

**SESSION LAWS**  
OF  
**HAWAII**  
PASSED BY THE  
**THIRD STATE LEGISLATURE**

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**REGULAR SESSION**  
**1966**

Convened on Wednesday, February 16  
and  
Adjourned Sine Die on Wednesday, March 23

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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 passed by the Legislature at the General Session of 1966.

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  
June 8, 1966

STATE OF HAWAII  
ELECTED OFFICIALS AND LEGISLATIVE OFFICERS

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UNITED STATES CONGRESS

Senate:

Hiram L. Fong  
Daniel K. Inouye

House of Representatives:

Spark M. Matsunaga  
Patsy T. Mink

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STATE EXECUTIVE OFFICERS

Governor of Hawaii.....John A. Burns  
Lieutenant Governor.....William S. Richardson

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OFFICERS AND MEMBERS OF THE  
THIRD STATE LEGISLATURE  
REGULAR SESSION

1966

SENATE

President.....Kazuhiisa Abe  
Vice-President.....Sakae Takahashi  
Clerk.....Seichi Hirai

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First District—(Hawaii)  
Kazuhiisa Abe (D)  
Nelson K. Doi (D)  
William H. Hill (R)  
Benjamin Menor (D)  
John T. Ushijima (D)

Second District—(Hawaii)  
Bernard G. Kinney (R)  
Julian R. Yates Sr. (R)

Third District—(Maui)  
Toshi Ansai (R)  
John G. Duarte (D)  
James F. Fleming (R)  
David K. Trask Jr. (D)  
Nadao Yoshinaga (D)

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O. Vincent Esposito (D)  
Yasutaka Fukushima (R)  
Anna F. Kahanamoku (D)  
Hebden Porteus (R)  
Vincent H. Yano (D)

Fifth District—(Oahu)  
George R. Ariyoshi (D)  
John J. Hulten (D)  
Mitsuyuki Kido (D)  
Taylor A. Pryor (D)  
Sakae Takahashi (D)

Sixth District—(Kauai)  
William E. Fernandes (D)  
Noboru Miyake (R)  
Clinton I. Shiraishi (R)

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## HOUSE OF REPRESENTATIVES

Speaker..... Elmer F. Cravalho  
 Vice-Speaker..... Tadao Beppu  
 Clerk..... Shigeto Kanemoto

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|--|---|
| <p> <b>First District—(Hawaii)</b><br/>           Jack K. Suwa (D)         </p> <p> <b>Second District—(Hawaii)</b><br/>           Joseph R. Garcia Jr. (R)<br/>           Stanley I. Hara (D)<br/>           Toshio Serizawa (D)         </p> <p> <b>Third District—(Hawaii)</b><br/>           Yoshito Takamine (D)         </p> <p> <b>Fourth District—(Hawaii)</b><br/>           Takeshi Kudo (D)         </p> <p> <b>Fifth District—(Hawaii)</b><br/>           Akoni Pule (D)         </p> <p> <b>Sixth District—(Lanai, Molokai)</b><br/>           Pedro Dela Cruz (D)         </p> <p> <b>Seventh District—(Maui)</b><br/>           Elmer F. Cravalho (D)<br/>           Henry E. Meyer (R)<br/>           Thomas T. Tagawa (D)<br/>           Mamoru Yamasaki (D)         </p> <p> <b>Eighth District—(Oahu)</b><br/>           D. G. Anderson (R)<br/>           James K. Clark (R)<br/>           Ernest N. Heen, Jr. (D)<br/>           Hiram K. Kamaka (D)         </p> <p> <b>Ninth District—(Oahu)</b><br/>           John C. Lanham (D)<br/>           Robert C. Oshiro (D)         </p> <p> <b>Tenth District—(Oahu)</b><br/>           Donald D. H. Ching (D)<br/>           Larry N. Kuriyama (D)<br/>           Philip P. Minn (D)<br/>           George M. Okano (D)         </p> <p> <b>Eleventh District—(Oahu)</b><br/>           William M. Furtado (D)<br/>           Akira Sakima (D)<br/>           James H. Wakatsuki (D)         </p> | <p> <b>Twelfth District—(Oahu)</b><br/>           Peter S. Iha (D)<br/>           Frank W. C. Loo (D)<br/>           Rudolph Pacarro (D)         </p> <p> <b>Thirteenth District—(Oahu)</b><br/>           Sakae Amano (D)<br/>           George W. T. Loo (D)         </p> <p> <b>Fourteenth District—(Oahu)</b><br/>           Barney E. Menor (D)<br/>           Howard Y. Miyake (D)<br/>           Robert S. Taira (D)<br/>           T.C. Yim (D)         </p> <p> <b>Fifteenth District—(Oahu)</b><br/>           Clarence Y. Akizaki (D)<br/>           Dorothy L. Devereux (R)<br/>           Eureka B. Forbes (R)<br/>           Katsugo Miho (R)<br/>           Percy K. Mirikitani (R)<br/>           James Y. Shigemura (D)         </p> <p> <b>Sixteenth District—(Oahu)</b><br/>           Tadao Beppu (D)<br/>           John W. Goemans (D)<br/>           Ted T. Morioka (D)<br/>           Keo Nakama (D)         </p> <p> <b>Seventeenth District—(Oahu)</b><br/>           Webley E. Edwards (R)<br/>           Frank C. Judd (R)<br/>           Thomas K. Lalakea (R)<br/>           Fred W. Rohlfing (R)         </p> <p> <b>Eighteenth District—(Kauai)</b><br/>           Manuel S. Henriques (D)<br/>           Tony T. Kunimura (D)<br/>           George H. Toyofuku (D)         </p> |
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**Session Laws Of Hawaii**  
**Passed By The**  
**Third State Legislature**  
**Regular Session**  
**1966**

**ACT 1**

A Bill for an Act Relating to the Legislature and the Legislative Auditor and Making Appropriations for Stated Periods.

*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 \$405,000, or so much thereof as may be necessary, for defraying the pre-session, interim session and other expenses of the Senate for the Budget Session of 1966, Third State Legislature of the State of Hawaii, and for the period up to and including February 14, 1967.

SECTION 2. There is hereby appropriated from the general funds of the State the sum of \$585,000, or so much thereof as may be necessary, for defraying the pre-session, interim session and other expenses of the House of Representatives for the Budget Session of 1966, Third State Legislature of the State of Hawaii, and for the period up to and including February 14, 1967.

SECTION 3. Any unencumbered balance of the appropriations provided for in sections 1 and 2 remaining at the close of the Budget Session of 1966 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 General Session of 1967. 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 15, 1967, 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 15, 1967.

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 2-20 of the Revised Laws of 1955, as amended, and authorized by the Presi-

ACT 2

dent of the Senate or the Speaker of the House of Representatives, respectively.

**SECTION 6.** In accordance with the provisions of section 2-39, Revised Laws of Hawaii 1955, as amended, there is hereby appropriated from the general funds of the State, the sum of \$275,000, or so much thereof as may be necessary, for defraying the expenses of the office of the auditor during the fiscal year 1966-67.

**SECTION 7.** Section 1 of Act 230, Session Laws of Hawaii 1965, is hereby amended by deleting the parentheses and number five, "(5)", appearing in the first sentence thereof and by deleting the last sentence thereof.

**SECTION 8.** Each section of this Act is hereby declared to be severable from the remainder of this Act.

**SECTION 9.** This Act shall take effect upon its approval.  
(Approved February 24, 1966.) **S.B. 3.**

**ACT 2**

**A Bill for an Act Making an Appropriation for the Planning, Construction and Furnishings for Portable Classrooms and Portable Toilet Units.**

*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 \$4,815,000, or so much thereof as may be necessary, for the planning, construction and furnishings for portable classrooms and portable toilet units to be used to meet increased student enrollment expected for the school year beginning in 1966.

**SECTION 2.** The sum hereby appropriated shall be expended for the purpose herein specified by the department of education.

**SECTION 3.** This Act shall take effect upon its approval.  
(Approved March 7, 1966.) **H.B. 3.**

**ACT 3**

**A Bill for an Act Making an Appropriation for the Planning, Construction and Furnishings for Temporary and Semi-Permanent Buildings for the University of Hawaii.**

*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 \$378,000, or so much thereof as may be necessary, for the planning, construction and furnishings for temporary and semi-permanent buildings to provide interim classrooms, laboratories and offices for the school year beginning in 1966.

**SECTION 2.** The sum hereby appropriated shall be expended for the purposes herein specified by the University of Hawaii.

**SECTION 3.** This Act shall take effect upon its approval.  
(Approved March 10, 1966.) **H.B. 4.**

#### **ACT 4**

A Bill for an Act Making an Appropriation for the Purchase and Installation of Air Conditioning Equipment in the Keelikolani Building Annex for Use by the Department of Labor and Industrial Relations for Employment Security Programs.

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

**SECTION 1.** There is hereby appropriated out of funds made available to this State under section 903 of the Social Security Act, as amended, the sum of \$60,000, or so much thereof as may be necessary, to be used under the direction of the director of labor and industrial relations for the purpose of purchasing and installing air conditioning equipment in the Keelikolani Building Annex, said building having been erected with funds made available under section 903 of the Social Security Act and Act 221, Session Laws of Hawaii 1959 (Regular Session), for use by the department of labor and industrial relations for employment security programs.

**SECTION 2.** The money hereby appropriated shall be requisitioned as needed by the director of labor and industrial relations from the unemployment trust fund maintained by the Secretary of the Treasury of the United States and deposited in the employment security administration fund in accordance with the provisions of section 93-122, Revised Laws of Hawaii 1955, as amended, but shall remain a part of the unemployment compensation fund until expended.

**SECTION 3.** No part of the money hereby appropriated may be obligated after the expiration of the two-year period beginning with the date of enactment of this Act.

**SECTION 4.** The amount obligated pursuant to this Act during any 12-month period beginning on July 1 and ending on the next June 30 shall not exceed the amount by which (a) the aggregate of the amounts credited to the account of this State pursuant to section 903 of the Social Security Act, as amended, during such 12-month period and the nine preceding 12-month periods exceeds (b) the aggregate of the amounts obligated for administration and paid out for benefits and charged against the amounts credited to the account of this State during such ten 12-month periods.

**SECTION 5.** This Act shall take effect upon its approval.  
(Approved March 23, 1966.) **H.B. 218.**

#### **ACT 5**

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. This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of the facts constituting such urgency:

Section 903 of the Social Security Act, as amended, makes funds collected under the Federal Unemployment Tax Act available for administration of state employment security programs. Such funds are often referred to as "Reed Act funds."

The Reed Act funds may be used for payments of expenses incurred for the administration of state employment security programs but only pursuant to a specific appropriation by the legislature and under certain conditions as set forth in section 2 of this Act.

In 1957 and 1959 the legislature appropriated Reed Act funds which were used to construct the Keelikolani building annex which is presently being used by the department of labor and industrial relations for employment security programs.

There is presently credited to the State of Hawaii an approximate sum of \$65,000 in Reed Act funds. This sum will be unavailable for payments of administrative expenses after June 30, 1966 unless sooner appropriated.

A bill to appropriate Reed Act funds for the purpose of purchasing and installing air conditioning equipment in the Keelikolani building annex has been introduced in this legislature.

The purpose of this Act is to make certain technical amendments to the Hawaii employment security law to conform with federal requirements so that appropriated Reed Act funds may be requisitioned and used for the purpose stated in the appropriation bill.

It is, therefore, urgent and necessary that this enabling measure be adopted in this session.

SECTION 2. Subsection (b) of section 93-122, Revised Laws of Hawaii 1955, as amended, is hereby further amended to read:

"(b) Administrative use. Moneys credited to the account of this State in the unemployment trust fund by the secretary of the treasury of the United States pursuant to section 903 of the Social Security Act, as amended, may be requisitioned and used for the payment of expenses incurred for the administration of this chapter pursuant to a specific appropriation by the legislature, provided that the expenses are incurred and the money is requisitioned after the enactment of an appropriation law which: (1) specifies the purposes for which such moneys are appropriated and the amounts appropriated therefor, (2) limits the period within which such moneys may be obligated to a period ending not more than two years after the date of the enactment of the appropriation law, and (3) limits the amount which may be obligated during a 12-month period beginning on July 1 and ending on the next June 30 to an amount which does not exceed the amount by which (i) the aggregate of the amounts credited to the account of this State pursuant to section 903 of the Social Security Act, as amended, during the same 12-month period and the nine preceding 12-month periods exceeds (ii) the aggregate of the amounts obligated

pursuant to this subsection and charged against the amounts credited to the account of this State during such ten 12-month periods. For the purposes of this subsection, amounts which are obligated for administration or paid out for benefits shall be charged against equivalent amounts which were first credited and which are not already so charged; except that no amount obligated for administration during a 12-month period specified herein may be charged against any amount credited during such 12-month period earlier than the ninth preceding such period.

"Moneys credited to the account of this State pursuant to section 903 of the Social Security Act, as amended, may not be withdrawn or used except for the payment of benefits and for the payment of expenses for the administration of this chapter pursuant to this subsection.

"Moneys appropriated for the payment of expenses of administration pursuant to this subsection shall be requisitioned as needed for the payment of obligations incurred under the law appropriating such moneys and, upon requisition, shall be deposited in the employment security administration fund from which such payments shall be made. Moneys so deposited shall, until expended, remain a part of the unemployment compensation fund and, if it will not be expended within one week after it is withdrawn from the unemployment trust fund, shall be returned at the earliest practical date to the secretary of the treasury of the United States for credit to this State's account in the unemployment trust fund."

**SECTION 3.** This Act shall take effect upon its approval.  
(Approved March 28, 1966.) **H.B. 219.**

## ACT 6

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

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

**SECTION 1.** This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of the facts constituting such urgency:

The Hawaii workmen's compensation law now provides compensation for permanent partial disability in the maximum sum of \$35,100. The maximum payable for the death of an employee, however, is still \$25,000 in most cases. In effect, an employer or his insurance carrier may be liable for the payment of \$35,100 for the loss of an arm but would be liable for the payment of \$25,000 for the death in some cases. It is only fair and reasonable that the dependents of a worker be paid at least the amount payable as the maximum in cases of permanent partial disability. It is necessary and urgent that this inequity be corrected by amending the workmen's compensation law to provide a maximum of \$35,100 in all death cases.



ACT 7

SECTION 2. Section 97-42, Revised Laws of Hawaii 1955, as amended, is hereby further amended by deleting from subsection (b) thereof the figure "\$25,000" and substituting therefor the figure "\$35,100."

SECTION 3. This Act shall take effect upon its approval.  
(Approved March 28, 1966.) H.B. 306.

ACT 7

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

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

SECTION 1. This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii:

The following is a statement of the facts constituting such urgency:

1. Section 97-110 of the Hawaii workmen's compensation law requires employers to file reports of all injuries soon after they occur. It also requires employers to file interim and final reports of all injuries with the director. These reports facilitate the investigation of workmen's compensation cases by the director and help assure that all injured employees will receive benefits granted them by the law. Injured employees, however, are not informed in any way of the progress of their cases and often neglect to prosecute their claims because of such lack of information. This situation must be corrected by requiring that all injured employees be sent copies of reports filed with the director.

2. Section 97-111 requires the filing of reports of any treatment or service rendered injured employees by physicians, surgeons, and hospitals within thirty days after being requested by employers and the director. It also requires employers to furnish copies of all medical reports to injured employees or their representatives within thirty days after being requested to do so. Experience has indicated that the thirty day periods above are too long and unduly delay the processing of cases. In order to assure the expeditious processing of cases, the foregoing periods should be shortened to fifteen day periods.

It is necessary and urgent that the workmen's compensation law be amended as proposed above so that injured employees will be assured of their rightful benefits under the law.

SECTION 2. Section 97-110 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding thereto a new paragraph to read as follows:

"Copies of all reports, other than those of fatal injuries, filed with the director as required by this section shall be sent to the injured employee by the employer."

SECTION 3. Section 97-111 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by deleting the word "thirty" wherever it appears and substituting therefor, the word "fifteen".

**SECTION 4.** This Act shall take effect upon its approval.  
(Approved March 28, 1966.) **H.B. 320.**

## ACT 8

**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, 1967.**

*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 revenue and the expenditures from other sources of revenues designated herein are hereby approved for the fiscal period beginning July 1, 1966 and ending June 30, 1967:

### EDUCATION

EDUCATION, DEPARTMENT OF	74,768,865(9353.24)
Total Requirement	96,686,833(10046.09)
Less:	
Estimated Federal Funds:	
PL 89-10, Elementary & Secondary Education Act of 1965	3,433,345
PL 874, Defense Areas	6,500,000
PL 864, Title III	364,000
PL 864, Title V	93,821
PL 864, Title X	50,000
PL 87-415, MDTA	597,467(2)
PL 85-606, Civil Defense	33,475(2)
PL 85-926, Handicapped Children	53,845
Vocational Education	119,064(11)
Veterans Training	8,595(1)
PL 88-269, Libraries	168,658(6.5)
Vocational Rehabilitation	980,253(15.4)
OASI	120,796(8.45)
PL 88-210, Vocational Education	455,725
PL 88-452, Adult Basic Education	202,710
PL 88-452, Community Action	640,521
PL 88-452, NYC	237,931
Special Funds:	
School Lunch and Milk Subsidy	855,000
School Lunch Revenues	6,737,675(629.5)
Adult Education	81,736(1)
Lahainaluna Farm Sales	30,000
Distributive Education	500
Bond Funds	152,851(16)
Net Appropriation	74,768,865(9353.24)

Provided, 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 1967-1968 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, 1967.

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 if a sum less than \$6,500,000 is provided by Congress under the provisions of Public Law 874, or any other public law which amends or supersedes Public Law 874, then the difference between \$6,500,000 and the sum so provided is hereby appropriated; and provided further, that if a sum greater than \$6,500,000 is provided, then this appropriation shall be reduced to the extent the estimated sum of \$6,500,000 is exceeded for the fiscal year 1966-1967.

Provided further, that if a sum less than \$507,821 is provided by Congress under the provisions of Public Law 864 or any other public law which amends or supersedes Public Law 864, then the difference between \$507,821 and the sum so provided is hereby appropriated; and provided further, that if a sum greater than \$507,821 is provided, then this appropriation shall be reduced to the extent the estimated sum of \$507,821 is exceeded for the fiscal year 1966-1967.

Provided further, that the quarterly allotments for custodial services and student transportation be advanced in cash to the respective counties to be expended in accordance with the adopted budget.

<b>UNIVERSITY OF HAWAII</b>	28,259,166(2454)
Total Requirements	34,929,685(2661.7)
Less Estimated:	
Federal Funds:	
Morrill Act Income	225,000
Morrill-Nelson Bankhead Jones	215,000
National Defense Education Act	69,999(6.13)
Technical Interchange Program (EWC)	31,078(3)
Military Commutation	41,000
Water Resources Research Act	87,500
Hatch Act	319,180(33.44)
McIntire-Stennis Forestry Act	31,055(1.5)
Cooperative Regional Research	87,947
Regional Research Travel	8,740
Smith Lever Act	335,669(39.14)
Rural Civil Defense Fund	15,000
Agricultural Marketing	18,000
Smith Hughes-George Barden	63,566
Public Law 864, National Defense Education Act,	
Title VIII	79,214
Public Law 88-210, Vocational Education Act of 1963	290,310
Special Funds:	
Summer Session	901,618(6.25)
College of General Studies	618,951(18)
Advanced Management	76,988(1)
Small Business Management	26,800
General Activities	420,992(7)
Community Colleges, School Lunch	16,884
Auxiliary Enterprises	2,690,028(92.24)
Net Appropriation	28,259,166(2454)

Provided, 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 1967-1968 in an amount up to 50 percent of the total number of work-load increase board of regent instructional positions authorized by this Act; provided further, that appointments made under this authorization shall not become effective prior to July 1, 1967.

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, 1966 to June 30, 1967 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 if federal funds in the amounts designated under the Morrill-Nelson, Bankhead-Jones Act, Hatch Act, and Smith-Lever Act, are not received, then the difference between the amounts designated and the amount received is hereby appropriated.

#### DEVELOPMENT AND NATURAL RESOURCES

AGRICULTURE, DEPARTMENT OF	2,436,119(206)
General Administration	
Net Appropriation	207,361(21)
Planning and Coordination	
Net Appropriation	35,539(3)
Marketing and Economics	
Administration	37,539(5)
Commodities	319,221(24.62)
Crop and Livestock Reporting Service	94,218(9)
Market News Service	35,602(4)
Weights and Measures	118,930(14)
Total Requirements	595,510(56.62)
Less Estimated:	
Federal Funds	13,500
Coffee Inspection Fees	15,000
Net Appropriation	567,010(56.62)
Animal Industry	
Administration	45,932(5)
Livestock Disease Control	164,829(9.5)
Veterinary Laboratory	107,912(9)
Inspection and Quarantine	272,155(25)
Meat Inspection	241,474(22.5)
Meat Grading	18,000
Total Requirements	850,302(71)
Less Estimated:	
Special Funds	7,400
Net Appropriation	842,902(71)
Plant Industry	
Administration	43,908(5)
Plant Quarantine Inspection	253,328(28.75)
Entomology	164,424(16)
Weed, Seed and Herbicide	59,047(4.63)
Hawaii Soil and Water Conservation	2,600
Net Appropriation	523,307(54.38)
Farm Loan	
Administration	97,207(7)
Farm Loan Fund	1,100,000
Total Requirements	1,197,207(7)
Less Estimated:	
Farm Loan Reserve Fund	97,207(7)
Farm Loan Revolving Fund	850,000
Net Appropriation	250,000

Provided, that in the commodities program, the sum of \$26,273 provided for the Kona coffee inspection shall be contingent on industry meeting not less than one-half of the total inspectional cost through the assessment of coffee inspection fee.

LAND AND NATURAL RESOURCES, DEPARTMENT OF	3,157,326(318.5)
Departmental Administration	
Net Appropriation	254,346(26)

ACT 8

Conveyances		
Net Appropriation		317,808(41)
Fish and Game		
Administration		173,982(5)
Enforcement		243,560(25)
Fisheries, Research and Management		219,958(15)
Wildlife, Research and Management		194,614(20)
Total Requirements		832,114(65)
Less Estimated:		
Special Funds		79,274
Federal Funds		201,611(1)
Net Appropriation		551,229(64)
Forestry		
Administration		86,252(8)
Research		78,277(2)
Forestry Management		734,678(69)
Total Requirements		899,207(79)
Less Estimated:		
Federal Funds		80,000(1)
Net Appropriation		819,207(78)
Land Management		
Net Appropriation		285,350(30.5)
State Parks		
Net Appropriation		402,393(62)
Water and Land Development		
Administration		
Net Appropriation		60,712(6)
Water Resources Survey		
Total Requirements		600,401(5)
Less Estimated:		
Federal Funds:		
Hydrography		201,000
Water Resources Planning		50,691
Special Fund—Hydrography		12,900
Net Appropriation		335,810(5)
Flood Control		
Net Appropriation		37,107(3)
Project Development		
Net Appropriation		36,113(3)
Supplementation to Irrigation Revolving Fund		
Waimanalo Irrigation System		79,066(9)
Waimea Irrigation System		24,185(3)
Molokai Irrigation System		13,683(2)
Total Requirements		116,934(14)
Less Estimated:		
Special Funds		59,683(14)
Net Appropriation		57,251
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 \$59,683 for the fiscal year 1966-1967.		
Provided further, that the governor may expend the sum appropriated herein for state parks maintenance purposes by entering into contracts with the several counties.		
PLANNING AND ECONOMIC DEVELOPMENT, DEPARTMENT OF		2,806,329(63)
Planning and Economic Development Service		
Net Appropriation		583,022(49)
Foreign Trade and Pacific Affairs		
Net Appropriation		121,733(6)
Hawaii Capital Loan Program		
Total Requirements		492,000
Less Estimated:		
Revolving Fund		42,000

Net Appropriation	450,000
Industry and Product Promotion	
Net Appropriation	100,000
Tourism Promotion	
Net Appropriation	1,372,830
Neighbor Island Economic Development	
Net Appropriation	37,500
Land Use Commission	
Net Appropriation	50,144(4)
Commission on Manpower and Full Employment	
Net Appropriation	40,000(2)
State Program for the Promotion of Research and Development and Science Related Industries	
Net Appropriation	51,100(2)

Provided, that in the neighbor island economic development program, the sum of \$12,500 shall be considered a direct grant and 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 or services.

Provided further, 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.

Provided further, 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 \$1,372,830 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.

Provided further, that in the industry and product promotion program, the sum of \$34,500, or so much of it as may be required, shall be made available to match up to one-third of the total requirement, other public and private funds for the specific purpose of engaging a mainland industrial consulting firm to develop and execute an industrial development action program, as authorized under chapter 28A-6 of the Revised Laws of Hawaii, as amended; and provided further, that such program emphasizes specific identification of potential industrial prospects for the State of Hawaii as well as a one year effort of follow-through with specific companies and investors most likely to be interested in the industrial prospects so identified.

Provided further, that an amount not in excess of \$15,000 may be used for the position of state planning coordinator which position shall be exempt from the provisions of chapters 3 and 4, RLH 1955, as amended.

TRANSPORTATION, DEPARTMENT OF	269,968(17.25)
General Administration	
Total Requirements	762,315(51)
Less Estimated:	
Special Funds:	
Airports	195,934
Harbors	130,621
Highways	326,555
Construction Funds	109,205
Net Appropriation	<hr/>
Airports	
Administration	2,383,875(23)
Operations and Maintenance	3,054,886(202.5)
Total Requirements	5,438,761(225.5)
Less Estimated:	
Special Funds:	
Airports	5,379,193(225.5)
Harbors	59,568
Net Appropriation	<hr/>

ACT 8

**Harbors**

Administration	1,338,520(27.5)
Operations and Maintenance	1,631,183(122)
Honolulu Fireboat Operation	279,672
Small Boat Harbors	269,968(17.25)
Total Requirements	3,519,343(166.75)
Less Estimated:	
Special Fund—Harbors	3,249,375(149.5)
Net Appropriation	269,968(17.25)

**Highways**

Administration	5,033,713(31)
Operations and Maintenance	4,284,485(331)
Total Requirements	9,318,198(362)
Less Estimated:	
Special Fund—Highways	9,318,198(362)
Net Appropriation	

Provided, that in addition to the amounts appropriated for the airports division by this section, there is hereby appropriated, for the same purposes as provided by Act 99, SLH 1965, a sum equivalent to the amount of the unexpended appropriation of Act 99, SLH 1965, for this division as of June 30, 1966. This sum shall be expended out of that portion of the airport use charge paid to the State by the airlines under protest for landings made during fiscal year 1965-1966 and held in the litigated claims fund pursuant to section 34-24, RLH 1955, as amended.

Provided further, 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, and provided further, that such employees shall be entitled to participate in any employee benefit program or privileges.

Provided further, that in the Honolulu fireboat operation, the sum of \$47,127 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 the governor may expend the sum appropriated herein for highway maintenance purposes by entering into contracts with the several counties.

**HEALTH, PROTECTIVE AND SOCIAL SERVICES**

**DEFENSE, DEPARTMENT OF**

Civil Defense	1,021,671(118)
Total Requirements	262,117(15)
Less Estimated:	
Appropriated Receipts	121,191
Net Appropriation	140,926(15)
Command and Administration	
Net Appropriation	406,844(41)
Maintenance and Operations	
Total Requirements	538,901(62)
Less Estimated:	
Appropriated Receipts	65,000
Net Appropriation	473,901(62)

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**

General Administration	12,140,746(1506.4)
Departmental Administration	434,344(37)
Health Education	81,343(9)

Research, Planning and Statistics	209,802(27)
Total Requirements	725,489(73)
Less Estimated:	
Appropriated Receipts	62,993(9)
Net Appropriation	662,496(64)
District Health Offices	
Total Requirements	279,709(38.5)
Less Estimated:	
Appropriated Receipts	18,312(3)
Net Appropriation	261,397(35.5)
Children's Health Services	
Administration	99,001(9)
Crippled Children	586,106(36)
Maternal and Child Health	125,212(7)
Maternity and Infant Care Projects	363,208(25.5)
Total Requirements	1,173,527(77.5)
Less Estimated:	
Appropriated Receipts	525,269(43.0)
Net Appropriation	648,258(34.5)
Communicable Disease	
Administration	87,897(7)
Epidemiology	90,804(4)
Tuberculosis Control	255,855(26)
Hansen's Disease:	
Hale Mohalu Hospital	470,299(48)
Kalaupapa Settlement	958,413(59)
Total Requirements	1,863,268(144)
Less Estimated:	
Appropriated Receipts	1,200,000
Special Fund	103,000
Net Appropriation	560,268(144)
Dental Health	
Total Requirements	335,178(47)
Less Estimated:	
Appropriated Receipts	12,500(1)
Net Appropriation	322,678(46)
Environmental Health	
Administration	30,676(2)
Food and Drug	74,035(8)
Health Engineering	157,580(15)
Sanitation	490,009(55)
Mosquito Control	275,493(35)
Rodent Control	319,154(49)
Total Requirements	1,346,947(164)
Less Estimated:	
Appropriated Receipts	16,500(1)
Special Funds	9,892(1)
Trust Fund	6,000
Net Appropriation	1,314,555(162)
Medical Health Services	
Administration	24,620(2)
Chronic Disease	90,685(7)
Hospital and Medical Facilities	114,555(12)
Laboratory Services	281,084(31)
Nutrition	43,859(5)
Public Health Nursing	862,299(114)
Total Requirements	1,417,102(171)
Less Estimated:	
Appropriated Receipts	257,193(31)
Net Appropriation	1,159,909(140)
Mental Health	
Administration	33,843(2)
Prevention and Clinical Services	1,106,799(88.5)



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Hawaii State Hospital:	
Administration	164,891 (24)
Clinical Services	661,485 (56)
Nursing Services	1,490,603 (254)
Maintenance and Operations	413,420 (43)
Support and Subsistence	688,856 (66)
Total Requirements	4,559,897 (533.5)
Less Estimated:	
Appropriated Receipts	39,944 (4)
Net Appropriation	4,519,953 (529.5)
Waimano Training School and Hospital	
Administration	31,997 (2.4)
Extramural Activities	103,302 (3)
Medical and Hospital Services	573,086 (88.5)
Social Services and Placement	102,890 (13)
Training	97,919 (14)
Institution Facilities Administration	78,483 (9)
Cottage Life	865,613 (158)
Food Service	390,487 (29)
Maintenance and Production	422,580 (33)
Sewing Services	34,038 (2)
Total Requirements	2,700,395 (351.9)
Less Estimated:	
Appropriated Receipts	9,163 (1)
Net Appropriation	2,691,232 (350.9)
Research Projects	
Total Requirements	897,727
Less Estimated:	
Appropriated Receipts	897,117
Special Funds	610
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 the fiscal year 1966-1967.

Provided further, that the appropriation for Hawaii state hospital is intended for an average daily inpatient population of 800.

Provided further, that at the Hawaii state hospital up to a total of three farm, and/or kitchen helper positions may be converted to groundskeeper and janitor positions and be retained as authorized positions.

Provided further, that the appropriation for Waimano training school and hospital is intended for an average daily ward population of 860.

ACT 97—HEALTH FUNCTIONS	5,700,850 (1238.79)
Maluhia Hospital	
Net Appropriation	2,178,774 (282)
Hilo Hospital	
Total Requirements	2,727,816 (366.29)
Less Estimated:	
Hospital Receipts	1,803,304
Net Appropriation	924,512 (366.29)
Honokaa Hospital	
Net Appropriation	266,283 (33)
Kohala Hospital	
Net Appropriation	218,888 (31)
Kona Hospital	
Net Appropriation	289,660 (36)
Kula Sanatorium and General Hospital	
Total Requirements	1,131,901 (154)
Less Estimated:	
Hospital Receipts	489,225

Net Appropriation	642,676(154)
Maui Memorial Hospital	
Total Requirements	1,494,528(191.5)
Less Estimated:	
Hospital Receipts	1,060,000
Net Appropriation	434,528(191.5)
Hana Medical Center	
Total Requirements	61,469(4)
Less Estimated:	
Hospital Receipts	20,000
Net Appropriation	41,469(4)
Kauai Veterans Memorial Hospital	
Total Requirements	381,901(44)
Less Estimated:	
Hospital Receipts	335,000
Net Appropriation	46,901(44)
Samuel Mahelona Memorial Hospital	
Total Requirements	667,659(97)
Less Estimated:	
Hospital Receipts	15,800
Net Appropriation	651,859(97)
Miscellaneous Services	
Net Appropriation	5,300
Provided, that the appropriation for hospitals operating under special funds is a supplement to the estimated receipts for the operation and maintenance of such hospitals for fiscal year 1966-1967; provided further, that the appropriation shall be reduced to the extent that the actual receipts and recoveries less expenditures shall exceed the estimated sums approved for these hospitals.	
Provided further, that the appropriations for hospitals covered under Act 97, Session Laws of Hawaii 1965, are intended for the following average daily inpatient population: Maluhia (143); Hilo (286); Honokaa (30); Kohala (8); Kona (25); Kula (156); Maui Memorial (84); Hana (1); Kauai Veterans (24); and Mahelona (85).	
JUDICIAL BRANCH	5,132,780(460)
Supreme Court	
Supreme Court Proper	266,886(19)
Administrative Director	221,278(7)
State Law Library System	97,683(5)
Publication of Hawaii Reports	12,750
Bar Examination	1,000
District Court of Kalawao	250
Revisor of Statutes	51,845(4)
Total Requirements	651,692(35)
Less Estimated:	
Special Funds	1,000
Net Appropriation	650,692(35)
Land Court	
Net Appropriation	36,396(3)
First Circuit Court	
First Circuit Court Proper	956,344(94)
Adult Probation	144,581(18)
Family Court	863,679(80)
Jury Trial Expenses	348,342
Juvenile Detention Home	221,982(31)
Net Appropriation	2,534,928(223)
Second Circuit Court	
Second Circuit Court Proper	122,370(11)
Jury Trial Expenses	13,900
Probation Operations	146,000(17.5)
Net Appropriation	282,270(28.5)
Third Circuit Court	
Third Circuit Court Proper	189,721(17)

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Jury Trial Expenses	31,950
Probation Operations	145,684 (16)
Net Appropriation	367,355 (33)
Fifth Circuit Court	
Fifth Circuit Court Proper	103,575 (9)
Jury Trial Expenses	8,519
Probation Operations	55,113 (5)
Net Appropriation	167,207 (14)
District Courts	
District Courts of Honolulu	
Judicial Services	315,774 (32)
Traffic Violations Bureau	391,529 (39)
Rural District Courts	164,731 (23)
District Courts of Maui	82,348 (10.5)
District Courts of Hawaii	107,884 (12)
District Courts of Kauai	31,666 (7)
Net Appropriation	1,093,932 (123.5)

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 further, that from the appropriation for the family court, the sum of \$132,478 is to be used only for the purpose of placing delinquent wards in foster homes, including child care institutions.

