages	12,000

Hawaii

61. Kealakehe-Honokahau Elementary School — Plans and construction, 12 classrooms, student lavatories, teacher lavatory and workroom, kitchen-multi-purpose building, administration, library, site work, water tank and roadway. Master Plan	450,000
62. Hilo High School—Plans and construction, kitchen-multi-purpose building and equipment	404,000
63. Waiakeawaena Elementary School—Plans and construction, 2 classrooms, student lavatories and equipment	75,000
65. Ernest B. De Silva Elementary School—Plans and construction, enlarge and remodel dining room. Plans only, 4 classrooms, student lavatories and library	63,000
66. Waiakea Intermediate and Waiakea Elementary Schools —Plans and construction of administration and library complex, covered walkways and equipment for intermediate and elementary schools; music building and site improvement of physical education facilities and equipment	325,000
67. Kalaniana'ole Elementary and Intermediate—Classroom renovations and equipment	53,000
67a. Waiakea High School—Plans for new high school	5,000
68. Waimea Elementary & Intermediate—Plans and construction, 4 classrooms, student lavatories, kitchen-multi-purpose building, administration library	300,000
69. Honokaa High and Elementary School—Supplementary to item D-6-a, Act 201 SLH 1963, for completion of Honokaa School complex, including but not limited to buildings, instruments, equipment, appurtenances and landscaping; including equipment for Honokaa School Farm and Shop	260,000
70. Hilo Union Elementary School—Plans and construction, kitchen-multi-purpose building	80,000
71. Kaumana Elementary School—Plans and construction for off street unloading and loading area for children	10,000
72. Haaheo Elementary School—To supplement prior appropriation of \$10,000 for kitchen	40,000
73. Puna District Schools—Plans and construction of essential school facilities, including but not limited to, improvements to existing classroom buildings, new classrooms, libraries, ground improvements, equipment and appurtenances. (To be expended with the approval of the Department of Education, County of Hawaii.)	150,000
74. Laupahoehoe High and Elementary—Development project including physical education facilities and equipment	40,000
75. Paauiilo School—Improvements to school facilities	5,000
76. Hilo Intermediate School—Plans for Music Building	5,000

Kauai

77. Two portable classrooms, Kauai District	24,000
78. Kauai High School—Construction of classroom building and equipment	419,000

79. Kapaa Elementary School—Plans and construction of classroom building with student lavatories and equipment	197,000
80. Waimea High and Elementary School—For the acquisition of land for playground, site improvement	45,000
81. Kauai Schools—Teachers' cottages with furniture and equipment. To implement "New Hawaii Program" in Education	100,000
82. Master Plans—Kauai Schools—Master planning for the following schools: Elelee School, Koloa School, Wilcox School, teacher housing; and plans for construction of buildings in the following schools: Kauai High School, Waimea High and Elementary School, Kapaa High School and Kapaa Elementary School	25,000

TRANSPORTATION

(To be expended by the Director, Department of Transportation)

D. Highways
Statewide

1. Statewide Highway Route Planning, Traffic, Finance, Road Use, Road Life, and Economic Studies. Continuous study required to qualify for federal funds	223,000 s 319,000 FAI 32,000 FAP 22,000 FAS 14,000 FAU
2. Miscellaneous Improvements to Existing Intersections and Highway Facilities, Statewide	55,000 s
3. Clean-up of Highway Right-of-Way Requirements, Statewide. Continuous project	46,000 s

Oahu

4. Interstate Route H-1—Barber's Point to Kunia Road—Completion of approximately 5.6 miles of four-lane highway from Palailai (Barber's Point) to Kunia Road	674,000 s 6,743,000 FAI
5. Interstate Route H-1—Pele Street to Keeaumoku Street—Construction of approximately 1.1 miles of six-lane highway from Pele Street to Keeaumoku Street	290,000 s 8,890,000 FAI
6. Interstate Route H-1—East of Kunia Interchange to East of Waiawa Interchange—Incremental construction of approximately 3.9 miles of six-lane divided highway, including the Waiawa Interchange, from east of Kunia interchange to east of Waiawa Interchange	1,800,000 s 10,202,000 FAI
7. Interstate Route H-1—East of Waiawa Interchange to West of Waiiau Interchange—Incremental construction of approximately 1.1 miles of eight-lane divided highway from east of Waiawa Interchange to west of Waiiau Interchange	118,000 s 673,000 FAI
8. Interstate Route H-1—West of Waiiau Interchange to East of Halawa Interchange—I-H1-1(9)—incremental construction of approximately 3.3 miles of eight-lane divided highway, including the Waiiau and Halawa Interchanges, from west of the Waiiau Interchange to	

east of the Halawa Interchange	192,000 s	1,089,000 FAI
9. Interstate Route H-1—East of Halawa Interchange to West of Keehi Interchange—Incremental construction of approximately 4.2 miles of eight-lane divided highway, including the Pearl Harbor and Airport Interchanges, from east of Halawa Interchange to west of Keehi Interchange	183,000 s	1,037,000 FAI
10. Interstate Route H-1 — Keehi Interchange to Middle Street Separation—Incremental construction of approximately 0.6 mile of highway from Keehi Interchange to Middle Street Separation	30,000 s	170,000 FAI
11. Interstate Route H-2—Waiawa Interchange to Schofield Barracks—Incremental construction of approximately 8.6 miles of divided highway, including a major drainage structure at Kipapa Gulch and an interchange in the vicinity of Wahiawa, from the Waiawa Interchange to Schofield Barracks	490,000 s	2,739,000 FAI
12. Interstate Route H-3 — Junction at H-1 To Kaneohe Marine Corps Air Station—Incremental construction of approximately 11.7 miles of four-lane divided highway from junction at H-1 to Kaneohe Marine Corps Air Station	498,000 s	2,811,000 FAI
13. Kunia Road — Farrington Highway towards Schofield Barracks—F-075-1(1)—Construction of approximately 1.0 mile of two and four-lane divided highway from Farrington Highway toward Schofield Barracks in conjunction with Interstate Route H-1, Barber's Point to Kunia Road	731,000 s	600,000 FAP
14. Vineyard Boulevard — Lusitana Street to Interstate Route H-1—F-098-1(3)—Construction of approximately 0.3 mile of divided highway from Lusitana Street to Interstate Route H-1	1,077,000 s	881,000 FAU
15. Kamehameha Highway Widening—Honomanu Street to Moanalua Road—Widening of approximately 1.6 miles of existing highway from a four-lane divided to a six-lane divided highway including the widening of three bridges	585,000 s	479,000 FAU
16. Farrington Highway—Barber's Point to Piliokoe Gulch—S-0900(3)—Construction of approximately 4.6 miles of four-lane highway from Barber's Point to Piliokoe Gulch	1,290,000 s	1,056,000 FAS
17. Moanalua Road Improvements—Aiea to Puuloa Road—Improvement of existing four-lane divided highway from Aiea to Puuloa Road, including an interchange at Puuloa Road	310,000 s	799,000 FAP
18. Halawa Heights Road Realignment—Realignment of the Halawa Heights Road, mauka of Moanalua Road and construction of an interchange at Moanalua Road	1,038,000 s	932,000 FAU

19. Kalaniana'ole Highway—Kailua Junction towards Waimanalo—Continued construction of a four and two-lane highway from Kailua Junction to Waimanalo in the vicinity of Saddle City	443,000 s 509,000 FAP
20. Kamehameha Highway—Pali Golf Course toward Kaneohe—Incremental construction of four-lane divided highway from the Pali Golf Course towards Kaneohe ..	1,461,000 s 1,195,000 FAP
21. Mokapu Saddle Road—Incremental construction of approximately 1.5 miles of two-lane highway from end of existing Mokapu Boulevard to Kaneohe Bay Drive	54,000 s 45,000 FAS
22. Moanalua Road—Moanalua Stream to Middle Street—S-219(3)—Preliminary engineering for and right-of-way acquisition of approximately 0.9 mile of four-lane divided highway	250,000 s
23. Halawa Heights Road — Intersection at Kamehameha Highway at Halawa Gate to Vicinity of Moanalua Road—Preliminary engineering and land acquisition for approximately 1.3 miles of four-lane divided highway including one interchange	300,000 s 245,000 FAU
24. Installation of Median Guardrail on Lunalilo Freeway—Old Wai'alae Road to 1,000 Feet West of University Avenue	14,000 s 12,000 FAP
25. Installation of Median Guardrail on Pali Highway—Kuakini Street to Coelho Way	23,000 s 18,000 FAP
26. Installation of Median Guardrail on Pali Highway—Pali Tunnel to Kahanai'ki Bridge	64,000 s 53,000 FAP
27. Intersection Improvements on Kamehameha Highway, Wahiawa—Improvements of intersections at Kamehameha Highway and Kaukonahua Road, Kamehameha Highway and Kamananui Road and Wilikina Drive and Kamananui Road Intersections	86,000 s 71,000 FAP
28. Farrington Highway Widening—Between Piliokoe Gulch and Kaena Point—Plans and land acquisition for incremental widening of inadequate portions of existing highway from Piliokoe Gulch toward Kaena Point	394,500
29. Purchase of Right-of-way for Ala Moana Boulevard—Purchase of land and improvements situated within the area bounded by Ala Moana Boulevard, Richards Street, Halekauwila Street and Kakaako Street	1,800,000 s
30. Footbridge at Maipalaoa Bridge, Waianae—Addition of footbridge to existing highway bridge at Maipalaoa Stream	8,000 s
31. Installation of Street Lights on Kamehameha Highway —Puuhale Road to Middle Street	15,000 s
32. Installation of Street Lights on Farrington Highway—Pupupuhi Street to Leokane Street	14,000 s
33. Relocation of Baseyard Facilities, Honolulu—Plans for relocation from Fort Armstrong to a new location	5,000
34. Vehicle and Equipment Storage Shed at Waianae Base	

Yard—Construction of a 22' x 40' vehicle and equipment building	5,000 s
35. Kamehameha Highway, Oahu — Helemano — Waialua Junction to Haleiwa Beach Park—Plans and right-of-way for construction of approximately 2.4 miles of two-lane highway from Helemano — Waialua Junction to Haleiwa Beach Park	109,000 s 61,000 FAP
36. Pedestrian Overpass or Street Lights—Likelike at Anoi Road, Kaneohe, Oahu. (If street lights only are to be constructed, only the special fund appropriation is authorized to be used.)	90,000 9,000 s
37. Miscellaneous Drainage Improvement on Federal-Aid Highways	100,000 s
38. Detour road from Waimano Home Road to Moanaluna Road, City and County, Honolulu	25,000
39. Overhead Street Lights and road improvements at critical sections of Waimano Home Road and Lehua Avenue	80,000
40. Traffic Lights System — Intersection of Queen Emma, Lusitana, School Streets	12,546
Maui	
41. Farrington Avenue, Molokai—S-0480(1)—Construction of approximately 2.44 miles of two-lane highway from Puu Peelua Avenue to Route 47 east of Kualapuu	164,000 s 134,000 FAS
42. Honoapiilani Highway — End of Project S-0300(1) to vicinity of Honokahua Village—For plans and construction of approximately 4.5 to 5.0 miles of two-lane highway on a new alignment from end of project S-0300(1) to the vicinity of Honokahua Village	180,250
43. Maui District Base Yard—Construction of maintenance yard and office for Maui District Office	194,000 s
44. Honoapiilani Highway-Honokahua to Honokohau — Reshaping and paving of existing road from vicinity of Honokahua School to Honokohau Stream	300,000
45. Kaahumanu Avenue—Lighting of Certain Intersections —Lighting of ten intersections on Kaahumanu Avenue	17,000 s
46. Lanai Base Yard—Construction of equipment storage shed	4,000 s
47. Waiehu Beach Road, Maui—Supplementing Act 52/64 appropriation to complete construction of improvements to Waiehu Beach Road	50,000 s 40,000 FAS
48. Kalaupapa Lookout Road, Molokai—Construction of approximately 1.5 miles of two-lane highway from end of pavement at Kalae to Pali Lookout at Kalaupapa	70,000 s 57,000 FAP
49. Haleakala Road, Maui—Incremental widening of road	53,000 s 22,000
50. Upper Kihei—Ulupalakua Highway—Plans for construction of a two-lane highway as shown on County of Maui Master Plan	55,000 s 44,000 FAS

Hawaii

51. Volcano Road—Glenwood Section, Hawaii—F-011-2(3)— Widening and improving of 3.9 miles of existing road....	376,000 s 277,000 FAP
52. City of Refuge Road—S-0160(2)—Right-of-way acquisition and construction of the remaining 2.4 miles of unimproved roadway into the National Historical Park	442,000 s 392,000 FAS
53. Keaau-Pahoia Road—Project S-231(1) toward Pahoia— Construction of approximately 1.0 mile of two-lane highway from end of Project S-231(1) toward Pahoia ..	20,000 s 11,000 FAS
54. Replacement of Kaieie, Hanawi, Kalaoa, and Waiama Stream Bridges, Hawaii Belt Road—Incremental construction of permanent bridges to replace badly deteriorated temporary timber bridges	425,000 347,000 FAP
55. Honokaa-Waipio Road — Incremental development, realigning, grading, and drainage of approximately 8.12 miles of a two-lane, high-type pavement highway from Haina Road Intersection to Waipio Lookout	251,000 s 215,000 FAS
56. Relocation of Lower Keaau Connections—N-11-02-64— Relocation of certain connections to Olaa-Hilo Road in the vicinity of Keaau Village	71,400
57. Kawaihae-Mahukona Road—Incremental construction of two-lane roadway from Kawaihae to Mahukona and access road	500,000
58. Kawaihae-Mahukona Road—Continuous maintenance at graded but unpaved portions of the new road	7,000
59. Kailua-Kawaihae Road—Section II—Honokahau to Keahole—Construction of 4.9 miles of two-lane highway from Honokahau Small Boat Harbor to the vicinity of the proposed new airport at Keahole	479,000
60. Hilo Base Yard—Construction of a vehicle storage shed, and providing additional paving, sidewalks and curbs....	50,000 s
61. Waimea Base Yard—Install chain link fence around yard	9,000 s
62. Volcano Road—29 mile post to 26 mile post—Construction of approximately 3.1 miles of two-lane high-type pavement highway beginning at Project S-0144(1) to end of Project S-0144(2)	100,000 547,500 s 544,000 FAP
63. Kahuku to Honuapo, Hawaii Belt Road, Hawaii—Plans and land acquisition for construction of approximately 17.9 miles of two-lane highway on new alignment from end of project BF-011-1(3) in Kahuku to end of project FAGH 18-D(1) in Honuapo	67,000 54,000 FAP
64. Pahoia to Kaimu, Puna—Plans for construction of two-lane highway from the end of Project S-0130(1) to Kalapana-Pahoia Road in vicinity of Kaimu	40,000
65. Extension of Laupahoehoe Overpass	10,000

Kauai

66. Kauai Belt Road—Lumaha'i Bridge and Approaches— S-0560(1)—Construction of a 600-ft. bridge and 600 feet of approaches across Lumaha'i River to replace	
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existing county bridge	657,000 s
	537,000 FAS
67. Kuamoo Road, Kauai—Widening and realigning of the existing Kuamoo Road from Kuhio Highway to upper Poliahu Park	98,000
	127,000 s
68. Maluhia Road, Koloa, Kauai—Plans for resurfacing existing roadway and improving bridges, shoulders, and culverts of existing road from junction at Kaunualii Highway to Koloa	300,000
69. Kauai Highway Base Yard, Kapaa—Plans and land acquisition for construction of a new base yard at Kapaa for the Kauai District Office	75,000
70. Widening and Resurfacing of the Kaunualii Highway in vicinity of Hanapepe and the Hanapepe Airport Road—Widening, resurfacing, and patching of existing Kaunualii Highway from Hanapepe Railroad Overpass to 700 feet west, and along Hanapepe Airport Road (Lele Road—FAS 543)	56,000 s
71. Kauai Belt Road, Kapaia, Kauai—Plans to construct truck lanes for slow traffic negotiating up grades on Kauai Belt Road at Kapaia	40,000
72. Drainage System, Omao, Kauai—Improvement of drainage system at Omao Road and along Kauai Belt Road at Omao, Kauai	5,000
73. Drainage Systems—Improvements of drainage systems at Lauoho Road and Kauai Belt Road at Kalaheo, Koloa, Kauai	12,500
74. Scenic Highway, Lawai to Kalaheo—Plans for the construction of a scenic highway from Lawai towards Kalaheo	10,000
75. Lihue-Wailua-Princeville Scenic Road — To continue construction of road from north fork Wailua River along power line to the Princeville area. The department of transportation may use its present staff, and shall employ temporary personnel who shall be exempt from the provisions of Chapters 3 and 4, RLH 1955, as amended, and who are employed, and are duly registered as unemployed with the Department of Labor and Industrial Relations, to the maximum practical extent. The department may enter into contracts for the necessary supplies to be used in the project; necessary equipment to be obtained by public bid	50,000
76. Kokee-Waimea Heights Road—To supplement Act 52/64 Appropriation. (Proviso in item 75 above shall apply to this project.)	50,000

E. AIRPORTS AND HARBORS

Oahu

1. Terminal Building Alterations and Additions, Honolulu International Airport — Additions to customs inspection building and inter-island terminal; elevated concourse from waiting lobby building to foreign arrivals to new aircraft parking; additional aircraft parking and taxiway widening to relieve overcrowded conditions, and locker room facilities for V.I.P. employees	1,429,700 r
	200,000 f

2. Updating of Master Plan for Honolulu International Airport	250,000 r
3. New Runway for Honolulu International Airport—Engineering study and plans for new runway seaward of present Runway 8-26	750,000 r
4. Reconstruction of Bulkhead at End of Pier Number 7, Honolulu Harbor—Removal and reconstruction of outboard section of concrete bulkhead wall to repair existing broken concrete wall	75,000 s
5. Oil Line Repairs and Extensions, Honolulu Harbor—Extension of existing 10' oil line to end of Pier No. 2 to provide additional fueling stations to improve the efficiency of the piers, and repairing and/or replacement of oil lines along Nimitz Highway and between Piers 2 and 8 to eliminate leaks	135,000 s
6. Development of Container Facilities at Fort Armstrong, Honolulu—Continuation of development to include improvement of U.S. Public Health Service area which will become available to the State and extension of Keawe Street	400,000 r
7. Catwalks at Kewalo Basin, Honolulu—Building of three 90' long catwalks to provide 6 additional berths for charter boats, cruise boats and sampans	30,000 s
8. Improvements to Piers 8 to 11, Honolulu Harbor—Renovation of galleries, passageways, restroom and other facilities on the piers to make them more compatible with new terminal complex and renovation of lights and lighting system along pier apron to correct inadequate lighting situation	241,000 s
9. New Fender System for Pier 2, Honolulu Harbor—Installation of new fender system with holddown arrangement to prevent loosening of existing fender fastener caused by constant tension mooring lines	15,000 s
10. Development of Deep-Water Port at Barber's Point, Oahu—Planning and preliminary engineering for incremental development of second deep-water port for Oahu	20,000 r
11. Marginal Wharf at Kewalo Basin—Construction of new wharf on ewa side of Kewalo Basin. Project to be undertaken only if public access and use of the facilities are assured	25,000 s
12. Replacement of Pilot Boat, Honolulu Harbor	40,000 s
13. Haleiwa Small Boat Harbor and Beach Restoration, Oahu—Continuing development of light draft harbor to accommodate 220 boats and restoration of each being done in stages. Work for 1965-1966 to include land acquisition and construction of catwalks and interior mole	368,000
14. Waimanalo Small Boat Launching Ramp	25,000
Maui	
15. Kahului Airport Improvements, Maui—Continuing land acquisition for clearing of hazard zone	400,000 f
	600,000
16. Molokai Airport Improvements, Hoolehua, Molokai—Grading, installation of drains and reconstruction and strengthening of runway 5-23, and other improvements	160,000
	150,000 f

17. Hana Airport Improvements, Maui—Plans for extension of runway and other improvements	22,500 s
18. Lahaina General Aviation Airport—Feasibility studies and plans	22,500 s
19. Correction of Kahului Bay Erosion Problems—To Supplement Act 52, SLH 1964 Appropriation	40,000 s
20. Diversion Ditch, Lanai Small Boat Harbor, Manele Bay, Lanai	50,000
21. New Lahaina Small Boat Harbor, Maui—Incremental development of new Lahaina Marina. First increment to be development of land seaward of Front Street for parking purpose	90,000
22. Lahaina Small Boat Harbor—Plan and construction of mooring and landing facilities to existing harbor	43,000
Hawaii	
23. Improvements at General Lyman Field, Hilo, Hawaii—Installation of blast surfacing and taxiway parallel to jet runway; demolition and clearing of clear zone area; strengthening and widening of existing aircraft parking ramp; and construction of 6 unit T-hangars and connecting taxiways to accommodate intercontinental jet aircraft	333,400 75,000 s 250,000 f
24. Improvements at Kona Airport-Kailua, Kona—Construction of improvements to Kona Airport—runway, terminal and other facilities	50,000
25. Keahole Airport — Plans for new airport at Keahole, Hawaii	80,000
26. Kawaihae Harbor Improvements, Hawaii—Construction of approximately 5,000 square feet of new shed area; extension of sheet pile wall between barge and overseas terminals; paving of approximately 100,000 square feet area; and provision of security lighting	165,000 r 110,000 s
27. Honokahau Small Boat Harbor, Kealahou, Kona, Hawaii —Incremental development of a 415-boat capacity all-weather marina on State-owned land in stages	153,500
28. Hoist and Winch-scale for Kawaihae Small Boat Harbor	7,000
29. Winch-scale for Kailua Wharf, Kona	7,500
30. Hilo Bay Protection Barrier, Hawaii—Unrequired bond fund balance from Item D VII 2, Act 195, SLH 1961 and Item A 2 h, Act 52, SLH 1964, may be used to match Federal construction funds	450,000 f
31. Replacement of Approach to Existing Ramp at Kaulana, South Point, Hawaii	13,300
Kauai	
32. Improvements at Lihue Airport—Incremental construction of improvements and ground transportation facilities	30,000 s
33. Extension of Piers 1 and 2, Nawiliwili, Kauai—Extension of Pier 1 and Pier 2 to provide additional berthing space	495,000 r
34. Nawiliwili Small Boat Harbor, Kauai—Plans and construction of Stage 1, including dredging, rock dyke, paving, launching ramps, moorings and installation of utilities	63,000 200,000 f

- 35. Port Allen Small Boat Harbor, Kauai—Supplementing prior appropriations to complete Port Allen Small Boat Harbor Development 75,000
- 36. Kekaha Beach Erosion, Kauai—Engineering studies to prevent erosion of the beach area 5,000

DEVELOPMENT OF NATURAL RESOURCES

(To be expended by the Director, Department of Land and Natural Resources)

F. LAND AND WATER DEVELOPMENT AND FLOOD CONTROL

Statewide

- 1. Statewide Flood Control Plan—Feasibility studies and construction plans for specific water shed areas 270,000

Oahu

- 2. Shafter Flats Industrial Subdivision, Oahu—Planning and development of an industrial subdivision in Moanalua, Oahu 537,000
- 3. Waianae Land Development for Urban Uses, Oahu—Preliminary planning for development of recently returned federal lands for school, library, park and other urban uses 9,000
- 4. Wodehouse Residential Subdivision, Nuuanu, Honolulu, Oahu—To develop lands purchased by the State in excess of highway right-of-way needs 60,000 s
- 5. Improvement of Access Roads to Diamond Head Crater—Realignment, widening and rehabilitation of approximately 2,200 lineal feet of exterior access roadways to Diamond Head Crater 72,000 s
- 6. Magic Island Development, Ala Moana, Oahu—Continuation of development of off-shore island in accordance with plans for the area 1,000,000
- 7. Rainbow Island Industrial and Recreational Development, Honolulu, Oahu—Development of State lands recently returned by the federal government into a waterfront, industrial trade zone, and recreational complex with strip park for public recreation. A sum of not more than \$81,000 from prior appropriations for Sand Island Development from Act 195, SLH 1961, and Act 30, SLH 1962 may be used with this appropriation for new land use plan for Rainbow Island, with due consideration given to recreational aspects 9,000
- 8. Purchase of Federal Surplus Land, Waialua—Purchase two lots totaling 72.64 acres of Federal Surplus Land at Waialua, Oahu, identified by General Services Administration as GSA Control No. M-HAW-408-A, Dillingham Air Force Base 110,000

Maui

- 9. Molokai Farm Lots, Molokai—Continuing development and subdivision of State lands near Molokai Airport for diversified agriculture. Water system to be installed and windbreaks to be established must be in before lots are made available to the public 50,000
- 10. Molokai Irrigation Project, Molokai—Incremental development of an irrigation water system to serve the

agricultural lands in central and west Molokai including water sources, transmission lines, storage facilities and distribution systems. State funds to be used only as needed to repay a federal loan of \$4.5 million under the Small Reclamation Projects Act	100,000
11. Lower Kula Water System, Maui—Incremental development of water system. (To be expended by the Board of Water Supply, County of Maui)	950,000
Hawaii	
12. Panaewa Farm Lot Roads—To continue resurfacing of roads Lama-Awa Streets	45,500
13. Feasibility Study and Preliminary Plans for Proposed Relocation of Hog and Poultry Farmers at South Hilo, including study of alternate sites	13,500 s
14. Pohakuloa Water Development, Hawaii—Plans for development of a domestic water system including the source, transmission lines and storage facilities	150,000
15. Water Transmission Line Kahaluu—Kailua via Kuakini Highway	300,000
16. Extension, pipeline from Waiaha to Honokahau Junction	40,000
17. Honaunau Water Transmission Line—Install 6,000 lineal feet of 4" transmission line to 0.5 mg. tank from Keei Well and 17,600 lineal feet of distribution line to City of Refuge along the Napoopoo-Honaunau Road	50,000
18. Kahaluu-Keauhou Development—Water and road projects, to enhance development of the proposed destination area	430,000
19. South Kohala Water Project—Development of additional water sources in the Kohala Mountains through the construction of diversion works, storage facilities and rehabilitation of existing improvements	350,000
20. Puukapu Nienie Transmission Line—Installation of a transmission pipeline, electrical power extension and pumps on Hawaiian Home Lands at Puukapu and Nienie pasture lots, County of Hawaii	80,000
Kauai	
21. Kekaha Houselots, Kauai—Development of a residential subdivision on State lands	90,000
22. Weliweli Houselot Development, Kauai—To supplement prior appropriations for plans, roads, water and related facilities	200,000
23. Kokee Water Project, Kauai—Incremental planning and development of a multi-purpose water project including an irrigation system, hydro-electric power system, and fish and wildlife recreational facilities. No State funds will be required if the Federal loans and grants are approved	19,006,000 f
24. Kuhio Ditch at Wailua Rice and Kula Lots—For cleaning and repairing ditch (including intake) using student or temporary help	5,000
25. Wailua Golf Course Residential Subdivision, Kauai—Plans for development of State lands on the Lihue side of the golf course into residential lots	50,000

G. RECREATION AND CONSERVATION**Statewide**

1. Acquisition of Public Rights-of-Way to state lands, All islands—incremental acquisition of rights-of-way to provide public access to State Lands for recreation, hunting, fishing and other purposes	5,000
Oahu	
2. Combination Warehouse-Garage-Office Building, Makiki Nursery Site, Oahu—Plans for construction of Butler type building for Forestry and Fish and Game to replace quarters being removed in connection with the State Capitol complex	1,800
3. Kahana Valley Park, Oahu—Incremental planning, acquisition of land and development of basic facilities such as roads, water, utilities, and site improvements for establishment of a major State park. (Total land cost of \$5,000,000 to be paid in five yearly increments)	1,000,000
Maui	
4. Forest Development Roads and Trails, Maui—Planning and construction of secondary road with oil and cinder application from Kula to Polipoli and trails in Kula State Forest to provide access for forest administrative and recreational purposes	15,000
5. Waiianapanapa Caves Park, Honokalani, Hana, Maui—Incremental development of basic facilities including a number of low-cost cabin units	100,000
6. Forest Development Road, Molokai—Incremental construction of single lane dirt road with turnouts and permanent culverts in State Forest areas to provide access for forest administrative and recreational purposes, Puu-O-Wahaula, Molokai	7,000
7. Lahaina Restoration, Maui — Restoration of building structure and other features of historical interest located on state or other public lands	50,000
8. Kukui Grove, Iao Valley, Maui—Re-creation and restoration of old Hawaiian Village in Iao Valley, Maui, known as the Kukui Grove	25,000
9. Purchase of Land and Buildings belonging to Matson Navigation Co.—appraisal of Matson Navigation Co. land and buildings, Tax Key 2-1-08-42	5,000
Hawaii	
10. Mauna Kea Park, Hawaii—Incremental expansion of basic facilities such as roads, water, electricity and landscaping for further development of a major State park	100,000
11. Wailoa River Park, Waiakea, Hilo, Hawaii—Incremental expansion of existing facilities on lands essentially surrounding Waiakea Pond and Wailoa River; includes park master plan, construction plans, construction of visitor orientation building, park shop building, and initial phase of botanical garden planting and landscaping	150,000
12. Akaka Falls Park and road, Honomu—To continue park development	90,000
13. Hamakua, Hawaii—Plans for visitors destination study—including recreation and park sites	5,000

14. Other Big Island State Parks—Improvements and Facilities	50,000
Kauai	
15. Natural Resources Improvements Program—To be expended by the Director of the Department of Land and Natural Resources for the purpose of utilizing student help (male and female) and temporary help in the division of forestry, fish and game, and state parks in the clearing of trails, eradication of noxious weeds, re-planting of trees, and other work opportunities within the divisions	50,000
16. Fairground Complex, Kapaa Development Area—Construction of necessary buildings, roads, and other necessary facilities to develop a fairground complex on State lands in the Kapaa development area, County of Kauai	200,000
17. Game Management Water Units and Game Observation Exclosures, Kauai	3,000
18. Forest Development Trails, Kauai—Construction and maintenance of trails to provide access for forest administrative and recreational purposes	20,000
19. Picnic and Recreational Area Developments, Kauai	5,000
20. Kokee Park, Kauai — Incremental expansion of basic facilities and the provision of a number of low-cost cabin units	185,000
21. Wailua River Park, Kapaa, Kauai—Incremental development of the many recreational attractions of the Wailua River	380,000
22. Wahiawa Valley-Kalaheo—For cabin sites, roads, water development and other improvements	50,000
23. Polihale Park, Kauai—Development of beach facilities, picnic area, water, parking, roads, etc. (In connection with park and forestry projects the Board of Land and Natural Resources may use its present staff, and shall employ temporary personnel who shall be exempt from the provisions of Chapter 3 and 4, Revised Laws of Hawaii 1955, as amended, and who are unemployed and are duly registered as unemployed with the Department of Labor and Industrial Relations, to the maximum practical extent. The Board may enter into contracts for the necessary equipment and supplies to be used in the project by negotiation.)	20,000

STATE FACILITIES AND OTHER PROJECTS

H. AGRICULTURE

1. Relocation of Animal Quarantine Station to Halawa, Oahu—Incremental development of animal quarantine facilities, caretaker's cottage, administration building, landscaping, visitor facilities and the communicable disease laboratory	865,000
2. Quarantine Demonstration Irradiator — pilot research irradiator plant for a possible future commercial irradiator. State to provide housing and site; AEC to provide equipment	180,000
	350,000 f

I. PLANNING AND ECONOMIC DEVELOPMENT

(To be expended by the Director, Department of Planning and Economic Development)

- 1. State Funds to Match Federal Planning Grants—State funds to match federal planning grants which may become available for State Recreation Plan, County Assistance, State Data Bank and Statistical Center, and other programs 100,000

J. HAWAIIAN HOME LANDS

(To be expended by the Director, Hawaiian Home Lands)

- 1. Nanakuli Roads—Repair of existing roads to meet City and County standards, second increment of two blocks on Nanakuli Avenue including part of Mano and Kauhahi Avenues in Nanakuli, Oahu 89,000
30,250 s
- 2. Paukukalo Houselots, Plans—To supplement Item C-4-a, Act 201 SLH 1963, funds to prepare plans for the second increment 8,250 s
- 3. Kawanakakoa Hall, Hilo—Improvement to Grounds 11,000 s
- 4. Construction of additional New Homes at Anahola and Kekaha, Kauai Including Furniture and Fixtures 32,000
5,500 s

K. HEALTH

Oahu

- 1. Diamond Head Health Center—Plans to construct a multi-purpose facility to house the Diamond Head Medical Health Center, alcoholism clinic, and the mental retardation diagnostic and treatment clinics including children's diagnostic-observation center on expected Federal surplus land 77,400
- 2. Reroofing of 13 Buildings, State Hospital—Replace dry, rotted and termite damaged roof sheathing 100,000
- 3. Replacement of 84 Bed Ward Unit with Dining Facilities, Waimano Home—Plans 47,000
- 4. New Nanakuli Public Health Center 120,000
- 5. Plans for the Construction of a Comprehensive Health Center at Pearl City on Hale Mohalu grounds 10,000
- 6. Reroofing of Buildings 6, 7, 8, 10, Cafeteria and Hospital Annex, Waimano—To complete reroofing of buildings constructed in 1954 24,804
- 7. Hale Mohalu Hospital Complex Replacement. A new hospital complex for treatment and care of Hansen's disease patients to be located on the State Hospital grounds, Kaneohe 50,000
- 8. Mental Health and Mental Retardation — Community Center at Alder Street—Plans 10,000

Maui

- 9. Repair and Rehabilitation of Ice Making and Refrigeration Storage Plant, Kalaupapa 22,000
- 9a. Construction of a Water Tank, Kalaupapa, Molokai 20,000
- 10. Replacement of 2 Warehouses and Repair of 1 Dormitory Pre-Fab Steel Building, Kalaupapa 25,000
- 11. Maui Memorial Hospital—Painting interior and exterior of building and reroofing 63,000
- 12. Kula Sanatorium—Installation of fire sprinkler system and remodeling of kitchen 21,000

Hawaii

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| 13. Kona Geriatric and Treatment Center—Plans and specifications | 20,000 |
| 14. Honokaa Hospital—Including interior and exterior paintings, air conditioning in the operating room, ventilating, other improvements and appurtenances | 80,000 |
| 15. Hilo Hospital Redesign and Renovate Intensive Care Unit | 50,000 |

Kauai

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| 16. X-Ray Unit—Purchase of a new X-Ray Unit for Samuel Mahelona Memorial Hospital. (To be expended by the Director of the Hospital) | 29,000 |
| 17. Samuel Mahelona Memorial Hospital—Plans and construction of an Occupational Therapy building. (To be expended by the Director of the Hospital) | 30,000 |

L. SOCIAL SERVICES**Statewide**

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| 1. New State Prison—Plans for a modern multiple security prison with an immediate prisoner capacity of 640 and an ultimate prisoner capacity of 1,000 men and women housed in individual cells, rooms and buildings. Unencumbered balance of Item B-6-C, Act 52, SLH 1964 shall be used for this project | 302,400 |
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Oahu

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| 2. Air Condition—1st Floor, Liliuokalani Building | 78,300 |
| 3. Ho'opono—Final Phase, Rehabilitation Center Complex—A multi-story building of approximately 40,000 square feet needed to accommodate sheltered production workshops currently operated by Lanakila Crafts; office space for the Division of Vocational Rehabilitation's independent living program; and additional office and storage space for DSS, Ho'opono operations. (Project eligible for Federal Aid. Amount to be determined) | 702,000 |
| 4. Central Kitchen, Youth Correctional Facility—Enlarge, renovate, construct and equip the existing kitchen facilities of Kaala Cottage. Install new equipment to facilitate the preparation and distribution of meals from a central location to all cottages | 36,900 |
| 5. Combination Gun Tower and Arsenal, State Prison, Oahu—Construct and equip a combination control, arsenal and gun tower | 14,400 |
| 6. State Prison Laundry—Relocate and equip the Prison Laundry. Unencumbered balance of item B-8-f, Act 201 SLH 1963 may be used for this project | 45,000 |
| 7. Dormitory Control Room Completion—Construct an expanded metal partition and a new plaster ceiling in the dormitory control room of Kaala Cottage, Youth Correctional Facility, Oahu | 7,200 |
| 8. Renovation of Refrigeration, Cold Storage Plant, Kitchen and Mess Hall, State Prison—Renovation of refrigeration and cold storage plant, approximate floor area of 1,060 sq. ft. Install adequate ventilation in kitchen and mess hall | 20,000 |
| 9. Security Lights, Youth Correctional Facility — Install security lights around the exterior of Maunawili and Olomana Cottages | 5,400 |
| 10. Ceramic Tile Bathroom, Youth Correctional Facility—Install ceramic tiles on walls and floor build-up in the Kaala Cottage bathroom | 5,400 |

- 11. Swimming Pool Water Filter, Youth Correctional Facility—Installation of a filtering system for the swimming pool 6,300
- 12. New Hawaii Youth Correctional Facility—Preliminary plans for relocation from Olomana to Wailee site 14,000
- 13. New Juvenile Detention Home, Honolulu—Plans, construction and equipment for a permanent structure for short term detention of juveniles to be located in the district of Honolulu. To be completed and occupied by December 31, 1966 350,000

Hawaii

- 14. Kulani Road Development—Grade, surface and install necessary culverts for 19½ miles of the Stainback Highway from the Kalaniana'ole Highway to Kulani Honor Camp over a six-year period. (Prison labor may be used for this project) 25,000

M. DEFENSE

Statewide

- 1. State Civil Defense Radio and Warning Systems—Replacement of single-sideband radio system, installation and relocation of warning sirens, and interisland police communications system 17,600
17,600 f

Oahu

- 2. Kaneohe-Kailua Armory, Oahu—Construction of a permanent masonry type single story building of 16,500 square feet as a combination community gymnasium and armory facility for Company C, 227th Engineer Battalion, Hawaii Army National Guard. If it is determined to build this facility as an armory building only rather than as a combination armory-gymnasium the State portion of the cost may be reduced to \$125,000 166,500
150,000 f

N. ACCOUNTING AND GENERAL SERVICES

Statewide

- 1. Place Seal of Hawaii in the Washington Memorial Chapel at Valley Forge 500

Oahu

- 2. State Capitol Building — construction of a new State Capitol Building to house the Legislature, the Offices of the Governor and Lieutenant Governor and certain other state agencies. And restoration and/or modification of Iolani Barracks after relocation 12,685,000
- 3. Modification and Addition to Keelikolani (Labor) Building, Honolulu—Modification to building to provide for computer center 2, and plans for addition to building.... 70,000
- 4. Tax Office Annex Building Addition and Air Conditioning, Honolulu—Expansion of document storage area and air conditioning of entire Tax Office Annex Building 70,200
- 5. Improvements to Royal Mausoleum Grounds, Nuuanu, Oahu—Plans and construction funds to clear and landscape lower portion of property to Nuuanu Stream, replace plants and relandscape the Mausoleum grounds.... 20,700

6. Air Conditioning of Department of Regulatory Agencies Quarters	18,000
7. Iolani Palace, Honolulu—Repairs to Throne Room Ceiling	15,000
8. Nanakuli Community Center—Plans	20,000
Maui	
9. Central Motor Pool Facilities, Wailuku, Maui — Land acquisition and construction	64,000

Hawaii

10. State Office Building Complex, Hilo, Hawaii—Land acquisition and plans for construction of a State office building complex for joint occupancy by certain State agencies in Hilo	350,000
11. State Office Building, Kona, Hawaii—Additional equipment for new State Office Building	9,900
12. Completion of the Honokaa State Office Building including Mentally Retarded Annex	50,000

Kauai

13. State Office Building, Lihue, Kauai—Plans for construction of a State office building for joint occupancy by certain State agencies in Lihue	15,000
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O. TAXATION

Oahu

1. Completion of Air Conditioning—Hale Auhau, Honolulu—Supplements Act 30/62 and 52/64 funds	52,200
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P. JUDICIARY

Oahu

1. Alterations and Improvements to Judiciary Building, First Circuit Court, Honolulu—Alterations and improvements to storeroom including air-conditioning; renovating existing service counter in office of Chief Clerk and construct service windows; renovate office of small estate attorney's office to provide for expansion of service	11,700
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COUNTY ASSISTANCE

Q. OAHU

(To be expended by the Director, Department of Accounting and General Services.)

1. Footbridge across Manoa Stream on Pawaina Street	30,000
2. Plans Money for McCully Community Center Development—Planning for recreational and educational facilities for the community and Lunalilo Elementary School	20,000
3. New Stadium, Honolulu—State aid for site selection, plans and construction of a new stadium within the Honolulu city limits (To be matched 1:1 by City and County of Honolulu)	50,000

R. MAUI

(To be expended by the County of Maui)

1. Lanai General Hospital—Plans and Construction of a new general hospital including equipment	240,000
2. Waiehu Golf Course—Additions to existing club house	

	to include conference room, golf cart shelter, equipment shed and work shop; and construction of an approach road	150,000
3.	Kahului Sewerage System—Plans for the relocation and construction of a new sewerage outfall at Kahului	60,000
4.	Honokowai Sewerage System—Plans for and construction of the first increment of the sewerage system for Honokowai and surrounding area, including acquisition of land—The appropriation for this project shall be made available to the County of Maui to be expended in accordance with Part VI, Chapter 148 of the Revised Laws of Hawaii 1955, as amended, and for such purposes, the urban districts of Honokowai and Mahinahina as shown on land use district maps-1, and map-2, for the county of Maui, on file with the State Land Use Commission, shall be deemed urban districts within the meaning of said Part VI, provided that if the sum of the assessments against lands specially benefited and the appropriation provided herein exceeds the total cost of the project, then the assessments against lands specially benefited shall be reduced accordingly; provided, further, that the cost of facilities to be used for the benefit, in the future, of all properties within the area covered by the sewerage system for Honokowai and surrounding area, shall be assessed equitably against all such property to be so benefited..	225,000
5.	Kihei Sewerage System, Plan	25,000
6.	Kahoma Stream Flood Control, Lahaina — Plans, land acquisition and construction of flood control at Kahoma Stream	20,000
7.	Kaanapali Storm Drainage and/or Flood Control—Plans, land acquisition and construction	150,000
8.	Iao River Flood Control — Flood control, plans, land acquisition and construction	150,000
9.	Development and Promotion of Science Research. (To be expended by the County of Maui.) This amount is to be matched by the County of Maui as needed	25,000
10.	Maui War Memorial Center—Plans for the construction of a recreational, cultural and entertainment center, including necessary buildings and facilities and land acquisition	210,000
11.	Molokai General Hospital—Construction of isolation and security ward, workshop and air conditioning of hospital	54,000
12.	Lahaina Sewer System—Construction of sewerage system for south portion of Lahaina Town	225,000
13.	Wailuku Heights Sewerage System—Plans for construction of a sewerage system	35,000

S. HAWAII

(To be expended by the County of Hawaii, domestic water projects to be expended by the Board of Water Supply, County of Hawaii)

1.	Hamakua Water Development Project—Including completion of Kukuihaele, Honokaa, Kukaiau, University of Hawaii Experiment Station, Paaulo, Kaapahu trunklines, tanks; and other improvements	175,000
2.	Kaiwiki Water System—Construction of concrete reservoirs and mains to boost water from Haaheo to Kaiwiki Homesteads	100,000
3.	Kalapana Water System—Install additional well, install	

pumps, construct 0.10 mg. and 0.5 mg. reservoirs, 10,000 lin. ft. of 6" water main and 10,000 lin. ft. 8" water main along Kalapana Road	150,000
4. Kau Water Source and Transmission Lines—Studies for development of new water sources and improvement of intakes, transmission and collection facilities in Kau	75,000
5. Sewer Construction Project—Waiakea Peninsula area	150,000
6. Lanikaula Street Extension — Construction of 1600-ft. connecting segment from present deadend of Lanikaula Street near University of Hawaii-Hilo Campus to Lanikaula Street Extension from Mohouli Street. The project includes a concrete bridge over the Wailoa River Flood Control channel and road pavement	40,000
7. Kapoho to Maku Coastal Road—Plans and acquisition of land	40,000
8. Kawaiiani Street-Kupulau Road—Widening, reconstructing and resurfacing of Kawaiiani Street towards Kupulau Road, including improvement to bridge	30,000
9. Komohana-Puainako Intersection to Puuhonu-Waianuenuue Intersection	500,000
10. Chin-Chuck Road	50,000

T. KAUAI

(To be expended by the County of Kauai)

1. Koloa—Poipu Water System—Installation of tanks and transmission lines. (To be expended by the Kauai Board of Water Supply)	38,000
2. Kapaa Water System—Incremental development. (To be expended by the Kauai Board of Water Supply)	66,000
3. Sewer System, Kauai—To construct sewer system within the County of Kauai	200,000
4. Hanapepe Valley Garden—Incremental development	90,000
5. Kauai War Memorial Convention Hall—Supplementing funds appropriated by Act 201, S. L. H. 1963	25,000
6. Hanapepe Drainage Project—Supplementing funds appropriated by Item E-2-h, Act 52, S. L. H. 1964	150,000
7. Relocation of Existing Kapaa Fire Station—Construction of a new fire station so that the land presently used by the fire station shall be returned to the Land Department	40,000
8. Mailihuna Road through Kawaihau Road—Restrengthening of sub-base, resurfacing, and minor alignments	175,000

SECTION 2. The director of the designated expending agency is authorized to delegate to the departments and counties the planning and construction of projects under Section 1 when it is determined by him that it is more advantageous to do so.

SECTION 3. The appropriations and authorizations in Section 1 include land purchase, plans, site preparation, improvements to land, construction, and necessary equipment.

SECTION 4. All general obligation bond funds used for any land development project shall have the bond principal and interest reimbursed from the Land Development Special Fund. Bonds issued for irrigation projects shall be reimbursed, as provided by Section 86-21 of the Revised Laws of Hawaii 1955, as amended.

SECTION 5. The Department of Transportation is authorized to issue harbor revenue bonds for harbor revenue bond financed projects authorized by this Act, pursuant to provisions of Part III, Chapter 137, RLH 1955, as amended. The expenses of the issuance of such harbor revenue bonds and the principal and interest on such bonds sold shall be paid from the harbor special fund.

SECTION 6. The Governor, upon recommendation of the Director of the Department of Planning and Economic Development and the Director of Finance, shall determine when the authorized projects shall be initiated, taking into consideration the factors of public need, general financial condition of the state general fund and bond fund, and the general economic conditions. The Governor shall have authority to defer projects for reconsideration by the ensuing legislature whenever it is determined (1) that the amount appropriated is insufficient to accomplish the purpose for which the appropriation is made, and (2) that the fiscal condition does not warrant expenditure of the appropriated funds.

SECTION 7. The purchase of land and the construction of buildings by State agencies shall be subject to the approval of the Governor upon recommendation of the Director of Planning and Economic Development as to what lands shall be utilized or purchased, and as to use and exterior architectural design of the authorized structure.

SECTION 8. In case the amount specified in any item in Section 1 shall not be wholly required to complete the work of such item or after it is definitely found by the expending officer that not more than a specified amount will be required to complete said work, such unrequired amounts may be expended for any other item in the same county in Section 1 with the approval of the Governor, upon recommendations of the Director of the Department of Planning and Economic Development and the Director of the Department of Budget and Finance; provided, that in the case of special funds, the fund may be only transferred to other special fund projects in accordance with the laws or covenants applicable thereto.

SECTION 9. All school buildings erected and all land purchased for school purposes under any item in this Act shall be subject to the approval of the Department of Education as to the location of the land purchased and the size, arrangement, dimensions, acoustics and lighting of rooms, and sanitary facilities for the buildings erected.

SECTION 10. The University of Hawaii is hereby authorized to issue revenue bonds not in excess of \$650,000 for the incremental development of needed parking facilities.

SECTION 11. Where the Governor or any agency of any government unit is able to secure federal funds or other property made available under any Act of Congress, or any funds or other property

from private organizations or individuals, to be expended in connection with or for the planning and/or construction of any program or works authorized by this Act, or otherwise, the Governor or agency shall have the power to enter into such undertaking with the proper offices or agencies of the Federal government or private organizations or individuals.

SECTION 12. Any increase in the Harbor Special Fund realized in the Fiscal Year 1965-66 shall be used for improvement of state-wide harbor facilities as are deemed needed by the Department of Transportation, in accordance with the provisions of Chapter 112-20, RLH 1955 as amended.

SECTION 13. The Department of Transportation is further authorized to issue airport revenue bonds for Honolulu International Airport projects authorized by this Act to be financed by airport revenue bonds. The aforementioned airport revenue bonds shall be issued pursuant to provisions of Part III, Chapter 137, RLH 1955, as amended. The expenses of the issuance of such airport revenue bonds and the principal and interest of such bonds shall be paid solely from the revenues of Honolulu International Airport, including rents, landing fees, and other charges presently or hereafter derived from or arising through the ownership, operation and management of the Honolulu International Airport and related facilities provided, however, that said revenues shall not include any revenue derived from or dependent upon the taxing power of the State of Hawaii.

SECTION 14. Anything in the bill and in the law, including section 35-29, Revised Laws of Hawaii 1955, as amended, to the contrary notwithstanding, funds authorized by this Act which are unencumbered or unallotted on June 30, 1966 shall not lapse.

SECTION 15. If any portion of this Act or its application to any person or circumstance is held to be invalid for any reason, then the legislature hereby declares that the remainder of the Act and each and every other provision thereof shall not be affected thereby. If any portion of a specific appropriation is held to be invalid for any reason, the remaining portion shall be independent of the invalid portion and such remaining portion shall be expended to fulfill the objective of such appropriation to the extent possible.

SECTION 16. This Act, upon its passage by a two-thirds vote of all members to which each house of the legislature is entitled, and when approved in the manner provided by the Constitution of the State, shall take effect on July 1, 1965.

(Approved June 28, 1965.) S.B. 190.

ACT 196

A Bill for an Act Relating to the Offense of Murder and Amending Chapter 291, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Chapter 291 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by:

(a) Amending section 291-1 to read as follows:

"Section 291-1. **Murder, first degree.** Murder in the first degree is the killing of any human being without authority, justification or extenuation by law done:

(a) with deliberate premeditated malice aforethought; or

(b) with malice aforethought and with extreme atrocity or cruelty; or

(c) in the commission of or attempt to commit or the flight from the commission of or attempt to commit arson, rape, robbery, burglary or kidnapping."

(b) Renumbering section 291-2 as section 291-3; and

(c) Adding a new section 291-2 to read as follows:

"Section 291-2. **Murder, second degree.** Murder in the second degree is the killing of any human being with malice aforethought without authority, justification or extenuation by law."

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

(Approved June 28, 1965.) **H.B. 330.**

ACT 197

A Bill for an Act Establishing a Statuary Hall Commission to Make the Necessary Recommendations and Preparations for the Placement of Appropriate Statues in the National Statuary Hall, and Making an Appropriation Therefor.

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

SECTION 1. **Purpose.** The purpose of this Act is to establish the manner and procedure by which the State of Hawaii shall exercise its prerogative pursuant to the authorization to invite each state to furnish a statue of a deceased citizen, worthy of national commemoration, to be placed in the Statuary Hall.

SECTION 2. **Commission established.** There is hereby established a statuary hall commission to be appointed by the governor with the advice and consent of the senate. The commission shall consist of at least seven members who shall be citizens of the State of Hawaii with at least one member from each county and who shall have a proper appreciation or knowledge of the fine arts. The members of the commission shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

The commission shall commence the performance of its official duties upon the enactment of the appropriate act or acts into law pursuant to Section 2 of "An Act making appropriation for sundry

Civil Expenses of the Government for the Year ending the Thirtieth of June, eighteen hundred and sixty-five and for other Purposes" (act of July 2, 1864 of the thirty-eighth congress, section 1814 of the Revised Statutes). The commission shall expire after completing the performance of its duties as provided for in this Act.

SECTION 3. Duties. The commission shall make a detailed study of (1) possible sculptors to be employed and their qualifications, (2) the type, design and character of the statues which would be appropriate, (3) the amount of money required to have the statues made, and (4) the amount of money required to meet all the expenses necessary to place the statues in the Statuary Hall. Upon completion of this study, the commission shall reply in writing to the legislature and the governor not later than the first day of General Session of the legislature of the State of Hawaii, 1967.

Thereafter, at the appropriate time, the commission shall make the necessary arrangements with the Architect of the Capitol of the United States for the placement of the statues in the Statuary Hall.

SECTION 4. Appropriation. There is hereby appropriated out of the general fund of the State of Hawaii, not otherwise appropriated, the sum of \$5,000.00, or so much thereof as may be necessary for the accomplishment of the purposes of this Act.

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

(Approved June 28, 1965.) **H.B. 587.**

ACT 198

A Bill for an Act Relating to Wages and Hours of Employees on Public Works and Amending Chapter 9A of the Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Subsection (c) of section 9A-2 of Chapter 9A, Revised Laws of Hawaii 1955, as amended, is hereby amended to read:

"(c) Such contract and specifications shall contain the provision that no laborer or mechanic employed on the job site of any public work of the State or any political subdivision thereof shall be permitted or required to work on Saturday, Sunday or legal holiday of the State or in excess of eight hours on any other day unless he receives compensation for all hours worked on Saturday, Sunday and legal holiday of the State or in excess of eight hours on any other day at a rate not less than one and one-half times his basic hourly rate of pay. For the purposes of determining overtime compensation under this subsection, the basic hourly rate of any laborer or mechanic shall not be less than the basic hourly rate determined by the director to be the prevailing basic hourly rate for corresponding classes of laborers and mechanics on projects of similar character in the State."

SECTION 2. Section 9A-2(d) (2), Revised Laws of Hawaii 1955, as amended, is hereby amended by removing the period at the end of the sentence and adding the following language:

“provided that where there is a collective bargaining agreement the contractor does not have to provide his employees the wage rate schedules.”

SECTION 3. This Act shall take effect upon its approval.
(Approved June 28, 1965.) **H.B. 682.**

ACT 199

A Bill for an Act Relating to Maximum Net Income Limits for Tenant Selection in Public Housing.

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

SECTION 1. Section 74-35(a) of the Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

“(a) It shall establish maximum limits of annual net income for tenant selection in any public housing project, less an exemption of an amount deemed appropriate by the Hawaii Housing Authority for each minor member of the family other than the head of the family and his spouse, which maximum limits shall be adjusted in accordance with a proper and reliable cost of living index; in computing the rental for the purpose of selecting tenants, there shall be included in the rental the average annual cost (as determined by the authority) to occupants of heat, water, electricity, gas, cooking range and other necessary services or facilities, whether or not the charge for such services and facilities is in fact included in the rental; provided, that the authority may agree to conditions as to tenant eligibility or preference required by the federal government pursuant to federal law in any contract for financial assistance with the authority.”

SECTION 2. This Act shall take effect upon its approval.
(Approved June 28, 1965.) **H.B. 874.**

ACT 200

A Bill for an Act Relating to the Regulation of Boating and Amending Part II of Chapter 112, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Part II of Chapter 112, Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

“PART II. HAWAII STATE BOATING LAW

Section 112-40. Declaration of policy. The legislature hereby finds, determines and declares that this part is necessary to promote and attain (a) the full use and enjoyment of the waters of the state; (b) the safety of persons and the protection of property as related to the use of such waters; (c) a reasonable uniformity of laws and regu-

lations regarding the use of such waters; and (d) conformity with, and implementation of, federal laws and requirements.