Provided further, that the appropriation for the juvenile detention home is intended for an average daily ward population of 31 children.

Provided further, that from the appropriation for the traffic violations bureau, the sum of \$123,775 is to be used to process backlog of traffic citations, including process serving of delinquent citations.

Provided further, that from the appropriation for the office of the administrative director of courts the sum of \$100,000, or so much thereof as may be necessary, shall be used for rental payments to the counties for space occupied by the district courts.

LABOR AND INDUSTRIAL RELATIONS,  
DEPARTMENT OF

Administration	865,820 (86.7)
Net Appropriation	194,977 (20.3)
Computer Center	
Total Requirements	312,559 (23)
Less Estimated:	
Appropriated Receipts	170,086 (14.8)
Department of Taxation Requirements	100,443 (5.3)
Net Appropriation	42,030 (2.9)
Apprenticeship	
Net Appropriation	47,104 (5)
Labor Law Enforcement	
Net Appropriation	193,614 (21)
Workmen's Compensation	
Net Appropriation	171,741 (15)
Industrial Safety	
Net Appropriation	194,991 (21)
Hawaii Employment Relations Board	
Net Appropriation	21,363 (1.5)
Manpower Development & Training Act	
Total Requirements	474,500
Less Estimated:	
Appropriated Receipts	474,500
Net Appropriation	
Employment Security	
Total Requirements	1,680,144 (191.2)

Less Estimated:	
Appropriated Receipts	1,680,144 (191.2)
Net Appropriation	<u>                    </u>
<b>SOCIAL SERVICES, DEPARTMENT OF</b>	<b>15,985,642 (665.15)</b>
Departmental Administration	
Total Requirements	491,787 (56)
Less Estimated:	
Federal Funds	179,610 (2.67)
Net Appropriation	312,177 (53.33)
Parole and Pardon of Felons	
Net Appropriation	172,584 (18.5)
Public Housing	
Total Requirements	4,484,317 (219)
Less Estimated:	
Special Funds	4,484,317 (219)
Net Appropriation	<u>                    </u>
Corrections Division	
Administration	
Net Appropriation	79,046 (7)
Detention and Rehabilitation of Juvenile Offenders—	
Hawaii Youth Correctional Facility:	
Administration	37,217 (4)
Correctional Services	173,390 (23)
Correctional Care	295,992 (50)
Operations	147,964 (8)
Food Services	71,923 (3)
Net Appropriation	726,486 (88)
Detention and Rehabilitation of Juvenile Offenders—	
Molokai Boys Forestry Camp	
Net Appropriation	72,624 (10)
Juvenile Parole	
Net Appropriation	84,985 (7)
Custody and Rehabilitation of Felons—State Prison:	
Administration	38,860 (4)
Correctional Services	180,245 (22)
Correctional Care	712,923 (101)
Operations	218,506 (11)
Food Services	208,101 (6)
Correctional Industries	138,358 (6)
Total Requirements	1,496,993 (150)
Less Estimated:	
Special Funds	193,358 (6)
Net Appropriation	1,303,635 (144)
Custody and Rehabilitation of Felons—Kulani Honor Camp:	
Administration	26,209 (3)
Correctional Services	42,748 (4)
Correctional Care	145,992 (19)
Operations	281,129 (7)
Food Services	38,616 (1)
Net Appropriation	534,694 (34)
Custody and Rehabilitation of Felons—Olinda Honor Camp:	
Administration	19,245 (2)
Correctional Services	17,077 (2)
Correctional Care	73,412 (10)
Operations	151,032 (4)
Food Services	26,494 (1)
Gorse Control	16,120
Net Appropriation	303,310 (19)
Public Welfare Services	
Administration	299,007 (19)
Oahu Branch	1,430,386 (188.5)
Rehabilitation Services Branch	300,162 (20)
Hawaii Branch	295,903 (38.27)

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Maui Branch	185,169(23.25)
Kauai Branch	122,490(16.3)
Total Requirements	2,633,117(305.32)
Less Estimated:	
Appropriated Receipts	1,036,257(21)
Special Funds	130,867
Net Appropriation	1,465,993(284.32)
Economic Assistance	
Payments to Indigents and Medically Indigent:	
Aid to Aged, Blind and Disabled	
Aged	1,428,623
Blind	122,224
Disabled	2,671,733
Aid to Families with Dependent Children	8,746,909
Child Welfare Foster Care	753,983
General Assistance	1,640,472
Medical Assistance for the Aged	2,679,729
Medical Assistance for Others	309,979
Total Requirements	18,353,652
Less Estimated:	
Appropriated Receipts	7,632,469
Net Appropriation	10,721,183
Payments for Vocational Rehabilitation of the	
Visually Handicapped	
Total Requirements	77,000
Less Estimated:	
Appropriated Receipts	58,500
Special Fund—Donations	1,000
Net Appropriation	17,500
Payment for Disabled and Paraplegic Veterans	
Net Appropriation	11,425
Act 97—Burial of Indigents	
Net Appropriation	55,000
Act 97—Medical Payments for State and County Pensioners	
Net Appropriation	125,000

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 \$37,141 from the state prison program shall be used to transport and care for felons transferred to mainland penitentiaries.

Provided further, that the appropriation for the detention and rehabilitation of juvenile offenders program is intended for an average daily ward population of 129 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 413 felons.

Provided further, that the appropriation for the custody and rehabilitation of felons—Kulani 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 from the appropriation for the juvenile parole program, the sum of \$20,442 shall be used for purchasing foster home care and clothing for wards paroled from Hawaii youth correctional facility.

Provided further, that the sum of \$51,888 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—1,351 cases; aid to the blind—66 cases; aid to the disabled—1,069 cases; aid to families with de-

pendent children—3,370 cases; child welfare foster care—585 cases; general assistance—1,035 cases.

Provided further, that the appropriation for medical payments for indigents and medical indigents is intended for the following: inpatient care—5,881 patients for an average length of stay of 7.7 days per patient; chronic illness care—833 patients for an average length of stay of 185.0 days per patient; nursing home care—662 patients for an average length of stay of 210.0 days per patient; and outpatient care—20,149 patients for an average of 6 visits per patient.

## FINANCE, COMMERCE, AND STAFF DEPARTMENTS

ACCOUNTING AND GENERAL SERVICES, DEPARTMENT OF	3,283,231 (306)
Departmental Administration	
Net Appropriation	121,617 (11)
Insurance Management Program	
Administration	275
Commercial Insurance Purchase of Auto Fleet Coverage	45,000
Comprehensive Crime Coverage	32,000
State Insurance Fund	
Workmen's Compensation	250,000
Fire and Other Casualties	122,000
Total Requirements	449,275
Less Estimated:	
Special and Federal Funds	72,500
Net Appropriation	376,775
Internal Post-Audit	
Net Appropriation	116,534 (11)
Division of Accounting and Pre-Audit	
Accounting	118,780 (10)
Pre-Audit	102,398 (10)
Net Appropriation	221,178 (20)
Data Processing (Computer Center No. 1)	
Total Requirements	317,193 (26)
Less Estimated:	
Reimbursements	38,400
Net Appropriation	278,793 (26)
Public Archives Division	
Records Service	93,230 (12.75)
Records Management	53,338 (6.25)
Captain Cook Memorial	500
Total Requirements	147,068 (19)
Less Estimated:	
Special Funds	500
Net Appropriation	146,568 (19)
Division of Central Services	
Maintenance and Operation of Buildings and Grounds	1,200,033 (142)
Repairs and Alterations of Buildings	352,895 (19)
Central Messenger Service	21,277 (5)
Total Requirements	1,574,205 (166)
Less Estimated:	
Special Funds	79,585
Net Appropriation	1,494,620 (166)
Automotive Services Division	
Parking	128,173 (6.5)
Motor Pool	111,745 (8.5)
Total Requirements	239,918 (15)
Less Estimated:	
Special Funds	239,918 (15)
Net Appropriation	
Land Surveying	
Net Appropriation	293,217 (28)
Division of Public Works	

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Public Works Administration	
Net Appropriation	112,952(12)
Division of Purchasing and Supply	
Central Purchasing and Supply	91,735(12)
Inventory Management	8,742(1)
Federal Surplus Property	89,717(10)
State Surplus Property	9,841
Total Requirements	200,035(23)
Less Estimated:	
Federal Surplus Property Revolving Fund	89,717(10)
State Surplus Property Revolving Fund	9,841
Net Appropriation	100,477(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
<b>ACT 97 FUNCTIONS</b>	<b>5,855,247(270)</b>
Repairs and Maintenance of Schools and Hospitals	
Net Appropriation	5,711,825(266)
Auxiliary Services	
Workmen's Compensation	100,000
Net Appropriation	100,000
School Construction	
Total Requirements	262,616(25)
Less Estimated:	
Bond Funds	219,194(21)
Net Appropriation	43,422(4)
<p>Provided, that for the architectural and engineering services in the public works program, the ceiling for positions financed from project funds shall be 59.</p> <p>Provided further, that the quarterly allotments for repairs and maintenance of schools and hospitals be advanced in cash to the respective counties to be expended in accordance with the adopted budget.</p>	
<b>ATTORNEY GENERAL, DEPARTMENT OF THE</b>	<b>733,706(52)</b>
Attorney General's Office Proper	713,052(58)
Litigations	115,000
Total Requirements	828,052(58)
Less Estimated:	
Special Funds	162,288(14)
Net Appropriation	665,764(44)
Office of the Sheriff	
Net Appropriation	9,900(1)
Bureau of Crime Statistics	
Net Appropriation	7,734(1)
Bureau of Civil Identification	
Net Appropriation	32,334(4)
Commission of Subversive Activities	
Net Appropriation	17,974(2)
<b>BUDGET AND FINANCE, DEPARTMENT OF</b>	<b>34,931,320(111)</b>
Departmental Administration	
Net Appropriation	102,923(9)
Budget Division	
Budget Services	249,710(20)
Bonus to Pensioners	2,797,500
Net Appropriation	3,047,210(20)
Management Division	
Management Services	58,867(5)
Children and Youth	17,154(1)
Net Appropriation	76,021(6)

State-Wide Information System Division	
Net Appropriation	308,224(39)
Finance Division	
Cash and Debt Management	61,618(6)
Public Debt Service	43,531
Bonded Debt	18,986,772
Veterans' Loans	1,917,207(2)
Total Requirements	21,009,128(8)
Less Estimated:	
Special Funds	1,917,207(2)
Net Appropriation	19,091,921(6)
Employees' Retirement System	
Administration	251,935(22)
Contributions	9,597,281
Pensions	37,388
Total Requirements	9,886,604(22)
Less Estimated:	
Counties' Pro-rata Share	86,162
Net Appropriation	9,800,442(22)
Employees' Group Medical and Hospital Care	
Administration	77,114(6)
Contributions	2,761,536
Total Requirements	2,838,650(6)
Less Estimated:	
Premium Rebate Fund	391,961
Net Appropriation	2,446,689(6)
Commission on Aging	
Total Requirements	111,890(3)
Less Estimated:	
Federal Fund—Older Americans Act	54,000
Net Appropriation	57,890(3)
ACT 97 FUNCTIONS	1,183,000
Employees' Retirement System Contributions	
Net Appropriation	1,183,000
Provided, 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	735,359(21)
Governor's Office	
Net Appropriation	336,080(15)
Washington Place	
Net Appropriation	73,579(6)
Governor's Contingent Fund	
Net Appropriation	150,000
Hawaii Office of Economic Opportunity	
Net Appropriation	100,000
Western Interstate Commission for Higher Education	
Net Appropriation	73,200
Institute for Technical Exchange	
Net Appropriation	2,500
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; a detailed accounting of all expenditures to be submitted to the legislature 20 days prior to the next regular session of the legislature.	
LIEUTENANT GOVERNOR, OFFICE OF THE	477,209(11)
Lieutenant Governor's Office	
Net Appropriation	146,114(11)
Elections Administration	
Net Appropriation	331,095



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Provided, that the appropriation for the lieutenant governor's office shall be expended at the discretion of the lieutenant governor.

PERSONNEL SERVICES, DEPARTMENT OF	452,835(44)
Personnel Services	
Net Appropriation	449,218(44)
Appeal Board	
Net Appropriation	3,617
REGULATORY AGENCIES, DEPARTMENT OF	1,127,519(112)
Administration	
Net Appropriation	128,153(13)
Bank Examination	
Net Appropriation	154,838(15)
Business Registration	
Net Appropriation	58,468(7)
Fire Marshal	
Net Appropriation	37,783(3)
Insurance Division	
Net Appropriation	106,774(12)
Regulatory Boards and Commissions	
Net Appropriation	27,770
Professional and Vocational Licensing	
Net Appropriation	293,432(32)
Public Utilities Commission	
Net Appropriation	320,301(30)
TAXATION, DEPARTMENT OF	3,239,950(346)
Headquarters Administration	
Net Appropriation	519,466(46)
Property Technical	
Net Appropriation	237,737(29)
Data Processing	
Net Appropriation	202,613(11)
Field Administration	
Net Appropriation	178,697(13)
Property Assessment	
Net Appropriation	569,270(68)
Income Assessment and Audit	
Net Appropriation	1,114,348(124)
Collection	
Net Appropriation	405,819(55)
Tax Appeals	
Board of Review	5,500
Tax Appeal Court	6,500
Net Appropriation	12,000
SUBSIDIES TO COUNTIES AND PRIVATE AGENCIES	1,882,613(101)
LEAHI HOSPITAL	
Total Requirements	1,710,008(101)
Less Estimated:	
Hospital Receipts	86,526
Net Appropriation	1,623,482(101)

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 \$86,526 for the fiscal year 1966-1967. 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 no vacancies may be filled by Leahi Hospital without having first received the approval of the director of finance.

<b>PRIVATE HOSPITAL SUBSIDIES</b>	188,681
Provided, that the subsidies for private hospitals shall be disbursed by the department of health. In determining the needs of the various hospitals within each county, the department may consider the reports rendered to the legislature by the legislative auditor and the legislative reference bureau.	
<b>STRONG-CARTER DENTAL CLINIC</b>	
Net Appropriation	5,000
<b>LUNALILO HOME</b>	
Net Appropriation	35,000
<b>VETERANS CEMETERIES</b>	
Island of Hawaii	7,500
Island of Kauai	7,500
Island of Maui	7,500
Island of Molokai	3,750
Net Appropriation	26,250
<b>PACIFIC WAR MEMORIAL COMMISSION</b>	
Net Appropriation	4,200

**SECTION 2.** The sum of \$297,642(28) 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.

In addition to the sum approved in the previous paragraph, 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 deposit into a special revolving account within the Hawaiian home-loan fund established pursuant to the provisions of Act 4, Session Laws of Hawaii 1965.

**SECTION 3.** The sum of \$175,128 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 4.** The sum of \$206,000 of east-west center 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 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. In the event the actual amount of east-west center direct support funds for the fiscal year 1966-1967 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 5.** 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 monies 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 1966-67 fall under the amount of \$494,000 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 1966-1967 exceeds the amount of \$494,000 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 6. 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.

SECTION 7. 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 8. The governor is hereby authorized to review such positions as are authorized under this Act and to find and declare such 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 position 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, provided, however, that such position be eliminated by normal attrition.

SECTION 9. 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 of 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, 1966 to June 30, 1967. 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 10.** For the fiscal year 1966-1967, 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.

The department of education and the University of Hawaii are hereby authorized to expend from their special funds any receipts in excess of the amount specified in section 1 if such expenditures are approved by the governor, or if so delegated, by the director of finance. Position counts specified for these special funds may also be exceeded, with the approval of the governor, or the director of finance, if so delegated.

**SECTION 11.** 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 12.** The designations referring to divisions, bureaus, offices and other subdivisions of departments 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 13.** 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 14.** 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 15. Where the operation of a department of 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 16. The maximum number of positions authorized for the state government during the fiscal year 1966-1967 is the sum of the positions enclosed in parentheses 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.

SECTION 17. 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. This section shall not apply to the department of education and the University of Hawaii.

SECTION 18. 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 19. 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 20. There is hereby appropriated out of the general revenues of the State the sum of \$532,529, or so much thereof as may be necessary to the department of budget and finance to be used to cover the administrative cost of the counties for services rendered the State under contractual arrangement in connection with Act 97, Session Laws of Hawaii 1965.

SECTION 21. The office of economic opportunity may expend, with the approval of the governor, or if so delegated, the director of finance, a sum not to exceed \$350,000 over the amount appropriated to that office by section 1, and provided further, that such sums may also be utilized for the purpose of making necessary advances, subject to federal reimbursements, to implement authorized projects.

SECTION 22. The director of finance is hereby authorized to supplement the allotments of the public hospitals transferred to the State under Act 97, Session Laws of Hawaii 1965 by an amount which reflects the State's contribution for retirement, social security, workmen's compensation, unemployment compensation and other indirect costs or benefits, if he deems such allotment to be of benefit to the State in obtaining additional federal matching funds.

SECTION 23. 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 24. This Act shall take effect from and after July 1, 1966.

(Approved March 30, 1966.) **H.B. 199.**

## ACT 9

A Bill for an Act Amending Section 14A-29, Revised Laws of Hawaii 1955, as Amended, Relating to Temporary Boards and Commissions.

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

SECTION 1. This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of Section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of facts constituting such urgency:

The Second State Legislature in the Regular Session 1964 amended section 14A-29, Revised Laws of Hawaii 1955, as amended, by the enactment of Act 37 which established a temporary commission on higher education facilities to perform such functions as may be necessary with respect to receipt of federal grants-in-aid under the federal Higher Education Facilities Act of 1963. Said Act, which was passed by the 88th Congress of the United States, provides for a program of federal grants to public and private nonprofit institutions of higher education for the construction of academic facilities. Said Act also requires that any state desiring to participate in the grant designate

an existing state agency which is "broadly representative of the public and of institutions of higher education" in the State, or if no state agency exists, shall establish a state commission. The establishment of the higher education facilities commission through Act 37, Session Laws of Hawaii 1964, therefore, served to meet the requirement of the Higher Education Facilities Act of 1963.

The Higher Education Act of 1965, passed by the 89th Congress of the United States, provides for federal assistance in several aspects relating to higher education in the nation. Title VI-A of this Act authorizes grants to colleges and universities for teaching equipment and minor remodeling of undergraduate facilities. Also, funds are authorized for the purchase of television equipment and for minor remodeling, and for expenses associated with the administration of state plans. Further, the said Act provides that any state desiring to participate in the program shall designate for that purpose an existing state agency which is "broadly representative of the public and of institutions of higher education in the State," and if no such agency exists, the state may establish such an agency.

The existing higher education facilities commission of the State is deemed to meet the requirements of the Higher Education Act of 1965. However, the functions of the said commission, as legally prescribed at present, are restricted to grants available under the Higher Education Facilities Act of 1963. Therefore, the legislature deems it urgent to amend section 14A-29, Revised Laws of Hawaii 1955, as amended, in order to broaden the scope of functions of the commission and to ensure the participation of the State in the receipt of available funds under both the Higher Education Facilities Act of 1963 and the Higher Education Act of 1965, as well as under other applicable federal grants-in-aid programs for higher education that may be established in the future.

**SECTION 2.** The third paragraph of section 14A-29, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"There is hereby established a temporary commission on higher education to perform such functions as may be necessary with respect to receipt of federal grants-in-aid under the Higher Education Facilities Act of 1963, Title VI of the Higher Education Act of 1965, and any other federal legislation dealing with higher education that requires, as a condition of state participation in such grants, the designation of a state agency which is broadly representative of the public and of institutions of higher education in the State, when such functions may not be performed by an existing state agency. The commission shall consist of nine members and shall be broadly representative of the public and of institutions of higher education. The governor shall appoint the members of the commission, designate its chairman, and prescribe its organization, functions and authority. Confirmation of such appointments shall not be required and members shall serve at the pleasure of the governor. The commission shall not remain in existence beyond the period necessary to implement the program or programs under the federal legislation to which its functions are

related. All members of the commission 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. Such reimbursement and charges shall be made from the governor's contingency fund or from federal moneys, if permitted under the grant."

**SECTION 3.** This Act shall take effect upon its approval.  
(Approved April 4, 1966.) **H.B. 529.**

## ACT 10

A Bill for an Act Relating to Taxation of Conveyances, Creating a New Chapter 128A, Making an Appropriation from General Funds for the Implementation of Chapter 128A, and Providing for Refunds, Amending Section 115-28 of the Revised Laws of Hawaii 1955, as Amended.

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

**SECTION 1.** There is hereby added to the Revised Laws of Hawaii 1955, as amended, a new chapter 128A to read as follows:

### "CHAPTER 128A. CONVEYANCE TAX

**128A-1. Imposition of tax.** There is hereby imposed and shall be levied, collected, and paid, a tax as hereinafter provided, on all deeds, leases, subleases, assignments of lease, agreements of sale, assignments of agreement of sale, instruments, writings, and any other document, whereby any lands, interests in land, tenements, or other realty sold shall be granted, assigned, transferred or otherwise conveyed to, or vested in, the purchaser or purchasers, lessee or lessees, sublessee or sublessees, assignee or assignees, or any other person or persons, by his, her, or their direction.

**128A-2. Basis and rate of tax.** The tax herein shall be based on the actual and full consideration paid or to be paid, which shall include any liens or encumbrances thereon at the time of sale, lease, sublease, assignment, transfer, or conveyance, and shall be at the rate of  $\frac{1}{2}$  mill (.0005) per dollar of such actual and full consideration; provided, however, that in the case of a lease or sublease, the tax herein shall be based on the cash value of the lease rentals discounted to present day value and capitalized at the rate of 6%, plus the actual and full consideration paid or to be paid for any and all improvements, if any, which shall include on site as well as off site improvements, applicable to the leased premises; and provided further, that the tax imposed fo reach transaction shall be not less than \$1.

**128A-3 Exemptions.** The tax imposed by the provisions of 128A-1 shall not apply to:

(a) Any document or instrument which is recorded in the office of the registrar of conveyances or filed with the office of the assistant registrar of the land court prior to the effective date of this Act.



(b) Any document or instrument which is given to secure a debt or obligation.

(c) Any document or instrument which only confirms or corrects a deed, lease, sublease, assignment, transfer, or conveyance previously recorded or filed.

(d) Any document or instrument between husband and wife, or parent and child, in which only a nominal consideration is paid.

(e) Any document or instrument in which there is no consideration paid or to be paid.

(f) Any deed conveying real property which is executed pursuant to the provisions of an agreement of sale, and where applicable, any assignment of the agreement of sale, or assignments thereof; provided, however, that the taxes hereunder have been fully paid upon such agreement of sale, and where applicable, upon such assignment or assignments of agreements of sale.

(g) Any deed, lease, sublease, assignment of lease, agreement of sale, assignment of agreement of sale, instrument or writing in which the United States or any agency or instrumentality thereof or the State of Hawaii or any agency, instrumentality, or governmental or political subdivision thereof is the grantor, lessor, sublessor, assignor, transferor, seller, or conveyor, except as hereinafter provided in section 128A-4.

(h) Any document or instrument executed pursuant to a tax sale conducted by the United States or any agency or instrumentality thereof or the State of Hawaii or any agency, instrumentality, or governmental or political subdivision thereof for delinquent taxes or assessments.

(i) Any document or instrument executed pursuant to eminent domain proceedings by the United States or any agency or instrumentality thereof or the State of Hawaii or any agency, instrumentality, or governmental or political subdivision thereof.

**128A-4. Payment and liability of the tax.** (a) The tax imposed by this chapter shall be paid by the grantor, lessor, sublessor, assignor, transferor, seller, conveyor, or any other person or persons conveying realty, or any interest therein, by a document or instrument subject to the provisions of section 128A-1; except, however, in the case where the United States or any agency or instrumentality thereof or the State of Hawaii or any agency, instrumentality, or governmental or political subdivision thereof is the grantor, lessor, sublessor, assignor, transferor, seller, or conveyor, the tax shall be paid by the grantee, lessee, sublessee, assignee, transferee, purchaser, or conveyee, as the case may be.

(b) The tax imposed by this chapter shall be paid at such place or places as the director of taxation may direct and shall be paid no later than thirty days after the taxable transaction, and in any event prior to the imprinting of the seal or seals as provided by section 128A-5.

**128A-5. Imprinting of seal.** The tax shall be evidenced as paid by the imprinting of an appropriate seal or seals on the document or

instrument, which imprinting or seal itself shall indicate on its face the amount of the tax paid. The seal or seals shall be so imprinted no later than thirty days after the taxable transaction, and, in any event, prior to the recordation or filing of the document or instrument with the registrar of conveyances or the assistant registrar of the land court.

For the purposes of this chapter, the director of taxation may require that the documents or instruments be brought to any of the various offices of the department of taxation for an examination of the instrument or document, or for the purpose of having the seal imprinted on the document or instrument.

**128A-6. Affidavit required.** (a) All persons made parties to a document or instrument subject to the provisions of this chapter, or their authorized representatives, shall file, in the manner and place which the director of taxation shall prescribe, a duly notarized and executed affidavit or affidavits declaring the actual and full consideration of the property transferred, including thereon any lien or encumbrance on the property. The affidavit or affidavits shall be appended to the document or instrument made subject to the provisions of this chapter and shall be filed with the director of taxation simultaneously with the aforementioned document or instrument for the imprinting of the required seal or seals.

(b) No affidavit is required to be filed for any document or instrument made exempt by section 128A-3, save and except that in the following situations, an affidavit or affidavits must be filed in the manner and place which the director of taxation shall prescribe, within thirty days after the transaction, and, in any event, prior to the recordation or filing of the document or instrument with the registrar of conveyances or the assistant registrar of the land court:

(1) In the case of any document or instrument described under subsection 128A-3(c), all persons made parties to such document or instrument shall file an affidavit or affidavits declaring that the document or instrument merely confirms or corrects a deed, lease, sublease, assignment, transfer, or conveyance previously recorded or filed.

(2) In the case of any document or instrument described under subsection 128A-3(d), all persons made parties to such document or instrument shall file an affidavit or affidavits declaring the amount of the nominal consideration paid and marital or parental relationship of the parties.

(3) In the case of any document or instrument described under subsection 128A-3(e), all persons made parties to such document or instrument shall file an affidavit or affidavits declaring the reasons why no consideration is paid or to be paid.

(4) In the case of any deed described in subsection 128A-3(f), all persons made parties to such a deed shall file an affidavit or affidavits declaring that the deed is made pursuant to an agreement of sale, and where applicable, an assignment or assignments of agreements of sale.

(5) In the case of any document or instrument described under

subsection 128A-3(g), those persons made parties to the document or instrument as grantees, lessees, assignees, sublessees, transferees, purchasers, or conveyees, shall file an affidavit or affidavits declaring the full and actual consideration of the property transferred.

(6) In the case of any document or instrument described under subsection 128A-3(h), those persons made parties to the document or instrument as grantees, assignees, or transferees shall file an affidavit or affidavits declaring the full and actual consideration of the property transferred.

(c) The form of the affidavit or affidavits and the procedure to be followed for the submission of the affidavit or affidavits shall be prescribed by the director of taxation.

(d) Notwithstanding the foregoing, where the director of taxation deems it impracticable to obtain the signature of any or all parties to an affidavit or affidavits required under this section, he may, in his discretion, waive the requirement of securing the signature of any or all parties to the affidavit or affidavits.

(e) No document or instrument, on account of which an affidavit or affidavits are required to be filed with the office of the director of taxation under this section, shall be accepted for recordation or filing with the registrar of conveyances or the assistant registrar of the land court, unless such affidavit or affidavits have been duly filed.

(f) Except as provided by law, it shall be unlawful for any officer or employee of the State to make known intentionally information imparted by the affidavit or affidavits filed under this chapter or to wilfully permit any such affidavit or affidavits or any copy thereof to be seen or examined by any person other than the person or persons executing such affidavit or affidavits, or their duly authorized agents, or any person duly authorized by the State in connection with their official duties. Any offense against the foregoing provisions shall be punishable by a fine not exceeding five hundred dollars or imprisonment not exceeding one year, or both.

**128A-7. Disposition of taxes.** All taxes collected under the provisions of this chapter shall be paid into the state treasury to the credit of the general fund of the State of Hawaii, to be used and expended for the purposes for which said general fund was created and exists by law.

**128A-8. Refunds.** The director of taxation may order the refund in whole or in part of any tax which has been erroneously or unjustly paid. Such order shall be made in accordance with the provisions of section 115-28 of the Revised Laws of Hawaii 1955, as amended.

**128A-9. Enforcement and administration.** The director of taxation shall administer and enforce the taxes imposed by this chapter. He may prescribe rules and regulations not inconsistent with the provisions herein for their detailed and efficient administration. At any time after the making of a conveyance or transfer subject to the tax imposed by this chapter, he may investigate and ascertain whether said tax, in the proper amount, was paid. For this purpose, the director may invoke all statutory powers vested in him, including but not

limited to, the provisions of section 115-11 of the Revised Laws of Hawaii 1955, as amended.

**128A-10. Collection.** All revenue laws relating to the assessment and collection of taxes are hereby extended to and made a part of this chapter, so far as applicable, for the purpose of collecting the tax imposed herein.

**128A-11. Penalty for false declaration.** Any person knowingly making a false declaration on any affidavit or affidavits provided for by this chapter for the purpose of defrauding the State, shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars, or by imprisonment for not more than one year, or both.

**128A-12. Jurisdiction; district magistrates.** Enforcement of the penalties provided in this chapter shall be within the jurisdiction of the several district magistrates in accordance with the provisions of section 115-16 of the Revised Laws of Hawaii 1955, as amended.

**128A-13. Short title.** This chapter may be cited as the 'conveyance tax law.'

**SECTION 2.** There is hereby appropriated out of the general revenues of the State, not otherwise appropriated, the sum of \$5,500, or so much thereof as may be necessary to the department of taxation for the necessary expenses connected with implementing the provisions of this Act.

**SECTION 3.** Section 115-28 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended as follows:

(a) The first sentence of subsection (b) thereof is hereby amended to read as follows:

"The provisions of this subsection shall apply to all taxes except those collected under chapters 128 and 128A and those collected under a chapter containing a provision for credit and refund of the amount of tax paid in excess of the tax imposed by such chapter."

(b) Renumber subsection (c) thereof and all references to subsection (c) therein to read subsection (d), and to add a new subsection (c) to read as follows:

"(c) The provisions of this subsection shall apply to the taxes collected under chapter 128A.

There may be refunded in the manner provided in subsection (d) of this section such conveyance tax as has been erroneously or unjustly paid."

**SECTION 4.** This Act shall take effect on January 1, 1967.  
(Approved April 5, 1966.) S.B. 63.

## ACT 11

A Bill for an Act Amending Chapter 6, Revised Laws of Hawaii 1955, as Amended, and Relating to the Withholding of Federal Income Taxes from Retirement Payments.

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

SECTION 1. This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of the facts constituting such urgency:

The fact that retired members of the employees' retirement system do not have federal income tax liabilities withheld from their payments constitutes a grave economic hardship for them; it is urgent and in the public interest that the laws of the State of Hawaii not burden retired members of the public service by forcing them to make lump sum payments for federal income tax purposes and it is the intent of this Act to meet that urgent need.

SECTION 2. Chapter 6 of the Revised Laws of Hawaii 1955, as amended, is hereby amended by adding a new section to be appropriately numbered and to read as follows:

"Sec. 6- . **Withholding of income taxes.** A retired member, if he consents in writing, may have withheld from his pension, annuity, or retirement allowance payment an equivalent percentage of such payment as will in the aggregate approximate such member's federal income tax liability as would result from such pension, annuity, or retirement allowance within the meaning of the United States Internal Revenue Code; payment of such taxes as withheld shall be the liability of the employees' retirement system."

SECTION 3. The board of trustees shall promulgate rules and regulations to administer the purposes of this Act.

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

(Approved April 5, 1966.) S.B. 117.

## ACT 12

A Bill for an Act Relating to Governmental Functions.

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

SECTION 1. This Act is hereby declared to be an urgency measure in the public interest in the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of the facts constituting such urgency:

Presently, both the State and counties maintain road maintenance crews, baseyards and equipment since each is responsible for the maintenance of certain segments of highways. In addition there exists uncertainty in some areas as to jurisdiction and responsibility. It is vital to the public interest that this be amended.

SECTION 2. The first paragraph of section 142-2, Revised Laws of Hawaii 1955, as amended, is hereby amended by adding to the end thereof a new sentence to read as follows:

"The governor may, at any time by executive order, turn over to any county, state land, in fee simple, for use as a county highway, and

the county involved shall thereafter be responsible for its repair and maintenance as a county highway.”

**SECTION 3.** This Act shall take effect upon its approval.  
(Approved April 5, 1966.) S.B. 320.

### ACT 13

A Bill for an Act Relating to Health and Dental Care for Public Officials, Employees, Retired Employees, Pensioners, and their Dependents.

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

**SECTION 1.** This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of the facts constituting such urgency:

(a) With the advent of the federal government's hospital and medical insurance plan (Medicare), a situation will be created whereby the State of Hawaii, as an employer, will contribute a higher social security tax to support Medicare, and at the same time, be required, under chapter 5A, Revised Laws of Hawaii 1955, as amended, to contribute its and the retired employees' share for coverage under the Hawaii public employees health fund. It is urgent that this double coverage and contribution situation be corrected now since the medicare program becomes effective on July 1, 1966.

(b) Under the present law the board of trustees of the Hawaii public employees health fund is limited to a number of health plans. It is advisable to widen the availability of plans providing a noninsured health benefit plan.

(c) With the advent of federal Medicare, it is necessary to avoid extra expense to the State, to provide the board with the means of establishing a supplemental plan and to provide that employee beneficiaries enrolled in the federal medicare plan may participate in the supplemental plan.

(d) Certain technical amendments to existing law are necessary to promote the above purposes and also to promote the efficiency of operation of the Hawaii public employees health fund operation.

**SECTION 2.** Chapter 5A of the Revised Laws of Hawaii 1955, as amended, is hereby amended in the following respects:

(a) By amending section 5A-1(h) to read as follows:

“(h) Health benefits plan means (1) 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 or (2) a similar schedule of benefits established by the board and provided through the fund on a noninsured basis;”

(b) By deleting the third paragraph of section 5A-4.

(c) By amending the third paragraph of section 5A-5 to read as follows:

"Notwithstanding any other law to the contrary, an employee-beneficiary who is a retired employee, or upon his death his beneficiary as described in section 5A-1(f), shall not be required to make any contribution to the fund."

(d) By further amending section 5A-13 by adding a new paragraph to read as follows:

"(e) a noninsured schedule of benefits similar to any of the schedule of benefits set forth in health benefit plans authorized in paragraphs (a) through (d) of this section."

(e) By further amending section 5A-13 by deleting therefrom the following paragraph:

"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."

(f) By adding a new section thereto to be appropriately numbered and to read:

**"Section 5A-** . Any other provision of this chapter notwithstanding, the board is hereby authorized and directed to establish, effective July 1, 1966, a health benefit plan which takes into account benefits available to an employee-beneficiary and his spouse under the federal medicare plan, subject to the following conditions:

(a) there shall be no duplication of benefits payable under federal Medicare but the plan so established by the board shall be supplemental to the federal medicare plan.

(b) the contribution for voluntary medical insurance coverage under federal Medicare may be paid by the fund, in such manner as the board shall specify, in the case of an employee-beneficiary who is a retired employee, and his spouse while he is living, and after his death his spouse provided she qualifies as an employee-beneficiary.

(c) the benefits available under such plan, when taken together with the benefits available under the federal medicare plan shall, as nearly as is possible, approximate the benefits available under the plans set forth in section 5A-13 of this chapter. If, for any reason, a situation develops where the benefits available under the supplemental plan and the federal medicare plan substantially differ from those that would otherwise be available, the board is authorized to correct this inequity to assure substantial equality of benefits.

(d) Any employee-beneficiary or dependant beneficiary who is enrolled in the federal medicare plan shall participate in the supplemental plan to be set up hereunder, and any employee-beneficiary or dependent beneficiary eligible for, but not enrolled in the federal medicare plan, may participate in such other plans as are set forth in section 5A-13 of this chapter."

**SECTION 3.** This Act shall take effect on July 1, 1966.  
(Approved April 5, 1966.) S.B. 355.

**ACT 14**

A Bill for an Act Relating to State-County Functions.

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

**SECTION 1.** This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of the facts constituting such urgency:

Act 97 of the Session Laws of Hawaii, 1965, provided that the State take over certain functions from the several counties. It also authorized the governor of the State of Hawaii to enter into contracts with the several counties in order to provide an uninterrupted continuation of services in the functional areas transferred from the counties to the State by said Act 97, such contracts to continue during the fiscal period beginning July 1, 1965 and ending June 30, 1966.

Act 97 of the Session Laws of Hawaii, 1965 also provided that the governor might report to the Budget Session of the legislature next following concerning recommendations which he might determine should properly be considered by said legislature including renewal of the aforementioned contracts with the counties for the fiscal period beginning July 1, 1966 and ending June 30, 1967. The governor in his state of the State address recommended to this legislature that the contracts with the counties be renewed for another year. It is urgent that the legislature provide for the renewal of these contracts for the fiscal year commencing July 1, 1966 and ending June 30, 1967.

**SECTION 2.** Act 97 of the Session Laws of Hawaii, 1965 is hereby amended by adding thereto a new section to be appropriately numbered and to read as follows:

"The governor is authorized to re-enter the contracts with the several counties provided for in section 3 of this Act for the fiscal period beginning July 1, 1966 and ending June 30, 1967 upon the same terms and conditions as is provided for in this Act, and if the governor so decides, the counties shall re-enter such contracts."

**SECTION 3.** This Act shall take effect upon its approval.  
(Approved April 5, 1966.) S.B. 356.

**ACT 15**

A Bill for an Act Relating to the Judiciary Department; Making Supplementary Appropriations Out of the General Revenues to Cover Certain Deficiencies for the Fiscal Year Ending June 30, 1966.

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

**SECTION 1.** This bill is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of the facts constituting such urgency:

Act 97, Session Laws of Hawaii 1965, which became effective May



29, 1965, appropriated a certain designated sum to the judiciary department for the administration and operation of district courts.

To the best of its ability, the department is trying to operate with-in the appropriated amount until the end of the fiscal year 1965-1966. However, the amount appropriated is not sufficient to cover the operation of the district courts for the 13-month period of operation and funds were not appropriated for rental of space occupied by the district courts. The department now expects that expenditures for the operation of the district courts will exceed its appropriation under Act 97. To avoid a breakdown in judicial services, it is urgent that this bill be enacted.

**SECTION 2.** The following sum, or so much thereof as may be necessary, is hereby appropriated to the judiciary department 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, the sum of \$130,000 for the administration and operation of the district courts.

**SECTION 3.** All unexpended and unencumbered balances of the appropriation made by this bill as of the close of business on June 30, 1966, shall lapse into the general fund of the State.

**SECTION 4.** This bill shall take effect upon its approval.  
(Approved April 5, 1966.) H.B. 51.

## ACT 16

A Bill for an Act Relating to Student Loans and Amending Chapter 44B of the Revised Laws of Hawaii, as Amended by Act 141, Session Laws of Hawaii 1965.

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

**SECTION 1.** This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of the facts constituting such urgency:

Title IV of Public Law 89-329 and Public Law 89-287 made available to students beyond the high schools a means of securing loans for their education. The present provisions of chapter 44B, Revised Laws of Hawaii 1955, as amended, are too narrow to fulfill the requirements of Public Law 89-329 and Public Law 89-287. It is urgent and in the public interest that chapter 44B of the Revised Laws of Hawaii 1955, as amended, be broadened in several respects thus insuring for the students in Hawaii the availability of the liberal provisions of the federal laws.

**SECTION 2.** Chapter 44B, Revised Laws of Hawaii 1955, as amended by Act 141, Session Laws of Hawaii 1965, is hereby amended to read as follows:

## "CHAPTER 44B. UNITED STUDENT AID FUNDS

**Sec. 44B-1. Participation in United Student Aid Funds, Inc.** The department of budget and finance is hereby authorized to enter into a contract with the United Student Aid Funds, Inc., relating to loans to students. Such contract may be amended or revised by the department to assure the full utilization of benefits provided by Public Law 89-329 and Public Law 89-287.

**Sec. 44B-2. Eligibility.** All students meeting the requirements of and attending institutions meeting the accreditation standards of Public Law 89-329 and Public Law 89-287 shall be eligible for loans guaranteed under this program.

**Sec. 44B-3. Capacity of minors.** Any student otherwise qualifying for a loan under the provisions of this Act shall not be disqualified by reasons of his being under the age of twenty years, and for the purpose of applying for, receiving and repaying such loan, any such person shall be deemed to have full legal capacity to act and shall have all rights, powers, privileges and obligations of an adult, with respect thereto.

**Sec. 44B-4. Rules and regulations.** The department of budget and finance is authorized to establish rules and regulations relating to the participation of eligible institutions as defined in Public Law 89-329 and Public Law 89-287, allocation of available loan funds among the several participating eligible institutions, definition of necessary terms, and other matters relating to the program."

**SECTION 3.** This Act shall take effect upon its approval.  
(Approved April 5, 1966.) **H.B. 118.**

## ACT 17

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.** This Act is hereby declared to be an emergency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of the facts constituting such urgency:

Act 267, Session Laws of Hawaii 1965, was enacted to benefit all employees in Hawaii called to serve on juries, boards and commissions. The statutory language requiring employers to make up all wages lost because of such public service, however, was placed in chapter 94 of the Revised Laws of Hawaii 1955. This technicality defeated the intent of the Legislature to benefit all employees in Hawaii since employees covered by the federal Fair Labor Standards Act are exempted from coverage by chapter 94. Because most employees of large employers are covered by the federal law, this drastically limited the coverage of Act 267 and very few employees have benefited from the legislation.

It is necessary and urgent that the legislature correct the error above and restore the intent of the legislature in passing Act 267.

**SECTION 2.** Act 267, Session Laws of Hawaii 1965, is hereby repealed.

**SECTION 3.** Chapter 95, Revised Laws of Hawaii 1955, 1963 Supplement is hereby amended as follows:

a. The title of the chapter is amended to read:

**“WAGES AND OTHER COMPENSATION, PAYMENT OF.”**

b. Sections 95-1 through 95-13 are hereby designated as Part I.

c. The following is hereby added:

**“PART II**

**Section 95-25. Definitions.** As used in this part:

a. ‘Public board’ or ‘commission’ means a governmental body, whether designated as a board or a commission, duly created under authority vested by law for the purposes of performing quasi-judicial, administrative or advisory functions.

b. ‘Service on a public board’ means attendance at a scheduled meeting of a public board by a person in his capacity as a duly appointed or elected member of such public board.

c. ‘Service on a jury’ includes appearance at a place as required by a summons or other directive issued by a court in connection with jury service.

**Section 95-26. Compensation for wages lost because of service on jury or public board.** (a) Notwithstanding any law to the contrary, every employer shall pay to each of his employees who serves on a jury or a public board compensation in an amount equal to the difference between the remuneration such employee receives for such service on a jury or a public board and the wages and any other remuneration he would have received from his employer had he not served on such jury or public board.

(b) Subsection (a) of this section shall not apply if an employer, on any day any of his employees serves on a jury or a public board, has less than twenty-five persons in his employment. For the purposes of this subsection a person shall be deemed to be in employment so long as an employment relationship exists between such person and his employer irrespective of the absence of such person from his place of employment.

**Section 95-27. Other applicable provisions.** Sections 95-1 through 95-13 shall be applicable to this part and the terms ‘wages’ and ‘compensation’ used in said sections shall include all compensation payable under this part.”

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

(Approved April 5, 1966.) **H.B. 191.**

**ACT 18**

A Bill for an Act Relating to the Uniform Commercial Code: Amend-

ing Certain Provisions in Said Code and in the Revised Laws to Clarify, Harmonize and Conform the Same.

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

**SECTION 1.** This Act is hereby declared to be an urgency measure within the meaning of section 11 of Article III of the State Constitution.

The following is a statement of the facts constituting such urgency: The Uniform Commercial Code (Act 208, Session Laws of Hawaii 1965) will go into effect on January 1, 1967. The State Commission to Promote Uniform Legislation reports that it is necessary in some instances, and highly desirable in others, that certain sections in the Uniform Commercial Code and in the Revised Laws be amended to fill gaps and to clarify and harmonize the law, and has recommended certain changes. The Commission states that the proposed amendments to the Code relate to transitional or localized provisions and therefore would not be contrary to the interests of uniformity. It is important that these amendments be made before the law goes into effect. This is particularly true with respect to the transition provision amendment which would refine and clarify the status after January 1, 1967, of transactions entered before then.

**SECTION 2.** The Uniform Commercial Code (Act 208, Session Laws of Hawaii 1965) is amended in the following respects:

a. By adding to subsection (1) of section 9-105, next following paragraph (e), a new paragraph to be designated "(ee)", to read: "(ee) 'Filing' means recording."

b. By amending subsection (2) of section 9-203 to read: "(2) A transaction, although subject to this article, is also subject to chapter 194 (industrial loan act), chapter 195 (small loan act) and chapter 201A (retail installment sales act), Revised Laws of Hawaii 1955, as amended, and in the case of conflict between the provisions of this Article and any such statute, the provisions of such statute control. Failure to comply with any applicable statute has only the effect which is specified therein."

c. By amending subsections (3) and (4) of section 9-302 to read: "(3) The filing provisions of this Article do not apply to a security interest in

(a) property subject to a statute of the United States which provides for a national registration or filing of all security interests in such property; and

(b) a vehicle required to be registered under chapter 160, unless such vehicle is inventory.

(4) A security interest in property subject to a statute of the United States which provides for national registration or filing of all security interests in such property may be perfected only by filing or registration under such statute. A security interest in a vehicle required to be registered under chapter 160 which is not inventory may be perfected only by registration thereunder."

d. By amending subsection (4) of section 9-403 to read:

"(4) A filing officer shall record and index each statement in the

manner provided in chapter 343. For the purpose of such indexing, each of the debtor (or assignor) and the record owner or record lessee of any real estate described in the financing statement (where the collateral is crops or goods which are or are to become fixtures) shall be considered a grantor with respect to the financing statement and the secured party (or assignee) shall be considered a grantee with respect to the financing statement."

e. By amending subsection (5) of section 9-403 to read:

"(5) The fee for filing, indexing and furnishing filing data for an original or a continuation statement shall be \$2 per page."

f. By amending the third sentence in subsection (1) of section 9-404 to read:

"The fee for filing and indexing such an assignment or statement thereof shall be \$2 per page."

g. By amending subsection (3) of section 9-404 to read:

"(3) The fee for filing and indexing a termination statement shall be \$2 per page."

h. By amending the last sentence of subsection (1) of section 9-405 to read:

"The fee for filing, indexing and furnishing filing data for a financing statement shall be \$2 per page."

i. By amending subsection (2) of section 9-405 to read:

"(2) A secured party may assign of record all or a part of his rights under a financing statement by the filing of a separate written statement of assignment signed by the secured party of record. Such statement shall set forth the name of the secured party of record and the debtor, the name and address of the assignee, the date of filing of the financing statement and except as otherwise provided in section 9-408(2), the book and page number and shall contain a description of the collateral assigned. A copy of the assignment is sufficient as a separate statement if it complies with the preceding sentence. Except as otherwise provided in section 9-408(1) and (2) the filing officer, upon presentation of such a separate statement, shall record and index such separate statement in the manner provided in chapter 343. The fee for filing, indexing and furnishing filing data about such a separate statement of assignment shall be \$2 per page."

j. By amending section 9-406 to read:

"A secured party of record may by his signed statement release all or a part of any collateral described in a filed financing statement. The statement of release is sufficient if it contains a description of the collateral being released, the name and address of the debtor, the name and address of the secured party, and the book and page number of the financing statement. Except as otherwise provided in sections 9-408 (1) and (2) the filing officer, upon presentation of such statement, shall record and index such statement in the manner provided in chapter 343. The fee for filing and noting such a statement of release shall be \$2 per page."

k. By amending section 9-408 to read:

**"Special provisions for processing of filings as to fixtures; fees, combined real estate and fixture mortgage. (1) Filings of financing**

statements, security agreements, amendments, continuation statements, termination statements, statements of assignment and statements of a lease\* complying with the requirements of section 9-402 and relating to security interests in goods which are or are to become fixtures shall be processed by the filing officer in the manner provided in chapter 343 if they concern unregistered land and in the manner provided in chapter 342 if they concern registered land.

(2) In addition to the other requirements specified in this part an amendment, continuation statement, termination statement, statement of assignment or statement of release relating to security interests in goods which are or are to become fixtures must contain a reference to the book and page of the record of the original financing statement if it relates to unregistered land and to its document number and certificate of title number if it relates to registered land.

(3) The fee for the recording of a financing statement (including a statement disclosing an assignment), a security agreement or an amendment adding new collateral relating to goods which are or are to become fixtures affixed to unregistered land and for the recording of all other subsequent statements listed in subsection (1) and relating to such goods shall be \$2 per page.

(4) Provision for a security interest in goods which are or are to become fixtures may be included in a mortgage or other like instrument transferring an interest in the real estate concerned. Such instrument shall contain a designation: 'Mortgage (or other appropriate designation) and Financing Statement.' If such instrument complies with the requirements for a financing statement specified in section 9-402, with the exception of the requirement of secured party's signature, is recorded or registered as an instrument affecting real estate, and has the appropriate recording or registration fee paid for it, such recording or registering and payment of fee shall be effective filing under this part without the necessity of any separate filing or payment of any separate fee under this part."

1. By amending subsection (2) of section 10-102 to read:

"(2) Transactions validly entered into before the effective date specified in section 10-101 and the rights, duties and interests flowing from them remain valid thereafter and may be terminated, completed, consummated or enforced as required or permitted by any statute or other law repealed, amended or modified by this Act as though such repeal, amendment or modification had not occurred; provided, however, that the perfection of a security interest, as defined in this Act and however denominated in any law repealed, amended or modified by this Act:

(a) which was perfected when this Act takes effect by a filing or recording under a law repealed by this Act and requiring a further filing or recording to continue its perfection, continues until and will lapse on the date provided by the law so repealed for such further filing or recording;

(b) which was perfected when this Act takes effect by a filing or recording under a law repealed by this Act and requiring no further

\*The words "a lease" probably should read "release".

filing or recording to continue its perfection, continues until and will lapse twelve months after the date this Act takes effect;

(c) which was perfected when this Act takes effect without any filing or recording, and for the perfection of which the filing of a financing statement would be required if this Act applied continues until and will lapse twelve months after this Act takes effect; unless, in each case, a continuation statement is filed by the secured party before the perfection of the security interest would otherwise lapse. Any such continuation statement must be signed by the secured party, identify the security agreement, statement or notice, however denominated in any law repealed by this Act, state the office where and the date when the last filing or recording was made with respect thereto, and the filing number, if any, or book and page, if any, of recording and further state that the security agreement, statement or notice, however denominated in any law repealed by this Act, is still effective. Section 9-401(1) determines the proper place to file such a continuation statement. Except as specified in this subsection the provisions of section 9-403(3) apply to such a continuation statement.

(3) Notwithstanding subsection (2):

(a) The perfection of a security interest, however denominated in any law repealed by this Act, which was perfected when this Act takes effect by a filing or recording under a law repealed by this Act, and for the perfection of which, if this Act applied, no filing of a financing statement would be required, continues under this Act.

(b) A security interest, however denominated in any law repealed by this Act, which was not perfected when this Act takes effect but which could have been perfected before this Act takes effect by a filing or recording under a law repealed, by this Act, and which, if this Act applied, could be perfected by the filing of a financing statement under this Act, may be perfected by the filing of a financing statement in accordance with this Act.

(c) A security interest, however denominated in any law repealed, amended or modified by this Act, which was not perfected when this Act takes effect but which could have been perfected before this Act takes effect by the secured party's taking possession of the collateral under a law repealed, modified or amended by this Act, and which, if this Act applied, could be perfected by the secured party's taking possession of the collateral, may be perfected by the secured party's taking possession of the collateral in accordance with this Act."

SECTION 3. Section 160-1, Revised Laws of Hawaii 1955, as amended, is amended by amending the definition of "legal owner" therein to read:

"'Legal owner' means a person who holds the legal title to a motor vehicle or a security interest therein;".

SECTION 4. Section 160-10(e), Revised Laws of Hawaii 1955, is amended to read:

"(e) Until the treasurer has issued the new certificate of registration and certificate of ownership as in subdivision (d) provided, delivery of such vehicle shall be deemed not to have been made and title

thereto shall be deemed not to have passed or the security interest therein shall be deemed not to have been registered, and the intended transfer shall be deemed to be incomplete and not to be valid or effective for any purpose."

SECTION 5. Chapter 196, Revised Laws of Hawaii 1955, is amended in the following respects:

a. By amending the title thereof to read:

**MORTGAGES OF REAL PROPERTY OR FIXTURES**

b. By amending Section 196-1 to read:

**"§ 196-1. Lien of mortgages of real property or fixtures; debts secured; priority.** (a) Every transfer of an interest in real property fixtures made as security for the performance of another act or subject to defeasance upon the payment of an obligation, whether such transfer is made in trust or otherwise, is to be deemed a mortgage and shall create a lien only as security for the obligation and shall not be deemed to pass title.

(b) A mortgage may secure the repayment of past debt, a debt incurred at the time the mortgage is executed or a debt incurred for advances which may be made by the mortgagee subsequent to the execution of the mortgage even though the mortgagee is under no contractual duty to make such advances. Except as otherwise provided in section 9-313 of the uniform commercial code with respect to security interests in fixtures, in any case where the mortgagee is under no such contractual duty, the mortgage lien, to the extent that it secures future advances, shall be superior to any mortgage or any other lien, other than liens for taxes and for public improvements, duly recorded subsequent to the time at which such advance has been made, but in the event the mortgagee is under a contractual duty to make future advances and the maximum amount of such future advances is stated in the mortgage, the lien therefor shall be superior to that of any subsequently recorded mortgage or other lien, except liens for taxes and for public improvements, even though such subsequently recorded mortgage or other lien, except liens for taxes and for public improvements, is recorded prior to the date upon which any such advance or advances have been made."

c. By amending section 196-2 to read:

**"§ 196-2. On what property; enforceability.** (a) Subject to the limitations contained in this chapter and to the provisions of section 9-313 of the uniform commercial code respecting security interests in fixtures, if the mortgage so provides, the lien of the mortgage may attach to additions, improvements, and purchases or substitutions made to supply the place of any real property or fixtures disposed of and to all other after-acquired real property or fixtures referred to in the mortgage when the mortgagor acquires an interest therein to the extent of such interest, but subject to existing liens and the lien of a purchase money mortgage given by the mortgagor of any such after-acquired real property or fixtures.

(b) Any mortgage, except to the extent provided in this chapter, shall be enforceable against the mortgagor, creditors of the mortgagor, and against subsequent purchasers, mortgagees, assignees, and



transferees, who take without valuable consideration or with notice, actual or constructive, even though the mortgaged real property or fixtures may have been detached or moved to a location different from that occupied by it at the time of the execution of the mortgage."

d. By amending section 196-4 to read:

**"§ 196-4. After-acquired real property and fixtures.** The mortgage shall operate only as a contract between the parties with respect to, and shall not create a lien upon real property or fixtures acquired in any manner by the mortgagor subsequent to the execution of the mortgage, if there are not described therein such real property, such fixtures and the real property to which such fixtures are or will be affixed, unless and until the mortgagor or the mortgagee, at the time of or subsequent to such acquisition, executes and duly records in the bureau of conveyances an instrument or affidavit containing a reference to the book and page number where such mortgage is recorded and also a description of such real property, such fixtures and the real property to which such fixtures are or will be affixed sufficient to identify and locate the same, which description of real property may be made by describing the deed or other instrument of conveyance by which the real property was acquired or by describing the land by metes and bounds."

e. By repealing sections 196-6, 196-7 and 196-8, respectively entitled "Registered motor vehicles", "Choses in action", and "Tangible personal property".

f. By renumbering and amending section 196-9 to read:

**"§ 196-6. Use and possession of mortgaged property.** In the absence of an agreement to the contrary, the mortgagor of real property or fixtures under a duly recorded mortgage shall be entitled to the use or possession thereof until default."

**SECTION 6.** Paragraph (c) of section 233-9, Revised Laws of Hawaii 1955, is amended to read:

"(c) A security or any share or any interest evidenced thereby shall be attached in the same manner as is provided for the levy of an execution thereon."

**SECTION 7.** Section 233-46, Revised Laws of Hawaii 1955, is amended to read:

**"§ 233-46. Levy on and execution sale of investment securities; garnishment the proper procedure when the security is subject to right of possession of third party.** (a) A security or any share or other interest evidenced thereby which is outstanding and not in the possession of a third party who has a security interest, lien or right of retention therein which entitles him to possession shall be levied upon under a writ of execution by being actually seized by the officer executing the writ.

At any time after the issuance of the writ, upon application of the judgment creditor or the officer executing the writ and upon due notice to the defendant or other person having possession of the security without being entitled thereto under a security interest, lien or right

of retention, the court or judge may summarily direct the defendant or such other person so having possession of the security to produce the same and deliver it to the officer.

In the case of a levy for execution, the security so levied upon shall be advertised for sale and sold in the manner provided in section 233-42. After the sale the levying officer shall deliver to the purchaser the security endorsed or assigned by him as the agent of the judgment debtor, which delivery and endorsement or assignment shall entitle the purchaser to all the right, title and interest of the judgment debtor in the security and to registration of the transfer as provided in U.C.C. Article 8. This subsection shall apply to any security which is either within the State or which is in the possession of an owner or other person subject to the jurisdiction of this State.

(b) A security or any share or other interest evidenced thereby which is outstanding and in the possession of a person who is entitled to such possession under a security interest or lien or other right of retention therein shall be reached by garnishment as provided in chapter 237.

SECTION 8. Section 342-60, Revised Laws of Hawaii 1955, as amended, is amended to read:

**"Mortgage registration necessary.** The owner of any interest in registered land may mortgage his interest in the real property, and in any fixtures thereon, that are described in the mortgage by executing a mortgage thereof. Such a mortgage may be assigned, extended, discharged, released in whole or in part or otherwise dealt with by the mortgagee by any form of instrument sufficient in law for the purpose. The mortgage, and all instruments assigning, extending, discharging and otherwise dealing with the mortgage, shall be registered, and shall take effect upon the title of the mortgaged property only from the time of registration. With respect to fixtures, he may create a separate security interest in them pursuant to Article 9, secured transactions, of the uniform commercial code. Such a security interest in fixtures and all documents relating thereto and the registration thereof shall be governed in all respects by the provisions of the uniform commercial code."

SECTION 9. Section 343-23, Revised Laws of Hawaii 1955, is amended to read:

**"Identification of assignments, etc., of mortgages and leases by reference to registration of original.** It shall not be lawful for the registrar to record any assignment, extension or release of mortgage of real property, or a certificate of entry for the purpose of foreclosure under mortgage, or an affidavit of foreclosure under a power contained in mortgage, or an affidavit of entry, or an execution, order or decree, for possession of the premises covered by any mortgage, or an assignment, extension or cancellation of lease, unless the same contains a reference to the book and page of the registration of the original mortgage or lease, as the case may be. No amendment, continuation statement, termination statement, statement of assignment, or statement of release relating to security interests in goods which are

or are to become fixtures shall be filed unless it complies with the requirements of uniform commercial code section 9-408(2). This section shall not apply to any document mentioned herein executed prior to April 13, 1915; and this section shall not apply to any document mentioned herein which refers to an unrecorded mortgage or lease, if such fact be recited therein."

**SECTION 10.** 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 11.** This Act shall take effect on January 1, 1967.  
(Approved April 5, 1966.) **H.B. 198.**

## **ACT 19**

**A Bill for an Act Relating to Taxation.**

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

**SECTION 1.** This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of the facts constituting such urgency:

Under its tax simplification program, the department of taxation has adopted a combined tax return form for filing general excise, withholding, and use taxes. However, the due dates for filing tax returns for these three taxes are no longer the same. The due date for filing the general excise tax return is the last day of each month following the month in which the tax accrues, while the due date for filing the withholding taxes and the use taxes is the 20th day after the month for which the taxes have been withheld or have accrued, as the case may be. This difference in due dates will hamper the effective use of the combined tax return form.

Moreover, since the due date for the majority of the monthly tax returns falls on or before the last day of the month, it will also work for more tax simplification to have the monthly liquor and tobacco tax returns due on the last day of the month.

By having all of the monthly tax returns due on a common due date, it is hoped that this will simplify tax reporting by the taxpayer and will also simplify processing of such returns by the department of taxation. Accordingly, this Act is considered an urgency measure deemed necessary in the public interest.

**SECTION 2.** Section 119-5, Revised Laws of Hawaii 1955, as amended, is hereby further amended in the following respects:

(a) By substituting the word "last" for the word "twentieth" appearing in the first sentence thereof.

(b) By substituting the words "the last" for the words "said twentieth" appearing in the third sentence thereof.

(c) By amending the first sentence in the second paragraph thereof to read as follows:

"Notwithstanding the foregoing, a taxpayer may be eligible to file his return required under the provisions of this sentence 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."

**SECTION 3.** Section 121-17, Revised Laws of Hawaii 1955, as amended, is hereby further amended in the following respects:

(a) By amending the first sentence thereof to read as follows:

"Every employer required by this chapter to withhold taxes on wages paid in any month shall make return of such wages to the department on or before the last day of the calendar month following the month for which the taxes have been withheld."

(b) By amending the phrase beginning with the words "provided further" and ending with the words "January 20", appearing in the fourth sentence thereof to read as follows:

"provided, further, that the director may grant permission to employers, whose liability to pay over the taxes withheld as heretofore provided shall not exceed \$200 per annum, to make returns and payments thereon on a quarterly basis during the calendar year, such returns and payments 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;"

**SECTION 4.** Section 124-6, Revised Laws of Hawaii 1955, as amended, is hereby further amended by substituting the word "last" for the word "twentieth" appearing in the first sentence thereof.

**SECTION 5.** Section 125-5, Revised Laws of Hawaii 1955, as amended, is hereby further amended by substituting the word "last" for the word "twentieth" appearing in the first sentence thereof.

**SECTION 6.** This Act shall take effect on July 1, 1966.  
(Approved April 5, 1966.) **H.B. 206.**

## ACT 20

A Bill for an Act Relating to Act 195, Session Laws of Hawaii 1965, and Amending Item 29 of Subsection D of Section 1.

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

**SECTION 1.** Purpose. The language of the rider to item 29, subsection D, section 1 of Act 195, Session Laws of Hawaii 1965, authorizes the expenditure of \$1,800,000 from special funds for the "Purchase of land and improvements situated within the area bounded by Ala Moana boulevard, Richards Street, Halekauwila Street and Kakaako Street." This language was inadvertently made too restrictive in that only the word "purchase" was used and that word may not

include condemnation. It was also too restrictive in that no mention was made of the intended exchange of the lands so acquired for lands owned by the federal government and needed by the department of transportation for the construction of a portion of Ala Moana boulevard. Although the weight of authority indicates that such exchanges can be made, express language authorizing this could resolve any possible problems.

The purpose of this Act is to clarify the intent of the rider and to eliminate some of the problems attendant to the exchange by stating clearly that the acquisition of the private lands may be by eminent domain or otherwise and that the lands so acquired may be exchanged with the United States for the necessary federal lands.

**SECTION 2.** Item 29 of subsection D of section 1 of Act 195, Session Laws of Hawaii 1965, is hereby amended by adding thereto the following:

"The department may acquire private land within this area either by condemnation or otherwise for the purpose of exchanging such land with the United States for those lands needed by said department for the realignment and construction of that portion of the Ala Moana boulevard which lies between Kakaako Street and Richards Street."

**SECTION 3.** This Act shall take effect upon its approval.  
(Approved April 5, 1966.) **H.B. 211.**

## ACT 21

A Bill for an Act Relating to Child and Family Procedural Rules and Repealing Sections 214-22, 214-23, 214-24 and 214-25, Revised Laws of Hawaii 1955, as amended.

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

**SECTION 1.** This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of facts constituting such urgency: Act 232, Regular Session of 1965, established the family court effective July 1, 1966, in connection with which and under the terms of which the adoption of rules of practice and procedure is desirable and authorized. On the other hand, the provisions of Act 50, Regular Session of 1961, affect this area to an undetermined extent and require six months' public notice. In order to be able to prepare properly for the inauguration of the family court and to conform the requirements for the adoption of rules in this area to that in existence for other areas, the law must be amended.

**SECTION 2.** Sections 214-22, 214-23, 214-24 and 214-25, Revised Laws of Hawaii 1955, as amended, are hereby repealed.

**SECTION 3.** This Act shall take effect upon its approval.  
(Approved April 5, 1966.) **H.B. 290.**

## ACT 22

A Bill for an Act Relating to Practice and Procedure in Divorce, Annulment, and Separation Proceedings.

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

**SECTION 1.** This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of facts constituting such urgency: Act 232, Regular Session of 1965, established the family court effective July 1, 1966, at which time it is anticipated that improved techniques will be applied to the solution of child and family problems, including improved evidentiary rules and court practice and court procedure. On the other hand, existing statutes, some of which date from 1870, set out details of practice and procedure some of which are archaic and all of which should be left subject to the general rule-making power of the supreme court. In order to be able to prepare properly for the inauguration of the family court, the law must be amended.

**SECTION 2.** Section 324-22, Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

**"Section 324-22. Commencement of action; summons.** An action for annulment, divorce, or separation is commenced by filing a complaint with the court, which complaint shall be signed and sworn to by the applicant and shall set forth sufficient facts to constitute a claim for relief. Upon the filing of the complaint, the clerk shall forthwith issue a summons and deliver it for service to a person authorized to serve process in civil actions. The summons shall be signed by the clerk, be under the seal of the court, contain the name of the court and the names of the parties, be directed to the defendant, state the name and address of the plaintiff's attorney, if any, otherwise the plaintiff's address, and the time within which the defendant is required to appear and defend which shall not be less than twenty days after the service of the summons and complaint upon the defendant, and shall notify the defendant that in case of his failure to appear and defend as required further proceedings may be taken including judgment for the relief demanded in the complaint without further notice to the defendant. Alternative complaints for annulment, divorce, or separation may be set forth or combined in one complaint."

**SECTION 3.** Section 324-23, Revised Laws of Hawaii 1955, as amended, as set out in the 1963 Supplement, is hereby further amended by deleting the references therein to "the libellee or" in lines 4, 13, 19-20, 25, 33-34, 38-39, and 49, by substituting the word "complaint" for the word "libel" in lines 11, 18, and 37, by substituting the word "defendant" for the word "libellee" in lines 29-30, by substituting the word "plaintiff" for the word "libellant" in line 32, and by substituting the word "twenty" for the word "thirty" in line 46.

**SECTION 4.** Section 324-24, Revised Laws of Hawaii 1955, is hereby amended to read as follows:

**"Section 324-24. Cross-complaint.** In any action for annulment, divorce, or separation, a cross-complaint for annulment, divorce, or separation may be filed and affirmative relief granted thereon as fully and effectually as on an original complaint. The cross-complaint shall be signed and sworn to by the cross-complainant and shall be served in the same manner as an original complaint."

SECTION 5. Section 324-25, Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

**"Section 324-25. Proof.** Upon the hearing of every complaint for annulment, divorce or separation, the judge shall require exact legal proof upon every point, notwithstanding the consent of the parties."

SECTION 6. In any existing statutes of the State wherein reference is made to "libel", "libellant", "libellee", "cross-libel", "cross-libellant", and "cross-libellee", in relation to matrimonial actions, the same are and shall be deemed to have been amended to conform to the terminology set forth in the amended sections herein.

SECTION 7. Nothing contained herein shall be construed to restrict or limit the power of the supreme court to promulgate rules and regulations which shall have the force and effect of law relating to process, practice, procedures and appeals in proceedings for annulment, divorce, and separation.

SECTION 8. This Act shall take effect on July 1, 1966.  
(Approved April 5, 1966.) **H.B. 293.**

## ACT 23

A Bill for an Act Amending Chapter 46, Revised Laws of Hawaii 1955, as Amended, by Adding a New Part Thereto, Authorizing a Program for Home Health Services.

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

SECTION 1. This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of the facts constituting such urgency:  
Under recent amendments to the Social Security Act, involving health insurance for the aged (Medicare), the department of health is authorized to certify medical facilities as "providers of services" and as home health services agencies. In order that the citizens of this State shall be able to enjoy the full benefits of said amendments, it is necessary that the department of health be authorized to participate as a provider of services in the federal social security programs, to establish a home health services program, and to charge and collect fees for services rendered pursuant to the foregoing.

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

**"PART VIII. HOME HEALTH SERVICES**

§ 46-80. The department is hereby authorized to establish and administer a program to provide home health services, pursuant to the provisions of Title XVIII of the Social Security Act. Home health services shall mean ancillary paramedical services rendered in the patient's home, and shall include, but not be limited to, professional nursing care, physio-therapy, occupational therapy, speech and hearing therapy, medical social services, and home health aide services. The authority of the department hereunder shall be liberally construed in order that the State may receive the maximum benefits of said Title XVIII.

§ 46-81. The department is hereby authorized to establish, charge, and collect reasonable fees for services rendered under the program set forth in section 46-80.

§ 46-82. There is hereby appropriated out of the general revenues of the State the sum of \$15,000 as a revolving fund, to be expended by the department for the purposes of this part. All moneys received by the department for services rendered under this part shall be deposited into said fund."