Section 112-41. Purpose. The purpose of this part is to authorize the department to adopt and promulgate reasonable rules and regulations for the regulation of vessels and their use in the waters of the state, which, together with the provisions of this part, shall conform with and supplement federal laws and requirements to fully implement the declared policy of Section 112-40.

Section 112-42. Definitions. In this part, if not inconsistent with the context:

(a) 'Boat dealer' means a person engaged wholly or partly in the business of selling or offering for sale, buying or taking in vessels for the purpose of resale, or exchanging vessels, for gain or compensation.

(b) 'Boat livery' means the business of holding out vessels for rent, lease or charter.

(c) 'Boat manufacturer' means a person engaged wholly or partly in the business of building or assembling vessels.

(d) 'Boating accident' means a collision, accident, or other casualty involving (1) the death or disappearance of any person; (2) injury causing any person to remain incapacitated for a period in excess of 72 hours; (3) physical damage to property in excess of \$100; or (4) the loss or disappearance of a vessel.

(e) 'Certificate' means certificate of number.

(f) 'Coast Guard' means the Coast Guard of the United States, or its successor agency.

(g) 'Department' means the department of transportation.

(h) 'Director' means the director of transportation.

(i) 'Federal laws and requirements' means all statutes, rules and regulations and other laws of the United States, which may be applicable to any and all subject matters of the provisions of this part and of the rules and regulations adopted and promulgated pursuant to this part.

(j) 'Length' means the measurement of a vessel from end to end over the deck.

(k) 'Operate' means to navigate or otherwise use a vessel on or in the waters of the state.

(l) 'Operator' means a person who operates or who has charge of the navigation or use of vessel.

(m) 'Person' means an individual, partnership, firm, corporation, association, or other legal entity.

(n) 'State' means the State of Hawaii.

(o) 'Undocumented vessel' means any vessel which does not have a valid marine document issued by the Bureau of Customs pursuant to appropriate federal laws and requirements.

(p) 'Vessel' means all description of watercraft, used or capable of being used as a means of transportation on or in the water, except a seaplane.

(q) 'Waters of the state' means any waters within the jurisdiction of the state, the marginal seas adjacent to the state, and the high

seas when navigated as a part of a journey or ride to or from the shores of the state.

Section 112-43. Rules and regulations. The department shall from time to time make, alter, amend and repeal rules and regulations not inconsistent with the law as may be reasonably necessary to implement the policy and purpose of this part, and in such adoption and promulgation the department may classify vessels into appropriate categories and classes.

Without limiting the generality of the department's power to adopt and promulgate other rules and regulations pursuant to this section, it shall adopt and promulgate rules and regulations with respect to the following:

- (a) the registration and numbering of vessels;
- (b) the operation, use and equipment of vessels on or in the waters of the state; and
- (c) the conduct of persons involved in boating accidents and in the reporting of such accidents and other casualties and losses to the department.

Rules and regulations made pursuant to the powers granted under this section shall be adopted and promulgated pursuant to the provisions of chapter 6C and shall, upon being duly adopted and promulgated, have the force and effect of law.

Section 112-44. Fines and penalties. Any person violating any of the provisions of this part, or of the rules and regulations adopted and promulgated pursuant to this part, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; provided that, in addition to, or as a condition to the suspension of, such fines and penalties, the court may deprive such offender of the privilege of operating any vessel, in the waters of the State for a period of not more than two years.

Section 112-45. Enforcement. The director, officers, and employees of the department, and every state and county officer charged with the enforcement of state laws shall enforce and assist in the enforcement of the provisions of this part and of all rules and regulations adopted and promulgated pursuant to this part.

For the purpose of enforcement, the powers of police officers are hereby conferred upon the director and other officers and employees of the department designated by the director; and the powers herein conferred shall, without limiting their generality, include the power to be exercised reasonably with respect to the service and execution of warrants; arresting of offenders; service of notices and orders; and the stopping, boarding, investigation and inspection of vessels.

Nothing herein shall preclude enforcement of state or federal laws and requirements pursuant to agreements or other arrangements entered into between the director and appropriate officers and agencies of the United States and other states to ensure the fullest possible cooperation in promoting and attaining the declared policy of section 112-40.

Section 112-46. Police reports. For the purpose of enforcement, it shall be incumbent upon the police chief of each political sub-

division of the State to transmit to the department a copy of every investigation report hereafter submitted by his subordinate officers which relate to boating accidents or the theft, loss or recovery of vessels required to be registered and numbered pursuant to section 112-50.

Section 112-47. Duty of operator involved in, and at the scene of, a boating accident. It shall be the duty of an operator involved in a boating accident, if and so far as he can do so without serious danger to his own vessel, or person aboard, to render such assistance as may be practicable and necessary to other persons in order to save them from danger caused by such accident. He shall also make every reasonable effort to identify himself by giving his name and address and the identification of the vessel he was operating to (a) all persons injured; (b) all owners of properties damaged; and (c) all operators of other vessels involved in such accident. It shall further be his duty to reasonably cooperate with all duly authorized personnel of governmental agencies investigating such accident.

Section 112-48. Accident reports by operators; confidential nature. The operator of (a) any vessel involved in a boating accident in the waters of the state, and (b) any vessel required to be registered, or registered, with the department and involved in a boating accident in any waters, shall file a written report with the department truthfully setting forth all relevant information required by the department; provided that such report need not be filed with the department where the operator is required by federal laws and requirements to report such accident to the Coast Guard.

The department shall transmit information of all boating accidents to the Coast Guard as may be requested by such agency for compilation, analysis, and publication of statistics.

The accident reports required by this section shall be used only to enable the department and the Coast Guard to make findings of causes of accidents and recommendations for their prevention, and to compile information for use in making statistical reports; except that they may also be used in the prosecution of the filing of false accident reports.

Section 112-49. Reciprocal agreements and courtesy. The department may enter into, amend, revise, suspend or revoke reciprocal agreements or arrangements with appropriate and duly authorized agencies of other jurisdictions whereby vessels properly numbered and equipped under their laws and regulations may be granted the privileges, exemptions and benefits granted to owners of vessels properly numbered and equipped under the laws and regulations of this state, in exchange for similar privileges, exemptions and benefits being extended to owners of vessels registered and numbered in this state.

The department may by appropriate rules and regulations define the extent and nature of privileges, exemptions and benefits which may be extended, as a matter of courtesy, to vessels properly num-

bered and equipped in other jurisdictions not covered by reciprocal agreements or arrangements.

Notwithstanding the preceding language of this section, the department shall recognize the validity of a number awarded to any vessel by (a) another state under a numbering system approved by the Coast Guard under appropriate federal laws and requirements, or (b) by the Coast Guard, for a period of at least ninety (90) days.

Section 112-50. Vessels required to be registered and numbered. Every undocumented vessel shall be registered and numbered prior to its use or operation on or in the waters of the state on an annual basis in accordance with the rules and regulations of the department except:

- (a) Foreign vessels temporarily using the waters of this state;
- (b) Public vessels of the United States;
- (c) Ships' life boats; and
- (d) Other vessels exempted by the department, if federal laws and requirements permit the department to exempt such vessels.

Section 112-51. Fees and charges. The department shall assess and collect the following fees and charges to be paid by the owners of vessels required to be registered and numbered:

(a) Registration fee. For the initial registration for the issuance of a certificate:

- (1) For each vessel less than 12 feet in length.....\$3
- (2) For each vessel 12 or more feet but less than 16 feet in length\$6
- (3) For each vessel 16 or more feet but less than 20 feet in length\$8
- (4) For each vessel 20 feet or more in length \$8 for the first 20 feet and \$1 for each additional foot or fraction thereof.
- (5) For each amphibious vehicle licensed as a motor vehicle \$3
- (6) For a boat manufacturer or dealer \$10 for the first vessel and \$2 for each additional vessel sought to be registered per application.
- (7) Boat livery operator shall be assessed according to items (1) to (5) of this subsection.

(b) Annual renewal fee. For the annual renewal of a certificate:

- (1) For each vessel less than 12 feet in length.....\$ 2
- (2) For each vessel 12 or more feet but less than 16 feet in length\$ 4
- (3) For each vessel 16 or more feet but less than 20 feet in length\$ 6
- (4) For each vessel 20 or more feet in length \$6 for the first 20 feet and \$1 for each additional foot or fraction thereof.
- (5) For each amphibious vehicle that is licensed as a motor vehicle.....\$ 2
- (6) For boat manufacturer or dealer \$7 for the first vessel and \$2 for each additional vessel sought to be registered per application.

- (7) For a boat livery operator applying for the renewal of five (5) or more boats, per application, \$20 for the first five (5) boats and \$2 for each additional boat, or the amount computed in accordance with the applicable portions of subparagraph (b) of this section, whichever is lesser.
- (c) Re-registration fee. The fee for the re-registration of a vessel, as to which a certificate has been cancelled or voided, shall be in the same amount as set out in subparagraph (a).
- (d) Transfer fee. A charge of \$2 shall be assessed upon and paid by the new owner for the transfer of a certificate.
- (e) Duplicate certificate fee. The fee of \$1 shall be charged for each duplicate certificate.
- (f) Penalty charges for late registration, etc. One tenth of the respective fee shall be added to such fee and be charged for each month the owner is late in his registration, renewal, re-registration or transfer.
- (g) Exemptions. The department may reasonably establish, by rules and regulations, exemptions from the fees required by this section.

Section 112-52. Disposition of revenues. All fees and penalties collected pursuant to Section 112-51 shall be deposited in the general fund and become general realizations of the state.

Section 112-53. Uniformity. The provisions of this part shall be interpreted and construed in the manner best able to effectuate the general purposes of attaining uniformity in the laws of the state, and with the laws of other states and the United States.

Section 112-54. Pre-emption of local law and special rules. In the event, any ordinance or regulation of any political subdivision of the state shall conflict or be inconsistent with the provisions of this part or with the rules and regulations adopted and promulgated pursuant thereto, such ordinance or regulation shall be void.

Any political subdivision of the state may, at any time, make formal request to the director for the department's adoption and promulgation of special rules and regulations with reference to the operation and use of vessels on any waters within its jurisdiction. Such request shall set forth the reasons which make such special rules or regulations necessary or appropriate.

The department is hereby authorized to make special rules and regulations with reference to the operation and use of vessels on any waters within the jurisdiction of any political subdivision of the state as may be reasonably necessary to implement the declared policy of Section 112-40."

SECTION 2. If any section, provision or clause of this Act shall be declared invalid or inapplicable to any person or circumstance, such invalidity or inapplicability shall not be construed to affect the portions not so declared, or apply to persons or circumstances not so affected. All laws or portions of laws inconsistent with the policy and

provisions of this Act are hereby repealed to the extent of such inconsistency.

SECTION 3. With the exception of that portion of Section 1 numbered Section 112-51 and dealing with fees and charges, as to which the effective date shall be January 1, 1966, all other portions of this Act shall take effect upon approval of this Act.

(Approved June 28, 1965.) **H.B. 1332.**

ACT 201

A Bill for an Act Relating to Taxation.

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

Part I

SECTION 1. Chapter 116, Revised Laws of Hawaii 1955, as amended, is hereby amended by adding thereto a new section to be appropriately designated and to read as follows:

"Sec. 116- . Second appeal. In every case in which a taxpayer appeals a real property tax assessment to a board of review or to a tax appeal court and there is pending an appeal of such assessment, the taxpayer shall not be required to file a notice of the second appeal; provided the first appeal has not been decided prior to March 20 of the assessment year of the second appeal; and provided further the assessor gives notice that such tax assessment has not been changed from the assessment which is the subject of the appeal."

SECTION 2. Part I shall take effect upon its approval and shall apply to real property tax assessment appeals for the 1965 taxable year.

Part II

SECTION 3. Section 117-21 (1) of the Revised Laws of Hawaii 1955, as amended, is hereby amended by adding a new subsection (1-1) thereto, to be numbered and to read as follows:

"(1-1) Amounts received by an organization enumerated under section 117-20 (f) to (i), from the sale of brooms which are manufactured by blind persons working at the adult blind broom shop".

SECTION 4. Part II shall take effect upon approval of this Act.

Part III

SECTION 5. Section 121-5(a) of the Revised Laws of Hawaii 1955, as amended, is hereby amended by renumbering subsection 7 as subsection (8) and by adding a new subsection (7) to read as follows:

"(7) All proceeds received by organizations enumerated under section 117-20 (f) to (i), resulting from the sale of brooms which are manufactured by blind persons working at the adult blind broom shop."

SECTION 6. (a) Subsection (a) of Section 121-23 of the Re-

vised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

“(a) A tax at the rates herein provided shall be assessed, levied, collected and paid for each taxable year on the taxable income of every corporation, including a corporation carrying on business in partnership, except that in the case of a regulated investment company the tax is as provided by subsection (b) and further that in the case of a real estate investment trust as defined in section 856 of the Internal Revenue Code of 1954 the tax is as provided in subsection (d).”

(b) Section 121-23 of the Revised Laws of Hawaii 1955, as amended, is hereby amended by adding thereto the following subparagraph:

“(d) In the case of a real estate investment trust there is imposed on the taxable income, computed as provided in sections 857 and 858 of the Internal Revenue Code but with the changes and adjustments made by this chapter (without prejudice to the generality of the foregoing, the deduction for dividends paid is limited to such amount of dividends as is attributable to income taxable under this chapter), a tax consisting in the sum of the following:

Five per cent if the taxable income is not over \$25,000 and on all over \$25,000 five and one-half per cent.

Two and three-quarters per cent on the amount of capital gain which is taxed under section 857 (b) (3) (A) of the Internal Revenue Code.”

SECTION 7. Part III shall take effect upon approval; provided that if S.B. No. 656 is enacted into law*, the tax rates in section 6 (b) of this Part shall be amended to conform with the changes in tax rates as provided for in said bill for regulated investment companies and regular corporations, which changes shall become effective at the same time and in the same manner.

Part IV

SECTION 8. Section 128-17, Revised Laws of Hawaii 1955, as amended, is hereby amended by amending the first sentence thereof to read as follows:

“**Section 128-17. Exemption, persons with impaired sight.** Any person who is blind, as defined in section 121-1 shall, so long as his sight is so impaired, be exempt from real property taxes on all real property owned by him up to, but not exceeding a taxable value of \$15,000.”

SECTION 9. Subsection 128-18(b) (6), Revised Laws of Hawaii 1955, as amended, is hereby amended in the following respects:

(a) By deleting the word “and” appearing immediately after the second semicolon of the first sentence thereof; and

(b) By deleting the period at the end of the first sentence and by adding the following semicolon, words and period:

“; property owned by any association or league of federal credit

*S.B. 656 has been enacted into Act 155.

unions chartered by the United States, the sole purpose of which is to promote the development of federal credit unions in the State.”

SECTION 10. Section 128-18(c) is hereby amended to read as follows:

“(c) The provisions of this subsection shall apply to property owned in fee simple or leased or rented for a period of one year or more, the lease or rental agreement being in force and recorded in the bureau of conveyances at the time the exemption is claimed, by either (i) a corporation, society, association or trust having a charter or other enabling act or governing instrument which contains a provision or has been construed by a court of competent jurisdiction as providing that in the event of dissolution or termination of the corporation, society, association, or trust, or other cessation of use of the property for the exempt purpose, the real property shall be applied for another charitable purpose or shall be dedicated to the public, or (ii) a corporation chartered by the United States under Title 36, United States Code, as a patriotic society. Exemption is allowed by this subsection for property used for charitable purposes which are of a community, character building, social service or educational nature, including museums, libraries and art academies.”

SECTION 11. Chapter 128 of the Revised Laws of Hawaii 1955, as amended, is hereby amended by adding thereto a new section to be appropriately numbered and to read as follows:

“**Sec. 128- . Imposition of real property taxes.** A portion of real property taxes shall be imposed upon and paid by the owner or owners thereof when:

(a) The property of the owner has been leased for a term of fifteen years or more; and

(b) The classification of the property has been changed to a classification of a higher use during the life of the lease; and

(c) The classification to a higher use has occurred without the lessee, who occupies the property, petitioning for such higher classification.

Taxes which are imposed upon the owners of property under the provisions of this section shall be paid by the owner of such property without being transferred to the lessee who occupies the property and such tax shall be the difference between the assessed valuation of the property after the classification change times the applicable tax rate less the assessed valuation of the property as it existed prior to the classification change times the applicable tax rate.”

SECTION 12. Section 128-13, Revised Laws of Hawaii 1955, as amended, is hereby amended by adding thereto a new subsection to read as follows:

“(d) A taxpayer who is over the age of sixty years shall be entitled to the following multiples of home exemption as provided for in subsection (a) (2) of this section:

If adjusted gross income as determined under the provisions of Chapter 121 is:

The multiple to be used in computing home exemption by the number of personal exemptions as provided for in Chapter 121 shall be:

	Number of personal exemptions			
	1	2	3	4 or more
Not over \$3,000	2	2	2	2
Over \$3,000, but not over \$3,500	1.8	2	2	2
Over \$3,500, but not over \$4,000	1.6	1.8	2	2
Over \$4,000, but not over \$4,500	1.4	1.6	1.8	2
Over \$4,500, but not over \$5,000	1.2	1.4	1.6	1.8
Over \$5,000	1	1.2	1.4	1.6

For the purpose of this subsection a taxpayer's adjusted gross income and personal exemptions shall be determined on the basis of his income tax return filed for the taxable year preceding the year in which the home exemption is being claimed. The director of taxation shall prescribe such necessary forms and rules and regulations to effectuate the purpose of this subsection."

SECTION 13. Chapter 128, Revised Laws of Hawaii 1955, as amended, is hereby amended by adding new sections thereto to be appropriately numbered and to read as follows:

"Sec. 128- Exemption, dedicated lands in urban districts.

"(a) Portions of taxable real property which are dedicated and approved by the director of taxation as provided for by this section shall be exempted in determining and assessing the value of such taxable real property.

"(b) Any owner of taxable real property, other than residential land, in an urban district desiring to dedicate a portion or portions thereof for landscaping, open spaces, public recreation and other similar uses shall petition the director of taxation stating the exact area of the land to be dedicated and that such land is not within the setback and open space requirements of applicable zoning and building code laws and ordinances, and that such land shall be used, improved and maintained in accordance with and for the sole purpose for which it was dedicated.

"The director of taxation shall make a finding as to whether the use to which such land will be dedicated has a benefit to the public at least equal to the value of the real property taxes for such land. Such finding shall be measured by the cost of improvements, the continuing maintenance thereof, and such other factors as the director may deem pertinent. If the director of taxation finds that the public benefit is at least equal to the value of real property taxes for such land, he shall approve the petition and declare such land to be dedicated land.

"(c) The approval of the petition by the director of taxation shall constitute a forfeiture on the part of the owner of any right to change the use of his land for a minimum period of ten years, automatically renewable indefinitely, subject to cancellation by either the

owner or the director of taxation upon five years' notice at any time after the end of the fifth year.

"(d) Failure of the owner to observe the restrictions on the use, improvement and maintenance of his land shall cancel the special tax exemption privilege retroactive to the date of the original petition, and all differences in the amount of taxes that were paid and those that would have been due from the assessment of the tax exempted portion of his land shall be payable together with interest of five per cent per annum from the respective dates that these payments would have been due. Failure to observe the restrictions on the use means failure for a period of over one calendar year to use, improve and maintain the land in the manner requested in the petition or any overt act changing the use for any period. Nothing in this paragraph shall preclude the State from pursuing any other remedy to enforce the covenant on the use of the land.

"(e) The director of taxation shall prescribe the form of the petition. The petition shall be filed with the director of taxation by September 1 of any calendar year and shall be approved or disapproved by December 15. If approved, the exemption based upon the use requested in the dedication shall be effective January 1, next.

"(f) The owner may appeal any disapproved petition as in the case of an appeal from an assessment.

"(g) The director of taxation shall make and adopt necessary rules and regulations including such rules and regulations governing minimum areas which may be dedicated for the improvement and maintenance of such areas.

"(h) 'Landscaping' means lands which are improved by landscape architecture, cultivated plantings or gardening.

"'Open spaces' means lands which are open to the public for pedestrian use and momentary repose, relaxation and contemplation.

"'Public recreation' refers to lands which may be used by the public as parks, playgrounds, historical sites, camp grounds, wild life refuges, scenic sites and other similar uses.

"'Owner' includes lessees of real property whose lease terms extends at least ten years from the date of the petition."

SECTION 14. Section 128-4, Revised Laws of Hawaii 1955, as amended, is hereby amended by deleting therefrom the second paragraph and substituting therefor the following:

"For the purposes of this chapter, life tenants, executors, administrators, trustees, guardians or other fiduciaries may be, and persons holding government property under an agreement for the conveyance of the same to such persons shall be considered as owners as to any real property held or controlled by them as such. Lessees holding under any government lease shall be considered as owners during the time any real property is held or controlled by them as such, as more fully provided in section 128-22; and further, notwithstanding any provision to the contrary in this chapter, any tenant occupying government land, whether such occupancy be on a permit, license, month to month tenancy, or otherwise, shall be consid-

ered as owner where such occupancy has continued for a period of one year or more, as more fully provided in section 128-22. Persons holding any real property under an agreement to purchase the same, shall be considered as owners during the time the real property is held or controlled by them as such; provided the agreement to purchase (1) shall have been recorded in the bureau of conveyances, and (2) shall provide that the purchasers shall pay the real property taxes levied on the property."

SECTION 15. Section 128-22, Revised Laws of Hawaii 1955, as amended, is hereby amended by adding to subsection (a) thereof, immediately following paragraph (3), the following new paragraphs to be respectively identified as paragraphs (4) and (5) and to read as follows:

"(4) Such property where the occupancy by the tenant has continued for a period of one year or more, whether such occupancy has been on a permit, license, month to month tenancy, or otherwise, shall be fully taxable to the tenant after the first year of occupancy, and such property shall be assessed in the manner provided in paragraphs (2) and (3) of this subsection for the assessment of properties held under a government lease."

"(5) In any case of occupancy of a building or structure by two or more tenants, or by the government and a tenant, under a lease for a term of one year or more, the tax shall be assessed to the tenant upon so much of the value of the entire real property as the floor space occupied by the tenant proportionately bears to the total floor space of the structure or building."

SECTION 16. Section 128-22, Revised Laws of Hawaii 1955, as amended, is hereby amended by deleting therefrom the third sentence of the paragraph which begins with the clause "For the purposes of paragraphs (2) and (3) of this subsection:"

SECTION 17. Section 128-22.1, Revised Laws of Hawaii 1955, as amended, is hereby amended by deleting therefrom the third sentence of subsection (a) (2) thereof.

SECTION 18. Part IV shall take effect on January 1, 1966.

Part V

SECTION 19. Section 117-20, Revised Laws of Hawaii 1955, as amended, is hereby amended by changing the period at the end of paragraph (m) thereof to a semicolon and adding immediately after such semicolon the following paragraph:

"(n) Industrial loan companies taxable under the provisions of chapter 127, provided that the exemption shall apply only to the income from the 'engaging in the business of an industrial loan company' as defined in section 194-2."

SECTION 20. Sub-paragraph (1) of the paragraph (a) of section 121-6, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

“(1) Banks, building and loan associations and industrial loan companies taxable under the provisions of chapter 127; and insurance companies and agricultural cooperative associations, exclusively taxable under the provisions of other laws;”.

SECTION 21. Section 127-1, Revised Laws of Hawaii 1955, as amended, is hereby amended by adding a new paragraph between the third and fourth paragraphs thereof to read as follows:

“‘Industrial loan company’ means any industrial loan company subject to the provisions of chapter 194.”

SECTION 22. Section 127-3, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

“**Section 127-3. Imposition of tax on other banks, building and loan associations, industrial loan companies and financial corporations.** Every bank, other than a national banking association, and every building and loan association, every industrial loan company and financial corporation, located or doing business in the state, shall annually, as of January 1, pay a franchise tax measured as, and at the rate, provided in section 127-4.”

SECTION 23. Part V shall take effect on January 1, 1966; provided that if H.B. 192* is enacted into law, this part shall not take effect.

Part VI

SECTION 24. Section 117-17.1, Revised Laws of Hawaii 1955, as amended, is hereby amended by changing the period to a comma at the end of the section thereof and by adding thereto the following to read as follows:

“or unless the reimbursed amounts constitute maintenance costs in a cooperative housing corporation as more fully set forth in section 117-21 (p)”.

SECTION 25. Section 117-21, Revised Laws of Hawaii 1955, as amended, is hereby amended by adding thereto a new subsection to be designated as subsection (p) and to read as follows:

“(p) Amounts received by a cooperative housing corporation from its shareholders or members thereof in reimbursement of funds paid out by such corporation for the maintenance and upkeep of the cooperative housing building and the premises thereon, provided however, that such cooperative housing corporation is a corporation:

“(1) having one and only one class of stock outstanding.

“(2) each of the stockholders of which is entitled solely by reason of his ownership of stock in the corporation, to occupy for dwelling purposes a house, or an apartment in a building, owned or leased by such corporation.

“(3) no stockholder of which is entitled (either conditionally or unconditionally) to receive any distribution not out of earnings and profits of the corporation except in a complete or partial liquidation of the corporation, and

*H.B. 192 has been enacted as Act. 224.

“(4) 90 per cent or more of the gross income is derived from tenant-stockholders, and

“(5) which files with the department of taxation on a form provided by it and within 10 days of the last business day of each quarter a report on all apartments located in the cooperative housing project which have been occupied in any portion of the said quarter by persons other than the owner or his immediate family and which report shall contain the name of the owner, his address and an appropriate identification of the apartment.”

SECTION 26. Part VI shall take effect upon its approval.

Part VII

SECTION 27. Chapter 117 of the Revised Laws of Hawaii 1955, as amended, is hereby amended by adding a new section thereto to be designated as section 117-21.6 and to read as follows:

“Sec. 117-21.6. Exemption of certain scientific contracts with the United States. Any provision of law to the contrary notwithstanding, there shall be exempted from, and excluded from the measure of, the taxes imposed by Chapter 117, all of the gross proceeds arising from and all of the amount for tangible personal property furnished in conjunction with the performance of any contract with the United States (including any agency or instrumentality thereof that is wholly owned or otherwise so constituted as to be immune from the levy of a tax under Chapter 119) involving primarily the research and development for, or the design, manufacture, instrumentation, installation, maintenance, or operation of electronic, test range, aerospace, oceanographic, geophysical or other scientific facilities.”

SECTION 28. Any existing law or any act enacted during the general session of 1965, including specifically S. B. No. 656, to the contrary notwithstanding, no use tax or consumption tax shall be levied or collected on any property, or to any use or consumption of such property, required for the performance and fulfillment of any contract the proceeds of which are exempted under the provisions of section 117-21.6.

SECTION 29. Part VII shall take effect upon its approval.

Part VIII

SECTION 30. Section 126-5, subsection (a), Revised Laws of Hawaii 1955, as amended, is hereby amended in the following respects:

(a) By deleting therefrom the words “five and one-half percent”, and substituting therefor the words, “5.885 per cent”, wherever they appear.

(b) By deleting therefrom the words “one fourth of one per cent”, and substituting therefor the words “two thousand six hundred seventy five ten thousandth of one per cent (.2675%)”.

(c) By amending the paragraph immediately preceding the last paragraph thereof by amending the formula and the proviso therein

to read as follows: "X = (1.8725 + 26.75 R) %; provided, that in no case governed by the formula shall "X" be less than 5.885 per cent or more than 8.2 per cent."

SECTION 31. Section 126-5, subsection (b), Revised Laws of Hawaii 1955, as amended, is hereby amended by deleting therefrom the words, "five per cent", and substituting therefor the words, "5.35 per cent".

SECTION 32. Part VIII shall take effect on January 1, 1966 so that the increased tax rate shall apply to the gross income received for the calendar year 1965 and for calendar years thereafter.

Part IX

SECTION 33. Section 128-9 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding a new paragraph to subsection (g) thereof to read as follows:

"In determining the value of buildings, consideration shall be given to any additions, alterations, remodeling, modifications or other new construction, improvement or repair work undertaken upon or made to existing buildings as the same may result in a higher assessable valuation of said buildings, provided however, that any maintenance or repairs to buildings undertaken or made by the owner occupant thereof pursuant to the requirements of any urban redevelopment, rehabilitation or conservation project under the provisions of Part II of Chapter 143 of the Revised Laws of Hawaii 1955, as amended, shall not increase the assessable valuation of any such building for a period of seven (7) years from the effective date of this Part."

SECTION 34. Chapter 143, Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding thereto a new section to be designated Section 143-60.1 to read as follows:

"**Sec. 143-60.1. Tax moratorium on maintenance and repair.** In the valuation of buildings for real property tax assessment purposes under the provisions of Section 128-9, Revised Laws of Hawaii 1955, as amended, the Director of Taxation shall grant a moratorium upon any increase in the assessable valuation of buildings resulting from maintenance and repair work undertaken by the owner or occupant of any building pursuant to the requirements of an urban redevelopment, rehabilitation or conservation project under the provisions of this chapter for a period of seven (7) years from the effective date of this Part."

SECTION 35. Part IX shall take effect upon its approval.

Part X

SECTION 36. Section 117-7, Revised Laws of Hawaii 1955, is hereby amended in the following respects:

- (a) By inserting the letter "a", enclosed in parenthesis, between the comma and the word "every", appearing in the first paragraph;
- (b) By deleting the period appearing at the end of the first paragraph and substituting therefor a semicolon; and

(c) By inserting the following at the end of the first paragraph: "and (b) every person engaging in the business of architecture and engineering, as defined in Sec. 166-1."

SECTION 37. Part X shall take effect on July 1, 1965.

Part XI

SECTION 38. Section 117-20, Revised Laws of Hawaii 1955, as amended, is hereby amended by adding a new subsection to be appropriately designated and to read as follows:

"() Businesses which are organized for the purpose of broadcasting radio programs to areas outside of the State to promote the Hawaiian tourist industry and which are solely supported by State funds."

SECTION 39. Part XI shall take effect upon its approval.

Part XII

SECTION 40. Section 119-1 of the Revised Laws of Hawaii 1955, as amended by S. B. No. 656, S.D. 2, H.D. 1, C.D. 1, is hereby amended by adding a new item or exception numbered (6) to the definition of "Use" as follows:

"(6) the leasing or renting of any aircraft or the keeping of any aircraft solely for leasing or renting to lessees or renters using such aircraft as a public utility as defined in chapter 104."

SECTION 41. Section 119-3 of the Revised Laws of Hawaii 1955, as amended by S. B. No. 656, S.D. 2, H.D. 1, C.D. 1, is hereby amended by adding a new subparagraph "(f)" as follows:

"(f) The tax imposed by this chapter shall not apply to any use or consumption of aircraft the transfer of which aircraft to, or the acquisition of which by, the person so using or consuming the same, or the rental for the use of such aircraft, has actually been or actually is taxed under chapter 117."

SECTION 42. Part XII shall take effect upon its approval.

Part XIII

SECTION 43. Section 178-39, Revised Laws of Hawaii 1955, as amended, to read as follows:

"Sec. 178-39. Branch banks; procedure to open or maintain; application; fee. No bank or any officer or director, agent or employee thereof, shall open or maintain any branch in the State, or receive deposits or pay checks other than at its principal place of business or its established branches or such subsidiary collection offices as the director of regulatory agencies may approve, except as hereinafter authorized; provided that this section shall not apply to branch banks existent on July 1, 1931, and authorized to do business in the State, and provided further, that nothing in this section shall authorize any bank to change the location of any branch bank except as authorized by the procedure hereinafter outlined for opening of branch banks.

"Any bank desiring to open and maintain a branch bank or change the location of an established branch shall file a petition in triplicate with the director of regulatory agencies in a form approved by him and shall state:

- (a) The name of the bank;
- (b) The specific location of the proposed site of the branch bank office;
- (c) Facts showing that there is a reasonable assurance of sufficient volume of business so that the proposed branch is warranted;
- (d) Facts showing that the opening and maintenance of the proposed branch or change of location is justified; and
- (e) Such other facts that the director of regulatory agencies may from time to time prescribe.

"Each petition to open and maintain a branch bank or change the location of an established branch shall be accompanied by a fee of \$500. The director of regulatory agencies shall deposit all such fees to the credit of the general fund of the State.

"Upon receipt by the director of regulatory agencies of such petition and fee he shall make an investigation of the conditions and facts contained in such petition pertinent thereto, and if in his judgment he is satisfied that the establishment of the proposed branch or change of location is justified he shall issue a certificate permitting the organization and maintenance of such branch or change of location of a branch."

SECTION 44. Section 178-40, Revised Laws of Hawaii 1955, is hereby repealed.

SECTION 45. Part XIII shall take effect on its approval.

SECTION 46. If any Part, section, sentence, clause or phrase of this Act, or its application to any persons 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 Part, section, sentence, clause or phrase thereof irrespective of the fact that any one or more other Parts, sections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 47. Subject to the foregoing, this Act shall take effect upon its approval.

(Approved June 28, 1965.) H.B. 1090.

ACT 202

A Bill for an Act Relating to Public Lands of the State of Hawaii.

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

SECTION 1. Section 103A-8, Revised Laws of Hawaii 1955, is amended to read as follows:

“Section 103A-8. State ranger, district ranger, land agents, and other employees. The board shall appoint a state ranger of all public lands, whose duties shall be to examine and inspect such public lands and to observe and determine whether the provisions of this chapter and of patents, leases, deeds, licenses, agreements or other instruments in respect to such public lands are being complied with by tenants, lessees, licensees, grantees or other persons occupying or possessing such public lands. The State ranger shall report to the board and otherwise discharge such duties in respect to public lands as the board may require.

“The board shall be represented in each land district by one or more district rangers and by a land agent. The board may employ other necessary employees.

“The duties of the district rangers, in addition to other duties which may be assigned by the board, shall be to observe and see that the provisions of this chapter are complied with in their respective districts. The district rangers shall report to the board through the State ranger.

“The land agent shall exercise such powers and duties delegated to him by the board.

“The appointment, removal and compensation of State ranger, district rangers, land agents and other employees shall be determined in accordance with chapters 3 and 4.”

SECTION 2. This Act shall take effect upon its approval.
(Approved June 28, 1965.) **H.B. 889.**

ACT 203

A Bill for an Act Making an Appropriation for the Importation of Non-Game Birds.

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

SECTION 1. There is hereby appropriated out of the general revenues of the State of Hawaii, not otherwise appropriated, the sum of \$11,780, or so much thereof as may be necessary for the importation of non-game birds which are non-detrimental to the existing resources of the State and beneficial to the State because of their decorative nature, beautiful songs and pest destroying capabilities.

SECTION 2. The sum hereby appropriated shall be expended for the purposes herein specified by the department of land and natural resources.

SECTION 3. This Act shall take effect upon its approval.
(Approved June 28, 1965.) **H.B. 1246.**

ACT 204

A Bill for an Act Relating to the Hawaii State Ferry System and Amending Chapter 114 of the Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Chapter 114 of the Revised Laws of Hawaii 1955, as amended, is hereby amended in the following respects.

(a) By amending section 114-4 thereof to read as follows:

"Sec. 114-4. Appropriation. There is hereby appropriated from the general revenues of the State the sum of \$150,000 or so much thereof as may be necessary, to defray the cost of any such examination, investigation, survey or reconnaissance and all other expenses necessary for the issuance of any bonds and the implementation of the ferry system; provided, however, that upon the sale of the revenue bonds authorized herein, that portion of the \$150,000 which is expended for planning, designing or preparation of plans and specifications for the construction or improvement of the ferry vessel or terminal facilities needed for the operation of the ferry system shall be repaid by the department to the State.

The department may hire personnel to perform the services noted above and to implement the ferry system. Such personnel, however, shall be hired by contract and be exempt from chapters 3 and 4, and sections 5-30 and 5-39."

(b) By amending section 114-5 thereof to read as follows:

"Sec. 114-5. Bonds. For the purpose of paying any and all costs in connection with the acquisition by lease, charter, contract, purchase, condemnation or construction of all or any part of such ferry system, approaches and roadways incidental thereto, and for rehabilitating, rebuilding, enlarging, extending, battering and improving all or any part of such system and of the facilities used or useful in connection therewith and for providing initial working capital, the department is authorized to issue by certificate of its director revenue bonds of the State of Hawaii in an amount not exceeding fourteen million dollars or so much thereof as may be necessary; provided, however, that the department may issue such revenue bonds only after approval by the governor. Revenue bonds issued pursuant to the provisions of the chapter shall be payable solely from and secured by a first charge and a prior paramount lien upon all or such part of the gross revenues derived from the operation of the ferry system as shall be pledged thereto in and by the certificate of the director of the department providing for the issuance of said bonds, and such bonds shall not constitute an indebtedness of the State of Hawaii. Except as otherwise provided herein, said bonds shall be issued in accordance with, be subject to and be entitled to the security and benefits of the provisions of chapter 137, part III. Said bonds shall be sold by the director of the department at public sale as provided in section 137-53, or, with the approval of the governor and of the director of finance, may be sold by the director of the department at private sale, and in either event may be sold a discount of not to exceed two per centum of the par value thereof.

Any certificate or certificates providing for the issuance of revenue bonds pursuant to the provisions of this chapter shall provide that said revenue bonds shall be redeemable prior to the maturity thereof at the option of the department at any time after five years

from the date of such bonds on such terms and conditions as the certificate or certificates providing for the issuance of said bonds shall prescribe, including the payment of premiums upon the redemption thereof, and may contain covenants on behalf of the State to protect and safeguard the security and rights of the holders thereof authorized by chapter 137, part III, and, in addition thereto, covenants as to, among other things:

(1) Creating a special fund for the deposit of the gross revenues derived from the operation of the ferry system and any additions or betterments thereto or extensions thereof, including the creating and maintenance of funds for working capital to be used in the operation of the ferry system and for renewals and replacements to said system;

(2) Subject to the provisions of section 114-7, the establishment and maintenance of adequate rates, rentals and charges for the services and facilities sold, furnished or supplied through the ferry system;

(3) Limitations upon the right to dispose of the ferry system or any part thereof without providing for the payment of revenue bonds issued pursuant to this chapter; and

(4) The appointment and qualification of trustees and depositaries, either within or without the State of Hawaii, to receive, hold, disburse, invest and reinvest all or any part of the income, revenues, receipts and profits derived by the department from the operation, ownership and management of said ferry system, provided, however, that all covenants in such certificate or certificates shall be subject to review by the governor."

(c) By amending section 114-6 thereof to read as follows:

"Sec. 114-6. Operation of ferry system. The department is empowered to operate such ferry system, including all operations, whether intrastate or international, upon any route or routes, as a revenue producing undertaking, and the State of Hawaii hereby covenants with the holders from time to time of bonds issued pursuant to this chapter that so long as any of said bonds are outstanding and unpaid the State will continue to maintain and operate said ferry system and to impose and collect rates, rentals and charges for the services, facilities and commodities sold, furnished or supplied through the facilities of the ferry system which will provide gross revenues sufficient to pay the principal of and interest on all bonds issued pursuant to the provisions of this chapter, including reserves therefor, and to maintain all funds or reserves created pursuant to the certificate authorizing such bonds for the rehabilitation, renewal and replacement of the facilities of the ferry system so as to maintain the same in good operating condition. The department shall have full charge of the construction, rehabilitation, rebuilding, enlarging, improving and maintenance of the ferry system, including approaches and roadways incidental thereto that may be authorized by the department, the granting of concessions, the collection of tolls and other charges for the services and facilities of the undertaking; provided that the department shall comply with the provisions of chapter 7B relating to contracts for concessions on public property. The gross

revenues derived from the operation of the ferry system shall be appropriated, applied or expended for the purposes and in the order of priority set forth in section 137-59; provided, however, that if the certificate authorizing the issuance of the bonds shall so provide, such revenues shall be appropriated, applied or expended for the rehabilitation, renewal and replacement of the facilities required to maintain the ferry system in good operating condition, including such reserve or reserves therefor as shall be provided in such certificate, immediately after being appropriated, applied or expended to the payment of the bonds and interest thereon, including reserves therefor, and before being appropriated, applied or expended to the other purposes set forth in said section."

(d) By amending section 114-7 thereof to read as follows:

"Sec. 114-7. Fixing of charges, rates and disbursements of revenues. So long as any of the bonds authorized pursuant to this Act are outstanding and unpaid, the department shall establish, maintain and collect charges, rentals and rates for the services, facilities and commodities sold, furnished or supplied through the facilities of the ferry system as shall be reasonable and consistent with the purpose of providing economical inter-island transportation, notwithstanding the provisions of section 137-58 or any other law to the contrary; provided, however, that such rates, rentals and charges shall at all times be sufficient to provide revenues in amounts necessary to pay the principal of and interest on all bonds issued pursuant to this chapter, including reserves therefor, and to maintain all funds or reserves created by the certificate authorizing the issuance of said bonds for the rehabilitation, renewal and replacement of facilities required to maintain the ferry system in good operating condition."

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

(Approved June 28, 1965.) **H.B. 33.**

ACT 205

A Bill for an Act Relating to Gifts to Public Hospitals.

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

SECTION 1. Any law to the contrary notwithstanding, the governing body of any public hospital may receive, manage and invest moneys or other property, real, personal or mixed which may be given, bequeathed, devised or in any manner received from sources other than the legislature or any federal appropriation for the purposes of the hospital, its new construction, improvements or equipment, and act as trustee on behalf of the hospital for any of such purposes or objects. The governing body shall cause to be kept suitable books of accounts wherein shall be recorded each gift, the essential facts of the management thereof, and the expenditure of the income, and a statement of all trust funds shall be included in the regular reports required to be made by such governing body.

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

(Approved June 28, 1965.) **S.B. 856.**

ACT 206

A Bill for an Act Relating to the Duties and Powers of the Personnel Director.

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

SECTION 1. The third paragraph of Section 14A-10, Revised Laws of Hawaii 1955, as amended, is hereby amended by adding thereto the following three sentences:

“Whenever consistent with economic and efficient administration, the Director may delegate any of the duties imposed upon him by chapter 3 or chapter 4 to the department heads, or any of them, in accordance with standards and procedures issued by him. The director shall institute and maintain a system of inspection to determine that the personnel laws are applied and administered by the departments in a manner consistent with the purposes and provisions of the civil service law. Whenever an inspection indicates failure on the part of a department to comply with established policies, regulations and standards, the director shall take such action as may be appropriate, including suspension or revocation of any delegation of his authority.”

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

(Approved June 28, 1965.) **H.B. 185.**

ACT 207

A Bill for an Act Relating to Leave for Employees and Amending Chapter 5 of the Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Section 5-44 of the Revised Laws of Hawaii 1955, as amended, is hereby amended in the following respects:

(a) By amending the title thereof to read as follows:

“Leave for officers or employees on loan to other governments or for government programs administered by private or public agencies; retention of rights.”

(b) By inserting in the first sentence of the first paragraph after the words and comma “the Federal Government by any of its duly authorized representatives or agencies,” and before the words “or the United Nations” the words and comma “or by the Director of the Hawaii Office of Economic Opportunity for any program or related to the Economic Opportunity Act of 1964.”

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

(Approved June 28, 1965.) **H.B. 1241.**

ACT 208

A Bill for an Act to be Known as the Uniform Commercial Code, Relating to Certain Commercial Transactions in or Regarding Personal Property and Contracts and Other Documents Concerning

Them, Including Sales, Commercial Paper, Bank Deposits and Collections, Letters of Credit, Bulk Transfers, Warehouse Receipts, Bills of Lading, Other Documents of Title, Investment Securities, and Secured Transactions, Including Certain Sales of Accounts, Chattel Paper, and Contract Rights; Providing for Public Notice to Third Parties in Certain Circumstances; Regulating Procedure, Evidence and Damages in Certain Court Actions Involving Such Transactions, Contracts or Documents; to Make Uniform the Law With Respect Thereto; and Amending and Repealing Inconsistent Legislation.

See Volume II

ACT 209

A Bill for an Act Amending Chapter 44 of the Revised Laws of Hawaii 1955, as Amended, Relating to the University of Hawaii, by Establishing the Research Corporation of the University of Hawaii for Purposes of Promoting, Encouraging, Initiating, Developing and Conducting Scientific Research and Investigation in All Branches of Learning, and for Disseminating and Making Available to the Public the Benefits of Such Research and Investigation.

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

SECTION 1. Chapter 44 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding thereto a new part, to be designated "Part _____", to read as follows:

"PART _____ . RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII.

Sec. 44-_____ . Establishment of the Research Corporation; purpose. There is hereby established as a body corporate, "The Research Corporation of the University of Hawaii", hereinafter referred to as the "Research Corporation". The Research Corporation shall be a public instrumentality and shall be a part of the University of Hawaii for administrative purposes, as provided for in section 14A-4, Revised Laws of Hawaii 1955, as amended.

"The objects for which this corporation is organized are to promote all educational, scientific and literary pursuits by encouraging, initiating, aiding, developing and conducting scientific investigations and research in the physical, biological and social sciences, and humanities, and all other branches of learning by encouraging and aiding in the education and training of persons for the conduct of such investigations, research, and study, by the furnishing of means, methods and agencies by which such investigation, research and study may be conducted, by assisting in the dissemination of knowledge by establishing, aiding and maintaining professorships, or other staff positions, fellowships, scholarships, publications, lectures, by other means to make the benefits of investigations, research, and

study available to the public; and by any and all other acts reasonably designed to promote the above purposes in the interest of promoting the general welfare of the people of the State.

‘Sec. 44- . Board of directors; composition. The affairs of the Research Corporation shall be under the general management and control of the board of directors, hereinafter referred to as the “Board”. The Board shall consist of nine members. The president, vice-president of academic affairs, vice-president of business affairs, and director of research, all from the University of Hawaii, and the director of planning and economic development of the State of Hawaii shall serve as ex-officio voting members. The remaining four members shall be appointed by the governor. Confirmation of appointments shall not be required. All the members appointed by the governor, other than the ex-officio members, shall serve for a term of four years, except that the governor may reduce the terms of those initially appointed so as to provide, as nearly as can be, for the expiration of an equal number of terms at intervals of one year, each term commencing on January 1 and expiring on December 31. All members of the Board shall serve without pay, but shall be entitled to reimbursement for necessary expenses while attending meetings and while in the discharge of duties and responsibilities.

‘The members of the Board shall elect the chairman of the Board.

‘If for any reason whatsoever any of the ex-officio positions is eliminated or changed in any way, the officer performing the basic functions of such ex-officio position shall qualify to serve as the ex-officio voting member on the board.

‘Sec. 44- . Powers of the Board. The Research Corporation, under the direction of the Board, shall have the following general powers:

‘(a) To adopt, amend, and repeal bylaws governing the conduct of its business and the exercise of the powers and performance of duties granted to or imposed upon it by law.

‘(b) To sell, lease, rent, hold, maintain, use and operate any property, real, personal or mixed, tangible or intangible, in accordance with the conditions under which it was received.

‘(c) To enter into and perform such contracts, leases, cooperative agreements, or other transactions with any private person, firm, partnership, association, company, or corporation only, as it may be necessary in the conduct of its business and on such terms as it may deem appropriate, provided that the Research Corporation shall not obligate any funds of the State except such as have been appropriated to it. Notwithstanding the foregoing, the Research Corporation may enter into and perform such contracts, leases, cooperative agreements, or other transactions with any agency or instrumentality of the United States, a foreign nation, a state, a territory, or a possession, or with any political subdivision thereof, whenever the donating or granting agency or instrumentality determines that the University of Hawaii or any other agency of our State cannot as effectively and efficiently accomplish the purposes for which such contracts, leases, cooperative agreements, or other transactions are being entered into;

provided, that the Research Corporation shall not obligate any funds of the State except such as have been appropriated to it.

'(d) To receive by gifts, grants, devises, bequests or otherwise from private sources only, any property, real, personal, or mixed, intangible or tangible, absolutely or in trust, to be used and disposed of, either the principal or the income therefrom, in accordance with the conditions under which it was received; except that no gift to the Research Corporation shall be accepted unless approved or confirmed by the Board. Notwithstanding the foregoing, the Research Corporation may receive gifts, grants or awards from any agency or instrumentality of the United States, a foreign nation, a state, a territory, or a possession, or from any political subdivision thereof, whenever the donating or granting agency or instrumentality determines that the University of Hawaii or any other agency of our State cannot as effectively and efficiently accomplish the purposes for which such gifts, grants or awards are being made, except that no gift to the Research Corporation shall be accepted unless approved or confirmed by the Board.

'(e) To have a corporate seal.

'(f) To sue and be sued in its own name.

'(g) To serve as trustee or beneficiary under terms of any gift, indenture or will.

'(h) To apply for, take out, receive by purchase or gift, hold, administer, and dispose of copyrights, patent rights, licenses, assignments of inventions, discoveries, processes and other property, rights or interests therein, and the income thereof, absolutely or subject to such conditions or trusts as may be attached thereto or be imposed thereon, and to obligate itself to perform and execute any and all such conditions or trusts.

'(i) To conduct research, studies, experiments, investigations, and tests in all fields of knowledge; to promote and develop the scientific and commercial value of inventions, discoveries and processes; and to make, publish, and distribute the results thereof.

'(j) To coordinate and correlate activities and projects of the Research Corporation with the work of State agencies for the purpose of relating research work to the economic development of the State of Hawaii whenever practical or desirable.

'(k) To stimulate and promote cooperative research projects and activities.

'(l) To establish and maintain, or to assist in establishing and maintaining scholarships, fellowships, and professorships, and other staff positions for the purpose of aiding in the acquisition and dissemination of knowledge, and to enter into agreements or contracts with other corporations, organizations, institutions or persons for this purpose and to pay the necessary and appropriate expenses therefor.

'(m) To prepare, print or publish any manuscript, research article, report, study, discussion, reference, collection or any pictorial or schematic representation or group or collection thereof, whether the same belongs to or is the work of any state agency or its employees,

or university or one of its faculty members or employees, or the Research Corporation or its employees or a contractee of the Research Corporation. Such printing or publication may be accomplished through whatever person, company or agency is deemed most appropriate by the Board.

'(n) To do any or all other acts reasonably necessary to carry out the objects and purposes of the corporation and the University of Hawaii.

'Sec. 44- . Research Corporation excepted from certain State Laws. In order to promote cooperative research projects with private firms or persons, the Research Corporation shall be granted flexibility in hiring its personnel and in handling and disbursing moneys by being excepted from the following State laws:

'(a) Sections 132-16 and 132-17, Revised Laws of Hawaii 1955, as amended, relating to special fund reimbursements to the State general fund;

'(b) Sections 9-21 and 9-38, Revised Laws of Hawaii 1955, relating to advertising for bids and purchases to be made in Hawaii whenever public moneys are expended;

'(c) Chapter 3, Revised Laws of Hawaii 1955, as amended, relating to civil service;

'(d) Chapter 4, Revised Laws of Hawaii 1955, as amended, relating to compensation; and

'(e) Section 5-1, Revised Laws of Hawaii 1955, as amended, relating to public employment.

'Sec. 44- . Employees of the Research Corporation. The Board may appoint an executive director and such other employees as may be necessary in administering the affairs of the Research Corporation. It shall set the employees' duties, responsibilities, salaries, holidays, vacations, leaves, hours of work and working conditions. It may grant such other benefits to its employees as it deems necessary. Employees of the Research Corporation shall not be entitled to any benefits conferred under Chapter 3, relating to civil service; Chapter 4, relating to compensation, Chapter 5, relating to public employment, and Chapter 6, relating to pension and retirement system.

'Sec. 44- . Annual report. The Research Corporation shall submit an annual report to the governor, president of the State senate and the speaker of the State house of representatives. The report shall include, but not be limited to, the total number and amount of gifts received, payroll disbursements, research or other equipment purchased exceeding \$4,000, contracts entered into, and progress and accomplishments made during the year.

'Sec. 44- . Dissolution. In the event of the dissolution of the Research Corporation, all of its property, real, personal and mixed and wheresoever situated, shall vest immediately and absolutely in the University of Hawaii, and none of its property shall inure to the benefit of any officer, director or members of said corporation.

'Sec. 44- . Patents, copyrights and other rights. Any patents, copyrights, inventions, discoveries or other rights arising from

Research Corporation activities shall belong to the Research Corporation and be subject to such policies, rules or regulations as the Board may adopt.

'Sec. 44- . **Special fund.** Notwithstanding any other law to the contrary, the Research Corporation shall be authorized to set up a special account for depositing moneys received from either public or private contract, or from private or public grants, awards, or gifts. All disbursements shall be drawn on such account upon warrants signed by the comptroller of the University of Hawaii and upon the presentation of vouchers duly approved by the executive director or some other person authorized by the Board.' "

SECTION 2. This Act shall take effect upon its approval.
(Approved June 29, 1965.) H.B. 1227.

ACT 210

A Bill for an Act Relating to the Creation of a State Program for the Promotion of Research and Development and Science-Related Industry.

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

SECTION 1. **Purpose.** The purpose of this Act is to further enhance and develop the economy of the State of Hawaii by the creation of a State program which is geared to promoted research and development activities and to make Hawaii attractive as a center for science-related industries.

SECTION 2. **Research and Development Industry Promotion Program and Objectives.** There is hereby created in the department of planning and economic development a program known as the Research and Development Industry Promotion Program to be placed under the supervision of the director of the department of planning and economic development and to work toward the achievement of the following objectives:

(a) The encouragement by direct contact and otherwise, research and development and science-related industrial firms to locate and conduct operations in Hawaii.

(b) The encouragement of Federal and other agencies to support research and development activities in Hawaii.

(c) The preparation and dissemination of scientific and technological information to be used in attracting research and development industry and scientific projects to Hawaii.

(d) The promotion of conferences, symposia, seminars, and institutes in research and development and science and technology areas.

(e) The preparation and dissemination of information on the State's resources to assure fuller participation in national research and development and science-related programs.

(f) The provision of staff support to the Governor's Committee on Science and Technology and other appropriate official bodies that may be engaged in science-related programs.

In the accomplishment of the foregoing objectives personnel engaged in the Research and Development Industry Promotion Program shall cooperate with such state offices as may be established to coordinate federal-state relations.

SECTION 3. Personnel. The director of the department of planning and economic development shall select and designate qualified personnel as he may deem essential to effectuate the objectives of the Research and Development Industry Promotion Program.

SECTION 4. Appropriation. There is hereby appropriated out of the general revenues of the State of Hawaii, not otherwise appropriated, the sum of \$25,000, or so much thereof as may be necessary, which sum shall be expended for the purposes of this Act as specified by the department of planning and economic development.

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

(Approved June 29, 1965.) **H.B. 1249.**

ACT 211

A Bill for an Act Amending Chapter 63, Revised Laws of Hawaii 1955, as Amended, Relating to Massage and Hawaiian Lomi-Lomi.

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

SECTION 1. Section 63-13 (a) (1) of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

“(1) An applicant for examination shall have one year of continuous residence in the State, good moral character, and a medical report which shall include an x-ray examination of the chest and a blood test for syphilis made within thirty days prior to the date of application by a duly licensed physician of the State and a statement by a licensed physician that the applicant has been examined and is free of all other communicable and contagious diseases. An examination fee of \$10 shall be paid to the secretary at the time of the application.”