**SECTION 3.** This Act shall take effect upon its approval.  
(Approved April 5, 1966.) **H.B. 309.**

**ACT 24**

A Bill for an Act Relating to Dividends of Savings and Loan Associations.

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

**SECTION 1.** This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of the facts constituting such urgency:

The mortgage money market in Hawaii in 1965 was severely curtailed because the outflow of savings has been the most substantial in many years. Despite the fact that dividend rates here are fairly comparable, California savings and loan associations paying quarterly dividends have drained untold millions of dollars from Hawaii.

It appears imminent that the acute savings and mortgage picture will be compounded because competitive inequality among savings and loan associations will become possible on July 1, 1966 unless our state law is amended. Presently, all federally-chartered and state-chartered savings and loan associations in Hawaii pay dividends on savings accounts on a semi-annual basis as provided in section 180-47 of the Revised Laws of Hawaii 1955, as amended. Because of this provision, federally-chartered savings and loan associations by federal regulations have been prohibited from paying on dates other than semi-annually.

Now, however, the Federal Home Loan Bank Board (of which all insured Hawaii savings and loan associations are members) has



determined that this prohibition will not be extended beyond July 1, 1966 regardless of state law. Consequently, beginning with this July first date, federal savings and loan associations will be authorized to pay quarterly dividends while state-chartered savings and loan associations will be limited to semi-annual dividends.

Inasmuch as competing financial institutions are now permitted and since federal savings and loan associations will be allowed to pay quarterly interest on comparable savings accounts, state-chartered savings and loan associations will need the same privilege in order to equitably compete for savings capital in today's extremely tight money situation.

It is a matter of great urgency and in the public interest, therefore, (1) to halt this outflow of capital funds out of the State by making Hawaii savings more attractive, (2) to bring about parity between federal and state savings and loan associations and among competing financial institutions, and (3) to make possible the availability of more capital money for home loan demands because of the desirability of quarterly over semi-annual dividend rate.

SECTION 2. Section 180-47 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended in the following respects:

(a) By amending the first paragraph to read as follows:

"The board of directors of an association may declare a dividend payable either quarter-annually or semi-annually to shareholders of record as of the last day of each calendar quarter period, or as of June 30 and December 31 if dividend is payable semi-annually, of each year after transfers to reserves and undivided profits have been made. If the dividend payment date as determined above falls on a legal holiday, then such dividends shall be payable on the next preceding business day."

(b) By amending the last paragraph to read as follows:

"Within fifteen days preceding the last day of the dividend payment period as determined by the board of directors, such association may declare and publicize a dividend rate for the ensuing dividend period; provided that such dividends will not exceed accumulated undivided profits and anticipated net earnings for the period."

SECTION 3. This Act shall take effect on July 1, 1966.  
(Approved April 5, 1966.) H.B. 418.

## ACT 25

A Bill for an Act Relating to the Department of Budget and Finance, Making Supplementary Appropriations Out of the General Revenues to Cover Certain Deficiencies for the Fiscal Year Ending June 30, 1966.

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

SECTION 1. This bill is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of facts constituting such urgency:

Act 97, Session Laws of Hawaii 1965, appropriated \$10,400,000 to the department of budget and finance to accomplish the purposes or programs relating to certain functions assigned to the state government for the fiscal period beginning July 1, 1965 and ending June 30, 1966. These functions were: (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, improvements, maintenance and operation of public hospitals and other public health and medical facilities; and (4) the rendering of medical treatment and hospitalization services to state and county pensioners.

To the best of its ability, the department has tried to provide the level of services formerly provided by the counties within the appropriated amount for the fiscal year 1965-1966. However, the appropriation will not be sufficient to continue services after March 31, 1966. To avoid a breakdown in services, it is urgent that this bill be enacted.

SECTION 2. The following sums or so much thereof as may be necessary, are 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:

DEPARTMENT OF BUDGET AND FINANCE

(a) Transfer of functions from county governments to the State of Hawaii .....	\$3,716,801
(b) Molokai General Hospital .....	50,000
(c) Lanai Community Hospital .....	30,000

SECTION 3. All unexpended and unencumbered balances of the appropriation made by this Act as of the close of business on June 30, 1966, shall lapse into the general fund of the State.

SECTION 4. If any section, subsection, paragraph, sentence, clause or 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 5. This Act shall take effect upon its approval.  
(Approved April 5, 1966.) H.B. 433.

ACT 26

A Bill for an Act Relating to Recordation by the Bureau of Conveyances.

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

SECTION 1. This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of the facts constituting such urgency:

Presently, the bureau of conveyances, a division of the department of land and natural resources, microfilms the instruments presented

for recording as well as produces a literal copy by electrostatic process. Since this method is currently used, the statutes have not been fully amended to reflect the change. The proposed amendment requested with regard to section 343-6, Revised Laws of Hawaii 1955, is urgently needed since electronic data processing will be implemented by the bureau on July 1, 1966. This would allow us to set up a format of indexes that would be compatible to the computer printer we will be using. Therefore, this Act is considered an urgency measure deemed necessary in the public interest.

**SECTION 2.** Section 343-6 of the Revised Laws of Hawaii 1955 is hereby deleted and the following substituted in its place:

**"343-6. Indexes.** The registrar shall keep two sets of indexes in such form and manner as shall be prescribed by the board of land and natural resources."

**SECTION 3.** Section 343-15 of the Revised Laws of Hawaii 1955 is hereby amended as follows:

a. By adding in line twelve of said section 343-15 after the word "inches" and before the word "are" the words "which legibly reproduces under photographic or electrostatic methods".

b. By changing the word "photostat" in line sixteen of said section 343-15 to the word "photographic".

**SECTION 4.** Section 343-20 of the Revised Laws of Hawaii 1955 is hereby amended as follows:

**"343-20. Copies of instruments, certificates.** The registrar shall, when applied to therefor, furnish an attested copy of any instrument or document recorded in his office, or of any fact appearing upon his records. He may also issue nonattested portions of any instrument or document recorded in his office. He may issue certificates of search or incumbrance when personnel is available for the making thereof. The fees hereinbefore specified shall be collected."

**SECTION 5.** Section 343-21 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended as follows:

a. By deleting the last sentence of paragraph one of said section 343-21.

b. By deleting from said section 343-21 the last sentence of the last paragraph thereof and adding the following in its place:

"The registrar may refuse to accept all instruments, papers or notices presented for recordation that will not reproduce legibly under photographic or electrostatic methods."

**SECTION 6.** This Act shall take effect July 1, 1966.  
(Approved April 5, 1966.) **H.B. 470.**

## ACT 27

A Bill for an Act Relating to the Public Lands of the State of Hawaii.  
*Be it Enacted by the Legislature of the State of Hawaii:*

**SECTION 1.** This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of

section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of facts constituting such urgency:

Presently, under section 103A-83, R.L.H. 1955, as amended, only those lessees of public lands who own private lands in fee simple in a disaster area which are condemned or purchased for a public purpose by a governmental agency during the first two (2) years of the terms of their leases are entitled to an option to purchase such public lands in fee simple. However, those lessees whose private lands in a disaster area were condemned or purchased prior to the commencement date of the natural disaster leases are not thereby entitled to an option to purchase the public land so leased. This situation has arisen because public lands were not available for leasing at the time persons in the latter category had their own private lands condemned or purchased—an inequity that has arisen through no fault of the persons affected. To correct this inequity, therefore, it is necessary to amend said section 103A-83. Accordingly, this Act is considered an urgency measure deemed necessary in the public interest.

**SECTION 2.** Section 103A-83 of the Revised Laws of Hawaii 1955, is hereby amended to read as follows:

**“§ 103A-83. Option to purchase.** Any owner in fee simple of private land in a disaster area who leases or who presently has a lease of public land under this part shall be entitled to an option to purchase in fee simple the public land so leased if his private land was or is condemned or purchased for a public purpose by a governmental agency at any time between the date of the natural disaster and the date of expiration of the first two years of the term of the lease to such person.

If private land in a disaster area owned at the time of the natural disaster by a lessee under this part is not condemned or purchased for a public purpose by a governmental agency at the expiration of the first two years of the term of the lease of such lessee, such person shall be entitled to an option to purchase in fee simple the public land leased under this part, provided that such lessee first offers the board a period of six months in which to exercise an option to purchase in fee simple his private land in the disaster area which he held at the time of the natural disaster. Such offer shall be made to the board by the lessee within thirty calendar days next following the first two years of the term of the lease of the lessee. The lessee shall then have a period of six months next following the board's rejection or exercise of its option in which to reject or exercise his option to purchase such public lands. The acquisition or purchase of such private lands in a disaster area by the board under this part is declared to be for a public purpose.

During the period that the board and the lessee are considering their respective options to purchase, the board shall waive the lease rental of the lessee.

Public land under lease shall be sold and such private land of the lessee shall be purchased at fair market value as determined by appraisal as set forth in section 103A-17. The fair market value shall not include the value of improvements erected by the lessee and shall

be determined as if the premises were not subject to the lease or to any mortgage made by the lessee.”

**SECTION 3.** This Act shall take effect upon its approval.  
(Approved April 5, 1966.) **H.B. 474.**

## ACT 28

A Bill for an Act Relating to Taxation.

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

**SECTION 1.** This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of the facts constituting such urgency:

During the 1965 general session, the legislature made extensive changes to the tax laws of the Hawaii. It is apparent at this time that additional changes in the tax laws may be necessary. It is urgent and in the public interest that adjustments and changes in the tax laws be made at the earliest possible opportunity thereby alleviating immediately any possible inconvenience to the public.

**SECTION 2.** Subsection 117-5(d), Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

“(d) sales to a licensed producer, or to a cooperative association described in section 117-20(j) for sale to such producer, or to a licensed person operating a feed lot, of poultry or animal feed, hatching eggs, semen, replacement stock, breeding services, for the purpose of raising or producing animal or poultry products for disposition as described in section 117-6 or to be incorporated in a manufactured product as described in clause (b) of this section or for the purpose of breeding, hatching, milking, or egg laying other than for the customer’s own consumption of the meat, poultry, eggs, or milk so produced; provided that in the case of a feed lot operator, only the segregated cost of the feed furnished by him as part of his service to a licensed producer of poultry or animals to be butchered or to a cooperative association described in section 117-20(j) of such licensed producers shall be deemed to be a sale at wholesale; and provided further that any amount derived from the furnishing of feed lot services, other than the segregated cost of feed, shall be deemed taxable at the service business rate. This clause (d) shall not apply to the sale of feed for poultry or animals to be used for hauling, transportation or sports purposes.”

**SECTION 3.** Subsection 117-14(a)(1) of the Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

“(1) Upon every person engaging or continuing within the State in the business of manufacturing, compounding, canning, preserving, packing, milling, processing, refining or preparing for sale, profit or commercial use, either directly or through the activity of others, in whole or in part, any article or articles, substance or substances, commodity or commodities, the amount of such tax to be equal to the

value of the articles, substances or commodities, manufactured, compounded, canned, preserved, packed, milled, processed, refined or prepared, for sale, as shown by the gross proceeds derived from the sale thereof by the manufacturer or person compounding or preparing them, multiplied by one-half of one per cent."

**SECTION 4.** Section 117-21, Revised Laws of Hawaii 1955, as amended is hereby amended by adding thereto the following new subsections to be appropriately designated and to read as follows:

"( ) Amounts received from the loading, transportation and unloading of agricultural commodities shipped for a producer or produce dealer on one island of this State to a person, firm or organization on another island of the State. The terms 'agricultural commodity', 'producer' and 'produce dealer' shall be defined in the same manner as they are defined in section 22-1, Revised Laws of Hawaii 1955, as amended.

( ) Amounts received from sales of (1) intoxicating liquor as defined in chapter 124, (2) tobacco products as defined in chapter 125, and (3) agricultural, meat or fish products grown, raised, or caught in Hawaii, when such sales are made to any person or common carrier in interstate or foreign commerce, or both, whether ocean-going or air, for consumption out-of-state by such person, crew or passengers on such shipper's vessels or airplanes."

**SECTION 5.** Section 119-3, Revised Laws of Hawaii 1955, as amended, is hereby amended by adding thereto the following new subsection to be numbered as subsection (f) and to read as follows:

"(f) The tax imposed by this chapter shall not apply to any intoxicating liquor as defined in chapter 124 and tobacco products as defined in chapter 125, imported into the State and sold to any person or common carrier in interstate commerce, whether ocean-going or air, for consumption out-of-state by such person, crew or passengers on such shipper's vessels or airplanes."

**SECTION 6.** Subsection 119-4(a), Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"(a) If a licensed producer, or a cooperative association acting under the authority of chapter 176 in order to sell to such producer, or a licensed person operating a feed lot, imports into the State or acquires in the State, poultry or animal feed, hatching eggs, semen, or replacement stock, in such manner and for such purposes that if the poultry or animal feed, hatching eggs, semen, or replacement stock so imported or acquired had been purchased in the State, clause (d) of section 117-5 would apply, or"

**SECTION 7.** Section 117-15, Revised Laws of Hawaii 1955, as amended, is hereby amended by amending the first sentence thereof to read as follows:

"Anything in section 117-14 to the contrary notwithstanding, the privilege tax levied, assessed and collected on account of the business or other activities of individuals who are blind or corporations all of whose outstanding shares are owned by individuals who are blind

shall not exceed one-half of one per cent of the proceeds, sales, income or other receipts subject to tax. For the purpose of this section 'blind' is defined as in section 121-1."

SECTION 8. This Act shall take effect on January 1, 1967.  
(Approved April 6, 1966.) S.B. 354.

## ACT 29

A Bill for an Act Relating to the Preparation of a Revision of the Statutes of Hawaii and Making an Appropriation Therefor.

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

SECTION 1. This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of facts constituting such urgency:

The Revised Laws of Hawaii 1955, the revision of the statutes of Hawaii now in use, was enacted in 1957. Legislation since then has amended or repealed many of its provisions and added new or supplementary provisions to it. The additional and amendatory enactments are set forth in a Supplement which is growing progressively unwieldy as it increases in content with each legislative session.

In addition, as a result of statehood and the legislative processes, the classification system utilized in the 1955 Revised Laws has become inappropriate and requires overhauling.

In order to clarify and rearrange the statutory material and to present it in the most convenient and useful form, a complete revision of the statutes now in force is necessary, and it is urgent that the work be authorized at this session to insure publication of a new revision before the present one becomes too cumbersome for practical use.

SECTION 2. The purpose of this Act is to authorize the preparation of a new revision of the statutes of Hawaii; and for that purpose, to create an advisory committee to assist in establishing a basic plan to govern the preparation of the revision by the office of the revisor of statutes, to prescribe functions and guides for the office of the revisor, to authorize the making of contracts to utilize automatic processes and for editorial services, and to make an appropriation to cover the first year's expenses of the preparation of the new revision.

SECTION 3. There shall be an advisory committee on statute revision consisting of three members of the Senate to be appointed by the President of the Senate, three members of the House of Representatives to be appointed by the Speaker of the House of Representatives, two members appointed by the chief justice of the supreme court and the director of the legislative reference bureau, University of Hawaii. Such appointments shall be made within ten days after the approval of this Act.

The committee shall advise the office of the revisor of statutes

in establishing a system and plan for the revision, printing and publication of all statute laws of Hawaii as provided in this Act.

The members of the committee shall be entitled to the same allowances and expenses authorized by section 2-20, Revised Laws of Hawaii 1955, which shall be paid out of moneys appropriated by this Act.

**SECTION 4.** With the advice of the advisory committee and consistent with the other provisions of this Act, the office of the revisor of statutes shall establish, implement and carry out a system and plan for the revision, printing and publication of all statute laws of Hawaii now in force and as may be enacted by the legislature at any session through the 1967 regular session.

**SECTION 5.** In implementing the system and plan for revision, the office of the revisor of statutes shall have the following general powers:

- (a) To adopt a uniform system of punctuation, capitalization and wording;
- (b) To eliminate obsolete and redundant words;
- (c) To correct obvious errors and inconsistencies;
- (d) To eliminate duplications and laws repealed directly or by clear implication;
- (e) To rearrange and renumber the statutory provisions;
- (f) To simplify and clarify the laws;
- (g) To perform other functions deemed necessary to prepare a complete, thorough revision.

**SECTION 6.** The functions under section 5 shall be done in such form and manner as to preserve the meaning and effect of the laws and in conformity with the following provisions:

- (a) Statutes obviously inconsistent with the Constitutions of the United States and the State of Hawaii shall not be included in the revision;
- (b) Where a statute is repugnant to the Constitutions of the United States or the State in part only, it may be modified so as to conform thereto;
- (c) Where two or more statutes are obviously repugnant to each other, only the statute last enacted shall be included;
- (d) Where two or more statutes or parts thereof overlap each other or substantially cover the same ground, only the statute last enacted shall be included;
- (e) Where a statute refers to another statute which has been repealed, and a subsequent statute has been enacted covering the same subject matter as the repealed statute, the first statute may be modified so as to refer to the new statute in place of the repealed statute;
- (f) Mistakes of omission or erroneous references to statutes or other mistakes, obviously made through oversight or accident in the original statutes may be corrected;
- (g) Statutes may be modified so as to express the intention manifested in later statutes, either expressly or by clear implication; and,



where any statute or part thereof is obviously obsolete or redundant, such statute or part thereof may be omitted.

SECTION 7. Any departure or change in the letter of existing statutes made in the preparation of the revision, either by way of alteration or omission shall be noted.

SECTION 8. The office of the revisor shall recommend in a separate report, such changes, repeals or modifications of the statutes, not authorized to be made in the preparation of the revision, as it deems advisable for the sake of clearness, consistency, brevity and efficiency.

SECTION 9. The office of the revisor may omit from the revision, or may set forth in appendices or notes, any act or provision of the following nature:

(a) Any appropriation act, loan fund act, special pension act, or franchise act, or any provision of like nature in any other act whether or not a part thereof has been embraced in the revision;

(b) Any provision of a temporary nature the functions of which have been fulfilled;

(c) Any provision in the nature of a saving clause or short title, or any provision relating to constitutionality, legislative findings or intent, interpretation, or the repeal of laws;

(d) Any provision as to the time at which or manner in which provisions embraced in the revision were or are to take effect or apply or other transition provisions;

(e) Any other act or provision of an ephemeral nature.

The Committee shall make a report stating what acts or provisions, or categories of acts or provisions, have been omitted or relegated to appendices or notes.

SECTION 10. The revision shall include:

(a) All the statutory laws of the State of Hawaii of a general and permanent nature now in effect and which may be enacted by legislative sessions through the general session of 1967;

(b) The Constitution of the United States;

(c) The Constitution of the State of Hawaii;

(d) The Act of Congress admitting Hawaii into the Union;

(e) The Hawaiian Organic Act;

(f) Other additional laws affecting the State or references thereto deemed advisable.

SECTION 11. The revision shall also include the following material:

(a) Table of contents;

(b) A complete index;

(c) Headnotes expressing the substance of each section of the revision;

(d) Notes citing the original enactment of each section, amendments thereof, if any, and the last revision in which the section is found;

- (e) Case annotations covering the reported decisions of the state and federal courts construing and interpreting Hawaii laws;
- (f) Tables showing the disposition of the laws;
- (g) Any other matter as shall be deemed advisable or advantageous.

SECTION 12. The revisor of statutes may employ temporary assistants to augment the staff of the office of the revisor, as may be necessary to expedite the revision and shall approve for payment such extra expenses as the office may incur in carrying out the provisions of this Act. Persons employed as authorized by this section shall be exempt from the civil service and compensation laws of the State.

SECTION 13. The office of the revisor may enter into contracts upon such terms and conditions as it deems necessary for the interests of the State, for the purpose of utilizing electronic and automatic processes and equipment to assist the office of the revisor in the preparation of the revision.

SECTION 14. The office of the revisor may enter into contracts for the writing of a full index, and for such other recognized editorial or expert services as the committee deems advantageous to the State, but all of the editorial work for the revision shall not be so contracted out. The office of the revisor shall enter into a contract with the judicial council for a comprehensive study, review and revision of the state criminal, juvenile and correctional law.

SECTION 15. The revisor of statutes shall submit to the legislature of the 1967 regular session a report on the progress of revision. The report shall include the determination as to the basic system and plan of the revision, including the manner of printing and binding and a request for an appropriation for the 1967-1968 fiscal year to complete the revision.

SECTION 16. Notwithstanding section 1-54, Revised Laws of Hawaii 1955, the office of the revisor shall not prepare for publication the 1967 Supplement to the Revised Laws of Hawaii 1955.

SECTION 17. There is hereby appropriated out of the general revenues of the State the sum of \$146,250 or so much thereof as may be necessary, for the purposes of this Act to be expended by the office of the revisor.

SECTION 18. This Act shall take effect upon its approval.  
(Approved April 6, 1966.) H.B. 16.

### ACT 30

A Bill for an Act Amending Chapter 111 of the Revised Laws of Hawaii 1955, as Amended, Relating to Highways.

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

SECTION 1. This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of

section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of facts constituting such urgency:

It is imperative that the department of transportation be authorized to exchange easements and access rights to continue its accelerated highway construction program. Under the existing law, (section 103A-11, R.L.H. 1955, as amended by section 8, Act 239, S.L.H. 1965), the granting of highway access rights and easements within the highway rights-of-way is not expressly covered. Under section 103A-11, R.L.H. 1955, as amended, the department of transportation is authorized to exercise the powers that are vested in the board of land and natural resources. The board of land and natural resources is authorized to exchange public lands for private lands under section 103A-47, R.L.H. 1955, as amended. However, under section 103A-2, R.L.H. 1955, as amended, lands that are being used for roads and streets do not fall within the definition of public lands. Easements and access rights are parts of our roads and streets; therefore, it appears that the board of land and natural resources is not authorized to exchange interests in land within highway rights-of-way pursuant to section 103A-47, R.L.H. 1955, as amended. This being the case, the department of transportation would also be without this power. Accordingly, there exists the possibility that neither agency has the authority to exchange easement and access points within highway rights-of-way creating a "no man's land" in this area. To avoid the necessity of condemnation and delays in the highway construction, which may result in the possible loss of federal highway funds, it is imperative that the department of transportation be authorized to exchange and relocate easements within and access rights abutting state highway rights-of-way.

SECTION 2. Chapter 111 of the Revised Laws of Hawaii 1955, as amended, is hereby amended by adding a new section to part III to be numbered accordingly and to read as follows:

"Sec. 111- . Notwithstanding any provisions of the law to the contrary, the director of transportation, subject to the approval of the governor, may dispose of easements within and access rights along the state highway rights-of-way under such terms and conditions which, in his opinion, are in the best interest of the public."

SECTION 3. This Act shall take effect upon its approval.  
(Approved April 6, 1966.) H.B. 210.

### ACT 31

A Bill for an Act to Provide for Disclaimer of Real and Personal Property by an Heir, Next of Kin, Devisee, Legatee or Beneficiary Under a Will.

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

SECTION 1. This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of facts constituting such urgency:

While the existence of the right to disclaim real and personal property under a will exists at common law, uncertainty exists as to the time, form and manner in which such disclaimer may be made, and its effect. The purpose of this Act is to provide a time limit, form, manner and effect for such disclaimer to remove such uncertainty and ensure conformity with section 2055 of the Internal Revenue Code of 1954.

SECTION 2. There is hereby added to the Revised Laws of Hawaii 1955, as amended, a new chapter 322A to read as follows:

#### **"CHAPTER 322A. DISCLAIMERS**

**Sec. 322A-1. Right to disclaim succession.** An heir, next of kin, devisee, legatee, beneficiary under a testamentary instrument, person designated to take pursuant to a power of appointment exercised by a testamentary instrument, or person succeeding to an interest disclaimed pursuant to this chapter, may disclaim in whole or in part the succession to any property, real or personal, or interest therein, by filing a written instrument within the time and at the place hereinafter provided. The instrument shall (i) describe the property or part thereof or interest therein disclaimed, (ii) be signed and acknowledged by the disclaimant in the manner provided for the execution of deeds of real estate, and (iii) declare the disclaimer and the extent thereof.

**Sec. 322A-2. Time and place of filing.** If the taker of the property or interest has been finally ascertained and his interest has become indefeasibly fixed both in quality and in quantity, the instrument specified in section 322A-1 shall be filed within 15 months after the death of the decedent or the donee of the power, as the case may be, except that if such decedent or donee shall have died within two years prior to July 1, 1966, such instrument shall be filed within 15 months after July 1, 1966. If the taker of the property or interest has not been finally ascertained or his interest has not become indefeasibly fixed both in quality and in quantity within the period specified in the preceding sentence, the instrument specified in section 322A-1 shall be filed at any time before or not later than 15 months after the event when the taker has become finally ascertained and his interest has become indefeasibly fixed both in quality and in quantity.

The place of filing the instrument shall be the court of this State in which the estate within the State of Hawaii of the decedent or the donee of the power is administered or if there is no administration within 15 months after the death of the decedent or donee, then in the court of this State provided by law as the proper place of administration of the estate within the State of Hawaii of the decedent or donee. If an interest in real estate is disclaimed, a copy of the instrument also shall be recorded in the bureau of conveyances, unless the title to the real estate is registered in the land court, in which event a copy of the instrument shall be presented for registration in the same manner as a deed or other voluntary instrument and a memo-

randum thereof shall be made on the certificate of title and on the owner's duplicate certificate.

**Sec. 322A-3. Effect of disclaimer.** (a) Unless the decedent or donee of the power has otherwise provided by will, the property or interest therein or part thereof disclaimed as provided in sections 322A-1 and 322A-2 shall descend or be distributed as if the disclaimant had predeceased the decedent, or if the disclaimant be one designated to take pursuant to a power of appointment exercised by a testamentary instrument, then as if the disclaimant had predeceased the donee of the power. In every case the disclaimer shall relate back for all purposes to the date of death of the decedent or the donee, as the case may be.

(b) Any conveyance of or contract to convey real property or any interest therein, or assignment or transfer of or contract to assign or transfer personal property, or written waiver of the right to disclaim, by a person entitled to disclaim pursuant to this chapter, or any sale or other disposition of his interest pursuant to judicial process, made before the expiration of the period in which he may disclaim as herein provided, bars the right to disclaim as to the property or interest.

(c) The right to disclaim granted by this chapter shall exist irrespective of any limitation on the interest of the disclaimant in the nature of a spendthrift provision or similar restriction.

(d) This chapter shall not abridge any right of any person now existing or hereafter arising to assign, convey, release, or renounce any property or interest therein.

(e) Any interest in real or personal property which exists on the effective date of this chapter may be disclaimed after the effective date of this chapter in the manner provided herein, but no interest which has arisen prior to the effective date of this chapter in any person other than the disclaimant shall be destroyed or diminished by any action of the disclaimant taken pursuant to this chapter."

**SECTION 3.** This Act shall take effect on July 1, 1966.  
(Approved April 8, 1966.) **H.B. 370.**

## ACT 32

**A Bill for an Act Adopting a Compact for Education, Authorizing the Governor to Execute the Compact for the State of Hawaii, Providing for the Establishment of the Hawaii Education Council and Making an Appropriation.**

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

**SECTION 1.** This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of facts constituting such urgency:

In September 1965, delegates from all fifty states attended the Governor's Conference on Education in Kansas City, Missouri, to

study in depth the need for a nationwide alliance in improving public education. It was agreed by the conferees that a Compact for Education comprising all the states and territories provided the best possible means to achieve this goal.

The purpose and policy of the Compact for Education are as follows: To establish and maintain closer cooperation and understanding among members of the executive and legislative branches, professional educators and laymen on a nationwide basis and also at the state and local levels; to provide and encourage local and state initiative in the development, maintenance, improvement and administration of better public educational systems; to provide a forum for the discussion, development, crystallization and recommendation of public policy alternatives in the field of education; and to provide a clearing house of information on matters relating to problems in education and how they are met in other jurisdictions so that an individual state may have ready access to experiences and records of the entire country.

In order to ensure the best possible public education for our youths, and ultimately for the benefit and welfare of the public in general, it is crucial therefore that Hawaii join the Compact for Education, now, so that we can immediately utilize and take advantage of the benefits that will accrue from said Compact.

**SECTION 2. The Compact for Education is hereby entered into and enacted into law with all jurisdictions legally joining therein, in the form substantially as follows:**

**PREAMBLE**

WHEREAS, the proper education of all citizens is one of the most important responsibilities of the States to preserve a free and open society in the United States; and,

WHEREAS, the increasing demands of our whole national life for improving and expanding educational services require a broad exchange of research data and information concerning the problems and practices of education; and,

WHEREAS, there is a vital need for strengthening the voices of the States in the formulation of alternative nationwide educational policies.

THE STATES AFFIRM the need for close and continuing consultation among our several States on all matters of education, and do hereby establish this Compact for Education.

**COMPACT FOR EDUCATION**

**Article I. Purpose and Policy.**

A. It is the purpose of this compact to:

1. Establish and maintain close cooperation and understanding among executive, legislative, professional, educational and lay leadership on a nationwide basis at the state and local levels.

2. Provide a forum for the discussion, development, crystallization and recommendation of public policy alternatives in the field of education.

3. Provide a clearing house of information on matters relating to educational problems and how they are being met in different places throughout the Nation, so that the executive and legislative branches of state government and of local communities may have ready access to the experience and record of the entire country, and so that both lay and professional groups in the field of education may have additional avenues for the sharing of experience and the interchange of ideas in the formation of public policy in education.

4. Facilitate the improvement of state and local educational systems so that all of them will be able to meet adequate and desirable goals in a society which requires continuous qualitative and quantitative advance in educational opportunities, methods and facilities.

B. It is the policy of this compact to encourage and promote local and state initiative in the development, maintenance, improvement and administration of educational systems and institutions in a manner which will accord with the needs and advantages of diversity among localities and states.

C. The party states recognize that each of them has an interest in the quality and quantity of education furnished in each of the other states, as well as in the excellence of its own educational systems and institutions, because of the highly mobile character of individuals within the Nation, and because the products and services contributing to the health, welfare and economic advancement of each state are supplied in significant part by persons educated in other states.

#### **Article II. State Defined.**

As used in this Compact, 'state' means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

#### **Article III. The Commission.**

A. The Educational Commission of the States, hereinafter called 'the commission', is hereby established. The commission shall consist of seven members representing each party state. One of such members shall be the governor; two shall be members of the state legislature selected by its respective houses and serving in such manner as the legislature may determine; and four shall be appointed by and serve at the pleasure of the governor, unless the laws of the state otherwise provide. If the laws of a state prevent legislators from serving on the commission, six members shall be appointed by and serve at the pleasure of the governor, unless the laws of the state otherwise provide. In addition to any other principles or requirements which a state may establish for the appointment and service of its members of the commission, the guiding principle for the composition of the membership on the commission from each party state shall be that the members representing such state shall, by virtue of their training, experience, knowledge or affiliations be in a position collectively to reflect broadly the interests of the state government, higher education, the state education system, local education, lay and professional, public and nonpublic educational leadership. Of those appointees, one shall be the head of a state agency or institution, designated by the governor,

having responsibility for one or more programs of public education. In addition to the members of the commission representing the party states, there may be not to exceed ten non-voting commissioners selected by the steering committee for terms of one year. Such commissioners shall represent leading national organizations of professional educators or persons concerned with educational administration.

B. The members of the commission shall be entitled to one vote each on the commission. No action of the commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the commission are cast in favor thereof. Action of the commission shall be only at a meeting at which a majority of the commissioners are present. The commission shall meet at least once a year. In its bylaws, and subject to such directions and limitations as may be contained therein, the commission may delegate the exercise of any of its powers to the steering committee or the executive director, except for the power to approve budgets or requests for appropriations, the power to make policy recommendations pursuant to Article IV and adoption of the annual report pursuant to Article III(j).

C. The commission shall have a seal.

D. The commission shall elect annually, from among its members, a chairman, who shall be a governor, a vice-chairman and a treasurer. The commission shall provide for the appointment of an executive director. Such executive director shall serve at the pleasure of the commission, and together with the treasurer and such other personnel as the commission may deem appropriate shall be bonded in such amount as the commission shall determine. The executive director shall be secretary.

E. Irrespective of the civil service, personnel or other merit system laws of any of the party States, the executive director subject to the approval of the steering committee shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the commission, and shall fix the duties and compensation of such personnel. The commission in its bylaws shall provide for the personnel policies and programs of the commission.

F. The commission may borrow, accept or contract for the services of personnel from any party jurisdiction, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party jurisdictions or their subdivisions.

G. The commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any state, the United States, or any other governmental agency, or from any person, firm, association, foundation, or corporation, and may receive, utilize and dispose of the same. Any donation or grant accepted by the commission pursuant to this paragraph or services borrowed pursuant to paragraph (f) of this Article shall be reported in the annual report of the commission. Such report shall include the



nature, amount and conditions, if any, of the donation, grant, or services borrowed, and the identity of the donor or lender.

H. The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold, and convey real and personal property and any interest therein.

I. The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.

J. The commission annually shall make to the governor and legislature of each party state a report covering the activities of the commission for the preceding year. The commission may make such additional reports as it may deem desirable.

#### **Article IV. Powers.**

In addition to authority conferred on the commission by other provisions of the compact, the commission shall have authority to:

1. Collect, correlate, analyze and interpret information and data concerning educational needs and resources.

2. Encourage and foster research in all aspects of education, but with special reference to the desirable scope of instruction, organization, administration, and instructional methods and standards employed or suitable for employment in public educational systems.

3. Develop proposals for adequate financing of education as a whole and at each of its many levels.

4. Conduct or participate in research of the types referred to in this Article in any instance where the commission finds that such research is necessary for the advancement of the purposes and policies of this compact, utilizing fully the resources of national associations, regional compact organizations for higher education, and other agencies and institutions, both public and private.

5. Formulate suggested policies and plans for the improvement of public education as a whole, or for any segment thereof, and make recommendations with respect thereto available to the appropriate governmental units, agencies and public officials.

6. Do such other things as may be necessary or incidental to the administration of any of its authority or functions pursuant to this compact.

#### **Article V. Cooperation With Federal Government.**

A. If the laws of the United States specifically so provide, or if administrative provision is made therefor within the federal government, the United States may be represented on the commission by not to exceed ten representatives. Any such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to federal law, and may be drawn from any one or more branches of the federal government, but no such representative shall have a vote on the commission.

B. The commission may provide information and make recom-

mendations to any executive or legislative agency or officer of the federal government concerning the common educational policies of the states, and may advise with any such agencies or officers concerning any matter of mutual interest.