SECTION 2. Section 63-13 (a) (2) of the Revised Laws of Hawaii 1955 is hereby amended to read as follows:

“The board shall satisfy itself as to the good moral character of the applicant, may require the submission of certification as to good moral character by reputable resident citizens, and, in its discretion, may independently investigate the applicant’s moral character.”

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

(Approved June 29, 1965.) **S.B. 212.**

ACT 212

A Bill for an Act Relating to Horizontal Property Regimes and Amending Chapter 170A of the Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Chapter 170A of the Revised Laws of Hawaii 1955, as amended, is hereby further amended in the following respects:

a. By amending subsection (a) of section 170A-2 thereof to read as follows:

“(a) ‘Apartment’ means a part of the property intended for any type of use or uses, and with an exit to a public street or highway or to a common element or elements leading to a public street or highway, and may include such appurtenances as garage and other parking space, storage room, balcony, terrace and patio.”

b. By amending subsection (r) of section 170A-2 thereof to read as follows:

“(r) ‘Property’ means and includes the land, whether leasehold or in fee simple, to the extent of the interest held therein by the owner or lessee submitting such interest to the horizontal property regime, the building or buildings, all improvements and all structures thereon and all easements, rights and appurtenances belonging thereto, and all articles of personal property intended for use in connection therewith, which have been or are intended to be submitted to the regime established by this chapter. A property may include two or more parcels of land separated only by public streets or ways.”

c. By amending clause (a) of Section 170A-18 thereof, to read as follows:

“(a) The election of a board of directors, the number of persons constituting the same and that the terms of at least one-third of the directors shall expire annually; the powers and duties of the board; the compensation, if any, of the directors; the method of removal from office of directors; and whether or not the board may engage the services of a manager or managing agent, or both, and specifying which of the powers and duties granted to the board by this chapter or otherwise may be delegated by the board to either or both of them.”

SECTION 2. This Act shall take effect upon its approval.
(Approved June 29, 1965.) **S.B. 923.**

ACT 213

A Bill for an Act Relating to the Establishment of Community Mental Health and Retardation Programs, and Making an Appropriation Therefor.

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

SECTION 1. Purpose. The purpose of this Act is to increase the effectiveness of the total state program for the prevention, care and treatment of the mentally ill and mentally retarded.

SECTION 2. The Department of Health is hereby authorized to provide for the establishment and operation of community mental health and mental retardation programs, which shall include but not be limited to the following:

(a) Collaborative and cooperative services with public health and other groups for programs of prevention of mental illness and mental retardation;

(b) Informational and educational services to the general public, and to lay and professional groups;

(c) Consultation services to the judiciary branch of government, to educational institutions, and to health and welfare agencies, whether such institutions and agencies are public or private;

(d) Out-patient diagnostic and treatment services;

(e) Day care services;

(f) Short-term inpatient treatment in community facilities;

(g) Rehabilitation services, whether on an outpatient or an inpatient basis; and

(h) Construction and/or renovation of facilities for mental health and mental retardation services.

SECTION 3. Appropriation. 1. There is hereby appropriated to the Department of Health out of the general revenues of the State, the sum of \$195,091, or so much thereof as may be necessary, for mental retardation programs, to be expended as follows and which may include contracts for services and facilities:

(a) Day Care Center. The sum of \$20,211 for three nursing positions and for necessary operational expenses, including rental fees.

(b) Medical Services and Drugs. The sum of \$5,000.

(c) Homemakers Services. The sum of \$10,880 to provide 24 hour relief for 20 families for 50 days per year.

(d) Home Nursing Service. The sum of \$11,500 for two nursing positions and other operating expenses, for nine months.

(e) Half-way House. The sum of \$36,000 to provide funds for 20 adults at \$5.00 per day.

(f) Intensive Treatment Unit. The sum of \$51,500 to provide for 25 beds.

(g) Financial Aid to Private Agencies. The sum of \$60,000 to be administered by the Department of Health to purchase services from private mental retardation associations.

2. There is hereby appropriated to the Department of Health out of the general revenues of the State, the sum of \$97,434 or so much thereof as may be necessary, for mental health programs, to be expended as follows and which may include contracts for services and facilities:

(a) Staffing of Mental Health Centers. The sum of \$37,434 for 9.5 permanent positions at various mental health centers and including the forensic team. These positions shall be filled in accordance with the provisions of Chapters 3 and 4, Revised Laws of Hawaii 1955, as amended, and shall be incorporated into the positions count of the Preventive and Clinical Services Branch, Division of Mental Health.

(b) Mental Health Planning. The sum of \$30,000 to continue the state-wide mental health planning project for six more months.

(c) Financial Aid to Private Agencies. The sum of \$30,000 to the Department of Health for grants-in-aid purposes to private agencies.

SECTION 4. Authority of Director of Health to enter into agreements; make disbursements of state grants-in-aid.

(a) The Director of Health is hereby authorized to enter into agreements with the federal government, other state departments and agencies, and political subdivisions of the state; to enter into assistance agreements with private nonprofit groups, institutions, or corporation; to allocate and expend any fund granted hereby for the purposes stated in Sections 2 and 3 of this Act; and to do all things necessary to accomplish the purposes and provisions of this Act.

(b) To the extent the Director of Health deems it appropriate, he shall require the recipient of any state grant-in-aid to contribute moneys, facilities, or services for carrying out the program or project for which such grant was made.

SECTION 5. This Act shall take effect on July 1, 1965.
(Approved June 29, 1965.) **H.B. 99.**

ACT 214

A Bill for an Act Relating to the Functions of the Department of Agriculture and Amending Chapter 14A, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Section 14A-21 of the Revised Laws of Hawaii 1955, as amended, is hereby amended by adding between the fifth and sixth paragraphs thereof, the following new paragraph:

“The Chairman of the board of agriculture shall hold at least one publicly announced hearing on each of the islands of Oahu, Hawaii, Maui, Kauai, Molokai and Lanai, between or during the months of July and December of each year for the purpose of hearing complaints and suggestions, if any, from the farmers, ranchers, consumers and other interested groups and persons with respect to matters within the duties, powers and authority of the department of agriculture”.

SECTION 2. This Act shall take effect upon its approval.
(Approved June 29, 1965.) **H.B. 111.**

ACT 215

A Bill for an Act Relating to Exemptions from the Motor Carrier Law, and Amending Section 106C-5, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Section 106C-5(b) of the Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

“(b) Persons operating motor vehicles when engaged in the transportation of school children and teachers to and from school and to and from school functions; provided that such persons may

engage in providing transportation at special rates for groups of persons belonging to an eleemosynary or benevolent organization or association domiciled in this State where such organization or association sponsors or is conducting a non-regular excursion, provided that whenever such persons engage in the transportation of persons other than those exempted in this subsection, that portion of their operation shall not be exempt from the provisions contained in this chapter.

Nothing contained herein shall be construed to authorize any person to engage in the transportation of persons, other than the transportation of persons exempted by the terms of this subsection, without a permit or a certificate issued by the commission authorizing such transportation, provided that the commission shall issue a permit or a certificate to any person who was so engaged on or before February 23, 1965, if application for such permit or certificate is made to the commission in the manner set forth in Section 106C-10 (b) of this chapter and within ninety days after this section shall take effect, and if the applicant is fit, willing and able to conform to the provisions of this chapter and the requirements, rules, and regulations of the commission.

SECTION 2. This Act shall take effect upon its approval.
(Approved June 29, 1965.) **H.B. 207.**

ACT 216

A Bill for an Act Relating to First Circuit Court Judges.

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

SECTION 1. Chapter 215 of the Revised Laws of Hawaii 1955 is hereby amended by amending section 215-3 thereof to read as follows:

"Section 215-3. First circuit court judges. The circuit court of the first circuit shall consist of thirteen judges, who shall be styled as first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth and thirteenth judges, respectively. The judge or judges of the circuit court, first circuit, so designated by the chief justice of the supreme court shall be the judge or judges of the juvenile court.

"There may be one session of the court, or several sessions at the same time, each of which may be held by one, but not more than one, of the judges, severally. Judgments, orders and proceedings of any session held by any one of the judges shall be as effective as if only one session was held at a time."

SECTION 2. There is hereby appropriated out of the general revenues of the State not otherwise appropriated, the sum of \$250,000.00 for the purposes of this Act.

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

(Approved June 29, 1965.) **H.B. 273.**

ACT 217

A Bill for an Act to Amend Chapter 163 of the Revised Laws of Hawaii 1955, as Amended, Relating to Abstract Makers.

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

SECTION 1. Chapter 163 of the Revised Laws of Hawaii 1955, as amended, is hereby amended by adding thereto a new section to read as follows:

"Section 163-5. Other fees. Each applicant shall submit with his application a fee of \$5. Such fee shall not be refundable.

"Each licensee shall pay to the board an annual license renewal fee of \$10, payable in advance on or before December 31, beginning December 31, 1965.

"A license which has not been renewed on or before December 31 shall expire on January 1. The holder of an expired license may have the same restored within one year of the date of expiration upon due application thereof, payment of the delinquent fees and a penalty of \$5."

SECTION 2. This Act shall take effect upon its approval.
(Approved June 29, 1965.) **S.B. 204.**

ACT 218

A Bill for an Act to Amend Chapter 64, Revised Laws of Hawaii 1955, as Amended, Relating to the Practice of Medicine and Surgery.

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

SECTION 1. Section 64-1, Revised Laws of Hawaii 1955, is hereby amended to read as follows:

"§ 64-1. Practice of medicine defined. For the purposes of this chapter the practice of medicine shall include the use of drugs and medicines, water, electricity, hypnotism or any means or method, or any agent, either tangible or intangible, for the treatment of disease in the human subject; provided, that when a duly licensed physician pronounces a person affected with any disease hopeless and beyond recovery and shall give a written certificate to that effect to the person affected or his attendant nothing herein contained shall forbid any person from giving or furnishing any remedial agent or measure when so requested by or on behalf of such affected person.

"The provisions of this section shall not amend or repeal the law respecting the treatment of those affected with Hansen's disease."

SECTION 2. Chapter 64, Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding a new section thereto, to be designated and to read as follows:

"§ 64-2.5. Limited and temporary licenses. The director of health, upon the written recommendation of the board of medical examiners, shall issue a limited and temporary license to an applicant who has

not met the residency requirement under section 64-3(b), who has not been examined as required by section 64-3, and against whom no disciplinary proceedings are pending in any state or territory, if the applicant is otherwise qualified to be examined, and if said board has made a written finding that:

“(a) There is an absence or a shortage of licensed physicians in a particular locality, and that the applicant has been duly licensed as a physician by written examination under the laws of another state or territory of the United States. A limited and temporary license issued hereunder shall permit the practice of medicine and surgery by the applicant only in the particular locality, and no other, as shall be set forth in the license issued to him. Such license shall be valid only for a period of eighteen (18) months from the date of issuance; or

“(b) The applicant is to be employed by an agency or department of the state or county government, and that the applicant has been duly licensed as a physician by written examination under the laws of another state or territory of the United States. A limited and temporary license issued hereunder shall only be valid for the practice of medicine and surgery while the applicant is in the employ of such governmental agency or department. In no case shall such license be valid for a period in excess of eighteen (18) months from the date of issuance; or

“(c) The applicant would practice medicine and surgery only while under the direction of a physician regularly licensed in the State of Hawaii other than as permitted by this section, and that the applicant intends to take the regular licensing examination conducted by the board of medical examiners within the next eighteen (18) months. In no case shall a limited and temporary license issued hereunder be valid for more than a period of eighteen (18) months from the date of issuance; or

“(d) The applicant has been appointed as an intern or accepted for specialty or resident training in a hospital approved by the board, and that the applicant shall be limited in the practice of medicine and surgery to the extent required by the duties of his position or by his program of training while at such hospital. A limited and temporary license hereunder shall be issued without regard to the requirement of section 64-3(e) relative to internship. Such license shall be valid during the period in which the applicant remains as intern or a resident in training, and may be renewed from year to year during said period; or

“(e) A public emergency exists, and that the applicant has been duly licensed as a physician by written examination under the laws of another state or territory of the United States. A limited and temporary license issued hereunder shall only be valid for the period of such public emergency.

“Every applicant who has been issued a limited and temporary license under this section shall register immediately with the board of medical examiners upon such forms as may be prescribed by the board. Failure to register shall be ground for revocation of such

limited and temporary license. Within forty-five (45) days of the effective date of this Act, all persons presently permitted to practice medicine or surgery in the State of Hawaii without a regular license, except commissioned military officers under section 64-2, shall register with the board of medical examiners, and shall thereafter be permitted to continue the practice of medicine and surgery upon obtaining a limited and temporary license as herein provided.

“Nothing herein shall be construed to require the registration or licensing hereunder of nurses, or other similar persons, acting under the direction and control of a licensed physician.”

SECTION 3. Section 64-3, Revised Laws of Hawaii 1955, as amended, is hereby further amended by deleting the last two paragraphs thereof.

SECTION 4. Section 64-5, Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding the following sentence after the first sentence thereof:

“As a prerequisite to the issuance of a limited and temporary license under this chapter, the applicant shall pay to the board of medical examiners a fee of twenty-five dollars (\$25); provided, however, that the fee to be paid by an applicant qualifying under section 64-2.5(d) shall be five dollars (\$5).”

SECTION 5. Section 64-6, Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding thereto a new paragraph to read as follows:

“The form of temporary and limited license to practice medicine and surgery shall be substantially as follows:

State of Hawaii
Department of Health
Limited and Temporary License to Practice
Medicine and Surgery

....., a native of,
age years, having been duly considered and recommended by
the board of medical examiners as possessed of the necessary qual-
ifications, is hereby temporarily licensed to practice medicine and
surgery in the State of Hawaii, subject to the following conditions
and limitations:

.....
.....
.....

This temporary and limited license is granted and accepted on the express condition that it may be revoked at any time for any of the causes enumerated in section 64-7, Revised Laws of Hawaii 1955, or for any violation of the conditions and limitations contained herein.

Given under the seal of the department of health this day
of, A.D.

By.....
Director of Health

SECTION 6. Section 64-7, Revised Laws of Hawaii 1955, is hereby amended by adding thereto a new paragraph next following paragraph (l), to be designated paragraph "(m)", and to read as follows:

"(m) Violation of the conditions or limitations upon which a limited and temporary license is issued."

SECTION 7. This Act shall take effect upon its approval.
(Approved June 29, 1965.) S.B. 635.

ACT 219

A Bill for an Act to Amend Section 160-162, R. L. H. 1955, as Amended, Relating to Motor Vehicle Dealers Licensing Boards.

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

SECTION 1. Section 160-162, R. L. H. 1955, as amended, is hereby further amended to read:

"Sec. 160-162. County boards. A motor vehicle dealers licensing board is created for each of the counties. For each county with a population of 200,000 or more, the board shall consist of eight members; for each county with a population of less than 200,000, the board shall consist of five members. The elected executive head of each county, or any duly elected or appointed successor, shall nominate, and by and with the advice of the legislative body of the county, shall appoint the members of the board. The board shall designate one of its members as chairman. For each county with a population of 200,000 or more, two of the members shall be engaged as dealers primarily in the sale of new motor vehicles, two of the members shall be engaged as dealers primarily in the sale of used motor vehicles, two of the members shall be engaged as salesmen not employed, directly or indirectly, by any of the dealers on the board, and two of the members shall be private citizens not connected with the industry. For each county with a population of less than 200,000, one of the members shall be engaged as a dealer primarily in the sale of new motor vehicles, one of the members shall be engaged as a dealer primarily in the sale of used motor vehicles, one of the members shall be engaged as a salesman not employed, directly or indirectly, by either of the dealers on the board, and two of the members shall be private citizens not connected with the industry. The board shall designate one of its members as chairman.

"Each appointment shall be for a term of four years and the terms of not more than two members shall expire in any one year; provided, further, that each member shall be appointed for a term expiring four years from the date of expiration of the term of his predecessor, or in the case of a vacancy, for the remainder of the unexpired term."

SECTION 2. The members of the motor vehicle dealers licensing board of the respective counties holding office upon the effective date of this Act shall continue in office in the same manner and for

the term of office appointed, as if this Act had not been enacted, but their successors shall be appointed and shall hold office as provided by this Act; provided that where the elected executive head of the county, or any duly elected or appointed successor, appoints a successor to any member of the board in his county who had been appointed by the governor, including the case where the former member is reappointed to succeed himself, such successor shall be appointed for such duration, but no longer than four years, as will provide for a board whose members hold staggered terms.

SECTION 3. This Act shall take effect upon its approval.
(Approved June 29, 1965.) **S.B. 670.**

ACT 220

A Bill for an Act Relating to Liens and Amending Chapter 193, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Section 193-21, Revised Laws of Hawaii 1955, is hereby amended by deleting therefrom the sum "\$100" and substituting in lieu thereof the sum "\$350".

SECTION 2. This Act shall take effect upon its approval.
(Approved June 29, 1965.) **S.B. 901.**

ACT 221

A Bill for an Act Amending Sections 142-2 and 142-2.5, Revised Laws of Hawaii 1955, as Amended, Relating to County Highways.

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

SECTION 1. Amend the second paragraph of Section 142-2, Revised Laws of Hawaii 1955, 1963 Supplement, by deleting the second paragraph in its entirety and substituting the following:

"The ownership of all county highways is hereby transferred to and vested in the respective counties in which such county highways lie."

SECTION 2. Section 142-2.5, Revised Laws of Hawaii 1955, as amended, is hereby further amended by deleting the period at the end thereof and substituting a semi-colon therefor, and adding thereafter the following: "provided, further, that, if any county highway, the right-of-way for which has been acquired in whole or in part by expenditure of state or federal funds, or which was opened, laid out or built by the State over State owned lands, is abandoned and disposed of, the proceeds from the sale thereof shall be remitted to the State for deposit in the appropriate funds provided by law."

SECTION 3. This Act shall take effect upon its approval.
(Approved June 29, 1965.) **H.B. 364.**

ACT 222

A Bill for an Act Relating to the Employees' Retirement System of the State of Hawaii and Making an Appropriation Therefor.

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

SECTION 1. Amend the 5th paragraph of section 6-20 of the Revised Laws of Hawaii 1955, as amended, to read:

"Average final compensation": the average annual compensation, pay or salary earnable by a member (a) during the five highest years of creditable service at the option of the employee, or (b) if he has had less than five years of service, then during his actual years of service. In computing the compensation of a member as a justice of the supreme court or a judge of a circuit court of the Territory the compensation payable by the United States, as well as by the Territory shall be included."

SECTION 2. Section 6-20, Revised Laws of Hawaii 1955, as amended, is hereby amended in the following respects:

- (a) By deleting the paragraph starting with the word "Firemen".
- (b) By deleting the paragraph starting with the word "Police-man".
- (c) By deleting the paragraph starting with the word, "Service", and substituting therefor the following:

"Service": service as an employee paid by the state or county, and also service during the period of a leave of absence or exchange if the individual is paid by the state or county during the period of the leave of absence or exchange or if the individual is not paid by the state or county during the period of the leave of absence but the individual is engaged in the performance of a governmental function or on an approved leave of absence for professional improvement with or without pay and the individual makes the same contribution to the system as he would have made if he had not been on such leave of absence. Cafeteria managers and cafeteria workers shall be considered as paid by the State, regardless of the source of funds from which they are paid."

SECTION 3. Section 6-26 of the Revised Laws of Hawaii 1955, as amended, is hereby repealed.

SECTION 4. Section 6-31, Revised Laws of Hawaii 1955, as amended, is hereby further amended in the following respects:

- (a) Delete the word, "and", at the end of (5) thereunder and insert a semicolon therefor;
- (b) Delete the period at the end of (6) thereunder and insert a comma and the word, "and", therefor; and
- (c) Add a new subparagraph numbered (7) to read as follows:
 "(7) service while engaged in professional improvement pursuant to an approved leave of absence for such purpose, with or without pay."

SECTION 5. Section 6-42 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended to read:

"Sec. 6-42. Allowance on service retirement. Upon retirement for service, a member shall receive:

A. An annuity which shall be the actuarial equivalent of that part of his accumulated contributions which he contributed to purchase an additional annuity pursuant to section 6-84, which amount he may withdraw at the time of his retirement in lieu of such annuity; and

B. In addition, a member shall receive a retirement allowance as follows:

1. If the member has attained age fifty-five, a retirement allowance equal to one-fiftieth of the average final compensation of the member multiplied by the total number of years of his creditable service.

2. If the member has not attained age fifty-five, a retirement allowance computed as though he had attained age fifty-five, reduced in accordance with factors of actuarial equivalence adopted by the board upon the advice of the actuary.

3. If the member had attained age sixty prior to July 1, 1963, he may elect to receive:

(a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and

(b) A pension equal to one one-hundred-fortieth of his average final compensation multiplied by the number of years of his membership service; and if he has a prior service certificate in full force and effect, an additional pension which shall be equal to one-seventieth of his average final compensation multiplied by the number of his years of service certified to him on his prior service certificate.

C. The service retirement allowance of a member who has had ten years of service credit, including service as a judge or an elective officer, shall be computed on the following basis: (a) for each year of creditable service as a judge or an elective officer, 3.5 per cent of his average final compensation, in addition to the annuity allocable to the period of such service; and (b) for all other creditable service, on the same basis as if this paragraph had not been enacted, to be computed without reference to the amounts creditable under (a) hereof. If such a member has not attained age 55 at the time he terminates service, he may elect to receive the benefit payable under (a) of this paragraph immediately, as though he had attained age 55. The allowance shall in no case exceed seventy-five per cent of the average final compensation, provided that the allowance for judges under this section, together with the retirement allowance provided by the federal government for similar service shall in no case exceed seventy-five per cent of the average compensation. If it exceeds such limit, it shall be reduced by first reducing the annuity, and such portion of the accumulated contributions as may be in excess of the requirements of the reduced annuity shall be returned to the member."

SECTION 6. Section 6-42.5 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended to read:

"Sec. 6-42.5. Retirement with refund of contributions. Any member who is retired for disability or is retired for service having ten years of creditable service may, at the time of his retirement, elect to

receive a lump-sum payment of his accumulated contributions. His retirement allowance shall thereupon be reduced by the actuarial equivalent of such accumulated contributions.”

SECTION 7. Section 6-45 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended to read:

“Sec. 6-45. Allowance on ordinary disability retirement. Upon retirement for ordinary disability, a member shall receive a service retirement allowance if he has attained the age of fifty-five years, otherwise he shall receive a retirement allowance of twenty-five per cent of his average final compensation plus one per cent of his average final compensation for each full year of creditable service over 15, except that for each year of creditable service as a judge or an elective officer, he shall receive a retirement allowance computed as provided in section 6-42 C.”

SECTION 8. Chapter 6 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding thereto the following section to be numbered appropriately and to read:

“Sec. . Purchasing credits by cafeteria managers and workers. Any other provision herein to the contrary notwithstanding, any public officer or employee classified as a cafeteria manager or worker may purchase 12 months’ prior service credit per year during the time such public officer or employee was working on a 9-month schedule during a calendar year.”

SECTION 9. The next to last paragraph of section 6-50, Revised Laws of Hawaii 1955, as amended, is hereby amended to read:

“Any election of a mode of benefit payment as set forth in this section shall become effective on the thirtieth day following the date of retirement, provided that in the event of death of a member within one year after the date of retirement, there shall be paid at the choice of the person to whom payment would be made as provided above, in lieu of any payments under an option elected pursuant to this section, such benefits as would be paid if such member had died immediately prior to his retirement, provided that there shall be subtracted from the value of such death benefit such retirement allowance payments as the member shall have received prior to his death, and provided further that if the member received the lump sum payment of his accumulated contributions, such contributions shall not be included in the determination of the value of such death benefit.”

SECTION 10. Section 6-53 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended to read:

“Sec. 6-53. Rights of members separated from service. (a) Any member who ceases to be an employee shall, upon completion of such forms as are prescribed by the board, be paid all his accumulated contributions and his membership shall thereupon terminate, provided that interest shall not be credited to an individual’s account nor shall his membership continue after the fourth full calendar year following the calendar year in which his employment terminates. (b) Subsection (a) of this section notwithstanding, any member having five or more

years of credited service who ceases to be an employee, may continue his membership by completing within four calendar years following the calendar year in which his employment terminates such forms as are prescribed by the board. (c) Any member whose membership continues notwithstanding his separation from service shall be eligible for the service retirement benefit in effect at the time of his separation from service only, which shall be payable only in accordance with the provisions relating thereto. (d) In case of the death of any member after termination of service, his accumulated contributions shall be payable to his estate or to such person as he has nominated by written designation duly executed and filed with the board.

"After July 1, 1961, there shall be included in any payments of accumulated contributions made pursuant to this section the sums contributed by the member to the post retirement fund."

SECTION 11. Section 6-75, Revised Laws of Hawaii 1955, as amended, is hereby further amended in the following respects:

(a) By deleting subsection (e) and substituting therefor a new subsection (e) to read as follows:

"(e) **Corporate Obligations.** Obligations of any corporation created or existing under the laws of the United States or of any state or district thereof, and qualified under any of the following: (i) fixed interest-bearing obligations, if the net earnings of the issuing, assuming or guaranteeing corporation available for its fixed charges for a period of five fiscal years next preceding the date of the investment have averaged per year not less than one and one-half times its average annual fixed charges applicable to such period and if during the last year of such period such net earnings have been not less than one and one-half times its fixed charges for such year; (ii) fixed interest-bearing obligations secured by assignment of a lease or leases, or the rentals payable under such leases, of real or personal property (including, without limitation, charters of vessels) to one or more corporations created or existing under the laws of the United States or of any state or district thereof, provided that (1) the fixed rentals assigned shall be sufficient to repay the principal of and interest on the indebtedness represented by the obligation within the unexpired term of the lease, exclusive of the term which may be provided by an enforceable option of renewal, and (2) the net earnings of such lessee shall meet the requirements described in clause (i) above; (iii) fixed interest-bearing obligations secured by rights or assignment of rights under a contract (including, without limitation, a contract for the sale of products, materials, supplies or other property, or for the furnishing of transportation or services) with one or more corporations created or existing under the laws of the United States or of any state or district thereof, provided that (1) the rights securing such obligation shall include the right to receive payments sufficient to repay the principal of and interest on the indebtedness represented by such obligation within the unexpired term of such contract, and (2) the net earnings of each purchasing or acquiring corporation shall meet the requirements described in clause (i) above. As used in this subsection, the terms 'obligation,' 'net earnings available

for fixed charges' and 'fixed charges' shall have the meanings and application ascribed thereto in sections 181-276 and 181-277 of the Revised Laws of Hawaii 1955."

(b) By deleting the last sentences of subsections (j) and (l) and adding a new sentence to subsection (l) to read as follows:
 "The total combined investment in the stocks authorized by this subsection and by subsection (j) shall at no time exceed forty per cent of the total book value of all investments of the system."

(c) By adding thereto three new subsections to be designated subsections (p), (q) and (r) and to read as follows:

"(p) **World Bank and Inter-American Development Bank Obligations.** Obligations issued or guaranteed by the International Bank for Reconstruction and Development or by the Inter-American Development Bank.

"(q) **Canadian Government Obligations.** Obligations of the Dominion of Canada or of any province thereof, or of any municipality or political subdivision thereof, or those for which the full faith and credit of said dominion or such province or political subdivision are pledged to provide for the payment of principal and interest; provided, that the payment of principal and interest of such obligations are payable in United States funds.

"(r) **Other Securities.** Securities and stock in which in the informed opinion of the trustees it is prudent to invest funds of the system, whether or not such securities or stock are expressly authorized by or qualify under the foregoing subsections, and notwithstanding any limitations of any of the foregoing subsections (including subsections (j) and (l)); provided, that the total investment under this subsection shall at no time exceed ten per cent of the total book value of all investments of the system."

SECTION 12. Section 6-78 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended to read:

"**Sec. 6-78. Interest.** The board annually shall allow regular interest on the mean amount for the preceding year in the annuity savings fund and the post retirement fund. The amounts so allowed shall be credited annually thereto by the board from interest and other earnings on the moneys of the system. Any additional amount required to meet regular interest on the mean amount for the preceding year in the pension accumulation fund shall be paid by the State and counties and any excess of earnings over such amount required shall be deductible from the amounts to be contributed by the State and counties."

SECTION 13. The first paragraph of Section 6-82 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended to read:

"**Sec. 6-82. Employee Contributions.** On and after July 1, 1965 each member shall contribute 6% of his compensation."

SECTION 14. Section 6-82.01 of the Revised Laws of Hawaii 1955, as amended, is hereby repealed.

SECTION 15. Section 6-89 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended in the following respects:

(a) By amending the first sentence of subsection B, subparagraph 1, to read:

"1. The normal cost for each such year shall be the amount determined by applying the normal contribution rate for the year to the aggregate annual amount of compensation as of March 31, of the preceding year."

(b) By amending subsection C to read:

"C. Notwithstanding any other provisions of this chapter to the contrary, the accrued liability on account of Act 175, S. L. 1961 may be liquidated, with the approval of the Board, by crediting thereto the unobligated balance of the reserve for future interest deficits accumulated through appropriations heretofore made by the State and by future earnings on system investments, exclusive of capital gains taken prior to July 1, 1964 in excess of the regular rate until such time as such accrued liability with regular interest has been fully paid. After June 30, 1964 such earnings on investments shall include capital gains, whether realized or unrealized, in the value of the retirement system assets as taken from time to time thereafter by the board."

SECTION 16. The last paragraph of Section 6-101 of the Revised Laws of Hawaii 1955, as amended, is hereby amended to read:

"The amount payable by each department or agency of the State covered by this section shall be determined at least quarterly by the Department of Budget and Finance on the basis of the payroll of the employees of such department or agency who are members of the system in the same manner as is specified with respect to the allocation of employer contributions in Section 6-91, Revised Laws of Hawaii 1955, as amended. The comptroller of the State or any department or agency having control of its own funds shall, upon information furnished by the Department of Budget and Finance, issue a warrant for the proper amount to the system, charging the same to the appropriate fund, and the system shall place all such sums to the credit of the State as part payment of the State's contributions to the various funds of the system."

SECTION 17. Section 6-103, Revised Laws of Hawaii 1955, as amended is hereby amended to read:

"**Sec. 6-103. Guaranty.** Regular interest charges payable, the creation and maintenance of reserves in the pension accumulation fund and the maintenance of annuity reserves and pension reserves as provided for and the payment of all pensions, annuities, retirement allowances, refunds and other benefits granted under the provisions of this part and all expenses in connection with the administration and operation of the system are made obligations of the State and of the respective counties. All income, interest and dividends derived from deposits and investments authorized by this part shall be used for the payment of such obligations. After June 30, 1964, such income shall include capital gains or losses, whether realized or unrealized, in the value of the retirement system assets as taken from time to

time thereafter by the board. Any amounts derived therefrom which when combined with appropriation requirements as certified by the board under the provisions of this part would exceed the amount required to provide for such obligations, may be used to reduce the appropriations otherwise required. It is hereby declared that any and all sums contributed or paid from whatever source to the system for the funds created by this part, and all funds of the system including any and all interest and earnings of the same, are and shall be held in trust by the board for the exclusive use and benefit of the system and for the members of the system and shall not be subject to appropriation for any other purpose whatsoever."

SECTION 18. Section 6-250 of the Revised Laws of Hawaii 1955, as amended, is hereby amended in the following respects:

(a) By deleting "Any law to the contrary notwithstanding," and substituting therefor "Except as herein provided,".

(b) By amending paragraph (a) by deleting the sum "\$52.50" and substituting therefor, the sum "\$56.44."

(c) By amending paragraph (b) by deleting the sum "\$21.00" and substituting therefor, the sum "\$22.58."

(d) By amending paragraph (c) by deleting the sum "\$21.00" wherever it appears and substituting therefor the sum "\$22.58" and by deleting the sum "\$136.50" wherever it appears and substituting therefor the sum "\$146.74."

(e) By adding a paragraph (d) to read as follows:

"(d) In the case of any retirement allowance for service commencing on or after July 1, 1965 pursuant to paragraphs B or C of section 6-42 of the Revised Laws of Hawaii 1955, as amended, the only bonus payable shall be in the amount by which the benefit payable under said paragraphs is less than the bonus as set forth above, provided, however, that in no case shall a person who retires on or after July 1, 1965 receive less under the service and ordinary disability retirement system benefits, plus the bonus payable under this section than he would have received if subsection (d) had not been enacted."

(f) By adding a paragraph (e) to read as follows:

"(e) Any provisions of this section to the contrary notwithstanding, effective January 1, 1966 there shall be paid to every person who on June 30, 1965 was receiving a retirement allowance from the employees' retirement system of the State or other pension payable under or pursuant to the law of the State or by any county or independent board or commission, a special cost of living bonus of 7½% of such retirement allowance or pension."

SECTION 19. Subsections (a) (b) (c) and (d) of Section 18 of this Act shall take effect on January 1, 1966.

SECTION 20. There is hereby appropriated out of the general revenues of the State of Hawaii, not otherwise appropriated, the sum of \$292,000, or so much as may be necessary, to pay the bonuses provided for in this Act. The appropriation shall be allotted by the director of budget and finance with the approval of the governor to

the several boards, commissions and officers required to make bonus payments, except where there is a specific provision for payment of the bonus from other funds, and in the case of the counties, the money so allotted shall be paid into each respective county treasury and held in special funds solely for the purpose of paying bonuses.

SECTION 21. This Act shall take effect on July 1, 1965.
 (Approved June 30, 1965.) H.B. 595.

ACT 223

A Bill for an Act Relating to Compensation of Public Officers and Employees and Making An Appropriation Therefor.

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

SECTION 1. Section 4-10 of the Revised Laws of Hawaii 1955, as amended, except for the last paragraph thereof, is hereby further amended to read as follows:

"Section 4-10. Salary Schedule. Effective July 1, 1965, the monthly rates of basic compensation of classes of positions to which this chapter applies shall be in accordance with the following schedule.

SR	B	C	D	E	F	G	L-1	L-2	L-3	L-4
1	236	248	260	273	287	301	316	332	349	366
2	248	260	273	287	301	316	332	349	366	384
3	260	273	287	301	316	332	349	366	384	403
4	273	287	301	316	332	349	366	384	403	423
5	287	301	316	332	349	366	384	403	423	444
6	301	316	332	349	366	384	403	423	444	466
7	316	332	349	366	384	403	423	444	466	489
8	332	349	366	384	403	423	444	466	489	513
9	349	366	384	403	423	444	466	489	513	539
10	366	384	403	423	444	466	489	513	539	566
11	384	403	423	444	466	489	513	539	566	594
12	403	423	444	466	489	513	539	566	594	624
13	423	444	466	489	513	539	566	594	624	655
14	444	466	489	513	539	566	594	624	655	688
15	466	489	513	539	566	594	624	655	688	722
16	489	513	539	566	594	624	655	688	722	758
17	513	539	566	594	624	655	688	722	758	796
18	539	566	594	624	655	688	722	758	796	836
19	566	594	624	655	688	722	758	796	836	878
20	594	624	655	688	722	758	796	836	878	922
21	624	655	688	722	758	796	836	878	922	968
22	655	688	722	758	796	836	878	922	968	1016
23	688	722	758	796	836	878	922	968	1016	1067
24	722	758	796	836	878	922	968	1016	1067	1120
25	758	796	836	878	922	968	1016	1067	1120	1176
26	796	836	878	922	968	1016	1067	1120	1176	1235
27	836	878	922	968	1016	1067	1120	1176	1235	1297
28	878	922	968	1016	1067	1120	1176	1235	1297	1362

29	922	968	1016	1067	1120	1176	1235	1297	1362	1430
30	968	1016	1067	1120	1176	1235	1297	1362	1430	1502
31	1016	1067	1120	1176	1235	1297	1362	1430	1502	1577"

SECTION 2. Employees shall be entitled to salary step increments and longevity step increases as provided in section 4-9, provided that employees in steps G, L-1, L-2 and L-3, who would not normally be entitled to receive longevity step increases as provided in section 4-9, shall be advanced to steps L-1, L-2, L-3 and L-4, respectively, on their next service anniversary date which falls during the period July 1, 1965 and June 30, 1966. Such employees shall thereafter be entitled to longevity increases in accordance with section 4-9.

Employees who are initially hired above the first step of the appropriate salary range and who would not normally be entitled to receive increment steps as provided in section 4-6 shall be advanced to the next higher increment or longevity step on their next service anniversary date which falls during the period July 1, 1965 and June 30, 1966 without loss of any accumulated service credit for step increases. Such employees shall thereafter be entitled to increases in accordance with section 4-6 and section 4-9, as the case may be.

The service anniversary dates of employees who are initially hired above the first step of the appropriate salary range and employees in steps G, L-1, L-2 and L-3 shall not be affected by the application of any provision of this section. Employees in steps G, L-1, L-2 and L-3 who have service credits for step increases in excess of three years shall have such excess service credits applied to their next longevity step increase.

SECTION 3. Section 4-9 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended in the following respects:

(a) By amending the second paragraph to read as follows:

"Any employee who is paid under the provisions of the salary schedule contained in section 4-10 and who has served satisfactorily for three years at the maximum step or in steps L-1, L-2, or L-3 of the salary range for the class to which his position is assigned shall receive longevity step increases."

(b) By adding the following as the last paragraph:

"Any other law to the contrary notwithstanding, the provisions of this section shall apply to all employees in positions covered in the compensation plan as set forth in Chapter 4 of the Revised Laws of Hawaii 1955, as amended."

SECTION 4. Section 4-10 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

"Section 4-10. Salary Schedule. (a) Effective January 1, 1966, the monthly rates of basic compensation of classes of positions to which this chapter applies shall be in accordance with the following schedule.

SR	B	C	D	E	F	G	L-1	L-2	L-3	L-4
2	267	280	294	309	324	340	357	375	394	414
3	280	294	309	324	340	357	375	394	414	435

4	294	309	324	340	357	375	394	414	435	457
5	309	324	340	357	375	394	414	435	457	480
6	324	340	357	375	394	414	435	457	480	504
7	340	357	375	394	414	435	457	480	504	529
8	357	375	394	414	435	457	480	504	529	555
9	375	394	414	435	457	480	504	529	555	583
10	394	414	435	457	480	504	529	555	583	612
11	414	435	457	480	504	529	555	583	612	643
12	435	457	480	504	529	555	583	612	643	675
13	457	480	504	529	555	583	612	643	675	709
14	480	504	529	555	583	612	643	675	709	744
15	504	529	555	583	612	643	675	709	744	781
16	529	555	583	612	643	675	709	744	781	820
17	555	583	612	643	675	709	744	781	820	861
18	583	612	643	675	709	744	781	820	861	904
19	612	643	675	709	744	781	820	861	904	949
20	643	675	709	744	781	820	861	904	949	996
21	675	709	744	781	820	861	904	949	996	1046
22	709	744	781	820	861	904	949	996	1046	1098
23	744	781	820	861	904	949	996	1046	1098	1153
24	781	820	861	904	949	996	1046	1098	1153	1211
25	820	861	904	949	996	1046	1098	1153	1211	1272
26	861	904	949	996	1046	1098	1153	1211	1272	1336
27	904	949	996	1046	1098	1153	1211	1272	1336	1403
28	949	996	1046	1098	1153	1211	1272	1336	1403	1473
29	996	1046	1098	1153	1211	1272	1336	1403	1473	1547
30	1046	1098	1153	1211	1272	1336	1403	1473	1547	1624
31	1098	1153	1211	1272	1336	1403	1473	1547	1624	1705

(b) Whenever payment is made on the basis of an annual, weekly, hourly or daily rate, the rate shall be computed in the following manner:

(1) by multiplying the monthly rate by 12 in order to find the annual rate;

(2) by dividing the annual rate by 52 in order to find the weekly rate;

(3) by dividing the annual rate by 52 and again dividing the result thereof by 40 in order to find the hourly rate; and

(4) by multiplying the hourly rate by the number of daily hours of service required in order to find the daily rate.

(c) The salaries of public officers and employees shall be converted to the new salary schedule from the existing salary schedule in the following manner except as otherwise provided in this Act.

(1) Any other law including the provisions of section 4-4 and section 4-11 to the contrary notwithstanding, all classes assigned to the salary range one shall be converted to the same increment step or longevity step in salary range two effective January 1, 1966.

(2) Incumbents in salary ranges 2 to 31 shall be assigned to the same salary range and increment step or longevity step in the new schedule and they shall receive the compensation provided for these increment or longevity steps.

(3) Any employee not being compensated at a rate as set forth in the existing salary schedule shall first be moved to the next higher increment or longevity step in the existing salary schedule, if there is such a step; his salary shall then be assigned to the same salary range and increment or longevity step in the new salary schedule.

(4) The compensation of any incumbent whose rate on December 31, 1965 exceeds the L-4 rate of the appropriate range for the class to which his position is allocated shall be increased by 7½%.

(5) Conversion of compensation rates to the new schedule shall be made without causing any loss or reduction in the compensation rates of incumbent officers and employees.

(6) Conversion to the new salary schedule shall be made notwithstanding any salary limitations provided in section 5-21, and section 4A-3 and 5-20 as amended in this Act."

SECTION 5. Chapter 4A of the Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

"Sec. 4A-1. Governor, lieutenant governor. The compensation of the governor of the State of Hawaii shall be \$33,500 per annum. The compensation of the lieutenant governor of the State of Hawaii shall be \$27,500 per annum.

Sec. 4A-2. Department heads and executive officers. The salaries of the following state officers are hereby fixed at the following annual rates:

(a) The salary of the superintendent of public instruction shall be set by the board of education and shall not be less than \$18,500 nor more than \$27,500.

(b) The salaries of all department heads or executive officers of the departments of attorney general, land and natural resources, health, transportation or budget and finance shall be set by the appointing authority and shall not be less than \$18,500 nor more than \$25,000.

(c) The salaries of all department heads or executive officers of the departments of accounting and general services, regulatory agencies, taxation, planning and economic development, social services, labor and industrial relations, personnel services, agriculture or Hawaiian home lands shall be set by the appointing authority and shall not be less than \$18,000 nor more than \$22,000.

(d) The salary of the Adjutant General shall not be less than \$18,000 nor more than \$22,000 provided, however, that if such maximum rate is in conflict with the pay and allowance fixed by the tables of the regular army of the United States, the latter shall prevail.

Sec. 4A-3. First deputies or first assistants to department heads. The salaries of first deputies or first assistants to the head of any department of the state shall be set by the director or executive officer concerned and shall not be more than 85% of the director's salary. The 85% limitation shall become effective on January 1, 1966.

Sec. 4A-4. Administrative director of the State. The salary of the administrative director of the State shall be \$22,000 per annum."

SECTION 6. The second sentence of the second paragraph of section 1-51 of the Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"The revisor's salary shall be set by the supreme court and shall not be less than \$9,000 nor more than \$16,170 per annum."

SECTION 7. The first sentence of section 31-6 of the Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"The sheriff shall receive a salary of \$9,900 per annum."

SECTION 8. Chapter 14A of the Revised Laws of Hawaii 1955, as amended, is hereby further amended in the following respects:

(a) The first sentence of the second paragraph of section 14A-7 is hereby deleted.

(b) The first sentence of the fourth paragraph of section 14A-20 is hereby amended by substituting a period for the comma after the word "capacity" and by deleting therefrom the words and period "and shall be compensated therefor in the sum of \$18,500 per annum."

(c) The first sentence of the fourth paragraph of section 14A-21 is hereby amended by substituting a period for the comma after the word "capacity" and by deleting therefrom the words and period "and shall be compensated therefor in the sum of \$18,500 per annum."

(d) The fourth paragraph of section 14A-23, if unamended during the 1965 general session, shall be amended to read as follows:

"The chairman of the board shall serve in a full time capacity and shall perform such duties, and exercise such powers and authority, or so much thereof as may be delegated to him by the board as hereinabove provided."

If the fourth paragraph of section 14A-23 is amended during the 1965 general session and if such amendment contains any reference to salary, such reference shall be deleted by the revisor of statutes.

SECTION 9. Section 2-39 of the Revised Laws of Hawaii 1955, is hereby amended to read as follows:

"Sec. 2-39. Salary of the auditor and appropriations. The salary of the auditor shall be \$22,000 per annum. The funds for the support of the auditor's office shall, commencing the 1966 budget session of the legislature, be provided for in the Act providing for the expenses of the legislature."

SECTION 10. Chapter 138 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding thereto a new section to be appropriately numbered and to read as follows:

"Sec. 138- . Compensation of certain county officials. Any law to the contrary notwithstanding, each county including the City and County of Honolulu by ordinance shall fix the salaries for its officials whose salaries are presently specifically established by statute or ordinance."

SECTION 11. The third sentence of the first paragraph of section 213-1.6 of the Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

“He shall hold no other office or employment and shall receive a salary of not more than \$15,800 per year.”

SECTION 12. Section 214-1.5 of the Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

“Sec. 214-1.5. **Salary, supreme court justices.** The compensation of the chief justice of the supreme court of the State shall be \$28,000 per year. The compensation of the associate justices of the supreme court of the State shall be \$27,000 per year.”

SECTION 13. Section 215-4.5 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

“Sec. 215-4.5. **Salary of circuit judges.** The compensation of the circuit court judges of the various circuit courts of the State shall be \$25,000 per year.”

SECTION 14. Chapter 220 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended in the following respects:

(a) Section 220-3 is hereby further amended to read as follows:

“Sec. 220-3. **Honolulu; salary rates.**

	Per Annum
First, second, third and fourth district magistrates, Honolulu, who shall not engage in the practice of law during their terms of office	\$15,000
District magistrate, Ewa	6,875
District magistrate, Waianae	5,500
District magistrate, Waiialua	5,500
District magistrate, Koolaupoko and Koolauloa	7,150
District magistrate, Wahiawa	6,600
Clerks, reporters and interpreters, district court, Honolulu (at rates provided under chapter 4);	
A chief clerk	
A clerk-reporter supervisor	
Such other clerks and clerk-reporters as may be needed	
A Japanese interpreter	
A Filipino interpreter	
A Chinese interpreter.”	

(b) Section 220-4 is hereby further amended to read as follows:

“Sec. 220-4. **Hawaii.** The district magistrates, clerks and other assistants referred to in section 220-2, and the salary rates of the district magistrates for the county of Hawaii are as follows:

	Per Annum
District magistrate, Hamakua, North and South Kohala	\$ 6,600
Clerk and reporter, district court of Hamakua, North and South Kohala whose salaries shall be paid by the county of Hawaii, as provided by chapter 4.	
District magistrate, North and South Kona	5,775
District magistrate, Kau	4,400

District magistrate, South Hilo, North Hilo and Puna, who shall not engage in the practice of law during his term in office 13,200

Chief clerk, first assistant clerk and reporter, and second assistant clerk and reporter, third assistant clerk and reporter, and fourth assistant clerk and reporter, district court of South Hilo, North Hilo and Puna, whose salaries shall be paid by the county of Hawaii, as provided for by chapter 4."

(c) Section 220-5 is hereby further amended to read as follows:

"Sec. 220-5. **Kauai.** The district magistrates referred to in section 220-2, and their salary rates for the county of Kauai are as follows:

	Per Annum
District magistrate, Lihue and Koloa	\$ 6,875
District magistrate, Waimea	5,225
District magistrate, Kawaihau and Hanalei	5,225"

(d) Section 220-6 is hereby further amended to read as follows:

"Sec. 220-6. **Maui.** The district magistrates, clerks and other assistants referred to in section 220-2 and the salary rates of the district magistrates for the county of Maui are as follows:

	Per Annum
District magistrate, Lahaina and Lanai	\$ 6,600
Clerk and stenographer, Lahaina	
Clerk and stenographer, Lanai	
District magistrate, Wailuku, who shall not engage in the practice of law during his term of office	13,200
Clerk and stenographer, Wailuku	
District magistrate, Makawao and Hana	\$ 6,600
District magistrate, Molokai	4,400
Clerk and stenographer, Molokai	

The salaries for the above clerks and stenographers shall be provided under chapter 4."

(e) Section 220-8 is hereby further amended to read as follows:

"Sec. 220-8. **Kalawao.** The salary rate of the district magistrate for the county of Kalawao is fixed as follows: \$3,025 per annum."

SECTION 15. Any state and county officer or employee not specifically provided for in this Act, but excluding (1) principals, educational officers, instructional personnel and others whose compensation are established by the Department of Education, (2) chief administrative officers, faculty members, extension and research staff and others whose compensation are established by the board of regents of the University of Hawaii, (3) officials whose salaries are established by boards, commissions and agencies, (4) officers and employees in the Office of the Governor whose salaries are set by the Governor, (5) officers and employees in the Office of the Lieutenant Governor who are exempt from chapter 3 and 4 of the Revised Laws of Hawaii 1955, as amended, (6) the Chief Administrator of the

Public Utilities Commission, (7) elected officials, and (8) officials whose salaries are established under Section 10 of this Act, may receive an increase up to 7½% in their compensation, effective January 1, 1966.

SECTION 16. The sum of \$4,620,000 or so much as may be necessary is hereby appropriated from the general revenues for the additional cost of step increases effective as of July 1, 1965, and to pay for increases in compensation effective as of January 1, 1966, up to and including June 30, 1966, provided that the department of budget and finance shall report expenditures made from this appropriation to the next session of the legislature.

The appropriation made by this section shall be allotted by the director of finance to the several boards, commissions and officers of the state concerned and to the several counties. In the case of the counties, the money allotted shall be paid into the county treasuries and held in special funds solely for the authorized purposes. It is provided that special, separate and federal fund monies shall be used to the maximum extent before state funds are utilized and that unexpended fund shall be returned to the state director of finance.

The funds appropriated by this section shall cover the compensation of all officers and employees of the state and counties except:

(a) Officers and employees of the state whose compensation is paid from federal funds or from special funds of the state whether in whole or in part and whether directly or indirectly to the extent that the amount required to pay the increase in compensation authorized by this Act can be obtained from such federal funds or special funds.

(b) Officers and employees of the board of water supply of the city and county of Honolulu.

SECTION 17. Whenever the functions previously assumed by the city and county of Honolulu and the several counties are transferred to any state department by legislation enacted during this session of the legislature which affects the appropriations made by this Act, the Governor, or the Department of Budget and Finance if so delegated by the Governor, shall transfer the necessary funds to support such function from the county to which the appropriation was made to the department to which the function has been transferred.

SECTION 18. All laws and parts of laws heretofore enacted which are in conflict with the provisions of this Act are hereby amended to conform herewith. All acts passed during this general session 1965, whether enacted before or after passage of this Act shall be amended to conform to this Act, unless such acts specifically provide that this Act is being amended.

SECTION 19. Where the effective date of the adjusted salaries for public officers and employees is not specifically set in this Act the date shall be January 1, 1966.

SECTION 20. If any portion of this Act or its application to any person or circumstances is held to be invalid for any reason, then

the Legislature hereby declares that the remainder of this Act and each and every other provision thereof shall not be affected thereby.

SECTION 21. This Act shall take effect on July 1, 1965.
(Approved June 30, 1965.) **H.B. 279.**

ACT 224

A Bill for an Act Relating to Industrial Loan Companies.

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

SECTION 1. Section 194-10 of the Revised Laws of Hawaii 1955 is hereby amended by deleting the first sentence thereof and substituting therefor the following:

“The applicant at the time of filing an approved application with the director of regulatory agencies shall pay to the director, as an initial license fee, the sum of \$50.00 if the application has been approved on or after January 2 but on or before June 30 of the year, or the sum of \$25.00 if the application has been approved on or after July 1 but on or before December 31 of the year.”

SECTION 2. Section 194-11 of the Revised Laws of Hawaii 1955 is hereby amended by deleting the first sentence thereof and substituting therefor the following:

“On or before December 31 of each year, each licensee shall pay to the director of regulatory agencies the annual license fee of \$50.00 for the ensuing year; provided, however, a licensee whose application was approved in December may pay to the director his first annual license fee of \$50.00 for the ensuing year on or before the expiration of thirty days after receiving notice of the approval of his application.”

SECTION 3. Section 117-20, Revised Laws of Hawaii 1955, as amended, is hereby further amended by changing the period at the end of paragraph (m) thereof to a semicolon and adding immediately after such semicolon the following paragraph:

“(n) Industrial loan companies taxable under the provisions of chapter 127, provided that the exemption shall apply only to the income from the ‘engaging in the business of an industrial loan company’ as defined in section 194-2.”

SECTION 4. Sub-paragraph (1) of the paragraph (a) of Section 121-6, Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

“(1) Banks, building and loan associations and industrial loan companies taxable under the provisions of chapter 127; and insurance companies and agricultural cooperative associations, exclusively taxable under the provisions of other laws.”

SECTION 5. Section 127-1, Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding a new paragraph between the third and fourth paragraphs thereof to read as follows:

“‘Industrial loan company’ means any industrial loan company subject to the provisions of chapter 194.”

SECTION 6. Section 127-3, Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

“Section 127-3. Imposition of tax on other banks, building and loan associations, industrial loan companies and financial corporations. Every bank, other than a national banking association, and every building and loan association, every industrial loan company and financial corporation, located or doing business in the state, shall annually, as of January 1, pay a franchise tax measured as, and at the rate, provided in section 127-4.”

SECTION 7. Sections 1 and 2 of this Act shall take effect upon approval of this Act and Sections 3 through 6 of this Act shall take effect on January 1, 1966.

(Approved June 30, 1965.) H.B. 192.

ACT 225

A Bill for an Act Relating to Disability Retirement Benefits for Firemen and Amending Chapter 6, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Section 6-46 of the Revised Laws of Hawaii 1955, as amended, is hereby amended in the following respects:

(a) By amending the first paragraph thereof to read as follows:

Upon application of a member, or of the head of his department, any member who has been permanently incapacitated as the natural and proximate result of an accident occurring while in the actual performance of duty at some definite time and place, or as the cumulative result of some occupational hazard, through no wilful negligence on his part, may be retired by the board for service-connected total disability provided that:

(b) By adding the following paragraph after the first paragraph of subsection (4) thereof:

In the case of firemen, the cumulative effect of the inhalation of smoke, toxic gases, chemical fumes and other toxic vapors on the heart, lungs and respiratory system shall be construed as an injury received or disease contracted while in the performance of their duty and as the cumulative result of some occupational hazard for the purpose of determining total disability retirement under this section.

SECTION 2. Section 6-46.1 of the Revised Laws of Hawaii 1955, as amended, is hereby amended in the following respects:

(a) By amending the first paragraph thereof to read as follows:

Upon application of a member, or of the head of his department, any member who has been permanently incapacitated for duty as the natural and proximate result of an accident occurring while in the actual performance of duty at some definite time and place, or as the

cumulative result of some occupational hazard, through no wilful negligence on his part, may be retired by the board for service-connected occupational disability provided that:

(b) By adding the following paragraph after the first paragraph of subsection (4) thereof:

In the case of firemen, the cumulative effect of the inhalation of smoke, toxic gases, chemical fumes and other toxic vapors on the heart, lungs and respiratory system shall be construed as an injury received or disease contracted while in the performance of their duty and as the cumulative result of some occupational hazard for the purpose of determining occupational disability retirement under this section.

SECTION 3. This Act shall take effect on January 1, 1966.
(Approved June 30, 1965.) S.B. 116.

ACT 226

A Bill for an Act Making an Appropriation for the Expansion of Programs.