#### **Article VI. Committees.**

A. To assist in the expeditious conduct of its business when the full commission is not meeting, the commission shall elect a steering committee of thirty members which, subject to the provisions of this compact and consistent with the policies of the commission, shall be constituted and function as provided in the bylaws of the commission. One-third of the voting membership of the steering committee shall consist of governors, and the remainder shall consist of other members of the commission. A federal representative on the commission may serve with the steering committee, but without vote. The voting members of the steering committee shall serve for terms of two years, except that members elected to the first steering committee of the commission shall be elected as follows: fifteen for one year and fifteen for two years. The chairman, vice-chairman, and treasurer of the commission shall be members of the steering committee and, anything in this paragraph to the contrary notwithstanding, shall serve during their continuance in these offices. Vacancies in the steering committee shall not affect its authority to act, but the commission at its next regularly ensuing meeting following the occurrence of any vacancy shall fill it for the unexpired term. No person shall serve more than two terms as a member of the steering committee: provided that service for a partial term of one year or less shall not be counted toward the two term limitation.

B. The commission may establish advisory and technical committees composed of state, local, and federal officials, and private persons to advise it with respect to any one or more of its functions. Any advisory or technical committee may, on request of the states concerned, be established to consider any matter of special concern to two or more of the party states.

C. The commission may establish such additional committees as its bylaws may provide.

#### **Article VII. Finance.**

A. The commission shall advise the governor or designated officer or officers of each party state of its budget and estimated expenditures for such period as may be required by the laws of that party state. Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states.

B. The total amount of appropriation requests under any budget shall be apportioned among the party states. In making such apportionment, the commission shall devise and employ a formula which takes equitable account of the populations and per capita income levels of the party states.

C. The commission shall not pledge the credit of any party states. The commission may meet any of its obligations in whole or in part

with funds available to it pursuant to Article III(g) of this compact, provided that the commission takes specific action setting aside such funds prior to incurring an obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it pursuant to Article III(g) thereof, the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

D. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established by its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant, and the report of the audit shall be included in and become part of the annual reports of the commission.

E. The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.

F. Nothing contained herein shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

#### **Article VIII. Eligible Parties; Entry Into and Withdrawal.**

A. This compact shall have as eligible parties all states, territories, and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico. In respect of any such jurisdiction not having a governor, the term 'governor', as used in this compact, shall mean the closest equivalent official of such jurisdiction.

B. Any state or other eligible jurisdiction may enter into this compact and it shall become binding thereon when it has adopted the same; provided that in order to enter into initial effect, adoption by at least ten eligible party jurisdictions shall be required.

C. Adoption of the compact may be either by enactment thereof or by adherence thereto by the governor; provided that in the absence of enactment, adherence by the governor shall be sufficient to make his state a party only until December 31, 1967. During any period when a state is participating in this compact through gubernatorial action, the governor shall appoint those persons who, in addition to himself, shall serve as the members of the commission from his state, and shall provide to the commission an equitable share of the financial support of the commission from any source available to him.

D. Except for a withdrawal effective on December 31, 1967 in accordance with paragraph C of this Article, any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

### **Article IX. Construction and Severability.**

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any 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 state affected as to all severable matters."

**SECTION 3.** Hawaii's representatives to the Educational Commission of the States, hereinafter called the "commission," shall consist of seven members. The governor, two members of the state legislature selected by its respective houses and serving in such manner as the legislature may determine and the head of a state agency or institution, designated by the governor, having one or more programs of public education, shall be ex-officio members of the commission. The other three members shall be appointed by and serve at the pleasure of the governor.

**SECTION 4.** There is hereby established the Hawaii Education Council, hereinafter called the "council," composed of Hawaii's representatives to the commission, excepting the two members of the legislature, and ten other persons appointed by and to serve at the pleasure of the governor. Such other persons shall be selected so as to be broadly representative of professional and lay interests within this State having the responsibilities for, knowledge with respect to, and interest in educational matters. The chairman shall be designated by the governor from among its members. The council shall meet on the call of its chairman or at the request of a majority of its members, but in any event the council shall meet not less than three times in each year. The council may consider any and all matters relating to public educational policy and any matters relating to recommendations of the Educational Commission of the States and the activities of the members in representing this State thereon.

The governor and the head of a state agency or institution designated by the governor shall also serve as ex-officio members on the council.

The selection and terms of the members of the commission and council shall be governed by the applicable provisions of section 14A-3, Revised Laws of Hawaii 1955, as amended.

The council shall be placed within the department of the attorney general for administrative purposes only.

Members of the commission and council 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.

**SECTION 5.** Pursuant to Article III(i) of the compact, the com-

mission shall file a copy of its bylaws and any amendments thereto with the office of the lieutenant governor, State of Hawaii.

SECTION 6. The governor shall execute said compact on behalf of this State, and perform any other acts which may be deemed requisite to its formal adoption.

SECTION 7. There is hereby appropriated the sum of \$10,000 for carrying out the purposes of this Act. Expenditures by the council shall be made upon warrants issued by the state comptroller based upon vouchers approved by the governor or his duly authorized representative. A report of the activities and expenses of the commission and council members and a proposed program for the State's continuing participation in the activities of the Compact for Education, including a budget request, shall be submitted by the council to the next and to each succeeding regular session of the legislature.

SECTION 8. This Act shall take effect upon its approval.  
(Approved April 8, 1966.) H.B. 432.

### ACT 33

A Bill for an Act Relating to Recordation by the Bureau of Conveyances.

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

SECTION 1. This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of facts constituting such urgency:

Presently, the bureau of conveyances, a division of the department of land and natural resources, records as well as file documents. Because both systems are used pursuant to various sections in the Revised Laws of Hawaii, 1955, as amended, the bureau must maintain approximately twelve separate special indexes and files. This method is time consuming and uneconomical in terms of searching title, maintaining appropriate indexes and separate files. To eliminate this, the bureau proposes to record all instruments and index all instruments into the general index. After recordation, the original documents will be returned to the party requesting recordation. In this case, the different indexes and metal file cabinets to house them will not be required.

This method will result in greater efficiency, economy and saving of time.

Since the present laws prevent the recording of all instruments, it is necessary for the purposes of said efficiency and economy to amend the various sections. Therefore, this Act is considered an urgency measure deemed necessary in the public interest.

SECTION 2. Section 115-37.5 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended as follows:

a. By changing the word "filing" in line five of the subsection (c) to the word "recording."

b. By changing the word "file" in line one, subsection (f), to the word "record" and adding the word "file" in line three after the word "vehicle."

c. By adding the words "recording or" or "recorded or", as the case may be, before the word "filing" or "filed" wherever it appears in subsection (d) or (e) and on lines 12, 15 and 18 of subsection (f).

d. By changing the word "filed" in line 20 of subsection (f) to the words "recorded or filed".

e. By deleting from line twenty-two, subparagraph (f), the words, "a book provided for the purpose" and adding in its place the words "the office of the registrar of conveyances."

**SECTION 3.** Section 128-38 of the Revised Laws of Hawaii 1955 is hereby amended as follows:

a. By deleting the second and third sentences of the second paragraph thereof and adding the following in its place:

"When a notice of such tax lien is recorded by a cotenant, the registrar shall forthwith cause the same to be indexed in the general indexes of the bureau of conveyances."

b. By deleting from the fourth paragraph, lines fourteen to seventeen, the words "be entered with the date of filing in the index of such liens on the line or lines where the notice of the lien so discharged is entered," and adding the following words in its place, "which contains the reference to the book and page of the registration of the original lien, be entered in the general indexes of the bureau of conveyances".

**SECTION 4.** Section 230-42 of the Revised Laws of Hawaii 1955 is hereby amended by deleting the words "filing such notice for record" from lines twelve and thirteen of said section and substituting in its place the words "recording such notice".

**SECTION 5.** Section 232-3 of the Revised Laws of Hawaii 1955 is hereby amended as follows:

a. By changing the word "filed" wherever it appears in said section 232-3 to the word "recorded".

b. By amending the fourth sentence of said section 232-3 to read as follows:

"Every release or assignment of judgment shall contain a reference to the book and page of the registration of the original judgment".

c. By changing the word "filing" in line eighteen of said section 232-3 to the word "recording".

d. By deleting the second paragraph of said section 232-3.

**SECTION 6.** Section 232-4 of the Revised Laws of Hawaii 1955 is hereby amended as follows:

a. By changing the word "filed" wherever it appears in said section 232-4 to the word "recorded".

b. By amending the fourth sentence of said section 232-4 to read as follows:

"Every satisfaction or assignment of judgment shall contain a reference to the book and page of the registration of the original judgment".

c. By changing the word "filing" in line fifteen of said section 232-4 to the word "recording".

d. By deleting the second paragraph of said section 232-4.

SECTION 7. Section 233-9 of the Revised Laws of Hawaii 1955 is hereby amended by changing the word "filing" in line five of said section to the word "recording".

SECTION 8. Section 233-19 of the Revised Laws of Hawaii 1955 is hereby amended by changing the word "filed" in the lines four and five to the word "recorded".

SECTION 9. Section 346-1 of the Revised Laws of Hawaii 1955 is hereby amended by changing the word "filed" appearing in line four thereof to the word "recorded".

SECTION 10. Section 346-2 of the Revised Laws of Hawaii 1955 is hereby deleted and the following substituted in its place:

**"346-2. Index of liens.** When a notice of such tax lien is recorded, the registrar shall forthwith cause the same to be indexed in the general indexes of the bureau of conveyances".

SECTION 11. Section 346-3 of the Revised Laws of Hawaii 1955 is hereby deleted and the following substituted in its place:

**"346-3. Certificates of release.** Certificates of release or of partial discharges of any tax lien containing a reference to the book and page of the registration of the original tax lien issued by the collector of internal revenue or other proper officer are entitled to be recorded in the bureau of conveyances. The registrar shall forthwith cause the same to be indexed in the general indexes in like manner as the original lien".

SECTION 12. Section 346-4 of the Revised Laws of Hawaii 1955 is hereby amended by deleting the word "filing" in line one thereof.

SECTION 13. This Act shall take effect July 1, 1966.

(Approved April 8, 1966.) H.B. 471.

## ACT 34

A Bill for an Act Relating to Taxation.

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

SECTION 1. This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of the facts constituting such urgency:

The provisions of subsection 128-9(g) of the Revised Laws of Hawaii 1955, as amended, presently provide that in the determination of buildings for real property tax assessment purposes that any maintenance or repairs to buildings undertaken or made by an owner-occupant thereof pursuant to the requirements of any urban redevelop-

ment, 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 buildings.

It is deemed urgent and in the public interest that any maintenance or repairs voluntarily made to residential buildings undertaken by an owner-occupant to comply with the requirements of health, safety, sanitation, or any governmental code provisions should be recognized to encourage maintenance and repairs to be done and should not result in any increased valuation of such buildings.

**SECTION 2.** Section 128-9 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by deleting the second paragraph of subsection (g) thereof and substituting the following:

"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 (1) any increase in value resulting from 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, or (2) any increase in value resulting from any maintenance or repairs to any residential buildings undertaken or made by the owner-occupant thereof (who occupies the entire building) pursuant to any requirements of any health, sanitation, safety, or other governmental code provisions, shall not increase the assessable valuation of any such building for a period of six (6) years from the effective date of this Act.

It is further provided that the owner-occupant shall file with the director of taxation, in the manner and place which the director may designate, a statement of the details of the improvements certified in the following manner: (1) in the case of maintenance or repairs to a building that are undertaken pursuant to any urban redevelopment, rehabilitation or conservation project as hereinabove mentioned, the statement shall be certified by the urban renewal coordinator in the city and county of Honolulu, or the county chairman of any county, or any governmental official designated by them, that the maintenance or repairs to the buildings were made and satisfactorily comply with that particular urban redevelopment, rehabilitation or conservation act provision, or (2) in the case of maintenance or repairs to a residential building undertaken pursuant to any health, safety, sanitation or other governmental code provision, the statement shall be certified by the building superintendent of the building department of the city and county of Honolulu, or the county chairman of any county, or any governmental official designated by them, that (a) the building was inspected by them and found to be substandard when the owner-occupant made his claim, and (b) the maintenance or repairs to the buildings were made and satisfactorily comply with the particular code provision."



**SECTION 3.** This Act shall take effect upon its approval.  
(Approved April 8, 1966.) **H.B. 534.**

**ACT 35**

A Bill for an Act to Amend Section 81-31, Revised Laws of Hawaii 1955, as Amended, Relating to Emergency Hospitalization of Mentally Ill Persons.

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

**SECTION 1.** This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11, Article III of the Constitution of the State of Hawaii.

The following is a statement of facts constituting such urgency:

Section 81-31, Revised Laws of Hawaii 1955, as amended by Act 103, Session Laws of Hawaii 1965, presently provides for the emergency hospitalization of mentally ill persons for a period of not to exceed 48 hours at "private hospitals licensed to treat the mentally ill." It does not provide for emergency hospitalization at public hospitals. The Queen's Hospital in Honolulu and the Wilcox Memorial Hospital in Lihue are the only private hospitals now licensed to treat the mentally ill. Accordingly, the salutary provisions of said Act 103 cannot be invoked in the great majority of cases requiring emergency hospitalization, notwithstanding the availability of public facilities licensed to treat the mentally ill. It is therefore urgent and in the public interest that public hospitals be authorized to receive mentally ill patients on an emergency basis.

**SECTION 2.** Section 81-31, Revised Laws of Hawaii 1955, as amended by Act 103, Session Laws of Hawaii 1965, is hereby further amended by amending the second sentence of the first paragraph to read as follows:

"This certificate shall authorize the immediate apprehension of said individual without a warrant by said physician, or by a police officer, or by authorized personnel of a public hospital or a private hospital licensed to treat the mentally ill, and shall constitute an application for his admission to such public or private hospital for purposes of emergency examination, observation and treatment for a period not to exceed 48 hours, Sundays and holidays excluded."

**SECTION 3.** This Act shall take effect upon its approval.  
(Approved April 11, 1966.) **S.B. 56.**

**ACT 36**

A Bill for an Act Relating to Voting Qualifications of Persons in the Armed Services and their Dependents and Amending Chapter 11, Revised Laws of Hawaii 1955, as Amended.

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

**SECTION 1.** This Act is hereby declared to be an urgency meas-

ure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of the facts constituting such urgency:

Under existing law the residence status of on-base military personnel and their dependents is not clear and has frequently resulted in precluding them from qualifying as voters in local, state and national elections. Legislation is immediately urgent, before another statewide election is held, to clarify that members of the United States armed services and their dependents who reside on a military base in Hawaii and who prove intention to establish legal residence in the State shall be subject to the same standards for voting qualification as are applicable to persons living off military bases.

SECTION 2. Section 11-8, Revised Laws of Hawaii 1955, as amended, is hereby amended as follows:

a. Item 10 in the form contained therein entitled, "AFFIDAVIT ON APPLICATION FOR REGISTRATION," is amended to read:

"10. The residence stated in item 8 of this affidavit is not simply because of my presence in Hawaii but has been acquired with the intent to make Hawaii my legal residence."

b. The last sentence in the first paragraph following the form of affidavit on application for registration is amended to read:

"Unless contested by a qualified voter, the clerk may accept, as prima facie evidence, the allegation of the applicant in paragraph numbered 10 of the affidavit on application for registration. In any other case where the clerk shall so desire or believe the same to be expedient, he may demand that the applicant furnish substantiating evidence to the allegations of his application."

SECTION 3. This Act shall take effect upon its approval.  
(Approved April 12, 1966.) S.B. 31.

### ACT 37

A Bill for an Act Relating to Educational Officers and Amending Chapter 38, Revised Laws of Hawaii 1955, as Amended by Act 174, Session Laws of Hawaii 1965.

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

SECTION 1. This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of the facts constituting such urgency:

Inequities have been created by Act 174, Session Laws of Hawaii 1965, which provided a new integrated salary schedule for teachers and educational officers. Certain vice-principals are now earning less as educational officers than they would have received had they remained as classroom teachers. Some teachers who were recently promoted as vice-principals during the past year are earning more than some principals and vice-principals who have served for a longer period as educational officers but with the same number of years of

service with the department of education. A salary plan intending to correct inequities to educational officers requires that the rates of compensation be adjusted to reflect the momentous administrative duties and responsibilities entrusted upon them as the administrators for the implementation of the New Hawaii's dynamic and far-reaching educational programs to provide quality education for the children of Hawaii. It is deemed a matter of great urgency and in the public interest that the rates of compensation of principals and vice-principals be adjusted in order for the State to recruit, and retain the very best educators as administrators of our public education system.

SECTION 2. Section 38-30 of the Revised Laws of Hawaii 1955 as amended, is hereby amended as follows:

(a) Subsection (e) (1) is hereby amended to read as follows:

"(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 - 219
Principal II	220 - 749
Principal III	750 - 1499
Principal IV	1500 and over
Vice Principal I*	750 - 1499
Vice Principal II	1500 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."

(b) Subsection (e) (3) is hereby amended to read as follows:

"(3) Principals of special schools shall be classified as follows:

Diamond Head School	Principal III
Lahainaluna School	Principal III
Olomana School	Principal II
Hoomana School	Principal II
Pohukaina School	Principal II
Linekona School	Principal II."

SECTION 3. The part relating to the salary ranges of principals and vice-principals only, appearing in section 38-30.5, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

"Vice Principal I	DOESR 9
Vice Principal II	DOESR 10
Principal I	DOESR 11
Principal II	DOESR 12
Principal III	DOESR 13
Principal IV	DOESR 14."

SECTION 4. Incumbent principals and vice-principals shall be converted from the salary schedule established by Act 174, Session Laws of Hawaii 1965, to the appropriate salary range and increment step in the following manner:

(a) Incumbent principals and vice-principals shall receive the same

salaries that they are presently receiving and shall be placed in the appropriate salary range and increment step contained in this Act.

(b) Notwithstanding subsection (a) above, incumbent principals and incumbent vice-principals who were assigned under Act 174, Session Laws of Hawaii 1965, to salary range 14 and salary range 10, respectively, shall be placed in the next higher increment step or longevity step, as the case may be.

SECTION 5. Incumbent principals and vice-principals who are presently in salary range 14 and salary range 10, respectively, and who are placed in the next higher increment step or longevity step by this Act, under subsection 4(b) above shall receive such higher compensation retroactive to January 1, 1966.

SECTION 6. This Act to take effect upon its approval.  
(Approved April 21, 1966.) **H.B. 279.**

### ACT 38

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 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 and general fund revenues so used shall not exceed \$81,820,000. 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 \$81,820,000. 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, (FA)—federal aid highway funds available for use in two or more categories, and (f)—other federal funds.

## I. STATE-WIDE PROJECTS

## A. University of Hawaii

1. Graduate Research Library, Phase I, Manoa—As a supplement to prior appropriations and for the acquisition of equipment and furnishings. ....	824,000
2. Classroom Building No. 4, Manoa—As a supplement to prior appropriations and for the acquisition of equipment and furnishings for new major classroom - laboratory - office facility centralizing the university's international programs. ....	401,000
3. New Social Science Building, Manoa—Construction of classrooms, labs and offices for the social sciences programs. ....	2,850,000
4. New College of Business Administration Building, Manoa—Construction of classrooms, labs, and offices, for the business administration programs. ....	2,850,000
5. New Biomedical Sciences Building, Manoa—Construction of offices, laboratories, and other instructional and research facilities for the college of health sciences. ....	184,000
6. Plant Science Building, Manoa—Incremental construction of instructional and research laboratories, offices and classrooms. ....	2,339,000 1,273,000 f
7. Replacement of Student Union & Bookstore Building, Manoa—Plans for facilities for student activities, food service and a bookstore. ....	243,000
8. Bilger Hall alterations and addition, Manoa—Plans for addition of a new wing and extensive interior alterations to existing Bilger Hall to provide facilities for the chemistry program. ....	108,000
9. Art Building, Manoa—Preliminary plans for offices, classrooms, laboratories, art studios, workshops, and other ancillary spaces. ....	97,000
10. Engineering Building, Manoa—Preliminary plans for offices, laboratories and other instructional and research facilities for the college of engineering. ....	134,000
11. General Classroom Building at Hilo Campus, Hawaii—Plans for new general classroom building to include classrooms, laboratories, faculty offices and other instructional facilities. ....	28,000
12. Planning of Major Capital Improvements—Preliminary planning and definitive design of several major capital improvements in Manoa and Hilo and advance planning to meet higher educational needs after daytime enrollment reaches 25,000 at Manoa (to be expended by the University of Hawaii). ....	307,000
13. Sinclair Library conversion, Manoa—Plans for alterations to and refurbishing of the Gregg M. Sinclair Library to increase seating capacity. ....	50,000
14. Library addition, Hilo—Addition of space to existing library to increase reading, carrel seating and stack areas. ....	351,000
15. Addition to Hawaii Institute of Geophysics Research Center, Manoa—Plans for additional wing to provide for growth in the instructional and research programs in geophysics and geosciences. ....	57,000
16. Student Dormitories, Manoa—Plans, construction and equipment for dormitory for single students. ....	749,000
17. Student Dormitory, Hilo—New dormitory for single students. ....	295,000
18. Lower Campus Improvements, Manoa—Continuing	

development of athletic facilities in the quarry area. ....	219,000
19. Minor Capital Improvements at Manoa and Other Locations—Construct and remodel certain relatively minor improvements to existing facilities. Includes plans, preparation and necessary equipment items. (To be expended by the University of Hawaii.) .....	190,000
20. Look Laboratory modifications and additions, Kewalo Basin—Modifications to the existing Look Laboratory for the Hilo Tsunami Model Study and the construction of an addition. ....	200,000
21. General Site Improvements, Manoa—Continuing improvements to campus roads, drainage, lighting and other utilities and landscaping. ....	50,000
22. Varsity Circle land acquisition, Manoa—Acquisition of a parcel of land situated immediately mauka of the Lunalilo freeway overpass at Varsity Circle from department of transportation. ....	40,000
23. Land Acquisition, Manoa, Oahu—Acquisition of approximately 30 acres of land for the development and establishment of University of Hawaii facilities. (Total cost of land to be paid in yearly installments.) .....	425,000
24. Site Improvements at Kewalo Oceanographic Research Center, Honolulu—Plans for general site improvements, including the installation of utilities, roadways, etc., in the Kewalo oceanographic research center. Includes the acquisition and improvement of existing docks currently being leased out to others by the state harbors division. In the event that portions of Kewalo oceanographic research center are constructed at Sand Island, this appropriation may be used for the project at Sand Island. ....	15,000
25. Oceanographic & Marine Laboratory, Kewalo Basin, Honolulu—Plans for laboratory building at the Kewalo oceanographic research center for the department of oceanography and Hawaii Institute of Marine Biology. In the event that portions of Kewalo oceanographic research center are constructed at Sand Island, this appropriation may be used for the project at Sand Island. ....	132,000
26. Addition to Hawaii Institute of Geophysics Observatory, Haleakala, Maui—Plans for addition of a wing to the Haleakala observatory to accommodate the rapidly expanding scope of programs at the observatory .....	8,000
27. General Site Improvements, Hilo—Incremental improvements to campus roads, drainage, lighting and other utilities and landscaping.....	20,000
28. Astronomy Laboratory, Kahului, Maui—Construction of a prefab type building to support the astronomy programs at Haleakala.....	255,000
29. Cooperative Extension Service Office Building, Hilo—Plans for a building for the cooperative extension service's programs in the Hilo area to include offices, meeting rooms, demonstration rooms and other facilities.....	6,000
30. Replacement Cooperative Extension Service Office Building, Kamuela, Hawaii—Plans for a building for the Cooperative Extension Service's programs in the Waimea area to include offices, meeting	

	rooms, demonstration rooms, and other facilities	3,000
31.	Mauna Kea Observatory—Planning, site development, construction and equipping of observatory building and associated laboratories and other buildings at or near the summit and at lower elevations; development of power, water and roads to facilitate the installation and operation of NASA-approved major telescope.....	1,000,000
32.	Tropical Crop Science Training Center, Kauai.....	80,000

**Educational Television**

33.	Educational Television Production Equipment for new production building, Manoa.....	157,000	
34.	Educational Television Transmitter Facilities and Equipment for Hawaii County—Building, antenna, and equipment to provide ETV coverage for county of Hawaii.....	119,000	f
35.	Educational Television Transmitter Facilities and Equipment for Kauai county—Translator facilities to provide ETV coverage for county of Kauai.....	90,000	
36.	Translator Facilities for ETV, Mt. Kaala, Oahu.....	73,000	f
		32,000	
		32,000	f
		5,000	

**Community College System**

37.	Library-Administration Building, Maui Community College—Library-administration building including all built-in equipment, bookshelves and primary furniture .....	500,000	
38.	Incremental Site Development, Leeward Oahu Community College and expenditures preparatory to acquisition of adjoining sites.....	515,000	
39.	Portable Classroom Units, Kapiolani Community College—Design and construction of portable classroom and office units for immediate use.....	150,000	
40.	Auto Body Shop Building, Maui Community College—Auto Body Shop replacement building for the occupational training program. ....	168,000	
41.	Modernization of Existing Buildings, Maui Community College—Plans and construction for remodeling and modernizing of existing structures which consist of shops and classroom buildings. ....	271,000	
42.	Library-Administration Facilities, Leeward Oahu Community College—Construction of library-administration facilities for an initial enrollment of 1,200 to 2,000 students.....	457,000	
43.	Site Development, Maui Community College—Second phase of development to include site clearing, mass grading, development of automobile circulation system and installation of utilities and service lines .....	329,000	f
44.	Cosmetology Building, Honolulu Community College—Replacement of old cosmetology building.....	120,000	
45.	Classroom Building No. 2, Leeward Oahu Community College—Construction of Classroom Facilities consisting of laboratories, offices, and accessory use areas .....	270,000	
46.	Classroom Building No. 3, Leeward Oahu Community College—Design and construction of classroom building for engineering, technical training and accessory use .....	514,000	
		108,000	f
		588,000	

(The appropriations in items 42, 45 and 46 may be combined and allocated in such manner as the university deems appropriate to carry out the purposes of the construction program.)

47. Collapsible Storage Building, Kapiolani Community College—Design and construction of a collapsible storage building.....	55,000
48. Student Center Building, Maui Community College—Design of student center building consisting of a bookstore, food facilities, and student activity area.....	17,000
49. Student Center Building, Leeward Oahu Community College—Design of student center building consisting of a bookstore, food facilities and student activities space.....	27,000
50. Auto Body Shop, Honolulu Community College—Design and construction of additional Auto Body Shop facilities.....	150,000
51. Definitive Design:	
(a) Maui Community College .....	20,000
(b) Leeward Oahu Community College .....	50,000
(c) Honolulu Community College .....	50,000
(d) Kauai Community College .....	20,000
Preliminary construction drawings for buildings at the above campuses based on master plans. (These sums to be expended by the University of Hawaii.)	
52. Physical Education Facilities, Maui Community College—Design and construction of physical education facilities.....	96,000
53. Landscaping, Maui Community College—Design and development of landscaping for campus, including windbreaks.....	26,000
54. Theatre, Maui Community College—Plans and design for a theatre with a seating capacity of approximately 600.....	34,000
55. Site Development, Honolulu Community College—Plans for and initial development of Honolulu Community College to be coordinated with new master plan.....	100,000
56. Classroom Building No. 1, Kauai Community College—Design of a classroom building consisting of classrooms, laboratories, and faculty offices.....	31,000
57. Shop Buildings, Kauai Community College—Plans and construction of trades training area, offices, and accessory use area.....	415,000
58. Roof Repair, Cafeteria, Honolulu Community College—repair and reroofing of the cafeteria building.....	55,000
59. Kapiolani Technical School—Construct semi-permanent hotel restaurant training building. The unencumbered balances of Item B 3-c, Section 1, Act 52, S.L.H. 1964 and Item B-3, Section 1, Act 195, S.L.H. 1965 shall be used for this project to be located at the Kapiolani Technical School.....	1,000

**B. Department of Education**

**Additions to Existing Schools**

1. Aiea Elementary, Oahu—Construction of 8 classrooms, demolition, parking and site work.....	210,000
2. Palisades Elementary, Oahu—Planning and construction of 10 classrooms and site work.....	242,000
3. Waiakeawaena Elementary, Hawaii—Planning and construction of 6 classrooms, multi-purpose unit with toilets, site work and equipment.....	244,000
4. Kahului Elementary, Maui—Planning and construction of 6 classrooms and toilets, site work and equipment .....	225,000
5. Kapaa High & Intermediate, Kauai—Planning and construction of Arts and Science Building con-	



	taining 7 classrooms, toilets, storage and equipment .....	298,000
6.	Kauai High, Kauai—Planning and construction of 12-classroom two-story building, site work and equipment .....	456,000
7.	Waiakea Elementary, Hawaii—Planning and construction of 6 classrooms plus lavatories, walkways, multi-purpose and food serving area, equipment and appurtenances and site work.....	184,000
8.	Aiea Intermediate, Oahu—Planning and construction of 10 classrooms and site work.....	242,000
9.	Radford High, Oahu—Planning and construction of music building and site work.....	84,000
10.	Kalaniana'ole Elementary & Intermediate, Hawaii—Planning and construction of 4 classrooms with toilets, site work and equipment and plans for additional 4 classrooms.....	161,000
11.	Kapaa Elementary, Kauai—Planning and construction of 2-classroom kindergarten building, fence, site work and equipment.....	77,000
12.	Kohala High & Elementary, Hawaii—Planning and construction of 4 classrooms, toilets, site work and equipment and appurtenances.....	145,000
13.	Konawaena Elementary, Hawaii—Planning and construction of 8 classrooms, toilets, site work and equipment and appurtenances.....	239,000
14.	Castle High, Oahu—Planning and construction of 4 physical education classrooms and site work.....	97,000
15.	Ernest B. De Silva Elementary, Hawaii—Planning and construction of 4 classrooms, library, walkways, equipment and site work.....	226,000
16.	Lihikai Elementary, Maui—Planning and construction of 6 classrooms, toilets, site work and equipment .....	192,000
17.	Makawao Elementary, Maui—Planning and construction of 4 classrooms, toilets, site work and equipment .....	160,000
18.	Waiakea Intermediate, Hawaii—Planning and construction of 2 science classrooms and physical education playground including paved area, equipment and appurtenances.....	130,000
19.	King Intermediate, Oahu—Planning and construction of 12 classrooms and site work.....	290,000

New Schools

20.	Waianae Intermediate, Oahu—Planning and construction of physical education unit, music, shops, agricultural arts, 12 classrooms, administration-library and site work.....	1,135,000
21.	Kalaheo Hillside Intermediate, Oahu—Planning and construction of 10 classrooms, administration-library, music building and site work.....	602,000
22.	Waipahu Intermediate, Oahu—Planning and construction of 4 physical education classrooms, 10 classrooms, agricultural arts and lab, physical education field, footbridge, administration-library and site work.....	801,000
23.	Nanakuli High, Oahu—Supplement Act 195 funds for construction of 1st increment—5 regular and 10 special classrooms, music, shops, physical education unit, administration-library, kitchen-multi-purpose and site work.....	986,000
24.	Hahaione Elementary, Oahu—Planning and construc-	

	tion of 1st increment—20 classrooms, administration-library, serving lanai and site work.....	747,000
25.	Waipahu 3rd Elementary, Oahu — Planning and construction of 12 classrooms.....	290,000
26.	Red Hill Elementary, Oahu—Planning and construction of 12 classrooms.....	290,000
27.	Moanalua Intermediate, Oahu—Construction of 1st increment—5 regular and 10 special classrooms, music, shops, physical education unit, kitchen-multi-purpose room and site work.....	1,792,000
28.	Webbing Elementary, Oahu—Updating of plans, construction of 1st increment—20 classrooms, serving lanai, administration-library and site work.....	660,000
29.	Waianae 2nd Elementary, Oahu—Planning and construction of 1st increment—20 classrooms, administration-library, serving lanai and site work.....	843,000
30.	New Maui High, Maui—Planning and construction of 1st increment.....	2,250,000
31.	Crippled Children Classrooms now at Pohukaina, Oahu—Funds to supplement Act 195 funds for construction of a new school.....	177,000

**Teacher's Cottages**

32.	Kualapuu Elementary, Molokai—Planning and construction of teachers cottage and equipment.....	36,000
33.	Hana High and Elementary, Maui—Planning and construction of teachers cottage and equipment....	38,000
34.	Kilohana Elementary and Intermediate, Molokai—Planning and construction of teachers cottage and equipment .....	36,000
35.	Kaunakakai Elementary, Molokai—Planning and construction of teachers cottage and equipment.....	36,000
36.	Molokai Intermediate and High, Molokai—Planning and construction of teachers cottage and equipment .....	36,000
37.	Hawaii District Schools, Hawaii—Planning and construction of faculty cottages and equipment.....	182,000
38.	Oahu District Schools, Oahu—Planning and construction of cottages and equipment.....	307,000

Provided: If housing is available from private enterprise at reasonable rates, some of these funds could be used by the Department of Education to enter into lease agreements and rental charges made to teachers. Provided also, that the determination of need for cottages shall be based on the following and other factors:

1. Availability of adequate rental units suitable for teacher housing within the community at reasonable rates.
2. Distance a teacher must travel and the availability of public transportation.
3. Whether the lack of housing is a primary factor in recruitment and retention of teachers.

**Replacement of Existing Facilities**

39.	Konawaena High, Hawaii—Plans and construction of 8 classrooms with toilets, administration offices, sitework and equipment and appurtenances.....	279,000
40.	Hilo High, Hawaii—Plans and construction of 10 classrooms, music building, industrial arts annex and toilets, walkways and equipment and appurtenances .....	486,000
41.	Kahuku High, Oahu—Construction of shops, plan-	

	ning and construction of music building, PE unit plus 2 classrooms and sitework.....	617,000
42.	Pauoa Elementary School, Oahu—The appropriation made by Item B-14-A-11, Act 52, SLH 1964 and Item C-34, Act 195, SLH 1965, shall be used for the construction of ten classrooms, conversion of office-library, demolition and construction of parking facilities.....	10,000
43.	Parker Elementary, Oahu—Planning and construction of 10 classrooms, demolition and sitework.....	252,000
44.	Kaimuki Intermediate, Oahu—Planning and construction of 4 special classrooms, demolition and sitework.....	176,000
45.	Waipahu Elementary, Oahu—Planning and construction of 10 classrooms, demolition and sitework.....	242,000
46.	Hilo Intermediate, Hawaii—Plans and construction of band-music building, equipment and appurtenances and the renovation of existing science rooms, conversion of old agriculture room into science storeroom.....	100,000
47.	Fern Elementary, Oahu—Planning and construction of 10 classrooms, demolition and sitework.....	242,000
48.	Ahrens Elementary, Oahu—Master Plan Review, planning and construction of 10 classrooms and sitework.....	242,000
49.	Waimea High and Elementary, Kauai—Planning and construction of music classroom building, sitework and equipment.....	164,000
50.	Baldwin High, Maui—Planning and construction of 6 classrooms, toilet and equipment.....	93,000
51.	Diamond Head School, Oahu—Plans and construction of practical arts building, sitework and equipment.....	187,000

**School Land Acquisition and Plans**

(To be expended by the Department of Education)

52.	Land Acquisition, Master Plan and/or Plans for following schools: .....	2,312,000
	a. Makalapa Elementary, Oahu	
	b. Manana Elementary, Oahu	
	c. Waipahu 4th Elementary, Oahu	
	d. Moanalua High, Oahu	
	e. Makakilo Elementary, Oahu	
	f. New Lahaina Elementary, Maui	
	g. New Hana High & Elementary, Maui	
	h. Waipio Elementary, Oahu	
	i. Nanaikapono 2nd Elementary, Oahu	
	j. Heeia-uka Elementary, Oahu	
	k. Ahrens Elementary, Oahu	
	l. Salt Lake Elementary, Oahu	
	m. Keolu Extension Elementary, Oahu	
	n. Waiakeawaena Elementary, Hawaii	
53.	Pre-Land Acquisition Engineering Studies for the following proposed schools: .....	25,000
	a. Pearl City High, Oahu	
	b. Mililani High, Oahu	
	c. Ewa Beach 3rd Elementary, Oahu	
	d. Sunset Beach Elementary, Oahu	
	e. Kaaawa Elementary, Oahu	
54.	Waimea High and Elementary, Kauai—Plans for two 8 classroom buildings with department office, storage and toilets and an administration and classroom building.....	69,000
55.	Kauai High, Kauai—Plans for building with 3 class-	

rooms, faculty office and physical education facilities .....	20,000
55a. Kawanakoa Intermediate, Oahu—Plans for six science classrooms, agricultural arts classrooms, laboratory and toilet.....	24,000
56. Honokaa High and Intermediate, Hawaii—Plans for phase 2 of 2nd increment to include 3 classrooms and toilet.....	17,000
57. Waimea Elementary and Intermediate, Hawaii — Plans for 4 regular classrooms, science room and music building.....	20,000
58. Planning for state-wide school facilities and its related controlled replacement and maintenance programs .....	100,000

**Administration-Library Buildings**

59. Waimalu Elementary (Additional Funds), Oahu—Additional funds needed to supplement Act 201 SLH 1963 and Act 52 SLH 1964 funds to construct library.....	35,000
60. Honokaa High, Hawaii—Plans and construction of administration-library building and sitework and equipment (replacement).....	200,000
61. Kailua Elementary, Oahu—Plans and construction of administration-library building and sitework (replacement) .....	175,000
62. Waianae Elementary, Oahu—Plans and construction of administration-library building and sitework (replacement) .....	175,000
63. Aikahi Elementary, Oahu—Plans and construction of library and sitework.....	85,000
64. Makaha Elementary, Oahu—Construction of administration-library building and sitework.....	163,000
65. Waikiki Elementary, Oahu—Construction of administration-library building and sitework.....	163,000
66. Kealakehe—Honokohau Elementary, Hawaii — Plans and construction of administration-library building, sitework, equipment and appurtenances.....	141,000
67. McKinley High, Oahu—Plans and construction to enlarge and renovate library.....	10,000
68. Kapaa High and Intermediate, Kauai — Plans and construction of a library and instructional materials building, sitework and equipment.....	233,000
69. Farrington High, Oahu—Plans and construction to enlarge library.....	90,000
70. Castle High, Oahu—Plans for new library and renovation of old library for classrooms.....	20,000
71. Kailua High, Oahu—Plans for new library district resources center and conversion of old library to office .....	25,000
71a. Central Intermediate, Oahu—Plans and construction for renovation of library.....	17,000
72. Waianae High, Oahu—Master plan and plans for renovation and enlargement of administration-library building .....	10,000

**Cafeteriums**

73. Kauai High, Kauai—Plans for cafetorium building (replacement) .....	33,000
74. Hilo Union Elementary, Hawaii — Plans and construction of additions to dining room, storage area, equipment and appurtenances and covered terminal fronting Waiuanue Avenue.....	77,000
75. Puuhale Elementary, Oahu—Plans and construction	

to enlarge kitchen. ....	44,000
76. Liliuokalani Elementary, Oahu — Construction of kitchen-multi-purpose room and equipment (replacement) .....	258,000
77. Keolu Elementary, Oahu—Construction of multi-purpose room and equipment.....	143,000
78. Wahiawa Elementary, Oahu—Additional funds to supplement Act 52, SLH 1964 funds to improve cafeteria .....	25,000
79. Roosevelt High, Oahu—Additional funds to supplement Act 201, SLH 1963 funds to renovate kitchen.....	25,000
80. Aliiolani Elementary, Oahu — Additional funds to supplement Act 52, SLH 1964 funds to construct kitchen-multi-purpose room (replacement).....	186,000
81. Hauula Elementary, Oahu—Plans of kitchen-multi-purpose room (replacement). ....	17,000
<b>Physical Education Facilities</b>	
82. Radford High, Oahu—Construction of gymnasium and sitework.....	450,000
83. Leilehua High, Oahu—Construction of gymnasium and sitework.....	450,000
84. Aiea High School, Oahu—To supplement the City and County of Honolulu's appropriation to construct a school-community gymnasium and swimming pool complex.....	250,000
<b>Miscellaneous</b>	
85. Kapaa Elementary, Kauai—Plans for alteration of existing classroom building.....	6,000
86. Kapaa High and Intermediate, Kauai—Plans for alteration of buildings A and C.....	9,000
87. Kalani High, Oahu—Plans and construction to air condition music room.....	30,000
88. King Intermediate, Oahu—Plans and construction of ground improvement of physical education field .....	70,000
89. Lahainaluna High, Maui—Plans and construction of athletic field including grading, sprinkler system, grassing, necessary buildings and off-street parking .....	190,000
90. Waipahu Elementary, Oahu—Plans and construction of ground improvements.....	84,000
91. Waiialua High, Oahu—Plans and construction of parking and multi-use play courts.....	50,000
92. Castle High, Oahu—Plans and construction of new entrance and parking lot.....	58,000
93. Puna District Schools, Hawaii—To be expended with the approval of the department of education, county of Hawaii.....	250,000
94. Hawaii Technical School, Hawaii — Expansion and construction of machine and carpentry shops, auto body repair shop, and replacement of transit roofing on administration, dining room and other buildings. Renovate cafeteria-kitchen into library and resource center.....	310,000 150,000 f
<b>Public Law 815 Funded Schools, appropriations not required (for information only)</b>	
95. Pearl City-Kai Elementary, Oahu—Plans and construction of 10 classrooms, administration-library, multi-purpose room, walkways, sitework and equipment .....	547,000 (f)

96. Schofield Elementary, Oahu—Plans and construction of 30 classrooms, administration-library building, kitchen-multi-purpose room, sitework and equipment. ....	1,265,000 (f)
97. Shafter Elementary, Oahu—Plans and construction of 4 classrooms, multi-purpose room, sitework and equipment .....	252,000 (f)
98. Pearl Harbor-Kai Elementary, Oahu—Plans and construction of 10 classrooms (including 4 MR classrooms) sitework and equipment.....	229,000 (f)

**Public Libraries**

99. Kahuku Public School Library, Oahu—As a supplement to Acts 201/63 and 52/64. ....	19,000
100. Kauai Central Library Replacement, Lihue — Construct a 20,000 sq. ft. central library building to provide total library service to entire island of Kauai .....	430,000
101. New Pearl City Library, Oahu — Construction and equipping of a new fireproof single story building of approximately 12,000 sq. ft. (with provision for enlargement to 14,500 sq. ft.) with a shelf capacity of 22,000 volumes on 40,000 sq. ft. of land already acquired.....	360,000
102. Kamuela Library Replacement, Hawaii—Plans for the construction and equipping of a replacement single story building of 7,000 sq. ft. with parking space of 10,500 sq. ft. to serve a population of approximately 2,200 .....	23,000
103. Extension of Roof, Central Branch, Maui Public Library, Wailuku—An extension (covering an area of approximately 500 sq. ft.) of roof to provide a shelter for the bookmobile.....	5,000
104. New Waimanalo School-Public Library, Oahu—Plan for construction of a school and community library to be located on site of proposed high school .....	16,000
105. Kona Branch Library, Kealahou, Hawaii — Plans and construction for 5,000 sq. ft. addition to present building.....	144,000
106. New Hawaii Kai Library, Oahu—Plans and land acquisition for a new library.....	100,000
107. Hawaii Public Library, Hawaii—Plans for the construction of a two-story addition to central branch, Hawaii public library for auditorium, storage, workroom, covered walkway, and lower level reading room to provide space for programs, meetings, exhibits, and reading.....	50,000
108. Central Branch, Hawaii Public Library, Hawaii—Air conditioning of workroom, music room and librarian's office.....	16,000
109. Keaau School — Community Library, Hawaii — Construction of a combination public and school library of 7,000 sq. ft. to be built on school property of fireproof construction with a central reading room providing space for adult, young adult, and juvenile service and school service and a small meeting room with a capacity of 75 persons.....	200,000
110. Land acquisition, pre-land acquisition studies, site improvements, plans and construction and equipment for new schools, addition to existing schools, replacements of existing facilities, teachers' cottages, administration and library facilities, cafeteriums, gymnasiums, and minor C.I.P. projects for	

the following schools: ..... 1,882,000  
 Maunaloa Elementary-Molokai, Lanai High and  
 Elementary, Baldwin High School, Hilo High  
 School, Honaunau Elementary, Kauai District  
 Schools, Diamond Head School, Aliamanu Inter-  
 mediate, Aliamanu Elementary, Central Intermedi-  
 ate, Ewa Elementary, Farrington High School,  
 Hokulani Elementary, Jarrett Intermediate, Kaa-  
 humanu Elementary, Kaimuki High School, Kalihi-  
 Kai Elementary, Kaneohe Elementary, Kalakaua  
 Intermediate, Kapalama Elementary, Kauluwela  
 Elementary, Kawananakoa Intermediate, Lanakila  
 Elementary, Liholiho Elementary, Linapuni Ele-  
 mentary, Lunalilo Elementary, Maemae Element-  
 ary, McKinley High School, John H. Wilson Ele-  
 mentary, Pauoa Elementary.

Provided that the department of education with the approval of the governor is authorized within its appropriation to expend funds for projects not specifically itemized herein to cope with contingencies related to elements such as fires, natural disasters and unexpected significant increases in student enrollment; provided further that such contingencies create an urgent need to pursue a course of action as permitted herein; provided further that the department of education, to fund these projects, shall utilize project saving or substitute departmental projects as contained in this Act; and provided further that the governor shall report to the next general session of the legislature on all projects affected by provisions contained herein.

**C. Land and Natural Resources**

(To be expended by the Director, Department of Land and Natural Resources)

**State Parks**

1. Historic Sites, All Islands—Incremental (1) research-  
 ing; composing, fabricating and installing a num-  
 ber of official state historic site markers through-  
 out the state, selected and ranked in importance  
 according to established program and (2) continu-  
 ing incremental acquisition, researching, restora-  
 tion and interpretation of the most appropriate  
 historic sites throughout the state. .... 35,000

**D. Transportation**

(To be expended by the Director, Department of Trans-  
 portation)

**Airports**

1. Statewide Airport Planning — Continuing airport  
 studies, research and advance planning of airfield  
 and terminal facilities. .... 60,000 s
2. Automobile Parking Meters at Various Airports—  
 Purchase and install automobile parking meters  
 at various Neighbor Island airports. .... 54,000 s

**Harbors—Commercial**

3. Statewide Harbor Planning — Continuing harbor  
 studies, research and advance planning of harbor  
 and terminal facilities on all islands. .... 50,000 s

**Highways—Statewide**

4. Statewide Highway Route Planning, Traffic, Finance, 303,000 s  
 Road Use, Road Life and Economic Studies— 363,000 FAI  
 Continuing highway studies and research and advance 32,000 FAP  
 planning of Federal-aid highway projects prepara- 21,000 FAS

tory to seeking Federal aid on specific projects.	13,000 FAU
5. Miscellaneous Improvements to Existing Intersections and Highway Facilities including Street Lighting for Traffic Safety, Statewide. ....	80,000 s 30,000 FA
6. Clean-up of Highway Rights-of-Way Requirements, Statewide. ....	100,000 s
7. Control of Outdoor Advertising and Junkyards Adjacent to Federal-Aid Highways by Removal, Landscaping and Screening. ....	13,000 s 30,000 FA

**E. Executive**

(To be expended by the Governor)

1. State Funds to Match Federal Planning Grants—State funds to continually match federal planning grants which may become available under Department of Housing and Urban Development, State Technical Services Act, Public Works and Economic Development Act, Department of the Interior and State Data Bank, and other federal programs. ....	370,000
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Provided, however, that 70,000, or so much thereof as may be necessary, shall be expended for the State Data Bank project, which project shall include (1) the identification of the kinds of information needed, (2) the determination as to the availability of such information, (3) the development of programs and procedures to obtain the necessary information, (4) the making of available data more useful, and (5) the formulation of a plan which would assure effective cooperation, coordination and sharing of information among all suppliers to and users of a State Data Bank; and provided further, that the implementation of the State Data Bank project shall not be contingent upon the availability of matching federal funds; provided further, that a sum of \$100,000 or so much thereof as may be necessary, shall be expended for updating and revising the general plan for the Island of Hawaii.

**F. Defense**

1. Additional Disaster Warning Sirens—Installation of eight additional civil defense disaster warning sirens (all islands). ....	15,000 15,000 f
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**G. Accounting and General Services**

1. Hawaii Economic Opportunity Facilities—Slab and metal structures to house Economic Opportunity programs as they become federally funded. Programs are anticipated for Waimanalo, Hauula-Kaaawa, Waianae, Pearl City-Waipahu, Nanakuli, Kalihi, Molokai and other areas as needed; including use of these funds to supplement other related capital programs. ....	100,000
2. Statewide Planning for Judiciary Facilities—Comprehensive planning and feasibility studies for district and circuit court facilities. ....	25,000
3. Statewide Planning for Maintenance Facilities—Comprehensive feasibility and planning studies for baseyards and other facilities for the maintenance and repairs and alterations programs. ....	12,000

**E. Lieutenant Governor**

1. Voting Machines—Incremental purchase of voting machines to be used in precincts with high voter registration. ....	100,000
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**II. OAHU PROJECTS**

**A. Agriculture**

1. Relocation of Animal Quarantine Station to Halawa Valley, Oahu—Incremental construction of kennels and runs for cats and dogs; corrals for large animals; administration building; caretaker's cottage, communicable disease laboratory; miscellaneous structures and other quarantine facilities..... 1,580,000
2. Weights and Measures Laboratory for Division of Marketing and Economics, Honolulu—Specialized building for precision testing of measuring devices. 28,000
3. Plans for relocation of Plant Quarantine Station within the Fort Armstrong Area. .... 27,000

**B. Land and Natural Resources**

(To be expended by the Director, Department of Land and Natural Resources)

**Land Development Projects**

1. Shafter Flats, Oahu—Incremental development of industrial subdivision in Moanalua, Oahu, ..... 400,000
2. Kuliouou Houselots, Oahu—Development of residential subdivision of State land in Kuliouou on improvement district basis. .... 80,000

**Forestry**

3. Development of forest trails and recreation areas..... 25,000
4. Kahana Valley State Park, Oahu—Acquisition by installments of the entire valley in fee, followed by development as a major park involving extensive dredging and filling the lower valley to create recreation water areas and useable land, an impoundment for recreation purposes, extensive picnic areas, campgrounds, vacation cabins, hiking and riding trails, etc., together with necessary utilities and administrative structures. Plans and development to be coordinated with others proposing compatible uses for the areas. .... 1,055,000
5. Keaiwa Heiau State Park, Oahu—Incremental provision of camping, additional picnicking and hiking facilities, with nature and historical interpretive devices. Provision of a caretaker's residence to facilitate management. .... 105,000
6. Nuuanu Pali State Park, Oahu—Plans for incremental development of overlook parking, new overlook, visitor facilities, promenades and trails with shelters, interpretation of the natural and historic features, to constitute a major natural or largely undeveloped park. .... 195,000

**Water Development and Flood Control**

7. Waimanalo drainage improvement, Oahu—plans for construction of drainage improvements within state owned land in Waimanalo. .... 5,000

**C. Transportation**

(To be expended by the Director, Department of Transportation)

**Airports**

1. Terminal Facilities and Improvements, Honolulu International Airport—Extension of east and west parking aprons and taxiways Y and K, paving and

drainage systems for ramp and fire station roads, expansion of the ticket lobby building and mezzanine floor office spaces, alterations and expansion of parking facilities for airline ramp equipment and air cargo building for air freight forwarders. 859,000 r

**Harbors—Commercial**

2. Development of Container Facilities at Fort Armstrong, Honolulu—Continuation of development to include extension of 2nd container freight station building. .... 232,000 r
3. Reconstruction of Piers 8-10, Honolulu, Oahu—Plans for demolition and reconstruction of Piers 8-10 apron including reconstruction and extension of Pier 9; and reconstruction of Piers 8 and 10. .... 59,000 r
4. Parking Meters at Kewalo Basin, Honolulu—Installation of parking meters for the proper control and policing of the parking areas. .... 32,000 s
5. Replacement of Sand Island Wharf at 2nd Entrance Channel, Honolulu Harbor—Construct a new concrete wharf to replace the existing wooden structure not economically repairable, and grade area of approximately 2.5 acres back of wharf, erect a 6 ft. high fence including area lighting for security. 1,635,000 r
6. Kewalo Basin Improvements, Honolulu—Improvements to existing facilities including extension of marginal wharf, installation of electric outlets and lights and other improvements. .... 159,000 s
7. Deep-water Port at Barber's Point, Oahu—Planning and preliminary engineering for incremental development of a second deep-water port for Oahu in four stages. .... 150,000 f
8. Harbors Division Base Yard Facilities, Kewalo, Honolulu—Demolition of existing building, construction of new shop buildings and security fencing, paving, automotive service equipment and other necessary improvements. .... 600,000 s
9. New Fueling Wharf, Honolulu Harbor—Plans for new fueling wharf in Kapalama Basin for loading and unloading of tankers. .... 25,000 r
10. Miscellaneous Improvements to Honolulu Harbor—Incremental improvements to Honolulu Harbor. .... 35,000 r

**Harbors—Small Boat**

11. Additional Moles and Improvements at Ala Wai Small Boat Harbor, Honolulu—Incrementally construct new breakwater, new bulkhead walls; dredge and fill to create 2 new moles; boat slip; construct new catwalks, utilities, roads, restroom facilities, landscaping and other improvements. .... 536,000
12. New Heeia-Kea Small Boat Harbor, Oahu—Incremental improvements of Small Boat Harbor at Heeia-Kea. .... 51,000
13. Haleiwa Small Boat Harbor, Oahu—Continue development of light draft harbor to accommodate 220 boats in six stages. .... 260,000

**Harbors—Beach Erosion and Others**

14. Restoration of Waikiki Beach, Oahu—Incremental restoration of 10,800 feet of Waikiki Beach, commencing at Duke Kahanamoku Beach to Elks Club. Restoration and improvements consist of the placement of coral fill covered with sand and the construction of 4 new groins. .... 583,000  
2,012,000 f

**Highways—Oahu**

15. Interstate Route H-1—East of Waiawa Interchange to West of Waiawa Interchange—Continuing construction of approximately 1.1 miles of eight-lane divided highway from east of Waiawa Interchange to West of Waiawa Interchange. ....	2,414,000 s 13,677,000 FAI
16. Interstate Route H-1—East of Halawa Interchange to Middle Street Separation—Continuing construction of approximately 4.8 miles of eight-lane divided highway, including the Pearl Harbor, Airport and Keehi Interchanges, from east of Halawa Interchange to Middle Street Separation. ....	520,000 s 2,948,000 FAI
17. Interstate Route H-2—Waiawa Interchange to Schofield Barracks—Continuing 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. ....	1,005,000 s 5,695,000 FAI
18. Interstate Route H-3—Junction at H-1 to Kaneohe Marine Corps Air Station—Continuing construction of approximately 14.5 miles of four-lane divided highway from junction at H-1 to Kaneohe Marine Corps Air Station. ....	310,000 s 1,748,000 FAI
19. Interstate Route H-1—Kapiolani Interchange Off-Ramp to Kapiolani Boulevard—Construction of approximately 0.26 mile of two-lane off-ramp including a grade separation structure and two-lane frontage road to King Street. ....	379,000 s 2,145,000 FAI
20. Nuuanu Pali Landslide Control—Grading face of the recent landslides and installing hydrauger drain. ....	116,000 s 94,000 FA
21. Installation of Median Guardrail on Lunalilo Freeway, Interstate Route H-1, between Old Waiialae Road and Middle Street—Installation of median guardrail on Lunalilo Freeway (Interstate Route H-1) from Old Waiialae Road to Middle Street, where needed. ....	23,000 s 213,000 FAI
22. Installation of Median Guardrail on Moanalua Road between Middle Street and Moanalua Stream—Installation of median guardrail on Moanalua Road from Middle Street to Moanalua Stream. ....	26,000 s 21,000 FAU
23. Moanalua Road Improvements—Aiea to Puuloa Road—Continuing improvement of existing four-lane divided highway from Aiea to Puuloa Road, including an interchange at Puuloa Road. ....	1,364,000 s 1,115,000 FAP
24. Mokapu Saddle Road—Incremental construction of approximately 1.5 miles of two-lane highway from end of existing Mokapu Boulevard to Kaneohe Bay Drive. ....	173,000 s 141,000 FAS
25. Roadway Improvement on Kamehameha Highway at Kahana Bay—Realigning of curves on Kamehameha Highway at Kahana Bay. ....	212,000 s 174,000 FAP
26. Installation of Median Guardrails on Kamehameha Highway — Plantation Drive to Aiea Stream Bridge. ....	77,000 s 63,000 FAP
27. Installation of Median Guardrails on Likelike Highway—Wilson Tunnel toward Kaneohe—Installation of median guardrails on Likelike Highway from the Kaneohe Portal of Wilson Tunnel toward Kaneohe. ....	44,000 s 36,000 FAP
28. Installation of Median Guardrails on Likelike Highway—Kula Kolea Drive to Valley View Drive. ....	30,000 s 25,000 FAP
29. Makai Boulevard—Preliminary Planning for a makai	

arterial highway from Kapiolani Interchange to Middle Street.....	50,000 s
30. Farrington Highway Widening — Between Piliokoe Gulch and Kaena Point—Incremental widening of approximately 18 miles of highway from Piliokoe Gulch to Kaena Point.....	205,000
31. Relocation of Base Yard Facilities, Honolulu—Relocation of present base yard facilities to a new location. ....	2,000 s 600,000
32. Roadway Improvement on Nimitz Highway—Waikamilo Road to Puuhale Street—Extension of deceleration lanes on Nimitz Highway from Waikamilo Road to Puuhale Street. ....	17,000 s 13,000 FAP
33. Drainage Improvement on Kaneohe Bay Drive in the Vicinity of Mikiola Drive—Installation of approximately 400 linear feet of open ditch and 200 linear feet of 36-inch culverts with concrete drop intakes. ....	13,000 s
34. Traffic Signals at Intersections of Farrington Highway with Pupukahi Street and with Paiwa-Awae Streets. ....	25,000 s 21,000 FAP
35. Pedestrian Overpass over Kalanianaʻole Highway at Ulupii Street, Kailua, Oahu. ....	55,000
36. Kahuluu Cut-Off Road—Plans and acquisition of preliminary rights of way to complete Kahuluu Cut-Off Road to meet Kamehameha Highway in vicinity of Hygienic Store. ....	95,000
37. Department of Transportation Building, Oahu—To improve level of lighting in the department of transportation building, including related improvements. ....	90,000 s
38. Installation of traffic signals and providing for a left turn lane at the intersection of Vineyard and Pua Lane, Oahu. ....	27,000
39. Installation of street lights on Kamehameha Highway starting at the intersection of Kamehameha Highway and the Mililani Park entrance and ending four-tenths of a mile on the Wahiawa side of Roosevelt Bridge. ....	30,000
40. Installation of street lights at the intersection of Kamehameha Highway, Waimakua Drive, and Waihonu Street—Waipio Acres, Wahiawa. ....	9,000
41. Liliha Street Widening—Land acquisition. ....	380,000

**D. Planning and Economic Development**

(To be expended by the Director, Department of Planning and Economic Development)

1. Foreign Trade Zone Development, Honolulu — Continue development and replace 2,000 lineal feet fender system and repair 2,000 lineal feet of shipping and domestic water lines. ....	300,000
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**E. Hawaiian Home Lands**

(To be expended by the Director, Hawaiian Home Lands)

1. Nanakuli Subdivision, Oahu—Installation of roads, utilities, fire protection facilities and surveying and staking out of 100 residential lots of 7,500 square feet each. ....	445,000 55,000 s
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**F. Health**

1. Smoke and Fire Alarm, State Hospital—Installing smoke and fire alarm self-contained unit in storage room ward and utility building as recommended by	
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Joint Commission on Accreditation of Hospital. ....	11,000
2. Replacement of 84-Bed Ward and Dining Facilities, Waimano Training School and Hospital. ....	733,000
3. Relocation of Ilalo Street Mosquito and Rodent Control Facilities to Shafter Flats—Construction of 6,160 sq. ft. building for mosquito control and rodent control field operations, 4,000 sq. ft. warehouse for insecticides and mixing materials, and fencing. ....	16,000
4. Reroofing of Buildings, State Hospital—Replace dry rotted and termite damaged roof sheathing which supports heavy roof tiles. ....	102,000
5. Replace Electrical Distribution System, State Hospital—Replace existing electric lines between lower wards, main kitchen, laundry and office building to keep pace with increasing electrical load demand. ....	40,000
6. Matching Funds for Hospital Construction—\$150,000 for Kapiolani Maternity Hospital, \$150,000 for St. Francis Hospital, \$150,000 for Kuakini Hospital and \$180,000 for Wahiawa General Hospital. ....	630,000
7. Renovations to Ward M, Hawaii State Hospital—Supplement to Act 52, SLH 1965 appropriation. ....	24,000
8. Maluhia Hospital, Oahu—Plans for improvements to meet the requirements of the Social Security Act Amendments of 1965. ....	30,000

**G. Social Services**

1. Booster Pumping Station and Fire Alarm and Sprinkler System, Hawaii Youth Correctional Facility, Olomana, Kailua, Oahu—Construction of a booster water pumping station to provide an adequate supply of water, installation of a fire alarm and sprinkler system in the wards cottages, and strengthening of existing distribution network for fireflows as recommended by consultants. ....	165,000
2. Automatic Fire Extinguishing System at Ho'opono Rehabilitation Center, Honolulu—Install automatic fire extinguishing system in basement. ....	9,000
3. Rehabilitation Center Complex, Honolulu—Supplementary appropriation for a multi-story building of approximately 40,000 sq. ft. 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. ....	86,000 f
4. Security Lighting - Recreation Field, Hawaii State Prison, Honolulu—Better and more efficient lighting of the outside perimeter of the recreation field area and within the play area by contract to afford night time recreation. ....	18,000
5. Renovation of Maximum Custody Adjustment Center, Hawaii State Prison, Honolulu—Renovate maximum custody adjustment center to provide roofed metal work area of 1,054 sq. ft. and raise the floor 4 inches above existing play area slab, construct replacement play area of 25' x 41' paved concrete, install P.A. system on all floors, repair the elevator, install security fence on walls around the center, install additional showers, and install shelves and double decker bunks. ....	5,000
6. State Prison Facilities, Oahu—Plans for a diagnostic	

- center and adult opportunity homes. .... 150,000
- 7. Senior Opportunity Center in the Lanakila Area, Honolulu—To include a suitable building, parking area and outside lounge area. .... 181,000

**Hawaii Housing Authority**

(To be expended by the Director, Department of Social Services)

- 8. Kaneohe Low-Income Housing, Oahu—80 dwelling units for families of low income. Two-story apartment buildings. .... 1,580,000 r
- 9. Kuhio Park Terrace, Oahu—Installation of lights for night recreation. .... 20,000

**H. Defense**

- 1. Modification of Battery Birkhimer, Diamond Head Crater, Fort Ruger—Modification of the State Civil Defense Emergency Operating Center, Battery Birkhimer, Fort Ruger, to provide protection against effects of a nuclear explosion, including installation of air conditioning, decontamination, and power generating plant systems. .... 50,000  
50,000 f
- 2. Feasibility Study and Master Plan of Fort Ruger-Diamond Head Area, Honolulu—Study to determine the various uses to which the interior of Diamond Head Crater may be utilized, to determine the feasibility of consolidating Department of Defense facilities in one location either within or without the Diamond Head Crater and preparation of a master plan (to be expended by the Department of Planning and Economic Development). .... 10,000
- 3. Drainage Facility for Diamond Head Crater—Clearing and grading of existing swamp area and pond on interior of Crater to provide controlled drainage and ponding, construction of catch basin, sump and pump, and approximately 2,000 feet of 4-inch pipe line to carry water out of the Crater. .... 45,000
- 4. Kaneohe Armory-Gymnasium, Oahu—Construction of a combination armory and school gymnasium to be constructed at King School site, as a supplement to Act 195, S.L.H. 1965 funds. .... 163,500

**I. Accounting and General Services**

- 1. State Capitol Building—Construction necessary to complete the Capitol; includes parking, landscaping, furniture and equipment, and fine arts; provided that landscaping shall be the responsibility of the department of land and natural resources.... 4,555,000
- 2. Iolani Palace Restoration, Honolulu—Plans for restoration and preservation of Iolani Palace as a historical monument. .... 8,000  
13,900 f
- 3. Relocation of certain DAGS Facilities to Fort Shafter Flats, Oahu—Plans for incremental relocation of Central Services Division and Surplus Property Branch from Fort Armstrong to Fort Shafter Flats. .... 15,000
- 4. Washington Place—Repairs, renovations and alteration to correct fire, health and security conditions and to improve living conditions. .... 200,000

**J. Taxation**

- 1. Service Ramp, Hale Auhau (Tax Office), Honolulu—Plans and construction of a service ramp. .... 5,000

**K. Judiciary**

- 1. The renovation of existing facilities of the district court of Honolulu, city and county of Honolulu. .... 170,000
- 2. Replacement of Court House for District Court of Ewa, Pearl City, Oahu. .... 105,000

**L. Aid to County**

(To be expended by the City and County of Honolulu)

- 1. Salt Lake Boulevard Bridge, Honolulu—Plans and construction, including flood control studies, plans and improvements. .... 460,000
- 2. Acquisition of Hans L'Orange Park, Waipahu. .... 105,000

**III. MAUI PROJECTS**

**A. Land and Natural Resources**

(To be expended by the Director, Department of Land and Natural Resources)

**Forestry**

- 1. Forest Development—Kula Access Road, Maui—Oil and cinder Kula Access Road to provide access for reforestation, fire protection, hunting, and other recreation. .... 30,000
- 2. Forest Development—Truck Road, Maui—Incremental construction of jeep roads with turn-outs and permanent drainage culverts in various forest reserves for tree planting, fire protection and recreation purposes. .... 10,000

**State Parks**

- 3. Iao Valley State Park, Maui—Development of a wilderness park with an expanded road head parking area and visitor facilities, including acquisition of land. .... 65,000
- 4. State Parks on Island of Maui—Acquisition of land, plans, construction and equipment. .... 415,000
- 4a. Historic Lahaina State Monument, Maui—Restoration of Lahaina; continuing project. .... 100,000

**Water Development and Flood Control**

- 5. West Maui Water Project, Maui—Engineering and geologic investigations and economic analysis for the development of water project. .... 20,000

**B. Transportation**

(To be expended by the Director, Department of Transportation)

**Airports**

- 1. Miscellaneous Improvements, Kahului Airport—Reconstruct and resurface existing runway and taxiway 2-20, construct security fencing on east side of runway, resurface airport access road, and improve parking lot. .... 620,000  
350,000 f
- 2. Molokai Airport Improvements, Hoolehua, Molokai—Acquisition of land for incremental extension and widening of Runway 5-23 from 4,500' x 100' to 5,700' x 150', and other improvements. .... 10,000
- 2a. Kalaupapa Airport—Extension of runway. .... 5,000

**Harbors—Commercial**

- 3. Reconstruction of Pier 1, Kaunakakai Harbor, Molo-

	kai—Plans for demolition and reconstruction of Pier 1 apron. ....	40,000 r
4.	Reconstruction of Pier 2, Kahului Harbor, Maui—Incremental demolition and reconstruction of Pier 2 apron, improvement of landing area, shore facilities, and other improvements. ....	630,000 r
5.	Kalaupapa Light Draft Harbor Improvements, Molokai—Improve barge landing facilities; construct mooring dolphin and shore facilities. ....	75,000 186,000 f

**Harbors—Small Boat**

6.	Improvements to Lanai Small Boat Harbor, Manele Bay—Incremental improvements to Lanai small boat harbor including re-routing of existing drainage ditch. ....	33,000
7.	Improvements to Existing Lahaina Small Boat Harbor, Maui—Dredge existing boat basin and provide slip alongside existing wooden pier, provide additional mooring facilities, and replace wood pier with steel sheet piles and concrete cap. ....	182,000

**Highways—Maui**

8.	Waihee Bridge and Approaches, Maui—Construction of a reinforced concrete bridge over Waihee Stream, replacing two existing bridges on Route 330. ....	52,000 s 43,000 FAS
9.	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. ....	261,000 s 214,000 FAP
10.	Kahekili Highway—Honokohau to Kahakuloa, Maui—Incremental reshaping and paving of existing road from Honokohau Stream toward Kahakuloa. ....	200,000
11.	Kahekili Highway—Kahakuloa - Waihee—Reshaping, widening and improving existing road between Kahakuloa and Waihee. ....	100,000

Regarding items B-10 and 11, the department of transportation shall whenever practicable, utilize the labor of wards of the corrections division of the department of social services. The department may also use its present staff and staff of other state agencies including but not limited to, staff of the department of land and natural resources and accounting and general services and the county of Maui, employ temporary personnel who shall be exempt from the provisions of chapters 3 and 4, R.L.H. 1955, as amended, and who are duly registered as unemployed with the department of labor and industrial relations, to the maximum practical extent. The department may enter into contract with other governmental agencies for necessary equipment, supplies, and other services to be used in the project, if not with governmental agencies then with private firms by public bid.