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

SECTION 1. There is hereby appropriated out of the general revenues of the State of Hawaii, not otherwise appropriated, the following sums, or so much thereof as shall be sufficient to accomplish the expanded purpose or programs of the agencies designated herein, to be supplementary to any other appropriations made by this Legislature, for the fiscal period beginning July 1, 1965 and ending June 30, 1966:

DEPARTMENT OF TAXATION \$35,000

Provided, that this appropriation shall be expended for additional cost incurred by the department in the administration of Senate Bill No. 656.

DEPARTMENT OF BUDGET AND FINANCE \$15,000

Provided, that this appropriation shall be expended for additional expenses incurred by the department in the administration of Senate Bill No. 656.

EXECUTIVE \$25,000

Provided, that \$5,000 of this appropriation shall be expended by the Governor for expenses incurred by the Fine Arts Committee on Iolani Palace, a subcommittee of the Citizen's Advisory Committee on the Civic Center Master Plan.

Provided further, that the remaining \$20,000 of this appropriation shall be expended by the Governor in developing and implementing a shark control program.

DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT \$70,000

Provided, that not more than \$20,000 of this appropriation shall be expended for the continuation and expansion of programs for scientific, technological and cultural conferences and symposiums, such conferences and symposiums to include but not be limited to a) the Governor's Conference on Oceanography and Astronautics and, b) The International Fisheries Conference,

Provided further, that the remaining \$50,000 of this appropriation shall be expended for expanding the tourism promotion program by contracting with the Hawaii Visitor's Bureau; and provided further, that the Hawaii Visitor's Bureau shall utilize the amount contracted for in improving, furnishing and equipping of its new or present offices and facilities. [Vetoed by Governor John A. Burns 6-30-65.]

ATTORNEY GENERAL

\$2,650

Provided, that this appropriation shall be expended for travel and related expenses for three commissioners of the Commission to Promote Uniform Legislation and the deputy assigned to the Commission.

LEAHI HOSPITAL

\$10,000

Provided, that this appropriation shall be expended for salary step increases for employees who are at the maximum or longevity steps in the same manner as is provided for public employees in H. B. No. 279.

UNIVERSITY OF HAWAII

\$5,000

Provided, that this appropriation is to be utilized for conducting a study on the need for financial aid programs for public school students.

SECTION 2. If any subsection, paragraph, sentence, clause or appropriation contained in this Act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Act.

SECTION 3. This Act, upon its approval, shall take effect on July 1, 1965.

(Approved June 30, 1965.) **H.B. 30.**

ACT 227

A Bill for an Act Relating to Real Property Taxes and Amending Chapter 128 of the Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Section 128-4, Revised Laws of Hawaii 1955, as amended by Act 21, Session Laws of Hawaii 1964, is hereby further amended by deleting the first paragraph thereof in its entirety and substituting therefor the following:

"Real property shall be assessed in its entirety to the owner thereof; provided that where improved residential land has been leased for a term of fifteen years or more, the real property shall be assessed in its entirety to the lessee or his successor in interest holding the land for such term under such lease and such lessee or successor in interest shall be deemed the owner of the real property in its entirety for the purposes of this chapter; provided, however, that the lease and any extension, renewal, assignment or agreement to assign the lease (1) shall have been duly entered into and recorded in the bureau of conveyances or filed in the office of the assistant registrar of the land court prior to January 1 of the assessment year, and (2) shall provide that the lessee shall pay all taxes levied on the property during the term of the lease.

"Improved residential land' as used herein means land improved with a single family dwelling on it."

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

(Approved June 30, 1965.) **H.B. 228.**

ACT 228

A Bill for an Act Relating to Improvement by Assessment.

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

SECTION 1. Sections 146-134, 147-113, 148-124 and 153-3 of the Revised Laws of Hawaii 1955, as they may have been amended, are hereby amended by inserting between the first and second sentences thereof the following:

"In the event, however, any part or parts of such exempt lands as described in the preceding sentence, except public lands, may be required for right-of-way or easement purposes within such improvement districts the value thereof shall be chargeable to the improvement district, and upon acquisition the owner shall be compensated therefor in the following manner: (1) where the value of the part taken together with any severance damages exceeds the portion of the cost of the improvements which would otherwise be assessable against the exempt land, the county shall pay the difference to said owner or owners; (2) where the value is less than the portion of the cost of improvements which would otherwise be assessable against such exempt lands, the value of the land shall be deducted therefrom and the county shall pay the balance of the assessment as provided herein."

SECTION 2. This Act shall take effect upon its approval.
(Approved June 30, 1965.) **H.B. 919.**

ACT 229

A Bill for an Act to Amend Section 9-45, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Section 9-45, Revised Laws of Hawaii 1955, as amended, is further amended to read:

"**Printing, binding and stationery work.** All printing, binding and stationery work for the State or any county, or other political subdivision thereof shall be performed within the State, and all requests for bids or contracts for such work shall so stipulate; provided that whenever it shall be established that any such work cannot be performed within the State or that the lowest price for which such work can be procured within the State exceeds the bid or charge of a mainland manufacturer of such item by 15 per cent, such work or any part thereof so affected may be performed outside the State.

"No payment shall be made by the State or any county, or other political subdivision thereof for printing, binding, or stationery work unless it shall appear that such was done within the State or was authorized to be done outside the State pursuant to this section."

SECTION 2. This Act shall take effect upon its approval.
(Approved June 30, 1965.) **S.B. 422.**

ACT 230

A Bill for an Act Relating to the Legislative Auditor and Making an Appropriation.

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

SECTION 1. Section 2-39 of the Revised Laws of Hawaii 1955, as amended, to the contrary notwithstanding, there is hereby appropriated out of the general revenues of the State of Hawaii, not otherwise appropriated, the sum of \$125,000 (5), or so much thereof as may be necessary for the expenses of the office of Legislative auditor. The maximum number of positions authorized for that office during the fiscal year 1965-1966 is the number stated in parenthesis after the appropriation.

SECTION 2. The legislative auditor shall, during the next fiscal year, formulate long and short range plans for his office and he shall submit such plans and his budget to the legislature at least twenty days prior to the budget session of 1966.

SECTION 3. This Act shall take effect upon its approval.
(Approved June 30, 1965.) S.B. 899.

ACT 231

A Bill for an Act Relating to the Legislature and Amending Chapter 2 of the Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Chapter 2, Revised Laws of Hawaii 1955, as amended, is hereby amended by adding thereto the following new sections, to be appropriately numbered and to read as follows:

"Sec. 2- . Legislative offices; tenure. The presiding officer and vice-presiding officer of each house of the legislature shall retain their respective offices, and shall discharge duties appropriate to their offices in the interim between sessions of the legislature, until such time as their successors are qualified in accordance with the rules of the respective houses or unless their tenure be terminated by action of the respective houses. The clerk of each house of the legislature shall, during sessions of the legislature, devote full-time to the duties of his office; he shall continue to hold office as clerk and shall discharge duties appropriate to his office in the interim between sessions of the legislature, until such time as his successor is qualified in accordance with the rules of the respective house or unless his tenure be terminated by action of the respective house.

"Sec. 2- . Succession to presiding office of senate and house of representatives. In case of the removal from office, or the death, resignation, absence from the State, or other inability of the presiding officer of the senate or the house of representatives to discharge the duties of his office, the vice-presiding officer of the senate or the

house of representatives, as the case may be, shall become presiding officer until the disability be removed or until a successor to the office of presiding officer is qualified in accordance with the rules of the senate or the house of representatives, as the case may be.

“Sec. 2- . Permanent staffing. Each house of the legislature may by appropriate rules provide for permanent professional staffing for each respective house. Persons appointed shall perform and observe such duties and responsibilities as may be assigned to them, and they may be called to assist in the development and formulation of policy. Persons appointed by each respective house may, if so determined, serve as staff to committees during the interim and during regular sessions. They shall be appointed and removed and compensated as provided for in the rules of the respective houses, and the provisions of chapters 3 and 4 shall not apply.

“Sec. 2- . Payment of legislative bills and accounts. During any session the clerk of each house shall pay all bills and accounts as shall be approved in accordance with the rules of the respective houses. When either house is not in session the clerk shall pay all bills and accounts as shall be approved by the presiding officer of the respective houses. The presiding officer of each house may authorize the payment of bills and accounts during the interim between sessions of the legislature.”

SECTION 2. This Act shall take effect upon its approval.
(Approved June 30, 1965.) **S.B. 954.**

ACT 232

A Bill for an Act to Establish Family Courts and to Amend Chapter 333, Revised Laws of Hawaii 1955, as Amended, Relating to Juvenile Courts.

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

SECTION 1. Chapter 333, Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

CHAPTER 333 FAMILY COURTS

PART I. ESTABLISHMENT: PERSONNEL

Sec. 333-1. Construction and purpose of chapter. This chapter shall be liberally construed to the end that families whose unity or well-being is threatened shall be assisted and protected, and restored if possible as secure units of law-abiding members; and that each child and minor coming within the jurisdiction of the court shall receive, preferably in his own home, the care, guidance, and control that will conduce to his welfare and the best interests of the State, and that when he is removed from the control of his parents the court shall secure for him care as nearly as possible equivalent to that which they should have given him.

Sec. 333-2. Definitions. When used in this chapter, unless the context otherwise requires:

- (a) "Court" means one of the family courts as herein established.
- (b) "Judge" means judge of the family court.
- (c) "Senior judge" means the judge so designated, as provided in this chapter.
- (d) "Board" means the board of family court judges.
- (e) "Child" means a person less than eighteen years of age.
- (f) "Minor" means a person less than twenty years of age.
- (g) "Adult" means a person twenty years of age or older.
- (h) "Detention" means the temporary care of children who require secure custody for their own or the community's protection in physically restricting facilities pending court disposition.
- (i) "Shelter" means the temporary care of children in physically unrestricting facilities pending court disposition.
- (j) "Guardianship of the person of a minor" means the duty and authority to make important decisions in matters having a permanent effect on the life and development of the minor and to be concerned about his general welfare. It shall include but shall not necessarily be limited in either number or kind to:
- (1) the authority to consent to marriage, to enlistment in the armed forces of the United States, or to major medical, psychiatric, and surgical treatment; to represent the minor in legal actions; to make other decisions concerning the minor of substantial legal significance;
 - (2) the authority and duty of reasonable visitation, except to the extent that such right of visitation has been limited by court order;
 - (3) the rights and responsibilities of legal custody when guardianship of the person is exercised by the natural or adoptive parent, except where legal custody has been vested in another individual, agency, or institution;
 - (4) the authority to consent to the adoption of the minor and to make any other decision concerning him which his parents could make, when the rights of his parents, only living parent, have been judicially terminated as provided for in the statutes governing termination of parental rights to facilitate legal adoption, or when both of his legal parents are deceased.
- (k) "Legal custody" means the relationship created by the court's decree which imposes on the custodian the responsibility of physical possession of the minor and the duty to protect, train, and discipline him and to provide him with food, shelter, education, and ordinary medical care, all subject to residual parental rights and responsibilities and the rights and responsibilities of any legally appointed guardian of the person.
- (l) "Residual parental rights and responsibilities" means those rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship of the person, including, but not necessarily limited to, the right to reasonable visitation, consent to adoption or marriage, and the responsibility for support.
- (m) "Commit" means to transfer legal custody.
- (n) "Probation" means a legal status created by court order following adjudication in a case involving a violation of law whereby a minor is permitted to remain in his home subject to supervision by

the court or an agency designated by the court and subject to return to the court for violation of probation at any time during the period of probation.

(o) "Protective supervision" means a legal status created by court order in proceedings not involving violations of law but where the legal custody of the minor is subject to change, whereby the minor is permitted to remain in his home under the supervision of the court or an agency designated by the court and subject to return to the court during the period of protective supervision.

(p) The singular includes the plural, the plural the singular, and the masculine the feminine, when consistent with the intent of this chapter.

Sec. 333-3. Family courts, divisions of circuit courts. The family courts shall be divisions of the circuit courts of the State and shall not be deemed to be inferior courts as that term is used in the State Constitution. In each circuit a family court shall be held at the courthouse or other duly designated place by the judge or judges of the respective family courts as herein defined. The chief justice of the supreme court may temporarily assign a family court judge to preside in another circuit when the urgency of one or more cases requires him to do so. In any case in which it has jurisdiction the court shall exercise general equity powers as authorized by law.

Sec. 333-4. Family courts, circuits. In the first circuit any judge or judges so designated by the chief justice of the supreme court shall be the judge or judges of the family court of the first circuit. The several judges of the second, third and fifth circuits, and of any other circuits hereafter created by the legislature, shall, when exercising jurisdiction under the provisions of this chapter, be judges of the family courts of their respective circuits. In any circuit in which more than one judge is authorized to exercise jurisdiction as judge of the family court, the chief justice of the supreme court shall designate one of such judges as senior judge.

Nothing in this chapter shall be construed to limit the jurisdiction and authority of any circuit judge, designated as judge of a family court, to matters within the scope of this chapter.

Sec. 333-5. Board of family court judges. A board of family court judges, which shall consist of all the State's family court judges, is hereby created. The board shall annually elect from among its members a chairman who shall preside at meetings of the board. The chairman shall have no other authority not specifically authorized under the provisions of this chapter, or any applicable rule of the supreme court, or specifically delegated by a majority of the board. The board shall meet at stated times to be fixed by it but not less often than once every six months, and on call of the chairman.

The board shall discuss and shall attempt to achieve agreement upon general policies for the conduct of the family courts and rules and forms governing procedure and practices in such courts. The board may, within the limitations of the facilities available to the family courts of the State, seek the consolidation of the statistical

and other data on the work and services of such courts and research studies that may be made of the problems of families and children dealt with by such courts to the end that the treatment of children and families subject to the jurisdiction of such courts shall achieve the highest possible degree of uniformity throughout the State and to the further end that knowledge of treatment methods and therapeutic practices be shared among such courts. The board may also formulate recommendations for remedial legislation and for actions by the supreme court under its rule-making power. All actions by such board shall be subject to the regulatory supervision of the chief justice of the supreme court.

Sec. 333-6. Appointment and duties of employees. (a) For each family court the judge, or the senior judge where there is more than one judge, shall appoint a chief administrative and executive officer who shall have the title of director of the family court. Under the general supervision of the senior judge or the judge, the director shall:

- (1) prepare an annual budget for the court;
- (2) formulate procedures governing the routine administration of court services;
- (3) make recommendations to the court for improvement in court services;
- (4) make recommendations to the senior judge or the judge for the appointment of administrative, supervisory, consultant, and necessary professional and clerical and other personnel to perform the duties assigned to the court and the director;
- (5) collect necessary statistics and prepare an annual report of the work of the court;
- (6) provide supervision and consultation to the administrative and supervisory staff regarding the administration of court services, recruitment of personnel, in-service training, and fiscal and office management;
- (7) perform such other duties as the senior judge or the judge shall specify.

(b) For each family court the judge or senior judge where there is more than one shall appoint necessary probation officers, social workers, and marital counselors and may appoint, or make arrangements for the services of, physicians, psychologists, psychiatrists and other professionally competent persons, to carry on the work of the court.

Sec. 333-7. Appointment of referees, duties. The judge or senior judge, if there is more than one, may appoint licensed or such other suitable persons trained in the law, to act as referees, who shall hold office during the pleasure of the senior judge or judge. Such other person shall be selected from eligible lists secured through competitive examinations. The compensation of such referees shall be determined pursuant to the provisions of chapter 4. The senior judge or judge may direct that any case coming within the jurisdictional provisions of this chapter, or all cases of a class or within a district to be

designated by him, shall be heard in the first instance by a referee in the manner provided for the hearing of cases by the court, but any party may, upon request, have a hearing before a judge in the first instance. At the conclusion of a hearing the referee shall transmit promptly to the senior judge or judge all papers relating to the case, together with his findings and recommendations in writing.

Such referees shall have power to administer oaths, to perpetuate testimony under the rules and orders of the family court, and to issue commissions for the perpetuation of testimony to be used in controversies pending before them, to grant continuances of proceedings before them, to subpoena and compel the attendance of witnesses within their respective circuits and to punish contempts according to law.

Written notice of the referee's findings and recommendations shall be given to the minor if he is of sufficient age to understand the nature of the notice, and to the parent, guardian, or custodian of such minor whose case, other than an uncontested adoption case, has been heard by a referee and to all parties in contested adoption cases and in cases coming within the provisions of section 333-11. A hearing by a judge shall be allowed if any of such persons files with the court a request for review, provided that the request is filed within five days after the referee's written notice which shall apprise such persons of their right to request such review. If a hearing de novo is not requested by any party or ordered by the court, the hearing shall be upon the same evidence heard by the referee and reported in his findings, provided that new evidence may be admitted in the discretion of the judge. If a hearing before a judge is not requested or the right to the review is waived, the findings and recommendations of the referee, when confirmed by an order of a judge, shall become the decree of the court.

PART II. JURISDICTION

Sec. 333-8. Jurisdiction: children, minors. Except as otherwise provided herein, the court shall have exclusive original jurisdiction in proceedings:

(a) Concerning any child who is alleged to have violated or attempted to violate any federal, state or local law or municipal ordinance, regardless of where the violation occurred; or any minor alleged to have violated or attempted to violate any federal, state, or local law or municipal ordinance prior to having become eighteen years of age. Such minor shall be dealt with under the provisions of this chapter relating to children. Jurisdiction may be taken by the court of the circuit where the minor is living or found, or in which the offense is alleged to have occurred. When a minor eighteen years of age or over already under the jurisdiction of the court is alleged to have violated or to have attempted to violate any federal, state or local law or municipal ordinance, the family court shall have concurrent jurisdiction with the criminal court.

(b) Concerning any minor living or found within the circuit

(1) who is neglected as to proper or necessary support, or edu-

cation as required by law, or as to medical or other care necessary for his well-being, or who is abandoned by his parent or other custodian; or

(2) whose environment is injurious to his welfare, or whose behavior is injurious to his own or others' welfare; or

(3) who is beyond the control of his parent or other custodian.

(c) To determine the custody of any minor or appoint a guardian of the person of any minor.

(d) For the adoption of a person under the provisions of chapter 331.

(e) For the termination of parental rights under the provisions of section 333-29 to 333-31.

(f) For judicial consent to the marriage, employment, or enlistment of a minor, when such consent is required by law.

(g) For the treatment or commitment of a mentally defective, mentally retarded or mentally ill minor.

(h) Under the Interstate Compact on Juveniles under the provisions of chapter 334A.

Sec. 333-9. Transfer from other courts. If, during the pendency of a criminal charge against a minor in another court, it shall be ascertained that he was less than eighteen years old when he allegedly committed the offense, such other court shall forthwith transfer the case to the family court, together with all the papers, documents, and any available transcripts of testimony connected with it. The court making the transfer shall order that such minor be taken forthwith to the place of detention designated by the family court or to that court itself, or shall release him to the custody of his parent or guardian or other person legally responsible for him, to be brought before the family court at a time designated by it. The family court shall then proceed as provided in this chapter.

Sec. 333-10. Retention of jurisdiction. Jurisdiction obtained by the court in the case of a child may be retained by it, for the purposes of this chapter, until he becomes twenty years of age, unless judicially terminated prior thereto. If a minor eighteen years of age or more already under family court jurisdiction is convicted of a felony in a criminal court, that conviction shall terminate the jurisdiction of the family court.

Sec. 333-11. Jurisdiction: adults. The court shall have exclusive original jurisdiction:

(a) To try any offense committed against a minor by his parent or guardian or by any other person having his legal or physical custody, including violations of sections 330-6 and 330-10;

(b) To try any adult charged with:

(1) deserting, abandoning, or failing to provide support for any person in violation of law;

(2) an offense, other than a felony, against the person of the defendant's husband or wife.

In any case within subsection (a) or (b) (1) or (b) (2) of this section the court may, in its discretion, waive its jurisdiction and

certify the defendant for criminal proceedings to a court which has trial jurisdiction over the offense charged.

(c) In all proceedings under the provisions of chapter 324, and in all proceedings under the provisions of chapter 332.

(d) In proceedings under chapter 328, the Uniform Desertion and Nonsupport Act, and under chapter 329, the Uniform Reciprocal Enforcement of Support Act.

(e) For commitment of an adult alleged to be mentally defective or mentally ill.

PART III. INITIATION OF CASES

Sec. 333-12. Complaint: investigation; petition. (a) Except as provided in subsection (b), whenever the court is informed by any person that a minor is within the purview of subsection (a) or (b) of section 333-8 of this chapter, the court shall make a preliminary investigation to determine whether the interests of the public or of the minor require that further action be taken. If so, the court may authorize the filing of a petition, or may make whatever informal adjustment is practicable without a petition, provided that the facts appear to establish prima facie jurisdiction and are admitted, and provided that consent is obtained from the parents and also from the child if he is of sufficient age and understanding. Efforts to effect informal adjustment may be continued not longer than three months without review by the judge or a referee.

(b) In cases of violation of a law or ordinance relating to operation of a motor vehicle by a child, the issuance of a traffic citation or summons shall be sufficient to invoke the jurisdiction of the court, which may proceed to dispose of such a case with or without preliminary investigation and the filing of a petition.

(c) When a complaint, petition or libel is made or sought to be filed against a member of the complainant's family, the court's staff may, when required by the judge or if requested by either party, inquire into the interpersonal relationships of the members of the family to ascertain the causes of the conflict.

They shall assist the family by extending or securing suitable measures of help and conciliation, and this aid may be provided for persons seeking it prior to the filing of formal proceedings. They shall endeavor to make whatever informal adjustment is practicable without the filing of a petition, but no person in such cases shall be deprived of the right to file a petition, complaint or libel.

(d) In children's cases, under the provisions of subsections (a) and (b) of section 333-8, the petition and all subsequent court documents shall be suitably entitled so as to indicate that the proceeding is in the interest of rather than against the child or minor involved. The petition shall be verified and statements may be made upon information and belief. It shall set forth plainly (1) the facts which bring the child within the purview of this chapter; (2) the name, age and residence of the child; (3) the names and residences of his parents; (4) the name and residence of his legal guardian if there be one, or of the person or persons having custody or control of the child, or of the nearest known relative if no parent or guardian can

be found. If any of the facts herein required are not known by the petitioner the petition shall so state.

(e) The family courts may, by suitable rules or orders, provide regulations concerning the titles, filing, investigation and the form and content of petitions and other pleadings in cases under the provisions of this chapter.

Sec. 333-13. Waiver of jurisdiction; transfer to other courts. (a) The court may waive jurisdiction and order a minor held for criminal proceedings after full investigation and hearing when:

(1) a child sixteen years of age or over is alleged to have committed an act which would constitute a felony if committed by an adult, or,

(2) a minor eighteen years of age or over is alleged to have committed an act prior to reaching the age of eighteen which act would be a crime if committed by an adult, or,

(3) a minor eighteen years of age or over already under the jurisdiction of the court is alleged to have committed an act which if committed by an adult would be a crime, and the court finds that there is no evidence the child or minor is committable to an institution for the mentally defective or retarded or the mentally ill, is not treatable in any available institution or facility within the State designed for the care and treatment of children, or that the safety of the community requires that the child or minor continue under restraint for a period extending beyond his minority.

(b) If thereafter any minor with respect to whom the court has waived jurisdiction under this section comes within the provisions of subsection (a) of section 333-8 of this chapter, the court may after a summary review waive jurisdiction and order such minor held for trial under the regular procedures of the court which would have jurisdiction over such offenses if committed by an adult.

(c) If criminal proceedings instituted under the provisions of subsections (a) and (b) of this section result in an acquittal or other discharge of the minor involved, no petition shall thereafter be filed in any family court based on the same facts as were alleged in the criminal proceeding.

(d) A minor shall not be subject to criminal prosecution based on the facts giving rise to a petition filed under the provisions of this chapter except as provided for in this section.

(e) Where the petition has been filed in a circuit other than the minor's residence, the judge may in his discretion transfer the case to the family court of the circuit of the minor's residence.

(f) When a petition is filed bringing a minor before the court under the provisions of subsections (a) and (b) of section 333-8 of this chapter, and the minor resides outside of the circuit, but within the State, the court may after a finding as to the allegations in the petition certify the case for disposition to the family court having jurisdiction where the minor resides. Thereupon, such court shall accept the case and shall have the power to dispose of the case as if the petition was originally filed in that court. Whenever a case is so certified, the certifying court shall forward to the receiving court certified copies of all pertinent legal and social records.

Sec. 333-14. Summons; notice; custody of minor. After a petition under the provisions of subsection (a) or (b) of section 333-8 is filed in the interest of a minor, and after such investigation as the court may direct, the court shall issue a summons, unless the parties hereinafter named shall promise in writing to appear voluntarily, requiring the person or persons who have the custody or control of the minor to appear personally and bring the minor before the court at a time and place stated. If the person so summoned is not the parent or guardian of the minor, then the parent or guardian or both shall also be notified, by personal service before the hearing except as herein provided, of the pendency of the case and of the time and place appointed. Summons may be issued requiring the appearance of any other person whose presence, in the opinion of the judge, is necessary. If it appears that the minor is in such condition or surroundings that his welfare requires taking him into custody, the judge may order, by endorsement upon the summons, or otherwise, that the person serving the summons shall take the minor into custody at once. A parent or guardian shall be entitled to the issuance of compulsory process for the attendance of witnesses on his own behalf or on behalf of the minor.

Service of summons shall be made personally by the delivery of a copy thereof, together with a copy of the petition, to the person summoned, except that if the judge is satisfied that personal service of the summons or the notice provided for in the preceding paragraph is impracticable, he may order service by certified or registered mail addressed to the last known address, or by publication, or both. Service effected not less than forty-eight hours before the time fixed in the summons for the return thereof shall be sufficient to confer jurisdiction, provided, that jurisdiction shall be conferred if any person who might be so summoned shall appear voluntarily at the time and place appointed and shall waive such service and such notice.

Service of summons, process, or notice required by this chapter may be made by any suitable person under the direction of the court and upon request of the court shall be made by any police officer. The judge may authorize the payment of necessary travel expenses incurred by persons summoned or otherwise required to appear at the hearing of a case coming within the purview of this chapter. The provisions of section 222-7 shall apply to persons summoned under the provisions of this section other than a parent, guardian or other legal custodian of the child concerned.

Sec. 333-15. Failure to answer summons; warrants. Any person summoned as provided in section 333-14 hereof who, without reasonable cause, fails to appear, may be proceeded against for contempt of court. If the summons cannot be served, or if the parties served fail to obey the summons, or if it is made to appear to the judge that serving the summons will be ineffectual or that the welfare of the minor requires that he be brought forthwith into the custody of

the court, a warrant may be issued for the parent, the guardian, or the minor.

If, after being summoned or notified to appear, a parent fails to do so, a warrant may be issued for his appearance, and the hearing shall not take place without the presence of one or both of the parents or the guardian, or, if none is present, a guardian ad litem appointed by the court to protect the interests of the minor. The court may also appoint a guardian ad litem, whenever this is necessary for the welfare of the minor, whether or not a parent or guardian is present.

PART IV. CUSTODY, DETENTION AND SHELTER.

Sec. 333-16. Taking Children into custody; release; notice. A child may be taken into custody by any police officer without order of the judge (a) when in the presence of the officer the child has violated a state or federal law or a county or municipal ordinance; (b) when there are reasonable grounds to believe that he has committed an act which if committed by an adult would be a felony; (c) when he is seriously endangered in his surroundings and immediate removal appears to be necessary for his protection; (d) when there are reasonable grounds to believe that he has run away from his parents, guardian, or legal custodian.

When an officer or other person takes a child into custody the parents, guardian, or legal custodian shall be notified immediately. The child shall be released to the care of his parent or other responsible adult unless his immediate welfare or the protection of the community requires that he be detained. If the person taking the child into custody believes it desirable, he may request the parent, guardian, or legal custodian to sign a written promise to bring the child to the court at the time directed by the court.

If a parent or other responsible custodian fails to produce the child in court as required by an authorized notice, or when notified by the court, a summons or a warrant may be issued for the apprehension of that person or the child or both. The court may assess the cost of the issuance and execution of such summons or warrant against such person.

The provisions of this section shall apply to any minor over the age of eighteen who comes within the provisions of subsection (a), (b) (1), (b) (2) or (b) (3) of section 333-8 of this chapter.

Sec. 333-17. Detention; shelter; release, notice. (a) if the child or minor is not released as provided above, he shall be taken without unnecessary delay to the court or to the place of detention or shelter designated by the court. Any child or minor taken into custody who requires care away from his home but who does not require secure physical restriction shall be given temporary care in any available foster family home or other shelter facility.

The officer or other person who brings a child or minor to a detention or shelter facility shall at once give notice to the court, stating the legal basis therefor and the reason why the child or

minor was not released to his parents. The person in charge of the facility in which the child or minor is placed shall promptly give notice to the court that the child or minor is in his custody. After prompt investigation by a duly authorized officer of the court, the judge or such officer or a referee or the director of detention services shall order the child or minor to be released, if possible, to the care of his parent, guardian or legal custodian, or he may order the child or minor held in the facility subject to further order or placed in some other appropriate facility.

As soon as a child or minor is detained, his parents, guardian or legal custodian shall be informed, by personal contact or by notice in writing on forms prescribed by the court, that they may have a prompt hearing regarding release or detention. The judge may hold the hearing or may authorize the referee to hold it. A child or minor may be released on the order of the judge or referee with or without a hearing. The director of detention services may order the release of the child or minor if an order of detention has not been made.

(b) No child or minor shall be held in detention or shelter longer than forty-eight hours, excluding Sundays and court holidays, unless a petition has been filed or unless the judge or a referee shall otherwise order. No child or minor may be so held longer than forty-eight hours, excluding Sundays and court holidays, after the filing of a petition unless an order for such continued detention or shelter has been signed by the judge or referee.

(c) No child or minor shall be released from such detention except in accordance with the provisions of this chapter.

(d) No child shall at any time be detained in a police station, lockup, jail, or prison, except that, by the judge's order in which the reasons therefor shall be specified, a child whose conduct or condition endangers his own safety or the safety of others in the detention facility for children may be placed in some other place of confinement that the judge considers proper, including a jail or any other place of detention for adults.

(e) Where a child or minor transferred for criminal proceedings in accordance with the provisions of section 333-13 is detained, he shall be held in the detention facility used for persons charged with crime. When a child or minor is ordered committed to an agency or institution, he shall be promptly transported to the place of commitment.

(f) Provisions regarding bail shall not be applicable to children or minors detained in accordance with the provisions of this chapter, except that bail may be allowed after a child or minor has been transferred for criminal prosecution in accordance with the provisions of section 333-13.

(g) The official in charge of a jail or other facility for the detention of adult offenders or persons charged with crime shall inform the court immediately when a child who is or appears to be under eighteen years of age is received at the facility.

(h) The term "minor", as used in this section, shall be deemed

to apply only to minors who come within the jurisdiction of the family court under the applicable provisions of section 333-8 of this chapter.

Sec. 333-18. Detention facilities. Provisions shall be made for the temporary detention of children or minors in a detention home, to be conducted as an agency of the court; or the court may arrange for the care and custody of such children or minors temporarily in private homes subject to the supervision of the court, or may arrange with any institution or agency to receive for temporary care and custody children or minors within the jurisdiction of the court.

When a detention home is established as an agency of the court, the judge may appoint a director of detention services and other necessary employees for such home in the same manner as is provided by law for the appointment of other employees of the court.

A detention home established in any circuit may be used for the temporary detention of children or minors ordered to be detained by the court of another circuit. Such use shall be subject to the approval of the judge of the court of the circuit in which such detention home is situated, upon such terms and conditions as may be established by such judge.

PART V. PROCEDURE AND DECREE

Sec. 333-19. Procedure in children's and minors' cases. Cases of children and minors in proceedings under subsections (a) and (b) of section 333-8 shall be heard by the court separate from hearings of adult cases and without a jury. Stenographic notes or mechanical recordings shall be required as in other civil cases in the circuit courts, unless the parties waive the right of such record or the court so orders. The hearings may be conducted in an informal manner and may be adjourned from time to time. The general public shall be excluded and only such persons admitted whose presence is requested by the parent or guardian or as the judge or referee shall find to have a direct interest in the case or in the work of the court from the standpoint of the best interests of the child or minor involved. Prior to the start of a hearing, the parents, guardian, legal custodian, and when appropriate, the minor shall be notified of the right to be represented by counsel.

Findings of fact by the judge or referee of the validity of the allegations in the petition shall be based upon a preponderance of evidence admissible under the rules applicable to the trial of civil causes, provided, that no minor who is before the court under the provisions of subsection (a) of section 333-8 shall be required to testify against himself over the objection of his parents, guardian or counsel. In the discretion of the judge or referee the child may be excluded from the hearing at any time. When more than one minor is alleged to have been involved in the same act, the hearing may be held jointly for the purpose of making a finding as to the allegations in the petition and then shall be heard separately for the purpose of disposition except in cases where the minors involved have one common parent.

In the disposition part of the hearing any relevant and material

information, including that contained in a written report, study or examination, shall be admissible, and may be relied upon to the extent of its probative value; provided, that the maker of such written report, study or examination shall be subject to both direct and cross-examination upon demand and when he is reasonably available. The disposition shall be based only upon the admitted evidence, and findings adverse to the minor as to disputed issues of fact shall be based upon a preponderance of such evidence.

Upon a final adverse disposition, if the parent or guardian is without counsel the court shall inform the parent or guardian of his right to appeal as provided for in section 333-28.

The court may by rule establish appropriate special procedures for the hearing and disposition of cases involving violation of traffic laws or ordinances by children or minors.

Sec. 333-20. Procedure in adult cases. In any criminal proceeding arising under section 333-11 the court, with the consent of the defendant or the parties in interest, may make a preliminary investigation and such adjustment as is practicable, without prosecution. The procedure and disposition applicable in the trial of such cases in a criminal court shall be applicable to any trial in the family court. On request of the court, the appropriate prosecuting officer shall prepare and prosecute any criminal case within the purview of section 333-11.

Where in his opinion it is necessary to protect the welfare of the persons before the court, the judge or referee may conduct hearings in chambers, and may exclude persons having no direct interest in the case.

In proceedings arising under subsection (c), (d) or (e) of section 333-11 the court may also make a preliminary investigation and, with consent of the parties in interest, may make such adjustment as is practicable without further formal procedures.

Sec. 333-21. Additional remedies not pleaded. When it appears, during the course of any trial, hearing, or proceeding, that some action or remedy other than or in addition to those indicated by the petition or other pleadings appears appropriate, the court may, provided all necessary parties consent, proceed to hear and determine forthwith the additional or other issues as though originally properly sought and pleaded.

Sec. 333-22. Physical or mental examination and treatment. The court may order that a child or minor concerning whom a petition has been filed shall be examined by a physician, surgeon, psychiatrist, or psychologist, and it may order treatment, by them, of a child or minor who has been adjudicated by the court. For either such examination or treatment, the court may place the child or minor in a hospital or other suitable facility. The court, after hearing, may order examination by a physician, surgeon, psychiatrist, or psychologist, of a parent or guardian whose ability to care for a child before the court is at issue.

No child under the age of twelve shall be adjudged to come within the provisions of subsection (a) of section 333-8 hereof without the written recommendation of a psychiatrist or other physician duly qualified by special training and experience in the practice of child psychiatry.

Sec. 333-23. Investigation prior to disposition. Except where the requirement is waived by the judge a social study and a report in writing shall be made in the case of a minor concerning whom a petition has been filed under subsections (a) and (b) of section 333-8 of this chapter. Such study shall be initiated upon the filing of a petition except in petitions filed under subsection (a) of section 333-8 of this chapter when it is ascertained that the minor denies the allegations set forth in the petition. In such case the study shall proceed only after the court after hearing has made a finding as to the allegations of the petition.

Except where the requirement is waived by the judge, social studies shall also be made in proceedings to decide disputed or undetermined legal custody and in custody disputes arising out of a divorce action. In all other awards of custody arising out of a divorce action, including those where an agreement with respect to custody has been made by the parties, and in any other case or class of cases, the judge may order a social study when he has reason to believe such action is necessary to assure adequate protection of the minor or of any other person involved in the case. The judge by special order or by rule of court may require a social study in support cases covering financial ability and other matters pertinent to making an order of support. The use of such studies in custody and support hearings shall be subject to the applicable provisions of section 333-19.

Social studies required by this section shall be presented to and considered by the judge prior to making disposition.

The judge shall have authority to order and use a presentence investigation with respect to any criminal action under the jurisdiction of the court in accordance with the existing provisions of the law with respect to the making and use of such studies.

Sec. 333-24. Decree. When a minor is found by the court to come within the provisions of section 333-8 of this chapter, the court shall so decree and in its decree shall make a finding of the facts upon which the court exercises its jurisdiction over the minor. Upon such decree the court shall, by order duly entered, proceed as follows:

(a) As to a minor adjudicated under subsection (a) of section 333-8:

(1) The court may place the minor on probation in his own home or in the custody of a suitable person elsewhere, upon conditions determined by the court.

(2) The court may vest legal custody of the minor in the Hawaii youth correctional facility, in a local public agency or institution, or in any private institution or agency authorized to care for children or to place them in family homes. In committing a minor to a private institution or agency, the court shall select one that is approved by

the state department of social services, or if such institution or agency is in another state, by the equivalent department of that state where approval is required by law.

(3) In cases of violation of traffic laws or ordinances the court may, in addition to any other disposition, revoke, suspend or restrict a license to drive.

(b) As to a minor adjudicated under subsection (b) of section 333-8:

(1) The court may place the minor under protective supervision, as hereinabove defined, in his own home or in the custody of a suitable person or agency elsewhere, upon conditions determined by the court.

(2) The court may vest legal custody of the minor in a governmental or nongovernmental agency or institution licensed or approved by the State to care for minors, with the exception of an institution primarily for the care and treatment of minors committed under subsection (a) of section 333-8.

(c) An order vesting legal custody in an individual, agency, or institution under the provisions of subsection (b) of section 333-8 shall be for an indeterminate period but shall not remain in force or effect beyond three years from the date entered, except that the individual, institution, or agency may file with the court a written request for renewal of the order and the court may renew the order if it finds such renewal necessary to safeguard the welfare of the minor or the public interest. The court may, if it is deemed necessary, require that such request be in the form of a petition and may, after notice to the parties, conduct a hearing of such petition. Renewal may be periodic during minority, but no order shall have any force or effect beyond minority. An agency granted legal custody shall have the right to determine where and with whom the minor shall live, provided that placement of the minor does not remove him from the territorial jurisdiction of the court, except with the prior approval of the court. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by the court.

(d) Whenever the court vests legal custody of a minor in an institution or agency it shall transmit with the order copies of the clinical reports, social study, and other information pertinent to the care and treatment of the minor, and the institution or agency shall give to the court any information concerning the minor that the court may at any time require. An institution or agency receiving a minor under this subsection shall inform the court whenever the status of the minor is affected through temporary or permanent release, discharge, or transfer to other custody. An institution to which a minor is committed under subsection (a) or (b) of section 333-8 shall not transfer custody of the minor to an institution for the correction of adult offenders, except as authorized under the provisions of section 80-31.

(e) The court may order, for any minor within its jurisdiction, whatever care or treatment is authorized by law.

(f) In placing a minor under the guardianship or custody of an individual or of a private agency or private institution, the court shall give primary consideration to the welfare of the minor.

(g) In support of any order or decree under subsection (a) or (b) of section 333-8, the court may require the parents or other persons having the custody of the minor, or any other person who has been found by the court to be encouraging, causing, or contributing to the acts or conditions which bring the minor within the purview of this chapter and who are parties to the proceeding, to do or to omit doing any acts required or forbidden by law, when the judge deems this requirement necessary for the welfare of the minor. If such persons fail to comply with the requirement, the court may proceed against them for contempt of court.

(h) In support of any order or decree for custody or support, the court may make an order of protection setting forth reasonable conditions of behavior to be observed for a specified time, binding upon both parents or either of them. This order may require either parent to stay away from the home or from the other parent or children, may permit the other to visit the children at stated periods, or may require a parent to abstain from offensive conduct against the children or each other.

(i) The court may dismiss the petition or otherwise terminate its jurisdiction at any time.

(j) In any other case of which the court has jurisdiction, the court may make any order or judgment authorized by law.

Sec. 333-25. Adjudication of child noncriminal. No adjudication by the court of the status of any child or minor under the provisions of this chapter shall be deemed a conviction, no such adjudication shall impose any civil disability ordinarily resulting from conviction; no child or minor shall be found guilty or be deemed a criminal by reason of such adjudication; and no child shall be charged with crime or be convicted in any court except as provided in section 333-13 of this chapter. The disposition made of a child or minor or any evidence given in the court, shall not operate to disqualify the child or minor in any civil service or military application or appointment. Any evidence given in any case under the provisions of section 333-8 shall not in any civil, criminal or other cause in any court be lawful or proper evidence against the child or minor involved for any purpose whatever except in subsequent cases involving the same child or minor under the provisions of said section 333-8.

Sec. 333-26. Modification of decree, rehearing. Except as otherwise provided by this chapter, any decree or order of the court may be modified at any time.

At any time during supervision of a minor the court may issue notice or other appropriate process to the minor if he is of sufficient age to understand the nature of the process, to the parents, and to any other necessary parties to appear at a hearing on a charge of

violation of the terms of supervision, for any change in or modification of the decree or for discharge. The provisions of this chapter relating to process, custody, and detention at other stages of the proceeding shall be applicable.

A parent, guardian, custodian, or next friend of any minor whose status has been adjudicated by the court, or any adult affected by a decree of the court, may at any time petition the court for a rehearing on the ground that new evidence, which was not known or not available through the exercise of due diligence at the time of the original hearing and which might affect the decree, has been discovered. Upon a satisfactory showing of such evidence, the court shall order a new hearing and make such disposition of the case as the facts and the best interests of the minor warrant.

A parent, guardian, or next friend of a minor whose legal custody has been transferred by the court to an institution, agency, or person may petition the court for modification or revocation of the decree, on the ground that such legal custodian has wrongfully denied application for the release of the minor or has failed to act upon it within a reasonable time, or has acted in an arbitrary manner not consistent with the welfare of the minor or the public interest. An institution, agency, or person vested with legal custody of a minor may petition the court for a renewal, modification, or revocation of the custody order on the ground that such change is necessary for the welfare of the minor or in the public interest. The court may dismiss the petition if on preliminary investigation it finds it without substance. If the court is of the opinion that the decree should be reviewed, it shall conduct a hearing on notice to all parties concerned, and may enter an order continuing, modifying, or terminating the decree.

Notwithstanding the foregoing provisions of this section the court's authority with respect to the review, rehearing, renewal, modification or revocation of decrees, judgments or orders entered in the hereinbelow listed classes of proceedings shall be limited by any specific limitations set forth in the statutes governing such proceedings or in any other specifically applicable statutes or rules. Such proceedings are as follows:

- (a) Annulment, divorce, separation, and other proceedings under the provisions of chapter 324;
- (b) Adoption proceedings under the provisions of chapter 331;
- (c) Paternity proceedings under the provisions of chapter 332;
- (d) Termination of parental rights proceedings under the provisions of this chapter;
- (e) Waimano training school and hospital commitment proceedings under the provisions of chapter 82;
- (f) State hospital commitment proceedings under the provisions of chapter 81.

A decree, judgment or order transferring the custody of a minor to the Hawaii youth correctional facility of the department of social services shall be reviewable under the provisions of this section at the instance of others than duly authorized representatives of such de-

partment only after a lapse of thirty days following the date of such decree, judgment or order, and thereafter only at intervals of not less than one year.

Notwithstanding the provisions of this section the court shall not conduct a rehearing of any petition, filed under the provisions of section 333-8 (a), which, following a hearing, has been denied or dismissed.

Sec. 333-27. Support of minor committed for study or care. Whenever legal custody of a minor is given by the court to someone other than his parents, or when a minor is given medical, psychological, or psychiatric study or treatment under order of the court, and no provision is otherwise made by law for the support of the minor or for payment for such treatment, compensation for the study and treatment of the minor, when approved by order of the court, shall, if necessary, be paid out of such moneys as may be appropriated for the expenses of the court. After giving the parent a reasonable opportunity to be heard, the court may order and decree that the parent shall pay, in such manner as the court may direct, a reasonable sum that will cover in whole or in part the support and treatment of the minor given after the decree is entered. If the parent willfully fails or refuses to pay such sum, the court may proceed against him as for contempt, or the order may be filed and shall have the effect of a civil judgment.

Compensation may be made to a nongovernmental agency provided that it shall make periodic reports to the court or to an agency designated by the court concerning the care and treatment the minor is receiving and his response to such treatment. These reports shall be made as frequently as the court deems necessary and shall be made with respect to every such minor at intervals not exceeding six months. The agency shall also afford an opportunity for a representative of the court or of an agency designated by the court to visit, examine, or consult with the minor as frequently as the court deems necessary.

Sec. 333-28. Appeal. An interested party aggrieved by any order or decree of the court may appeal to the supreme court for review of questions of law and fact upon the same terms and conditions as are set forth in section 208-3, as modified by the Hawaii Rules of Civil Procedure and by the Hawaii Rules of Criminal Procedure, in cases to which such rules are applicable, except as hereinafter provided. Where the decree or order affects the custody of a child or minor the appeal shall be heard at the earliest practicable time. In cases under the provisions of section 333-8 the record on appeal shall be given a fictitious title, to safeguard against publication of the names of the children or minors involved.

The pendency of an appeal or application therefor shall not suspend the order of the court regarding a child or minor and it shall not discharge the child or minor from the custody of the court or of the person, institution, or agency to whose care he has been com-

mitted, unless otherwise ordered by the supreme court on application of appellant. If the supreme court does not dismiss the proceedings and discharge the child or minor, it shall affirm or modify the order of the family court and remand the child or minor to the jurisdiction of the court for disposition not inconsistent with the supreme court's finding on the appeal.

An order or decree entered in a proceeding based upon subsection (a) or (b) (1), (b) (2) or (b) (3), or (f) of section 333-8 shall be subject to appeal to the supreme court only as follows:

Within ten days from the date of the entry of any such order or decree, any party directly affected thereby, including a parent or legal custodian of any child or minor involved, may petition the judge for a rehearing and reconsideration of the facts involved. Such petition shall set forth the grounds on which a rehearing is requested and shall be sworn to by the petitioner. A copy thereof shall be served upon the attorney general, who shall represent the interests of the State at such rehearing and in connection with any subsequent appeal. As soon thereafter as may be practicable, the judge shall proceed with the rehearing of the case, affording to all parties concerned the full right of representation by counsel and presentation of relevant evidence. The findings of the judge upon such rehearing and his determination and disposition of the case thereafter, and any decision, judgment, order or decree affecting the child and entered as a result of such rehearing shall be set forth in writing and signed by the judge. Any party deeming himself aggrieved by any such judgment, order or decree, entered following a rehearing as in this section provided, shall have the right to appeal therefrom to the supreme court upon the same terms and conditions as are set forth in the first paragraph of this section; provided, that no such petition for rehearing shall operate as a stay of any such judgment, order or decree unless the judge of the family court so orders, provided, further, that no informality or technical irregularity in the proceedings prior to the rehearing hereinabove provided for shall constitute grounds for the reversal of any such judgment, order or decree by the supreme court.

PART VI. TERMINATION OF PARENTAL RIGHTS

Sec. 333-29. Termination of parental rights; petition. (a) The legal parents or the surviving parent or the mother of a minor born out of wedlock who desire to relinquish parental rights to any natural or adopted minor and thus make such minor available for adoption or readoption, may petition the family court of the circuit in which they or he or she resides, or of the circuit in which the minor resides, for the entry of a judgment of termination of parental rights. Such petition shall be verified and shall be substantially in such form as may be prescribed by the judge or senior judge of the family court. Such a petition may be filed by the legal parents or the surviving parent or the unmarried mother of a living minor, or by the legal parents or the surviving mother or the unmarried mother of an unborn child at any time following the sixth month of pregnancy, provided, that no

judgment may be entered upon a petition concerning an unborn child until after the birth of the child, and until the petitioner or petitioners shall have filed in the termination proceeding a written reaffirmation of their desires as expressed in the petition or until the petitioner or petitioners shall have been given not less than ten days' notice of a proposal for the entry of judgment and an opportunity to be heard in connection with such proposal.

(b) The family courts shall have authority to terminate the parental rights of any legal parent or parents in respect to any minor: (a) who has been abandoned for a period of not less than six months; or (b) who has been voluntarily surrendered to the care and custody of others than the legal parents for a period of two years; or (c) who has been neglected, ill-treated or abused to such an extent that legally authorized judicial action has been taken which has resulted in the removal of such minor from the physical custody of such parent or parents; or (d) whose parents have or whose sole legal parent has legally been found to be mentally ill or mentally incompetent to an extent requiring institutional care and who shall be found, as a result of such mental illness or mental incompetence, to be incapacitated from giving consent to the adoption of such minor. Such authority may be exercised only when a verified petition, substantially in the form above prescribed, has been filed by some proper adult person on behalf of the minor in the family court of the circuit in which the parents or a parent or the minor resides and the court has conducted a hearing of such petition. A copy of every such petition, together with notice of the time and place of the hearing thereof, shall be personally served at least twenty days prior to such hearing upon the parent or parents whose rights are sought to be terminated. In the event that personal service cannot be effected within the State, service of such notice may be made as provided in section 230-31 or 230-32, whichever is applicable; or in lieu thereof, service of such notice may be made by certified or registered mail with request for a return receipt, which service, evidenced by such receipt signed by the parent whose rights are sought to be terminated and returned to the clerk of the court, shall be regarded as equivalent to personal service.

Sec. 333-30. Hearing; investigation and report. Every petition under the provisions of section 333-29 shall be filed in duplicate and the clerk of the court in which the same is filed shall immediately forward a copy of such petition, and of the notice of the time and place of the hearing thereof, to the director of the department of social services or to the nearest county administrator of such department. The director or any such county administrator shall be permitted to appear and be heard at any such hearing on behalf of the petitioner or the child or minor or the State and shall have the same right of appeal as any party to the proceeding. The attorney general shall, at the request of the director, represent and defend the interests of the department in any such proceeding. Upon the request of any petitioning parent or parents or upon the request

of the department of social services, any child-placing organization, approved by the department under the provisions of section 108-11, shall be permitted to appear together with or in place of the department. If any petitioner or the department or any such child-placing organization approved by the department or any parent whose rights are sought to be terminated requests of the court a continuance of the hearing for the purpose of permitting an objective investigation of the circumstances of the minor and the parent or parents concerned, no judgment of termination shall be entered prior to the expiration of thirty days from the date of such request or until the earlier date of the filing of a report of such investigation. If the petition has been filed by or at the request of the department of social services or any such child-placing organization, or, in the event that a continuance has been requested as above provided, the department of social services shall prepare or procure and file in the termination proceeding a report of the facts disclosed as a result of investigation of the circumstances of the minor and the parent or parents whose rights are sought to be terminated. The court may, for good cause, grant extensions of the time within which such report must be filed. Any such report shall be incorporated in the record of the proceeding and shall be considered by the court in determining the issues presented by the petition. The court may, if it deems such action necessary, appoint a guardian ad litem to represent and defend the interests of the child or minor or of any minor parent.

Sec. 333-31. Findings and judgment. No judgment of termination of parental rights entered under the provisions of sections 333-29 to 333-31 shall be valid or binding unless it contains a finding that the facts upon which such petition is based bring the minor within the provisions of such sections and have been proved by the evidence and that the adjudication of termination of parental rights is necessary for the protection and preservation of the best interests of the minor concerned and will facilitate the legal adoption of the minor.

In any judgment entered pursuant to the provisions of sections 333-29 to 333-31 the court may terminate the parental rights of one or both of the parents of the minor concerned, may transfer the care, custody and control of such minor to any proper person not forbidden by law to place a child for adoption or to the department of social services or to any child-placing organization approved by the department as aforesaid, may appoint a guardian of the person of such minor, and may authorize such person or the department or such agency or such guardian to consent to the legal adoption of the minor.

No judgment of termination of parental rights entered under the provisions of sections 333-29 to 333-31 shall operate to terminate the mutual rights of inheritance of the minor and the parent or parents involved, or to terminate the legal duties and liabilities of the parent or parents, unless and until the minor has been legally adopted.

Every such judgment of termination of parental rights when the procedural provisions of sections 333-29 to 333-31 have been followed shall become final and binding upon all of the parties concerned as of the date of its entry and filing, subject to the right of appeal upon the same terms and conditions as are set forth in section 208-3. No such judgment shall be set aside for reasons other than the best interests and welfare of the minor concerned, after the entry of a decree of adoption of the minor concerned or during any period when the minor is in an adoptive home in which the minor has been placed by the department of social services or by a child-placing organization approved by the department as aforesaid or by any person not forbidden by law to place a minor for adoption. When any such minor is placed for adoption, a sworn certificate evidencing such placement shall be filed in the termination proceeding by the agency or person making such placement. Upon the entry of a final decree of adoption of any such minor, a certified copy of such decree shall be filed in the termination proceeding and notification of the entry of such decree, without disclosing the identity of the adopting parents, shall be given to each person whose parental rights have been terminated by registered mail addressed to the last known address of each such person; provided, that at any time following the expiration of one year from the date of the entry of any such judgment of termination of parental rights, upon the motion of the parent or parents of such minor or the department of social services or any child-placing organization approved by the department as aforesaid or any other proper person, based upon the fact that such minor has not been adopted or placed in a prospective adoptive home, the court in which such judgment was entered shall review the same and shall consider the currently reported circumstances of the minor and of the parent or parents and shall enter its finding as to whether such circumstances, and the present best interests of the child, justify the continuance of such judgment. Upon such reconsideration, the court may either set aside such judgment or continue it in effect, as the circumstances may warrant. Upon the entry in the termination proceeding of a certified copy of the final decree of adoption of any such minor and notification thereof to the person whose parental rights have been terminated, or upon the dismissal or discontinuance or other final disposition of the petition in the termination proceeding the clerk of the court shall seal all records in the termination proceeding and such seal shall not be broken and such records shall not be inspected by any person, including the parties to the termination proceeding, except upon order of the court.

PART VII. JUVENILE CRIME PREVENTION BUREAU

Sec. 333-32. Juvenile crime prevention bureau; establishment of. Any chief of police may establish as a subdivision of the police department under his jurisdiction a juvenile crime prevention bureau,

to be maintained and conducted as hereinafter provided.

Sec. 333-33. Duties and powers; reports. The juvenile crime prevention bureau shall direct its attention specifically to the suppression, prevention and investigation of crimes committed by children under the age of eighteen years, and any police officer shall have the power and authority to take and detain any minor coming within the provisions of subsection (a) or (b) (3) of section 333-8 at the bureau or other suitable places for questioning and investigation. If it appears upon conclusion of such investigation that such minor does come within such provisions, he may be referred to the family court or to a proper agency for treatment, and a written report of the findings of the officer shall be submitted to the court or the agency.

Sec. 333-34. No limitations on family courts. Nothing in sections 333-32 or 333-33 contained shall be construed to divest family courts of any of their powers, but the same shall specifically grant to the police departments of the several counties the power to take, detain, question, investigate and refer to appropriate social or other agencies, private or governmental, as the facts of the case appear to justify, minors coming within the provisions of section 333-33, subject, however, to the provisions of sections 333-16 and 333-17.