12.	Haleakala Highway—Kekaulike Avenue toward Haleakala National Park Boundary, Maui—Widen and pave all unimproved sections between Kekaulike Avenue and the Haleakala National Park boundary. ....	175,000 s
13.	Kaahumanu Avenue—Traffic Signal System at Lono Avenue Intersection, Maui—Installation of traffic signal system at intersection of Kaahumanu and Lono Avenues. ....	9,000 s 7,000 FAP
14.	Extension of Kahului Airport Highway—FAS-380—Plans for construction of an extension of FAS-380 to connect Honoapiilani Highway (FAP-30) at junction of Honoapiilani Highway-Kihei Road (FAS-310), "Route C," including acquisition of preliminary right-of-way. ....	200,000



15. Upper Kihei-Ulupalakua Highway—Construction of a two-lane highway as shown on County of Maui Master plan and acquisition of right of way. To supplement prior appropriation. ....	100,000
<b>C. Health</b>	
1. Replacement of Existing Storage Building and Repair of One Quonset Dormitory Building, Kalau-papa. ....	30,000
2. Maui Memorial Hospital—Equipment. ....	25,000
<b>D. Social Services</b>	
<b>Hawaii Housing Authority</b>	
(To be expended by the Director, Department of Social Services)	
1. Maui Low-Income Housing—50 dwelling units for the elderly. ....	960,000
<b>E. Accounting and General Services</b>	
1. State Office Building, Wailuku. Supplemental funds for constructing and equipping a state office building, including provisions for a central motor pool. Unexpended balance of Item N-9, Act 195, S.L.H. 1965, may be used for this project. ....	354,000
2. Alterations and Improvements to 2nd Circuit Court and Tax Office Building, Wailuku, Maui—Plans for modification work in both the circuit court and tax office building necessary to accommodate new state agencies within the Wailuku civic center area. ....	22,000
<b>F. Aid to County</b>	
(To be expended by the County of Maui)	
1. Lower Kula Transmission Line—For incremental development of transmission lines, tanks and other appurtenances. (To be expended by the board of water supply, county of Maui) .....	900,000
2. Maui War Memorial Center—Construction of a recreational, cultural and entertainment center, including necessary buildings and facilities and land acquisition. (Supplementing funds appropriated by Act 195, S.L.H. 1965) .....	412,000
3. Kahului Sewerage System—Construction of a new sewerage outfall at Kahului. (Supplementing funds appropriated by Act 195, S.L.H. 1965) .....	150,000
4. Wailuku Heights Sewerage System—Construction of a sewerage system for Wailuku Heights. ....	150,000
5. Lahaina Sewerage System—Construction of sewerage system for north and south portion of Lahaina town. (Supplementing Funds appropriated by Act 195, S.L.H. 1965) .....	100,000
6. Waikapu Sewerage System—Plans for construction of sewerage system. ....	10,000
7. Kaunakakai Sewerage System—Incremental construction of sewerage system including treatment plant and other appurtenances and land acquisition. ....	200,000
8. Kepaniwai Park—Incremental development of an International Garden and replacement of existing restroom facilities. ....	187,000
9. Kahoma Stream Flood Control—Plans, land acquisition, and construction of flood control at Kahoma	

Stream. ....	163,000
10. Maui Beautification Committee—Continuing project, provided County of Maui matches with an equal amount. ....	12,500
11. Pukalani Park, Maui—Plans for construction of a community hall. ....	10,000
12. Honokowai Park, Maui—Plans for construction of comfort station including parking area. ....	5,000
13. Waiehu Golf Course, Maui—Construction of improvements to Waiehu golf course clubhouse and golf course, including dining area, golf cart storage, pro-shop addition, conference room addition, tool and equipment shed, resurfacing approach road, pipeline, and comfort station. ....	88,000
14. Lanai General Hospital—To supplement funds appropriated by Act 195, S.L.H. 1965. ....	65,000
15. Makawao County Park—Construction of a gymnasium type building and other necessary facilities. ....	100,000
16. Hawaiian Homes Playground, Paukalo—Improvements to existing playground. ....	5,000

**IV. HAWAII PROJECTS**

**A. Land and Natural Resources**

(To be expended by the Director, Department of Land and Natural Resources)

**Land Development Projects**

1. Waiakea Peninsula, Hawaii—Realignment of Banyan Drive, underground utilities and landscaping within the Waiakea Peninsula. ....	220,000
2. Kealahou Land Development, Hawaii—Plans for incremental development of State lands at Kona to resort and urban complex. ....	35,000

**Forestry**

3. Kamuela-Nursery, Hawaii—Construct office and seed testing laboratory, storage bins and pave nursery area. ....	8,000
4. Recreational facilities and fire cache at Kalopa and Honokaala—Supplementing prior appropriation. ....	4,000

**State Parks**

5. Mauna Kea State Park, Hawaii—Incremental development of a major park with necessary roads, water development, utilities, cabins, group use facilities, camping, hiking, riding and other facilities for full public use, appreciation and enjoyment. ....	260,000
6. Hapuna Beach State Park, Hawaii—Incremental development of new project consisting of improvement and expansion of former county park to include overnight camping, cabins, extensive grassed areas with shade and flowering trees, picnic facilities, beach facilities, etc., to include considerable more area than the original county park, and including necessary utilities, roads and parking, grading, irrigation system, management facilities, etc. Acquisition of private lands surrounded by state lands. ....	100,000
7. Wailoa River State Park, Hawaii—Incremental expansion of existing facilities in the vicinity of Hilo Bay, Waiakea Pond and Wailoa River, including utilities, grading, landscape planting and a botani-	

- cal collection, a visitor center portraying the attractions of the Big Island, boating facilities, picnic facilities, roads and parking, a park maintenance shop, etc. Acquisition of privately owned fish pond essentially surrounded by park. .... 365,000
- 8. MacKenzie State Park, Hawaii—Plans for incremental expansion of the existing park into adjoining state lands and a small amount of private land, development of a swimming beach, picnic, camping and cabin facilities. Needed private lands would be acquired by gift or exchange, if possible, by purchase if necessary. .... 25,000
- 9. Kalapana Beach Development, Hawaii—Incremental expansion of facilities and landscaping for further development to be expended by the county of Hawaii to facilitate tourist traveling along the chain of crater's complex. .... 50,000

**Water Development and Flood Control**

- 10. Kohala-Hamakua Water Development, Districts of South Kohala and Hamakua, Hawaii—Develop additional stream intakes, install new transmission line, construct new reservoir, filter plant, and make improvements to existing facilities. .... 831,000
- 11. Puukapu Watershed Protection and Flood Prevention Project, Hawaii—Continuing construction of flood prevention facilities to control storm waters in Puukapu, Hawaii. .... 50,000  
222,000 f
- 12. Kona Watershed Project, Hawaii—Land acquisition for construction of channel, culvert and bridges for flood control at Kailua and Kainaliu. .... 84,000
- 13. Extension of Pipeline, Hawaii—Pipeline from Honau-nau Village to Keokea Junction. .... 50,000

**B. Transportation**

(To be expended by the Director, Department of Transportation)

- 1. Vacuum Cooling Plant, Kamuela, Hawaii—For completion of project, supplementing prior appropriations. .... 15,000

**Airports**

- 2. Kona Airport, Kona, Hawaii—Runway extension. .... 100,000
- 3. Hilo Airport, Hilo, Hawaii—Terminal improvements. .... 75,000

**Harbors—Commercial**

- 4. Kawaihae Deep Draft Harbor Improvements, Hawaii—Incremental enlargement of turning basin and breakwater; relocation of dolphins; installation of fire hydrants and toilet facilities; dredging of entrance channel and basin and extension of breakwater. .... 1,213,000 f  
66,000 r

**Harbors—Small Boat**

- 5. Honokohau Small Boat Harbor, Kona, Hawaii—Incremental development of a 415-boat capacity all-weather marina on state owned land in three stages. .... 38,000  
33,000 f

**Highways—Hawaii**

- 6. Volcano Road—Glenwood Section, Hawaii, F-011-2(3) —widening and improving of approximately 3.9 miles of existing road. .... 152,000  
273,000 s  
348,000 FAP
- 7. Keaau-Paho Road, Hawaii—Construction approxi-

	mately 4.5 miles of two-lane highway between Keaau School and Project S-231(1); including an underpass. ....	204,000 167,000 FAS
8.	Replacement of Kaiete, Hanawi, Kalaoa & Waiaama Stream Bridges, Hawaii Belt Road—Construction of permanent bridges to replace badly deteriorated temporary timber bridges. ....	444,000 364,000 FAP
9.	Honokaa-Waipio Road, Hawaii—Continue realigning, grading, and drainage of approximately 8.12 miles of a two-lane high type pavement highway from Haina Road Intersection to Waipio Lookout. Portion from Honokaa to Kaauhuhu Homesteads to be built to federal-aid standard. Portion from Kaauhuhu Homesteads to Lookout to be widened and resurfaced. ....	656,000 442,000 FAS
10.	Kawaihae—Mahukona Road, Kohala, Hawaii—Continue construction of approximately 11.318 miles of two-lane roadway from Kawaihae to Mahukona and approximately 0.104 mile of access road. ....	824,000
11.	Kailua-Kawaihae Road—Section II—Honokahau to Keahole, North Kona, Hawaii—Continue construction of approximately 4.9 miles of two-lane highway from the vicinity of the Honokahau small boat harbor to the vicinity of the proposed new airport at Keahole. ....	300,000
12.	Kawaihae-Mahukona Road, Kohala, Hawaii—Continuing maintenance of graded portions of new road. ....	5,000
13.	Keaou Base Yard, North Kona, Hawaii—Incremental grading, paving, construction of a chain link security fence and erection of a quonset hut. ....	30,000
14.	Honokaa Base Yard, Hawaii—Plans and construction for improvement to Honokaa baseyard. ....	5,000
15.	Shoulder Improvements, Puna, Hawaii—Completion of prior appropriations, and also to provide addition and replacement of existing conventional lights to improved type. ....	25,000
16.	Olaa (Keaau) to Hilo, Puna, Hawaii—Cut down bad hills, widen, pave and resurface inbound lane. ....	215,000
17.	Pahoa—Kanaohiku Subdivision, Puna, Hawaii—Improvements to roads. The unrequired balance of this appropriation shall be used for improvements to Kaohe Homestead Road. ....	25,000
18.	Overpass-Honokaa, Hawaii—Construction of an overpass from Honokaa high and elementary school grounds to the Honokaa public library. ....	22,500

**C. Health**

1.	Consultation and Planning Service, Hilo Hospital—Prepare plans for rearrangement of hospital facilities for greater operational economics as recommended by the American Hospital Association Survey Team. ....	25,000
2.	New Kau General Hospital Construction Grant—Provided that C. Brewer & Co., Ltd. and the County of Hawaii each contribute \$150,000 and C. Brewer & Co. Ltd. land needed for the project. ....	150,000
3.	Kona Hospital, Kona, Hawaii—Preliminary and construction plans for a new Kona Hospital. ....	50,000
4.	Kona Hospital, Hawaii—For improvements to meet the requirements of the Social Security Act Amendments of 1965. ....	90,000
5.	Honokaa Hospital, Hawaii—For improvements to	

meet the requirements of the Social Security Act Amendments of 1965. .... 40,000

**D. Social Services**

**Social Services**

- 1. Kulani Road Development, Hawaii—Incrementally grade, surface and install necessary culverts for 19½ miles of the Stainback Highway from the Kalaniana'ole Highway to Kulani Honor Camp. .... 14,000
- 2. Water Storage Tank, Kulani Honor Camp, Hawaii—Construct 420,000 gallon capacity steel bolted tank to store drinking water for the camp. .... 11,000

**Hawaii Housing Authority**

(To be expended by the Director, Department of Social Services)

- 3. Kona Low-Income Housing, Hawaii—50 dwelling units for families of low income. .... 1,070,000 r
- 4. Hamakua Low-Income Housing, Hawaii—50 dwelling units for the elderly. .... 960,000 r
- 5. Community Facilities, Hilo, Hawaii ..... 60,000 s
- 6. Senior Citizen Center, Hamakua, Hawaii—To develop a Senior Citizen Center in conjunction with the Hawaii Housing Authority's Hamakua-low income housing project designed for the elderly. .... 15,000

**E. Accounting and General Services**

- 1. State Office Building Complex, Hilo—Supplemental funds for constructing and equipping a State office building complex in Hilo. .... 870,000
- 2. Honokaa State Complex and Building for the Mentally Retarded. The appropriations made by Item D-3-c, Act 52, S.L.H. 1964 and Item N-12, Act 195, S.L.H. 1965, shall be used to supplement this appropriation and to construct the buildings as designed. .... 7,500
- 3. Improvements to University of Hawaii Experiment Station, Paaulo, Hawaii, including utilities and construction of unpaved road from upper Pohakea Homestead Road to Experiment Station. .... 20,000

**F. Aid to County**

**Road Construction and Flood Control**

(To be expended by the County of Hawaii)

- 1. Retaining Wall at Honopueo, North Kohala—(Completion of retaining wall to be expended by department of transportation) .... 6,000
- 2. Komohana-Puainako Intersection to Puuhonu-Waianuenue Intersection—Construction of an 80 ft. street from the intersection of Komohana and Puainako Streets to the intersection of Puuhonu Street and Waianuenue Avenue; including all connecting spurs thereto. .... 180,000
- 3. Lanikaula Street Extension—Construction of a 600-ft. connecting segment from present deadend of Lanikaula Street near University of Hawaii-Hilo Campus to Lanikaula Street Extension from Monouli Street. The project includes a concrete bridge over the Wailoa River flood control channel and road pavement. .... 35,000
- 4. Akaka Falls Road—Realignment and completion of a ½ mile segment of the Akaka Falls Road. .... 58,000

- 5. Kawaiiani Street Improvement—Continue with the widening and paving of a 4,500 ft. portion of Kawaiiani Street toward Kupulau Road from the end of present 24 ft. wide pavement. .... 30,000
- 6. Chin Chuck Road—Completion of widening and resurfacing roughly 1.4 miles and reconstructing roughly 0.6 mile of Chin Chuck Road. .... 45,000
- 7. Mamo Street Extension—Plans and land acquisition for Mamo Street extension from Kinooole Street to Kapiolani Street, approximately 862 lin. ft. long and 60 ft. wide right-of-way. .... 25,000
- 8. Waieka-uka Flood Control—Field survey, preparation of plans and specifications, and land acquisition for the Waieka-uka flood control project. This is a follow-up on the master plan prepared by the state department of accounting and general services in 1962. .... 120,000

**Water Development**

(To be expended by the County of Hawaii, Board of Water Supply)

- 9. Laupahoehoe Water System Improvement, District of North Hilo, Hawaii—Develop water source and related transmission facilities. .... 100,000
- 10. Kaieie Water System, District of South Hilo, Hawaii—Install pipelines, concrete tanks, and pump to serve the Upper Kaieie Homesteads. .... 50,000
- 11. Kanoolehua-Panaewa Water System, District of South Hilo, Hawaii—Drilling of a deep well, installation of 10,725 lin. ft. 20" C.I. pipe; installation of 11,800 lin. ft. 18" C.I. pipe; installation of 5,300 lin. ft. 12" C.I. pipe; construction of 1-1.0 mg. concrete reservoir; installation of deep well and booster pumps. .... 300,000
- 12. Hamakua Water System Improvement, Ahualoa Water Treatment Plant, District of Hamakua, Hawaii—Improvements to the existing treatment plant to increase water production rate. .... 80,000
- 13. Kalapana Water System, District of Puna, County of Hawaii—Development of a water system to serve the proposed State resort project at Kalapana-Kaimu (including the famed Kalapana Black Sand Beach). .... 300,000
- 14. Nienie Water System. .... 60,000
- 15. Kona Water Development—Waiaha towards Honokohau Junction. .... 100,000

**V. KAUAI PROJECTS**

**A. Land and Natural Resources**

(To be expended by the Director, Department of Land and Natural Resources)

**Land Development Projects**

- 1. Kekaha Houselots, Kauai—Incremental development and improvement, including necessary utilities, of State lands at Kekaha for residential lots. .... 100,000
- 2. Wailua Houselots, Kauai—Incremental development of State lands into residential lots. .... 61,000
- 3. Waimea Swamp Fill. .... 82,000
- 4. Kapaa Industrial Lots. .... 118,000

**Fish and Game**

- 5. Kauai Game Management Facilities, Kauai—Incre-

mental construction of big game water units for the Black-tailed deer range and installation of electric and telephone lines at Kokee. .... 3,000

**Forestry Projects**

6. Forest Development-Trails, Kauai—Incremental construction to provide quick access to forest planting areas, forest fires, and outdoor recreation sites. Student help shall be used for forestry projects. 36,000

**State Parks**

- 7. Wailua River State Park, Kauai—Incremental development of the many recreational attractions of Wailua River, including boating facilities, campgrounds at Lydgate and upstream, cabins upstream, archaeological features, picnic areas and scenic overlooks, with necessary docks, moorages, roads, parking areas, utilities, visitor facilities, etc. 235,000
- 8. Kokee-Waimea Canyon State Park, Kauai—Incremental expansion and improvement of utilities, roads, overlooks, interpretation of natural and historic features, camping facilities, hiking and riding trails and visitor and vacation facilities. .... 100,000
- 9. Na Pali Coast State Park, Kauai—Incremental provision of road head and trail access, camping, picnicking and hiking facilities, protection and interpretation of historic and archaeological sites, management facilities, etc., for a wilderness type of park. The area includes Polihale and Haena and the recreation and historic resources of the intervening area. .... 20,000
- 10. Hanapepe Salt Pond Development—To reactivate salt making facilities and to construct a building with display facilities and rest area for tourists and salt makers. .... 25,000

In connection with park 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 chapters 3 and 4, R.L.H. 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.

**B. Transportation**

(To be expended by the Director, Department of Transportation)

**Airports**

1. Improvements to Maintenance Area, Lihue Airport—Improvements to roads and utilities in maintenance area and construction of combination fire-rescue and maintenance building and security fencing. .... 90,000  
 40,000 s

**Harbors—Commercial**

2. Nawiliwili Harbor Improvements, Kauai—Provide additional area lighting; pave an access road and parking area near the pier shed, and other improvements. .... 100,000 s

**Harbors—Small Boat**

3. Kikiaola Small Boat Harbor, Kauai—To pave access road and for other harbor improvements including redesigning and renovation of existing launching

- ramp. .... 37,000
- 4. Kukuiula Small Boat Harbor, Koloa—Supplement to prior appropriation and other improvements including land acquisition if necessary. .... 20,000
- 5. Hanalei River—Dredging and clearing of obstructions at the mouth of the river and other improvements to facilitate the navigation of small craft in the river. To supplement appropriations from Act 201, SLH 1963 and Act 52, SLH 1964. .... 25,000

**Highways—Kauai**

- 6. Kauai Belt Road—Pilaa toward Kilauea—Continuing construction of approximately 3.6 miles of two-lane highway from Pilaa toward Kilauea. .... 355,000  
113,000 FAS
- 7. Kauai Highway Base Yards, Kapaa, Kauai—Construction of a new base yard for the Kauai District and a satellite yard at Waimea. .... 5,000
- 8. Maluhia Road, Kauai—To supplement item D-68 Act 195/65 for improvements to Maluhia Road. .... 47,000
- 9. Widening and Resurfacing of Kauai Belt Road—Kalaheo to Wahiawa—Widening existing 20-ft. pavement to 24 ft. and resurfacing a length of approximately 2 miles. .... 106,000
- 10. Widening and Resurfacing of Kauai Belt Road—Mahaikona Bridge to Onaona Road, Waimea, Kauai—Widening existing 20 and 22 ft. pavement to 24 ft. and resurfacing a length of approximately 1.8 miles. .... 85,000
- 11. Kauai Belt Road—Kekaha to Pila—Pavement and shoulder rehabilitation and widening. .... 140,000

**C. Accounting and General Services**

- 1. State Office Building, Lihue, Kauai—Supplement for construction of an office building for joint occupancy by various state agencies on Kauai. Includes \$48,000 for the relocation of national guard facilities to Kapaa armory. .... 1,624,000

**D. Health**

- 1. Mahelona Hospital, Kauai. For improvements to meet the requirements of the Social Security Act Amendments of 1965. .... 31,000

**E. Aid to County**

**Road, Sewer and Other Projects**

(To be expended by the County of Kauai)

- 1. Approach Road and Bridge, Pacific Missile Range, Kauai. .... 40,000
- 2. Hanalei Bridge Repair. .... 30,000
- 3. Kapaa Fire Station—To supplement prior appropriations. .... 10,000
- 4. Sewerage Projects .... 185,000
  - a. Sewerage System for Lihue and Nawiliwili—Planning and construction.
  - b. Sewerage System for Wailua Houselots—Planning and construction.
  - c. Sewerage System for Kapaa — To supplement prior appropriation, Act 195, SLH 1965.
- 5. Water Projects .... 200,000  
(To be expended by the Kauai County Board of Water Supply)
  - a. Koloa-Poipu Water System—Plans, construction



- and equipment for improvements (source and transmission lines) to water system.
- b. Lihue Water System—Plans, construction and equipment for improvements (source and transmission lines) to water system.
  - c. Kapaa Water System—Plans, construction and equipment for improvements (source and transmission lines) to water system.

**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 federal aid highway project, land development project or airport project shall have the bond principal and interest reimbursed from the highway special fund, the land development special fund, or the airport special fund, respectively. 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 expense 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 Hawaii housing authority is authorized to issue housing authority revenue bonds for housing authority revenue bond financed projects authorized by this Act, pursuant to provisions of part 5.5, chapter 9, RLH 1955, as amended. The expenses of the issuance of such housing authority revenue bonds and the principal and interest on such bonds sold shall not be a general obligation of the State of Hawaii.

**SECTION 7.** 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 8.** 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 9. 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 any unrequired amounts for state-wide projects authorized by subsections I-A and I-B may be expended for any other project in said subsections in any county; provided further, 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 10. The sum of \$1,000,000 or as much thereof as may be necessary, is hereby appropriated or authorized, as the case may be, from monies in the treasury received from general revenues or general obligation bond funds to the governor's office for project adjustment purposes of the state-wide projects authorized under subsection I-A and I-B of section 1 hereof. The governor may make supplementary allotment from this fund for state-wide projects but in no event shall the allotment or allotments to a state-wide project be used to increase the intended scope of such projects, nor exceed fifteen per cent of such projects costs appropriated or authorized in section 1 hereof.

SECTION 11. 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 12. In the event the University of Hawaii should qualify for federal funds for any of the buildings and facilities authorized and for which state funds are appropriated, then the state funds appropriated but not required may be applied to the Mauna Kea Observatory project to the extent of \$1,000,000 or so much thereof as the governor may allocate in addition to the \$1,000,000 appropriated.

SECTION 13. 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 14. 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 15. 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, 1967, shall not lapse. *Ch. Det*

SECTION 16. If any portion of this Act or its application to any persons or circumstances 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 17. This Act, upon its passage and approval in the manner provided by the Constitution of the State, shall take effect on July 1, 1966.

(Approved April 27, 1966.) S.B. 108.

## ACT 39

A Bill for an Act Relating to Compensation of the First Deputy or First Assistant to the Head of Any Department of the County Governments and Amending Act 223, Session Laws of Hawaii 1965.

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

SECTION 1. This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of the facts constituting such urgency:

Act 223, Session Laws of Hawaii 1965, has been subject to conflicting interpretations on the question of whether a first deputy or first assistant to the head of a department of the county government is entitled to increment or longevity step credit which he would have

otherwise earned during the period that his salary was frozen by the provisions of section 5-20, Revised Laws of Hawaii 1955, as amended.

The question is now before the Second Circuit Court of the State but a final determination of the cause may not be made until some time in the future. Immediate corrective action is necessary to prevent inequities that may exist and to clarify the law in this area.

**SECTION 2.** Section 2 of Act 223, Session Laws of Hawaii 1965, is hereby amended by adding immediately after the first paragraph thereof a new paragraph to read as follows:

“Effective July 1, 1965, a first deputy or first assistant to the head of a department of the county governments who was subject to the limitation on salary prescribed by section 5-20 shall be granted credit, but no retroactive cash compensation, for increments or longevity steps allocable to the period that his salary was so limited, as if the limitation in said section 5-20 did not exist.”

**SECTION 3.** This Act shall take effect upon its approval.  
(Approved April 27, 1966.) S.B. 333.

## ACT 40

A Bill for an Act Relating to the Payment of Cash for Overtime Work of Public Officers and Employees.

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

**SECTION 1. Purpose.** Section 11 of Article III of the Constitution of the State of Hawaii provides for the consideration and enactment in a budget session of all urgency measures deemed necessary in the public interest. Said section 11 further provides that no urgency measure shall be considered unless a statement of facts constituting such urgency shall be set forth in a section thereof and until such section shall have been first approved by each house. Pursuant to said section 11 of Article III of the Constitution of the State of Hawaii, this Act is hereby declared to be an urgency measure deemed necessary in the public interest. The following is a statement of facts constituting such urgency:

Section 5-72 of the Revised Laws of Hawaii 1955, as amended by Act 164 of Session Laws of Hawaii 1961 and Act 256, S. L. H. 1965, provides for payment of cash for overtime work only when compensatory time off is not granted within thirty days.

This provision has compounded a difficult situation. When a public employee is required to work overtime because of the rush of work, he then must take compensatory time off within thirty days. If he is given time off, the already-rushed department then loses his services while he is on compensatory time off.

It would be in the public interest and in the interest of efficiency to provide for payment in cash for all overtime work.

**SECTION 2.** Paragraph (d) (4) of section 5-72 of the Revised

Laws of Hawaii 1955, as amended, and as amended by Act 256, Session Laws of Hawaii 1965, is hereby amended to read:

"(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 payment in cash at the rate of two times his regular rate of pay for all hours of duty. This double time payment shall include and not be in addition to his regular straight time pay."

SECTION 3. Paragraph (i) of section 5-72 of the Revised Laws of Hawaii 1955, as amended by Act 164 of the Session Laws of Hawaii 1961, is hereby further amended to read:

"(i) The provisions of this section in regard to payment in cash shall be applicable in all cases except where the employee who has performed the overtime work elects, in writing, to take compensatory time off in lieu of cash. Such employee shall receive as compensatory time off one and one-half hours for each hour of overtime worked. Such compensatory time off shall be scheduled by mutual agreement of the affected employee and his appointing authority. All cash payments shall be made within 45 days after the overtime work is performed."

SECTION 4. The sum of \$100,000 or so much thereof as may be necessary is hereby appropriated from the general revenues for the additional cost of payment in cash for overtime work for the period July 1, 1966 up to and including June 30, 1967; provided that the department of budget and finance shall report expenditures made from this appropriation during 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, officers of the State, and to county agencies whose functions were transferred to the State by Act 97, Session Laws of Hawaii 1965, or any extension thereof. 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 funds shall be returned to the state director of finance who shall deposit the same into the general fund.

SECTION 5. 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 6. This Act shall take effect on July 1, 1966.  
(Approved April 27, 1966.) H.B. 526.

## ACT 41

A Bill for an Act Relating to Inspection Fees and Amending Section 23-27, Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. Section 23-27, Revised Laws of Hawaii 1955, as

amended, is hereby further amended by amending the second sentence of the first paragraph thereof to read as follows:

"The department shall not assess any inspection fees except as herein provided."

**SECTION 2.** This Act shall take effect on July 1, 1966.  
(Approved April 29, 1966.) H.B. 29.

## ACT 42

A Bill for an Act Authorizing the Department of Education to Establish a Motor Vehicle Driver Training Program, Making an Appropriation Therefor, and Amending Chapter 37 of the Revised Laws of Hawaii 1955, as Amended.

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

**SECTION 1.** This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of the facts constituting such urgency:

The grave problems created by our high motor vehicle accident and death rates make it imperative that immediate action be taken to reduce the needless loss of human life on the highways. It is deemed a matter of urgency that the department of education provide and administer a program of driver education to minors as one solution in order to preserve the health, safety and welfare of our citizens.

**SECTION 2. Purpose.** (a) The purpose of this Act is to establish a statewide driver education and training program which will consist of an approved course of study to include at least thirty hours of classroom instruction and six hours of behind-the-wheel training, administered through the department of education and offered by certified instructors, outside of regular school hours, at each public high school in the State, on a voluntary basis.

(b) The legislature finds that one hundred and five persons were killed and eight thousand three hundred persons were injured on Hawaii's roads and highways in 1965; that the costs of hospitalization and medical services because of 1965 traffic accidents were in excess of seven million dollars; and that the 1965 traffic accidents cost over six million dollars in property losses. The legislature finds further that driver education programs have been demonstrated to improve the performance of young drivers who successfully complete the course of study; to reduce the automobile insurance premiums for young drivers; to contribute to lower automobile insurance premiums generally; and to result in a substantial furtherance of the general welfare through savings in human life, suffering, and property.

**SECTION 3.** Chapter 37, 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. 37- . Driver Education.** (a) The department is hereby authorized to establish and administer a motor vehicle driver education and training program to be conducted at each public high school in the State after regular school hours, on Saturdays and during the summer recess.

(b) The department shall, for the purpose of this section:

(1) Set the prerequisites and priorities for enrollment in the course of driver education and training which shall be open to every resident of the State who is 15 years of age or older and under 19 years of age;

(2) Establish the requirements for and employ necessary instructors, who are certified to have completed satisfactorily an approved instructor's course, to conduct the course in driver education and training;

(3) Issue a certificate of completion to every student upon satisfactory completion of the course in driver education and training;

(4) Purchase, rent or acquire by gift materials and equipment necessary for the program established by this section; and

(5) Cooperate with the chief of police in each county in promoting traffic safety.

(c) The department is hereby authorized to promulgate rules and regulations, in conformance with the provisions of chapter 60, Revised Laws of Hawaii 1955, as amended, necessary for the purposes of this Act."

**SECTION 4.** (a) The Department of Education shall be responsible for conducting approved courses for instructors in driver education and training.

(b) The Department of Education shall certify any person who satisfactorily completes a course for instructors in driver education and training as provided in subsection (a) of this section.

**SECTION 5.** There is hereby appropriated out of the general revenues of the State of Hawaii, not otherwise appropriated, the sum of \$120,000, or so much thereof as may be necessary, to the Department of Education for the purposes of this Act. The department is further authorized to utilize any other funds that may be available for its use for the purposes of this Act.

**SECTION 6.** This Act shall take effect upon its approval.  
(Approved May 3, 1966.) **H.B. 5.**

### ACT 43

A Bill for an Act Relating to Tax Funds and Amending Section 129-12(c), Revised Laws of Hawaii 1955, as Amended.

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

**SECTION 1.** This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of facts constituting such urgency:

Under the "Highway Beautification Act of 1965" signed by the President on October 22, 1965, the federal government has authorized the expenditure of federal funds "for acquisition of interests in and improvement of strips of land necessary for the restoration, preservation, and enhancement of scenic beauty adjacent to" federal-aid highways "including acquisition and development of publicly owned and controlled rest and recreation areas and sanitary and other facilities within or adjacent to the highway right of way reasonably necessary to accommodate the traveling public." The amount authorized is 3 per centum of funds apportioned to a state for federal-aid highways for any fiscal year and this is on a non-matching basis.

In addition, private parties have indicated that they are prepared to provide, by way of donation, landscaping to beautify the highways of the State and will do so only on the condition that the State will maintain the landscaping so donated.

Under our present statutes it does not appear that the state highway fund may be used to maintain the landscaping and rest, recreational, sanitary and other facilities which are located outside of the right-of-way boundaries of our federal-aid highways.

SECTION 2. The first twelve lines of section 129-12(c) of the Revised Laws of Hawaii 1955, as amended, up to the first semicolon thereof are hereby amended to read as follows:

"(c) The moneys remaining in the state highway fund after the payment and transfers required by paragraphs (a) and (b) of this section shall be expendable by the Department of Transportation for the design, construction, reconstruction, repair and maintenance of and for engineering and acquisition of (1) rights of way for highways in the state upon which federal moneys are expendable or have been expended, pursuant to the provisions of chapter 111, and the federal highway act and legislation supplementary thereto; and (2) lands and interests therein whether within or without these rights of way for highway beautification, scenic enhancement and rest, recreational and sanitary facilities."

SECTION 3. This Act shall take effect upon its approval.  
(Approved May 3, 1966.) H.B. 345.

## ACT 44

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

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

SECTION 1. This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of facts constituting such urgency:

On the basis of an improper delegation of power, the District Court recently ruled that Act 115, Session Laws of Hawaii 1965, giving the Director of Transportation the power to promulgate regula-



tions governing the uses and activities wherever the State has a public easement along the shores of the State, was unconstitutional. A review of the enabling statutes upon which the Hawaii Shore Waters Regulations were promulgated indicates that they should be amended in order to avoid similar attacks on the constitutionality of said regulations.

Though the constitutionality of the Hawaii Shore Waters Regulations has not yet been contested, it is desirable that the enabling statute be amended to provide more specific language to insure against such a contest. The safety and protection of tourists and the users of the waters of the State would thus be assured.

**SECTION 2.** Section 112-5 of the Revised Laws of Hawaii 1955, is hereby amended by adding a new paragraph, to read as follows:

"In addition to the powers vested in the director of transportation by sections 112-1 and 112-3, the director, to promote public safety, health and welfare in or on the shore waters and shores and on beaches encumbered with easements in favor of the public, may promulgate, alter, amend and repeal rules and regulations governing the shore waters, shores and beaches encumbered with easements in favor of the public. The rules and regulations to be promulgated under this paragraph may include:

(a) Safety measures, requirements and practices in or on the shore waters and shores of the State;

(b) The licensing and registration of persons or organizations engaged in commercial activities in or on the shore waters or shores of the State;

(c) The licensing and registration of equipment utilized for commercial activities in or on the shore waters or shores of the State;

(d) The prohibition of the following uses and activities on beaches encumbered with easements in favor of the public: (1) commercial activities, (2) the storage, parking and display of any personal property, (3) the placement of any structures or obstructions, and (4) any other uses or activities that may interfere with the public use and enjoyment of said beaches.

(e) Any other matters relating to the safety, health and welfare of the general public."

**SECTION 3.** Part I of chapter 112 is hereby amended by adding a new section, to read as follows:

"**Section 112- . Definitions.** For the purpose of this part, if not inconsistent with the context:

'Shore waters and shores' shall mean all ocean waters below mean high water mark and within the jurisdiction of the State.

'Beaches encumbered with easements in favor of the public' means any lands which lie along the shores of the State above mean high water mark and which are now, or may hereafter be encumbered by easements in favor of the public for bathing purposes and for foot passage."

**SECTION 4. Severability.** If any portion of this Act or its application to any persons or circumstance is held to be invalid for any

reason, then the legislature hereby declares that the decision of invalidity shall not affect the validity of the remaining portions of this Act.

**SECTION 5.** This Act shall take effect upon its approval.  
(Approved May 4, 1966.) S.B. 192.

### ACT 45

A Bill for an Act Relating to Highways and Amending Chapter 111, Revised Laws of Hawaii 1955, as Amended.

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

**SECTION 1.** This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of facts constituting such urgency:

The Beautification Act of 1965 was passed by Congress and enacted into law on October 22, 1965. Title I of said Act provided for the control of outdoor advertising. One of the pertinent parts of Title I states that any outdoor advertising sign lawfully in existence after October 22, 1965 and which lies within 660 feet of the nearest edge of the right of way and which is visible from the main-traveled way of a federal-aid highway must be removed by the State without the use of federal-aid funds. Federal aid will not participate in the removal of signs legally coming into existence between October 22, 1965 and January 1, 1968, with the exception of those signs legally in existence though becoming nonconforming by reason of a new alignment of or a new federal-aid highway. Section 111-5.5 provides for the control of outdoor advertising only along the Interstate and Defense Highways, and Act 233, Session Laws of Hawaii 1965, appears to allow signs for broader purposes than the Beautification Act of 1965, thus our statutes may not provide the "effective control" required by such Act. Therefore, it is necessary to amend chapter 111 to so regulate at this time outdoor advertising signs along all federal-aid highways to insure maximum federal participation in such control. In addition, federal-aid funds apportioned on or after January 1, 1968, to any state which the Secretary of Commerce determines has not made provisions for effective control of the erection and maintenance of signs shall be reduced by amounts equal to 10 per centum of the amounts which would otherwise be apportioned to such state under 23 U.S.C., section 104, until such time as such state shall provide for such effective control.

**SECTION 2.** Chapter 111 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by repealing section 111-5.5 and by adding a new part thereto, to read as follows:

#### **"PART IV. OUTDOOR ADVERTISING**

**Section 111-60. Declaration of policy.** The legislature finds and declares that outdoor advertising is a form of commercial use of the public highways. In order to prevent unreasonable distraction of

operators of motor vehicles, to prevent confusion with regard to traffic lights, signs, or signals or otherwise interfere with the effectiveness of traffic regulations, attract tourists and promote the prosperity, economic well-being, and general welfare of the State, promote the safety, convenience and enjoyment of travel on, and protection of the public investment in highways within the State, and to preserve and enhance the natural scenic beauty or aesthetic features of the highways and adjacent areas, the legislature declares it to be the policy of the State that the erection and maintenance of outdoor advertising in areas adjacent to a federal-aid or state highway system within the State shall be regulated in accordance with the terms of this part and the regulations promulgated by the department of transportation pursuant thereto and finds that all outdoor advertising which do not conform to the requirements of this part are public nuisances.

**Section 111-61. Definitions.** For the purpose of this part, if not inconsistent with the context:

- (a) 'Department' means the department of transportation.
- (b) 'Director' means the director of transportation.
- (c) 'Outdoor advertising' means any device which is:

(1) A writing, picture, painting, light, model, display, emblem, sign, billboard, or similar device situated outdoors, which is so designed that it draws the attention of persons on any federal-aid or state highway, 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;

(2) A sign, billboard, 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 on any federal-aid or state highway; or

(3) A sign, billboard, writing, symbol or emblem made of lights, or a devise 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 on any federal-aid or state highway.

**Section 111-62. Control of outdoor advertising.** No person shall erect or maintain any outdoor advertising within 660 feet of the right-of-way boundary and visible from the main-traveled way of any federal-aid or state highway within the State, except the following:

(a) Directional and other official signs and notices, which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historic attractions as authorized or required by law.

(b) Signs, displays and devices advertising the sale or lease of the property upon which they are located.

(c) Signs, displays and devices advertising activities conducted on the property upon which they are located.

**Section 111-63. Regulations.** The director may promulgate rules and regulations governing the erection and maintenance of outdoor advertising permitted under section 111-62, consistent with the safety and welfare of the traveling public and with the national standards

promulgated by the Secretary of Commerce pursuant to Title 23, United States Code.

**Section 111-64. Removal of nonconforming outdoor advertising.** Any outdoor advertising lawfully in existence on the effective date of this part and which is not in conformity with the provisions contained herein shall be required to be removed by July 1, 1970. Any other outdoor advertising lawfully erected which subsequently does not conform to this part shall not be required to be removed until the end of the fifth year after it becomes nonconforming.

**Section 111-65. Compensation for removal of outdoor advertising.** The director may acquire by purchase, gift or condemnation, and to pay just compensation upon the removal of the following outdoor advertising:

- (a) Those lawfully in existence on October 22, 1965.
- (b) Those lawfully on any federal-aid or state highway on or after October 22, 1965, and before January 1, 1968.
- (c) Those lawfully erected on or after January 1, 1968.

Such compensation will be paid only for the following:

- (a) The taking from the owner of such outdoor advertising of all right, title, leasehold, and interest therein; and
- (b) The taking from the owner of the real property on which such outdoor advertising is located, of the right to erect and maintain such outdoor advertising thereon.

**Section 111-66. Unlawful outdoor advertising.** Any outdoor advertising which violates the provisions of this part is hereby declared to be a public nuisance.

**Section 111-67. Penalty.** Any person violating any provisions of this part shall be fined not less than \$25 nor more than \$500, or imprisoned not more than one month, or both.

**Section 111-68. Interpretation.** Nothing in this part shall be construed to abrogate or affect the provisions of any law, ordinance, or regulation which are more restrictive than the provisions of this part.

**Section 111-69. Agreements with the United States authorized.** The director may enter into agreements with the Secretary of Commerce of the United States as provided by Title 23, United States Code, relating to control of outdoor advertising in areas adjacent to any federal-aid highway, and to take action in the name of the State to comply with the terms of such agreement."

**SECTION 3. Severability.** The provisions of this Act are declared to be severable, and if any portion of this Act or the application thereof is held to be invalid for any reason, the validity of the remainder of this Act or the application of such portion shall not be affected thereby.

**SECTION 4. Effective date.** This Act shall take effect upon its approval.

(Approved May 4, 1966.) H.B. 343.

## ACT 46

A Bill for an Act Relating to Highways, and Amending Chapter 111, Revised Laws of Hawaii 1955, as Amended.

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

**SECTION 1.** This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of facts constituting such urgency:

The Beautification Act of 1965 was passed by Congress and enacted into law on October 22, 1965. Title II of said Act provided for the control of junkyards which are within 1,000 feet of the nearest edge of the right of way and which are visible from the main traveled way of the federal-aid interstate and primary highway systems. At the present time, an estimated \$30,000 is available to the State for such junkyard control, and unless the Department of Transportation is authorized to control junkyards by June 30, 1966, this amount will lapse and be lost to the State.

In addition, any such junkyards which legally came into being after October 22, 1965, and which may legally come into existence prior to January 1, 1968 must be moved or screened as the case may be, by the State without the use of federal-aid funds. Federal aid cannot be used for junkyards legally coming into existence between October 22, 1965 and January 1, 1968, except those that legally exist and are made non-conforming because of a realignment of or the construction of a new federal-aid highway. It is therefore necessary to provide for the immediate regulation of junkyards along federal-aid highways to insure full federal participation and to prevent the lapsing of the \$30,000 Federal appropriation. Federal-aid highway funds apportioned on or after January 1, 1968, to any state which the Secretary of Commerce determines has not made provision for effective control of the establishment and maintenance of junkyards shall be reduced by amounts equal to ten (10) per centum of the amounts which would otherwise be apportioned to such state under 23 U.S.C., Section 104, until such time as such state shall provide for such effective control.

**SECTION 2.** There is hereby added to chapter 111 of Title 15 of the Revised Laws of Hawaii 1955, as amended, a new part to be numbered Part VII, and to read as follows:

**"PART VII. JUNKYARD CONTROL**

**Section 111-70. Short Title.** This part may be cited as the 'Junkyard Control Act.'

**Section 111-71. Purposes.** For the purpose of promoting the public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in public highways, and to preserve and enhance the scenic beauty of lands bordering public highways, it is hereby declared to be in the public interest to regulate and restrict the establishment, operation, and maintenance of junk-

yards in areas adjacent to federal-aid or state highways within the State. The Legislature hereby finds, determines and declares that junkyards which do not conform to the requirements of this part are public nuisances.

**Section 111-72. Definitions.** For the purpose of this part, if not inconsistent with the context:

(a) 'Automobile graveyard' means any establishment or place of business which is maintained, used, or operated, for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

(b) 'Department' means the department of transportation.

(c) 'Director' means the director of transportation.

(d) 'Junk' means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

(e) 'Junkyard' means an establishment or place of business which is maintained, operated, or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills.

**Section 111-73. Control of Junkyards.** No person shall establish, operate, or maintain a junkyard, any portion of which is within 1,000 feet of the nearest edge of the right of way of any federal-aid or state highways within the State, except the following:

(a) Those which are screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main traveled way of a federal-aid or state highway.

(b) Those which are not visible from the main traveled way of a federal-aid or state highway.

**Section 111-74. Junkyards Lawfully in Existence.** Any junkyard lawfully in existence on the effective date of this part which is within 1,000 feet of the nearest edge of the right of way and visible from the main traveled way of any federal-aid or state highway shall be screened, if feasible, by the department at locations on the highway right of way or in areas acquired for such purposes outside the right of way so as not to be visible from the main traveled way of such highway.

**Section 111-75. Requirement as to Screening.** The director may promulgate rules and regulations governing the location, planting, construction and maintenance, including the materials used in the screening required by this part.

**Section 111-76. Authority to Acquire Interest in Land for Removal and Screening of Existing Junkyards.** When the director determines that the topography of the land will not permit the adequate screening of existing junkyards or that the screening of such junkyards would not be economically feasible, the director may acquire by gift, purchase, exchange, or condemnation, such interests in lands as may be necessary to secure the relocation, removal, or disposal of such junkyards, and to pay for the costs of relocation, removal, or disposal thereof. When the director determines that it is in

the best interest of the State, he may acquire such lands, or interests in lands, as may be necessary to provide adequate screening of such junkyards.

**Section 111-77. Injunction.** The department may apply to the circuit court in the county in which said junkyards may be located for an injunction to abate the nuisance of a non-conforming junkyard.

**Section 111-78. Interpretation.** Nothing in this part shall be construed to abrogate or affect the provisions of any lawful ordinance or regulation which are more restrictive than the provisions of this part.

**Section 111-79. Agreements with the United States Authorized.** The director may enter into agreements with the Secretary of Commerce of the United States as provided by Title 23, United States Code, relating to the control of junkyards in areas adjacent to any federal-aid highway, and to take action in the name of the State to comply with the terms of such agreements."

**SECTION 3. Severability.** The provisions of this Act are declared to be severable, and if any portion of this Act or the application thereof is held to be invalid for any reason, the validity of the remainder of this Act or the application of such portion shall not be affected thereby.

**SECTION 4.** This Act shall take effect upon its approval.  
(Approved May 4, 1966.) **H.B. 344.**

## ACT 47

A Bill for an Act Relating to Group Life Insurance.

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

**SECTION 1.** This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of the facts constituting such urgency:

The Hawaii Insurance Law is ambiguous as it relates to group life insurance policies. It is ambiguous as to the qualifications required for full coverage of certain classes of persons. This ambiguity in the laws has caused large amounts of group life insurance policies to be issued and purchased in good faith. A recent attorney general's opinion, however, in interpreting the Hawaii Insurance Law, has held that certain types of group insurance coverage in excess of certain amounts were prohibited under existing law. This ruling has rendered large amounts of insurance already issued to be of doubtful validity and much hardship will result unless the law is immediately amended. It is therefore urgent and in the public interest that the insurance law be clarified and that any ambiguity which casts doubt as to the legality of issued group life insurance policies be eliminated.

**SECTION 2.** Amend section 181-582 of the Revised Laws of Hawaii 1955, as amended, to read:

**“Section 181-582. Spouses and dependents of insured individuals.** Any other provision herein to the contrary notwithstanding (a) insurance under any group life insurance policy issued pursuant to groups provided in sections 181-561 through 181-582 herein may be extended to insure the spouse and dependent of the insured individual of such groups in amounts of insurance equivalent to the amount of coverage of the insured individual, provided that in the case of a dependent other than a spouse of the insured individual the amount of insurance for the dependent shall not be in excess of 50 percent of the coverage of the insured individual or \$2,000.00, whichever is lower, and provided further that in the case of a dependent whose age at death is under six months, the amount shall not be in excess of \$100.00.

(b) A dependent shall be a child under 20 years of age of the insured individual. The premiums for the insurance of such spouse or dependent may be paid by the insured individual, by an employer of the insured individual or by the employer and the insured individual jointly or by the policy holder of the group.

(c) For purposes of this section, the term ‘individual’ shall be deemed to include a person or a member of any group provided in sections 181-561 through 181-582 herein.”

**SECTION 3.** This Act shall take effect upon its approval.  
(Approved May 4, 1966.) **H.B. 548.**

### ACT 48

A Bill for an Act Relating to Tax Relief for Natural Disaster Losses and Amending Chapter 131E, Revised Laws of Hawaii 1955, as Amended.

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

**SECTION 1.** This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of facts constituting such urgency: Chapter 131E, Revised Laws of Hawaii 1955, as amended, provides rehabilitative assistance by means of remission, refund or forgiveness of certain taxes to those suffering from certain natural disasters. To determine the amount of such remission, refund or forgiveness of taxes, chapter 131E provides for the creation of a natural disaster claims commission in the county where the natural disaster has occurred. The commission’s responsibility is to ascertain the amount of the loss suffered by a claimant by determining the market value, before and after the date of the natural disaster, of the claimant’s personal or real property damaged or destroyed by the disaster. Chapter 131E presently provides that the finding of the commission as to the amount of the loss is final, and it makes no provision for judicial appeal from such finding.

Honest and real differences of opinion as to the market value of the claimant’s property before and after the date of the natural dis-



aster exist in many of the claims submitted to the commission under chapter 131E for losses suffered by various victims of recent natural disasters. It is in the public interest that all such differences be subject to judicial review and be fairly and quickly resolved.

This Act is, therefore, considered to be an urgency measure deemed necessary in the public interest.

**SECTION 2.** Chapter 131E, Revised Laws of Hawaii 1955, as amended, is hereby amended as follows:

a. Subsection (a) of section 131E-4 is amended to read:

“(a) In case of losses due to damage or destruction of real or personal property of a claimant resulting from a natural disaster and certified by the commission or adjudged by the court, the director is authorized to remit, refund or forgive the taxes hereafter mentioned, due or to become due from the claimant suffering such losses, in the manner provided in subsections (b) and (c) of this section.”

b. The last sentence in the first paragraph of subsection (b) of section 131E-4 is deleted in its entirety.

c. Two new paragraphs are hereby inserted between the first and second paragraphs of subsection (b) of section 131E-4, to read:

“The finding of the commission shall be final, unless within 30 days after receipt of a copy of the commission’s certification to the director, the claimant files a notice of appeal to the circuit court in the county for which the commission was appointed. In all cases of such appeal, the commission and the director shall be notified of the pendency thereof by the clerk of the court. On appeal to the circuit court, the claimant shall be entitled to trial by jury. The right to trial by jury shall be deemed to be waived unless claimed within 10 days from the date the notice of appeal is filed. The court may, by proper rules, prescribe the procedure to be followed in such appeals, and shall give such appeals precedence over all other civil cases. Upon determination of the appeal, the court shall enter judgment as to the amount of the claimant’s loss, which judgment shall be final. The clerk of the court shall certify the judgment of the court to the director.

“The finding of the commission or the judgment of the court as to the amount of the loss suffered by the claimant shall be final for the purposes of chapters 117, 121 and 128, notwithstanding the provisions of section 121-5.”

d. The first two lines of subsection (c), section 131E-4 are amended to read:

“(c) Upon receipt of the certification from the commission or the clerk of the circuit court, the director shall”

e. After the word “certified” and before the word “is” in line 8 of subsection (c), section 131E-4, insert the words, “or adjudged.”

f. After the word “certified” and before the word “loss” in line 11 of subsection (c), section 131E-4, insert the words, “or adjudged.”

g. Section 131E-5 is amended to read:

“**Sec. 131-E. Review of claims, adjustment.** The amount of loss certified by the commission or adjudged by the court pursuant to section 131E-4 shall be subject to review by such commission or the

court in the event substantial and new evidence should show more accurately the amount of losses suffered from damage by destruction of real or personal property resulting from the natural disaster, provided, that any such substantial and new evidence shall only be acceptable if applicable as of the date the losses were incurred. In such event, the taxpayer, within six months from the filing of the original claim, may file an amended claim with the commission, or with the court if an appeal is pending or the court has rendered a judgment, and the commission or the court shall receive further proof of the amount of the loss initially claimed by the taxpayer. The determination of the loss by the commission on the amended claim may be appealed by the claimant to the circuit court in the same manner as an appeal in the case of a determination of loss by the commission on the original claim. The judgment of the circuit court shall be final in all cases. In the event of any change in the amount of the certification or judgment furnished to the director, the commission or the clerk of the court shall notify the director of such adjustments, and the director shall make appropriate adjustments in the remitting, refunding, or forgiveness of taxes above provided, as the case may be; in case any adjustments are made, any tax refund which exceeds the amount of adjusted loss recoverable may be collected in the same manner as a tax due and payable under chapter 117, 121 or 128 as the case may be."

h. A new section is added to chapter 131E to be numbered and to read as follows:

**"Sec. 131E-5.1. Penalty, interest during appeal.** In every case where the commission's finding as to the amount of loss is less than the amount of the remittance, refund or forgiveness of taxes recovered by the claimant and such finding is appealed to the circuit court, no interest or penalty shall accrue upon such difference during the period of the appeal and until the final judgment of the court."

i. The first sentence in section 131E-7 is amended to read:

"No claimant shall recover against total losses certified by the commission or adjudged by the court, remittances, refunds or forgiveness of taxes in excess of \$10,000 for all taxes due under chapter 121, nor shall any claimant recover any remittances, refunds or forgiveness of taxes in excess of \$250,000 for all taxes due under chapter 117, nor shall any claimant recover remittances, refunds or forgiveness of taxes in excess of \$350,000 for all taxes due under chapters 117, 121 and 128."

j. The third sentence in section 131E-7 is amended to read:

"In no event shall any claimant recover through the foregoing taxes any amount whatsoever in excess of his losses certified by the commission or adjudged by the court, nor recover any amounts in excess of the limits set forth in this section; provided, that he may use any one or more of the foregoing taxes as a basis for his remittance, refund or forgiveness of the taxes so long as it does not exceed any of the limits as herein set forth, and the taxes became due for real property, trade, business or income derived on the island on which the losses were incurred."

SECTION 3. Notwithstanding the provisions of sections 2c and 2g of this Act, the victims of the Puna volcanic eruption of 1960 and the tsunami of 1960 may file notices of appeal in the circuit court from the certification or re-certification or determination on any amended claim made by the claims commission prior to the effective date of this Act, provided all such notices of appeal shall be filed on or before June 30, 1966.

SECTION 4. This Act shall take effect upon its approval.  
(Approved May 4, 1966.) S.B. 337.

## ACT 49

A Bill for an Act Amending Chapter 130, Revised Laws of Hawaii 1955, as Amended, Relating to County Vehicular Taxes, by Amending Sections 130-2 and 130-7 Thereof, and by Adding a New Section Thereto.

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

SECTION 1. This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of the facts constituting such urgency:

At the present time, the rates for the county motor vehicle weight taxes and registration fees are fixed by the legislature and the lieutenant governor, respectively. Inasmuch as the highway and traffic needs of the several counties differ greatly according to the number of motor vehicles that use the county highways, as well as the county's population, finance and other factors, it would be mutually advantageous to the parties involved, if the several counties, rather than legislature or the lieutenant governor, were authorized to determine the rates of the county motor vehicle weight taxes and registration fees.

Moreover, in view of the acuteness of the highway and traffic problems of the several counties, resulting from the increasing number of motor vehicles using the county highways, the need is urgent for legislation which would authorize the several counties to determine the rate for such motor vehicle weight taxes and registration fees.

SECTION 2. Section 130-2, Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

**"Sec. 130-2. Imposition of Tax.** Except as otherwise provided in sections 130-1 to 130-11....., all vehicles and motor vehicles as defined in section 130-1, shall be subject to an annual tax, computed, except for the minimum tax provided for in said section 130-11....., according to the net weight of each vehicle at a rate determined as hereinafter provided in section 130-11..... The tax shall become due and payable on January 1 and must be paid before April 1, in each year. Such tax shall be paid by the owner of each vehicle in the county in which such vehicle is located at the time of registration,

whether the original registration or any subsequent registration, and shall be collected by the treasurer of such county; provided, that, in the event any such vehicle is transported to another county after the payment of such tax, no additional tax shall be imposed on such vehicle for the remaining period of the year for which such tax has been paid."

**SECTION 3.** Section 130-7, Revised Laws of Hawaii 1955, as amended, is hereby further amended by amending the first sentence of the second paragraph thereof, to read as follows:

"Upon an original registration the treasurer shall fix, and shall charge to the owner, a fee equal to the cost of the number plate and tag or emblem plus the administrative cost of furnishing such plate and tag or emblem and effecting the registration."

**SECTION 4.** Chapter 130, 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:

"**Sec. 130-11. . Determination of Rate.** The board of supervisors or the city council, as the case may be, shall determine the rate and the minimum tax at which all vehicles and motor vehicles in each respective county shall be taxed as provided by section 130-2 of this chapter. Such rate and minimum tax shall be established by ordinance, provided that prior to final action thereon a public hearing shall be held on the proposed rate. Notice of the time and place of the hearing shall be published at least ten days prior to such hearing in a newspaper of general circulation in the county. After such public hearing the board of supervisors or the city council, as the case may be, shall be authorized to fix the rate and the minimum tax at any amount deemed necessary, but such rate and such minimum shall not be higher than that originally proposed when the notice of public hearing was published. Any rate and minimum tax so established shall be effective as of January 1 of the year following the date of enactment of the ordinance."

**SECTION 5.** This Act shall take effect upon its approval.  
(Approved May 4, 1966.) **H.B. 333.**

## ACT 50

A Bill for an Act Relating to Education and Making an Appropriation Therefor.

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

**SECTION 1.** This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of the facts constituting such urgency:

The legislature proposed and the electorate, in 1964, ratified an amendment to the Constitution of the State of Hawaii which provides for an elected school board. If school board members are to be

elected during the elections to be held in 1966, it is urgent and in the public interest that the constitutional amendment be implemented in this budget session.

**SECTION 2.** The educational districts established by section 10-1 of the Revised Laws of Hawaii 1955, as amended, shall not be applicable to nor alter the school board districts established by this Act.

**SECTION 3.** Section 37-1 of the Revised Laws of Hawaii 1955, as amended by section 3 of Act 175 of the Session Laws of Hawaii 1965 is hereby amended by deleting the word "local" from the definition of the word "Councilor" and by substituting therefor the word "district."

**SECTION 4.** Sections 37-2, 37-3, 37-3.5, 37-3.6, 37-4, 37-5, 37-5.1, 37-5.5 and 37-5.6, Revised Laws of Hawaii 1955, as amended, are hereby repealed.

**SECTION 5.** Chapter 37 of the Revised Laws of Hawaii 1955, as amended, is hereby amended by adding the following sections, to be appropriately designated, and to read as follows:

**"Sec. 37- . Department of education; board of education; superintendent of education.** There shall be a principal executive department to be known as the department of education which shall be headed by an elected executive board to be known as the board of education. The board 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. The superintendent shall be appointed and may be removed by a majority vote of the members of the board and shall serve as secretary of the board.

**Sec. 37- . Board members; districts; composition.** The board of education shall consist of eleven members. Eight members shall be elected by the qualified voters of the respective school board districts and three members shall be elected at-large in the City and County of Honolulu. The school board districts, the at-large district and the number of members to be elected from each, shall be as follows:

First school board district (Hawaii): the island of Hawaii comprising the first, second, third, fourth and fifth representative districts, two members;

Second school board district (Maui): the islands of Maui, Molokai (including the county of Kalawao), Lanai and Kahoolawe comprising the sixth and seventh representative districts, one member;

Third school board district (Honolulu): that portion of the island of Oahu comprising the twelfth, thirteenth, fourteenth, fifteenth, sixteenth and seventeenth representative districts and the second, third, fourth, fifth, sixth, seventh, ninth, tenth, eleventh and twelfth precincts of the eleventh representative district, one member;

Fourth school board district (Central Oahu): that portion of the island of Oahu comprising the ninth representative district, the sev-

enth, eleventh, twelfth and thirteenth precincts of the tenth representative district and the first and eighth precincts of the eleventh representative district, one member;

Fifth school board district (Leeward Oahu): that portion of the island of Oahu comprising the tenth representative district, except the seventh, eleventh, twelfth and thirteenth precincts thereof, one member;

Sixth school board district (Windward Oahu): that portion of the island of Oahu comprising the eighth representative district, one member;

At large district (Oahu): the City and County of Honolulu, three members; and

Seventh school board district (Kauai): the islands of Kauai and Niihau comprising the eighteenth representative district, one member.

**Sec. 37- . Election of members; term; vacancies.** Except as otherwise provided by this Act, the candidates for the board of education shall be nominated, the election conducted, the returns made and results ascertained, and the certificates of election issued, in the same manner as prescribed by the provisions of the law governing primary and general elections.

Candidates shall be nominated by petition filed at least thirty days prior to such election and shall contain the signatures of at least twenty-five qualified voters of the board district. There shall be deposited with each nomination a fee of \$25 which shall be paid into the treasury of the State. The lieutenant governor shall provide appropriate nomination papers.

The ballots for the election of the members of the board of education shall be separate from all other ballots. The ballot in the primary shall contain columns which shall be designated as Democratic, Republican, Nonpartisan or for any other party. The names of all candidates shall be printed thereon, in their respective party or nonpartisan column, in alphabetical order.

Each voter at the primary election shall be entitled to receive a ballot nominating the members of the board of education, notwithstanding the provisions of section 11-102.5, Revised Laws of Hawaii 1955, as amended. Each voter in the primary shall be entitled to vote for the number of seats available for such board districts, and, as the case may be, for such at large district, and each voter shall vote only for candidates listed in one column. If a ballot is marked in any manner contrary to the provisions of this Act, then such ballot and all it contains shall be rejected.

The names of the candidates in each column of the primary ballot receiving the greatest number of votes, not to exceed the number of members to which such board district and, as the case may be, such at large district are entitled, shall appear on the general election ballot. The name of the candidate with the highest number of votes in the primary election shall be listed at the top of the general election ballot. Other candidates shall be listed in descending order according to the number of votes they received in the primary election.

The term of office of members of the board shall be four years

beginning on the day of the general election of the year in which they are elected and ending on the day of the second general election after their election. Members of the board may be re-elected without restriction as to the number of terms.

Any vacancy that may occur through any cause other than the expiration of the term of office shall be filled by the governor in the same manner provided for the filling of a vacancy in the membership of the state senate; the appointee shall be a non-partisan if the person he succeeds was a non-partisan.

**Sec. 37- . Qualifications; compensation; expenses.** No person shall be eligible for election or appointment to the board unless he is a registered voter of the board district or the at-large district from which he is to be elected or appointed. No member of the board shall hold any other public office under the state or county governments. The term 'public office', for the purposes of this section, shall not include notaries public, reserve police officers or officers of emergency organizations for civilian defense or disaster relief.

Members shall be allowed: (1) compensation at the rate of \$50 per day for each day's actual attendance at meetings; (2) transportation fares between islands and abroad, and (3) personal expenses at the rate of \$25 per day for board and lodging while attending board meetings on an island other than the island in which his board district is located or while traveling abroad on official business when authorized by the chairman. All payments for compensation, travel and expenses shall be paid by warrants signed by the chairman of the board of education.

**Sec. 37- . Organization; quorum; meetings.** The board shall elect from its own membership a chairman and a vice-chairman. A majority of all members to which the board is entitled shall constitute a quorum to do business and the concurrence of a majority of all members to which the board is entitled shall be necessary to make any action of the board valid; provided that due notice shall have been given to all members of the board or a bona fide attempt shall have been made to give such notice to all members to whom it was reasonably practicable to give such notice. Meetings shall be called and held, at the call of the chairman or by a quorum, as often as may be necessary for the transaction of the department's business.

**Sec. 37- . District school advisory councils; duties.** There shall be a district school advisory council in each school board district. The number of members on the district school advisory council in the respective school board districts shall be as follows:

- First school board district (Hawaii) : seven members;
- Second school board district (Maui) : five members;
- Third school board district (Honolulu) : five members;
- Fourth school board district (Central Oahu) : five members;
- Fifth school board district (Leeward Oahu) : five members;
- Sixth school board district (Windward Oahu) : five members;
- Seventh school board district (Kauai) : five members.

Any law to the contrary notwithstanding, the governor shall appoint the members of each school advisory council. Not more than a

bare majority (one-half plus one) of the members of each district school advisory council shall belong to the same political party or shall be non-partisan members. Each councilor shall serve for a term commencing upon his appointment and ending upon the expiration of the term of office of the governor. In addition to the number of members set forth herein, each member of the board of education shall be an ex-officio, non-voting member of the district school advisory council of his school board district, provided that all of the at-large members of Oahu shall be ex-officio, non-voting members of each of the district school advisory councils on Oahu.

Each district school advisory council shall serve in an advisory capacity to the board of education and to the member of the board of education from its district.

**Sec. 37- . Eligibility; expenses.** Each councilor appointed by the governor shall be a registered voter of his board district. No councilor shall hold any other public office under the state or county governments. The term 'public office', for the purposes of this section, shall not include notaries public, reserve police officers, officers of emergency organizations for civilian defense or disaster relief or county charter commissions.

Councilors shall serve without pay but shall be reimbursed for necessary expenses while attending meetings and while in the discharge of their responsibilities. Payments for expenses shall be made by warrants signed by the chairman of the district school advisory council.

**Sec. 37- . Organizations; quorum; meetings.** Each council shall elect its own chairman and may elect other officers that may be necessary to effectively carry out its functions.

Section 7-26 shall apply. Meetings shall be called and held, at the call of the chairman or a quorum, as often as may be necessary to carry out its functions."

**SECTION 6.** The elected board of education provided for in this Act shall succeed to all of the rights and powers exercised, and all of the duties and obligations incurred by the present board, whether such rights, powers, duties and obligations are mentioned in or granted by any law, contract or other document. All references in any such law, contract or document to the present board shall apply to the elected board as if the latter were specifically named in such law, contract or document in place of the present board.

All records, equipment, files, supplies, contracts, books, papers, documents, maps, appropriations and other property heretofore made, used, acquired or held by the present board shall be transferred to the elected board.

The right to appeal to or from the actions or determinations of the present board as provided by law shall not be impaired by this Act.

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; provided that subsequent changes in status may be made pursuant to chapters 3 and 4 of the Revised Laws of Hawaii 1955, as amended.



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.

SECTION 8. The first election of the board shall be held in 1966 at the same time as elections are held for other state officers. The members of the present board of education shall continue to exercise and discharge the powers and duties of the board of education until their successors have been qualified in accordance with this Act.

SECTION 9. There is hereby appropriated from the general revenues of the State, not otherwise appropriated, the sum of \$30,000, or so much thereof as may be necessary, for the expenses of the 1966 elections of the board of education.

SECTION 10. This Act shall take effect upon its approval.  
(Pursuant to Article III, section 17, this Act became law on May 17, 1966, without the governor's signature.) **H.B. 2.**

**H.C.R. NO. 2**

House Concurrent Resolution Ratifying a Proposed Amendment to the Constitution of the United States Relating to Continuity in the Office of the President.

WHEREAS, Article II, Section 1, of the United States Constitution, which deals generally with Presidential inability and succession, but overlooks problems posed by a vacancy in the office of Vice President, has been a matter of uncertainty as to interpretation and application for more than one hundred and seventy-five years; and

WHEREAS, the lack of clear provisions in the United States Constitution, as to who shall determine Presidential inability and how a disabled President should resume his duties after his recovery, has deterred the effective assumption of Presidential duties by Vice Presidents; and

WHEREAS, the Congress of the United States has proposed an amendment to the Constitution of the United States to guaranty continuity within the Executive Branch of Government, to provide that the United States shall always have a President or Acting President who is physically and mentally alert, and to assure that whoever the President or Acting President may be, there will be no question as to the legality of his authority to carry out the powers and duties of the Office; and

WHEREAS, Senate Joint Resolution 1, approved by the Eighty-Ninth Congress, First Session, reads as follows:

**“PRESIDENTIAL SUCCESSION AND INABILITY  
SENATE JOINT RESOLUTION 1**

Joint Resolution proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice Presidency and to cases where the President is unable to discharge the powers and duties of his office.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

**‘ARTICLE**

**‘SECTION 1.** In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

**‘SEC. 2.** Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

HOUSE CONCURRENT RESOLUTION NO. 2

'SEC. 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

'SEC. 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office of Acting President.

'Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both houses that the President is unable to discharge the powers and duties of his office the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.'"; now, therefore,

BE IT RESOLVED by the House of Representatives of the Third Legislature of the State of Hawaii, Regular Session of 1966, the Senate concurring, that the Article proposed as an amendment to the Constitution of the United States as set forth in United States Senate Joint Resolution 1, dated July 6, 1965, be and it is hereby ratified by the Legislature of the State of Hawaii; and

BE IT FURTHER RESOLVED that a certified copy of this Concurrent Resolution be transmitted to the Administrator, United States General Services Administration, and that copies of this Concurrent Resolution also be transmitted to the President of the Senate and to the Speaker of the House of Representatives of the United States and to the members of Hawaii's delegation to the Congress of the United States.

(Adopted March 3, 1966.)

# TABLES SHOWING EFFECT OF ACTS

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**TABLES SHOWING EFFECT OF ACTS  
THIRD LEGISLATURE, REGULAR SESSION OF 1966  
STATE OF HAWAII**

**Key:** Am = Amended  
 R = Repealed  
 N = New Section

— = Section number to be assigned  
 by Revisor of Statutes

**A. SECTIONS OF THE REVISED LAWS OF HAWAII 1955  
AFFECTED**

Section No.	Effect	Act No.	Section No.	Effect	Act No.
5-72	Am	40	117-14	Am	28
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5A-5	Am	13	119-3	Am	28
5A-13	Am	13	119-4	Am	28
5A—	N	13	119-5	Am	19
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11-8	Am	36	124-6	Am	19
14A-29	Am	9	125-6	Am	19
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37-1	Am	50	128-38	Am	33
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37-3	R	50	129-12	Am	43
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81-31	Am	35	196-2	Am	18
93-122	Am	5	196-4	Am	18
94-4.3	R	17	196-6 to 8	R	18
C. 95, pt. I, II	N	17	196-9	Am	18
95-25 to 27	N	17	214-22 to 25	R	21
97-42	Am	6	230-42	Am	33
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115-37.5	Am	33	343-23	Am	18
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**B. SECTIONS OF THE UNIFORM COMMERCIAL CODE  
AFFECTED**

<b>Section No.</b>	<b>Effect</b>	<b>Act No.</b>	<b>Section No.</b>	<b>Effect</b>	<b>Act No.</b>
9-105	Am	18	9-405	Am	18
9-203	Am	18	9-406	Am	18
9-302	Am	18	9-408	Am	18
9-403	Am	18	10-102	Am	18
9-404	Am	18			

**C. SESSION LAWS OF HAWAII AFFECTED**

<b>Laws 1964 Regular Session</b>	<b>Effect</b>	<b>Act No.</b>	<b>Laws 1965 Regular Session</b>	<b>Effect</b>	<b>Act No.</b>
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			195	Am	20
			223	Am	39
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