Sec. 333-35. Rules and standards; investigation and questioning; fingerprinting and photographing. The judges of the family courts shall make such rules and set up such standards of investigation and questioning as they consider necessary to guide and control the police, within their respective jurisdictions, in the handling of cases involving minors coming within the provisions of this chapter. Such rules and standards may include limitations and restrictions concerning the fingerprinting and photographing of any child in police custody. Such rules shall be enforceable as orders of the court.

PART VIII. GENERAL PROVISIONS

Sec. 333-36. Contempt of court. Any adult who willfully violates, neglects, or refuses to obey or perform any lawful order of the court may be proceeded against for contempt of court. Any adult found in contempt of court may be punished as provided by law.

Sec. 333-37. Court sessions; quarters. Sessions of the court shall be held at such places throughout each circuit as the court shall determine.

Sec. 333-38. Court and witness fees. In proceedings under subsections (a) and (b) of section 333-8 of this chapter, no court fees shall be charged against, and no witness fees shall be allowed to, any party to a petition. No officer of the State or of any political subdivision thereof shall be entitled to receive any fee for the service of process or for attendance in court in any such proceedings except as otherwise provided in this chapter. All other persons acting under

orders of the court may be paid for service of process and attendance or service as witnesses, the fees provided by law to be paid from the proper appropriation when the allowances are certified to by the judge.

Sec. 333-39. Records. The court shall maintain records of all cases brought before it. In proceedings under section 333-8, and in paternity proceedings under chapter 332, the following records shall be withheld from public inspection: the court docket, petitions, complaints, motions, and other papers filed in any case; transcripts of testimony taken by the court; and findings, judgments, orders, decrees, and other papers other than social records filed in proceedings before the court. Such records other than social records shall be open to inspection by the parties and their attorneys, by an institution or agency to which custody of a minor has been transferred, by an individual who has been appointed guardian; with consent of the judge, by persons having a legitimate interest in the proceedings from the standpoint of the welfare of the minor; and, pursuant to rule or special order of the court, by persons conducting pertinent research studies, and by persons, institutions, and agencies having a legitimate interest in the protection, welfare, or treatment of the minor.

Reports of social and clinical studies or examinations made pursuant to this chapter shall be withheld from public inspection, except that information from such reports may be furnished, in a manner determined by the judge, to persons and governmental and private agencies and institutions conducting pertinent research studies or having a legitimate interest in the protection, welfare, and treatment of the minor.

No information obtained or social records prepared in the discharge of official duty by an employee of the court shall be disclosed directly or indirectly to anyone other than the judge or others entitled under this chapter to receive such information, unless and until otherwise ordered by the judge.

Without the consent of the judge, neither the fingerprints nor a photograph shall be taken of any child in police custody, unless the case is transferred for criminal proceedings. Except for the immediate use in such criminal case, any photograph or fingerprint taken upon such transfer shall not be used or circulated for any other purpose and shall be subject to all rules and standards provided for in section 333-35.

The records of any police department, and of any juvenile crime prevention bureau thereof, relating to any proceedings authorized under the provisions of section 333-8 hereof shall be confidential and shall be open to inspection only by persons whose official duties are concerned with the provisions of this chapter, except as otherwise ordered by the court. Any such police records concerning traffic accidents in which a child or minor coming within the provisions of subsection (a) of section 333-8 hereof is involved shall, after the termination of any proceeding under the provisions of subsection (a)

of section 333-8 arising out of any such accident, or in any event after six months from the date of such accident, be available for inspection by the parties directly concerned in such accident, or their duly licensed attorneys acting under written authority signed by either party. Any person who may sue because of death resulting from any such accident shall be deemed a party concerned.

Evidence given in proceedings under the provisions of subsection (a) or (b) of section 333-8 shall not in any civil, criminal or other cause be lawful or proper evidence against the child or minor therein involved for any purpose whatever, except in subsequent proceedings involving the same child under the provisions of said subsection (a) or (b) of section 333-8.

Sec. 333-40. Authority of probation officers; additional probation officers. Within the scope of their duties, probation officers appointed under the provisions of this chapter shall have the powers and privileges of a police officer. In addition to the probation officers appointed under the provisions of section 333-6, the judges of the family courts may appoint special probation officers who shall serve without pay but shall be entitled to be reimbursed for any cost or expense incurred by them in connection with the performance of their duties as defined by the judge.

Sec. 333-41. Cooperation. It is hereby made the duty of every public official or department to render all assistance and cooperation within his or its jurisdictional power which may further the objects of this chapter. The court is authorized to seek the cooperation of organizations whose object is to protect or aid children and family life.

Sec. 333-42. Laws repealed. All laws and portions of laws relating to juvenile courts or any other subject dealt with in this chapter, and which are in conflict with the provisions of this chapter, are hereby repealed. The term "juvenile court" as set forth in any existing state statute shall be deemed to mean the family court created hereby.

Sec. 333-43. Constitutionality. If any section, subsection, or clause of this chapter shall be held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of the chapter.

Sec. 333-44. Short title. This chapter may be cited as the family court act."

SECTION 2. This Act shall take effect on July 1, 1966. It shall govern all proceedings filed or sought to be filed after that date, and also all further actions taken in proceedings then pending if and to the extent that each family court shall so determine.

(Approved July 6, 1965.) **H.B. 879.**

ACT 233

A Bill for an Act Relating to Outdoor Advertising.

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

SECTION 1. Chapter 155, Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding the following new sections to be designated and to read as follows:

“Sec. 155-120. Definitions. As used in this chapter:

(a) ‘Outdoor advertising device’ means any device which is:

(i) A writing, picture, painting, light, model, display, emblem, sign, or similar device situated outdoors, which is so designed that it draws the attention of persons in any public highway, park, or other public place to any property, services, entertainment or amusement, bought, sold, rented, hired, offered, or otherwise traded in by any person, or to the place or person where or by whom such buying, selling, renting, hiring, offering or other trading is carried on;

(ii) A sign, poster, notice, bill or word or words in writing situated outdoors and so designed that it draws the attention of and is read by persons in any public highway, park or other public place; or

(iii) A sign, writing, symbol or emblem made of lights, or a device or design made of lights so designed that its primary function is not giving light, which is situated outdoors and draws the attention of persons in any public highway, park or other public place.

(b) ‘Billboard’ is any board, fence or similar structure, whether free-standing or supported by or placed against any wall or structure, which is designed or used for the principal purpose of having outdoor advertising devices placed, posted or fastened upon it.

(c) Any person who, by himself or through any agent or independent contractor, maintains or displays any outdoor advertising device, or any person who knowingly causes any outdoor advertising device advertising his products, merchandise or services to be displayed by himself or any agent or independent contractor; or any person who, being in possession of any land, building, or part of a building, permits any outdoor advertising device on said land, building or part of a building, shall be deemed to be displaying an outdoor advertising device.

(d) Any person, who, by himself or through any agent or independent contractor, erects or maintains a billboard or places any outdoor advertising device upon a billboard, or any person who knowingly causes any of his products, merchandise or services to be advertised upon a billboard by himself or through any agent or independent contractor; or any person who, being in possession of any land, building or part of a building, knowingly permits a billboard to be erected or to remain on said land, building or part of a building, shall be deemed to be maintaining a billboard.

"Sec. 155-121. Where and when permitted. No person shall erect, maintain or use a billboard or display any outdoor advertising device, except as herein provided:

(a) The display of official notices and signs, posted by order of any court or public office, or posted by any public officer in the performance of a public duty, or posted by any person required to do so by any statute or ordinance or regulation having the force of law.

(b) Any outdoor advertising device announcing a meeting or series of meetings is not prohibited by this section if displayed on the premises where the meeting or series of meetings will be or is being held. Meeting, as used in this section, includes all meetings whether open to the public or not, or whether conducted for profit or not, and, including but not limited to, sports events, conventions, fairs, rallies, plays, lectures, concerts, motion pictures, dances, and religious services.

(c) Any outdoor advertising device indicating that the building or premises on which it is displayed is the residence, office or place of business, commercial or otherwise, of any individual, partnership, joint venture, association, club or corporation, and stating the nature of the business.

(d) Any outdoor advertising device which advertises property or services which may be bought, rented, sold or otherwise traded in on the premises or in the building on which the outdoor advertising device is displayed.

(e) The offering for sale of merchandise bearing incidental advertising, including books, magazines and newspapers, in any store, newsstand, vending machine, rack or other place where such merchandise is regularly sold.

(f) Any outdoor advertising device offering any land, building or part of a building for sale or rent if displayed on the property so offered, or on the building of which part is so offered.

(g) Any outdoor advertising device carried by persons or placed upon vehicles used for the transportation of persons or goods.

(h) Any outdoor advertising device warning the public of dangerous conditions which they may encounter in nearby sections of streets, roads, paths, public places, power lines, gas and water mains or other public utilities.

(i) Signs serving no commercial purpose, which indicate places of natural beauty, or of historical or cultural interest, and are made according to designs approved by the department of planning and economic development.

(j) Any outdoor advertising device or billboard erected, placed or maintained upon a state office building, if erected, placed or maintained by authority of a state agency, department or officer for the sole purpose of announcing cultural or educational events within the State, and if the design and location thereof have been approved by the department of planning and economic development.

(k) Signs urging voters to vote for or against any person or issue, if erected not more than 45 days before, and removed not less than 10 days after, the election in which such person is a candidate or in which such issue is to be voted upon.

(l) Signs stating that a residence which is offered for sale, lease or rent is open for inspection at the actual time the sign is displayed and showing the route to such residence, provided such sign contains no words or designs other than the words 'Open House', the address of the residence, the name of the person or agency responsible for the sale and an arrow or other directional symbol, and is removed during such time as the residence is not open for inspection.

(m) The erection, maintenance and use of billboards if such billboard is used solely for outdoor advertising devices not prohibited by this section.

(n) The continued display and maintenance of outdoor advertising devices actually displayed on the effective date of this Act in accordance with all laws and ordinances immediately theretofore in effect.

(o) The continued maintenance of any billboard actually maintained on the effective date of this Act, and the display thereon of the same or new advertising devices, all in accordance with all laws and ordinances in effect immediately prior to the effective date of this Act.

"Sec. 155-122. Regulation by counties. The several counties may adopt ordinances regulating billboards and outdoor advertising devices not prohibited by this Act. Such ordinances may:

(a) Classify said billboards and outdoor advertising in the classes set forth in section 155-121, or in any other reasonable manner of classification;

(b) Regulate the size, manner of construction, color, illumination, location and appearance of any class of billboard or outdoor advertising device;

(c) Prohibit the erection or maintenance of any class of billboard or the displaying of outdoor advertising device in particular parts, or in all parts, of the county, provided however, that such prohibition shall not apply to any official notice or sign described in section 155-121(a);

(d) Control and license the business of making, erecting, posting, renting and maintaining outdoor advertising devices and billboards as a business providing advertising for others, and require each person engaging in such business to obtain an annual license, the fee for which shall not exceed \$100. Such license shall be conditioned upon the maintenance of all outdoor advertising devices and billboards in a safe state, and the observance of this Act and all applicable ordinances and shall be revocable by the licensing authority upon breach of such condition;

(e) Require that no person, whether licensed under subsection (d) hereof or not, shall erect or maintain any billboard unless it is licensed by a permit issued by the county, the issuance of which permit shall be conditioned upon compliance with this chapter and all applicable ordinances and the payment to the county of an annual fee not to exceed \$25 per billboard; and

(f) Provide for such other regulation of billboards and outdoor advertising devices as will promote the public health, welfare, safety and convenience; encourage and promote the tourist and visitor trade; conserve and develop the natural beauty of the State, as well as objects and places of historic and cultural interest; foster sightliness and physical good order; and promote the purposes and provisions of this Act.

“Sec. 155-123. Unlawful posting in public places. It shall be unlawful for any person, except a public officer in performance of a public duty, or a private person in giving legal notice, to paste, post, paint, print, nail, tack or otherwise fasten any card, banner, handbill, sign, poster, outdoor advertising device or notice of any kind or cause the same to be done, on any curbstone, lamp-post, pole, hitching post, watering trough, hydrant, bridge, tree, street sign, traffic sign or traffic light upon any public property in the State, except as may be required by the ordinances of the county where it is posted, or by the laws of this State or of the United States.

“Sec. 155-124. Same; consent of owner. It shall be unlawful for any person, except a public officer or employee in performance of a public duty, or a private person in giving legal notice, to paste, post, paint, print, nail or tack or otherwise fasten any card, banner, handbill, sign, poster, outdoor advertising device or notice of any kind upon any property without the oral or written consent of the owner, holder, lessee, agent or trustee thereof.

“Sec. 155-126. [sic] Scattering debris. No person shall scatter, daub or leave any paint, paste, glue or other substance used for painting or affixing outdoor advertising devices upon any public street or sidewalk or scatter or throw or permit to be scattered or thrown any bills, waste matter, paper, cloth or materials of whatsoever kind removed from billboards on any public street or on private property.

“Sec. 155-126. Name of owner must appear. There shall be placed and maintained on the top of each billboard the name, plainly printed, of the person owning or who is in possession, charge or control of the same, for advertising purposes.

“Sec. 155-127. Offensive signs. It shall be unlawful for any person to display, or cause to be displayed, upon any billboard or outdoor advertising device, any statement, words or signs of an obscene, indecent or immoral nature, or any picture, illustration or delineation of any human figure in such detail as to offend public morality or decency, or of any lewd, lascivious act, or any other matter or thing of an obscene, indecent or immoral nature, or offensive to the moral sense.

“Sec. 155-128. Advertising certain medicines. No person shall display any outdoor advertising device giving or purporting to give information from whom or where medicines may be obtained for the cure, prevention or treatment of diseases peculiar to females, venereal diseases or impotence, sterility, gonorrhoea, gleet, stricture, syphilis, abortion or miscarriage, or articles or means of preventing conception, or containing pictures or illustrations of an immoral character.

“Sec. 155-129. Enforcement by civil suit. Injunction forbidding the erection, maintenance or display of, or commanding the removal or alteration of any outdoor advertisement or billboard which does not comply with this statute or any ordinance enacted under the authority of this statute shall be granted upon the suit of the State by the attorney general, or of the county in which said outdoor advertisement or billboard is or probably will be erected, maintained or displayed, or of the owner of any land, building or part of a building from which such outdoor advertisement is or will be visible and so conspicuous as to draw attention. Any owner of a freehold or leasehold in such property shall be deemed such owner and entitled to bring such suit.

“Sec. 155-130. Penalty. Any person violating any provision of this Act shall be fined not less than \$25 nor more than \$500, or imprisoned not more than one month, or both.

“Sec. 155-131. Severability. If any portion of this Act or its application to any person or circumstances is held to be invalid for any reason, then the remainder of this Act and each and every portion of this Act shall not be affected thereby.”

SECTION 2. Repeal. Sections 154-1 through 154-15, inclusive, and sections 155-70 through 155-75, inclusive, of the Revised Laws of Hawaii 1955 relating to the regulation of outdoor advertising are hereby repealed.

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

(Approved July 8, 1965.) S.B. 949.

ACT 234

A Bill for an Act Relating to Grants-In-Aid to the Several Counties for Capital Improvement Projects on a Matching Basis.

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

SECTION 1. The purpose of this Act is to establish a state system of grants-in-aid to the several counties designed to encourage, stimulate and assist in the development of the several counties by means of providing capital improvement projects which are a part of the general plan of the State, or which will contribute to the economic development of the county.

SECTION 2. There is hereby established a state system of grants-in-aid to the several counties for the purpose of encouraging, stimulating and assisting the economic development of the several counties by capital improvement projects which are a part of the general plan of the State, or which will reasonably strengthen the economic development of the counties.

SECTION 3. Money allotted under the provisions of this Act by the State shall be available to the several counties on a matching basis; provided that no part of State or county moneys which constitute the matched funds shall be expended for such capital improvement projects which are not a part of the general plan of the State, or which will not reasonably contribute to the economic development of the county. The determination of (1) the extent of participation by the State on a matching basis and (2) what capital improvement projects shall reasonably contribute to the economic development of a county shall be made by the governor taking into consideration the State's goal for specific segments of its general plan and the financial position of the county.

SECTION 4. The executive officer of each of the several counties, with the advice of the board of supervisors or city council as the case may be, shall identify the project or projects to be undertaken, in his respective county, under this program subject to approval by the governor. All approved projects shall be in agreement with the State general plan or must contribute reasonably to the economic development of the county. These projects shall be approved on the basis of relative need on a state-wide basis.

SECTION 5. The department of budget and finance and the department of planning and economic development are hereby authorized to adopt rules and regulations necessary and convenient for the administration and implementation of the provisions of this Act subject to approval by the governor.

SECTION 6. This Act shall take effect upon its approval.
(Approved July 8, 1965.) **H.B. 118.**

ACT 235

A Bill for an Act Relating to Health and Dental Care for Public Officials, Employees, Retired Employees, and Their Dependents.

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

SECTION 1. Amend Chapter 5A, Revised Laws of Hawaii 1955, as amended, as follows:

A. Amend Sec. 5A-1 (b) to read:

"(b) 'Carrier' means a voluntary association, corporation, partnership or organization engaged in providing, paying for, arranging for or reimbursing the cost of health services under group insurance contract or medical, hospital, or dental services agreements;"

B. Amend Sec. 5A-1 (d) to read:

"(d) 'dependent-beneficiary' means the spouse and legal children of an employee beneficiary deemed eligible by the board to receive health or dental services of a health benefits plan;"

C. Amend Sec. 5A-1 (e) (4) to read:

"(4) an elective officer, including a member of the legislature

during his term of office, or a person who has served as a member of the legislature for at least a total of ten years;”

D. Amend Sec. 5A-1(e) (9), (v) to read:

“(v) an employee of the legislature;”

E. Amend Sec. 5A-1(f) to read:

“(f) ‘employee-beneficiary’ means an employee or the beneficiary of a retired member of the employees’ retirement system, a county pension system, or a police, firemen and bandsmen pension system of the State or county upon the death of such retired member as long as the beneficiary receives a monthly benefit from any such system and, if a child, does not marry, or if a widow, does not remarry; provided that (i) the deceased retired member was enrolled in a family plan at the time of his death, and (ii) the beneficiary was covered as a family member under the enrollment of the deceased retired member at the time of his death; and provided further that for the purposes of this subsection, ‘family member’ means the deceased retired member’s spouse and unmarried child under the age of nineteen years (including a legally adopted child and a stepchild or recognized natural child who lives with the deceased retired member in a regular parent-child relationship), or unmarried child regardless of age who is incapable of self-support because of a mental or physical incapacity which existed prior to his reaching the age of nineteen years; and provided further that such employee or beneficiary of such deceased retired member is deemed eligible by the board to receive health or dental services of a health benefits plan;”

F. Amend Sec. 5A-1(h) to read:

“(h) ‘health benefits plan’ means a group insurance contract or medical, hospital or dental service agreement in which a carrier agrees to provide, pay for, arrange for or reimburse the cost of health or dental services as determined by the board;”

G. Amend Sec. 5A-3 to read:

“**Sec. 5A-3. Purpose of the fund.** The fund shall be used for the purpose of providing employee-beneficiaries and dependent-beneficiaries with a health benefits plan, provided that the fund may be used for other expenses necessary to effectuate such purpose and provided further that any rate credit or reimbursement from any carrier or any earning or interest derived therefrom shall be used in addition to such purposes to (1) finance the State’s contribution for the dental benefits plan for children under the age of 19, as described in section 5A-4; and (2) finance the employees’ portion of the monthly contribution of a health benefits plan for a retired employee, as described in section 5A-1(e) (9), or upon his death his beneficiary as described in section 5A-1(f).”

H. Amend Sec. 5A-4 to read:

“**Sec. 5A-4. State contributions to the fund.** Effective January 1, 1962 and every month thereafter, the State through the department of budget and finance shall pay to the fund a monthly contribution of \$3.00 for each employee-beneficiary and \$10.00 for each employee-beneficiary with a dependent-beneficiary, such contributions to be

used towards the payment of costs of hospital, medical and surgical benefits of a health benefits plan. If both husband and wife are employee-beneficiaries, the total contribution by the State shall be \$10.00 for both of them.

"Effective January 1, 1966 and every month thereafter, the State shall make a monthly contribution of \$1.40 for each child who has not attained the age of 19 of all employee-beneficiaries who are enrolled for dental benefits. Such contributions shall be used towards the payment of costs of dental benefits of a health benefits plan. Notwithstanding any provision to the contrary, no part of the fund shall be used to finance such contributions except a rate credit or reimbursement or earnings or interest therefrom received by the fund, or general revenues appropriated for that purpose.

"No contribution shall be made by the State for any employee who is entitled to receive health benefits under any federal medical care program for the aged if such health benefits are equivalent to or better than benefits of the health benefits plan under this chapter.

"Such contributions shall not be considered as wages or salary of an employee-beneficiary, and no employee-beneficiary shall have any vested right in or be entitled to receive any part of any contribution made to the fund."

I. Amend Sec. 5A-5 by adding the following paragraphs at the end of the section:

"Notwithstanding any other law to the contrary, no employee-beneficiary who is a retired employee shall be required to make any contribution to the fund.

"Effective January 1, 1966, and every month thereafter, the monthly contribution of an employee-beneficiary who is a retired employee, or upon his death his beneficiary as described in section 5A-1(f), shall be financed from any rate credit or reimbursement received by the fund or from any earning or interest therefrom or from any appropriation from the State general fund for that purpose."

J. Amend Sec. 5A-7 to read:

"Sec. 5A-7. Appointment and removal of trustees. Each trustee shall be appointed by the governor, provided that no person who is a medical physician, dentist nor any employee, officer or agent of any hospital, medical association, medical society, dental association, dental society, carrier, potential carriers, or any insurance company or association, or board of insurance underwriters shall be appointed.

"Each trustee shall accept his appointment in writing."

"A trustee may be removed by the governor for good cause."

K. Amend Section 5A-13 to read:

"Sec. 5A-13. Determine health benefits plan; contract with carriers. The board shall determine the health benefits plans, which shall be excepted from the minimum group requirements of chapter 181. Such health benefits plan shall provide, pay for, arrange for or reimburse the cost of hospitalization, surgery, medical, dental treat-

ment and care, and may include prescribed drugs, medicines, prosthetic appliances, hospital in-patient and out-patient service benefits and medical and dental indemnity benefits.

"If in the judgment of the board, after negotiations with carriers, it is not to the benefit of employee-beneficiaries and their families to contract for any of the plans described in this section, the board shall have the right to eliminate any of these plans for a period of one year. At the end of a year, they shall again attempt to negotiate a satisfactory plan.

"The board may contract for the following health benefits plans; provided that benefits provided under any respective plan shall be equally available to all employee-beneficiaries and dependent-beneficiaries selecting such plan regardless of age, as provided for below:

"(a) a state-wide indemnity benefit plan under which a carrier agrees to pay certain sums of money not in excess of the actual expenses incurred for health services;

"(b) a state-wide service benefit plan under which payment is made by a carrier under contracts with physicians, hospitals or other providers of health services, or, under certain conditions, payment is made by a carrier to an employee-beneficiary;

"(c) Comprehensive group-practice prepayment plans which offer health benefits, in whole or in substantial part on a prepaid and community rated basis, with professional services provided by physicians practicing as a group in a common center or centers. Such a group shall include physicians representing at least three major medical specialties who receive all or a substantial part of their professional income from the prepaid funds.

"(d) A plan to offer dental benefits to those children of employee-beneficiaries who have not attained the age of 19 through either an indemnity, state-wide service benefit plan, or a comprehensive group-practice prepayment plan."

L. Amend Sec. 5A-16(b) to read:

"(b) The board shall establish conditions under which employee-beneficiaries may transfer enrollment from one health benefits plan to another."

SECTION 2. Implementation of dental plan benefits. The dental plan benefits shall be made available to children of employee-beneficiaries who have not attained the age of 19 by January 1, 1966. The board shall make a written report to the members of the legislature of the State of Hawaii setting forth its progress in implementing this Act.

SECTION 3. Effective date. Section 1C and D of this Act, upon its approval shall take effect on January 1, 1967 and the remainder of the Act shall take effect upon its approval.

(Approved July 8, 1965.) H.B. 1155.

ACT 236

A Bill for an Act to Amend Chapter 172, Revised Laws of Hawaii 1955, as Amended, Relating to Corporations.

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

SECTION 1. Section 172-4 of the Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"Section 172-4. Directors, qualifications of. The directors of every corporation shall be not less than three in number, and no less than one-third of every board of directors shall be residents of the State. In the absence of such one-third membership, no board of directors shall function."

SECTION 2. This Act shall take effect upon its approval.
(Approved July 8, 1965.) S.B. 196.

ACT 237

A Bill for an Act Relating to the Hawaii Office of Federal Programs Coordinator.

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

SECTION 1. There is hereby created in Washington, District of Columbia, a Hawaii office of federal programs coordinator. The office shall be headed by a coordinator who shall be appointed and removed by the governor, not subject to the provisions of chapters 3 and 4 of the Revised Laws of Hawaii 1955, as amended. The salary of the federal programs coordinator shall be \$15,000 per annum. The coordinator shall appoint necessary staff, within available appropriations, subject to the provisions of chapters 3 and 4 of the Revised Laws of Hawaii 1955, as amended. The coordinator and his staff shall be included in any benefit program generally applicable to the officers and employees of the State.

The office is hereby placed within the department of budget and finance for administrative purposes.

SECTION 2. The coordinator shall:

- (a) Provide a mechanism by which federal, state and local agencies can coordinate their plans, policies and activities;
- (b) Create congressional awareness and understanding of the needs and potentials of the State of Hawaii;
- (c) Encourage and advise state departments, universities or other appropriate state and local agencies in Hawaii of the availability of and the requirements of federal grants;
- (d) Advise and provide necessary factual data to Congress and our congressional delegation;
- (e) Recommend to the governor and the administration the types and necessity of either legislative or administrative action in order that the State of Hawaii may avail itself of beneficial federal programs;

(f) Maintain contacts with federal, state and local officials and agencies so that the programs of all levels of government may be coordinated;

(g) Cooperate with our congressional delegation in promoting federal legislative or administrative action which may be beneficial to Hawaii;

(h) Appear before congressional committees in support of or in opposition to legislation which affects Hawaii;

(i) Perform such other services as may be required by the governor and the legislature;

(j) Administer funds allocated to this office; be authorized to accept, disburse and allocate funds which may become available from other governmental units; provided that all such funds shall be disbursed or allocated in compliance with any specific designation stated by the donating governmental unit and in the absence of such specific designation, such funds shall be disbursed or allocated on projects directly benefiting the people of the State of Hawaii in accordance with the provisions of this Act; and

(k) Submit to the governor and legislature reports as requested and submit an annual report with recommendations to the governor and the legislature.

SECTION 3. There is hereby appropriated out of the general revenues of the State of Hawaii, not otherwise appropriated, the sum of \$30,000, or so much thereof as may be necessary for the office of federal programs coordinator for the fiscal year 1965-1966; \$15,000 of said appropriation shall be for the salary of the federal programs coordinator and \$15,000 shall be for necessary staff and office expenses of said office. The office may for the fiscal year 1965-1966 hire necessary temporary personnel; in subsequent fiscal years the governor may include in his operating budget such sums as he may deem necessary for the continuation and operations of said program.

SECTION 4. This Act shall take effect upon its approval.
(Approved July 8, 1965.) **S.B. 339.**

ACT 238

A Bill for an Act Making an Appropriation to the Hawaiian Farm Loan Fund.

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

SECTION 1. There is hereby appropriated out of the general revenues of the State of Hawaii, not otherwise appropriated, the sum of \$100,000, or so much thereof as may be necessary, to the department of Hawaiian home lands to be deposited into the Hawaiian farm loan fund which shall be made available only for loans to lessees as provided in the Hawaiian Homes Commission Act of 1920, as amended, and shall not be expended for any other purpose. This appropriation is in addition to any other moneys which the department of Hawaiian

home lands is entitled to receive under the provisions of the Hawaiian Homes Commission Act of 1920, as amended.

SECTION 2. This Act shall take effect upon its approval.
(Approved July 8, 1965.) S.B. 684.

ACT 239

A Bill for an Act Relating to Public Lands of the State of Hawaii.

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

SECTION 1. Section 103A-1, Revised Laws of Hawaii 1955, is amended as follows:

(a) By changing lines 17 and 18 of said section to read as follows:
“ ‘Chairman’ means the chairman of the board of land and natural resources;”

(b) By changing lines 35 through 41 to read as follows:
“ ‘Land License’ means a privilege granted to enter land for certain special purpose such as the removal of timber, soil, sand, gravel, stone, hapuu and plants, but not including water rights, ground or surface, nor removal of minerals, or removal of sand on Oahu.”

SECTION 2. Section 103A-6(h), Revised Laws of Hawaii 1955, is amended to read as follows:

“(h) delegate to the chairman or employees of the department, subject to the board’s control and responsibility, such powers and duties as may be lawful or proper for the performance of the functions vested in the board; and”

SECTION 3. The word “director” wherever it appears in Sections 103A-7, 103A-8, 103A-14 and 103A-24, Revised Laws of Hawaii 1955, is amended to read “chairman.”

SECTION 4. Section 103A-32, Revised Laws of Hawaii 1955 is amended by deleting the reference to “103A-15” and substituting in its place the following: “103A-16.”

SECTION 5. Section 103A-54, Revised Laws of Hawaii 1955, is amended by deleting the reference to “Section 103A-16(a)” and substituting in its place the following: “Section 103A-16(c).”

SECTION 6. Section 103A-60, Revised Laws of Hawaii 1955, is amended to read as follows:

“Section 103A-60. Covenants against discrimination. The board shall provide in every patent, deed, lease, agreement, license or permit that the use and enjoyment of the premises being granted shall not be in support of any policy which discriminates against anyone based upon race, creed, color or national origin. The board shall not dispose of any public land to any person who practices discrimination based upon race, creed, color or national origin.”

SECTION 7. Section 103A-73, Revised Laws of Hawaii 1955, is amended by deleting the reference to "Section 103A-9" in line 3 and substituting in its place the following: "Section 103A-69."

SECTION 8. Section 103A-11, Revised Laws of Hawaii 1955, is amended to read as follows:

"Sec. 103A-11. Public purposes, lands set aside by the governor; management. The governor may, with the prior approval of the board, set aside public lands to any department or agency of the State, the city and county, county or other political subdivisions of the State for public use or purpose. All withdrawals of such lands or portions thereof so set aside shall be made by the governor.

Lands while so set aside for such use or purpose or when acquired for roads and streets shall be managed by the department, agency, city and county, county or other political subdivisions of the State having jurisdiction thereof, unless otherwise provided by law. Such department, agency of the State, the city and county, county or other political subdivision of the State in managing such lands shall be authorized to exercise all of the powers vested in the board in regard to the issuance of leases, licenses, revocable permits, concessions or rights of entry covering such lands for such use as may be consistent with the purposes for which the lands were set aside on the same terms, conditions and restrictions applicable to the disposition of public lands, all such dispositions being subject to the approval of the board. If, at the time of the disposition of any such leases the board shall have approved the same, any order withdrawing or setting aside any or all of such lands for any other public purpose shall be made subject to such leases. Subject to the provisions of section 5(f) of the Act of March 18, 1959 (73 Stat. 6), all proceeds from such lands shall be deposited into the appropriate funds provided by law.

The provisions of this section shall also apply where the purposes are the uses and purposes of the United States; provided, however, that all revenues derived from such lands and improvements thereon shall be paid to the department by the United States.

Whenever lands set aside for a public purpose to the various departments and agencies of the State, or to any city and county, county or other political subdivisions of the State, or to the United States, are not being utilized for the public purpose stated, the order setting aside such lands shall be withdrawn and returned to the department.

The power granted to the governor in this section to set aside or withdraw public lands shall be exercised subject to disapproval by the legislature by two-thirds vote of either the Senate or the House of Representatives or by majority vote of both, in any regular or special session next following the date of such setting aside or withdrawal.

The board shall have the power to dispose of any and all real property interest in lands set aside to any department agency of the State, city and county, county or other political subdivisions of the State where the disposition is for a use which is consistent or inconsistent with the purpose for which the land was set aside. All funds

derived from disposition by the board shall be deposited in the general fund of the State or be paid to the appropriate account; provided, that all such dispositions shall be with the prior written approval of the department, agency, city and county, county or other political subdivisions of the State and the governor."

SECTION 9. The first sentence of section 103A-16 (c) is amended to read as follows:

"Notice of a proposed disposition by negotiation shall be published at least once in each of three successive weeks in a newspaper of general circulation in the State and in addition in a newspaper of general circulation in the appropriate county if the land is situated in the first, second and fourth districts; provided, that such notices are not required for revocable permits, remnants and exchanges with governments and governmental agencies as provided in section 103A-90(d)".

SECTION 10. Section 103A-17, Revised Laws of Hawaii 1955, is amended to read as follows:

"Sec. 103A-17. Appraisals.

(a) Public auction. The appraisal of public lands for sale or lease at public auction for the determination of the upset price may be performed by an employee of the board qualified to appraise lands, or by one but not more than three disinterested appraisers whose services shall be contracted for by the board. No such lands shall be sold or leased for a sum less than the value fixed by appraisal; provided, that for any sale or lease at public auction, the board may establish the upset sale or rental price at less than the appraisal value and the land may be sold or leased at such price;

(b) Drawing or negotiation. The sale price or lease rental of lands to be disposed of by drawing or by negotiation shall be no less than the value determined by a disinterested appraiser or appraisers whose services shall be contracted for by the board, and any further appraisal, made at the request of the purchaser and with the approval of the board shall be at the cost of the party requesting such additional appraisal;

(c) Repurchase. In the repurchases of any land by the board, the board shall have the option to repurchase such land for the original sales price or the fair market value at the time of repurchase, whichever is the lower. Any improvements affixed to the realty shall be purchased at their fair market value. At the time of the repurchase, the fair market value of the land, and the improvements, if any, shall be determined by a qualified appraiser whose services shall be contracted for by the board; provided, should the owner fail to agree upon such value, he may appoint his own appraiser who together with the board's appraiser shall appoint a third appraiser, and the value shall be determined by arbitration as provided in chapter 188. The owner shall pay for his own appraiser and the cost of the third appraiser shall be borne equally;

(d) Reopening. In the event of reopening of the rental to be paid on a lease, the rental for any ensuing period shall be the rental for

the immediately preceding period or the fair market rental at the time of reopening, whichever is the higher. At the time of reopening, the fair market rental shall be determined by an appraiser whose services shall be contracted for by the board; provided, that should the lessee fail to agree upon such fair market rental, he may appoint his own appraiser who together with the board's appraiser shall appoint a third appraiser and the fair market rental shall be determined by arbitration as provided in chapter 188. The lessee shall pay for his own appraiser and the cost of the third appraiser shall be borne equally;

(e) Purchase. The appraisal of private property to be acquired by the board may be performed by one but not more than three disinterested appraisers whose services shall be contracted for by the board and no land shall be purchased for a sum greater than the highest value fixed by such appraiser or appraisers; provided, that the board may, after a review of such appraisals by the appraiser or appraisers or the attorney general, purchase such property at a value greater than such highest value if the higher value is determined by the appraiser or appraisers or the attorney general to be justified and within the range of market value; provided further that this limitation shall not apply where acquisition is by condemnation;

(f) Whenever more than one appraiser is appointed each shall prepare and submit an independent appraisal. All appraisal reports shall be available for study by the public."

SECTION 11. Section 103A-20, Revised Laws of Hawaii 1955, is amended by deleting the word "ninety" appearing in lines 16 and 18 of said section and substituting the word "sixty" in its place.

SECTION 12. Section 103A-21, Revised Laws of Hawaii 1955, is amended by deleting the word "ninety" appearing in line 17 and substituting the word "sixty" in its place.

SECTION 13. Section 103A-22, Revised Laws of Hawaii 1955, is amended to read as follows:

"Sec. 103A-22. Consent to mortgage. Whenever under any of the provisions of this chapter or under the provisions of any lease, license, permit or other instrument issued by the board, consent of the State is required as a condition precedent to the mortgage of, or the creation of a security interest in public land, the board may, upon due application, grant such consent, and if the mortgage or security interest is to a recognized lending institution authorized to do business as a lending institution in either the State or elsewhere in the United States, the consent may extend to foreclosure and sale at such foreclosure to any purchaser, including the mortgagee, without regard to whether or not the purchaser is qualified under the provisions of this chapter to lease, own or otherwise acquire and hold the land or any interest therein. The interest of the mortgagee or holder shall be freely assignable. The term "holder" includes an insurer or guarantor of the obligation or condition of such mortgage, including the

Federal Housing Administration, the Federal National Mortgage Association, the Veterans Administration, the Small Business Administration, Farmers Home Administration, or any other federal agency and their respective successors and assigns or any lending institution authorized to do business in the State or elsewhere in the United States; provided, that the consent to mortgage to a nongovernmental holder shall not confer any greater rights or powers in the holder than those which would be required by any of the aforementioned federal agencies.

Notwithstanding any provision in this chapter to the contrary, in leases or sales for residential purposes, the board may waive or modify any restrictions of such lease or sale or any restrictions contained in any such lease or sale if such waiver or modification is necessary to enable any of the aforementioned federal agencies or any lending institution authorized to do business in the State or elsewhere in the United States to participate in any loan secured by a mortgage on the land or the leasehold interest; provided, any such waiver or modification shall not confer any greater rights or powers in the holder than those which would be required by the Federal Housing Administration or the Farmers Home Administration."

SECTION 14. Section 103A-26, Revised Laws of Hawaii 1955, is amended to read as follows:

"Sec. 103A-26. Rights-of-way to the sea and game preserves. Prior to the disposition of any public lands, the board shall lay out and establish over and across such lands a reasonable number of rights-of-way from established highways to the public beaches and game preserves in order that the right of the people to utilize the public beach or beaches and public game preserves shall be protected.

Prior to the leasing of any lands, the board shall determine the feasibility of hunting on such lands, and if any of them is suitable for hunting or may during the term of the lease become suitable for hunting, the board may reserve such lands as game preserves. Where the board finds that hunting on such lands would not be consistent with the rights of the lessee or for other good cause, the board need not reserve such lands as game preserves.

The cost of such rights-of-way and any fencing which may be required shall be borne by the State, lessee or jointly as the board may deem appropriate prior to the leasing of such lands."

SECTION 15. Section 103A-30, Revised Laws of Hawaii 1955, is amended to read as follows:

"Sec. 103A-30. Acquisition of real property; general. The board shall have the exclusive responsibility of acquiring, including by way of dedications (a) all real property or any interest therein and the improvements thereon, if any, required by the State for public purposes, including real property together with improvements, if any, in excess of that needed for such public use in cases where small remnants would otherwise be left or where other justifiable cause necessitates such acquisition to protect and preserve the contemplated improvements, or public policy demands such acquisition in connection with such improvements, (b) encumbrances, in the form of leases,

licenses or otherwise on public lands, needed by any state department or agency for public purposes or for the disposition for houselots or for economic development.

The board shall upon the request of and with the funds from such state department or agency, effectuate all acquisitions as provided under this section.

A state department or agency may directly acquire such real property for its purposes whenever such acquisition by such department or agency is required to conform to mandatory requirements of the United States in the case where federal funds are furnished to such department or agency.

Property which may be acquired under this section includes all real property together with all structures and improvements thereon, franchises or appurtenances thereunto belonging, water, water rights, easements and interests in land of every nature."

SECTION 16. Section 103A-33, Revised Laws of Hawaii 1955, is amended to read as follows:

"Sec. 103A-33. Planning; generally. Prior to any notice of intended disposition, the board shall:

(a) Classify the land according to its use or uses as provided in this chapter;

(b) Determine the specific use or uses for which the disposition is intended;

(c) Parcel land into units of minimum size areas related to the intended specific use or uses and sufficient for an economic operation, hereinafter called an 'economic unit';

(d) Determine the requirements for the construction of building or other improvements, which are necessary or desirable to encourage the highest use of the land;

(e) Determine the upset price or lease rental, based upon the fair market value of the land employed to the specific use or uses for which the disposition is being made, with due consideration for all of the terms and conditions of the disposition;

(f) Determine the necessary conditions of disposition which will discourage speculation;

(g) In the case of leases, determine the minimum tenure necessary to support the intended use or uses and the necessity for periodic rent openings in long-term leases to assure the State a fair return;

(h) Prepare the proposed documents and make them available for public inspection;

(i) Determine, two years before the expiration of the term of any lease, whether the premises are to be demised for the same use or uses under a new lease or whether all or any part thereof is to be reserved for other use or uses and then promptly notify the lessee of such determination."

SECTION 17. Section 103A-35, Revised Laws of Hawaii 1955, is amended to read as follows:

"Sec. 103A-35. Lease provisions; generally. Every lease issued by the board shall contain:

(a) The specific use or uses to which the land is to be employed;

(b) The improvements required; provided, that a minimum reasonable time be allowed for the completion of such improvements;

(c) Restrictions against alienation as set forth in section 103A-36;

(d) The rent, as established by the board or at public auction, which shall be payable not more than one year in advance, in quarterly, semi-annual or annual payments;

(e) Where applicable, adequate protection of forests, watershed areas and hunting preserves, reservation of rights-of-way and access to other public lands, hunting preserves, or public beaches, and prevention of nuisance and waste; and

(f) Such other terms and conditions as the board deems advisable to more nearly effectuate the purposes of the State Constitution and of this Chapter."

SECTION 18. Section 103A-36, Revised Laws of Hawaii 1955, is amended to read as follows:

"Sec. 103A-36. Lease restrictions; generally. Except as otherwise provided, the following restrictions shall apply to all leases:

(a) Options for renewal of terms are prohibited;

(b) No lease shall be for a longer term than sixty-five years, except in the case of a residential leasehold which may provide for an initial term of fifty-five years with the privilege of extension to meet Federal Housing Administration, Federal National Mortgage Association or Veterans Administration requirements, provided, that the aggregate of the initial term and extension shall in no event exceed seventy-five years;

(c) No lease shall be made for any land under a lease which has more than one year to run;

(d) No lease shall be made to any person who is in arrears in the payment of taxes, rents or other obligations owing the State or any of its political subdivisions;

(e) No lease shall be transferable or assignable, except by devise, bequest, or intestate succession; provided, that with the approval of the board, the assignment and transfer of a lease or unit thereof may be made if (1) it contains the personal residence of the lessee; or (2) in the case of commercial, industrial, hotel, resort, apartment and other business uses, the lessee was required to put in substantial building improvements; (3) the lessee becomes mentally or physically disabled; (4) extreme economic hardship is demonstrated to the satisfaction of the board; or (5) it is to the corporate successor of the lessee;

(f) The lessee shall not sublet the whole or any part of the demised premises except with the approval of the board, provided, that prior to such approval, the board shall have the right to review and approve the rent to be charged to the sublessee and provided further that the board shall have the right to review and, if necessary, revise the rent of the demised premises based upon the rental rate charged to the sublessee; provided, however, that the rent may not be revised downward;

(g) The lease shall be for a specific use or uses and shall not in-

clude waste lands, unless it is impractical to provide otherwise;

(h) Mineral and metallic rights and surface and ground water shall be reserved to the State;

The board may, from time to time, upon the issuance of any lease, modify or eliminate any of the foregoing restrictions to the extent necessary to qualify such lease for mortgage lending or guaranty purposes with the Federal Housing Administration, Federal National Mortgage Association, Veterans Administration, Small Business Administration, Farmers Home Administration and their respective successors and assigns."

SECTION 19. Section 103A-37, Revised Laws of Hawaii 1955, is amended to read as follows:

"Sec. 103A-37. Lease restrictions; intensive agricultural and pasture uses. In addition to the restrictions provided in section 103A-36, the following restrictions shall apply to all leases for intensive agricultural and pasture uses:

(a) The lease term shall not exceed twenty-five years, except that if the type of disposition requires the lessee to occupy the premises as his own personal residence, it may be longer than twenty-five years, but not in excess of seventy-five years;

(b) If the land being leased is not immediately productive and requires extensive expenditures for clearing, conditioning of the soil, the securing of water, the planting of grasses, or the construction of improvements, as the result of which a longer term is necessary to amortize the lessee's investment, then the lease term may be longer than twenty-five years, but not in excess of thirty-five years;

(c) The land leased hereunder, or any portion thereof, shall be subject to withdrawal by the board at any time during the term of the lease with reasonable notice and without compensation, except as provided herein, for public uses or purposes, including residential, commercial, industrial or resort developments, for constructing new roads or extensions, or changes in line or grade of existing roads, for rights of way and easements of all kinds, and shall be subject to the right of the board to remove soil, rock or gravel as may be necessary for the construction of roads and rights of way within or without the demised premises; provided, that upon such withdrawal, or upon such taking which causes any portion of the land originally demised to become unusable for the specific use or uses for which it was demised, the rent shall be reduced in proportion to the value of the land withdrawn or made unusable, and if any permanent improvement constructed upon the land by the lessee is destroyed or made unusable in the process of such withdrawal or taking, the proportionate value thereof shall be paid based upon the unexpired term of the lease; provided further, that no such withdrawal or taking shall be had as to those portions of the land which are then under cultivation with crops until the crops are harvested, unless the board pays to the lessee the value of such crops."

SECTION 20. The second paragraph of section 103A-41, Revised Laws of Hawaii 1955, is amended to read as follows:

"The board may, with the prior approval of the governor and subject to disapproval by the legislature by two-thirds vote of either the Senate or the House of Representatives or by majority vote of both in any regular or special session next following the date of disposition, sell public land in fee simple for commercial, industrial or other business uses."

SECTION 21. The second paragraph of section 103A-42, Revised Laws of Hawaii 1955, is hereby amended to read as follows:

"The board may, with the prior approval of the governor, and subject to disapproval by the legislature by two-thirds vote of either the Senate or the House of Representatives or by majority vote of vote,* in any regular session next following the date of disposition, sell in fee simple or lease with option to purchase, raw, unimproved public land for hotel and resort use; provided that:"

SECTION 22. Section 103A-42.5, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"**Sec. 103A-42.5. Lease of camp sites or sites for youth athletic activities.** The board may directly lease without recourse to public auction to any eleemosynary or religious organization camp sites or sites for youth athletic activities in a state park area or on lands under the control of the department at nominal consideration. Where the lease is for camp sites, the lease shall provide that the lessee shall permit the public to use such camp sites at the rates approved by the board in its rules and regulations. Except as provided herein, the terms and conditions of sections 103A-33, 103A-35 and 103A-36 shall apply."

SECTION 23. Section 103A-44, Revised Laws of Hawaii 1955, as amended by Act 47, Session Laws of Hawaii 1964, is hereby further amended by deleting the last paragraph of said section.

SECTION 24. Chapter 103A, Revised Laws of Hawaii 1955, as amended, is further amended by adding a new section to read as follows:

"**Sec. 103A-44.5. Residence lots; improvement districts.** Notwithstanding any provision of law to the contrary, the board of land and natural resources is authorized, in like manner and subject to the same conditions, including the imposition of liens and the payment of costs, as any subdivider of private lands, to petition for the construction of necessary subdivision improvements pursuant to applicable improvement district statutes or ordinances of any county or city and county in subdividing public lands for residential purposes. The board of land and natural resources shall dispose of the residential lots so improved subject to liens consisting of the improvement assessments. For the purpose of this section the board is authorized to encumber and impose liens on public lands."

SECTION 25. Section 103A-47, Revised Laws of Hawaii 1955, is amended to read as follows:

* So in original. Probably should read "both."

“Sec. 103A-47. Exchanges. (a) Purpose. No exchange of public land for private land shall be made except for public purposes, including, but not limited to (1) consolidation of holdings of public lands; (2) straightening of boundaries of public lands; or (3) acquisition of adequate access for landlocked public lands which have development potential. Exchanges shall be effected without public auction. Public notice of any proposed exchange shall be given in accordance with the applicable provisions set forth in section 103A-16(c). All private lands conveyed to the State by way of exchange shall thereafter become public lands;

(b) Value. The public land exchanged shall be of equal value and of use comparable to that of the private land prior to the exchange. Provided, that if the use of private land prior to the exchange is any one of the following (1) intensive agricultural or (2) pasture or (3) special livestock, and the State has no land within the land district of comparable specific use, the board may exchange public land classified in any other of the three uses set forth above. In any exchange, the value of the private land to be exchanged for public land shall be based upon the assessed value of such private land as shown in the records of the department of taxation, which value shall be adjusted to 100% of fair market value;

(c) Legislative disapproval. Any exchange of public land for private land shall be subject to disapproval by the legislature by two-thirds vote of either the Senate or the House of Representatives or by majority vote of both in any regular or special session next following the date of exchange.

(d) Exception. Notwithstanding any limitations set forth in this section, the board may exchange public land for Hawaiian homes commission's available land of equal value in order to consolidate its holdings or the holdings of the commission or to effectuate better the purposes of this chapter or of the Hawaiian Homes Commission Act of 1920, as amended.”

SECTION 26. Section 103A-48, Revised Laws of Hawaii 1955, is amended to read as follows:

“Sec. 103A-48. Quitclaim. The board may, after giving public notice as required in section 103A-16(c); (a) quitclaim public lands by deed or land patent in exchange for deeds of private lands by way of compromise or equitable settlement of rights of claimants without auction; (b) execute quitclaim deeds quitclaiming any and all interests of the State in private land for the purpose of perfecting title to such private land in private individuals who have defective titles; provided, that no quitclaim may issue where the title to private land is subject to reversion to the State or to a right of entry by the State upon breach of condition subsequent or where the title to the private land is conveyed by the State for specific uses or purposes; provided further, that no exchange or quitclaim may be entered into or made where the interest of the State arises by reason of any provision in a deed or patent issued by the State, which prescribes the specific use to which the land may be put or the specific purpose for which the

land was conveyed; provided further, that any exchange or quitclaim shall be subject to disapproval by the legislature by a two-thirds vote of either the Senate or the House of Representatives or by majority vote of both, in any regular or special session next following the date of such exchange or quitclaim."

SECTION 27. Section 103A-49, Revised Laws of Hawaii 1955, is amended to read as follows:

"Sec. 103A-49. Remnant. (a) Definition. The term 'remnant' means a parcel of land economically or physically unsuitable or undesirable for development or utilization as a separate unit by reason of location, size, shape or other characteristics. A remnant may be (1) land acquired by condemnation which is in excess of the needs for which condemned; (2) vacated, closed, abandoned or discontinued road, street or alley or walk, railroad, ditch or other right of way;

(b) Disposition restriction. No parcel shall be disposed of as a remnant solely for the reason that it lacks an adequate access;

(c) Disposition. Remnants or portions thereof may be disposed of by the board without recourse to public auction in the manner set forth herein. Any remnant or portion thereof to be disposed of shall be first offered for sale to the abutting owner for a reasonable period of time at a reasonable price based on appraised value. If there is more than one abutting owner who is interested in purchasing the remnant, it shall be sold to the one submitting a sealed bid containing the highest offer above the appraised value. If the remnant abuts more than one parcel, the board may subdivide the remnant so that a portion thereof may be sold to each abutting owner at the appraised value.

(d) Appraisal. The value of the remnant or portion thereof shall be appraised by an independent appraiser, which appraisal shall take into consideration the limited market for such remnant and the resulting enhancement to an abutting owner's property by the addition of the remnant."

SECTION 28. Section 103A-50, Revised Laws of Hawaii 1955, is amended to read as follows:

"Sec. 103A-50. Reclamation and disposition of submerged or reclaimed public land. (a) Any submerged public land or land beneath tidal water shall not hereafter be reclaimed by private abutting owners, except as hereinafter provided.

(b) As to presently reclaimed land, the board, after finding that its disposition is not prejudicial to the best interest of the State, community or area in which such reclaimed land is located and after giving public notice in accordance with section 103A-16 (c) of its intention to dispose, may dispose of it, without recourse to public auction, to the abutting owner, by sale or lease; provided that, if the reclaimed land has been filled in or made with the prior approval of government authorities, and not otherwise filled in or made contrary to the public interest, it may be disposed of at fair market value or fair market

rental of the submerged public land, but if the reclaimed land has been filled or made otherwise, it shall be disposed of at the fair market value or fair market rental of the reclaimed land.

(c) The board may, with the prior approval of the governor, lease submerged lands, and lands beneath tidal waters which it deems are suitable for reclamation, under the terms, conditions and restrictions provided in this chapter. The lease shall provide that the lands shall be reclaimed at the expense of the lessee. Title to such reclaimed lands shall remain in the State.

(d) Whenever in connection with reclaimed lands or the reclamation of submerged lands or lands beneath tidal waters by authority of law, the board deems it advantageous to the State in order to settle the rights (littoral or otherwise), if any, of an abutting owner, to create public beaches, or to consolidate the holdings of public lands in the vicinity or provide public ways or access to the public lands, it may, with the prior approval of the governor, sell, lease, or transfer by way of an exchange, without recourse to public auction but subject to the limitations contained in section 103A-47 and to the other provisions of this chapter, lands having the status of public lands."

SECTION 29. Section 103A-51, Revised Laws of Hawaii 1955, is hereby amended to read as follows:

"Sec. 103A-51. Land license. The board may issue land licenses affecting public lands. Any such land license shall be disposed of at public auction as provided in sections 103A-14 and 103A-16 for a period not exceeding ten years; provided, that the board may issue directly, without recourse to public auction, a land license the period of which shall not exceed one year, but only upon the express finding that the disposition of land license at public auction is not feasible or practical; provided, further, that upon any subsequent application by any other person for the same privilege for which a license has been issued without recourse to public auction, the board shall terminate such land license and offer the same at public auction, unless the board shall determine that the subsequent application can be accommodated without recourse to public auction."

SECTION 30. Chapter 103A, Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding a new section to read as follows:

"Sec. 103A-51.1. Land license, timber. Notwithstanding the provisions of section 103A-51, the board may issue land licenses for the harvesting, milling and sale of state-owned timber products without recourse to public auction. Said land license shall be for a period not exceeding 20 years."

SECTION 31. Chapter 103A, Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding a new section to read as follows:

"Sec. 103A-90.1. Lease to foreign governments. Notwithstanding any limitations to the contrary, the board may, with the prior ap-

proval of the governor, lease public lands for consulate purposes without recourse to public auction to foreign governments. The manner of disposition and the terms and conditions thereto shall be in accordance with the provisions of sections 103A-33, 103A-35 and 103A-36."

SECTION 32. Section 103A-55, Revised Laws of Hawaii 1955, is amended to read as follows:

"Section 103A-55. Minerals and water rights. Except as provided herein, the right to any mineral or surface or ground water shall not be included in any lease, agreement or sale, such right being reserved to the State; provided, that the board may make provisions in such lease, agreement or sale, for the payment of just compensation to the surface owner for improvements taken as a condition precedent to the exercise by the State of any reserved rights to enter, sever and remove minerals or to capture, divert or impound water.

Disposition of mineral rights shall be in accordance with the laws relating thereto enacted or hereafter enacted by the legislature.

Dispositions of water rights may be made by lease at public auction as provided in this chapter; subject, however, to disapproval by the legislature by two-thirds vote of either the Senate or the House of Representatives or by majority vote of both, in any regular or special session next following the dates of such dispositions.

Any lease of water rights shall contain a covenant on the part of the lessee that said lessee shall provide from waters leased from the state under said lease or from any water sources privately owned by the lessee to any farmer or rancher engaged in irrigated pasture operations, crop farming, pen feeding operations, or raising of grain and forage crops, or for such public uses and purposes as may be determined by the board, at the same rental price paid under said lease, plus the proportionate actual costs, as determined by the board, to make such waters available, so much of such waters as are determined by the board to be surplus to the lessee's needs and for such minimum period as the board shall accordingly determine; provided, however, that in lieu of payment for such waters as the state may take for public uses and purposes the board may elect to reduce the rental price under said lease of water rights in proportion to the value of such waters and the proportionate actual costs of making such waters available. Subject to the applicable provisions of section 103A-37(c), the board may, at any time during the term of said lease of water rights, withdraw from such waters leased from the state and from such sources privately owned by the lessee so much water as it may deem necessary to (1) preserve human life and (2) preserve animal life, in that order of priority; and that from such waters leased from the state the board may, at any time during the term of said lease of water rights, also withdraw so much water as it may deem necessary to preserve crops; provided, however, that payment for such waters shall be made in the same manner as provided herein."

SECTION 33. Section 103A-63, Revised Laws of Hawaii 1955, is amended to read as follows:

“Sec. 103A-63. Restrictions; conditions. In addition to such other restrictions or conditions that may be established by the board to carry out the purpose of this chapter and of the provisions of the State Constitution, all sale, lease or lease with option to purchase; of a farm lot shall be subject to the following conditions, which shall be covenants running with the land:

(a) The lot shall be used for farm purposes only;

(b) The purchaser or lessee shall reside on the premises granted; provided that, with the consent of the board, he may live off the premises if his residence is within a reasonable distance therefrom;

(c) The purchaser or lessee shall derive the major portion of his total annual income from the production of the crops or products for which production the land is granted to the purchaser or lessee; provided, that this restriction shall not apply if the purchaser or lessee becomes enfeebled or is widowed;

(d) In the case of a lease, those provisions set forth in sections 103A-35, 103A-36 and 103A-37, unless otherwise specifically provided in this section; and

(e) In the case of a fee simple sale, the improvement required and the specific use or uses intended;

(f) For a period of five years after the issuance of a patent or lease, the purchaser or lessee shall not sell, sublet, assign, transfer or in other manner dispose or encumber the whole or any part of the farm lot to any person not qualified to take a farm lot except by way of mortgage, testamentary bequest or devise, intestate succession, or except to a purchaser at or after sale upon the foreclosure of a mortgage.

The violation of any of such restrictions or conditions shall be sufficient for the board, upon failure of the purchaser or lessee within a reasonable period of time to remedy the default after notice thereof as provided in section 103A-20 to take possession of the premises without demand or previous entry and with or without legal process and thereby determine the estate, subject to the provisions contained in section 103A-21.”

SECTION 34. Section 103A-64, Revised Laws of Hawaii 1955, is amended to read as follows:

“Sec. 103A-64. Applicants; qualifications of. A person shall be eligible to apply for a farm if he has the qualifications as follows:

(a) He has been a resident in the State at any time for at least three years;

(b) He is a bona fide farmer:

(1) Who has not less than two years' experience as a full-time farmer; or

(2) Who was an owner-operator of an established farm conducting a substantial farming operation and who for a substantial period of his life resided on a farm or depended on farm income for his livelihood; or

(3) Who has been a farm tenant or farm laborer or other individual, who has for the two years last preceding his application obtained

the major portion of his income from farming operations; or

(4) Who has a college degree in agriculture; or

(5) Who by reason of ability, experience and training as a vocational trainee is likely to successfully operate a farm; or

(6) One who has qualified for and received a commitment for a loan under the Bankhead-Jones Farm Tenant Act as amended, or as may hereafter be amended, for the acquisition of a farm; or

(c) He meets such other qualifications as the board may prescribe pursuant to section 103A-6.

No person shall be entitled to apply for a farm:

(a) Who, or whose husband or wife, has previously taken or held land for farm or homesteading under any certificate, lease or agreement or under any homestead lease or patent based thereon; or

(b) Who, or whose husband and [or] wife, or both of them, owns in fee simple other land in the State, the combined area of which with the land in question exceeds eighty acres; provided, that:

(1) The ownership of a residence lot or tract, not exceeding three acres in area, shall not disqualify any person otherwise qualified from applying for and receiving any form of farm;

(2) Any person who would otherwise qualify to take a farm lot shall not be disqualified by reason of taking, holding or owning land for farm or homesteading or otherwise, if the land so taken, held or owned becomes unusable for the purpose of farming as defined in section 103A-61.

The terms 'farm' and 'farmer' as used herein also means ranch and rancher respectively for the purposes of this section."

SECTION 35. Section 103A-90, Revised Laws of Hawaii, 1955, is amended to read as follows:

"Sec. 103A-90. Disposition to governments, governmental agencies, and public utilities. Notwithstanding any limitations to the contrary, the board may, without public auction:

(a) Sell public lands at such price and on such other terms and conditions as the board may deem proper to governments, including the United States, city and county, counties, other governmental agencies authorized to hold lands in fee simple and public utilities;

(b) Lease to such governments, agencies and public utilities public lands for terms up to, but not in excess of, sixty-five years at such rental and on such other terms and conditions as the board may determine;

(c) Grant licenses and easements to such governments, agencies, and public utilities on such terms and conditions as the board may determine for road, pipeline, utility, communication cable and other rights-of-way;

(d) Exchange public lands with such governments and agencies;

(e) Execute quitclaim deeds to such governments and agencies, with or without consideration, releasing any claim to the property involved made upon disputed legal or equitable grounds, whenever the board in its discretion deems it beneficial to the State;

(f) Waive or modify building and other requirements and conditions contained in deeds, patents, sales agreements or leases held by such governments and agencies whenever such waiver or modification is beneficial to the State.

In any disposition to public utilities under this section:

(1) The sale price or lease rental shall be no less than the value determined in accordance with section 103A-17 (b).

(2) The board shall provide that in case the land ceases to be used at any future time for the use for which such disposition was made, the board shall have the right to repurchase the land at the original sale price or fair market value, whichever is lower, and to purchase improvements thereon at the depreciated value or fair market value, whichever is lower.

(3) Such disposition shall not be made to any public utility if such utility has suitable lands of its own.

(4) The disposition to public utilities shall be subject to disapproval by the legislature by two-thirds vote of either the Senate or the House of Representatives or by majority vote of both, in any regular or special session next following the date of such disposition.

(5) For the purposes of this section, the definition of "Public Utility" as established in section 104-1 is hereby incorporated herein by reference."

SECTION 36. Sections 99D-10 and 99D-11, Revised Laws of Hawaii 1955, are hereby repealed in their entirety.

SECTION 37. Section 103A-2, Revised Laws of Hawaii 1955, is amended to read as follows:

"Section 103A-2. Definition of public lands. 'Public lands' means all lands or interest therein in the State classed as government or crown lands previous to August 15, 1895, or acquired or reserved by the government upon or subsequent to such date by purchase, exchange, escheat, or the exercise of the right of eminent domain, or in any other manner, including submerged lands, and lands beneath tidal waters which are suitable for reclamation, together with reclaimed lands which have been given the status of public lands under this chapter; except: (1) lands designated in section 203 of the Hawaiian Homes Commission Act, 1920, as amended, (2) lands set aside pursuant to law for the use of the United States, (3) lands set aside under this chapter or prior to the enactment of this chapter, (4) lands being used for roads and streets, (5) lands to which the United States relinquished the absolute fee and ownership under section 91 of the Hawaiian Organic Act prior to the admission of Hawaii as a state of the United States unless subsequently placed under the control of the board and given the status of public lands in accordance with the provisions of the State Constitution, the Hawaiian Homes Commission Act, 1920, as amended, or other laws, (6) lands to which the University of Hawaii holds title, and (7) lands to which the Hawaii Housing Authority in its corporate capacity holds title."

SECTION 38. Chapter 103A of the Revised Laws of Hawaii 1955

is hereby amended by adding thereto a new section to be appropriately numbered and to read as follows:

"Section . Notwithstanding any limitations to the contrary, the board may lease, by direct negotiation and without recourse to public auction, lands within a state park or forest reserve and other lands set aside under executive orders, for recreation-residence use for a period not to exceed 20 years on such terms and conditions as may be prescribed by the board."

SECTION 39. Chapter 103A of the Revised Laws of Hawaii 1955 is hereby amended by adding thereto the following new section:

"Section 103A-56.1. A. Contract for development by direct negotiation. The board may contract with a private developer or developers by direct negotiation, as provided herein, without resort to public bidding, for the development, subdivision, and improvement of public lands for agricultural, single-family or multiple-family residential, industrial, commercial, business or hotel and resort uses, for subsequent disposition by the board. The provisions of this section shall apply only in the event funds are not immediately available for financing a development project authorized by the legislature. All payments under the contract, notwithstanding any laws to the contrary, shall be made after the disposition of such developed lands from the proceeds thereof.

"After a determination by the board to enter into such contract the board shall:

"a. Give notice, in accordance with the procedure set forth in section 103A-16(c), of its intention to contract by negotiation for the development and subdivision of public lands. Such notice shall include the terms and conditions for the proposed development and subdivision, and the use or uses for which the public lands will be disposed. Any private land developer or developers as defined herein who are interested in such contract may file an application with the board not later than forty-five days after the first publication of notice. The application shall include the financial statement and performance and experience records of the applicant; provided, that the board may also, in its discretion, require the applicant to submit answers, under oath, to questions contained in a standard form questionnaire prepared by the board, setting forth a complete statement of the experience of the applicant in performing the type of work required for the proposed development and subdivision.

"b. Establish reasonable criteria for the selection of the private developer or developers.

"c. Review all applications and questionnaires, if any, and determine the applicants who meet the criteria established and award the contract to the applicant whose proposal and qualifications it deems are in the best interest of the public.

"The board may include in the contract provisions for the construction of improvements for the use or uses authorized herein.

"Any disposition by the board after development and subdivision

shall be in accordance with the provisions of this chapter.

"All contracts negotiated pursuant to this section shall be subject to the following terms and conditions:

"a. The development and subdivision shall comply with appropriate county and city and county zoning and subdivision requirements.

"b. The developer or developers shall be required to give security for the performance thereof by a good and sufficient bond conditioned upon the full and faithful performance of the contract in accordance with the terms and intent thereof and also for the prompt payment to all others for all labor and materials furnished as provided in section 9-31 to section 9-35.

"c. Final payment on the contract shall be in accordance with section 9-46.

"d. Preliminary plans and final plans for the development and subdivision shall be submitted to the board for approval or revisions.

"e. The date of completion of the project shall be set by the board.

"f. Wages and hours of work of laborers shall be in accordance with the requirements of Chapter 9.

"g. The contract shall not be assignable without the prior approval of the board.

"h. Other terms and conditions deemed advisable by the board.

"B. Disposition to developer. The board may, with the prior approval of the governor and subject to disapproval by the legislature by two-thirds vote of either the Senate or the House of Representatives or by majority vote of both in any regular or special session next following the date of disposition, dispose of public lands in a development project authorized by the Legislature, at public auction or by direct negotiation, as provided herein, by sale, lease or lease with option to purchase, to a private developer or developers for development and subdivision of such public lands for industrial, single-family or multiple-family residential, commercial, business or hotel and resort uses."

"Prior to the disposition of public lands to a developer or developers by direct negotiation, the board shall:

"a. Give notice in accordance with the procedure set forth in section 103A-16 (c). Such notice shall include the terms and condition for the proposed disposition and the use or uses for which such lands shall be sold or leased. Any private land developer or developers who are interested in such lands shall file an application with the board not later than forty-five days after the first publication of notice. The application shall include the financial statement and performance and experience records of the applicant; provided, that the board may also, in its discretion, require the applicant to submit answers, under oath, to questions contained in a questionnaire prepared by the board;

"b. Establish reasonable criteria for the selection of the private land developer or developers;

"c. Determine the applicants who meet the criteria for selection set by the board, and notify all applicants of its determination. Any applicant may examine the basis of the determination, which shall be in writing, to ascertain whether or not the conditions and criteria established by the board were followed; provided, that, if any applicant does not notify the board of his objections, and the grounds therefor, in writing, within twenty days of the receipt of such notice, he shall be barred from proceeding to seek legal remedy for any alleged failure of the board to follow the conditions and criteria; and

"If only one applicant meets the criteria for selection as the developer, the board may then dispose of such public lands by negotiation. If two or more applicants meet the criteria for selection, the board shall select the applicant who submits the highest offer contained in a sealed bid deposited with the board.

"The terms of the disposition shall include the following:

"1. The development and subdivision shall comply with appropriate county and city and county zoning and subdivision requirements;

"2. The developer or developers shall file with the board a good and sufficient bond conditioned for the full and faithful performance of all of the terms, covenants and conditions of the disposition;

"3. Preliminary plans and final plans for the development shall be submitted to the board for approval;

"4. Date of completion of the project as set by the board;

"5. The board may require the developer or developers to construct improvements for the use or uses authorized herein;

"6. The developer or developers shall sell, lease or lease with option to purchase by way of transfer or assignment, such lands in accordance with the provisions of this chapter and upon such other terms and conditions established by the board; and

"7. Such other terms and conditions set by the board."

"C. The term 'developer' as used in this section shall mean a person, firm, corporation, partnership, association, trust or other legal entity, or a combination of any thereof, who or which has experience in the development and subdivision of land for industrial, hotel and resort, business, commercial, or agricultural uses and has the financial ability satisfactory to the board to develop and subdivide land."

SECTION 40. Section 103A-19 of the Revised Laws of Hawaii 1955 is hereby amended by adding thereto after subsection (f) the following new subsection:

"(g) For the payment to private land developer or developers who have contracted with the board for development of public lands under the provisions of section 103A-56.1."

SECTION 41. If any portion of this Act or its application to any person or circumstances is held to be invalid for any reason, then the legislature hereby declares that the remainder of this Act and each and every other provision thereof shall not be affected thereby.

SECTION 42. This Act shall take effect upon its approval.
(Approved July 8, 1965.) H.B. 747.

ACT 240

A Bill for an Act Amending Section 180-47 of the Revised Laws of Hawaii 1955, as Amended, Relating to Savings and Loan Associations.

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

SECTION 1. The fourth paragraph of section 180-47 of the Revised Laws of Hawaii 1955, as amended, is hereby amended by adding the following at the end thereof:

“An association shall have the right to issue different classes of withdrawable shares in each of the different states in which it may operate which, in the discretion of the board of directors, may, from time to time, receive the same or a different rate of dividends, provided that as to each state, the same rate of dividend shall be paid on all withdrawable shares.”

SECTION 2. This Act shall take effect upon its approval.
(Approved July 8, 1965.) H.B. 1073.

ACT 241

A Bill for an Act Amending Chapter 166A, Revised Laws of Hawaii 1955, as Amended, Relating to Contractors.

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

SECTION 1. Section 166A-7(b), Revised Laws of Hawaii 1955, as amended, is hereby amended by deleting the second sentence, and substituting the following therefor:

“For qualifying or classifying in additional classifications, the licensee shall pay the appropriate application fee but shall not be required to pay any additional license fee.”

SECTION 2. Section 166A-11(c), Revised Laws of Hawaii 1955, as amended, is hereby amended by increasing the application fee from \$5.00 to \$25.00.

SECTION 3. Section 166A-14, Revised Laws of Hawaii 1955, as amended, is hereby amended as follows:

(a) By amending subsection (a) to read as follows:

“(a) The fees for each original license and renewal thereof prescribed by this chapter shall be as follows:

- (1) Original license fee
 - a. License to act as specialty contractor\$100
 - b. License to act as general engineering contractor\$200
 - c. License to act as general building contractor\$200

- (2) Original license fee for responsible management employee
 - a. License to act as RME in specialty contracting\$100
 - b. License to act as RME in general engineering contracting \$200
 - c. License to act as RME in general building contracting\$200
- (3) Renewals
 - a. Renewal of specialty contractor's license\$ 25
 - b. Renewal of general engineering contractor's license\$ 75
 - c. Renewal of general building contractor's license\$ 75
 - d. Renewal of RME for all classifications\$ 25
- (4) Reissuance of a license or issuance of a certified copy of license\$ 5
- (5) Application for additional classifications (Fee shall be charged for each application. More than one classification may be requested on a single application without additional fee.)\$ 25
- (6) Inactive license fee (in lieu of renewal fee)\$10"

(b) By amending the first sentence of subsection (b) to read as follows:

"The annual renewal fee or inactive license fee shall be paid to the board on or before June 30 of each year."

(c) By adding the following paragraph next following paragraph (b) to read as follows:

"Upon written request by a contractor and for good cause, the board shall place an active license in an inactive status. Such license, upon payment of the annual inactive license fee, may continue inactive for a period of three years after which time it must be reactivated or shall automatically become forfeited. The license may be reactivated at any time within the three-year period by fulfilling the requirements for renewal, including the payment of the appropriate renewal fee."

SECTION 4. This Act shall take effect upon its approval.
 (Approved July 8, 1965.) S.B. 1015.

ACT 242

A Bill for an Act to Amend Chapter 62, Revised Laws of Hawaii 1955, as Amended, Relating to Dental Hygienists.

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

SECTION 1. The second sentence in section 62-3, Revised Laws of Hawaii 1955, is hereby amended to read as follows:

"A dental hygienist may clean teeth, performing only such operations on the teeth as are cleansing and unless the parent or guardian registers his objection, may apply topically such chemical agents as are approved by the board of dental examiners on the coronal surfaces of the teeth for the prevention of dental caries, and may use such mouth washes as are approved by the board of dental examiners, but shall not perform any repair work or the preparation thereof, or any other operation on the teeth or tissues of the mouth; provided,

that nothing herein shall prohibit a dental hygienist from using or applying topically any chemical agent which has been approved in writing by the Department of Health for any of the purposes set forth in Part V of Chapter 46, Revised Laws of Hawaii 1955, as amended, entitled "Division of Dental Health."

SECTION 2. This Act shall take effect upon its approval.
(Approved July 8, 1965.) **H.B. 1026.**

ACT 243

A Bill for an Act Amending Chapter 166, Revised Laws of Hawaii 1955, as Amended, Relating to Professional Engineers, Architects and Surveyors.

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

SECTION 1. The second paragraph of section 166-9 of the Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"For each examination, or repetition thereof in whole or in part as shall be limited or permitted by the rules and regulations of the board, the candidate shall pay to the board a sum of \$15 as an examination fee; provided, however, where the candidate is eligible to take only that part of the examination pertaining to engineering fundamentals he shall pay \$5. The fee paid shall not be refundable; provided, however, if a candidate after having paid such fee is unable for any reason beyond his control to participate in the examination, the board may extend the time of the candidate's participation to the next regular examination date and credit the candidate the amount of the fee paid."

SECTION 2. This Act shall take effect upon its approval.
(Approved July 9, 1965.) **H.B. 209.**

ACT 244

A Bill for an Act Relating to the Hawaii Employment Relations Act, and Amending Chapter 90, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Subsection (f) of section 90-2, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"(f) 'Collective bargaining unit' means all of the employees of one employer (employed within the State), except that where the board has determined and certified that such employees engaged in a single craft, division, department or plant as provided in section 90-6(b) constitute a separate bargaining unit they shall be so considered. Two or more collective bargaining units may bargain collectively through the same representative where a majority of the employees or each

separate unit have voted by secret ballot as provided in section 90-6(c) so to do."

SECTION 2. Section 90-3, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"Section 90-3. Hawaii employment relations board. There shall be within the department of labor and industrial relations a commission to be known as the Hawaii employment relations board. Such board shall consist of five members. Two of the members shall be representatives from labor, two from management and one from the public. One labor member and one management member shall be from the City and County of Honolulu, and one labor and one management member shall be from outside the City and County of Honolulu. The director shall have general administrative supervision over the board, but shall not have the power to supervise or control the board in the exercise of its powers or duties under the Hawaii employment relations act. The board may appoint a hearings officer or officers as required to perform its responsibilities.

Upon the expiration of the term of each member, his successor shall be appointed for a term to expire four years from the date of the expiration of the preceding term. Any vacancy in the board occurring otherwise than by expiration of a term of office shall be filled for the remainder of such unexpired term. Members shall be eligible for reappointment. The governor shall designate the public member to serve as chairman. Each member shall take and file the official oath. Each member of the board shall be paid compensation for his services at the rate of \$15 per day for each day's performance upon his duties or the work of the board. A vacancy in the board shall not impair the right of the remaining members to exercise all the powers of the board and three members of the board shall constitute a quorum, but the governor may appoint a temporary alternate to act in the place of any member who is ill, absent, or for any other reason unable to attend.

The board shall have a seal for the authentication of its orders and proceedings, upon which shall be inscribed the words 'Hawaii Employment Relations Board-Seal'.

The board shall employ, on a part-time basis, qualified attorneys who are licensed to practice in all the courts of the State to serve as its hearings officers, at its pleasure, and shall not be subject to the civil service laws of the State. It shall also fix the compensation of said employees. Such part-time employment may be temporary or permanent, but in no case shall any such person be employed on less than 1/2 time basis.

The board may also in conformity with section 9-2 employ and remove other counsel who are licensed to practice in all the courts of the State, and fix their compensation. Such counsel may, at the direction of the board, appear for and represent the board in any case in court. The appointment of persons as counsel shall not be subject to the civil service laws of this State.

The board may employ, promote, and remove an executive secretary on a full-time basis without regard to chapters 3 and 4. The board may also employ, promote, and remove a secretary, clerks, stenographers, and other assistants under such existing civil service and classification laws as may be applicable; provided, in the event the board determines that the performance of its functions does not require the services of a person in any of the positions, then the board may employ and fix the compensation of such person to fill any of such positions from time to time on either a part-time or temporary basis without regard to chapters 3 and 4.

The reasonable and necessary traveling and other expenses of the board and employees thereof, while actually engaged in the performance of their duties shall be paid from the State treasury upon the audit and warrant of the treasurer, upon vouchers signed by the chairman, or any three members, of the board.

At the close of each fiscal year the board shall make a written report to the governor of such facts as it may deem essential to describe its activities, including the cases and its disposition of the same, and the names, duties and salaries of its officers and employees."

SECTION 3. Subsections (b) and (d) of section 90-6, Revised Laws of Hawaii 1955, as amended, are hereby amended to read as follows:

"(b) Whenever a question arises concerning the determination of a collective bargaining unit as defined in section 90-2, the board, in order to assure to employees the fullest freedom in exercising the rights guaranteed by this chapter, shall conduct an appropriate hearing upon due notice and it shall decide in each case the unit appropriate for the purpose of collective bargaining."

"(d) Questions concerning the representation of employees may be raised by petition of any employee, or group of employees, or his representative, or labor organization acting in their behalf, or by petition of his employer in the case of jurisdictional disputes or in any case after a union has requested recognition. Where it appears by the petition that an emergency exists requiring prompt action, the board shall act upon the petition forthwith and hold the election requested within such time as will meet the requirements of the emergency presented. The fact that one election has been held shall not prevent the holding of another election among the same group of employees, if it appears to the board that sufficient reason therefor exists. In any election where the choices on the ballot do not receive a majority, a run-off shall be conducted, the ballot providing for a selection between the two choices receiving the largest and second largest number of valid votes cast in the election."

SECTION 4. Subsection (b) of section 90-10, Revised Laws of Hawaii 1955, as amended, is hereby amended so that where the term "examiner" appears, the phrase "hearings officer" shall be substituted.

Subsection (c) of section 90-10, Revised Laws of Hawaii 1955, as

amended, is hereby amended to read as follows:

“(c) A full and complete record shall be kept of all proceedings had before the board and all testimony and proceedings shall be taken down by a reporter engaged for such purpose or by use of a mechanical recording device. It shall not be necessary to transcribe the record unless requested for purposes of re-hearing or court review. In such proceedings the board shall not be bound by technical rules of evidence. No hearsay evidence, however, shall be admitted or considered.”

SECTION 5. Section 90-10, Revised Laws of Hawaii 1955, as amended, is amended so that where the term “examiner” appears, the phrase “hearings officer” shall be substituted.

Subsection (h) of section 90-10, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

“(h) Commencement of proceedings under subsection (f) of this section shall not stay enforcement of the board decisions or order; but the board, or the reviewing court may order a stay upon such terms as it deems proper.”

SECTION 6. Section 90-12, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

“Section 90-12. Rules and Regulations. The board may adopt rules and regulations relative to the exercise of its powers and authority and to govern the proceedings before it in accordance with the provisions of Chapter 6C.”

SECTION 7. This Act shall take effect upon its approval.
(Approved July 9, 1965.) H.B. 1223.

ACT 245

A Bill for an Act Relating to Child Labor and Amending Section 88-22, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Section 88-22, Revised Laws of Hawaii 1955, as amended, is hereby further amended by deleting from subparagraph (f) of said section the figures “1965” appearing at the end thereof and substituting therefor the figures “1967.”

SECTION 2. This Act shall take effect upon its approval.
(Approved July 9, 1965.) S.B. 317.

ACT 246

A Bill for an Act Relating to Sight Conservation and Prevention of Blindness.

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

SECTION 1. The vision screening activities of the department of

social services are hereby transferred to the departments of health and education.

SECTION 2. The transfer of function provided in Section 1 above is a transfer resulting from the provisions of the Hawaii State Government Reorganization Act of 1959 and as such, all provisions pertaining to such transfers are made a part of this Act.

SECTION 3. Section 109-7, Revised Laws of Hawaii 1955, as amended, is hereby repealed.

SECTION 4. Section 109-11, Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

"Section 109-11. Donations and examinations for sight conservation.

"(a) Donations. The department of social services in its sight conservation program may accept and expend or distribute donations, eye glasses and other services for sight conservation and for assistance to blind and visually handicapped persons; provided, that any donations of money so received shall be deposited in the State treasury and disbursed therefrom for such purposes pursuant to this part.

"(b) Cause and prevention of blindness, examinations. The department of social services, in consultation and cooperation with the department of health, shall make investigation of the causes of blindness, learn what proportion of the cases are preventible and inaugurate and cooperate in any such preventive measures as may seem advisable for the State. They, or either of them, may arrange for the examination of the eyes of the individual blind or visually handicapped persons and may provide or secure medical and surgical treatment of such persons whenever, in its judgment, the sight of such persons may be benefited thereby."

SECTION 5. Chapter 46 of the Revised Laws of Hawaii 1955, as amended, is further amended by adding a new part and a new section to be numbered and to read as follows:

"PART . VISION SCREENING AND EDUCATION PROGRAM

"Section 46- . Sight conservation and prevention of blindness.

"(a) The departments of health and education shall cooperate with each other and other public and private authorities as they may deem advisable for the education of children in the conservation of eyesight and the prevention of blindness, and may recommend for sight-saving classes, or for the State school for the blind, children certified by any reputable oculist or optometrist, as fit subjects for instruction therein. All such certifications shall be reviewed by a medical doctor designated by the department of health.

"(b) They shall conduct or supervise such vision-testing activities in public and private schools as they deem advisable to determine which children have defective vision and shall make recommendations

for the conservation or correction of their vision, and shall cooperate to secure proper lighting and in such other measures as they may deem advisable to remedy conditions which may be conducive to or cause weakening of eyesight.

“(c) They shall cause to be conducted classes and lectures in sight conservation and prevention of blindness for teachers and public health nurses and others engaged in like work, and cooperate with public and private organizations and societies in an effort to educate the public in the importance of sight conservation.”

SECTION 6. Upon passage of this Act, the governor is authorized to transfer such personnel and funds between departments as he deems necessary for the implementation hereof. He is further authorized to redistribute or assign specific functions in connection herewith to that department he deems most suitable.

SECTION 7. All laws or parts of laws heretofore enacted which are in conflict with the provisions of this Act are hereby amended to conform herewith. All acts passed during this general session of 1965, whether enacted before or after the passage of this Act, shall be amended to conform to this Act, unless such acts specifically provide that this Act is being amended. The revisor of statutes is hereby authorized to make all such changes required in the Revised Laws of Hawaii 1955 in accordance with the provisions of this Act.

SECTION 8. This Act shall take effect upon its approval.
(Approved July 9, 1965.) S.B. 375.

ACT 247

A Bill for an Act to Regulate the Wages, Hours, and Working Conditions of Employees of Contractors Supplying Services to Government Agencies.

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

SECTION 1. Section 9-48 of the Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

“Section 9-48. **Wages, hours, and working conditions of employees of contractors supplying services.**

“Before any prospective bidder shall be entitled to submit any bid for the performance of any contract to supply services in excess of \$5,000 to any governmental agency, he shall certify that the services to be performed will be performed under the following conditions.

“Wages. The services to be rendered shall be performed by employees paid at wages or salaries not less than the wages paid to public officers and employees for similar work.

“Compliance with labor laws. All applicable laws of the Federal and State governments relating to workmen’s compensation, unemployment compensation, payment of wages, and safety will be fully complied with.

“No contract to perform services for any governmental contracting agency in excess of \$5,000 shall be granted unless all the

conditions of this section are met. Failure to comply with the conditions of this section during the period of contract to perform services shall result in cancellation of the contract.

"It shall be the duty of the governmental contracting agency awarding the contract to perform services in excess of \$5,000 to enforce the provisions of this section.

"This section shall apply to all contracts to perform services in excess of \$5,000, including contracts to supply ambulance service and janitorial service.

"This section shall not apply to:

- (a) Managerial, supervisory or clerical personnel.
- (b) Contracts for supplies, materials, or printing.
- (c) Contracts for utility services.
- (d) Contracts to perform personal services under paragraphs (b), (c), (k-1), and (n) of Section 3-20.
- (e) Contracts to operate refreshment concessions in public parks, or to provide food services to educational institutions.
- (f) Contracts with nonprofit institutions."

SECTION 2. This Act shall take effect upon its approval.
(Approved July 9, 1965.) S.B. 381.

ACT 248

A Bill for an Act Relating to Notaries Public.

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

SECTION 1. The first sentence of Section 168-2, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"Every person appointed a notary public shall, at the time of his appointment, be a resident of the State for one year, possess the other qualifications required of public officers and be at least twenty years of age; provided; however, that the attorney general may, for public convenience and necessity, commission a notary for any number of judicial circuits, and said notary shall keep a separate record for each circuit."

SECTION 2. This Act shall take effect upon its approval.
(Approved July 9, 1965.) S.B. 448.

ACT 249

A Bill for an Act to Create Diamond Head State Monument.

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

SECTION 1. There is hereby created Diamond Head State Monument as an historical site on Oahu to be administered by the department of land and natural resources and to consist of such lands as the department of land and natural resources considers essential to the unimpaired preservation of the visual and historic aspects of Diamond Head; provided that Na Laau Hawaii arboretum and parcels A, B, C

and D as described in Executive Order No. 2000 dated April 9, 1962, establishing Diamond Head State Monument, shall be included within the boundaries of Diamond Head State Monument.

SECTION 2. The department of land and natural resources shall present a proposed plan and report to the 1966 Budget Session of the Legislature on its activities in carrying out the provisions of this Act, including agreements reached with the state department of defense and with the city and county of Honolulu relating to the control and use of contiguous lands and recommendations of additional lands it considers essential to the preservation of the visual and historic aspects of Diamond Head.

SECTION 3. There is hereby appropriated to the department of land and natural resources out of the general revenues of the state, not otherwise appropriated, the sum of \$20,000 or so much thereof as may be necessary to prepare plans and to make minor improvements of Diamond Head State Monument. Any unencumbered balance of this appropriation remaining at the end of two years after the passage of this Act shall lapse into the general fund.

SECTION 4. This Act shall take effect upon its approval.
(Approved July 9, 1965.) S.B. 585.

ACT 250

A Bill for an Act Relating to Employment Security and Amending Chapter 93, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Chapter 93, Revised Laws of Hawaii 1955, as amended, is hereby further amended as follows:

(a) The first paragraph in section 93-21 is amended to read:

"Section 93-21. Weekly benefit amount; computation, minimum and maximum.

"(a) In the case of an individual who has established a benefit year prior to January 2, 1966, his weekly benefit amount shall be the amount appearing in Column B in the table in this section on the line on which, in Column A of such table, there appears the total wages paid to such individual for insured work in that quarter of his base period in which such total wages were highest.

"(b) In the case of an individual whose benefit year begins on or after January 2, 1966, his weekly benefit amount shall be, except as otherwise provided herein, an amount equal to one twenty-fifth of his total wages for insured work paid during the calendar quarter of his base period in which such total wages were highest. Such weekly benefit amount, if not a multiple of \$1, shall be computed to the next higher multiple of \$1. If an individual's weekly benefit amount is less than five dollars, it shall be five dollars. The maximum weekly benefit amount shall be determined annually as follows: On or before November 30 of each year the total remuneration paid by employers, as

reported on contribution reports submitted on or before such date, with respect to all employment during the four consecutive calendar quarters ending on June 30 of such year shall be divided by the average monthly number of individuals performing services in such employment during the same four calendar quarters as reported on such contribution reports. The amount thus obtained shall be divided by fifty-two and the average weekly wage (rounded to the nearest cent) thus determined. Two-thirds of the average weekly wage shall constitute the maximum weekly benefit amount and shall apply to all claims for benefits filed by an individual qualifying for payment at the maximum weekly benefit amount in the benefit year commencing on or after the first day of the calendar year immediately following the determination of such maximum weekly benefit amount. Such maximum weekly benefit amount, if not a multiple of \$1, shall be computed to the next higher multiple of \$1."

(b) Section 93-23 is amended to read:

"Section 93-23. Maximum potential benefits. The maximum potential benefits of an eligible individual in a benefit year shall be twenty-six times his weekly benefit amount."

(c) Section 93-28 (e) is amended to read:

"(e) Wages for insured work; weeks of employment.

"(1) In the case of an individual who has established a benefit year prior to January 3, 1965, he has been paid wages for insured work during his base period in an amount equal to at least the amount appearing in Column C of the schedule in section 93-21 on the line on which, in Column B of the schedule, appears his weekly benefit amount.

"(2) In the case of an individual who has established a benefit year after January 2, 1965 but prior to January 2, 1966, he has had during his base period a total of fourteen or more weeks of employment as defined in section 93-1 (s) and has been paid wages for insured work during his base period in an amount equal to at least the amount appearing in Column C of the schedule in section 93-21 on the line on which, in Column B of the schedule, appears his weekly benefit amount.

"(3) In the case of an individual whose benefit year begins on or after January 2, 1966, he has had during his base period a total of fourteen or more weeks of employment as defined in section 93-1 (s) and has been paid wages for insured work during his base period in an amount equal to at least thirty times his weekly benefit amount as determined under section 93-21 (b).

"(4) For the purposes of this subsection, wages and weeks of employment shall be counted for benefit purposes with respect to any benefit year only if such benefit year begins subsequent to the dates on which the employing unit by which such wages or other remuneration as provided in section 93-1 (s) were paid has satisfied the conditions of section 93-1 (i) with respect to becoming an employer."

SECTION 2. This Act shall take effect upon its approval.
(Approved July 9, 1965.) **S.B. 730.**

ACT 251

A Bill for an Act Relating to Gifts, Sales and Transfers by Counties of Personal Property to Other Governmental Bodies and Agencies.

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

SECTION 1. Any other law to the contrary notwithstanding, any county or city and county may give, sell or transfer any of its surplus personal property to the state or to any county or city and county within the state.

SECTION 2. This Act shall take effect upon its approval.
(Approved July 9, 1965.) S.B. 783.

ACT 252

A Bill for an Act Relating to the Application for Accidental Disability Retirement with the Employees' Retirement System.

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

SECTION 1. Everett L. Cuskaden is hereby authorized to make application for accidental disability retirement with the employees' retirement system, for alleged injuries sustained by him in an accident on January 17, 1958.

SECTION 2. The employees' retirement system shall process the application of said Everett L. Cuskaden as though he were a member of the system upon application within six months of the effective date of this Act, subject to all possible defenses and provided that nothing contained herein shall be construed as an admission of liability on the part of said employees' retirement system.

SECTION 3. This Act shall take effect upon its approval.
(Approved July 9, 1965.) S.B. 832.

ACT 253

A Bill for an Act Amending Chapter 178, Revised Laws of Hawaii 1955, as Amended, Relating to Banks.

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

SECTION 1. Section 178-14 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by amending the first paragraph thereof to read as follows:

"Section 178-14. Application for authority to organize, fee; contents. Any number of persons, not less than five, at least three of whom shall be residents of the State, may file an application with the director of regulatory agencies for authority to organize a bank. The applicants shall pay to the director at the time of their application a fee of \$100, which fee shall in no case be refunded. No persons shall organize a bank until written authority for that purpose has been obtained from the director. The application shall be in duplicate and

shall specify to the extent then determined in regard to the proposed bank.”

SECTION 2. Section 178-15 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by deleting from the last sentence thereof the words “or to circulate a stock subscription list.”

SECTION 3. Chapter 178 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding a new section, next following section 178-20, and to read as follows:

“Section 178-20.1 Solicitation permit. Within 30 days after issuance of a certificate of incorporation, there shall be filed an application by the corporation for a solicitation permit, said application to be sworn to on oath by at least two officers and shall contain the following:

“(a) the solicitation plan, by which the corporation proposes to conduct its solicitation of subscribers;

“(b) the classes of shares and the respective quantities of shares for each class;

“(c) the respective subscription prices of the classes of stock;

“(d) an agreement that no advertising material will be used in the solicitation program until and unless the same has been submitted to the director of regulatory agencies and has received his written approval;

“(e) such other information as the director may prescribe.

“The application shall also be accompanied by a copy of each of the following as exhibits:

“(a) the prospectus to be used in soliciting subscriptions, which prospectus shall comply with the provisions of section 199-8 of the Revised Laws of Hawaii 1955, as amended;

“(b) the by-laws of the corporation, certified by the secretary of the corporation;

“(c) the underwriting agreement;

“(d) the escrow agreement;

“(e) the subscription agreement;

“(f) advertising material to be used in the solicitation of subscriptions.

“Upon being satisfied that the application and supporting exhibits are complete and in proper form and not otherwise illegal, and that the subscription plan as set forth is not or will not be fraudulent, the director shall issue the solicitation permit on the terms and conditions set forth therein.”

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

(Approved July 9, 1965.) S.B. 1013.

ACT 254

A Bill for an Act Relating to Provisional and Short Term Appointments.

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

SECTION 1. Subsection (1) of section 3-21, Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

(1) Provisional and short term appointments.

(1) Provisional appointment pending establishment of an eligible list. When there is no eligible available on a list appropriate for filling a vacancy in a continuing position and the public interest requires that the vacancy be filled before eligibles can be certified, the director may authorize filling of the vacancy through provisional appointment. The Director shall proceed without delay to announce an examination for the filling of such vacancy. Such appointment shall continue only for such period as may be necessary to make an appointment from a list of eligibles but shall not extend beyond 180 days in any 12 month period, provided that the Director may extend such provisional appointment for an additional 6 months' period if an open continuous examination has failed to secure any qualified, available eligibles.

(2) Temporary limited appointment. When there is need for temporary employment, the Director may authorize the department concerned to make or extend temporary appointments limited to a definite period of time, but not in excess of one year, except as otherwise specifically permitted by law or regulations. If the temporary appointment is not made from among regular employees eligible for non-competitive action, the director shall certify from an appropriate eligible list, so long as such list is available.

(3) Emergency appointments. In order to prevent the stoppage of essential public business, emergency appointments, not to exceed ten working days, may be made to fill positions temporarily in any serious emergency when it is not practicable to ascertain whether there is an eligible list; provided, however, that the director for good and sufficient cause, and for reasons given in writing by the department concerned, may extend such appointment for a period not to exceed thirty calendar days.

(4) Except as may be otherwise specified, provisional and temporary appointees must meet the minimum qualification requirements for the specific position to be filled.

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

(Approved July 9, 1965.) S.B. 182.

ACT 255

A Bill for an Act Relating to Wasteland Development.

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

SECTION 1. **Statement of Policy.** It is the intent and purpose of the legislature that by encouraging the development of wasteland:

(1) lands which are unproductive will be put to productive use;

- (2) the economic development of the State will be hastened; and
- (3) the tax base will be broadened.

SECTION 2. Definitions. When used herein:

- (a) "Department" means the department of taxation;
- (b) "Director" means the director of the department of taxation;
- (c) "Wasteland" means land which is classified as such by the director of the department of taxation; and
- (d) The term "owner" shall include any person leasing the real property of another under a lease having a stated term of not less than thirty years.

SECTION 3. Eligibility. Any property of not less than 25 acres in area is eligible for classification as wasteland development property if it meets the classification requirements of wasteland property as established by the director. No real property under a lease having an unexpired term of less than thirty years shall be eligible for classification as wasteland development property.

SECTION 4. Application. The owner of any property may apply to the director for classification of his land as wasteland development property. The application shall include a description of the property, the manner in which the property will be developed, and such additional information as may be required by the director. Such application shall state that all persons having any interest in or holding any encumbrance upon the property have joined in making the application and that all of them will comply with the laws and regulations relating to the use, building requirements and development of the real property.

SECTION 5. Classification. Within four months after the filing of the application with the director, the director shall make a finding of fact as to the eligibility of such land for classification as wasteland development property, whether it can be developed in the manner specified by the owner, whether such development will add to the development of the economy of the State, and whether such development will broaden the tax base of the State. Such determination shall be based upon all available information on soils, climate, land use trends, watershed values, present use of surrounding similar lands, and other criteria as may be appropriate.

Upon the finding by the director that the property is eligible for classification as wasteland development property, that it can be developed in the manner specified by the owner, that such development will add to the economy of the State and that it will broaden the tax base of the State, the property shall be classified as wasteland development property. If the director finds it otherwise for any one of the above criteria, the application shall be disapproved.

The applicant may appeal any disapproved application as in the case of an appeal from an assessment.

Land classified as wasteland development property shall be administered by the department and the department may from time to time

make rules and regulations for their administration pursuant to the provisions of chapter 6C, Revised Laws of Hawaii 1955, as amended.

SECTION 6. Development and maintenance of wasteland development property. Within one year following the approval of the application, the owner shall develop that portion of his land as specified in his application and as approved by the director. Additional areas shall be developed each year as prescribed by the director.

SECTION 7. Special Tax Assessment. Any property classified as wasteland development property by the director shall be, for a period of five years, assessed for real property tax purposes at its value as wasteland. The five year period shall commence from January 1 of the year following the approval of the application.

SECTION 8. Declassification. Thirty days after notification to the owner by the department for noncompliance of any law, ordinance, rule or regulation, the director may declassify any land classified as wasteland development property. The department shall notify the owner of such declassification and in that event, the director shall cancel the special tax assessment provided in section 7 retroactive to the date that the property qualified for special tax assessment and the difference between the real property taxes that would have become due and payable but for such classification for all the years the land was classified as wasteland development property and the real property taxes paid by the owner during such period shall become immediately due and payable together with a five per cent per annum penalty from the respective dates that such additional tax would otherwise have been due.

SECTION 9. Appeals. Any person aggrieved by the additional assessment for any year may appeal from such assessment in the manner provided in the case of real property tax appeals.

SECTION 10. This Act shall take effect on January 1, 1966.
(Approved July 9, 1965.) S.B. 261.

ACT 256

A Bill for an Act Relating to Fire Fighting Members of the Fire Departments of the Political Subdivisions of the State.

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

SECTION 1. Amend subsection (d) of Section 72 of Chapter 5 of the Revised Laws of Hawaii 1955, as amended, to read:

“(d) The hours of work and compensation of the fire-fighting members of the fire departments of the political subdivisions of the State shall be governed by the following provisions:

“(1) The maximum number of hours of work shall be two hundred and eighty-eight hours of actual service for twenty-eight days;

“(2) Not more than one hundred forty-four hours of work shall be required in any two-week period;

"(3) The number of hours of each day's work shall be fixed from time to time by the head of the department; and

"(4) Any other provision herein to the contrary notwithstanding, if any fire-fighting member of the fire departments of the political subdivisions of the State is required to report for duty on a legal holiday, he shall receive double-time credit for all hours of duty. This double-time credit shall include and not be in addition to his regular straight-time pay."

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

(Approved July 9, 1965.) S.B. 465.

ACT 257

A Bill for an Act to Amend Part II of Chapter 172, Revised Laws of Hawaii 1955, as Amended, Relating to Corporations.

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

SECTION 1. Part II of Chapter 172 of the Revised Laws of Hawaii 1955, is hereby amended by adding thereto a new section to be numbered Section 172-15.5 to follow immediately after Section 172-15 and to read as follows:

"**Section 172-15.5. Officers.** The officers of a corporation shall consist of a president, one or more vice presidents as may be prescribed by the by-laws, a secretary, and a treasurer, each of whom shall be elected or appointed by the board of directors at such time and in such manner as may be prescribed by the by-laws. Such other officers and assistant officers and agents as may be deemed necessary may be elected or appointed by the board of directors or chosen in such other manner as may be prescribed by the by-laws. Any two or more offices may be held by the same person.

"All officers and agents of the corporation, as between themselves and the corporation, shall have such authority and perform such duties in the management of the corporation as may be provided in the by-laws, or as may be determined by resolution of the board of directors not inconsistent with the by-laws."

SECTION 2. Section 172-19 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

"**Section 172-19. Extensions and renewals of charters and articles.** The director shall at any time not more than fifteen years prior to the expiration of any articles of association or charter of any corporation extend the duration of the same, and shall at any time not more than five years after the expiration of any articles of association or charter renew the same, in each case for such period of extension or renewal as is agreed upon, which may be perpetual, and in each case on application to him for that purpose, upon the filing in his office of a verified certificate signed by any two authorized officers of the corporation, showing that the proposed extension or renewal

has been approved by the vote of the holders of not less than two-thirds of all its issued and outstanding shares of stock, voting without regard to class, at a meeting duly called and held for the purpose, or, in the case of a nonstock corporation, by the vote of not less than two-thirds of the members present at a duly called meeting thereof; provided, that no extension of the charter of a nonprofit corporation shall become effective until the same is allowed by the director.

"All extensions or renewals of articles of association and charters granted prior to April 1, 1939, are ratified and confirmed."

SECTION 3. Section 172-20 of the Revised Laws of Hawaii 1955 as amended, is hereby further amended to read as follows:

"Section 172-20. Amendments of charters and articles. Subject to the provisos hereinbelow set forth in this section, the articles of association or charter of any corporation may be amended by the vote of the holders of not less than two-thirds of all of its stock issued and outstanding and having voting power, or by such larger vote as may be required by the articles of association or charter, at a meeting duly called and held for the purpose, or, in case of a nonstock corporation, by the vote of not less than two-thirds of the members present at a meeting duly called and held for the purpose. No such amendment shall be or become effective unless there shall be filed in the office of the director a verified certificate, signed by any two authorized officers of the corporation, setting forth the amendment by stating that the articles of association or charter has been amended to read as set forth in the certificate in full or by stating that any provision or provisions of the articles of association or charter, which shall be identified by the numerical or other designation or designations thereof in the articles of association or charter or by stating the wording thereof, has or have been amended to read as set forth in the certificate, and certifying that the amendment was adopted by the required vote as aforesaid at a meeting duly called and held for the purpose. Any such amendment so adopted shall become effective and the articles of association or charter shall be and become amended on the date of filing of the certificate of amendment or on such later date as shall be specified in the certificate of amendment. Any provision of this section to the apparent contrary notwithstanding. (a) no amendment shall confer any other or greater powers or privileges than could lawfully be conferred or obtained in an original charter or articles of association; (b) no amendment changing the name of the corporation shall become effective until the director has determined that such amendment is not in conflict with the provisions of section 172-11 and until a certificate of such change of name has been filed in the Bureau of Conveyances of the State, and the registrar shall accept such certificate for recording when issued by the director or any one authorized to act in his behalf; (c) no amendment to the charter of a nonprofit corporation shall become effective until the same is allowed by the director; and (d) if an amendment would make any change which would adversely affect the rights of the holders of

shares of any class, then the holders of each class of shares so affected by the amendment shall be entitled to vote as a class upon such amendment, regardless of other limitations or restrictions on the voting power of such class, and in addition to the vote otherwise required, a vote of the holders of two-thirds of each class so affected by the amendment shall be necessary to the adoption thereof. There may be filed in the office of the director at any time a copy, verified by any two officers of the corporation by authority of its board of directors, of the articles of association or charter of the corporation restated to include all amendments to and including the date of such verification and upon such filing such restated articles of association or charter shall be and become the articles of association or charter of the corporation."

SECTION 4. Section 172-21 of the Revised Laws of Hawaii 1955, is hereby amended to read as follows:

"Section 172-21. Same pre-emptive rights. The articles of association or charter of any corporation for profit may deny, limit or restrict, or may be amended so as to deny, limit or restrict, the right of the stockholders of such corporation, which may exist by virtue of the common law or by virtue of provisions in the existing articles of association or charter, to subscribe for additional shares of stock, whether then or thereafter authorized; provided, that any such amendment of the articles of association or charter of any such corporation shall be made in accordance with the provisions of section 172-20. No amendment authorized by this section shall be construed as a limitation or restriction on any other amendment or amendments that might otherwise be permitted by law.

"Nothing contained in this section shall affect the validity of any such action taken prior to April 21, 1953, by any corporation."

SECTION 5. Section 172-23 of the Revised Laws of Hawaii 1955, is hereby amended to read as follows:

"Section 172-23. Powers, express. Every corporation created in the State, whether created before or after the effective date of this section, shall have the following powers, in addition to any other powers set forth in or reasonably implied from its articles of association or charter, except as otherwise expressly limited or denied by its articles of association or charter:

"(a) To have succession by its corporate name for the period limited in its articles of association or charter, but not beyond the period, if any, limited by law, and when no period is limited, perpetually:

"(b) To sue and be sued in any court:

"(c) To make and use a common seal, and alter the same at its pleasure:

"(d) To hold, purchase and convey such property as the purposes of the corporation require, not exceeding the amount limited by its articles of association or charter if any limit is therein prescribed, and to mortgage, pledge and hypothecate the same to secure any debt of the corporation;

“(e) To appoint such subordinate officers and agents as the business of the corporation requires;

“(f) To sell, convey, mortgage, pledge, lease, exchange, transfer and otherwise dispose of all or any part of its property and assets;

“(g) To lend money to its employees, officers and directors, and otherwise assist its employees, officers and directors;

“(h) To purchase, take, receive, subscribe for, or otherwise acquire, own, hold, vote, use, employ, sell, mortgage, lend, pledge, or otherwise dispose of, and otherwise use and deal in and with, shares or other interests in, or obligations of, other domestic or foreign corporations, associations, partnerships or individuals, or direct or indirect obligations of the United States or of any other government, state, territory, governmental district or municipality or of any instrumentality thereof;

“(i) To make contracts and guarantees and incur liabilities, borrow money at such rates of interest as the corporation may determine, issue its notes, bonds, and other obligations, and secure any of its obligations by mortgage or pledge of all or any of its property, franchises and income;

“(j) To lend money for its corporate purposes, invest and reinvest its funds, and take and hold real and personal property as security for the payment of funds so loaned or invested;

“(k) To conduct its business, carry on its operations, and have offices and exercise the powers granted by this Act in any state, territory, district, or possession of the United States, or in any foreign country;

“(l) To elect or appoint officers and agents of the corporation, and define their duties and fix their compensation;

“(m) To make and alter by-laws, not inconsistent with its articles of association or charter or with the laws of this State;

“(n) To make donations for the public welfare or for charitable, scientific or educational purposes, and in time of war to make donations in aid of war activities;

“(o) In time of war to transact any lawful business in aid of the United States in the prosecution of the war;

“(p) To indemnify any director or officer or former director or officer of the corporation, or any person who may have served at its request as a director or officer of another corporation in which it owns shares of capital stock or of which it is a creditor, against expenses actually and reasonably incurred by him in connection with the defense of any action, suit or proceeding, civil or criminal, in which he is made a party by reason of being or having been such director or officer, except in relation to matters as to which he shall be adjudged in such action, suit or proceeding to be liable for negligence or misconduct in the performance of duty to the corporation; and to make any other indemnification that shall be authorized by the articles of association or charter or by any by-laws or resolution adopted by the shareholders after notice;

“(q) To pay pension and establish pension plans, pension trusts, profit-sharing plans, stock bonus plans, stock option plans and other

incentive plans for any or all of its directors, officers and employees;
 “(r) To cease its corporate activities and surrender its corporate franchise;

“(s) To have and exercise all powers necessary or convenient to effect any or all of the purposes for which the corporation is organized.”

SECTION 6. Section 172-26 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

“Section 172-26. Charitable donations, pensions, by corporation. Except as otherwise provided by the articles of association or charter of a corporation, the powers to make donations, and to pay pensions and establish pension plans and incentive plans as set forth in section 172-23 (n) and section 172-23 (q) may be exercised by the board of directors of the corporation; provided, however, that in the case of a corporation which is being liquidated or dissolved, donations for the public welfare or for charitable, educational or scientific purposes, and pensions and severance allowances may be paid by the corporation only if authorized by the affirmative vote of the holders of a majority of all of the shares of stock issued and outstanding and having voting power, or by such larger vote as may be required by the articles of association or charter. Nothing contained in this section shall affect the validity of any such action taken prior to May 14, 1947, by any such corporation.”

SECTION 7. Section 172-27 of the Revised Laws of Hawaii 1955, is hereby amended to read as follows:

“Section 172-27. Same; fiduciary may vote stock. Without incurring any individual liability, any trust company or other fiduciary, holding in trust for another, stock in any corporation, either domestic or foreign, which is being liquidated or dissolved, may vote such stock in favor of donations or pensions to retired or disabled employees or to their dependents, or severance allowances to employees of such corporation, whenever in the sole judgment and discretion of the fiduciary the donations or pensions or severance allowances are reasonable. Nothing contained in this section shall affect the validity of any such action taken prior to May 14, 1947, by any fiduciary.”

SECTION 8. This Act shall take effect upon its approval.
 (Approved July 9, 1965.) S.B. 474.

ACT 258

A Bill for an Act Amending Chapter 159, Revised Laws of Hawaii 1955, as Amended, Relating to Intoxicating Liquor.

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

SECTION 1. Section 159-56 of the Revised Laws of Hawaii 1955, as amended, is hereby amended by deleting the fifth and sixth sentences and substituting in lieu thereof the following:

"Immediately upon the commission's fixing a day for the public hearing of the application (other than an application for an agent's license, a special license, a vessel license or an alcohol license), the applicant shall send a notice setting forth the time and place of the hearing on the application by registered mail, or by certified mail with the return receipt requested, or by certified mail with the return receipt requested and with delivery to addressee only, to a majority of the persons being the owners or lessees holding under recorded leases, of real estate situated within a distance of five-hundred feet from the nearest point of the premises for which the license is asked to the nearest point of such real estate, not less than twenty-one days prior to the date set for the hearing of the application; and before the hearing the applicant shall file with the commission an affidavit as to such mailing of notice. Notice by mail may be addressed to the last known address of the person concerned or to the address of the person concerned or to the address as shown in the last tax return filed by him or his agent or representative."

SECTION 2. This Act shall take effect upon its approval.
(Approved July 9, 1965.) S.B. 737.

ACT 259

A Bill for an Act to Amend Chapter 178 of the Revised Laws of Hawaii 1955, Relating to Banks.

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

SECTION 1. Section 178-12 of the Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"Every bank existing under, or hereafter organized under, the laws of the State, shall have a paid-up-in-cash capital of not less than \$1,000,000 and a paid-in-cash surplus equivalent to fifty per cent of its paid-in capital. Each such bank shall, before the declaration of a dividend, carry twenty-five per cent of its net profits of the preceding calendar year to its surplus until the same equals its paid-up capital."

SECTION 2. Section 178-78, Revised Laws of Hawaii 1955, as amended, is hereby repealed.

SECTION 3. This Act shall take effect upon its approval.
(Approved July 9, 1965.) S.B. 927.

ACT 260

A Bill for an Act Relating to Medical Care of Pensioners and Amending Act 64, Session Laws of Hawaii 1964.

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

SECTION 1. Section 2 of Act 64, Session Laws of Hawaii 1964, is hereby amended to read as follows:

"Section 2. Section 6-4, Revised Laws of Hawaii 1955, is hereby amended to read as follows:

"Section 6-4. Medical aid, etc. when free. Every recipient of any pension payable by the State or by any county or by any other governmental body or agency created by or under the laws of the State who is actually and solely dependent upon his pension for his maintenance and support or whose total income in whatever form or from whatever source received, including, but not limited to, his pension and any income of his spouse, is less than \$2,400 per annum shall, for himself and his spouse, be entitled to free medical treatment from any government physician employed by the State or any county and to free hospitalization at any county hospital or at a hospital where county patients are treated at county expenses in the county wherein he resides.

Whenever a pensioner having a spouse dies, then the spouse as long as he or she remains single shall be eligible for benefits under this Act."

SECTION 2. Part 1 of chapter 6, Revised Laws of Hawaii 1955, as amended, is further amended by adding thereto a new section to be appropriately designated by the revisor of statutes to read as follows:

"Section 6- . List of Pensioners, who shall provide. The proper department of each county shall determine who is entitled to benefits under this Act and shall provide to any government physician employed by the State or any county, and any county hospital or a hospital where county patients are treated at county expense in the county wherein the pensioner resides, a current list of pensioners and their spouses who are entitled to benefits under this Act. The State retirement system shall provide to the proper departments of each county information required to administer the provisions of this Act."

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

(Approved July 9, 1965:) H.B. 104.

ACT 261

A Bill for an Act Relating to Expanding Research and Programs on Problems of the Aged and Making an Appropriation Therefor.

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

SECTION 1. **Declaration of purpose.** The legislature hereby declares that, in keeping with the traditional American concept of the inherent dignity of the individual in our democratic society, the older people of our State are entitled to, and it is the joint and several duty and responsibility of the State of Hawaii and its counties to enable our older people to secure equal opportunity to the full and free enjoyment of the following:

(a) An adequate income in retirement in accordance with the American standard of living.

(b) The best possible physical and mental health which science can make available, without regard to economic status.

(c) Suitable housing, independently selected, designed and located with reference to special needs and available at costs which older citizens can afford.

(d) Full restorative services for those who require institutional care.

(e) Opportunity for employment with no discriminatory personnel practices because of age.

(f) Retirement in health, honor and dignity.

(g) Pursuit of meaningful activity within the widest range of civic, cultural, and recreational opportunities.

(h) Efficient community services which provide social assistance in a coordinated manner and which are readily available when needed.

(i) Immediate benefit from proven research knowledge which can sustain and improve health and happiness.

(j) Freedom, independence, and the free exercise of individual initiative in planning and managing their own lives.

SECTION 2. Definitions. For the purposes of this Act—

(a) "Commission" means the State Commission on Aging as defined by section 109B-1, Revised Laws of Hawaii 1955, as amended.

(b) "Committees" mean the County Committees on Aging as defined by section 109B-3, Revised Laws of Hawaii 1955, as amended;

(c) The term "Director" means the Director of the Commission on Aging;

(d) The term "nonprofit institution or organization" means an institution or organization which is owned and operated by one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

SECTION 3. Research, planning, services, facilities and training fund. There is hereby established a fund to be known as the "Research, Planning, Services, Facilities and Training Fund". The fund shall consist of contributions from any source, appropriations made available by the federal, state or local governments for the purposes of this Act, and any interest or other income earned from investments of the fund.

SECTION 4. Purpose of the fund. The fund shall be used for:

(a) Research, planning, development and coordination of programs and facilities designed for older persons;

(b) Demonstration programs or activities which are beneficial to older persons;

(c) Training or special personnel needed to carry out programs designed for older persons; or

(d) Establishing new or expanding existing programs for older persons which provide (1) recreational and other leisure time activities; (2) informational, health, welfare, counseling or referral services; or (3) assistance to older persons in providing volunteer community or civic services.

SECTION 5. Authority of Commission. The commission may by way of grant to or contract with the committees, any public or nonprofit private agency, organization or institution or any private person:

(a) for research or developmental projects and facilities which are or may be beneficial to older persons;

(b) for the specialized training of persons employed or prepared for employment in carrying out programs designed for older persons;

(c) for informational, health, welfare counseling or referral services;

(d) for educational programs for maintenance of health and development of vocational interests and skills;

(e) for enlisting and training older persons for voluntary civic services;

(f) for opportunities for development of constructive use of retirement time; or

(g) for transmission of arts, skills or culture of older persons to the younger people.

The commission may adopt, amend or repeal necessary rules and regulations to implement the provisions of this Act. It may, to the extent it deems appropriate, require the recipient of any grant or contract to contribute money, facilities, or services to carry out the project for which such grant or contract is made.

SECTION 6. There is hereby appropriated out of the general revenues of the State of Hawaii, not otherwise appropriated, the sum of \$100,000, or so much thereof as may be necessary, to the research, planning, services, facilities and training fund, for the purposes of this Act.

SECTION 7. This Act shall take effect upon its approval.

(Approved July 9, 1965.) H.B. 106.

ACT 262

A Bill for an Act Relating to the Order of Succession to the Offices of Governor and Lieutenant Governor.

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

SECTION 1. Chapter 14A of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding thereto a new section, to be appropriately numbered and to read as follows:

"Section **Order of succession to offices of governor and lieutenant governor.** (a) When the office of lieutenant governor is vacant by reason of the lieutenant governor's becoming governor, or his failure to qualify, or his removal from office, death, resignation or otherwise, the powers and duties of the office of lieutenant governor shall devolve upon the president of the senate; or, if there be none or upon his failure to resign promptly from all legislative offices held

by him, then upon the speaker of the house of representatives; or if there be none or upon his failure to resign promptly from all legislative offices held by him, then upon the attorney general, the director of finance, the comptroller, the director of taxation and the director of personnel services in the order named; provided, however, that any officer upon whom the powers and duties of the office of lieutenant governor devolve may decline such powers and duties without his resignation from the office by virtue of the holding of which he qualifies to act as lieutenant governor in which event such powers and duties will devolve upon the next officer listed in the order of succession.

(b) When the lieutenant governor is temporarily absent from the State or is temporarily disabled, the powers and duties of the office of the lieutenant governor shall devolve upon the foregoing officers, other than the president of the senate and the speaker of the house, in the order named.

(c) The powers and duties of any officer acting as lieutenant governor under the provisions of this section shall include the powers and duties of the office of governor when that office is vacant, or when the governor is absent from the State or is unable to exercise and discharge the powers and duties of his office, in addition to the other powers and duties of the lieutenant governor.

No person other than the elected governor or lieutenant governor shall become governor, provision being made by this section only for an acting governor.

(d) An officer succeeding to the powers and duties of the lieutenant governor, under subsection (b) of this section, may designate an officer in the office of the lieutenant governor to perform any or all functions other than those pertaining to the office of governor.

(e) During the period that any officer, under the provisions of this section, is exercising the powers and performing the duties of the office of governor or lieutenant governor by reason of a permanent vacancy therein, and not otherwise, such officer shall receive the compensation and perquisites of the governor or lieutenant governor, as the case may be.

(f) In a case covered by subsection (a), the taking of the oath of office by an officer, other than a legislative officer required to resign under the provisions of subsection (a), shall be held to constitute his resignation from the office by virtue of the holding of which he qualifies to act as lieutenant governor.

(g) No officer shall act as governor or lieutenant governor under the provisions of subsection (a) or (b) of this section, unless he shall be eligible to the office of governor under the constitution. No officer other than a legislative officer shall act as governor or lieutenant governor under the provisions of this section unless he shall have been appointed and confirmed prior to the time the powers and duties of the office of governor or of lieutenant governor devolve upon him. No officer shall act as governor or lieutenant governor under the provisions of this section if he is under impeachment at the time the

powers and duties of the office of governor or lieutenant governor devolve upon him.”

SECTION 2. This Act shall take effect upon its approval.
(Approved July 9, 1965.) H.B. 145.

ACT 263

A Bill for an Act to Amend Chapter 11, Revised Laws of Hawaii 1955, as Amended, Relating to Elections.

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

SECTION 1. Section 11-7, Revised Laws of Hawaii 1955, as amended is hereby amended by deleting the last sentence thereof, and the form prescribed thereby.

SECTION 2. Section 11-9, Revised Laws of Hawaii 1955, as amended is hereby amended to read as follows:

“**Section 11-9. Application when not made in person.** Any qualified elector unable for any cause to present himself in person before the clerk for registration may secure from such clerk a blank to be filled out by such elector and sworn to before a notary public or district magistrate, free of charge, or any officer authorized by law to administer oaths. Upon receipt of such application properly made out, the clerk shall proceed to number the same and register the name of the elector in the general county register as provided in section 11-8.”

SECTION 3. Section 11-14, Revised Laws of Hawaii 1955, as amended is hereby amended by deleting the first sentence thereof, and substituting the following in lieu thereof:

“At midnight immediately preceding the fifth Friday before each special or primary election, the general county register shall be closed to registration and remain closed until after such election, subject to change only as provided in sections 11-15 to 11-17. At midnight of the tenth day after the primary election, the general county register shall be closed to registration and remain closed until after the general election next following, subject to change only as provided in sections 11-15 to 11-17.”

SECTION 4. The first sentence of the second paragraph of section 11-16, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

“The several boards of registration shall sit in the following places within their respective districts: Hilo, Kailua, Wailuku, Honolulu and Lihue, on the second Wednesday before each special or primary election, and on the eleventh day after a primary election, to hear such appeals, and shall continue their sittings from time to time until all appeals noted have been heard.”

SECTION 5. Section 11-20, Revised Laws of Hawaii 1955, as amended, is hereby amended by adding the following sentence at the end thereof:

"No such board shall consist entirely of members of one political party."

SECTION 6. Section 11-23, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"Section 11-23. Appeal from board to supreme court. Any legal voter, or any clerk, may, at any time within ten days after the decision of such board, appeal to the supreme court in the manner provided by law for civil appeals to the supreme court from the circuit court, or in such manner as may be provided by law."

SECTION 7. The third sentence of section 11-36, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"The boxes shall be made of material selected by the lieutenant governor."

SECTION 8. The first sentence of the second paragraph of section 11-41, Revised Laws of Hawaii 1955, as amended, is hereby amended by deleting the word "twelve" appearing therein, and substituting in lieu thereof the word "fifteen."

SECTION 9. The second sentence of the first paragraph of section 11-43, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"There shall be delivered to each precinct not less than one hundred ballots more than there are registered voters for the election for which the ballots are printed, and not less than two hundred ballots shall be delivered to each county clerk not less than seven days prior to the date of any election for use by absentee voters authorized to vote under provisions of Part III; provided, that in precincts where voting machines are used, the lieutenant governor may deliver such quantity of ballots as he may deem necessary."

SECTION 10. The fifth paragraph of section 11-29, Revised Laws of Hawaii 1955, as amended, is hereby amended by deleting the number "20" and substituting in lieu thereof the number "25".

SECTION 11. Section 11-48, Revised Laws of Hawaii 1955, as amended, is hereby repealed.

SECTION 12. Section 11-65, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"Section 11-65. Validity of ballot decided immediately. All questions as to the validity of any paper ballot shall be decided immediately, and the opinion of a majority of the board of inspectors of election at each polling precinct shall be final and binding, except as otherwise hereinafter provided in Part IA of this chapter."

SECTION 13. Section 11-97, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

“Section 11-97. Time of filing papers; fee. Nomination papers shall be filed as follows:

“(a) For members of Congress and state offices, with the lieutenant governor at least thirty days prior to the day for holding the primary, provided that any candidate from the counties of Hawaii, Maui and Kauai may file their declaration of candidacy with his respective county clerk. The clerk shall transmit to the office of the lieutenant governor such candidate’s declaration of candidacy without delay.

“(b) For county offices, with the county clerk, at least thirty days prior to the day for holding the primary.

“(c) There shall be deposited with each nomination a fee on account of the expenses attending the holding of the primary, which shall be paid in to the treasury of the State, or the county, as the case may be, as a realization:

For governor, lieutenant governor, United States senators and United States representatives—\$75;

For mayor, county chairmen except county supervisors and city councilmen—\$50; and

For all other offices—\$25.

“(d) Upon the receipt at the office of the lieutenant governor or at the office of the county clerk of a nomination of a candidate, the day, hour and minute when it was received shall be indorsed thereon.”

SECTION 14. Section 11-76, Revised Laws of Hawaii 1955, as amended, is hereby further amended by (a) deleting the number “12” and inserting in lieu thereof the number “20”, and (b) deleting the number “25” and inserting in lieu thereof the number “30”.

SECTION 15. Section 11-136, Revised Laws of Hawaii 1955, as amended, is hereby amended by adding a new paragraph at the end thereof, to read as follows:

“Any such person designated by the county clerk shall be paid \$25 for such services, if he shall have served for not less than six days. In addition thereto, such person shall receive compensation in an amount equal to ten cents per mile for travel expenses related to the performance of such services. All compensation herein provided for shall be paid out of county appropriations.”

SECTION 16. Section 11-170, Revised Laws of Hawaii 1955, as amended, is hereby amended in the following respects:

(a) The third paragraph being the definition of “clerk” is amended to read as follows:

“‘Clerk’ refers to the appropriate clerk of any county, except where it obviously refers to a clerk of election.”

(b) The eighth paragraph being the definition of “Board” is deleted in its entirety.

SECTION 17. Section 11-171, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"Section 11-171. Voting machines authorized. Subject to the provisions of this part, voting machines which have been approved by the lieutenant governor are authorized for use in all State and county elections, whether a general, special or primary election."

SECTION 18. Section 11-172, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"Section 11-172. Duties of lieutenant governor; employees. The lieutenant governor shall be responsible for the selection of voting machines and for the use of such machines in accordance with the provisions of this part and any other laws applicable to the use of voting machines.

"The lieutenant governor may employ such technicians, clerks and other assistants as he may find necessary, none of whom shall be subject to the civil service or classification laws of the State or be required to become members of the employees' retirement system."

SECTION 19. Section 11-174, Revised Laws of Hawaii 1955, as amended, is hereby amended by deleting the word "board" appearing therein, and substituting in lieu thereof the words "lieutenant governor."

SECTION 20. Section 11-175, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"Section 11-175. Experimental use of voting machines. The lieutenant governor may provide for the experimental use at any election, in one or more precincts, of a machine or device without a formal adoption thereof and its use at such election shall be as valid for all purposes as if it had been permanently adopted, notwithstanding that such machine or device may not meet the requirements of section 11-173."

SECTION 21. Section 11-176, Revised Laws of Hawaii 1955, as amended, is hereby amended by deleting the word "board" appearing therein, and substituting in lieu thereof the words "lieutenant governor."

SECTION 22. Section 11-183, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"Section 11-183. Election inspectors; clerks. The governor shall appoint, and may remove, three inspectors of election for each precinct where voting machines are to be used. The election inspectors so appointed shall, so far as reasonably practicable, be from opposing parties, and shall be registered electors of the precinct in which they serve. The inspectors shall enforce all regulations prescribed for the use of such voting machines and carry out all of the provisions of this part and all of the other provisions of this chapter except such as are rendered inapplicable by the use of voting machines.

"In precincts where only one voting machine is used, no clerks shall be employed, but in precincts where more than one voting machine is used, the lieutenant governor may authorize the employment of more than one clerk."

"The provisions of sections 11-27 and 11-28 shall apply except as otherwise provided in this section."

SECTION 23. Section 11-184, Revised Laws of Hawaii 1955, as amended, is hereby repealed.

SECTION 24. The last sentence of section 11-188, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"Thereupon he shall be assisted by any qualified elector he may select, or by one of the election inspectors, who shall aid him in voting; and the inspector shall forthwith enter in writing on the record of assisted voters: (a) the voter's name (b) the fact that the voter cannot read the names on the voting machine, if that be the reason for requiring assistance, and otherwise, the specific physical disability which requires him to receive assistance; and (c) the name of the person furnishing the assistance."

SECTION 25. The first sentence of section 11-192, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"At all elections in which voting machines may be used, the arrangement of the polling room shall be the same as is now provided by law; the exterior of the voting machine and every part of the polling room shall be in plain view of the election officers."

SECTION 26. Section 11-47, Revised Laws of Hawaii 1955, as amended, is hereby amended by deleting the words "three hundred" wherever they appear therein and substituting therefor in each such place the words "one thousand" and by deleting from the first sentence the parenthesis and the words appearing therein, to wit: "(excepting private residences, buildings, and other private establishments falling within such radius)."

SECTION 27. This Act shall take effect upon its approval.
(Approved July 9, 1965.) **H.B. 265.**

ACT 264

A Bill for an Act Relating to State Guarantee of Commercial Loans.

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

SECTION 1. Purpose. It is the declared policy of the Hawaii State Legislature that the State government shall encourage and assist, insofar as possible, the development of new industries and the expansion of existing industries, in order that opportunities for new and permanent employment may be created for the people of Hawaii and thus insure the preservation and betterment of the economy of the State and its people. Therefore, a loan guarantee program is created by this Act to encourage private lending institutions to make loans for the purpose of furthering economic development in the State to such businesses which do not qualify for loans from any Federal or State agency.

SECTION 2. Definitions. As used in this Act:

(a) "Director" shall mean the State director of the department of planning and economic development.

(b) "Eligible business" shall mean a business which is authorized to engage in business in the State and which does not meet the requirements for a loan through a Federal or State agency, but meets the standards prescribed for a State guaranteed loan as provided in Section 3 of this Act.

(c) "Federal agency" shall mean and include the United States of America, the President of the United States of America, and any department of, or corporation, agency or instrumentality heretofore or hereafter created, designated or established by the United States of America.

(d) "State agency" shall mean any State board, commission, or department empowered by law to make loans or grants.

(e) "Private lending institution" shall mean insurance companies, trust companies, mortgage companies, banks, industrial finance companies, building and loan associations, credit unions, savings and loan associations, investment companies, savings banks, individuals, executors, administrators, guardians, conservators, trustees and other fiduciaries, including pension, retirement and profit-sharing funds.

(f) "Guaranteed loans" shall mean loans made by private lending institutions to eligible business concerns the repayment of which the State shall guarantee pursuant to Section 3 of this Act.

SECTION 3. Guaranteed loans. The director is authorized to guarantee loans made by private lending institutions to eligible businesses subject to the condition that each loan guaranteed under this Act shall be approved by the director under such terms and conditions consistent with the intent and purpose of this Act, and conforms to such other standards as are prescribed by rules and regulations of the director established pursuant to the provisions of Chapter 6C, Revised Laws of Hawaii 1955, as amended, provided however, that the director shall guarantee loans only to the extent that funds for the payment of loans in default are made available by legislative appropriation.

SECTION 4. Terms and conditions of loans. Each loan that is guaranteed under this Act shall:

(a) Be for a term of not more than 20 years; and

(b) Bear regular interest rates, not to exceed 8 per cent per annum calculated at simple interest.

SECTION 5. Guarantee fees. The director is authorized to fix guarantee fees. Such guarantee fees shall be computed as a percentage of the loan principal outstanding at the beginning of each year. Such guarantee fees shall not be more than 3 per cent per annum. These fees shall be deposited in a special fund in the treasury of the State of Hawaii, hereby established as the commercial loan guarantee reserve fund.

SECTION 6. Director, duties, rules and regulations. The director shall perform all functions necessary for the purposes of

this Act and shall prescribe rules and regulations, pursuant to chapter 6C, Revised Laws of Hawaii 1955, as amended, to carry out the provisions of this Act, including the following:

- (a) Receiving, examining and determining eligibility of applications for guaranties;
- (b) Prescribing qualifications for eligibility of applicants for guaranties;
- (c) Establishing preferences and priorities in determining eligibility for guaranties;
- (d) Establishing conditions for the making of a guaranty;
- (e) Providing for inspection at reasonable hours, of the premises, books and records of an eligible business which has applied for or has been issued a guaranteed loan, and requiring the submission of progress and final reports from such eligible business and from the lender whose loan is sought to be or has been guaranteed and specifying the information to be included in such reports; and
- (f) Establishing procedures for payment of loan by the State in cases of default by the eligible business and for preserving the rights of the State against such eligible business.

SECTION 7. Effective date. This Act shall take effect upon its approval.

(Approved July 9, 1965.) **H.B. 303.**

ACT 265

A Bill for an Act Relating to Forest Reservations and Amending Chapter 19 of the Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. The last paragraph of section 19-5 of the Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"No taxes shall be levied or collected on any private lands so surrendered so long as the land remains exclusively under the control of the government as a forest reservation; provided that if the lands so surrendered are withdrawn without the consent of the department prior to the expiration of the twenty-year period as provided for above, the tax exemption privilege shall be cancelled retroactive to the date of the agreement of surrender and all taxes that would have been due shall be payable with a five per cent per annum penalty from the respective dates that these payments would have been due; provided, that nothing herein shall be deemed to limit the power of the department to impose, as a condition to the granting of its consent, conditions, including, without limiting the generality of the foregoing, those relating to the use of such lands, and may also require the payment of a portion of the taxes that would have been due. Nothing in this paragraph shall preclude the State from pursuing any other remedy to enforce the agreement entered into at the time of surrender."

SECTION 2. This Act shall take effect upon its approval.
(Approved July 9, 1965.) **H.B. 391.**

ACT 266

A Bill for an Act to Amend Section 130-2 of the Revised Laws of Hawaii 1955, as Amended, Relating to County Vehicular Taxes.

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

SECTION 1. Section 130-2 of the Revised Laws of Hawaii 1955, as amended, is hereby amended by deleting the period at the end of section (b), substituting therefor a semicolon, and adding thereafter the following:

“provided, however, that in no case shall a tax assessed and collected for any motor vehicle or other vehicle by reason of this section be less than six dollars (\$6.00).”

SECTION 2. The first paragraph of Section 130-3 of the Revised Laws of Hawaii 1955, is hereby amended by deleting the colon following the word “provided” at the end of the first paragraph, substituting therefor a comma, and adding thereafter the following:

“that in no case shall the tax assessed and collected for any vehicle hereunder be less than one dollar (\$1.00), and provided further:”

SECTION 3. This Act shall take effect July 1, 1965.
(Approved July 9, 1965.) **H.B. 922.**

ACT 267

A Bill for an Act Relating to the Payment of Wages Lost Because of Service on Juries, Boards and Commissions.

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

SECTION 1. Chapter 94, Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding a new section to be appropriately numbered and to read as follows:

“**Section 94- . Employees’ compensation for jury service.** Every employer shall pay to each employee employed by him who serves on a jury or a public board or commission all wages lost because of such service. This section shall not apply to employers having less than twenty-five employees.”

SECTION 2. This Act shall take effect upon its approval.
(Approved July 12, 1965.) **S.B. 451.**

ACT 268

A Bill for an Act Amending Chapter 181, Revised Laws of Hawaii 1955, as Amended, Relating to the Hawaii Insurance Law.

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

SECTION 1. Chapter 181 of the Revised Laws of Hawaii 1955 is hereby amended by adding a sub-title immediately below the words "The Hawaii Insurance Law" appearing in the title, to read as follows:

"PART I. GENERAL INSURANCE LAWS."

SECTION 2. Section 181-4(b) of the Revised Laws of Hawaii 1955 is hereby amended by revising the first sentence thereof to read as follows:

"The following contracts are not to be considered insurance for the purposes of Part I of this chapter:"

SECTION 3. Chapter 181, Revised Laws of Hawaii 1955, is hereby amended by adding thereto a new Part II to read as follows:

"PART II. TITLE INSURANCE AND TITLE INSURERS

"Sec. 181-730. Scope of sections 181-730 to 181-760. The provisions of sections 181-730 to 181-760 relate only to title insurers and title insurance policies. None of the provisions of sections 181-730 to 181-760 shall be deemed to apply to persons engaged in the business of preparing and issuing searches, certificates, chains or abstracts of title, lien searches or any continuations of any of the above, to property and certifying to the correctness thereof provided such persons do not insure such titles, and provided such persons are not underwritten title companies as defined in section 181-749.

"Sec. 181-731. Definitions. Any written instrument purporting to show the title to real or personal property or any interest therein or encumbrance thereon, or to furnish such information relative to real property, which in express terms purports to insure such title or the correctness of such information, is a title policy. Any insurer who issues a title policy is a title insurer.

"Sec. 181-732. Guarantee fund; limit of risk.

"(a) Every title insurer, before issuing any policy, shall deposit \$100,000 with the insurance commissioner or other designated official of its domicile or with the insurance commissioner of this State as a 'Guarantee Fund' for the security and protection of the holders of, or beneficiaries under, its title policies.

"(b) No insurer transacting title insurance in this State shall expose itself to any one risk in an amount exceeding fifty percent of the aggregate amount of its total capital and surplus and its reserves other than its loss or claim reserves. As used in this section, the words 'any one risk' shall mean the risk or hazard attaching to or arising in connection with any one piece or parcel of property, whether or not the policy insures other property. Any risk or portion of any risk which shall have been reinsured as authorized in this chapter shall be deducted in determining the limitation of risk prescribed in this section.

"Sec. 181-733. Assets in guarantee fund. Any such deposit may be made either in lawful money of the United States or in any of the securities authorized for investment by domestic incorporated insurers.

“Sec. 181-734. Approval of deposit. If the deposit is made in this State, it shall first be approved by the commissioner, who shall forthwith make a special deposit thereof with the director of finance of this State for the purpose specified in section 181-732.

“Sec. 181-735. Substitution of assets. Except as provided in section 181-737, assets in such deposits in this State may, with the approval of the commissioner, be withdrawn or exchanged from time to time for other assets of like character and value.

“Sec. 181-736. Interest and dividends. As long as the depositing insurer continues solvent, it shall receive the interest and dividends on any assets in the deposit.

“Sec. 181-737. Final disposition of assets in deposit. Except on withdrawal of the insurer from this State, or substitution pursuant to section 181-735, assets in the deposit in this State shall be subject to final sale, transfer, and disposal of the proceeds thereof by the commissioner only on the order of a court of competent jurisdiction and for the security and protection of the holders of, or beneficiaries under, the depositing insurer’s title insurance policies.

“Sec. 181-738. Capital requirement. A title insurer shall not transact any insurance in this State unless it has a paid-in capital represented by shares of stock of at least \$250,000.

“Sec. 181-739. Restrictions on business. An insurer which anywhere in the United States transacts any class of insurance other than title insurance is not eligible for the issuance of a certificate of authority to transact title insurance in this State nor for the renewal thereof.

“Sec. 181-740. Surplus funds. Every title insurer shall annually set apart a sum equal to ten percent of its premiums collected during the year. Such sums shall be allowed to accumulate until a fund is created equal in amount to twenty-five percent of the aggregate of the subscribed capital stock of the insurer. Such funds shall be known as the ‘Title Insurance Surplus Fund.’ Where, pursuant to the laws of its domicile, a title insurer is required to and does establish and maintain a special fund or reserve equal to or in excess of the title insurance surplus fund herein provided for, its compliance with such laws shall constitute compliance with the provisions of this section.

“Sec. 181-741. Purpose of fund. The title insurance surplus fund shall be maintained as a further security to holders and beneficiaries of the title policies issued by the insurer. If at any time the fund is impaired by reason of a loss, the amount by which it is impaired shall be restored in the manner provided for its accumulation. The reporting of a loss is an impairment of such fund for the purposes of this section.

“Sec. 181-742. Purchase of materials and plant; valuation. Any domestic title insurer, after having its required capital paid in and depositing its required guarantee fund with the commissioner, may invest its funds in the preparation and purchase of materials and plant necessary to enable it to engage in the title insurance business.

In all statements and proceedings required by law for the ascertainment and determination of the condition of such insurer, such materials and plant shall be treated in one of the following ways:

“(a) They may be treated as an asset, valued at actual cost to the insurer not in excess of fifty percent of the aggregate par value of the shares of the insurer’s capital stock then issued, outstanding, and apportioned to its title insurance department, including treasury shares;

“(b) They may be treated as an asset, at such lesser value than that permitted by paragraph (a) of this section as the insurer estimates;

“(c) They may be omitted entirely from the statement or proceeding.

“Sec. 181-743. Dividends. A title insurer shall not pay any dividends except from profits remaining on hand after retaining unimpaired assets aggregating in value an amount equal to the sum of the following:

“(a) The aggregate par value of the shares of its capital stock issued and outstanding, including treasury shares;

“(b) The amount set apart as the title insurance surplus fund;

“(c) A sum sufficient to pay all liabilities for expenses and taxes, all losses reported or in course of settlement, and all other indebtedness, without impairment of the amount required to be set apart as the title insurance surplus fund

“Sec. 181-744. Loans to officers, etc. A title insurer shall not directly or indirectly make a loan from its assets to any of its officers, employees or directors, or to any member of the family of any officer or director. Any officer, director, agent, or employee of any such insurer who knowingly consents to any violation of this section is guilty of a misdemeanor.

“Sec. 181-745. Reinsurance upon withdrawing from title insurance business. Whenever any title insurer, upon withdrawing from or discontinuing its title insurance business in this State, desires to reinsure its policies with a title insurer whose title insurance surplus fund is not fully made up, the commissioner may require the reinsurer to increase its title insurance surplus fund. The amount of increase shall not be greater than the amount in the withdrawing insurer’s title insurance surplus fund nor greater than will fully make up the reinsurer’s title insurance surplus fund. Such increase may be made a condition of the commissioner’s approval of the reinsurance plan.

“Sec. 181-746. Insurance. Every domestic title insurer may issue title policies and may also insure:

“(a) The identity, due execution, and validity of any note or bond secured by mortgage.

“(b) The identity, due execution, validity and recording of any such mortgage.

“(c) The identity, due execution and validity of evidences of indebtedness issued by this State, or by any political subdivision or district therein, or by any private or public corporation.

“Sec. 181-747. Schedule of fees, etc. Every title insurer shall adopt, print and make available to the public a schedule of fees and charges for title policies. Such schedule shall show the entire charge to the public for each type of title policy regularly issued by the insurer, either by a statement of the particular charge for each type of policy in given amount of coverage, or by a statement of the charge per unit of the amount of coverage, or a combination of the two, and shall include the charge made by any underwritten title company for the search, certificate, chain or abstract of title, lien search, or any continuation of any of the above, upon the basis of which such title policy is issued. Such schedule may include a statement that additional charges are made when unusual conditions of title are encountered or when special or unusual risks are insured against and that additional charges are made for special services rendered in connection with the issuance of a title policy. Such schedule may provide different fees or charges for title policies covering property in different counties or separate schedules may be adopted for title policies covering property in different counties.

“Sec. 181-748. Schedules; type, date, etc. The schedules provided for in section 181-747 shall be printed in type not smaller than ten-point, shall be dated to show the dates they became effective, and so long as they are effective shall be kept at all times readily available to the public and prominently displayed in a public place in each of the offices of the title insurer, the controlled escrow company and the underwritten title company in the particular county to which they relate. On request, copies of such schedules shall be furnished to the public. All or any part of any schedule may be changed or amended at any time or from time to time. Each change or amendment shall be printed and dated to show the effective date of such change or amendment. No change or amendment shall become effective until at least five days after it has been displayed in the offices above mentioned in this section in the same manner as above provided for the display of schedules, and no change or amendment, increasing fees or charges shall apply to title policies ordered prior to the effective date of such change or amendment. Each title insurer, controlled escrow company and underwritten title company shall keep a complete file of its schedules and of all changes and amendments thereto until at least five years after they shall have ceased to be in effect, and such file shall be available for inspection by the commissioner at any appropriate time.

“Sec. 181-748.5. Contract forms, filing, disapproval.

“(a) Every title insurer shall at least thirty days before use, file with the commissioner every form of insurance contract which it proposes to issue as to risks located in this State, together with the forms of all printed endorsements or other modifications of such contracts proposed to be used.

“(b) The commissioner may disapprove any such form if it:

“(1) Is in violation of law; or

“(2) Contains inconsistent, ambiguous, or misleading clauses, or exceptions and conditions which deceptively affect the risk purported to be assumed in the general coverage of the contract; or

"(3) Has any title, heading, or other indication of its provisions which is misleading; or

"(4) Is printed or otherwise reproduced in such manner as to render any material provision of the form substantially illegible.

"(c) The commissioner shall not disapprove any such form after expiration of the initial thirty-day advance filing period except after a hearing thereon held in accordance with the provisions of Chapter 6C, Revised Laws of Hawaii 1955, as amended.

"(d) A title insurer shall not use in this State any form while it is so disapproved by the commissioner.

"Sec. 181-749. Controlled escrow company; underwritten title company. Each person engaged in the business of handling escrows of real property transactions in connection with which title policies are issued by a title insurer, which person, if an artificial person, directly or indirectly, is controlled by, or controls, or is under common control with, a title insurer, or controls or is controlled by or is under common control with an underwritten title company, or if a natural person, is employed by or controlled by a title insurer, or by an underwritten title company, is herein, for the purposes of sections 181-730 to 181-760, called a 'Controlled Escrow Company'. Each person engaged in the business of preparing lien or title searches, title examinations, certificates of searches of title or abstracts of title upon the basis of which a title insurer regularly writes title policies is herein called, for the purposes of sections 181-730 to 181-760, an 'Underwritten Title Company'.

"Sec. 181-750. Prohibited commissions. No title insurer, no controlled escrow company, and no underwritten title company shall pay to any person who is acting as agent, representative, attorney, or employee of the owner, lessee, mortgagee or of the prospective owner, lessee, or mortgagee of the real property or any interest therein, either directly or indirectly, any commission, or any part of its fees or charges or any other consideration as an inducement for or as compensation on any title insurance business or any escrow or other title business in connection with which a title policy is issued.

"Sec. 181-751. Rebates or reduced fees. No title insurer, no controlled escrow company, and no underwritten title company shall make any rebate of any portion of the fee or charge shown by the schedule required in section 181-747. No title insurer, no controlled escrow company and no underwritten title company shall quote any fee or make any charge for a title policy to any person which is less than that currently available to others for the same type of title policy in a like amount covering property in the same county and involving the same factors as set forth in its then currently effective schedule of fees and charges. The amount by which any fee or charge is less than that called for by the then currently effective schedule of fees and charges of the title insurer is an unlawful rebate; provided, that nothing contained in sections 181-730 to 181-760 shall prohibit bulk rates or special rates for customers of prescribed classes if such bulk or special rates are provided for in such schedule.

"Sec. 181-752. Prohibited issue of policy. No title insurer shall issue any title policy in any transaction in connection with which it or any person which is a controlled escrow company or underwritten title company by reason of its relationship with such title insurer has paid or contemplates paying any commission in violation of section 181-750 or in connection with which it or any such controlled escrow company or underwritten title company has made or contemplates making any unlawful rebate in violation of section 181-751.

"Sec. 181-753. Examination of records; power and duty. The commissioner, if he has reason to believe that any controlled escrow company or any underwritten title company has violated or is violating any of the provisions of this chapter, has the power and it is his duty to examine forthwith its books, records and accounts and in making any such examination he has all the power set forth in paragraph (c) of section 181-759, and any company so examined shall pay to the commissioner the cost of such examination on demand. Whenever the commissioner examines a title insurer, he shall make such examination of its books, records, and files as may be necessary in his judgment to determine whether or not it has violated or is violating any of the provisions of this chapter.

"Sec. 181-754. Annual statement. Every title insurer shall include in its annual statement furnished the commissioner pursuant to paragraph (d) of section 181-759, the name of each person in this State which is a controlled escrow company or underwritten title company by reason of its relationship with such title insurer.

"Sec. 181-755. Additional penalty. Every title insurer and every controlled escrow company and every underwritten title company which pays any commission or which makes any unlawful rebate in violation of this chapter shall be liable to this State for five times the amount of any such commission or unlawful rebate, the amount thereof to be recovered by the commissioner as a general realization of this State, in addition to any other penalty imposed by law.

"Sec. 181-756. Remedies. In enforcing any of the provisions of this chapter, the commissioner shall be entitled to the remedies provided for in paragraphs (b), (c), and (n) of section 181-759.

"Sec. 181-757. Revocation or suspension of certificate. The commissioner may after a hearing suspend or revoke the certificate of authority of any title insurer which, after ten days' written notice from the commissioner requiring it so to do, fails to print, display and make available to the public its schedule of fees and charges in the manner provided in sections 181-730 to 181-760. The commissioner may likewise after a hearing suspend or revoke the certificate of authority of any title insurer which, after ten days' written notice from the commissioner requiring it to cease and desist, continues to pay any commission or to make any rebate in wilful violation of the provisions of sections 181-730 to 181-760, or to issue any title policy in wilful violation of section 181-752. The hearings herein provided shall be conducted in accordance with the provisions of

paragraph (c) of section 181-759 and the commissioner shall have all the powers granted therein.

"Sec. 181-758. Division of fees. Nothing in sections 181-730 to 181-760 shall prohibit the division of fees or charges between two or more title insurers or between one or more title insurers and one or more underwritten title companies, if such division does not constitute an unlawful rebate; provided, that a title insurer shall specify on any title policy issued by it, either in a single amount or by itemization, the entire charge made to obtain such title policy, including the charges made by any underwritten title company for the title search, title examination, certificate or abstract of title upon the basis of which such title policy is issued. If so specified in a single amount, such charge shall be clearly described as the total charge for both the title insurance fee and the search, certificate, chain or abstract, of title, lien search, or any continuation of any of the above, as the case may be, of any underwritten title company.

"Sec. 181-759. General insurance law applicable. The following provisions of Part I of the Hawaii Insurance Law, Chapter 181, Revised Laws of Hawaii 1955, as amended, shall apply to title insurance and to title insurers:

- "(a) Sections 181-15 to 181-24; 181-26; 181-27;
- "(b) Sections 181-31 to 181-45;
- "(c) Sections 181-51 to 181-73;
- "(d) Sections 181-81 to 181-85; 181-91 to 181-94; 181-96 to 181-110; 181-112; 181-113;
- "(e) Sections 181-121 to 181-139;
- "(f) Sections 181-141 to 181-150;
- "(g) Sections 181-161 to 181-167;
- "(h) Sections 181-251 to 181-253; 181-257; 181-260 to 181-264;
- "(i) Sections 181-271 to 181-302;
- "(j) Sections 181-311 to 181-316;
- "(k) Sections 181-341 to 181-352;
- "(l) Sections 181-361 to 181-407;
- "(m) Sections 181-421 to 181-427; 181-430; 181-442 to 181-445;
- "(n) Sections 181-641 to 181-646; and
- "(o) Sections 181-651 to 181-686;

"Sec. 181-760. Particular provisions prevail. If any provision of part I of the Hawaii insurance law, as incorporated in this part II by section 181-759, shall be in conflict with any provision contained in sections 181-730 to 181-758, the provision contained in sections 181-730 to 181-758 shall prevail."

SECTION 4. This Act shall take effect upon its approval.
(Approved July 12, 1965.) S.B. 951.

ACT 269

A Bill for an Act Relating to the Creation of a State Foundation on Culture and the Arts and Making an Appropriation Therefor.

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

SECTION 1. Definitions. The following terms, whenever used and referred to in this chapter shall have the following respective meanings unless a different meaning clearly appears in context.

(a) "Arts" include music, dance, painting, drawing, sculpture, architecture, drama, poetry, prose, crafts, industrial design, interior design, fashion design, photography, television, motion picture art and all other creative activity of imagination and beauty.

(b) "Culture" includes the arts, customs, traditions and mores of all of the various ethnic groups of Hawaii.

SECTION 2. Establishment of foundation. There is hereby created a state foundation on culture and the arts composed of nine members to be appointed and removed by the governor. The governor shall appoint the chairman of the foundation from among the members thereof. The members of the foundation shall serve without compensation, but they shall be reimbursed for travel and other necessary expenses in the performance of their official duties.

The foundation shall be placed within the office of the governor.

SECTION 3. Duties. The foundation shall:

(a) Assist in coordinating the plans, programs and activities of individuals, associations, corporations and agencies concerned with the preservation and furtherance of culture and the arts;

(b) Appraise the availability, adequacy and accessibility of culture and the arts to all persons throughout the State and devise programs whereby culture and the arts can be brought to those who would otherwise not have the opportunity to participate;

(c) Stimulate, guide and promote culture and the arts, throughout the State;

(d) Devise and recommend legislative and administrative action for the preservation and furtherance of culture and the arts;

(e) Study the availability of private and governmental grants for the promotion and furtherance of culture and the arts;

(f) Through its chairman administer funds allocated to the foundation; accept, disburse, and allocate funds which may become available from other governmental and private sources; provided that all such funds shall be disbursed or allocated in compliance with any specific designation stated by the donor and in the absence of such designation, such funds shall be disbursed or allocated for the promotion and furtherance of culture and the arts;

(g) Select and employ a director to serve on a part-time or full-time basis who shall be a person who by reason of education or extensive experience is generally recognized as being professionally qualified in the fields of culture and the arts and who shall be exempt from the provisions of chapters 3 and 4 and select necessary additional staff subject to chapters 3 and 4, within available appropriations; and

(h) Submit an annual report with recommendations to the governor and legislature, prior to February 1 of each year; provided that the second annual report thereof shall include recommendations as to the responsibility and role which the State should assume in the long-run with respect to preservation and furtherance of

culture and the arts in Hawaii and as to organization and administrative arrangements which should be provided for in law and otherwise.

SECTION 4. Appropriation. There is hereby appropriated out of the general revenues of the State of Hawaii, not otherwise appropriated, the sum of \$25,000, or so much thereof as may be necessary to accomplish the purpose of this Act.

SECTION 5. Effective date. This Act shall take effect upon its approval, and shall remain in effect until June 30, 1969.

(Approved July 12, 1965.) **H.B. 10.**

ACT 270

A Bill for an Act Relating to the Establishment of a Commission on Manpower and Full Employment.

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

SECTION 1. Purpose. The nation is currently undergoing technological change of a radically different nature than anything heretofore experienced since the advent of the first industrial revolution. The fundamentally revolutionary character of this new change is a consequence of the successful replacement of the industrial system's combination of machine power and human skill with cybernated systems which combine machine power with machine skill so that automated machinery can be directed and controlled by computers. Technological change as a whole is producing dramatically rapid rates of change that bear profound implications for future social and economic policy and the kind of labor force needed to man the economy. The introduction of cybernated systems, however, is believed to have implications even for the management and service sectors of the economy which have been traditionally thought to be relatively immune to the impact of technology. Thus the implications for educational, social, economic and labor market policy are truly immense. Immediate action to develop more adequate knowledge of the potential effects of the new technologies and more adequate social and economic policies for dealing with these effects is of vital importance. The National Manpower Advisory Committee established by the Manpower Development and Training Act of 1962 (Public Law 87-415) of the United States Congress has recommended the establishment of state manpower advisory committees. The purpose of this bill is to formalize the establishment in July 1963 of the governor's ad hoc state manpower advisory committee and to accomplish the purposes as set forth above.

SECTION 2. Commission; appointment; tenure. The state manpower advisory committee established by the governor, July, 1963, is hereby constituted as the advisory commission on manpower and full employment. The commission shall be composed of eleven members appointed as provided for in section 14A-3, Revised Laws of Hawaii 1955, as amended. The governor shall appoint the chairman

of the commission. The members shall be selected on the basis of their interest in and knowledge of the interrelations amongst the technological, economic and social systems and on the basis of their ability to contribute to solution of problems arising from the new technologies, including the problem of unemployment. The membership shall contain not less than three members from labor, three members from management, one from agriculture, and one from education. The remaining members shall be selected from other segments of the community. The members shall serve without compensation but shall be paid per diem and travel expenses when attending meetings of the commission.

SECTION 3. Duties of commission. The commission shall:

(a) Identify and assess the past effects and the current and prospective role and pace of technological change;

(b) Identify and describe the impact of technological and economic change on production and employment, including new job requirements and the major types of worker displacement, both technological and economic, which are likely to occur during the next ten years; the specific industries, occupations, and geographic areas which are most likely to be involved; and the social and economic effects of these developments on the state's economy, manpower, communities, families, social structure, and human values;

(c) Define those areas of unmet community and human needs toward which application of new technologies might most effectively be directed;

(d) Recommend specific administrative and legislative steps which it believes should be taken by the state government in meeting its responsibilities (1) to promote occupational training and skill development programs appropriate to the state's needs and resources, (2) to encourage a program of useful research into the state's manpower requirements, development and utilization, (3) to support and promote technological change in the interest of continued economic growth and improved well-being of our people, (4) to continue and adopt measures which will facilitate occupational adjustment and geographical mobility, and insure full employment, and (5) to explore and evaluate various methods of sharing the cost of preventing and alleviating the adverse impact of change on displaced workers;

(e) Create public awareness and understanding of the problems and potentials of the new technologies; and

(f) Submit an annual report with recommendations to the governor and the legislature.

SECTION 4. Powers of commission. (a) The commission shall appoint and fix the compensation of an executive secretary, who shall be exempt from the provisions of chapters 3 and 4, and may employ such other personnel as it deems advisable within the provisions of chapters 3 and 4.

(b) The commission, or on the authorization of the commission, any subcommittee or panel thereof, may, for the purpose of carrying out its functions and duties, hold such hearings and sit and act

at such times and places as the commission may deem advisable.

(c) The commission is authorized to negotiate and enter into contracts with public agencies or private organizations to carry out such studies and to prepare such reports as the commission determines to be necessary to the fulfillment of its duties.

(d) The commission is authorized to secure through the governor's office, any information from any executive department, agency, or independent instrumentality of the state it deems necessary to carry out its functions under this Act.

(e) The commission is empowered to convene such public conferences as it shall deem useful to keep the public informed of the needs of manpower development and the impact of the new technologies on the social and economic systems of the state.

(f) The commission is empowered to administer funds allocated for its work and is authorized to accept, disburse, and allocate funds which may become available from other governmental and private sources; provided that all such funds shall be disbursed or allocated in compliance with the objectives set forth herein, and applicable laws.

SECTION 5. Duties of chairman and executive secretary. The chairman of the commission or the executive secretary, at the direction of the commission shall:

(a) Serve as consultant to the governor on problems of the impact of the new technologies on the social and economic welfare of the people;

(b) Assist in coordinating the programs of all agencies dealing with problems of concern to the commission;

(c) Arrange for statewide studies of the problems referred to in this Act;

(d) Secure statistical data from agencies concerned with the problems referred to in this Act;

(e) Arrange for the exchange of information, plans and programs between public and private groups interested in the problems referred to in this Act;

(f) Prepare articles, reports and bulletins for the use of the commission, concerned agencies and for general publication;

(g) Keep and maintain records and reports and conduct correspondence relative to the work of the commission;

(h) Review and evaluate the state's manpower development and training programs, including any Area Redevelopment Act and Manpower Development and Training Act programs of the federal government operating in the state; and consider:

1. the state's manpower requirements and resources;
2. practices of employers and unions that impede or facilitate the mobility of workers;
3. the special problems of untrained and inexperienced youth in the labor force.

(i) Develop recommendations and plans for action consistent with the purpose of this chapter.

SECTION 6. Organizational relationships. The commission is hereby placed within the department of planning and economic development for administrative purposes (as provided for in Section 14A-4) and shall sit in an advisory capacity to the governor, the director of labor and industrial relations, and the superintendent of education on matters relating to the commission's work.

SECTION 7. Interdepartmental committee. There is hereby established a state interdepartmental committee consisting of the heads of the departments of agriculture, education, social services, labor and industrial relations, and planning and economic development and the president of the University of Hawaii, to advise the commission, to maintain effective liaison with the resources of such departments, and to coordinate their plans, policies and actions that bear on technological change and full employment.

SECTION 8. County committees; appointment, duties. The mayor of the city and county of Honolulu and the chairman of the board of supervisors of each of the other counties shall each appoint within their respective counties a committee of not less than six persons charged with the duty and responsibility of developing such information, plans and proposals for full employment manpower development and for meeting the problems of the new technologies and labor displacement within the respective counties. Each county committee shall endeavor to secure the widest possible citizen participation in its efforts and, for this purpose, may utilize or continue the existence of study panels or groups. The chairman of each county committee shall be elected annually from the members of the committee. The members of the county committees shall not receive compensation for their services. The respective boards of supervisors or council are hereby authorized to make appropriations to meet the necessary expenses of such committees.

SECTION 9. Commission and county committee cooperation. The county committees shall submit to the commission at regular intervals or at the request of the commission their plans and proposals for manpower development and for meeting the problems of the new technologies and labor displacement. The county committees shall cooperate fully with the commission, and the commission shall provide for regularized communication and liaison with the county committees.

SECTION 10. There is hereby appropriated out of the general revenues of the state not otherwise appropriated the sum of \$40,000, or so much thereof, as may be necessary for the purpose of carrying out the objectives of this Act. Any unencumbered balances remaining as of June 30, 1966 in the appropriation made by this Act shall lapse into the general fund of the State.

SECTION 11. Effective date. This Act shall take effect upon its approval.

(Approved July 12, 1965.) **H.B. 95.**

ACT 271

A Bill for an Act Amending the Hawaiian Homes Commission Act, 1920, as Amended.

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

SECTION 1. Section 204 (2) of the Hawaiian Homes Commission Act, 1920, as amended, is hereby amended to read as follows:

"(2) Any available land, including land selected by the department out of a larger area, as provided by this Act, as may not be immediately needed for the purposes of this Act, may be returned to the board of land and natural resources and may be leased by it as provided in chapter 103A, Revised Laws of Hawaii 1955, as amended, or may be retained for management by the department.

"Any lease by the board of land and natural resources of Hawaiian home lands hereafter entered into shall contain a withdrawal clause, and the lands so leased shall be withdrawn by the board of land and natural resources, for the purpose of this Act, upon the department giving at its option, not less than one nor more than five years' notice of such withdrawal; provided, that the minimum withdrawal-notice period shall be specifically stated in such lease.

"In the management of any retained available lands not required for leasing under section 207 (a), the department may dispose of such lands by lease or license to the general public, including native Hawaiians, on the same terms, conditions, restrictions and uses applicable to the disposition of public lands as provided in chapter 103A; provided, that the department may not sell such lands in fee simple except as authorized under section 205 of this Act."

SECTION 2. If any portion of this Act is declared to be invalid, the remaining portions of this Act shall not be affected thereby.

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

(Approved July 12, 1965.) H.B. 557.

ACT 272

A Bill for an Act Respecting Ownership of Property by Labor Organizations.

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

SECTION 1. Labor organizations, as defined in the federal Labor Management Relations Act or in the Hawaii Employment Relations Act, are empowered to take, hold, transfer and convey property, real, personal or mixed, and in all other wise deal with said property, in the name of and as though the labor organization were a separate natural person; provided that said labor organization shall act by and through its duly authorized officers or agents.

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

(Approved July 12, 1965.) H.B. 968.

ACT 273

A Bill for an Act Relating to Banks and Trust Companies and Amending Chapters 178 and 179, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Chapter 178, Revised Laws of Hawaii 1955, as amended, is hereby further amended in the following respects:

a. By adding thereto a new section to be numbered Section 178-22.5, to read as follows:

"Section 178-22.5. Authority to engage in trust business. Any bank may act as executor, administrator, registrar of and transfer agent for stocks and bonds, guardian, assignee or receiver, or in any other fiduciary capacity in which trust companies are permitted to act under the laws of this State, otherwise than as a real estate broker, stock broker or insurance agent, upon compliance with the following:

(a) The articles of association of such bank shall include as an object thereof the doing of a trust business.

(b) Such bank shall have allocated to its trust department, without impairment of the capital and surplus required for its banking business, capital and surplus in an amount not less than that which would be required under Section 179-2 of a trust company having its principal place of business at the location of the head office of such bank.

The director of regulatory agencies shall, upon compliance by any bank with the requirements of this section, grant to it a certificate that it is authorized to engage in a trust business. The provisions of Section 179-3 shall apply to the issuance of such certificate, as though such bank were a proposed trust company thereunder. Any bank so authorized shall, in the conduct of its trust business, have all of the powers of a trust company under, and shall comply with and be governed by all of the provisions of, section 179-13, paragraphs (a) and (b) of section 179-14, and sections 179-15 to 179-36, inclusive, as though such bank were a trust company thereunder. Upon approval by the director of regulatory agencies, the commercial and savings departments of any bank so authorized may be depositories of money held by it as a trustee or other fiduciary. Nothing herein shall impair the applicability to any bank so authorized of any provision of Chapter 178; provided, that sections 178-39 and 178-40 shall not apply with respect to offices or other places of business at which such bank shall engage solely in a trust business."

b. By adding thereto a new section to be numbered Section 178-77.5, to read as follows:

"Section 178-77.5. Establishment of trust department. Every bank authorized to engage in a trust business shall maintain a trust department in compliance with the provisions of this part."

c. By amending Section 178-78 to read as follows:

"Section 178-78. Segregation of investments; penalty. Any bank combining the business of a commercial bank and savings bank and

any bank authorized to engage in a trust business shall keep separate its investments relating to each department by the provisions of this part specifically provided for the respective kinds of business, and shall segregate all bonds, warrants, notes, mortgages, deeds and other securities of every nature of each of the savings department and the trust department, which shall be marked, stamped or labeled 'savings department' or 'trust department', respectively, or some similar words, and shall be held solely for the repayment of the depositors and creditors of such department and shall not be liable for nor pledged as security for, or used to pay any other obligation or liability of the bank, except as otherwise authorized by this part, until after the payment in full of all depositors and creditors of such department; provided, that branches of banks shall not be required to segregate loans, securities and investments in which savings deposits or assets may be represented or invested, if the main office segregates, identifies and sets apart qualified loans, bonds, and investments marked, stamped or labeled 'savings department' or 'savings depositors' securities' or some similar words, sufficient in amount and value together with proper cash reserves to fully pay and for the repayment solely of the depositors of savings deposits in not only the main office but also all of the branches of the bank. Any bank establishing, or maintaining or continuing to maintain a savings department or trust department which shall not in every respect comply with the provisions of this section, shall be subject to a penalty of \$50 for each day of any failure, neglect or refusal to comply. Such penalty may be collected by the director of regulatory agencies."

d. By deleting the title and the portion preceding the colon of the first sentence of Section 178-86 and inserting in lieu thereof the following:

"Investments authorized for savings and trust departments. Subject to the provisions of sections 178-50, 178-51 and 178-63, there shall be invested in the following classes of securities, and not otherwise, all of the capital and surplus allocated to the trust department of any bank, and seventy-five per cent of all moneys deposited in any savings bank or in the savings department of any bank. Any part of the remaining twenty-five per cent of moneys deposited in any savings bank or in the savings department of any bank may be similarly invested or may be maintained as reserves on hand or on demand with a reserve bank or banks."

e. By adding thereto a new section to be numbered Section 178-134.5, to read as follows:

"Section 178-134.5. Trust department creditors; priority of liens. In the event of the insolvency or voluntary or involuntary liquidation of any bank authorized to do a trust business, the creditors of the trust department shall have a first, prior and exclusive lien on all the unpledged assets of the trust department, and in the distribution of such assets or the proceeds thereof the same shall be first applied to satisfy the amount due such creditors after the payment of the expenses of liquidation of the trust department, and the unpledged

assets of the trust department shall be held and liquidated and first applied for the benefit of the creditors of the trust department."

f. By amending paragraph (a) of Section 178-170 to read as follows:

"(a) 'Bank' means a state or a national bank or a trust company;"

g. By amending paragraph (f) of Section 178-170 to read as follows:

"(f) 'State bank' means a bank chartered by the State or a trust company incorporated under the laws of the State."

h. By adding thereto a new section to be numbered Section 178-177.5, to read as follows:

"Section 178-177.5. Merger of banks qualified to do trust business or trust companies. If a merging bank shall be authorized to do a trust business or shall be a trust company, the resulting bank, by operation of law and without further transfer, substitution, act or deed, shall succeed to the rights, properties, assets, investments, deposits, demands, agreements and trusts of such merging bank under all trusts, executorships, administrations, guardianships, agencies and all other fiduciary or representative capacities as though it had originally assumed the same and shall succeed to and be entitled to take and execute the appointment to all executorships, trustee-ships, guardianships and other fiduciary and representative capacities to which such merging bank may be named or is thereafter named in wills, whenever probated, or to which it is or may be named or appointed by any other instrument."

SECTION 2. Chapter 179, Revised Laws of Hawaii 1955, as amended, is hereby further amended in the following respects:

a. By amending Section 179-4 to read as follows:

"Section 179-4. No corporations except trust companies or banks to act as executors, etc. No corporation or joint stock company, except trust companies doing business under the provisions of this chapter and except banks authorized to engage in a trust business, shall act as executor, administrator, guardian, assignee or receiver, or shall engage in the business of acting as trustee for the management and investment of funds of other persons, or shall continue to do business with the word 'trust' or 'trustee' in its corporate name, under penalty of \$10 for every day that it so acts or engages in business, which penalty may be recovered by the director of regulatory agencies in a civil action before any court of competent jurisdiction."

b. By amending Section 179-5 by the addition at the end of the section of the following sentence:

"After June 30, 1970, no trust company shall have power to engage, directly or indirectly, in the business of acting as a real estate broker, stock broker or insurance agent."

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

(Approved July 12, 1965.) H.B. 1071.

ACT 274

A Bill for an Act to Amend Section 3-20, Revised Laws of Hawaii 1955, as Amended, Relating to Civil Service Exemptions.

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

SECTION 1. Section 3-20(i) of the Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

"(i) One secretary or clerk for each justice of the supreme court and each judge of the circuit court; one law clerk for each justice of the supreme court; and one private secretary for each department head, each deputy or first assistant, and each additional deputy or assistant defined in subparagraph (o)."

SECTION 2. Section 3-20(o) of the Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

"(o) Positions of first deputies or first assistants of each department head appointed under or in the manner provided in Section 6, Article IV, of the Constitution of the State of Hawaii and additional deputies or assistants in charge of the highways, harbors, and airports divisions within the department of transportation and an administrative assistant to the superintendent of public instruction."

SECTION 3. Section 3-20(p) of the Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

"(p) Positions specifically exempted from the provisions of this part by any other law; provided, that all of the positions defined by subparagraph (i) shall be included in the position classification plan;"

SECTION 4. Section 3-20(k) of the Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

"(k) Teachers, principals, vice principals, district superintendents, chief deputy superintendents, and other certificated personnel in the department of public instruction, not engaged in instructional work, and members of the faculty of the University of Hawaii, including research workers, extension agents, personnel engaged in instructional work and administrative, professional and technical personnel of the university;"

SECTION 5. No employee of the State having tenure shall suffer any loss of salary, seniority, prior service credit, vacation, sick leave or other employee benefit or privilege as a consequence of this Act; and such employee may be transferred or appointed to a civil service position without the necessity of examination; provided that such employee possesses the minimum qualifications for the position to which he is transferred or appointed; and provided further that subsequent changes in status may be made pursuant to chapters 3 and 4 of the Revised Laws of Hawaii 1955, as amended.

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

(Approved July 13, 1965.) S.B. 187.

ACT 275

A Bill for an Act Relating to Employees Who Have Worked for the Legislature Prior to May 19, 1961.

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

SECTION 1. Section 5-45.5 of the Revised Laws of Hawaii 1955, as amended, is hereby amended by adding at the end thereof a sentence to read as follows:

"Any employee of the State or any of its subdivisions or agencies who was granted a leave of absence and was employed by the legislature during the period between August 21, 1959 and May 19, 1961 and who otherwise would have been entitled to the benefits conferred by this section shall be credited with such benefits including membership in the retirement system as though he had remained at his job in the service of the State, subdivision or agency thereof."

SECTION 2. This Act shall take effect upon its approval.
(Approved July 13, 1965.) **H.B. 1096.**

ACT 276

A Bill for an Act Relating to the Relief of Certain Persons' Claims Against the State and Providing Appropriations Therefor.

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

SECTION 1. The following respective sums of money are hereby appropriated out of the general revenues of the State of Hawaii for the purpose of reimbursing the following named persons, firms and corporations for overpayment of taxes or on account of other claims against the State in the amount set opposite their respective names:

Act 173, Session Laws, 1961.

REAL PROPERTY TAXES	TAX KEY	YEAR	AMOUNT
ABE, STANLEY G. & PATRICIA M.	2-4-15-91	1962	\$ 148.25
BOYLE, JAMES W. & NANCY A.	2-1-07-32	1960-1962	172.53
BRADLEY-BRAUN, KEAHILOA	4-3-005-033	1960-1963	371.99
BRUCE, ROBERT P.	3-8-14-4	1960-1963	564.56
BUTCHART, DAVID H.	3-8-2-68	1960-1963	334.56
CABBY'S UNION SERVICE	2-2-05-81	1961	21.21
CAMERON, CHARLES A.	3-8-2-20	1960-1963	1,388.86
CAMERON, COLIN C.	3-8-2-26	1960-1963	2,011.93
CHANG, CHARLES K. C.	2 Parcels	1962-1964	64.14
CHING, YUN HOW CHOCK (MRS).	2 4 010 002	1960 1962	902.12
			[Vetoed J.A.B.]
CHOCK, THEODORE YET SUNG	3 2 048 027	1960 1962	262.62
			[Vetoed J.A.B.]
DAVIS, DR. WILLIAM G. & ROSALIE	3 Parcels	1960-1961	37.24
DURANT REALTY CORPORATION	2 Parcels	1960-1962	9,441.38
FERNANDEZ, PEDRO	4 3 060 008	1960 1963	1,240.63
			[Vetoed J.A.B.]
GAMMIE, DONALD M.	3-8-26-56	1960-1963	398.64
HAWAIIAN TELEPHONE COMPANY	2 Parcels	1960-1964	497.99
HIGASHI, SAICHI	2 Parcels	1962-1964	386.07
HIRATA, SADA0	3-8-28-12	1960-1963	123.66

REAL PROPERTY TAXES	TAX KEY	YEAR	AMOUNT
HONPA HONGWANJI MISSION OF HAWAII	2-8-14-10	1960-1962	228.60
IMAMURA, NISO	2 Parcels	1960-1962	481.64
KAGAWA, AYAKO	4 Parcels	1960-1964	1,809.71
KAYA, PAUL H. & SHIZUE	2-2-024-020	1960-1962	437.16
		[Vetoed J.A.B.]	
KIMI, JOHN K.	2-2-36-98	1960-1961	120.40
KOYAMA, SHIMO & KAMASAKI, TOSHIE K.	2-1-02-34	1960-1962	38.21
LA VALLEY, DONALD R.	3 Parcels	1960-1964	862.51
MARTINS, JOAQUIN	3 Parcels	1960-1962	449.55
MASUTANI, MASUO	2-4-41-05	1961	4.29
MATSUBARA, TETSUO	2-2-45-35	1961	18.76
MATSUMOTO, GEORGE	4 Parcels	1960-1961	16.95
MATSUMOTO, SHIGERU	2-2-28-04	1960-1961	350.05
		[Vetoed J.A.B.]	
MATSUOKA, HISASHI	2-4-14-72	1961-1964	228.51
MAURER, MAURINE D.	1-9-09-173	1960-1962	16.66
MENDE, TSUTOMU	2 Parcels	1960-1962	113.40
		[Vetoed J.A.B.]	
MENOR, ANGELO B.	1-5-04-42	1960-1961	26.17
MERINO, CALIXTO	2-4-23-17	1960-1962	163.69
MIHARA, TOSHITAKA	3 Parcels	1960-1962	388.65
		[Vetoed J.A.B.]	
MITSUSHIMA, ROBERT	2-5-10-40	1960-1962	139.93
		[Vetoed J.A.B.]	
MIURA, GENPEI	3 Parcels	1960-1961	963.41
MIURA, SUEYOSHI & SHIZUE	3 Parcels	1960	60.92
MIYAMOTO, KATSUJI	1-5-12-16	1960-1961	21.64
MIYAMOTO, KUNIO	1-5-12-10	1960-1961	67.49
MIYAMOTO, MASUTO & SUSUMU	2 Parcels	1960-1962	72.88
MIYAO, TATSUO	2-4-11-39	1960-1962	245.32
MIYASHIRO, RICHARD S.	2-2-32-51	1960-1961	113.54
MIZUKAMI, CHARLES & KIKUE	2 Parcels	1960-1961	64.78
		[Vetoed J.A.B.]	
MIZUKAMI, SADA O	3 Parcels	1960	26.31
MOORE, ELBERT C.	2 Parcels	1960-1961	102.09
MORIMOTO, ISAO	2 Parcels	1960-1961	182.17
MORINAGA, MASARU	2-4-41-23	1961	11.46
MORISHITA, SHIZUKA	2-2-07-18	1960-1961	67.56
MUKAI, CHIKAO	2 Parcels	1960-1961	680.70
MUKAI, SHIMANO	2 Parcels	1960-1961	1,444.78
NAKASONE, HARU	2-2-38-36	1960-1964	283.39
NEVELS, LUMAN N. JR.	7 Parcels	1960-1964	89.81
NIP, THELMA KAM YEN (MRS.)	1-8-007-066	1960-1962	616.04
		[Vetoed J.A.B.]	
OGATA, MITSUO & YASUKO	2 Parcels	1961-1964	684.14
OLDS, MARK N.	2-1-05-35	1960-1964	637.26
PAYNE, LESLIE & MARGARET	2 Parcels	1960-1964	1,151.65
PEACOCK, PATRICIA C.	2-3-15-37	1960-1961	926.67
STONE, ESTATE OF CLARA L.	2 Parcels	1960-1963	2,188.98
SWAIN, ROSE P.	3 Parcels	1960-1964	38.03
TAYLOR, RICHARD H.	3 Parcels	1960-1963	482.96
TODOKI, JAMES T.	3-3-055-028	1960-1961	373.08
TOM, PO TONG	3-9-6-17	1960-1963	150.54
VALENTIN, MIGUEL A.	2-4-37-18	1961	5.80
WAIALAE NUI FARM, LTD. & COSTA, MANUEL L. (L/A)	6 Parcels	1960-1962	6,150.00
		[Vetoed J.A.B.]	
WENCE, E. G.	2-5-24-15	1960-1963	419.33
WINNIE, OSCAR H.	2-6-017-004	1960-1962	202.42
		[Vetoed J.A.B.]	

REAL PROPERTY TAXES	TAX KEY	YEAR	AMOUNT
WINNIE, OSCAR H.	3-1-033-057	1961-1962	684.83
			[Vetoed J.A.B.]
WONG, LILY Y.	2-5-02-17	1960-1962	99.07
WOODS, ROBERT J.	2 Parcels	1960-1963	516.97
WOOLSEY, JAMES K.	2 Parcels	1960-1964	12.53
YAMASAKI, MINORU & HATSUKO	2 Parcels	1960-1961&1964	182.64
YOSHIKAWA, HAROLD T. & BETTY C.	2-2-11-07	1960-1961	28.50
YOUNG, BASIL H. O.	3 Parcels	1960-1962	262.66
YOUNG, ELIZA C. Y. C.	9 Parcels	1960-1964	4,623.16
			[Vetoed J.A.B.]
YOUNG, H. I.	8 Parcels	1960-1964	2,448.31
YOUNG, JANET KAM NGO CHOCK	3-2-044-043	1960-1962	652.01
			[Vetoed J.A.B.]
YOUNG, KENNETH H. K.	2 Parcels	1960-1962	448.66
YOUNG, RALPH F.	3 Parcels	1960-1964	269.20
YOUNG, WALLACE H. K.	3 Parcels	1960-1962	465.39

Chapter 131E, RLH 1955, as amended, Tax Relief for Drought Damages

ANDRADE, ALFRED & ETHEL	2 Parcels	1962-1964	642.67
ARAKAKI, MASAHIRO & MYLES S.	5-5-02-01	1962-1964	27.91
ARAKAWA, SHIGEKO	3 Parcels	1962-1964	162.29
BOTELHO, MANUEL & ANNIE	5-5-02-17	1962-1964	139.56
CARTER, OLIVE H.	4-40-3-31	1962-1964	152.45
CARVALHO, JANE F.	2 Parcels	1962-1964	297.53
CHANG, DANIEL S.	3 Parcels	1962-1964	300.28
DE LUZ, EDWIN	4 Parcels	1962-1964	374.25
DE LUZ, JR. FRANK	9 Parcels	1962-1964	780.04
EBISU, YASUO & OUWO, TSUNEO	2 Parcels	1962-1964	287.54
EKUAN, KOGAN	4-4-06-08	1962-1964	214.90
FARM, MARY P.	8 Parcels	1962-1964	1,329.27
FERNANDEZ, JOHN	5-4-07-46	1962-1964	274.56
FERREIRA, GEORGE L.	12 Parcels	1962-1964	736.98
FERREIRA, WILLIAM L.	9 Parcels	1962-1964	841.79
FLORES, ALEXANDER R.	3 Parcels	1962-1964	638.88
FUKUKI, YOSHITO	6-4-01-61	1962-1964	531.53
GOMES, ROSE T.	4 Parcels	1962-1964	438.47
HAGIWARA, TAKESHI	4 Parcels	1962-1964	2,102.22
HENDERSON, CHRISTOPHER	6-6-05-10	1962-1964	349.92
ISHIMINE, KOEI & KATSUE	7 Parcels	1962-1964	587.89
KAHAIKUPUNA, JOHN	6-5-09-14	1962-1964	248.02
KAIAMA, RACHAEL	2 Parcels	1962-1964	530.43
KAWABATA, MASAICHI	2 Parcels	1962-1964	443.54
KAWAI, WILLIAM	2 Parcels	1962-1964	681.55
KAWANO, THOMAS T.	6-4-01-13	1962-1964	241.89
KEALAMAKIA, MOSES Y.	2 Parcels	1962-1963	535.23
KUBO, EDITH K. N.	4-4-03-33	1962-1964	86.90
LEE, LIN TIM & JOSEPHINE	4-6-12-03	1962-1964	535.28
MAE, JOHN HOLI	2 Parcels	1962-1964	586.16
MAKUNA, CHARLES JR.	2 Parcels	1963-1964	240.10
MEDEIROS, CLARA T.	6 Parcels	1962-1964	401.42
MOELLER, NORMAN C. & MATILDA A.	4-6-08-25	1962-1964	187.47
NAKASATO, MINORU	3 Parcels	1962-1964	151.19
NEEDHAM, PIILANI	3 Parcels	1962-1964	767.41
NOBRIGA, MANUEL J.	5 Parcels	1962-1964	404.08
OKA, MITOSHI & SUEKO N.	3 Parcels	1962-1963	256.27
ONOUYE, CLAIRE T.	2-4-10-77	1962-1964	295.81
PATCHER, LOUISE G.	5 Parcels	1962-1964	264.14
PELEKANE, LOUIS K.	2 Parcels	1962-1964	632.11
PELFREY, MARY K.	4 Parcels	1962-1964	936.95
RACINE, EVANGELINE T.	6 Parcels	1962-1964	380.91
RAMOS, ABRAHAM S.	3 Parcels	1963-1964	264.15
RAMOS, EUGENE S.	5 Parcels	1962-1964	332.16

REAL PROPERTY TAXES

	TAX KEY	YEAR	AMOUNT
RAMOS, JOAQUIN S.	13 Parcels	1962-1964	1,869.67
RAMOS, WILLIAM S.	12 Parcels	1962-1964	513.85
RAPOZO, ALFRED C.	2 Parcels	1962-1964	460.55
RAPOZO, FRANK C.	2 Parcels	1962-1964	257.75
RAPOZO, JOHN C.	4-4-03-48	1962-1964	211.23
SHIMOHATA, DORIS J. N.	2 Parcels	1962-1964	317.55
SILVA, ALFRED A.	5-5-01-17	1963-1964	31.67
SOLOMON, RANDOLPH F.	5 Parcels	1962-1964	314.31
SONOMURA, AKIE	4-4-08-06	1962-1964	193.16
SOUZA, ALFRED DIAS	4 Parcels	1962-1964	447.01
SOUZA, GEORGE	3 Parcels	1962-1964	795.65
SPENCER, PEACE	2 Parcels	1962-1964	733.26
TAGUCHI, KIKU	4-4-08-47	1962-1964	199.34
TALARO, ARSENIO	3 Parcels	1962-1964	827.09
TELXEIRA, ERNEST S.	12 Parcels	1962-1964	1,186.10
TELXEIRA, ERNEST S.	3 Parcels	1962-1964	186.25
TEXEIRA, ANTONE	4-3-12-01	1962-1964	42.15
WACHI, INC.	4-4-08-49	1963-1964	107.51
WACHI, MITSURU & KIKUE	2 Parcels	1962-1964	162.06
WENCE, E. G. & CHOW, WALLACE	2-2-49-66	1962-1964	595.11
YAMASAKI, MATSUO	2 Parcels	1962-1964	709.13
YARA, CHOBO	5-5-11-33	1962-1964	65.18
YATES, J. RUTTER JR.	2 Parcels	1962-1964	931.49
YOUNG, PETER N.	2 Parcels	1962-1964	615.53
YUKI, SADANORI	4-4-12-14	1963-1964	180.05

Section 35-6, RLH 1955, Refund of Real Property Taxes

	TAX KEY	YEAR	AMOUNT
ABBEY, WILLIAM H. Refund of overpaid real property taxes.	2-4-9-13	1961	\$ 56.69
ABBEY, WILLIAM H. Refund of overpaid real property taxes.	2-3-1-78	1961	64.62
ABE, SANJI Refund of real property taxes erroneously assessed.	1-7-26-50	1948-1962	23.33
CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS Refund of overpaid real property taxes.	1-1-7-3	1962	223.11
CRONK, PHILIP W. Refund of real property taxes—duplicate assessment.	8-4-05-28	1960-1961	230.14
DUTRO, STEPHEN Refund of overpaid real property taxes.	3-4-4-13	1959-1963	39.39
FERNANDEZ, ADAM Refund of overpaid real property taxes.	3-4-27-35	1960-1961	85.95
FONTES, FRED H. Refund of real property taxes—denial of home exemption through clerical error.	4-4-19-70	1959-1962	177.55
GREEN, HARRY W. Refund of overpaid real property taxes.	7-8-14-16	1962	23.38
JOHANSEN, LARRY S. Refund of real property taxes—home exemption for totally disabled veteran.	4-4-24-48	1963, 1964	514.57
KAHAWAI, CAROLINE & FRANCIS Refund of overpaid real property taxes.	3-4-4-13	1959, 1963	18.47
KIM, HARRY K. Y. Refund of real property taxes—exemption for person with impaired sight.	1-6-23-41	1962, 1963	139.55
SATO, JOHN H. Refund of real property taxes—clerical computation error.	3-2-46-52	1962	17.29

	TAX KEY	YEAR	AMOUNT
SOMMERFELD, FRANK R. & ADELE Refund of real property taxes—denial of home exemption through clerical error.	3-6-06-109	1958-1962	226.77
TOKUNAGA, AARON Refund of overpaid real property taxes.	4-3-6-8	1964	136.25
URATA, DORIS TOSHIKO Refund of real property taxes erroneously assessed.	1-7-44-97	1957-1962	763.64

Section 35-6, RLH 1955, Outlawed Warrants and Escheated Accounts.

	WARRANT NO.	DATE	AMOUNT
A & B COMMERCIAL CO. Kahului, Maui Warrant not received by claimant.	G-56689	3/61	\$ 187.23
BARRY, ROBERT H. Warrant mailed to mainland address.	P-358077	6/28/63	19.59
BITLE, GLENN W. & RENEE M. Receipt of warrant delayed through no fault of claimant.	S-166100	6/27/62	96.12
BRASH, LIONEL & GLADYS Warrant misplaced by claimant.	S-014039	10/6/61	33.00
CHINEN, HIDEO Warrant misplaced by claimant.	S-143631	6/16/61	28.40
CHING, ELLIOT Y. K. & PEARL L. Warrant misplaced by claimant.	S-048420	2/28/61	86.76
CHONG, NELSON K. M. Warrant misplaced by claimant.	S-072341	3/23/61	12.04
CHONG, W. F. Warrant misplaced by claimant.	G-080776	5/22/62	57.13
CHUBERKO, FRANK Warrant misplaced by claimant.	S-166532	6/28/62	30.00
COMMERCIAL SOLVENTS CORPORATION Warrant misplaced by claimant.	S-63098	2/28/61	77.46
CULLEN, CLIFT C. Warrant misplaced by claimant.	S-127045	5/11/62	13.88
FERNANDES, ELIZABETH V. Warrant misplaced by claimant.	P-127367	1/31/62	9.74
FERNANDEZ, JOSEPH Warrant misplaced by claimant.	S-210775	2/28/63	7.23
FUKUSHIMA, MITSUKO Warrant misplaced by claimant.	S-321721	6/13/63	2.18
GODFREY, ALICE Warrant misplaced by claimant.	P-281197	3/29/63	29.68
GOO, ERNESTINE K. Warrant misplaced by claimant.	S-320209	6/13/63	19.77
GOO, MELVIN F. Warrant misplaced by claimant.	S-320200	6/13/63	32.78
HALEIWA SUPERMARKET, LTD. Warrant issued to Joseph S. Kekahuna misplaced by transferee.	S-340245	3/12/63	29.67
HARAMOTO, MICHIE Warrant misplaced by claimant.	P-228939	6/15/62	138.38
HARRISON, ARCHIBALD & ELIZABETH Warrant misplaced by claimant.	S-320404	6/13/63	74.49
HARUGUCHI, JAMES S. Warrant misplaced.	P-231395	9/31/63	148.32
HAYASHIDA, EMMA Warrant misplaced by claimant.	S-170073	6/29/62	18.72
HIGUCHI, TERUO & EMIKO Warrant misplaced by claimant.	S-167732	6/29/62	20.65

	WARRANT NO.	DATE	AMOUNT
IMAMURA, KENNETH M. & DOROTHY S. Special fund warrant escheated to the general fund on June 30, 1962.	S-003576	7/29/62	101.70
JOHNSON, NELS E. & VIRGINIA D. Warrant misplaced by claimant.	S-157373	6/04/59	79.06
KAAKIMAKA, WILLIAM Warrant misplaced by claimant.	G-086319	6/12/62	8.71
KANAHELE, SAMUEL & MARVIS M. Warrant misplaced by claimant.	S-056241	3/13/62	28.40
KANAYAMA, UICHI Warrant misplaced by claimant.	S-139848	5/28/62	29.00
KAWAMOTO, EDWARD K. & TSURUYO M. Warrant misplaced by claimant.	S-230456	3/20/63	13.41
KAYAMA, Y. Special fund warrant escheated to general fund on June 30, 1963.	S-282567	5/07/63	83.32
KEALOHA, JAMES K. Warrant misplaced by claimant.	G-098209	6/29/62	34.30
KEALOHA, JAMES K. & MIULAN Y. Warrant misplaced by claimant.	S-167376	6/29/62	295.55
KEE, CHUN C. Warrant misplaced by claimant.	S-164130	6/26/62	21.08
KELIINUI, RAENETTE LEE KWAI Warrant misplaced by claimant.	S-109379	5/04/62	29.26
KUMABE, MATSU E. Warrant misplaced by claimant.	S-325302	6/18/63	12.62
KUMABE, TAKE E. Warrant misplaced by claimant.	S-325303	6/18/63	11.15
LAI, LESLIE M. L. TING Warrant misplaced by claimant.	S-098205	4/17/62	15.95
LAU, RICHARD & SUI KUNG Warrant misplaced by claimant.	S-145165	5/31/62	58.96
LEE, FAITH W. Warrant misplaced by claimant.	P-137046	6/09/60	80.30
LIU, FAAMAU Warrant not delivered to claimant.	S-304557	5/17/63	8.01
LUM, WALTER M. C. Warrant misplaced by claimant.	S-163225	6/21/62	13.04
MAU, SHIRLEY CHANG Warrant misplaced by claimant.	S-158183	6/21/62	9.59
MILLER, STANLEY Warrant not forwarded to claimant.	S- 7119	8/11/61	42.33
MIRANDA, JOHN A. & MABEL A. Warrant misplaced by claimant.	S-087098	4/03/62	14.43
MOKU, MOSES, ESTATE OF Probate proceedings delayed.	S-325767	6/18/63	19.04
NAGATA, SUPERETTE Warrant misplaced by claimant.	S- 38015	6/28/63	15.56
OGATA, ICHIYO Warrant misplaced by claimant.	G-236902	6/28/63	19.70
OSBERG, LESLIE Warrant misplaced by claimant.	G-097681	6/29/62	15.60
PARKER RANCH RESTAURANT Warrant misplaced by claimant.	S-014617	10/10/61	33.56
PURGUGGANAN, ABRAHAM P. Warrant misplaced by claimant.	S- 52389	10/30/59	173.16
S. YOSHIYAMA STORE, LTD. Warrant issued to Harry Nihau misplaced by transferee.	015101	8/28/59	150.00
SEN, R. MICHAEL Warrant misplaced by claimant.	S-168352	6/29/62	48.00

	WARRANT NO.	DATE	AMOUNT
SHELL OIL COMPANY	S- 17779	10/31/60	367.38
Special fund warrant escheated to general fund on June 30, 1962.			
S.T.S. OFFICE MACHINES, INC.	W-219162	4/30/63	44.51
Warrant misplaced by claimant.			
TABA, THOMAS M.	S-340261	6/13/63	25.22
Warrant misplaced by claimant.			
TAJIMA, THOMAS T. & BERTHA S.	S-171433	6/29/62	94.72
Warrant misplaced by claimant.			
TAKEMOTO, WAICHI	G-246860	6/28/63	16.61
Warrant misplaced by claimant.			
TOYAMA, KANHAN & NABEI	S-109003	5/05/62	60.21
Warrant misplaced by claimant.			
UYEDA, FRANCES S.	G-236553	6/27/63	27.00
Warrant misplaced by claimant.			
WALTON, ANDREW J. & MARYANN B.	S-028438	1/20/61	75.02
Warrant misplaced by claimant.			
WONG, AGNES S. Y.	P-000666	7/29/60	66.50
Warrant misplaced by claimant.			
WONG, AGNES S. Y.	P-011146	8/31/60	66.50
Warrant misplaced by claimant.			
WONG, LAI CHONG	S-255441		70.20
Warrant misplaced by claimant.			
YAMAMOTO, YOSHINO	S-030277	1/30/62	11.00
Warrant misplaced by claimant.			

Section 35-6, RLH 1955, Escheated Bank and Savings Accounts.

	CIVIL NO.	DATE	AMOUNT
BARACAO, LUCY L. &/or FLORES, EMILY G.	4278	4/15/59	7.12
BUGAWISAN, LUDEVINA G. aka WAITE, LUDEVINA B.	1617	11/16/49	5.00
CUMBERPATCH, GEORGE	2108,	12/19/56,	40.38
	3416,	3/18/58,	
	4272	2/10/59	
KINA, KAREN NAOMI	3418	6/19/58	46.00
SEELINGER, JOHN	1294	4/05/56	113.03
VALDEZ, LORETTA M. CASTRO	3418	6/19/58	273.56
YAMAGUCHI, AINOSUKE	2760	1/06/55	77.19

Section 35-6, RLH 1955, Miscellaneous Claims.

ANDREW KING POST No. 3850, VETERANS OF FOREIGN WARS	.....\$	177.17
Refund of real property taxes overpaid in 1963.		
BALIGAD, PEDRO G.	.....	22.86
Warrant S-320699, June 13, 1963, claimant did not receive warrant.		
BANNER, ALBERT H. & DORA M.	.....	3,245.00
Personal property losses in fire at Hawaii Marine Laboratory, Coconut Island, on December 30, 1961.		
FRAZIER, THOMAS A.	.....	2,239.07
Salary adjustment for period employee improperly retained on health leave.		
FUJII, ARNOLD S.	.....	228.00
Salary adjustment for military service credit.		
FURUMOTO, AUGUSTINE S.	.....	346.92
Warrant S-305215, May 17, 1963, misplaced by claimant.		
GOODHUE, WILLIAM H. & MARLEEN D.	.....	67.76
Claimant did not receive warrant issued May 23, 1962.		
GUILLERMO, ANTONIO	.....	118.64
Personal property losses in fire at Hawaii State Hospital, Housekeeping Building, on May 10, 1963.		

HELFRICH, PHILIP	4,514.00
Personal property losses in fire at Hawaii Marine Laboratory, Coconut Island, on December 30, 1961.	
ITO, WILFRED H.	15.82
Warrant S-066203, March 17, 1961, misplaced by claimant.	
KARIEL, HENRY S.	37.00
Compensation for suit damaged in February, 1965.	
MADDEN, GERALDINE	3,438.00
Salary adjustment for sabbatical leave.	
MANSFIELD, KATHIE, et al	1,500.00
Injuries. Stipulation Judgment in Civil No. 14456, First Circuit Court. (plus interest)	
MARQUES, JOSE, ESTATE OF	2.03
Warrant S-065980, March 16, 1962, misplaced by claimant.	
MASAKI, CHIYOKO	16.29
Personal property losses in fire at Hawaii State Hospital, Housekeeping Building, on May 10, 1963.	
MIDPAC LUMBER-COMPANY, LIMITED	2,500.00
Payment of money withheld under contract No. 6197.	
MOORE, NEIL E.	4,651.40
Injury. Judgment in Civil No. 12079, First Circuit Court. (plus interest)	
MORIOKA, SHIGEKI	153.38
Tax relief under Act 207, S.L.H. 1955, as amended by Act 161, S.L.H. 1959.	
NUUANU CONGREGATIONAL CHURCH	847.18
Refund of 1962 real property taxes overpaid.	
OAHU CONSERVATIVE BAPTIST CHURCH	642.45
Refund of 1963 real property taxes overpaid.	
PACIFIC PALISADES COMMUNITY ASSOCIATION	1,303.79
Refund of 1963 real property taxes overpaid.	
PERRY, ESTHER	3,495.25
Injury. Judgment in Civil No. 11482, First Circuit Court.	
PETRIS, PETER	1,641.00
Salary adjustment for extra duties.	
RYAN, EDWARD PARSONS	8,998.50
Personal property losses in fire at Hawaii Marine Laboratory, Coconut Island, on December 30, 1961.	
SAITO, JANE	30.39
Personal property losses in fire at Hawaii State Hospital, Housekeeping Building, on May 10, 1963.	
SHIMIZU, GEORGE K.	12.50
Warrant, G-006854, August 28, 1959, misplaced by claimant.	
SHOUP, JOHN B.	87.50
Personal property losses in fire at Hawaii Marine Laboratory, Coconut Island, on December 30, 1961.	
SILVA, HENRY	122.20
Personal property losses in fire at Hawaii State Hospital, Housekeeping Building, on May 10, 1963.	
SMITH, FRANCES	3.08
Personal property losses in fire at Hawaii State Hospital, Housekeeping Building, on May 10, 1963.	
YEE HOY, MARYTINA	27.45
Personal property losses in fire at Hawaii State Hospital, Housekeeping Building, on May 10, 1963.	

SECTION 2. The sums hereinabove appropriated shall be paid upon warrants issued by the comptroller of the State upon vouchers approved by the director of the state department of taxation in the several amounts and to the respective persons hereinabove set out, as to said claims for taxes, and shall be paid upon warrants issued by said comptroller upon vouchers approved by the director of the department of budget and finance as to all other claims.

SECTION 3. If any portion of this Act or its application to any circumstances or person is held invalid for any reason, the remainder thereof shall not be affected thereby.

SECTION 4. This Act shall take effect upon its approval.
(Approved July 14, 1965.) **H.B. 1005.**

ACT 277

A Bill for an Act Relating to Dedicated Lands and Amending Chapter 128 of the Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Subsection 128-9.2(a), Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

“§128-9.2. Dedicated lands. (a) A special land reserve is established to enable the owner of any parcel of land within an agricultural district, a rural district, a conservation district, and/or an urban district to dedicate his land for a specific ranching or other agricultural use and to have his land assessed at its value in such use, provided however, that if the land is located within an urban district, (1) a lessee of the land with a term of five or more years remaining from the date of the petition shall also be deemed an owner of the land within these provisos; (2) the land dedicated must be used for agricultural uses; (3) the land dedicated must have been substantially and continuously used in an intensive agricultural use for the five-year period immediately preceding the dedication request.”

SECTION 2. Subsection 128-9.2(b), Revised Laws of Hawaii 1955, as amended, is hereby further amended by amending the last paragraph to read as follows:

“If both findings are favorable to the owner, the director of taxation shall approve the petition and declare that the owner's land is dedicated land; provided however, that for lands in urban districts, the director of taxation shall make further findings respecting the economic feasibility of the intended use of the land. If all three findings are favorable, the director of taxation shall approve the petition and declare the said land to be dedicated.”

SECTION 3. This Act shall take effect upon its approval.
(Approved July 14, 1965.) **H.B. 1201.**

ACT 278

A Bill for an Act to Amend Chapter 59 of the Revised Laws of Hawaii 1955, as Amended, Relating to Regulating of Beauty Culture.

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

SECTION 1. Section 59-17 of the Revised Laws of Hawaii 1955 is hereby amended by deleting from line nine thereof the clause “that he is a resident of the State,” and substituting therefor “that he has been a resident of the State of Hawaii for not less than 60 days im-

mediately preceding the filing of an application for examination and registration.”

SECTION 2. This Act shall take effect upon its approval.
(Became law July 26, 1965, without Governor's signature pursuant to Art. III, § 17, Const.) **H.B. 210.**

ACT 279

A Bill for an Act Relating to the Composition of the Contractors License Board and Amending Chapter 166A of the Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Section 166A-3 of the Revised Laws of Hawaii 1955, as amended, is hereby amended as follows:

(1) Paragraph (a) is hereby amended by substituting the word “thirteen” for the word “seven” found therein;

(2) Paragraph (c) (1) is hereby amended by substituting the words “nine members” for the words “five members” found therein;

(3) Paragraph (c) (2) is hereby amended to read as follows:
“(2) Eight members shall be residents of the City and County of Honolulu, two members shall be residents of the County of Hawaii, two members shall be residents of the County of Maui, and one member shall be a resident of the County of Kauai.”

(4) The first sentence of paragraph (c) (3) is hereby amended to read as follows:

“Three members of the board shall be general engineering contractors, three members shall be general building contractors, three members shall be specialty contractors and four members shall be noncontractors.”

SECTION 2. Each member of the contractors license board on the effective date of this Act shall continue to serve on the board until the expiration of his term.

SECTION 3. Pending the appointment, in accordance with the provisions of sections 14A-3 and 166A-3 (a), Revised Laws of Hawaii 1955, as amended, of the additional members to the contractors license board provided in this act, the governor may appoint such additional members in the manner provided in Article IV, section 6 of the Constitution of the State of Hawaii as in the case of vacancies on boards and commissions.

SECTION 4. This Act shall take effect upon its approval.
(Became law July 26, 1965, without Governor's signature pursuant to Art. III, § 17, Const.) **S.B. 414.**

ACT 280

A Bill for an Act Relating to a Constitutional Convention.

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

SECTION 1. Purpose. Article XV, section 2, of the Constitution of the State of Hawaii provides that the legislature may submit to the electorate at any general or special election the question, "Shall there be a convention to propose a revision of or amendments to the constitution?" It is the purpose of this Act to provide for the submission of such question at the general election of 1966 in conformity with the March 9, 1965 minute order of the United States District Court for the District of Hawaii in Civil No. 2308.

SECTION 2. Submission of question. The legislature hereby submits the question, "Shall there be a convention to propose a revision of or amendments to the constitution?" to the electorate, which question shall be voted on at the general election of 1966.

SECTION 3. This Act shall take effect upon its approval. (Became law July 26, 1965, without Governor's signature pursuant to Art. III, § 17, Const.) **H.B. 986.**

ACT 281

A Bill for an Act Providing for the Provisional Reapportionment of the Senate of the State of Hawaii.

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

SECTION 1. Senate; Districts; Composition. The Senate shall be composed of twenty-five members, who shall be elected by the qualified voters of the respective senatorial districts. Until the next reapportionment, the senatorial districts, and the number of senators to be elected from each, shall be as follows:

"Senate; Districts; Composition

Section 2. The Senate shall be composed of twenty-five members, who shall be elected by the qualified voters of the respective senatorial districts. Until the next reapportionment, the senatorial districts, and the number of senators to be elected from each shall be as follows:

First senatorial district: the island of Hawaii, three;

Second senatorial district: the islands of Maui, Molokai, Lanai and Kahoolawe, two;

Third senatorial district: that portion of the island of Oahu consisting of the eighth representative district as described in the Schedule, Article XVI, Section I, of the Constitution of the State of Hawaii, as amended, three;

Fourth senatorial district: that portion of the island of Oahu consisting of the ninth and tenth representative districts as described in the said Schedule and the first and the eighth precincts of the eleventh representative district as described in the governor's proclamation issued September 11, 1964, for the 1964 general election, four;

Fifth senatorial district: that portion of the island of Oahu consisting of the twelfth and thirteenth representative districts as described in the said Schedule and the second through seventh precincts, inclusive, and the ninth through twelfth precincts, inclusive, of the eleventh representative district, and the first through fifth precincts,

inclusive, and the eighth, eleventh, fifteenth and sixteenth precincts of the fourteenth representative district as described in the said proclamation, four;

Sixth senatorial district: that portion of the island of Oahu consisting of the fifteenth representative district as described in the said Schedule and the sixth, seventh, ninth and tenth precincts and the twelfth through fourteenth precincts inclusive, of the fourteenth representative district as described in the said proclamation, four;

Seventh senatorial district: that portion of the island of Oahu consisting of the sixteenth and seventeenth representative districts as described in the said Schedule, four;

Eighth senatorial district: the islands of Kauai and Niihau, one."

SECTION 2. On or before June 1, of the year 1975, and of each tenth year thereafter, the governor shall reapportion the members of the senate in the following manner: The total number of senators shall first be reapportioned among four basic areas, namely, (1) the island of Hawaii, (2) the islands of Maui, Molokai, Lanai and Kahoolawe, (3) the island of Oahu and all other islands not specifically enumerated, and (4) the islands of Kauai and Niihau on the basis of the number of voters registered at the last preceding general election in each of such basic areas and computed by the method known as the method of equal proportions, no basic area to receive less than one member. Upon the determination of the total number of senators to which each basic area is entitled, such total shall be reapportioned among the one or more senatorial districts within each basic area on the basis of the number of voters registered at the last preceding general election within each of such senatorial districts and computed by the method known as the method of equal proportions, no senatorial district to receive less than one member. Upon any reapportionment, should the total number of voters registered in any senatorial district be less than one-half of the quotient obtained by dividing the total number of voters registered in the State by the total number of members to which the senate is entitled, then, as part of such reapportionment, the basic area within which such senatorial district lies shall be redistricted by the governor in such manner that the total number of voters registered in each new senatorial district therein shall be more than one-half of such quotient, provided, however, that there shall be at least one senatorial district in each basic area.

Upon completion of the reapportionment of the senate as provided herein, the governor shall issue a proclamation showing the results thereof.

Except as otherwise provided hereinafter, the initial reapportionment shall be effective for the election of members to the senate in 1976 and shall remain in effect for succeeding senatorial elections until the next reapportionment takes effect. Except as otherwise provided hereinafter, any subsequent reapportionment shall be effective for the election of members to the senate in the year next following such reapportionment and shall remain in effect for succeeding senatorial elections until the next reapportionment takes effect.

An incumbent senator whose term of office does not expire until the second general election following the date of the proclamation, including any such senator whose seat has been apportioned to another district by reapportionment, shall be allowed to complete his four-year term; provided that when the seat of such holdover senator has been reapportioned to another district, the election to fill the new seat in the district to which such seat has been newly apportioned shall not be held until the time of the second election following such proclamation.

Original jurisdiction is hereby vested in the supreme court of the State to be exercised on the application of any registered voter, made within thirty days following the date specified above, to compel, by mandamus or otherwise, the governor to perform the above duty; and made within thirty days following the date of such proclamation, to compel, by mandamus or otherwise, the correction of any error made in such reapportionment.

SECTION 3. The terms of all members of the senate elected or appointed prior to the general election of 1966 shall terminate on the date of the general election of 1966.

Members of the senate elected at the general election of 1966 shall be divided into two classes.

Members of the first class shall hold office for a term of four years beginning with their election and ending on the day of the second general election held thereafter.

Members of the second class shall hold office for a term of two years beginning with their election and ending on the day of the next general election held thereafter.

Upon the expiration of the aforesaid terms of office of members of the respective classes, the term of office of their successors shall be four years.

Of the members to which each senatorial district is entitled, one-half shall be members of the second class. If the total number of senators to which a senatorial district is entitled is not an even number, the number of members of the first class in such district shall be the quotient of said total number divided by two, rounded off to the next whole number. The remainder shall be members of the second class. Membership in the first and second classes shall be determined by the number of votes cast for each senator in such district. The first class shall consist of those senators, in number corresponding with the number of members of the first class to which such district is entitled, who are elected with the highest number of votes from such district. The remaining senators elected shall constitute the second class.

The senator from a senatorial district that is entitled to one senator shall automatically be a member of the first class.

SECTION 4. This Act shall take effect upon approval by the Governor of the State of Hawaii and by the United States District Court for the District of Hawaii and shall remain in effect until

superseded by constitutional amendment; provided that the regular election of 1966, shall be the first election held pursuant to the provisions herein.

(Became law July 26, 1965, without Governor's signature pursuant to Art. III, § 17, Const. But disapproved by District Court. *Holt v. Richardson*, 240 F.Supp. 754. Appeal pending.) **H.B. 987.**

CONSTITUTIONAL AMENDMENTS

RATIFIED BY THE VOTERS AT THE GENERAL ELECTION
NOVEMBER, 3, 1964

1. The first sentence of Section 2 of Article IX was amended by deleting the sentence and substituting therefor the following:

“There shall be a board of education composed of members who shall be elected by qualified voters in accordance with law.”

[Proposed by H.B. 4, Regular Session 1963.]

2. Section 2 of Article IV was amended by deleting the period after the word “governor” in the second sentence, substituting a semicolon therefor and adding thereafter the following:

“provided that the votes cast in the general election for the nominee for governor shall be deemed cast for the nominee for lieutenant governor of the same political party.”

[Proposed by H.B. 33, Regular Session 1963 and H.B. 19, Regular Session 1964.]

3. Section 3 of Article IX was amended to read as follows:

“Section 3. The board of education shall have power, in accordance with law, to formulate policy, and to exercise control over the public school system through its executive officer, the superintendent of education, who shall be appointed by the board and shall serve as secretary to the board.”

[Proposed by H.B. 421, Regular Session 1964.]

4. Section 5 of Article IX was amended to read as follows:

“Section 5. There shall be a board of regents of the University of Hawaii, the members of which shall be nominated and, by and with the advice and consent of the senate, appointed by the governor. At least part of the membership of the board shall represent geographic subdivisions of the State. The board shall have power, in accordance with law, to formulate policy, and to exercise control over the university through its executive officer, the president of the university, who shall be appointed by the board.”

[Proposed by H.B. 253, Regular Session 1964.]

PROPOSED CONSTITUTIONAL AMENDMENT
H.B. No. 773

A Bill for an Act Proposing Amendments to the Constitution of the State of Hawaii, Relating to the Composition, Districting, Redistricting, Apportionment, Reapportionment, and Constitutional Amendment Provisions Affecting the State Senate.

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

SECTION 1. Article III, Section 2 of the Constitution of the State of Hawaii shall be amended to read as follows:

“Senate; Districts; Composition

Section 2. The Senate shall be composed of twenty-five members, who shall be elected by the qualified voters of the respective senatorial districts. Until the next reapportionment, the senatorial districts, and the number of senators to be elected from each, shall be as follows:

First senatorial district: the island of Hawaii, three;

Second senatorial district: the islands of Maui, Molokai, Lanai and Kahoolawe, two;

Third senatorial district: that portion of the island of Oahu consisting of the eighth representative district as described in the Schedule, Article XVI, Section 1, of the Constitution of the State of Hawaii, as amended, three;

Fourth senatorial district: that portion of the island of Oahu consisting of the ninth and tenth representative districts as described in the said Schedule and the first and the eighth precincts of the eleventh representative district as described in the governor's proclamation issued September 11, 1964, for the 1964 general election, four;

Fifth senatorial district: that portion of the island of Oahu consisting of the twelfth and thirteenth representative districts as described in the said Schedule and the second through seventh precincts, inclusive, and the ninth through twelfth precincts, inclusive, of the eleventh representative district, and the first through fifth precincts, inclusive, and the eighth, eleventh, fifteenth and sixteenth precincts of the fourteenth representative district as described in the said proclamation, four;

Sixth senatorial district: that portion of the island of Oahu consisting of the fifteenth representative district as described in the said Schedule and the sixth, seventh, ninth and tenth precincts and the twelfth through fourteenth precincts, inclusive, of the fourteenth representative district as described in the said proclamation, four;

Seventh senatorial district: that portion of the island of Oahu consisting of the sixteenth and seventeenth representative districts as described in the said Schedule, four;

Eighth senatorial district: the islands of Kauai and Niihau, one.”

SECTION 2. Article III of the Constitution of the State of Hawaii shall be amended by adding thereto a new section, to be designated “Section 2.1” next following Section 2 thereof, to read as follows:

“Reapportionment of Senate

Section 2.1. On or before June 1 of the year 1975, and of each tenth year thereafter, the governor shall reapportion the members of the senate in the following manner: the total number of senators shall first be reapportioned among four basic areas, namely, (1) the island of Hawaii, (2) the islands of Maui, Molokai, Lanai and Kahoolawe, (3) the island of Oahu and all other islands not specifically enumerated, and (4) the islands of Kauai and Niihau, on the basis of the number of voters registered at the last preceding general election in each of such basic areas and computed by the method known as the method of equal proportions, no basic area to receive less than one member. Upon the determination of the total number of senators to which each basic area is entitled, such total shall be reapportioned among the one or more senatorial districts within each basic area on the basis of the number of voters registered at the last preceding general election within each of such senatorial districts and computed by the method known as the method of equal proportions, no senatorial district to receive less than one member. Upon any reapportionment, should the total number of voters registered in any senatorial district be less than one-half of the quotient obtained by dividing the total number of voters registered in the State by the total number of members to which the senate is entitled, then, as part of such reapportionment, the basic area within which such senatorial district lies shall be redistricted by the governor in such manner that the total number of voters registered in each new senatorial district therein shall be more than one-half of such quotient, provided, however, that there shall be at least one senatorial district in each basic area.

Upon completion of the reapportionment of the senate as provided herein, the governor shall issue a proclamation showing the results thereof.

Except as otherwise provided hereinafter, the initial reapportionment shall be effective for the election of members to the senate in 1976 and shall remain in effect for succeeding senatorial elections until the next reapportionment takes effect. Except as otherwise provided hereinafter, any subsequent reapportionment shall be effective for the election of members to the senate in the year next following such reapportionment and shall remain in effect for succeeding senatorial elections until the next reapportionment takes effect.

An incumbent senator whose term of office does not expire until the second general election following the date of the proclamation, including any such senator whose seat has been apportioned to another district by reapportionment, shall be allowed to complete his four-year term; provided that when the seat of such holdover senator has been reapportioned to another district, the election to fill the new seat in the district to which such seat has been newly apportioned shall not be held until the time of the second election following such proclamation.

Original jurisdiction is hereby vested in the supreme court of the State to be exercised on the application of any registered voter, made

PROPOSED CONSTITUTIONAL AMENDMENT

within thirty days following the date specified above, to compel, by mandamus or otherwise, the governor to perform the above duty and made within thirty days following the date of such proclamation, to compel, by mandamus or otherwise, the correction of any error made in such reapportionment."

SECTION 3. Article III, Section 5, of the Constitution of the State of Hawaii shall be amended by substituting a semicolon for the period at the end of the second sentence thereof and adding the following thereafter:

'provided that members of the senate elected at the general election of 1966 shall be divided into two classes. Members of the first class shall hold office for a term of four years beginning with their election and ending on the day of the second general election held thereafter. Members of the second class shall hold office for a term of two years beginning with their election and ending on the day of the next general election held thereafter. Upon the expiration of the aforesaid terms of office of members of the respective classes, the term of office of their successors shall be four years. Of the members to which each senatorial district is entitled, one-half shall be members of the second class. If the total number of senators to which a senatorial district is entitled is not an even number, the number of members of the first class in such district shall be the quotient of said total number divided by two, rounded off to the next whole number. The remainder shall be members of the second class. Membership in the first and second classes shall be determined by the number of votes cast for each senator in such district. The first class shall consist of those senators, in number corresponding with the number of members of the first class to which such district is entitled, who are elected with the highest number of votes from such district. The remaining senators elected shall constitute the second class. The senator from a senatorial district that is entitled to one senator shall automatically be a member of the first class."

SECTION 4. Article XV, Section 2, of the Constitution of the State of Hawaii shall be amended by substituting a period for the semicolon in the sixth paragraph thereof and by deleting from the sixth paragraph the proviso at the end of said paragraph, which reads:

provided, that no constitutional amendment altering this proviso or the representation from any senatorial district in the senate shall become effective unless it shall also be approved by a majority of the votes tallied upon the question in each of a majority of the counties.

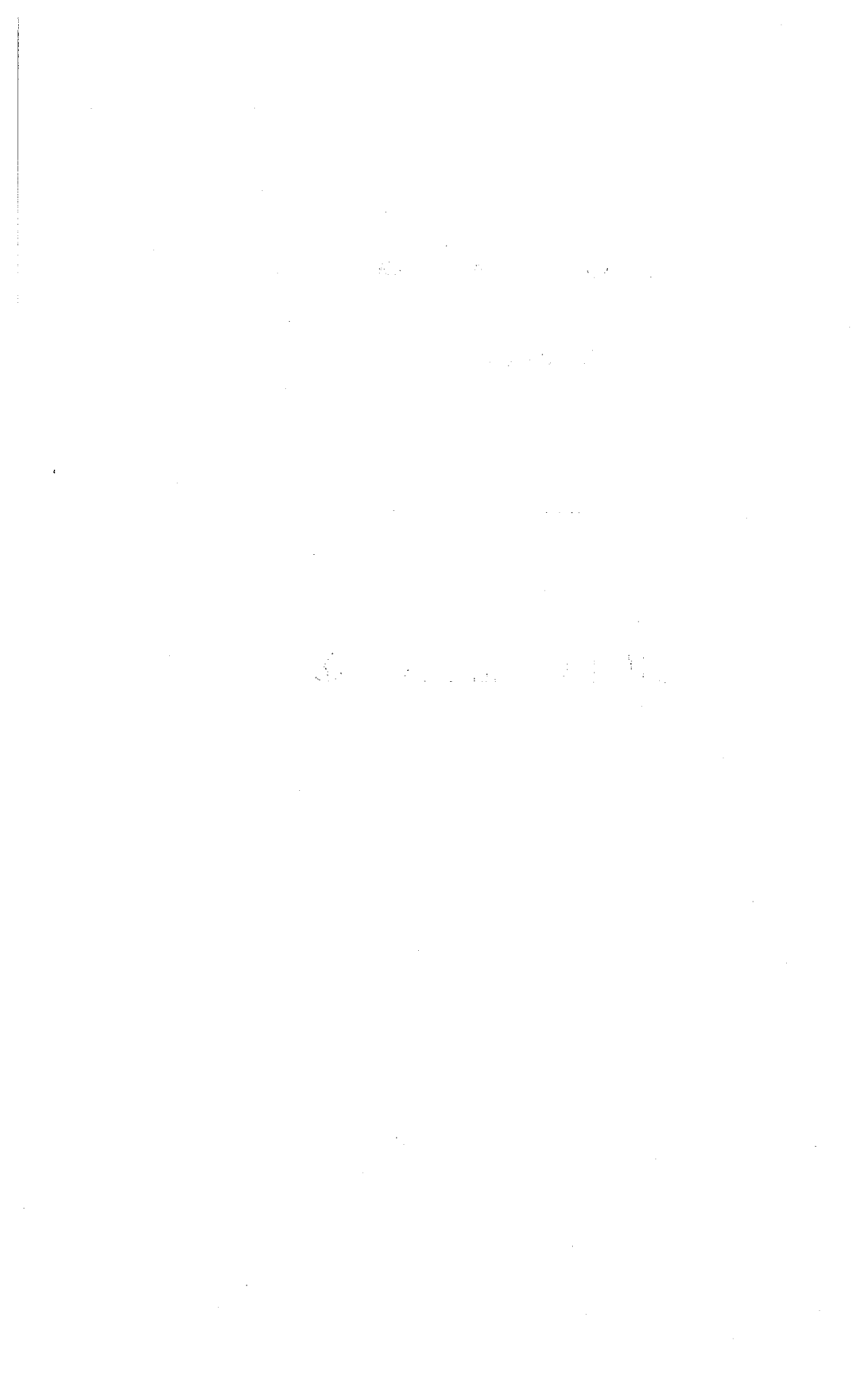
SECTION 5. The foregoing amendments shall take effect upon compliance with the provisions of Article XV, Section 3, of the Constitution of the State of Hawaii; provided that the proviso now in Article XV, Section 2, paragraph 6, shall not be applicable.

[Passed final reading in each house on April 14, 1965.]

**TABLES SHOWING EFFECT
OF ACTS**



GENERAL INDEX



**TABLES SHOWING EFFECT OF ACTS
THIRD LEGISLATURE, REGULAR SESSION OF 1965
STATE OF HAWAII**

Key: ——— Section numbers to be inserted by
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 N = New Section

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258-52	Am	102	C. 360	R	153

B. SESSION LAWS OF HAWAII AFFECTED

Effect	Act No.	Effect	Act No.
Laws 1957		Laws 1964	
Regular Session		Regular Session	
232	R 62	11	Am 23
		64	Am 260

C. SECTIONS OF HAWAIIAN HOMES COMMISSION ACT 1920 AFFECTED

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213	Am	4
225	Am	30

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